

**CITY OF MANITOWOC**

**EMPLOYEE POLICY MANUAL**

*Revision –November 2023*



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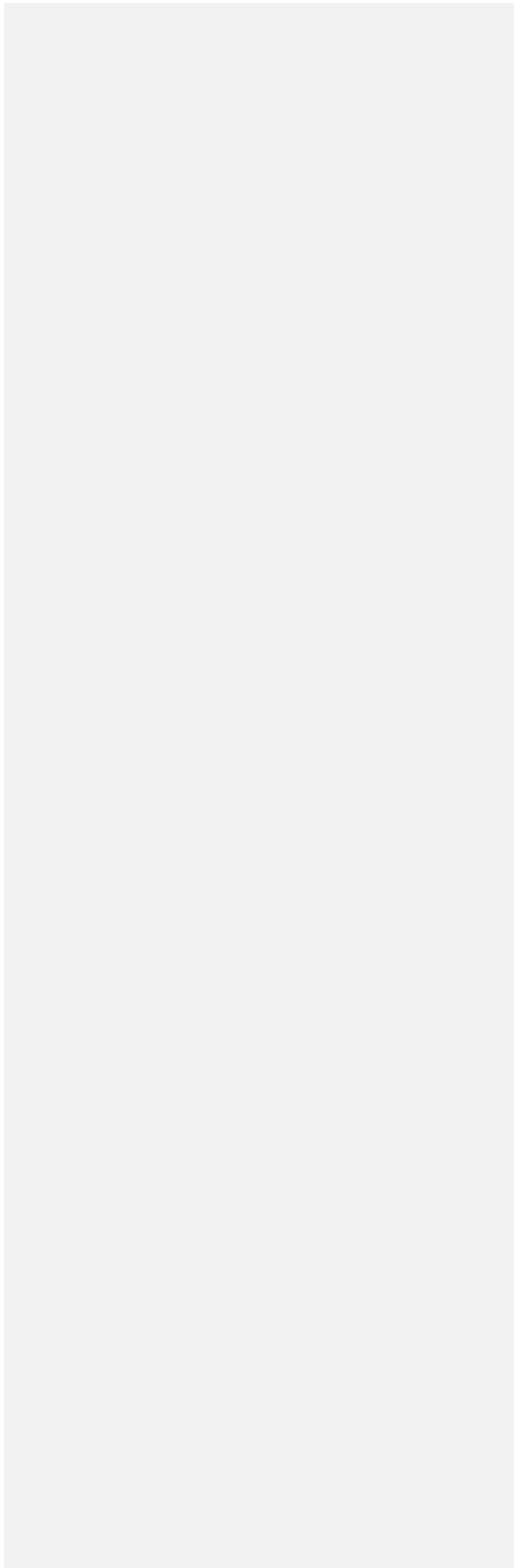
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## **INTRODUCTION: PURPOSE, APPLICATION AND GENERAL STATEMENT**

The purpose of this manual is to provide continuity and consistency in the operations and the administration of benefits and working conditions for all employees of the City of Manitowoc (City). All employees are required to ensure that the City complies with its obligations under federal and state laws as they may be amended.

When used in the following manual, "Governing Body" shall be defined as the City of Manitowoc Common Council or the Manitowoc Public Library (MPL) Board of Trustees as applicable.

**This manual is not a contract for employment. No policy, procedure, rule, or regulation in this manual is a guarantee of employment or a guarantee of any other right or benefit.**

These policies do not cover every situation which may conceivably occur, and may be modified as the need arises. Further, these policies do not supplant State or Federal law, City ordinances, or union agreements. If there is a conflict, the State or Federal law, City ordinance, or Union agreement will prevail. A copy of this Employee Policy Manual is available for review on the intranet or from the Human Resources Department.

This manual is a starting point in addressing core operating policies and procedures and, as such, is subject to change and modification with or without notice. The Governing Body has the right to application and interpretation of this policy.

It is each employee's responsibility to read and become familiar with this information and to follow the policies, procedures, rules, and regulations.

No individual has the authority to alter or modify this policy manual, create a contract, or enter into an agreement whether in written, oral, or implied form that is in conflict with this policy manual. Any and all modifications and/or exceptions to this policy must be by official action of the Governing Body.

## **ARTICLE 1: THE ROLE OF MANAGEMENT**

Certain rights and responsibilities are imposed by state and federal laws and regulations. Many of these rights and responsibilities have implications for policies and procedures governing employment. For this reason, management reserves any and all management rights regarding employees' employment status.

Management, for the purpose of this Employee Policy Manual, is defined as the respective Department Head and/or their designee.

The role of management includes, but is not limited to, the right to:

- A) Manage and direct employees;
- B) Hire, promote, schedule, transfer and assign employees;
- C) Lay-off and recall employees;

- D) Discharge employees or take disciplinary action;
- E) Schedule overtime as required;
- F) Develop position descriptions;
- G) Assign work duties;
- H) Introduce new or improved methods or facilities or change existing methods or facilities and;
- I) Direct all operations of the City

## **ARTICLE 2: EMPLOYMENT STATUS**

**Section 1. Definitions.** All non-represented employees are “at will” employees. That is, employees have the right to terminate employment at any time, with or without notice, and for any or no reason at all. Likewise, management has the right to terminate employment at any time, with or without notice, and for any or no reason at all except for an unlawful reason.

- A. Exempt employees are typically paid on a salary basis and are not eligible to receive overtime pay in accordance with the Fair Labor Standards Act (FLSA). Employees in exempt positions regularly work in excess of 40 hours per week. Battalion Chiefs fall into this category and regularly work 24-hour shifts.
- B. Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay as required by FLSA.
- C. Regular full-time employees are those employees regularly scheduled to work a minimum of 30 hours or more weekly and maintain continuous employment status for an indefinite period of time. These employees are generally eligible for full-time benefits and are subject to the terms, conditions, and limitations of each benefits program.
- D. Regular part-time employees are those employees regularly scheduled to work 29 hours or less weekly and maintain continuous employment for an indefinite period of time. These employees are eligible, on a pro rata basis, for some of the benefits offered by the City and are subject to the terms, conditions, and limitations of each benefits program. If working 19 hours or less, employees are not eligible for benefits.
- E. Seasonal employees are those employees scheduled to work for a defined period of time under 1200 hours annually and are not eligible for benefits.

**Section 2. Exempt Status.** Employees who are exempt in accordance with the Fair Labor Standards Act are not eligible for overtime. If you have any questions or concerns regarding your exempt status, or you believe a deduction has been made from your pay that is inconsistent with your salaried status, you

should immediately raise the matter with the Human Resources Director, or the City Attorney, who can assist you in understanding the information that is required in order to investigate the matter.

The City is committed to investigating and resolving all complaints as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any complaint will be resolved within a reasonable time, given all the facts and circumstances. If an investigation reveals that you were subjected to an improper deduction from pay, you will be reimbursed, and the City will take whatever action it deems necessary to ensure compliance with the salary basis test in the future.

### **ARTICLE 3: HOURS OF WORK/SCHEDULES/OVERTIME**

Employees working shifts that are 8 hours or greater will be granted a minimum of a 30-minute unpaid lunch period. Employees who do not have a permanent work station (ex: DPI employees in the field) may be granted a 20-minute paid lunch period in lieu of a 30-minute unpaid lunch period at management's discretion when it is of benefit to the City.

The hours of work and lunch and/or break periods will be determined by the Department Head or designee to ensure staffing coverage is efficient, effective, and in accordance with federal and state law. Employees who are granted paid break periods may not leave the premises of the work site during those periods of time. Flexible schedules may be offered to employees at the discretion of their Department Head. Flexible schedules may only be considered an option if they cause no disruption in City services. Flex time must be used within the same pay week. Ex: An employee works a 10-hour day on Tuesday, so manager schedules them to leave 2 hours early on Friday. Telework may be available in certain circumstances. Please refer to the Telework Policy.

The work cycle for non-exempt sworn police officers and firefighters is on a cycle as posted on the work schedule. The workweek for all other employees is Sunday through Saturday.

**Section 1. Schedule Changes.** All schedule changes required by supervisors will be made as soon as practicable and before the end of the current shift for changes to the next shift start time whenever possible. Any work performed on a changed, mandated schedule with less than a three-hour notice prior to the previously scheduled start time will be paid at time and one-half for all time worked outside of the previously scheduled start and end times.

**Section 2. Overtime.** Management will follow a consistent system for distributing overtime (time-and-a-half) in compliance with, or at a more generous rate than, the overtime-pay provisions of the Fair Labor Standards Act. Note, selection of individuals for overtime opportunities will be based on employee qualification and capability as it relates to the duties to be performed. PTO and holiday pay shall count toward weekly overtime calculation. All overtime must be approved in advance by management. Exempt employees are not eligible for overtime. There will be no pyramiding (counting the same hours against two different overtime limits) of overtime. Police Lieutenants are eligible for overtime pay after 8 hours worked in one day.

**Section 3. Call-In.** Employees called in with less than a 3-hour notice, will receive a minimum of two hours pay at time and one half of their regular rate of pay for all hours worked outside of their regular or changed schedule, regardless of the actual amount of time worked. In the event a call-in occurs just

prior to regularly scheduled work, the employee will be paid time and one half for the amount of time to equal 2 hours, and will be paid for their entire normal shift.

Management will determine which employee(s) to call-in depending upon the nature of the work to be performed. This section does not apply to Library employees or seasonal employees.

Hours paid at a premium shall not be used to calculate overtime (pyramiding).

**Section 4. Compensatory Time.** Compensatory time for additional hours worked may be accrued to a maximum of 40 hours (240 hours for Police Lieutenants) by mutual agreement of management and the employee in advance of performance of the work. Managers must determine whether to approve accrual of compensatory time based on scheduling needs and budget availability. Compensatory time will be credited at the equivalent rate of overtime when appropriate. The use of compensatory time will be by mutual agreement between management and the employee, and will not unduly disrupt the operations of the department. Every effort must be made to use all compensatory time prior to the last full pay period of the year. If compensatory time is not able to be used by the end of the last full pay period of the year, it will be paid out on the final paycheck of the year (except for Police Lieutenants). Police Lieutenants may request the payout of compensatory time during any payroll period for payment on the next payroll check, upon written request to Payroll. There will be no compensatory time for exempt employees.

**Section 5. Attendance.** Regular attendance and punctuality are business necessities and are expected of all employees. An employee who is not able to report to work as scheduled due to illness or emergency must notify their supervisor as soon as possible prior to the scheduled start time.

**Section 6. Badge.** The City of Manitowoc recognizes the need to provide proper identification for its employees and other individuals that represent the City to the public and to other City employees. All City of Manitowoc employees are required to wear badges at all times while conducting business on behalf of the City of Manitowoc.

All City of Manitowoc employees, including full time, part time, seasonal employees, temporary employees and City representatives will be issued an identification badge. Requests for badges will be forwarded from the manager or Department Head to Human Resources. Requests should be sent in a timely manner within the first 24 hours of hire or need for replacement.

All identification badges will have a consistent logo and format approved by the Mayor's office. Badges are to be worn in a way that does not create a safety hazard for the employee. Identification badges should be displayed and must be in plain sight, not obstructed by clothing. No alterations or defacement of the badge will be allowed. If the employee desires to use a clip or lanyard other than the standard provided by the City, these must be approved for use by the employee's supervisor prior to usage and purchased at the Employee's own expense.

It is an expectation that employees properly wear their badge while conducting business on behalf of the City. Neglecting to properly display the badge as instructed or repeated issuance of replacement badges may lead to progressive disciplinary measures. Exemptions to this policy may be granted if the

wearing of the identification badge creates a safety hazard. An exemption may only be granted by the Department Head in consultation with Human Resources.

Badges must be returned to the Human Resources Department upon separation of employment. Any questions pertaining to Identification Badge Procedures should immediately be addressed with the department manager or Human Resources department.

Employees are individually responsible for their assigned identification badges. If lost or damaged due to the employee's actions, the employee may be responsible for the replacement. Cost of replacement is \$5 per badge. If the identification badge is lost or damaged, the employee should notify their supervisor. The supervisor must contact Human Resources to ~~make arrangements~~arrange for a replacement to be made.

#### **ARTICLE 4: WAGES**

**Section 1. Wage Schedules.** The City is prohibited from engaging in collective bargaining with general municipal employees on any form of compensation except for total base wages. Premium pay, merit pay, automatic pay progressions and any other form of supplemental compensation may be considered, but not bargained, by and with the City, and in the case of library employees, the Library Board of Trustees. The City may bargain with units comprised exclusively of public safety or transit employees in accordance with 2011 WI Acts 10 & 32 on any mandatory and/or permissive subject of bargaining. The base wages for all represented employees are subject to negotiation.

- A) Addendum "A" contains the compensation table, showing hire, 5-Year, and max rate for all exempt and non-exempt positions not governed by a labor contract. Per the Compensation Plan language in Article XIV, the 5-Year rate will be adjusted based on the data received in the annual compensation survey. Employees who previously received longevity payments will be frozen at that longevity payment amount for the duration of their continuous employment. Employees not currently on the longevity schedule and employees hired after January 1, 2012 are not eligible for longevity payment. Library employees not currently on the longevity schedule and library employees hired after January 1, 2014 are not eligible for longevity payment.
- B) Wages for the positions of Mayor, Alderperson, and Municipal Judge are as established by the Common Council.
- C) Wages for seasonal positions are as detailed in the "Seasonal Hiring Policy." Wages for Library seasonal positions are set by the Manitowoc Public Library (MPL) Board of Trustees.
- D) Wages for other positions are as established in collective bargaining agreements.

Compensation will be paid for all work performed. "Off the Clock" work is strictly prohibited. All work performed outside of a regular schedule requires advance approval by the direct supervisor. Any employee who works overtime without approval will be disciplined up to and including termination. This provision does not apply to exempt employees.

See Article 14 for further information on Compensation. The MPL Board of Trustees retains the right to review and ~~make adjustments to~~ adjust the compensation schedule for library employees. Compensation schedules subject to the negotiation process in accordance with 2011 WI Acts 10 & 32, will be approved by the Common Council as part of the contract ratification process.

**Section 2. Payroll.** Time sheets are due every other week. Each employee is responsible for accurate reporting of their compensable time in the timekeeping system during each payroll period. Employees who inaccurately report time worked will be subject to disciplinary measures. Employees should record, or have their department record, all time worked in the 2-week pay period on their time sheet. Employees should review and approve the time on the time sheet before it is turned in to Payroll. Overtime, vacation, holiday, sick, funeral leave, compensation time earned and compensation time taken should all be properly coded. Overtime and compensation time earned should be justified on the time sheet with explanation of why the work could not be completed within regular work hours). Time sheets shall be approved by the Department Head or his/her designee before being turned into Payroll. Only an exempt supervisor shall approve timesheets. (Note: Police Shift Commanders are authorized to approve applicable timesheets).

Payroll is by direct deposit on a bi-weekly basis for the previous two weeks, except in the case of unforeseen circumstances beyond the City's control. If inaccurate or outdated bank information is provided by an employee, any fees assessed to the City by the financial institution will be charged to the employee. It is the City's policy to comply with applicable wage and hour laws and regulations. If you believe your compensation and/or deductions were not appropriate for a given payroll period, it is your responsibility to notify your direct supervisor immediately. Employee requests for adjustments to paid time off balances due to reporting errors must be brought to the attention of the supervisor before the end of the next payroll period, or no adjustment will be made. A Social Security card is required to verify any official name changes. The City reserves the right to make necessary adjustments due to errors or omissions whether reported timely by the employee or not, and will take legal action to collect any improperly paid wages if necessary

## **ARTICLE 5: JOB ASSIGNMENTS/VACANCIES**

**Section 1. Job Transfers, Temporary Assignments and Promotions.** Temporary and permanent job transfers, assignments and promotions will be based on operational needs and on the employee's relative ability, experience and other qualifications as determined by management. Such transfers, assignments, and promotions will not be made arbitrarily or capriciously.

Temporary assignments will normally not exceed five business days and an employee will receive their regular rate of pay for the time spent in a temporary assignment.

Any employee rate changes due to assignments performed outside of an employee's regular job description must be emailed to Human Resources, Department Head and Payroll Department before the end of the pay period in which the change is made.

**Section 2. Job Vacancies and Posting.** Human Resources will provide notification of job openings and opportunity for employees to apply for open positions. Openings will be posted on the City of Manitowoc website.

When management determines that a vacancy or new position will be filled, the approved recruitment and backfill process will be followed. For library employees, approval from the Library Director is required to fill a vacancy or open a new position. Management determines whether and when to recruit outside applicants.

All employees who meet the minimum qualifications for the position, and who ~~submit an application~~ apply to Human Resources for said posting may be given the opportunity to interview for the position. All employees who interview for a position will be notified of selection outcome.

**Section 3. Interim Pay Policy.**

When a department experiences a vacated Department Head position, a temporary interim person may be chosen via the normal process to fill the interim assignment. The interim pay will be calculated by taking the employee's current rate of pay as stated in Addendum "A" and increasing it by 10% during the time period they are filling the vacancy. The interim pay rate will cease the beginning of the first pay period after the assignment has ended for any reason or the position has been filled, whichever comes first.

Employees will receive any regular pay increases they would have ordinarily received during their pre-interim assignment that occur during the period they are on the interim assignment. The Mayor, or Library Director for Library employees, will work with Human Resources and Payroll to complete the necessary documentation to process the interim pay payment.

For any vacated positions, a one-time bonus may be given to acknowledge the extra work employees may be required to take on, related to the vacancy. The Mayor, or Library Director for Library employees, and Department Head will work together to make this determination and direct Human Resources and Payroll to process any payment.

**ARTICLE 6: LAYOFF**

Management may lay off employees, in whole or in part, and retain those employees who are most qualified to perform the available work, regardless of length of employment.

The needs of the City and past performance will be considerations in management's determination of which employees will be laid off. All layoffs are classified as permanent or temporary. Management may give preference to qualified laid off employees in filling future vacancies.

COBRA will be offered to eligible employees who are laid off.

**ARTICLE 7: EMPLOYEE RECORDS**

**Section 1. Personal Information Changes.** The Human Resources Department must be notified of any changes in your name, home address, telephone number, marital status, name or number of

dependents, number of tax exemptions, insurance classification, beneficiary changes, and individuals to be contacted in case of emergency and any other necessary information within 30 days of the effective date of change. (This information is necessary as it may affect your dependent's eligibility for medical insurance and other important matters.) For Library employees, additionally the Library Business Office and employee's immediate supervisor must be notified of any changes of contact information for employee and in case of emergency contact information.

**Section 2. Personnel Files.** Reasonable access to personnel records will be allowed in accordance with current laws and regulations. Any/all personal medical information will be secured in an area separate from the Personnel File, with strictly controlled and limited access, in order to protect confidentiality.

Employees, and other authorized viewers of records, will have the authority to review and copy at a rate of 25 cents per page, but not remove or alter Personnel Files. Appointments must be scheduled in advance with Human Resources. Library employees should schedule an appointment with the Library Business Office. If an employee disagrees with any information in their personnel file, the employee may submit a written statement to Human Resources, or Library Director for library employees, explaining their position which will be included in the file.

#### **ARTICLE 8: TRAINING/EXPENSES**

**Section 1. Training.** The City encourages the professional development of employees that supports the employee and the City and serves to enrich the professional development of other employees. Prior approval of the Department Head must be obtained before any employee attends off site meetings, conferences, training sessions, institutions, workshops, seminars, or special classes. Employees should submit their travel request as early as possible and obtain their supervisor's written authorization for the trip. The travel request must contain the following information:

1. Employee's name
2. Destination
3. Purpose of the trip/benefit to the employee and City
4. Dates of departure and return
5. Type of transportation requested
6. Supervisor's written approval

When a request is approved, the employee's reasonable and related registration, transportation, lodging and meal expenses will be covered by the City.

Out-of-state training and/or travel requires approval of the employee's oversight committee, in addition to that of the Department Head. The [Out of State Travel Training Request form](#) should be completed, signed, and attached to the oversight committee's agenda for approval. For Library employees, approval is required from the Library Director.

Employees are responsible for maintaining required and necessary certification statuses and seeking appropriate recertification when necessary. All requests for reimbursement for certification and recertification and any applicable training and courses must be presented to the Department Head for approval according to the process stated above.



Please refer to the City of Manitowoc’s Training, Membership, and Tuition Reimbursement Program for information on educational assistance available to qualified City employees.

**Section 2. Travel Expectations/Expenses.** The following provisions address the expectations of employees when traveling for City-related training and events, along with the types of reimbursement available to employees, as well as procedures for submitting expenses for reimbursement. When possible, travel arrangements should be charged or billed directly to the City. It is the employee’s responsibility to provide the necessary documentation to billing entities where they are incurring expenses to ensure the city is receiving exemption from sales and room tax for all instate travel.

**a. Transportation**

Commercial carrier fares shall be limited to “coach” or “economy” fares. Travel to and from train stations and airports may be by bus, hotel limousine, taxi, ridesharing service, or private vehicle. Receipts for transportation costs are required.

Utilization of City vehicles is encouraged for business travel. Prior approval must be obtained from your supervisor. Any expenses (i.e. gasoline or repairs) attributed to City vehicles, as well as expenses for tolls, parking, and garage charges, will be reimbursed upon submittal of receipts. Employees who cannot obtain a receipt should document why that is not feasible.

Private vehicles may be utilized for business travel when City vehicles are not available. Prior approval must be obtained from your supervisor. Mileage will be reimbursed per the current rate of the Internal Revenue Code, plus tolls, parking, and garage charges, upon submittal of receipts and the Travel Expenses form.

Employees should not drive to meetings, trainings, or conferences when the travel time requires more than one day, unless the employee is utilizing holiday or vacation time. In such instances, no reimbursement will be made for lodging, meals, or other incurred expenses.

The Mayor and Director of Public Infrastructure will each receive a \$300.00 monthly auto allowance in lieu of using a City vehicle, vehicle lease expenses, and mileage reimbursement for travel within the City limits. This is a taxable benefit and unless mileage logs are turned in documenting official city travel the amount will be added to the employee’s income and taxed as appropriate. Mileage incurred should be logged providing the date, destination, and business purpose of the travel. The expectation is that logs are to be provided to the Finance Department on a monthly basis (by the end of the 5<sup>th</sup> working day of the following month) and if no log is provided, or any balance of allowance not used for official travel purposes remains, the amount remaining will be added to the employees 2<sup>nd</sup> payroll of the month following the month for which the allowance was paid as taxable income.

Employees are required to adhere to all laws, rules, and regulations related to driving while driving for City business. Employees involved in an accident while on City business must promptly report the incident to their Department Head, who shall report it to the City Attorney, ~~according to the Accident Reporting Policy.~~

Employees who are required to maintain a driver's license, including those with endorsements, as a requirement of their position, are not guaranteed continued employment if they lose such license and/or endorsements.

**b. Lodging**

Employees are expected to stay at mid-priced and economy hotels unless a conference discount is available at more expensive facilities. State lodging rates should be obtained when traveling if at all possible. Receipts for lodging are required. Personal telephone calls, internet access, movie rentals, and other similar charges will not be reimbursed.

The City of Manitowoc is exempt from Sales Tax and Room Taxes when traveling within the State of Wisconsin. All employees shall obtain a Sales Tax Exemption Form (S-211) prior to incurring any travel expenses or purchasing any goods that would be subject to Wisconsin Sales Tax. Sales Tax Exemption Forms may be obtained from the Finance Department. The Sales Tax Exemption Form must be presented prior to purchasing to avoid paying sales tax. Sales Tax paid by an employee will not be reimbursed (exception for meals within per diem amounts).

Lodging reimbursement shall be limited to the minimum number of nights required to conduct the assigned City business. Employees choosing to arrive early or stay later will not be reimbursed for additional lodging or related expenses.

Lodging expenses shall not be reimbursed for meetings or conferences held within 50 miles of City Hall, unless prior written approval is obtained by your supervisor.

**c. Meal, Entertainment, & Miscellaneous Expenses**

Employees will be reimbursed for meals, tips, and other miscellaneous expenses. Meal expenses will be limited to a per diem of \$40 per day (within the state)/\$50 per day (outside of the state). No receipts are required for meal expenses, but will be limited to the per diem amounts or prorated per diem amounts for individual non-overnight meals as described below.

The daily per diem will be prorated as follows for non-overnight travel: \$8.00/breakfast, \$12.00/lunch and \$20.00/dinner in state and \$10.00/breakfast, \$15/lunch and \$25/dinner out-of-state. Prior authorization is required from your supervisor for all meals authorized for any non-overnight travel. Reimbursement for alcoholic beverages is not permitted.

Meal, Entertainment, & Miscellaneous expenses shall **not** be reimbursed for expenses incurred within the City of Manitowoc, unless prior written approval is obtained by your supervisor.

The City of Manitowoc is exempt from Sales Tax and Room Taxes when traveling within the State of Wisconsin. All employees shall obtain a Sales Tax Exemption Form (S-211) prior to incurring any travel expenses or purchasing any goods that would be subject to Wisconsin Sales Tax. Sales Tax Exemption Forms may be obtained from the Finance Department. The Sales Tax Exemption Form must be presented prior to purchasing to avoid paying sales tax. Sales Tax paid by an employee will not be reimbursed (exception for meals within per diem amounts).

Entertainment, amusement, or miscellaneous expenses for employees will be reimbursed only if the activity is directly related to the conduct of the City's business. The business purpose of the entertainment, the names of the persons involved, and the business relationship must be disclosed on the City's reimbursement request. Receipts are required for all entertainment, amusement, or miscellaneous expenses to be considered for reimbursement.

**d. Hours Worked**

Non-exempt employees covered by the Fair Labor Standards Act (FLSA) will be compensated for all hours worked during travel and attendance at training programs when:

- Attendance is authorized by supervisor;
- The training is directly related to the employee's job; and
- The employee is performing productive work while attending the training program.

Out of town travel is covered by two sets of rules, depending on whether the assignment is for one day or requires an overnight stay:

- Travel time to a one-day program in another city: All hours spent traveling are considered hours worked, except for the time the employee would normally spend commuting to and from the regular worksite.
- Travel time to a program involving an overnight stay: Time spent traveling to/from the destination is counted as hours worked. Managers are encouraged to be flexible with schedules during travel. Example: to avoid overtime, allow employees to flex time or adjust hours for travel days. Any time spent driving is compensable.
- Employees will work with managers to minimize overtime when being granted the privilege of traveling for training opportunities. Employees who are unwilling to flex their schedules in this fashion will not be approved for travel.

Employees are responsible for accurately tracking, calculating and reporting travel time on their timesheets in accordance with this policy. Meal periods should be deducted from all travel time.

**e. Registration Fees**

Registration fees for professional and technical meetings and conferences are reimbursable, upon submittal of receipts.

**f. Travel with Spouse and/or Family**

If a spouse and/or other family member travel on an official trip, reimbursement shall be limited to the single rate for the room occupied. Under no circumstances shall a family member be transported in a City vehicle.

**g. Code of Conduct**

While traveling, employees are representing the City and are expected to conduct themselves in a professional manner that promotes a positive image to instructors, business persons, and the general public.

**Section 3. Reimbursement Procedure.**

Employees must complete the appropriate request forms (Meal & Clothing Reimbursement, Travel Reimbursement, etc.) upon the completion of the business travel, and turn signed forms into the Finance Department. Itemized receipts must be attached to the report to receive reimbursement for: (1) commercial carrier travel costs (including bus, limousine, rideshare service, or taxi); (2) gas, repairs, and vehicle expenses; (3) tolls, parking, and garage charges; (4) lodging; (5) registration fees; and (6) miscellaneous expenses (i.e. entertainment). Receipts for entertainment must include a note that indicates the business purpose of the entertainment, the names of the persons involved and the business relationship. Requests and receipts must be detailed, accurate and submitted to the City, or Library Business Office for Library employees, within 30 calendar days of the date of the expense. Employees must not engage in abuse of this expense policy or falsify or materially omit information in expense reports.

**ARTICLE 9: PAID TIME OFF**

Library Employees see Addendum “B” for Sections 1-5

**Section 1. Personal Time Off.** Eligible employees will be provided annually with Personal Time Off (PTO) while meeting the operational needs of the City according to the appropriate schedule below. To assist in recruiting the best candidate for vacant positions, Department Heads may work with Human Resources and the Mayor to offer an increased and/or accelerated PTO schedule to potential candidates, if warranted. Initially, 80 hours of PTO will be awarded upon hire, and after that PTO will accrue and become available on a pro-rata basis each payroll cycle as dictated in the relevant schedule below. All time off requests must have prior approval from the employee’s direct supervisor. Part-time employees will be allotted initial PTO on a pro-rata basis and will subsequently accrue PTO on a pro-rata basis. PTO will be available for use after 30 days of employment.

Employees who separate employment within the first year shall not receive a payout of the initial 80 hours. In addition, if any of the initial allotment of hours was used during that first year, the employee will be required to pay back that time on their last paycheck. Exceptions may be made with documented approval from the Human Resources Director and the Department Head.

**Hourly Employees**

- 80 hours PTO (Level 0) will be available to use after 30 days of employment.

**Accrual schedule (full-time):**

<a href="#">Level 1</a>	After 1 year of service	120 hours	(4.62 hours per pay period)
<a href="#">Level 2</a>	After 4 years of service	136 hours	(5.23 hours per pay period)
<a href="#">Level 3</a>	After 7 years of service	160 hours	(6.15 hours per pay period)
<a href="#">Level 4</a>	After 10 years of service	168 hours	(6.46 hours per pay period)
<a href="#">Level 5</a>	After 11 years of service	176 hours	(6.77 hours per pay period)
<a href="#">Level 6</a>	After 12 years of service	184 hours	(7.08 hours per pay period)
<a href="#">Level 7</a>	After 13 years of service	192 hours	(7.38 hours per pay period)
<a href="#">Level 8</a>	After 14 years of service	200 hours	(7.69 hours per pay period)
<a href="#">Level 9</a>	After 19 years of service	240 hours	(9.23 hours per pay period)
<a href="#">Level 10</a>	After 21 years of service	248 hours	(9.54 hours per pay period)

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**Salaried employees, except the Department Heads, Fire and Police Chiefs and Deputies**

- 80 hours PTO (Level 0) will be available to use after 30 days of employment.

**Accrual schedule (full-time):**

<u>Level 1</u>	During the 1st year of service	48 hours	(1.85 hours per pay period)
<u>Level 2</u>	After 1 year of service	128 hours	(4.92 hours per pay period)
<u>Level 3</u>	After 2 years of service	144 hours	(5.54 hours per pay period)
<u>Level 4</u>	After 4 years of service	168 hours	(6.46 hours per pay period)
<u>Level 5</u>	After 7 years of service	176 hours	(6.77 hours per pay period)
<u>Level 6</u>	After 10 years of service	192 hours	(7.38 hours per pay period)
<u>Level 7</u>	After 12 years of service	200 hours	(7.69 hours per pay period)
<u>Level 8</u>	After 14 years of service	208 hours	(8.0 hours per pay period)
<u>Level 9</u>	After 19 years of service	248 hours	(9.54 hours per pay period)
<u>Level 10</u>	After 24 years of service	264 hours	(10.15 hours per pay period)

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**Department Heads, Police Chief, Fire Chief, Assistant Chief(s), and Deputy Chief(s)**

- 80 hours PTO (Level 0) will be available to use after 30 days of employment.

**Accrual schedule (full-time):**

<u>Level 1</u>	During the 1st year of service	48 hours	(1.85 hours per pay period)
<u>Level 2</u>	After 1 year of service	168 hours	(6.46 hours per pay period)
<u>Level 3</u>	After 5 years of service	180 hours	(6.92 hours per pay period)
<u>Level 4</u>	After 9 years of service	192 hours	(7.38 hours per pay period)
<u>Level 5</u>	After 12 years of service	200 hours	(7.69 hours per pay period)
<u>Level 6</u>	After 14 years of service	216 hours	(8.31 hours per pay period)
<u>Level 7</u>	After 19 years of service	256 hours	(9.85 hours per pay period)
<u>Level 8</u>	After 24 years of service	280 hours	(10.77 hours per pay period)

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**Police Captains and Police Lieutenants**

- 80 hours PTO (Level 0) will be available to use after 30 days of employment.

**Accrual schedule (full-time):**

<u>Level 1</u>	During the 1st year of service	8 hours	(.31 hours per pay period)
<u>Level 2</u>	After 1 year of service	152 hours	(5.85 hours per pay period)
<u>Level 3</u>	After 10 years of service	176 hours	(6.77 hours per pay period)
<u>Level 4</u>	After 15 years of service	200 hours	(7.69 hours per pay period)
<u>Level 5</u>	After 20 years of service	240 hours	(9.23 hours per pay period)

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**Fire Battalion Chiefs**

- 6 days PTO (144 hours) will be available to use after 30 days of employment.
- Note: 1 day = 24-hour shift

**Accrual schedule (full-time):**

<u>Level 1</u>	After 1 year of service	264 hours	(10.15 hours per pay period)
<u>Level 2</u>	After 10 years of service	312 hours	(12 hours per pay period)
<u>Level 3</u>	After 15 years of service	360 hours	(13.85 hours per pay period)
<u>Level 4</u>	After 20 years of service	432 hours	(16.62 hours per pay period)

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At no point in time will an employee be allowed to exceed 115% of allotted personal time off. All time off exceeding 115% will be cancelled and no payment made.

Employees with at least one year of service who terminate employment will receive payment at the employee's regular rate of pay for all accrued, unused and available personal time off, provided the employee gives their direct supervisor proper written notice two weeks in advance in the event of their voluntary termination, or 30 days advance notice in the event of retirement. If an employee terminates employment and has a negative PTO balance, the employee agrees to reimburse the City for the negative balance as either a payroll deduction on the last paycheck or by invoice. Employees who leave the City involuntarily will receive no payout of accrued PTO, unless otherwise approved by Human Resources Director and Finance Director/Treasurer.

Employees who give proper notice of separation or retirement (see above) from the City may not extend their employment using paid time off (vacation, PTO, etc.). Exceptions may be made with documented approval from the Human Resources Director and the Department Head.

**Section 2. Personal/Float Day for Birthday.** Effective January 1, 2023, non-represented, full-time employees will be provided with one paid day (8 hours) off for their birthday (Battalion Chiefs will receive 24 hours of paid time). The day off must be used during the calendar year and will not be paid out if unused. Days taken off must be approved by managers.

**Section 3. Holidays.** Holidays are identified to establish a consistent procedure for scheduling business closure except in situations where staffing is required for emergency and maintenance operations. Employees will receive 8 hours of holiday pay (Battalion Chiefs will receive 24 hours of holiday pay) at straight time for the following holidays:

- New Year's Day
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day
- New Year's Eve Day

In the event that an employee is required to work on one of the paid holidays above, the employee may choose to float that holiday to another day in the same calendar year in lieu of holiday pay. Note that if float days are taken prior to the holiday and an employee leaves employment prior to the actual holiday, the hours will be deducted from last paycheck. Floated holidays must be used for full days. Exceptions may be made with documented approval from Department Head. Managers are responsible for ensuring that holiday hours are correctly accounted for on timesheets.

When a holiday falls on a Saturday, the holiday will be observed on the Friday immediately preceding. When a holiday falls on a Sunday, the holiday will be observed on the following Monday. When Christmas

Day or New Year's Day fall on a Saturday, the preceding Thursday will be observed for Christmas Eve/New Year's Eve and the preceding Friday will be observed for Christmas Day/New Year's Day.

- Any non-exempt employee who is scheduled to work on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, day after Thanksgiving, Christmas Eve Day, Christmas Day or New Year's Eve will be compensated at the rate of time and one half for work performed on the actual holiday.
- Non-exempt employees scheduled to work on Easter will be compensated time and one half for work performed on this holiday.

Employees reporting to work on a "call-in" basis on an observed holiday will receive time and one-half for all hours worked for a minimum of two hours and will also receive payment for the holiday at straight time.

**Section 4. Sick Leave.** Effective January 1, 2023, all non-represented, full-time employees, who are active as of January 1 annually, will be provided with 24 hours of sick leave (72 hours for Battalion Chiefs) which may be used each calendar year to address their own personal health care needs or the health care needs of a spouse or an immediate family member who resides primarily with and is primarily dependent on the employee for care and support. An employee may access any additional extended leave after using other available paid leave (sick leave, PTO, old sick leave bank, compensatory time) for three days. Part-time employees working at least 20 hours per week, will receive 12 hours of sick leave.

All use of sick leave is subject to verification and the City reserves the right to request a doctor's slip for any sick leave request.

Unused leave will be forfeited each year. However, employees will receive a good attendance bonus as follows for unused leave as of December 31 each year.

**Full-Time Employees (except Battalion Chiefs)**

- Less than 8 hours remaining: no bonus
- 8-15.99 hours remaining: 4 hours PTO placed in bank
- 16 hours or more remaining: 8 hours PTO placed in bank

**Battalion Chiefs**

- Less than 24 hours remaining: no bonus
- 24-47.99 hours remaining: 12 hours PTO placed in bank
- 48 hours or more remaining: 24 hours PTO placed in bank

**Part-Time Employees (working 20 hours or more per week)**

- Less than 4 hours remaining: no bonus
- 4-7.99 hours remaining: 2 hours PTO placed in bank
- 8 hours or more remaining: 4 hours PTO placed in bank

Good attendance bonus hours will be placed into employees' PTO banks during the first month of the following year and will not impact or change the annual accrual rates.

**Section 5. Extended Leave Banks.**

Use. Employees will be provided with extended leave banks to address their own personal health care needs or the health care needs of a spouse or an immediate family member who resides primarily with and is primarily dependent on the employee for care and support. Extended leave may be used for the fourth day and any subsequent consecutive days for absences of four or more days. Extended leave may be used for absences which qualify as federal and/or state Family and Medical Leave Act protection. All use of extended leave is subject to verification and the City reserves the right to request a doctor's slip for any extended leave request.

Extended Leave Bank Accrual. Employees will be granted 10 days of extended leave per calendar year. Employees hired after January 1 will be granted extended leave on a pro-rata basis the first year of employment. Unused extended leave will be placed in a "bank" which will be available to the employee for future use, until such time as the "bank" has a maximum accumulated total of 10 weeks of paid time off (e.g. 400 hours for full-time, 40 hour per week employees or 560 hours for full-time 24-hour positions). There will be no accrual of extended leave in this bank beyond 10 weeks of leave. Unused extended leave in this bank will be cancelled upon termination (e.g. resignation, retirement, layoff, death, dismissal) and no payment will be made.

Old Sick Leave Bank Employees who have an accrued sick leave balance will have that balance placed in a separate account for future use and/or payout upon layoff, retirement or death. The balance in this account may not exceed 960 hours, with the exception of employees who transferred from, or hold, 24-hour positions, which may not exceed 2400 hours. This accrued sick leave may be paid out in whole or in part at any time prior to layoff, retirement or death at the sole discretion of the Common Council. There will be no future accrual added to this sick leave balance. Said sick leave may be used for the employee's own personal health care needs or the health care needs of a spouse or an immediate family member who resides with and is dependent on the employee for care and support. Management reserves the right to verify the use of sick leave. Employees leaving employment of the City either by choice or dismissal, shall have this sick leave balance cancelled and no payment will be made. The remaining sick leave balance will only be paid out to the employee upon layoff, retirement (upon reaching qualified age as dictated by WRS), or death. 120 days advance written notice to Human Resources, Payroll, and the employee's direct supervisor is required for retirement to be eligible for payout. Any payout balance over \$5,000 will be placed into either a medical reimbursement account or a special pay account. A third-party representative will contact you to determine which option is selected. Sick leave credits are to be computed by dividing the annual wage or salary by 255 days, or in the case of employees who transferred from, or hold, 24-hour positions, by 203.33 days, in order to arrive at the daily wage or salary rate when the employee entered the employee policy manual coverage.

**Section 6. Bereavement.** In the event of the death of a member of an employee's immediate family, the employee will be granted up to three days of leave without loss of pay, if scheduled to work, to make necessary funeral arrangements and attend the funeral. Immediate family includes spouse, child, step-child, parent, step-parent, parent-in-law, step-parent-in-law, sister, brother, sister/brother-in-law, step-sister/brother, grandparent and grandchild.



Note: A spouse's sibling's spouse is not included and a spouse's grandparent is not included.

**Section 7. Jury Duty.** Jury duty leave will be granted to those employees who have been summoned and are required to report to jury duty. Employees must give as much advance notice as possible of their intended absence for jury duty. When an employee is not attending jury duty during the workday, they must report to work. Employees will be compensated their regular wages for each day of jury duty served, up to a maximum of 30 calendar days per year, when scheduled to work, provided the employee remits proper verification from the bailiff and compensation received for such duty (exclusive of travel pay or actual expenses) within three days of receipt thereof. Requests for Jury Duty leave in excess of 30 calendar days may be granted by the Personnel Committee or Library Board of Trustees for Library employees. Managers are responsible for obtaining the appropriate documentation and the per diem remittance amount from employees who are using jury duty pay codes. The documentation and compensation amount must be turned in to payroll for processing.

**Section 8. Military Leave of Absence.** Employees taking part in a variety of military duties shall be granted the necessary leave. Employees must give their supervisor as much advance notice as possible, and if available, a copy of the military order. Employees must remit a copy of the compensation received for such duty and will then be compensated their regular wages, offset by the compensation received for duty. Managers are responsible for obtaining the appropriate documentation from employees who are using military leave pay codes and ensuring that the documentation is turned into payroll for processing. Failure to provide documentation of military pay received may delay the employee from any future payments.

**Section 9. Family Medical and Military Exigency Leave.**

WISCONSIN FMLA

Any employee who has worked for more than 52 weeks and a minimum of 1,000 hours is eligible for unpaid leave under Wisconsin's Family and Medical Leave Act (§103.10, Wis. Stats.). However, the employee may, but is not required to, substitute definite and quantifiable paid leave benefits for unpaid leaves under the state law (e.g., paid vacation). Employees who have elected Short-Term Disability Insurance will be covered while on Wisconsin FMLA. The use of such leave will only be allowed in accordance with the applicable collective bargaining agreement in place, or the Employee Policy Manual when there is no collective bargaining agreement which addresses the issue.

The amount of unpaid leave available in a calendar year pursuant to Wisconsin's law is presently as follows:

A. **Family Leave**

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

Total maximum time for #1 and #2 is eight (8) weeks per twelve (12) month period.

**B. Medical Leave**

1. A maximum of two weeks per 12-month period for the employee's serious health condition.

[NOTE: "Serious health condition" means a disabling physical or mental illness, injury, impairment, or condition which requires inpatient care in a hospital, nursing home or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.]

FEDERAL FMLA

Any employee who has worked for more than 12 months and a minimum of 1,250 hours is eligible for unpaid leave under the Federal Family and Medical Leave Act of 1993. An employee will be required to substitute definite and certain allowable paid leave benefits for unpaid leave. However, if an employee has elected Short-Term Disability Insurance, they will not be required to substitute paid leave while covered under Short-Term Disability. The use of such leave will only be allowed in accordance with the applicable collective bargaining agreement in place, or the Employee Policy Manual when there is no collective bargaining agreement which addresses the issue.

The federal law provides 12 weeks of unpaid leave during a 12-month period (calendar year) for any covered purpose, which are:

- a. The birth and first year care of a child or a child who has been placed with the employee for adoption or foster care.
- b. To care for a child, spouse or parent who is suffering from a serious health condition.
- c. For a serious health condition of the employee that makes the employee unable to perform their job duties.
- d. Because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or call to covered active duty as a member of the Armed Forces, National Guard, or Reserves.

The federal law also provides for 26 weeks of unpaid leave during a single 12-month period in the case of covered service member caregiver leave because the employee is the spouse, child, parent or next of kin of a covered service member with a serious injury or illness. This 12-month period begins on the first day the eligible employee takes leave for this purpose.

[NOTE: A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period

of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.]

Note, any Worker's Compensation time off will calculate concurrent with FMLA time off.

#### INTERMITTENT LEAVE

Under some circumstances, employees may take FMLA leave on an intermittent basis. Intermittent leave may be taken in the smallest increment allowed by the City for any other type of leave.

- a. Federal leave based on a birth or child placement may only be taken intermittently on a reduced leave schedule if the Department Head agrees;
- b. State family leave for birth/placement or care of a child, spouse, parent or parent-in-law with a serious health condition may be taken as partial absences from employment if scheduled so as not to unduly disrupt the City's operations.
- c. Federal leave based on a serious health condition of an employee, employee's child, spouse or parent may only be taken intermittently or on a reduced-leave schedule when medically necessary, unless the Department Head agrees otherwise.
- d. Federal leave due to a qualifying exigency may be taken on an intermittent basis as needed.
- e. State medical leave for self may be taken in non-continuous increments as medically necessary.
- f. Leaves will be granted in hourly increments or less as may be specified in policies or labor agreements. If it is physically impossible for an employee using intermittent leave to commence or end work midway through a shift, the entire time the employee is forced to be absent shall be designated as FMLA leave.
- g. Employees shall make a reasonable effort to schedule medical treatments so they do not unduly disrupt current operations and they shall provide the City with reasonable advance notice.

Note, any Worker's Compensation time off will calculate concurrent with FMLA time off.

#### BENEFITS WHILE ON FMLA

The City is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. If applicable, in addition to paying their portion of health insurance premiums, employees shall be required to pay the full cost of continuing their life insurance, disability insurance, etc. during leave. If an employee fails to return to work for a reason other than the serious health condition of the employee or the employee's immediate family

member, or other reason beyond the employee's control, the employee will be required to reimburse the City for the employee's cost of these benefits while the employee was on unpaid leave. Employees on FMLA will continue to accrue leave.

#### FMLA NOTICES

Both state and federal law provide that the employee requesting family and medical leave has an obligation to provide reasonable advance notice to management, when practicable, of the nature and extent of any leave requested. In any event, employees will always have a duty to cooperate with management in arranging and processing leave requests under the state and federal laws to avoid undue disruption of the City's operations. The City requests that 30 days advance notice be provided whenever possible.

To receive FMLA leave, an employee must complete an FMLA leave request form. If an employee is unable to do so because the need for leave was not foreseeable, a request may be made verbally. Supervisors are not to discuss medical conditions or leave requests with employees, but are to forward them to Human Resources. Human Resources shall evaluate the request and provide a response to the employee approving or denying the request and providing the employee with a "Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)" and a "Designation Notice (Family and Medical Leave Act)" within five (5) business days, absent extenuating circumstances, of the employee's request. If Human Resources needs additional information to determine whether a leave is being taken for an FMLA-qualifying reason, Human Resources may wait until it has received the requested information from the employee and then notify the employee whether the leave will be designated as FMLA leave with the "Designation Notice" within five (5) business days, absent extenuating circumstances, after obtaining the information.

All qualifying leave will be designated as FMLA when appropriate.

The City may require employees to provide medical certification supporting the need for leave due to a serious health condition, second or third medical opinions (at the City's expense), periodic recertification, and periodic reports during FMLA leave regarding the employee's status and intent to return to work. A medical certification form must be presented by the employee within fifteen days of being asked to do so by the City. A return to work form from a physician will, in most cases, be required in the case of an employee's serious illness, injury, work-related injury (worker's compensation) or illness which has caused a prolonged absence from work, or if the employee's supervisor reasonably determines for the sake of safety that a medical authorization is advisable.

The City may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. The City may require an employee seeking FMLA leave due to a serious injury or illness of a covered service member to submit a certification providing sufficient facts to support the request for leave.

#### PAYROLL REPORTING - FMLA

All qualifying leave must be recorded as FMLA for payroll time reporting purposes.

#### UPON RETURN TO WORK

Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. FMLA leaves shall not be counted as absences for disciplinary purposes.

#### CONFORM WITH EXISTING LAWS

This policy does not provide any further benefits than those provided by the family and medical leave laws. Any change in the law will impact upon the operation of this policy by modifying its provisions to conform to the law.

**Section 10. Voting Leave.** Employees will be allowed to use available paid leave to vote during work hours.

#### **Section 11. Volunteering Time Off**

The purpose of this program is to promote volunteerism in the local community. The City recognizes the value of volunteering to personally support and serve the community which we live and work. This policy has been drafted to give employees the opportunity to volunteer during work hours.

##### **Eligibility:**

Regular full-time and part-time employees after 90 days employed

##### **Program Details:**

- **Up to 4 hours per calendar year paid time** available to eligible employees after 8 hours of volunteer service on the employee's own time
- The organization being volunteered at must be an IRS-approved 501(c)(3) or 509(a)(1)(2)(3)
  - Examples: Volunteer at Peter's Pantry, Girl Scouts, Boy Scouts, Junior Achievement, Red Cross, Big Brothers/Big Sisters
  - Not all 501(c)(3) or 509(a) organizations will qualify due to the City's non-discrimination policy
- The pay rate will be the employee's regular rate of pay
- The time off must be used during regularly scheduled work hours and pre-approved by the employee's supervisor
- The hours worked are not subject to overtime rates
  - The hours are similar to other non-working hours (vacation, sick time, float or PTO) and do not count as hours worked for any purpose
- If the employee does not remain at the volunteer organization for the full amount of time scheduled, the employee will not be paid
- Hours not used in the calendar year do not carry over to the next calendar year
- The City reserves the right to revoke the program at any time for any reason

##### **Procedure:**

- Fill out time off request
- Obtain approval from your supervisor, with at least a ten working day notice prior to needing the time off to volunteer
- Use code 422 on the timesheet to track unpaid volunteer time
- Use code 423 on the timesheet to track paid volunteer time

*Volunteer time off may not be used for organizations that discriminate based on creed, race, religion or sexual orientation, conduct political activities, promote violence or create a conflict of interest with the City of Manitowoc.*

#### **ARTICLE 10: UNPAID LEAVE**

All available PTO, Vacation Time (Library), Sick Leave, Old Sick Leave Bank, Compensatory Time, and Personal/Float Day for Birthday must be exhausted before the use of unpaid leave.

Requests for unpaid leaves of absence for up to seven calendar days, for justifiable and necessary medical or personal reasons, may be granted at the discretion of the Department Head for all employees who have worked for the City at least 90 days.

Employees with at least 90 days of employment with the City may submit requests for unpaid leaves of absence greater than seven calendar days to the Personnel Committee, or the Board of Trustees for Library employees, for approval. Please note that this section refers to unpaid leave outside of what is available under the FMLA policy (refer to Article 9).

Unpaid leave of absence will not exceed 30 calendar days without re-approval by the Personnel Committee or Library Board of Trustees. Unpaid leave extending beyond 30 days may cause loss of benefit eligibility. Employees who do not return from leave may be terminated.

If an employee has elected Short-Term Disability Insurance, they will not be required to exhaust paid leave while covered under Short-Term Disability. Employees on unpaid leave will have no leave accruals during the leave period. However, an employee will continue to accrue leave while on Short-Term Disability.

Exceptions may be made to the above with documented approval from 2 of the 3 following individuals: Human Resources Director, City Attorney, or Finance Director.

#### **ARTICLE 11: EMERGENCY CONDITIONS**

Library employees see Addendum "B"

In the event of the closing of a City worksite, information will be made available through the local radio stations, the cable channel and the City web-site. Conditions affecting only the ability to commute will generally not be considered a reason for closing a facility. Employees who do not report to work or leave the worksite early out of concern for personal safety, will generally be given the option of using unpaid time or Personal Time Off. For positions that allow, the option to telework may be granted per the City's Telework policy.

In order to maintain safety for employees and the general public, the Mayor has the sole discretion to close any City building or individual City Department in the event of emergency conditions or hazardous weather. If the Mayor makes such an order, Department Heads are responsible for communicating with their staff and designating which staff must report and which staff are eligible for telework. If any employee is required to stay home under this order and is not eligible for telework, they will receive pay for the time they would have worked that day.

## **ARTICLE 12: BENEFITS**

**Section 1. Health & Dental Insurance.** Those employees who qualify for the City's health plan (refer to Article 2) will be offered coverage with the City paying 87.5% and the employee paying 12.5% of the premium. Employees who qualify for the dental plan shall receive \$14.08/per month toward a single dental plan and \$32.52/per month toward a family dental plan, except the Police Chief, Assistant Chief, Deputy Chief, Captains, and Lieutenants who follow the Police Patrol Union Contract premium shares. All separating employees (by termination, resignation, or retirement) are eligible to remain on the City plan until the last day of the month in which they terminate their employment.

City retirees can continue coverage in both plans, in accordance with the plan documents, with the retiree paying 100% of the published premium for retirees. Retirees may continue on the health plan until they are eligible for Medicare benefits. Retirees may remain on the dental plan until they choose to cancel coverage. Retirees are responsible for completing open enrollment paperwork each year to remain on each plan. If a retiree drops coverage at any time, they are ineligible to re-enroll in the plan.

The current plan, as determined by the Common Council, will be offered to all qualifying employees. Commencement of health insurance coverage is contained within the health plan document.

The employee share of the premium will be paid through payroll deduction twice per month. Premiums are deducted one month prior to the month of coverage.

Per Resolution 23-0691 (08.21.2023), the Municipal Judge is eligible for coverage under the health plan. The City shall pay 50% toward the premium for the Municipal Judge effective January 1, 2024.

Employees choosing to enroll in a separate plan agree that the City is not responsible for administration of the plan or for answering any questions regarding the plan. The City will not contribute premiums to a plan where the coverage is not contingent on the employee's status as a City employee. The City will not contribute towards the premium of an employee's spousal plan or a plan through the marketplace.

**Section 2. Vision Insurance.** Eligible employees may participate in vision insurance coverage. One hundred percent of premium costs are paid by the employee. Retirees may continue on the vision plan until they choose to cancel coverage. Retirees are responsible for completing open enrollment paperwork each year to remain on the plan.

**Section 3. Life Insurance.** Eligible employees may participate in life insurance made available through the Wisconsin Retirement System in the amount of their annual salary rolled up to the next \$1,000. The

employee will pay the first month's premium with the City paying the remainder annually for basic coverage. Additional life insurance is available at the employee's sole expense.

**Section 4. Flexible Spending Plan.** In accordance with Section 125 of the Internal Revenue Code, the City offers a flexible spending plan.

**Section 5. Employee Assistance Program.** The City offers a confidential Employee Assistance Program (EAP) at no cost to the employee. Employees and family members living in the employee's household are eligible to use the EAP. Detailed information is available in the Human Resources Department.

**Section 6. Pension.** Once eligible for coverage under the Wisconsin Retirement System (WRS), coverage is mandatory and an employee may not "opt out" of WRS, unless the employee is a current annuitant of WRS, in accordance with WRS regulations. Employees, except the Police Chief, Assistant Chief, Deputy Chief, Captains, and Lieutenants who follow the Police Patrol Union Contract employee pension contribution percentage, will follow the State's recommendation for deduction amount. ~~Employee contributions are pre-tax.~~

**Section 7. COBRA.** The level of benefits offered to those who qualify for coverage will be offered as determined by applicable state and federal regulations.

Under state law and the Federal Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") and subsequent amendments to the Act, employees covered under the group health care plan are eligible for continuation of health care coverage under the group plan upon the employee's termination (except for gross misconduct) or reduction in hours. COBRA regulations also allow the employee's spouse and covered dependents to elect continuation coverage upon the employee's death, divorce or legal separation, an employee's entitlement to Medicare, a dependent's loss of dependent status under family coverage, or the City's filing of a bankruptcy proceeding.

All employees, as well as their qualified dependents, will receive notice of mandated insurance continuation benefits at the time of hire or whenever the plan coverage for the employee begins, whichever is later. If a qualifying event occurs which entitles the employee and/or qualified dependents to continuation coverage, the plan administrator will notify the qualified beneficiaries of their right to elect continuation coverage. Continued participation is solely at the participant's expense.

**Section 8. Influenza Immunizations.** The City will provide an influenza immunization clinic annually by the City's choice of vendor. The cost of the immunization will be shared equally by the employee and the City if the employee is not on the City's Health Plan.

#### **ARTICLE 13: CHAIN OF COMMAND**

Should an employee have concerns regarding the activities of others not specifically addressed in a policy, the chain of command should be followed. The organizational chain of command begins with an employee's immediate supervisor. Areas of concern should initially be addressed with the direct supervisor. If the employee has concerns they feel are not appropriately addressed by the supervisor, the employee may then discuss the concerns with the employee's Department Head. Should the



employee not be satisfied with the outcome of the discussion with the Department Head, the employee may then address the issue with the Mayor. Following addressing concerns with the Mayor, the employee may present their concerns to the appropriate department's Oversight Committee. For library employees, after speaking to Department Head, if not satisfied they should present their concerns to the Library Board of Trustees.

## **ARTICLE 14: PERFORMANCE MANAGEMENT AND COMPENSATION**

### **Section 1. Evaluation Process**

Employee work performance will be reviewed on an annual basis by the employee's immediate supervisor. Performance Evaluations may be considered in decisions affecting placement, salary adjustment, overtime assignments, promotions, transfers, demotions, corrective action or dismissal, re-employment and training.

It is the policy of the City of Manitowoc to administer a Performance Management Program which will: help assess an employee's work performance and effectiveness; allow the employee and supervisor to set relevant goals; objectively review goals; suggest constructive action for improvement; suggest action for employee development; provide positive feedback in areas of excellence; and determine compensation.

The Performance Evaluation process will be completed electronically and will consist of: a mid-year evaluation/check-in during the month of March, due on April 1 annually; and an annual evaluation in October, due November 15 annually. The evaluation year will run from October 1 through September 30. All pay increases will be given on the first payroll of January on an annual basis.

New employee evaluations will be scheduled as follows:

#### **Annual evaluations:**

- Employees hired between January and June are initially evaluated in the year they are hired.
- Employees hired between July and December are initially evaluated in the year following their hire.

#### **Mid-year evaluations:**

- Employees hired between January and November are initially evaluated the year following their hire.
- Employees hired in December are initially evaluated in the 2<sup>nd</sup> year following their hire.

*Note: Managers may decide to do either a 90-day check-in or a mid-year for employees hired in November and December.*

Performance levels will be as follows:

- **Exceptional Performance:** Employee consistently exceeds successful performance in overall job performance, competencies, and goals, and/or makes a significant contribution within a

Department or the City, such as improving processes, increasing efficiencies, exhibiting innovation, or taking initiative.

- **Successful Performance:** Employee consistently performs at an acceptable level in overall job performance, competencies, and goals.
- **Developing/In Process:** Employee demonstrates successful performance in some areas and is making acceptable progress towards overall job performance, competencies, and goals in a new or transitioning role. Examples are employees who are newly hired after July 1, new managers, in a new role, making progress, in a transitional time, needing to get to Successful Performance. This does not include an employee on a performance improvement plan.
- **Inconsistent Performance:** Employee fails to meet successful performance in one or more areas related to job performance and/or competencies that negatively impact the Department or City. Employees on a performance improvement plan would fall into this category. Supervisors giving this rating to employees should develop an action plan or performance improvement plan, which includes periodic reviews until the employee has reached an acceptable rating.

In order to maintain consistency in the process, any evaluation with an overall Performance Level of Exceptional Performance or Inconsistent Performance will be vetted by the MLC (Department Heads) through a voting process prior to the evaluation meeting with the employee (this does not apply to a Department Head, as the Mayor/Library Board will have final authority on these overall evaluation levels). Should an employee disagree with their overall performance rating, they may address a written request for a review to MLC (Department Heads). These requests should be sent to the Mayor's office. MLC will make the final determination on whether to review the appeal and whether to change the overall evaluation level.

Each employee will be evaluated on the following competencies:

- Communication/Customer Service
- Professionalism/Leadership
- Productivity, Teamwork, Attendance
- Following Policies/Procedures
- Job Knowledge

Employees and Supervisors should refer to the examples of Performance Standards available for each Competency. Any employee receiving one or more Inconsistent Performance ratings in their Competencies will receive an overall annual rating of Inconsistent Performance.

Each employee will be required to have at least one SMART goal each year. The intent of goals is to support development of future work skills and knowledge, and/or further development of the Department. Receiving an incomplete evaluation in your goals will not necessarily affect your overall performance level. Employees will work with their direct supervisor to jointly develop goals for the following year. Both the supervisor and the employee should contribute ideas for the goals.

The evaluation process will include the opportunity for the supervisors and employees to discuss Career/Succession planning (optional) and also, to review the employee's current job description (mandatory) in order to provide any revisions.

Each supervisor will determine an overall performance level for each employee. All evaluation ratings should be discussed with the appropriate Department Head. If an employee receives an Inconsistent or Exceptional rating and the Department Head concurs with this rating, the Department Head will be required to bring that request/justification to the MLC (Department Heads) for final vetting. This will allow for more consistency in evaluations amongst the departments.

Evaluation meetings shall be held with employees during the month of October. Supervisors should first schedule evaluation meetings with employees who are receiving Successful ratings. Meetings with any employees, who are receiving an Inconsistent or Exceptional rating, shall not be held until after the evaluation rating has been approved by the MLC (Department Heads). The appropriate Oversight Committee Chair will attend Department Head evaluations.

Any Supervisor or Department Head who does not complete reviews by the assigned deadline (November 15) will receive an overall Inconsistent Performance level. Exceptions to the deadline must be approved by HR Director and Department Head. Employees who do not receive evaluations due to neglect of Supervisor will receive the overall level as determined during self-evaluation, to be vetted by MLC (Department Heads) with final determination after a voting process.

The MLC (Department Heads) will set aside time blocks at the beginning of each October for vetting/reviews of evaluations brought forward by Department Heads with ratings of Inconsistent or Exceptional.

Department Heads will report the final determination of the MLC (Department Heads) to the appropriate Supervisors and evaluation meetings shall then be held with the remainder of their employees.

## **Section 2. Compensation Plan**

Our compensation plan is comprised of salary grades into which each Job Position in the City has been assigned (see Addendum "A"). As positions substantially change in responsibility, a compensation review shall be conducted to ensure proper pay grade placement based on new job responsibilities. The HR Director will work with the Department Heads to determine if a position has changed substantially, collect revised job documentation noting the changes, and determine whether the changes warrant review.

Similarly, all newly created positions will be reviewed and analyzed for grade placement in the pay structure. The HR Director will partner with each Department Head in creating a detailed job description and it will be sent to a compensation consultant for evaluation.

The plan also consists of the following rates:

- 5-Year Rate – this rate will be adjusted annually based on the Wisconsin Fox Valley-Northeast Region market data received from the Wage Survey Report, and separately for exempt and non-exempt employees.
- Hire Rate – 12.5% below 5-Year Rate
- Max Rate – 12.5% above 5-Year Rate

Exempt and Non-exempt employees are separated in order to keep the plans competitive within the market and to allow for adjustments to the Exempt schedule to account for compression. A formal market analysis will be conducted every 5 years via contracted compensation professional to ensure our plan remains competitive with the market.

After the Wage Survey Report is received each year, the 5-Year Rate of the compensation structure will be adjusted accordingly based on the actual structural increase of the previous year for Exempt and Non-exempt employees in the Wisconsin Fox Valley-Northeast Region. These amounts will be reported to the Personnel Committee annually. If the Wage Survey Report increase would be reported as more than 2.5%, a request may be made to Council to change the overall increases to employees. School Crossing Guard rates will follow the rates set forth by the 2017 budget.

The plan will be informally re-evaluated occasionally to ensure the plan is maintaining effectiveness, addressing compression, and remaining competitive.

### **Section 3. Compensation Guidelines**

Employees will be placed into the compensation plan as follows:

- Newly hired employees may be hired up to 5-Year Rate, with the documented approval of the Department Head and Human Resources Director.
- Employees who are promoted will start at either the Hire Rate for the new position or a 5% increase to current position's base salary, whichever is greater.
  - The HR Director and Department Head have discretion to approve up to the 5-Year Rate, or up to a 10% increase, depending on employee's current position on the compensation table. Approval will be documented.
  - Any increase beyond this requires the documented approval of the Human Resources Director, Department Head, and Mayor, or MPL Library Board for Library employees.
  - Employees promoted between January and June, will receive the increase the following January based on the new rate of pay. Those promoted between July and December will receive the January increase based on the former rate of pay (prior to promotion).
- Employees who are demoted will decrease to the appropriate grade within the pay scale. The Human Resources Director and Department Head will evaluate where on the grade to place the employee as each situation will be unique.
- Lateral transfers in the same pay grade will result in no change in compensation.

There may be instances where current employees are provided with pay equity and/or PTO adjustments based on recommendations from HR and Department Heads, with Mayoral approval. Compensation increases will be determined based on the performance level achieved during the performance evaluation.

Beginning January 2024, after an employee has worked in a grade for five years, the following January, they will automatically be moved to the 5-Year Rate (midpoint) of the compensation structure grade. Any evaluation year that the employee received an overall "Inconsistent" rating will not count toward

the five-year calculation. If the percentage increase of moving to the 5-Year Rate is less than 2.5%, the employee will still receive a performance increase for that year. If the percentage increase is 2.5% or more, there will generally be no additional increases given for performance. However, if an employee is rated "Exceptional," they will be given an additional 1% increase in addition to moving to the 5-Year Rate.

Benefit-eligible, non-represented employees who complete 10 years of continuous service to the City, will received a one-time lump sum recognition of \$2,500 on January 1 of the following year. ~~When implemented, anyone with 10 years of continuous service to the City would receive the award.~~

For both Exempt and Non-Exempt employees, the increases will be given annually in January as follows:

	Inconsistent	Developing/In process	Successful	Exceptional
<b>Between Hire and 5-Year Rate</b>	No increase	Market adjustment	2.5% increase and/or move to 5-Year Rate	2.5% + 1.0% and/or move to 5-Year Rate
<b>5-Year Rate and above</b>	No increase	Market adjustment	Market adjustment	Market adjustment + 2.0%
<b>New Hires – Hired between Jan and Jun</b>	No increase	Market adjustment	2.5% increase	2.5% + 1.0%
<b>New Hires – Hired between Jul and Dec</b>	No increase	Market adjustment	Market adjustment	Market adjustment

Increases in first calendar year of employment (previously anniversary increases) will be as follows:

- Employees hired between January and June eligible for increase based on performance (2.5% for Successful, +1% for Exceptional).
- Employees hired between July and December eligible for market adjustment based on supervisor’s recommendation.

Department Heads will determine whether employees in certain non-represented positions (ex: RWAM Art Instructor, RWAM Visitor Services Clerk, School Crossing Guard) are eligible for pay increases each year. These positions are not subject to performance evaluations.

All compensation increases will be given annually on the first payroll in January.

**Section 4. Clothing/Equipment and Other Allowances**

**Premiums**

Employees whose regular assigned work hours are between 5 a.m. and 5 p.m. will be considered first shift employees and will not be paid shift premiums for their regular assigned work hours.<sup>1</sup> First shift employees who work beyond their regular assigned hours will receive a shift premium for the hours worked outside of their regular assigned times as follows. Employees who are assigned to second and third shift will receive shift premiums as follows:

<u>Job Title</u>	<u>Second Shift</u>	<u>Third Shift</u>
Streets Laborers	\$0.25	\$0.35
DPI Laborers	\$0.25	\$0.35
Bridge Tenders	\$0.25	\$0.35
Cemetery Laborers	\$0.25	\$0.35
Parks Laborers	\$0.25	\$0.35
Building & Grounds (all)	\$0.25	\$0.35
Mechanics	\$0.25	\$0.35
Engineering Field Staff	\$0.25	\$0.35
Police Lieutenants & Captains	\$48/month	\$56/month
Weed Commissioner duties (when assigned)	\$8.46 per pay period	
DPI Duty Pay	<del>\$2</del> 50 per week	
DPI Crew Leader (when assigned)	\$1 per hour	
Harbor Master	\$100 per pay period	

**Tools**

When employees in DPI (Cemetery/Parks, DPW, Building & Grounds) are required to furnish tools or equipment on the job as a condition of employment, the City shall be held liable for all such tools and equipment in case they are broken or damaged not due to misuse or negligence by the employee. Replacement tools or equipment will be of like or equal quality and value. Mechanics will receive an annual tool allowance of \$200 which will be pro-rata for employees working less than the full year.

**Safety Glasses**

For employees in DPI (DPW, Building & Grounds, Zoo and Cemetery/Parks), the City will pay a portion of the cost of one pair of safety glasses for each employee requiring the glasses. The City will pay up to \$75 toward the purchase of polycarbonate lens safety glasses. The employee will pay for the examination. This provision will apply to each employee only once unless there is a change in prescription. Employee

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<sup>1</sup> Building and Grounds City Hall custodian working from 3 p.m. to 11 p.m. is considered second shift. Bridge Tenders from 4:30 a.m. to 1:30 p.m. will be considered first shift and 1:30 p.m. to 10:30 p.m. second shift. Street Sweepers will receive a shift premium for their entire shift.

must obtain a Safety Glass Reimbursement Form ~~from Human Resources or located on~~ the Intranet ~~to~~ and take ~~to to an approved~~ your vision provider ~~to complete~~. Completed forms must be submitted to Human Resources. This benefit is not transferable. The City will replace safety glasses in the event an employee damages the safety glasses while on the job (except in the case of negligence), pursuant to the ~~above formula~~ above requirements. The employee shall give the damaged glasses to their supervisor as well as a report as to how the damage occurred. The supervisor will, in turn, notify the HR Department who will be responsible for approving the request. You will be reimbursed with a separate accounts payable check.

**Safety Shoes/Boots**

In an effort to promote safety for certain occupations, the City agrees to pay a maximum of \$100.00 towards one pair of safety shoes per year for each employee as approved by their supervisor or \$120.00 when those safety shoes are required to be puncture or electrical resistant (Division of Life Safety). The shoes will be purchased by the employee and a receipt presented to the supervisor for reimbursement through the accounts payable process.

**Annual Clothing Allowance**

Clothing allowance will be as follows annually. In the case of the Fire Chief, the Assistant Fire Chief(s), and Battalion Chiefs payment shall be made during the year in biweekly installments of \$19.23 through payroll. For DPI employees, the City will provide suitable rain gear for the employees. Hooded rain gear jackets will be provided as existing jackets are replaced.

<b>Fire</b>	<b>CSW/CSW Supervisor</b>
<b>\$500.00</b>	<b>\$250.00</b>

**Section 5. Firefighter Supervisory Personnel**

- a) Pager Call. Firefighter supervisory personnel covered by this Employee Policy Manual will receive the following annual bonus for response to pager calls for emergencies:
  - \$100 for responding to at least 50% of the paged calls on their off-duty time
  - \$200 for responding to at least 75% of the paged calls on their off-duty time.
  
- b) Health Insurance. For the Fire Chief and Assistant Fire Chief(s), the City shall pay fifty percent (50%) of the health insurance premiums for paragraphs (i).
  - (i) Retirees. Any participating employee of the group medical coverage may elect to continue to be covered as part of the group under the rules of the plan until reaching the age of 65. This benefit is designed to provide coverage for employees forced to retire under disability provisions of Chapter 62.13 and the Wisconsin Retirement Fund.

An employee forfeits and waives all benefits under this provision if they become covered by any other group health insurance plan. Coverage under this plan will cease when the employee reaches the age of 65.

- c) Disability. In the case of the Fire Chief and Assistant Fire Chief(s), in the event of duty-incurred total disability or death of an employee, the employee or, in the case of the employee's death, then their estate, shall be paid in one lump sum, one (1) year's regular pay at the rate in effect at the death or the commencement of the state life insurance, or any other benefits to which said employee or their estate is entitled, by virtue of this Agreement or their employment. A "total disability" shall be a disability as defined in Section 40.63(1)(b) and (11), Wis. Stat. (1981-1982). An order awarding Section 40.65, Wis. Stat., special disability or death benefits to an employee or their spouse, whether based on the operation of Section 891.45, Wis. Stat., or on other evidence, shall be conclusive evidence that a disability or death is "duty-incurred." For purposes of this section, the term "regular pay" shall be defined to consist of base salary plus longevity, educational credit payments, any EMS differential payments and three holidays.

#### **Section 6. Police Supervisory Personnel**

- a) Wage Schedule. The Police Chief, Deputy Police Chief, Assistant Police Chief, Police Captains, and Police Lieutenants will follow the established City wage schedule. Police Patrol Lieutenants and Captains will receive straight time pay for attending daily briefings. Police Lieutenants and Captains will receive time and one half of their current straight time wage when working beyond their normal schedule for grants and police services.<sup>2</sup>
- b) Temporary Disability Benefit. In the case of the Police Chief, Assistant Chief, and the Deputy Police Chief, if an employee becomes disabled due to serious illness or injury which is not related to employment and shall have exhausted all sick leave and extended leave to which they were entitled at the onset of such illness the City shall pay a temporary benefit. Said benefit to be equal to two-thirds (2/3) of the employee's salary rate at the time of the commencement of the disability absence, less the amount of any Social Security disability benefit or other disability insurance benefit receivable by such employee, for a period of ninety (90) calendar days following the exhaustion of sick leave and extended leave. No temporary benefit shall be payable for any disability resulting from injury during other employment or for any intentional self-inflicted injury.
- c) Death or Permanent Disability Benefit. In the event of a duty incurred total and permanent disability or death of the Police Chief, Assistant Chief, or Deputy Chief Police, the employee, or in the case of the employee's death, their estate, shall be paid in a lump sum one year's regular pay existing at death or commencement of disability, in addition to any sick leave, worker's compensation, state life insurance, or any other benefits to which said employee or their estate is entitled, by virtue of this resolution or their employment. The term, "total and permanent disability" shall mean the total and permanent disability entitling the employee to total and permanent disability benefits from social security. Any amounts paid under subparagraph 1 of

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<sup>2</sup> Straight time pay for Captains and Lieutenants will be determined by dividing base salary by 1950 or 2080, dependent upon regular work schedule.



this paragraph (b) shall be deducted from any payment made under this subparagraph.

#### **ARTICLE 15: FORMAL DISCIPLINE**

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

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

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

- A) Fraud in securing employment
- B) Incompetency
- C) Inefficiency
- D) Unauthorized absences
- E) Repeated absence or tardiness or improper use of leave
- F) Neglect of duty
- G) Insubordination or willful misconduct
- H) Dishonesty
- I) Assuming duties with controlled substances, alcohol, or intoxicants in your system; or ~~possession or~~ use of alcohol, intoxicants or controlled substances during working hours
- J) Conviction of a felony or misdemeanor, the circumstances of which are substantially related to the duties performed
- K) Negligence or willful damage to property
- L) Discourteous treatment of the public or fellow employees
- M) Failure to obtain and maintain a current license or certification as required by law or the City
- N) Failure to maintain effective working relationships with other employees or the public
- O) Sexual or other unlawful harassment
- P) Workplace violence
- Q) Violation of any lawful order, directive, policy, or work rule

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

All discipline will be documented with a copy provided to the employee and a copy placed in the employee's personnel file. The employee has a right to attach their comments to the documented discipline and may have a right to the appeal process as detailed in the "City of Manitowoc Grievance Procedure for Employee Terminations, Discipline and Workplace Safety Procedure (see Addendum C).

#### **ARTICLE 16: WORKPLACE SAFETY AND INJURIES**

Any unsafe practice or condition affecting persons, property or equipment must be reported immediately to a supervisor. Should a hazardous situation exist, safety concerns take precedence over continuing operations. Refer to the City of Manitowoc Grievance Procedure for Termination, Discipline and Workplace Safety (Addendum C) as adopted by the Common Council. An employee who identifies a new way to improve workplace safety should make the recommendation known to their supervisor.

**Section 1. Injury Reporting.** Injuries which occur in the workplace must be reported immediately to a supervisor. Medical attention should be sought as situations dictate. The supervisor is responsible for assisting the employee in filing a City of Manitowoc Employee Injury/Illness Report Form.

**Section 2. Light Duty.** Light duty assignments will be made available for an employee with medical restrictions on a limited term basis when management determines such work is available.

**Section 3. Worker's Compensation.** Treatment for injuries which occurred at the workplace and were determined to be covered by worker's compensation should be communicated to human resources, and department management.

Employees shall receive full compensation for the date of injury recorded as regular hours worked. All subsequent days off are recorded as Worker's Compensation.

Worker's compensation treatment appointments must be scheduled outside of work hours whenever possible.

- If an employee is unable to schedule outside of work hours due to lack of availability of appointments, pre-approval from the Department Head is required to attend during scheduled work time, and to use Extended Leave. Note: This option is limited to those times that no appointments are available outside of work hours.
- If an employee chooses to make appointments during the workday, they will not be compensated for this time, however, they may choose to substitute paid leave or use flex time to attend appointments with prior approval from their supervisor.

#### **ARTICLE 17: DEPARTMENTAL WORK RULES**

Management may impose department specific work rules in addition to those listed in this Policy.

#### **ARTICLE 18: DRIVER'S LICENSE/VEHICLE REQUIREMENTS**

Employees who are required to drive vehicles as a function of their position must possess a valid driver's license with all required endorsements. The City is not required to find alternative work for an employee

who does not maintain the appropriate licensure. Employee's using their own vehicle for City business are required to carry auto insurance as required by the State of Wisconsin. An employee who drives either a City vehicle or their own vehicle to perform the functions of their position, must immediately report any traffic citation received to their immediate supervisor.

#### **ARTICLE 19: PERSONAL APPEARANCE**

The City of Manitowoc prides itself on a professional atmosphere and the positive image employees present as representatives of the City. Employees who work in an administrative setting may dress appropriately in business casual attire. Please note that this policy is meant to address employees who work primarily in an administrative capacity. Employees who work in the field should discuss dress code expectations with their supervisor.

Our goal is to provide a workplace environment that is comfortable and inclusive for all employees. Employees are expected to demonstrate good judgment and professional taste. Portraying a professional image to members of the public is a factor that should be considered when assessing whether attire is appropriate. During business hours or when representing the City, employees are expected to present a neat, clean and professional appearance and limit natural or artificial scents that could be distracting or annoying to others. Clothing shall be clean, well-maintained, and appropriate for the workplace setting and for the work being performed. Employees should consider the work meetings and events scheduled for their day when making decisions about attire. For example, consider wearing more formal attire on days that include Committee meetings or appointments with consultants or vendors.

Supervisors or Department Heads will address employees who wear attire that is inappropriate in the workplace or use fragrance inappropriately on an individual basis rather than subjecting all employees to a more stringent dress code for appropriate attire. The decision of Human Resources or a supervisor to disallow clothing is final.

Department Heads may establish specific dress code requirements for individual departments based solely on safety (allow shorts on extreme temperature days when performing non-hazardous duties). All protective clothing such as safety glasses, safety shoes, hard hats, hearing protection, etc., must be worn during required activities.

This policy does not apply to employees required to wear a uniform.

#### **ARTICLE 20: SMOKING/TOBACCO**

Smoking or tobacco use is not permitted at any time in City facilities or City owned vehicles.

#### **ARTICLE 21: BULLETIN BOARDS**

The City will keep employees informed about activities through posting on bulletin boards. The City website, specifically the Intranet and Employee Web Portal, will be used for such posting.

#### **ARTICLE 22: ASSOCIATION ACTIVITY**

Association (Union) activity should be conducted outside of the work day. The Business Manager or Staff Representative may be granted prior permission by the employee's supervisor to meet with the employee during the workday if necessary. Permission will be granted in a non-discriminatory manner.

#### **ARTICLE 23: POLITICAL ACTIVITIES**

Employees are free to engage in political activity outside of work hours. When engaging in political activity or engaging in discussion of issues of public importance, an employee is expected to ensure that their personal actions and positions are not attributed to the City. City resources may not be used for promoting a particular candidate or political party or for advocating a particular position on an issue that has become identified as the viewpoint of a particular candidate or party. City resources include office supplies, employees on City paid time, electronic equipment including e-mail, facsimile and photocopying machines, bulletin boards and other publicly owned spaces. (Use of bulletin boards at City Hall requires authorization of the Mayor's designee and is off-limits to public use.)

**Political activities must be conducted independent of your role as an employee.**

#### **ARTICLE 24: FACILITIES AND EQUIPMENT USE**

Facilities and equipment owned by the City of Manitowoc are for the specific purpose of its operations when providing services as a municipal government. Personal use of facilities and equipment is strictly prohibited with the exclusions of fitness equipment, the firing range and the DPW Shop as detailed in the DPW Shop Use Policy.

#### **ARTICLE 25: GIFTS AND FAVORS**

No official or employee may solicit or accept from any person or organization, directly or indirectly, anything of value that could reasonably be expected to influence their actions or judgment, or could reasonably be considered a reward for action or inaction.

#### **ARTICLE 26: SOLICITATION**

In order to maintain a work environment that protects employees from undue interference while performing their duties, employees may not orally solicit or distribute written materials for any organization, fund, activity or cause to other employees in work areas or while either employee is on working time.

#### **ARTICLE 27: SECONDARY EMPLOYMENT**

Employment with the City by full-time and part-time employees should be considered the employee's primary employment. Secondary employment with other entities must not conflict with the duties of the employee. The City has prior call upon the services of its employees regardless of any conflict with secondary employment. An employee who engages in secondary employment must clearly define themselves as an employee of the secondary employer and not act or present themselves as an employee or agent of the City. The employee may not use City resources for the purposes of their

secondary employment, including City email accounts. The City may terminate the employment of an employee whose secondary employment may interfere with the performance of their work, where a conflict exists, where the interests of the City are impacted as a result of the secondary employment, or where such employment or conduct negatively affects the image of the City or employees. An employee will not be permitted to work for another employer while on a leave of absence or while absent for illness from the City. An employee who desires to hold secondary employment while employed by the City must ~~inform~~ complete the Secondary Employment Form and submit it to Human Resources. Human Resources will inform the appropriate Department Head who may grant permission to the employee to maintain both sources of employment. Should the employee's Department Head change, the employee must seek approval from the new Department Head. Library employees must obtain permission from the Library Director and are not required to inform Human Resources. For employees working less than 20 hours per week, supervisors may allow for scheduling accommodations if possible.

#### **ARTICLE 28: COMMUNICATIONS AND CONFIDENTIALITY**

Communication is a joint responsibility shared by the City and employees. No information concerning the internal operations of the City, including, but not limited to, the release of records of the City, may occur except through, and with the permission of, the designated records custodian. Requests for information made to employees, whether on or off duty, must be referred to the records custodian. Documents which are publicly available on the City website or Granicus may be released without consulting with the record's custodian.

Because of an employee's responsibilities at the City, an employee may have access to confidential City, resident, personnel or other sensitive information. This may include, but is not limited to, information concerning a resident's financial status, the City's business practices, including purchasing and negotiating strategies and employee records. This sensitive information cannot be disclosed to any personnel who do not have a legitimate business need to know, or to such persons outside of the City unless appropriately released by the records custodian. Official City business is confidential unless the records custodian determines otherwise.

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

#### **ARTICLE 29: ELECTRONIC COMMUNICATION AND INFORMATION SYSTEMS POLICY**

##### **Section 1. Purpose.**

The purpose of this policy is to provide guidance on the proper use of the various electronic systems and services available to employees, including but not limited to computers, email, telephones, voicemail, on-line services, social media, cameras, laptops, and the Internet. This policy cannot provide rules to cover every possible situation. The purpose of the policy is to express the City's general philosophy and set forth guidelines governing the use of electronic systems and services. Employees

who abuse this policy risk having privileges or resources removed from them, and could be subject to discipline up to and including discharge, civil liability, and criminal prosecutions.

**Section 2. Organizations Affected.**

This policy applies to the City of Manitowoc, including departments, offices, boards, commissions, committees, and employees.

**Section 3. Access and Authority.**

Department Heads shall determine access to systems and services, and who shall have authority to communicate on behalf of the City. The provisions of this policy shall apply to the use of City-owned and provided equipment, regardless of the location of usage.

**Section 4. Privacy.**

Electronic information created and/or communicated by an employee using City email, utility programs, voice mail, telephones, internet systems, faxes, computer documents, and similar electronic media may be accessed and monitored by the City. The City reserves the right to review, monitor, intercept, access, and disclose all messages created, received, or sent over electronic communication systems.

**Section 5. Prohibited Usage.**

1. Electronic systems and services cannot be used for knowingly transmitting, retrieving, or storing any communications that are considered:
  - a. Personal business on City time, except as otherwise permitted by this Policy
  - b. Discriminatory or harassing
  - c. Derogatory to any individual or group
  - d. Obscene, as defined in Wis. Stat. § 944.21
  - e. Defamatory, threatening, fraudulent, or malicious
  - f. Illegal
  - g. Contrary to any City policy or the best interests of the City
  - h. Sent with intent to frighten, intimidate, threaten, abuse or harass
  - i. Materials considered offensive, including but not limited to: those with sexual implications, nude images, racial slurs, gender-specific comments, or any other comment offensively addressing someone's age, race, creed, color, sex, ancestry, religious or political beliefs, marital status, sexual orientation, national origin, or disability
  - j. Using another individual's account or identity without explicit authorization
  - k. An attempt to test, circumvent, or defeat security or auditing systems, without prior authorization
  - l. An attempt to access, retrieve, or read any email message or attachments sent to another individual, unless authorized
  - m. Sending City-wide group emails for non-work-related issues
  - n. Permitting any unauthorized individual to access the City's system
2. Employees should not download or transfer software onto the City system without the approval of the IT Department.
3. Employees should not use software without appropriate licenses.
4. Printers, copiers, and fax machines are provided strictly for City business purposes. Any personal usage should be minimal and approved by a supervisor.

5. Employee owned devices should not be connected to the City network without supervisor approval.
6. Freeware or shareware is not authorized on City devices unless endorsed by the IT department, who will verify license usage.

#### **Section 6. Authorized Personal Use of Computers or iPads.**

Electronic systems and services are provided for business usage during City time. Limited, occasional, or incidental use of electronic systems for personal, non-business purposes is permitted as set forth below unless restricted elsewhere:

1. Personal usage is allowed during breaks, lunch, or immediately before/after work
2. Personal use must not interfere with productivity of the employee or coworkers
3. Personal use may not involve any prohibited activity
4. Personal use must not consume system resources or storage capacity on an ongoing basis
5. Personal use must not deplete system resources for business purposes
6. Employees shall have no expectation of privacy when using the City's electronic systems and services for personal usage.

#### **Section 7. Telephone and Cell Phone Usage.**

City phones and cellular phones are to be used for City business. Brief, limited, personal use is permitted during the day. Employees shall refrain from using cell phones or other electronic devices while operating City vehicles or machinery unless it is necessary for the performance of their job.

#### **Section 8. Security.**

Employees must respect the confidentiality of other individuals' electronic communications. Employees should not divulge their passwords and are expected to comply with all IT policies regarding passwords and login credentials.

#### **Section 9. Email Special Emphasis.**

The purpose of this section is to emphasize that most emails sent using the City email system are public records. The same rules which apply to record retention and disclosure for other City documents apply to email as well.

1. **Nature of Email.** As a general rule, emails sent on the City system whenever a paper message (letter, memo) with the same content would be a public record. See Wis. Stat. § 19.32(2) for the definition of a record. This includes the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the email, as well as return receipts.
2. **Public Access to Email Records.** If a department receives a request for release of an email, they should contact the City Attorney's office for advice prior to release.
3. **Access to Email Records by Anyone Other than the Account User.** While the City reserves the right to access employee emails at any time, information contained in the email system shall only be disclosed to the extent permitted by law, for business purposes, or as needed to enforce City policies. When email is accessed by someone other than the account holder, it should be done for one of the following reasons:
  - Access by the IT department for system maintenance or administration

- Access approved by the employee, the Employee’s Department Head, or an officer of the City, when done for an urgent business reason.
  - Access approved by the City Attorney or the Human Resources Director and at least one of the following: the Mayor, the Council President or Library Board President, and the Employee’s Department Head when there is reason to believe the employee is using email in violation of City policies.
  - Access by the City Attorney or designated staff to comply with a court order, open records request, or request from law enforcement.
  - Access approved by three of the following: City Attorney, Human Resources Director, Mayor, Employee Department Head, and Council or MPL Board President, when there is an internal investigation into employee misconduct.
4. **Regular Use of Email.** Any employee issued a City email address shall be expected to monitor and read emails at least once a week. If an employee fails to receive information sent via email due to failure to check their email, they may be subject to discipline.
  5. **Personal Use of Email.** Personal use of the email system should be avoided.
  6. **Email Signature Blocks.** *Note: this section does not apply to Manitowoc Public Library employees.* City email signatures are expected to align with the following guidelines:
    - a. **Required to contain:** Employee name, position, department if not obvious from position, City phone number.
    - b. **May contain if desired:** City-related information and links, credentials, your pronouns, City-issued cell phone number, City email address.
    - c. **May not contain:** Personal contact information, quotes, links to non-City websites not affiliated directly to your credentials.

**Section 10. Out of Office.**

Employees are expected to set their out of office messages on their voicemail and email systems if they will be out of the office for 8 hours or more. This does not apply to part-time employees working 20 or fewer hours per week.

**ARTICLE 30: DISCRIMINATION, HARASSMENT AND RETALIATION FREE WORKPLACE**

It is the policy of the City of Manitowoc that all employees have the right to work in an environment free of all forms of harassment and retaliation. The City will not tolerate, condone, or allow harassment or retaliation by any employee or other non-employees who conduct business with the City. The City considers harassment, discrimination and retaliation of others to be forms of serious employee misconduct. As such, the City shall take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment, discrimination and retaliation. A violation of this City policy can lead to discipline up to and including termination, with repeated violations, even if “minor,” resulting in greater levels of discipline as appropriate.

**PROHIBITED ACTIVITY & RESPONSIBILITY**

**A. Sexual Harassment**

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



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

**B. Harassment**

Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.

No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on age, ancestry, arrest & conviction record, color, creed, disability, genetic testing, honesty testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex (including sexual harassment), sexual orientation, and use or nonuse of lawful products of the employer's premises during non-working hours. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City.

**C. Retaliation**

1. Retaliation against any employee or applicant for filing a harassment or discrimination complaint for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
2. Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
3. Generally, any materially adverse action taken against an employee or applicant "because of" protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances, but must be considered "materially adverse," thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint. Examples of conduct that may be considered retaliation include:
  - a. Discharge
  - b. Demotion or not promoting
  - c. Reduction in pay
  - d. Reassignment of job duties
  - e. Giving a less distinguished job title
  - f. Filing false criminal charges against an employee
  - g. Significantly diminishing an employee's responsibilities
  - h. Unwarranted negative performance evaluations (impacting promotional opportunities)
  - i. Increased scrutiny of employee's work

- j. Refusing to restore lost leave time
- k. Isolation or shunning an employee

4. **Complaint Procedure:** Any employee who believes that they are being retaliated against shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney, or Mayor.
5. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and is subject to discipline up to and including termination.
6. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors, and the appropriate internal investigative authority.

#### **D. Covered Individuals**

Individuals covered under this policy include employees, applicants for employment, volunteers, members of the public, elected officials, and appointed boards and commissions.

#### **E. Supervisory Responsibilities**

1. Each supervisor shall be responsible for preventing prohibited activities as defined above by:
  - a. Monitoring the work environment on a daily basis for signs that harassment or retaliation may be occurring;
  - b. Training and counseling all employees on what constitutes harassment, sexual harassment and retaliation, on the types of behavior prohibited by the City's policy and procedures for reporting and resolving complaints of harassment or retaliation.
  - c. Stopping any observation that may be considered harassment or retaliation, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision; and
  - d. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending an investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

#### **F. Employee Responsibilities**

1. Each employee of this agency is responsible for assisting in the prevention of harassment and retaliation through the following acts:
  - a. Refraining from participation in, or encouragement of actions that could be perceived as harassment or retaliation.
  - b. Reporting acts of harassment or retaliation to a supervisor; and
  - c. Encouraging any employee who confides that they are being harassed, discriminated or retaliated against to report these acts to a supervisor.

2. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

**G. Complaint Procedures**

1. Any employee encountering harassment or retaliation is encouraged but not required to inform the person that their actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment and retaliation in order to provide the fullest basis for investigation.
2. Any employee who has unsuccessfully attempted to terminate the harassment or retaliation by means of Section 1 and who believes that they are being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment or retaliation, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney, City Administrator or Mayor. For library employees, they may also file a complaint with the Library Director or MPL Board President.
  - a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment or retaliation, any witnesses to the incident(s) and the date(s) on which it occurred.
3. An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
  - a. **State of Wisconsin – Equal Rights Division**  
201 East Washington Avenue  
Madison, WI 53703  
Phone: 608-266-6860
  - b. **Equal Employment Opportunity Commission**  
210 Martin Luther King Boulevard  
Madison, WI 53703  
Phone: 608-266-4910
  - c. If the employee exercises the reporting options of (a) or (b) from above, they must file a copy of the complaint with the City Attorney within 24 hours of filing the complaint.
4. The internal investigation authority shall be responsible for investigating any complaint alleging harassment, discrimination or retaliation.
  - a. The internal investigative authority shall immediately notify the chief executive officer and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
  - b. The investigation shall include a determination as to whether other employees are being harassed or retaliated against by the person, and whether other City

- employees participated in or encouraged the harassment or retaliation.
- c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
  - d. A file of harassment, discrimination and retaliation complaints shall be maintained in a secure location. The chief executive officer shall be provided with an annual summary of these complaints.
5. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.
  6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
  7. Complaints of employees accused of harassment and/or retaliation may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment or retaliation claim.

#### H. DEFINITIONS

1. **Harassment on any basis (race, sex, age, disability etc.) exists whenever:** Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.
2. **Non-Verbal:** Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures, any material which inappropriately raises the issues of sex or discrimination, or treating an employee differently than other employees when they have refused an offer of sexual relations.
3. **Other Forms of Harassment:** Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.
4. **Physical:** Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.
5. **Retaliation (addressed under Title VII of the Civil Rights Act of 1964):** It shall be an unlawful employment practice for an employer to discriminate against any of their employees or applicants for employment, for an employment agency, or joint labor management committee controlling apprenticeship or other training or retraining, including on the job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, ***because they have opposed any practice made an unlawful employment practice by this subchapter, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.***

6. **Unwelcome:** Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcomed even though the victim voluntarily engages in it to avoid adverse treatment.
7. **Verbal Harassment:** Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic description of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

All of the laws we enforce make it illegal to fire, demote, harass, or otherwise "retaliate" against individuals (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

For example, it is illegal for an employer to refuse to promote an employee because they filed a charge of discrimination with the EEOC, even if EEOC later determined no discrimination occurred.

#### **Retaliation & Work Situations**

The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

#### **ARTICLE 31: EEO/ADA**

The City of Manitowoc is an equal employment opportunity (EEO) employer.

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

An employee who feels their complaint has not been handled correctly or does not feel it is practical to file a complaint through the above procedures, may file the complaint with either or both of the following:

Wisconsin Equal Rights Division-Milwaukee (FEPA)  
819 North Sixth Street, Room 255  
Milwaukee, WI 53203

414-227-4384      TTY 414-227-4081

Equal Employment Opportunity Commission  
Reuss Federal Plaza  
310 West Wisconsin Avenue, Suite 800  
Milwaukee, WI 53203-2292  
800-669-4000      TTY800-669-6820

An employee exercising one or both of these reporting options must file a copy of the complaint with the City Attorney within 24 hours of filing the complaint with the above agency.

**ARTICLE 32: DRUG FREE WORKPLACE**

Please refer to the separate Drug Free Workplace Policy and the Drug and Alcohol Prevention Policy for DOT-Regulated employees.

**ARTICLE 33: SAVINGS CLAUSE**

If legal rulings declare a portion of this policy unlawful, the remainder of this policy shall not be affected.

**ARTICLE 34: NOTICE OF SEPARATION INCENTIVE**

Any employee who has been employed with the City of Manitowoc for at least three years, and gives at least a 120-day notice of resignation or retirement, will receive a \$500 bonus. Only employees who are separating from the City of Manitowoc in good standing are eligible for this benefit.

**ARTICLE 35: BONE MARROW AND ORGAN DONATION LEAVE**

The Wisconsin Bone Marrow and Organ Donation Leave Act (Section 103.11 Wis. Stats) provides qualifying employees with up to six (6) weeks of job-protected leave in a 12-month period for the purpose of undergoing a bone marrow or organ donation procedure and to recover from the procedure.

To qualify for leave an employee must have worked for the City for at least 52 consecutive weeks and have worked at least 1,000 hours during the 52-week period prior to the start of the leave.

Employees intending to take leave for the purpose of serving as a bone marrow or organ donor must make a reasonable effort to schedule the donation procedure so that it does not unduly disrupt the City's operations, subject to the approval of the health care provider of the bone marrow or organ donor recipient. Employees must submit a written request to their supervisor and Human Resources at least 30 days in advance of the leave when possible. In addition, the employee must submit written documentation from the health care provider to Human Resources at least 15 days prior to the commencement of the leave certifying:

- The donor recipient has a serious health condition that necessitates a bone marrow or organ transplant;
- The employee is under the health care provider's care, is eligible, and has agreed to serve as a bone marrow or organ donor for the donor recipient; and
- The amount of time expected to be necessary for the employee to be off work for the procedure and to recover from the procedure.

Leave taken under the Wisconsin Bone Marrow and Organ Donation Leave Act will be unpaid, unless the employee chooses to substitute sick, vacation, or other accrued leave time. Bone Marrow and Organ Donation Leave will run concurrent with Federal and State FMLA. Employees enrolled in the City's group health and dental plans will maintain their coverage during the leave under the same terms as if the employee continued to work. The employee will be required to pay their regular portion of insurance premiums.

Employees returning from leave must provide a "Fitness for Duty" statement signed by their health care provider.

### **ARTICLE 36: DONATION OF LEAVE POLICY**

#### **Section 1. General Policy**

The City of Manitowoc understands the financial crisis that a serious qualifying event may cause our employees. Since employees are the City's most valuable resources, the City understands that there are times when an employee may not have enough leave time to facilitate the necessary time off to address these issues. The following policy has been established by City leaders to provide employees a chance to donate a portion of leave time to qualified employees who need additional time off.

#### **Section 2. Definitions**

"Qualifying event" refers to a qualified Federal Family and Medical Leave Act (FMLA) designation or other reasonable documentation acceptable to Human Resources.

"Family Member" includes:

- Employee's spouse
- Employee's children (including adopted, step, and foster)
- Employee's parents

"Recipient" is the employee requesting donated leave time.

"Donor" is the employee donating leave time.

#### **Section 3. Eligibility**

##### **Recipients**

- Must have no remaining sick leave, PTO, vacation, or other paid leave to apply to the absence from work.

- City reserves the right to deny eligibility if employee has a written reprimand on file in the past 6 months or has been suspended without pay in the past 12 months.
- Time off must be justified by medical verification (FMLA) or other reasonable documentation acceptable to Human Resources.
- Employees approved for FMLA are not automatically eligible for this program. Final determination will be made by Human Resources with consideration of employee's past leave usage.
- Only employees eligible for leave may participate in this program.

Donors

- Only employees with more than 96 hours available in their PTO bank or 12 days of vacation/sick leave balance are allowed to donate leave (pro-rated for part-time employees). No employee may donate hours that results in a balance of less than 96 hours or 12 days in available leave.
- An employee may not donate leave if they have already submitted in writing their intent to leave employment (resignation or retirement).
- Employees who are currently suspended (with or without pay) or employees who are on FMLA are prohibited from donating time.

**Section 4. Procedure**

An employee wishing to receive leave donations must fill out the Employee Donation Request Form and forward it to the Human Resources Department. A decision regarding approval or denial will be made as quickly as possible.

When a potential Recipient signs the Request Form, they authorize the communication of the Recipient's need City-wide, according to the authorization statement.

Human Resources will send out an email to all City employees outlining the request and allow employees the option of donation leave.

Those interested in donating their leave should do so in writing, which may include email correspondence, to the Human Resources Department before the designated deadline.

All hours designated for donation will be removed from the donor's leave bank on the date of the deadline.

If the employee does not use all of the donated time, the remaining hours will be held in a "donation account" which can be then be used by other employees in future requests for donation of time.

Recipients may request, in writing, to be notified of the names of employees who donate time.

**Section 5. Requirements**

- Recipients will not accrue any benefits (PTO, vacation, sick, etc.). However, the recipient will be eligible for insurance benefits until the donated leave is exhausted.
- Time donated will be calculated on an hour-for-hour basis regardless of the difference in pay or work status.



- Payments received under this policy are considered other income under the IRS guidelines, also to be included in the employee's W-2 reporting. Employees are reminded to review their income tax withholdings and adjust them if necessary.
- All donated leave is final upon submission to Human Resources.
- Total donations to any one employee may not exceed six weeks per year.
- For full-time employees, leave must be donated in eight-hour increments. Part-time employees wanting to donate may do so in four-hour increments.

### **ARTICLE 37: MEDIA RELATIONS POLICY**

The City of Manitowoc seeks to work cooperatively with the media to disseminate information of public interest and concern in an accurate, complete, and timely manner. The press should be treated like a customer of the City and all City employees or officials who engage with the press shall do so in a courteous, polite, and professional manner.

Any media inquiries received by City staff will be referred to their Department Head, who may designate one of the authorized spokespersons (listed below) to assist with, or give the City's response. To assure that the City's elected officials have accurate, complete, and timely information to fulfill their responsibilities to represent the public in City affairs, they shall be informed by email of the substance of significant media inquiries and of the City's official response. They shall be notified of all official City press releases.

Authorized Spokespersons:

- Mayor and Common Council members
- Library Board (for Library-related requests)
- All Department Heads
- City employees with expertise on a specific issue

Since the Manitowoc Police Department and Manitowoc Fire Rescue Department operate 24/7 and their work has the potential to generate a high volume of media calls, these departments shall designate Public Information Officers to represent their own departments and follow their own specific guidelines when releasing information.

Any request by the media for information which is not readily publicly available shall be referred to the City Attorney's Office.

### **ARTICLE 38: EMPLOYEE CONCERN POLICY**

The City of Manitowoc strives to create an ethical and open work environment.

Employees are expected to report activities they consider to be illegal, unethical, or dishonest internally. Employees are not responsible for formally investigating the activity or determining fault or corrective measures. Instead, as discussed below, appropriate City personnel are charged with these responsibilities.

Examples of illegal, unethical, or dishonest activities include, but are not limited to:

- Violations of federal, state or local laws
- Theft or inappropriate removal or possession of property
- Unethical or criminal conduct in or outside of the workplace
- Falsification of timekeeping records
- Violation of regulatory standards
- Sexual or other unlawful or unwelcome harassment (See Article 30 for further details)
- Unauthorized disclosure of business “secrets” or confidential information

Employees with knowledge of or a concern about actual or potential illegal, dishonest, or fraudulent activity should contact the Fraud Hotline at **920-686-6973**. The City Attorney and Human Resources Department will investigate your concerns and determine the proper course of corrective action.

Confidentiality will be maintained whenever possible. However, an employee’s identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their Constitutional rights of defense. The City will not retaliate, nor permit retaliation, against anyone who brings forward a legitimate concern under this policy. Employees who are concerned about retaliation should contact the Human Resources Department immediately. Protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

If you have questions about this policy, please contact your supervisor, the City Attorney or the Human Resources Department.

### **ARTICLE 39: ARTIFICIAL INTELLIGENCE**

The use of generative artificial intelligence (AI) chatbots is allowed as an efficiency and idea-generating tool. Employees shall take full responsibility for anything they produce with the assistance of AI. Any employee using AI to assist in their work shall comply with the following conditions:

- Do not provide confidential or sensitive information to the program. Data that is given to AI chatbots is used by the AI when interfacing with all users. HIPAA and intellectual property violations are just a few of the laws that can be broken sharing data with AI.
- Do not rely upon the content produced by the AI program. AI programs have been known to fabricate data and infringe upon copyrights. Double check through reliable sources any factual statements, quotations, citations, and anything else the program purports to be true.
- Maintain strong passwords and keep all software up to date before using an AI chatbot.

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**ADDENDUM "A" CITY COMPENSATION TABLE**

<https://www.manitowoc.org/DocumentCenter/View/25985/Current-Compensation-Plan-Structure>

**Exempt**

Rev 01.2024

Grade	Job Title	Job ID#	Department	Hire Rate	5-Year Rate Set Annually	Max Rate
T	City Attorney	10031	Attorney	<i>salary</i> \$112,154	\$128,176	\$144,198
	Director of Public Infrastructure	10046	DPI			
	Director of Community Development	10045	Comm Dev			
	Municipal Judge (.25 FTE)		Elected		\$32,044	
S	Finance Director/Treasurer	10056	Finance	<i>salary</i> \$103,331	\$118,092	\$132,854
	Fire Chief	10029	Fire Rescue/Inspection			
	Human Resources Director	10062	HR			
	Police Chief	10100	Police			
R	Executive Director	10071	Library	<i>salary</i> \$96,708	\$110,523	\$124,338
		10186				
Q	Tourism Director	10207	Tourism	<i>salary</i> \$92,287	\$105,471	\$118,654
	Mayor (2025)	10178	Elected			
P	Assistant Fire Chief	10044	Fire Rescue/Inspection	<i>salary</i> \$87,884	\$100,439	\$112,994
	Assistant Police Chief	10019	Police			
	Deputy Police Chief	10041	Police			
O	Engineering Division Manager	10053	DPI	<i>salary (2080)</i> \$83,463	\$95,387	\$107,310
	Executive Director	10105	RWAM			
	Battalion Chief (24-hr shifts/2912)	10219	Fire Rescue/Inspection	<i>salary (2912)</i> \$83,463	\$95,387	\$107,310
	Captain of Detectives (40 hrs/2080)	10024	Police			
	Captain (37.5 hrs/1950)	10025	Police	<i>salary (1950)</i> \$78,247	\$89,425	\$100,603
N	City Planner	10172	Comm Dev	<i>salary</i> \$79,061	\$90,355	\$101,650
	Assistant City Attorney	10018	Attorney			
	Operations Division Manager	10091	DPI			
	Building & Grounds Division Mgr	10023	DPI			
M	City Clerk/Deputy Treasurer	10032	Clerk	<i>salary</i> \$74,638	\$85,301	\$95,963
	Parks & Recreation Division Manager	10094	DPI			
	Inspector Supervisor	10065	Fire Rescue/Inspection			
	Transit Division Manager	10153	DPI			
	Destination Sales and Marketing Manager	10208	Tourism			
L	Comptroller	10037	Finance	<i>salary</i> \$70,236	\$80,269	\$90,303
	Planner-Business & Housing Dev	10099	Comm Dev			
K	Business Manager	10171	DPI	<i>salary</i> \$65,815	\$75,217	\$84,619
	Office Manager	10090	Police			
	Transit Operations Supervisor	10155	DPI			
	Public Services Manager	10080	Library			
	Materials Manager	10077	Library			
	Youth Services Manager	10083	Library			
	Staff Engineer	10206	DPI			
J	Assistant Director	10089	RWAM	<i>salary</i> \$61,412	\$70,185	\$78,959
	Facilities Manager	10072	Library			
I	Systems Administrator	10220	Library	<i>salary</i> \$56,991	\$65,133	\$73,275

**Non-Exempt**

Rev 01.2024

Grade	Job Title	Job ID #	Department	Hire Rate	5-Year Rate Set Annually	Max Rate
N	Training Lieutenant* (40 hrs/2080)	10152	Police	<i>salary (2080)</i> \$79,061	\$90,355	\$101,650
	Lieutenant* (37.5 hrs/1950)	10097	Police	<i>salary (1950)</i> \$74,120	\$84,708	\$95,297
	<i>*Salary but eligible for OT after 8 hrs</i>			<i>hourly</i> \$38.01	\$43.44	\$48.87
L	vacant			<i>hourly</i> \$33.77	\$38.59	\$43.42
K	Commercial Electrical Inspector	10050	Fire Rescue/Inspection	<i>hourly</i> \$31.64	\$36.16	\$40.68
	Plumbing Inspector	10179	Fire Rescue/Inspection			
	Building Inspector	10035	Fire Rescue/Inspection			
	Electrician	10051	DPI			
	GIS Coordinator	10021	Comm Dev			
	Park Planner	10092	DPI			
	J	Fleet Team Leader	10058	DPI	<i>hourly</i> \$29.53	\$33.74
Streets Team Leader	10150	DPI				
Recreation Team Leader	10107	DPI				
GIS/Land Records Analyst	10060	DPI				
I	Paralegal	10093	Attorney	<i>hourly</i> \$27.40	\$31.31	\$35.23
	Mechanic	10182	DPI			
	Engineering Technician	10054	DPI			
	Surveyor Technician	10033	DPI			
	Generalist	10063	HR			
	Cemetery Team Leader	10027	DPI			
	Parks Team Leader	10096	DPI			
	Housing Enforcement Inspector	10061	Fire Rescue/Inspection			
	Librarian	10066	Library			
	Media and Special Events Coordinator	10209	Tourism			
	H	Maintenance Engineer	10084	DPI	<i>hourly</i> \$25.27	\$28.89
Arborist/Forester	10059	DPI				
Zoo Curator of Animals	10160	DPI				
Zoo Curator of Education	10161	DPI				
Deputy City Clerk	10042	Clerk				
Engineering/Stormwater Technician	10148	DPI				
Accountant	10002	Finance				
Payroll Administrator	10098	Finance				
Assistant to the Mayor	10020	Mayor				
Inspection Administrative Assistant	10004	Fire Rescue/Inspection				
Administrative Assistant	10005	Police				
Administrative Assistant	10007	Comm Dev				
Administrative Assistant	10169	DPI				
Fire Administrative Assistant	10003	Fire Rescue/Inspection				
Senior DPI Laborer	10216	DPI				
Associate - PT	10163	Library				
Associate - FT	10068	Library				
Business Office Coordinator	10069	Library				

**Non-Exempt (cont)**

Rev 01.2024

Grade	Job Title	Job ID #	Department		Hire Rate	5-Year Rate Set Annually	Max Rate								
G	Court Evidence Clerk	10038	Police	hourly	\$23.16	\$26.47	\$29.77								
	DPI Laborer	10047	DPI												
	Parks Laborer	10095	DPI												
	Streets Laborer	10149	DPI												
	Zookeeper	10162	DPI												
	Municipal Court Clerk	10088	Finance												
	Property Evidence Clerk	10104	Police												
	Maintenance Mechanic	10085	DPI												
	CSW Supervisor/Fleet Maintenance	10215	Police												
	F	Administrative Support Specialist	10011	DPI	hourly			\$21.03	\$24.04	\$27.04					
Administrative Support Specialist	10168	Police													
Administrative Support Specialist	10013	RWAM													
Administrative Support Specialist	10009	Clerk													
Eng Administrative Support Specialist - PT	10012	DPI													
Parks/Rec Administrative Support Specialist	10014	DPI													
Mobility Manager (Transit)	10087	DPI													
Administrative Clerk	10201	Police													
HR Assistant	10204	HR													
Materials Technician - PT	10177	Library													
Materials Technician - FT	10075	Library													
Marketing Technician	10076	Library													
E	Custodian	10039	DPI	hourly	\$19.44	\$22.22	\$25.00								
Community Service Worker	10036	Police													
Customer Service Clerk - PT	10040	Transit													
D	Assistant	10067	Library	hourly	\$18.39	\$21.01	\$23.64								
C	Bridgetender	10022	DPI	hourly	\$17.32	\$19.79	\$22.27								
L1	Maintenance Technician	10073	Library	hourly	\$12.93	\$14.78	\$16.63								
L2	Clerk	10070	Library	hourly	\$11.94	\$13.65	\$15.35								
	Rahr-West Visitor Service Clerks	10147	RWAM												
L3	Page	10079	Library	hourly	\$8.95	\$10.23	\$11.51								
	Recruit Officer	10167	Police	hourly	\$20.00	\$20.00	\$20.00								
	School Crossing Guards	10108	Police	hourly	\$15.00	\$15.25	\$15.75	\$16.00	\$16.25	\$16.50	\$16.75	\$17.00	\$17.25	\$17.50	\$17.75



**ADDENDUM "B" LIBRARY**

**LIBRARY BOARD**

The Manitowoc Public Library Board (MPL) of Trustees has the final and sole responsibility for the establishment of all personnel policies governing the staff of Manitowoc Public Library. The Library Director has responsibility for administering all personnel policies governing the staff of Manitowoc Public Library including the responsibility to hire as put forth in the Wisconsin Statutes 43.58 which states that "the library board shall supervise the administration of the public library and shall appoint a librarian, who shall appoint such other assistants and employees as the library board deems necessary, and prescribe their duties and compensation." This document is subject to revision or amendment upon action of the Library Board of Trustees.

**HIRE OR PROMOTION OF CLOSE RELATIVE**

No close relative of any Manitowoc Public Library employee shall be hired or promoted by Manitowoc Public Library unless such hiring or promotion shall be approved by the Board of Trustees. The term "close" relative shall mean any spouse, parent, child, grandchild, grandparent, brother, sister, niece, nephew, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. Relative shall also include a step relation.

**PAID TIME OFF**

**Section 1. Vacation Time Off.** Eligible employees will be provided annually with personal time off while meeting the operational needs of the Library according to the appropriate schedule below. Personal time off will accrue and become available on a pro-rata basis each payroll cycle. All time off requests must have prior approval from the employee's direct supervisor. Paid time off benefits are pro-rated for part-time employees working less than 80 hours per pay period. Part-time employees working less than 40 hours per pay period are not eligible for paid time off benefits.

Vacation time must be scheduled in advance and approved by a supervisor/manager.

A) Non-Exempt (Hourly) Employees

1 <sup>st</sup> thru 5 <sup>th</sup> year	80 hours
6 <sup>th</sup> thru 10 <sup>th</sup> year	120 hours
11 <sup>th</sup> thru 20 <sup>th</sup> year	160 hours
After 20 years	200 hours

B) Exempt (salaried) and professional librarian employees

1st through 3rd year	80 hours
4th through 10th year	120 hours
11th through 20th year	160 hours
After 20 years	200 hours

Employees who terminate employment will receive payment at the employee's regular rate of pay for all accrued, unused and available vacation and floating holidays, provided the employee

gives their direct supervisor proper written notice two weeks in advance in the event of their voluntary termination, or 30 days advance notice in the event of retirement.

At no point in time will an employee be allowed to exceed 115% of allotted vacation time off. All time off exceeding 115% will be cancelled and no payment made.

As of the date of application of the above schedule to existing employees, no existing employee will have a reduction in their current personal time off accrual. An employee so affected will be frozen at their current level until such time as they are eligible to advance through years of service according to the applicable schedule above, and will then continue according to that schedule.

**Section 2. Personal/Float Day for Birthday.** Effective January 1, 2023, eligible employees will be provided with one paid day (8 hours, pro-rated for part-time) off for their birthday. The day off must be used during the calendar year and will not be paid out if unused. Days taken off must be approved by managers. These hours will be added to the employee's Floating Holiday bank.

### **Section 3. Holidays.**

Holiday closing schedules are established by the Manitowoc Public Library Board (MPL) of Trustees.

- Eligible employees will receive the following paid holidays: New Year's Day, Spring Holiday (1/2 day), Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve at a pro-rated basis.
- If the holiday falls on what would normally be the employee's day off during the week, the employee shall receive another day off.

### **Floating Holidays**

- All eligible employees receive 3 days (24 hours) of floating holidays per year on a prorated basis.
- Floating holiday hours are to be used as personal leave days and must be used in the calendar year in which they are granted.
- Floating holiday time may be used in ½ hour increments.

### **Section 4. Sick Leave**

- Sick leave is time off with pay for periods of illness or incapacity resulting from non-occupational injury, as well as for medical, dental, or optical examination or treatment which cannot reasonably be obtained at times other than during the working day.
- Sick leave may be used only for the illness of the employee or if the employee's presence is required for an ill family member living in the same household except as required by law.
- Employees are expected to make every effort to obtain treatment and schedule appointments during non-work time.
- Employees absent from work due to illness in their immediate family requiring the employee's care should refer to the Family Medical Leave Act.



- All use of sick leave is subject to verification by supervisor/manager
- A return to work verification and/or fitness for duty as may be required by the Library will be required for any medical procedure or illness that may impede an employee's ability to perform required tasks.
- An employee must report their absence prior to the start of their work day to their supervisor/manager or if unavailable the Business Office Coordinator.

#### **Sick Leave Accruals**

- Sick leave shall be accumulated by staff at a rate of 6 hours per month and pro-rated for employees working less than 40 hours per week.
- Sick leave accruals cannot exceed 960 hours.
- Employees may convert unused sick time into float time at a rate of 8 to 1 (8 hours of sick in exchange for 1 hour of float). Time converted from sick to float cannot be paid out. It must be used for time off.
- Time converted from sick to float must be used 30 days prior to separation of employment.

#### **Sick Leave Payout**

All sick leave payout is based on the employee's current wage.

Employees are eligible for payout up to 480 hours of sick leave when leaving employment under the following conditions:

- Due to retirement (eligible for and granted a WRS annuity)
- Due to layoff, reorganization or other involuntary reasons

Employees are eligible for up to 50% of accrued sick leave pay, not to exceed 240 hours under the following conditions:

- Due to voluntary termination by the employee

Employees are ineligible for sick leave payout under the following conditions:

- Due to termination for cause by the Library

#### **EMERGENCY CONDITIONS**

In the event of the closing of Manitowoc Public Library, information will be made available, first and primarily, on our website. It may also be available through local media outlets such as Facebook, WCUB and WOMT/WQTC. Managers will make an effort to contact the staff involved. Staff are also encouraged to contact their supervisor if they have questions.

Employees are expected to work their regular schedule whenever the library remains open. In order to maintain safety for employees and the general public, the Library Director has the sole discretion to close Manitowoc Public Library in the event of emergency conditions or hazardous weather. If the Library Director makes such an order, department managers are responsible for communicating with their staff and designating what staff must report. If any employee is

required to stay home under this order, they will receive pay for the time they would have worked that day.



**ADDENDUM "C" - CITY OF MANITOWOC GRIEVANCE PROCEDURES**

**CITY OF MANITOWOC GRIEVANCE PROCEDURES FOR EMPLOYEE TERMINATION  
DISCIPLINE AND WORKPLACE SAFETY**

*Adopted by the Common Council on September 19, 2011*

**ARTICLE I**  
**PURPOSE**

The grievance procedure is in place to provide a timely and orderly review of decisions concerning: a) employee termination b) employee discipline and c) workplace safety.

**ARTICLE II**  
**DEFINITIONS**

Section 1. Termination: Termination in this Procedure is the end of employment excluding layoff, transfer, demotion, lack of qualification, death, voluntary termination, job abandonment, retirement, end of employment due to a disability, and end of temporary or seasonal employment.

Section 2. Discipline: Discipline includes documented verbal warnings and written warnings. Discipline does not include verbal reminders. Reminders will not be subject to the grievance procedure. The purpose of reminders is to alert the employee that failure to correct the behavior may result in disciplinary action. Discipline also excludes being placed on paid administrative leave pending an internal investigation and a change in job assignment

Section 3. Workplace Safety: Workplace safety in this Procedure includes any practice or condition affecting the safety and/or perceived safety of persons, property or equipment, including claims of a hostile work environment.

Section 4. Governing Body: The governing body is the Personnel Committee of the City of Manitowoc Common Council or the Library Board of Trustees as applicable.

For purposes of this Procedure, the role of the "Impartial Hearing Officer" will be to define the issues, identify areas of agreement between the parties, identify the issues in dispute, and to hear the parties' respective arguments. The Hearing Officer will have the authority to administer oaths and issue subpoenas at the request of the parties. At the end of the hearing, the Hearing Officer will issue a written conclusion.

Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, investigation fees, preparing or presenting grievance costs. The fees of the Hearing Officer will be borne by the City. Matters related to the grievance procedure will generally be accomplished during off duty hours.

**ARTICLE III**  
**PROCEDURE FOR GRIEVANCES CONCERNING EMPLOYEE TERMINATIONS AND EMPLOYEE**  
**DISCIPLINE**

**(This Procedure does not apply to employees covered by a collective bargaining agreement and does not supersede rights granted to employees subject to Police and Fire Commission authority.):**

**Step 1:** An earnest effort shall be made to settle the matter informally between the aggrieved employee and the employee's immediate supervisor. If the grievance is not resolved informally, it shall be reduced to writing by the employee who shall submit it to the employee's immediate supervisor with a copy to the Human Resources Department.

The written grievance shall include a detailed statement concerning the subject of the grievance, the facts upon which the grievance is based, and indicate the specific relief being sought. Form "A" as attached is the required form for use in filing a grievance related to discipline and termination.

**Time Limit:** If the employee does not submit a written grievance within 15 calendar days after the facts upon which the grievance is based first became known, or should have been known to the employee, the grievance will be deemed waived. The supervisor will reply in writing (Form "B") to the employee within 14 calendar days after receipt of the written grievance.

**Step 2:** If the grievance is not settled in Step 1, and the employee wishes to appeal the decision, the employee shall submit the written grievance to the Governing Body Chair to request a hearing before the Governing Body. The Governing Body will schedule a date to hear the grievance as presented by the grievant and the supervisor and/or Department Head. The Governing Body will provide a written response to the grievant and supervisor within 15 calendar days of the hearing.

**Time Limit:** If the employee does not submit a written grievance to the Governing Body Chair to request a hearing within 7 calendar days after receipt of the supervisor's written answer, the grievance will be deemed waived. If timely requested, the hearing will normally be scheduled within 30 calendar days of receipt of the request for hearing.

**Step 3:** If the supervisor or the employee wish to appeal the decision in Step 2, the employee shall submit a written request to the Governing Body Chair for a hearing before an impartial hearing officer. The Hearing Officer, appointed by the Governing Body, will assist the parties in identifying areas of agreement and areas of dispute and hear the parties' respective arguments. The Hearing Officer may require the parties to submit grievance documents and witness lists in advance of the hearing in order to expedite the hearing. The hearing will be recorded. Prior to the hearing, the parties and the Hearing Officer may engage in conciliation meetings to resolve the dispute.

Time Limit: If the supervisor or employee does not submit a written request to the Governing Body Chair requesting a hearing before an impartial hearing officer within 7 calendar days after receipt of the Governing Body's written response, the grievance will be deemed waived. If timely requested, the hearing will normally be scheduled within 30 calendar days of receipt of the request for hearing. At the conclusion of the hearing, the Hearing Officer shall render a verbal and/or written decision indicating the reasons for one of three decisions: 1) Sustaining the discipline/termination, 2) Denying the discipline/ termination, or 3) Recommending additional investigation prior to final determination. In cases where the Hearing Officer recommends additional investigation, at the conclusion of the additional investigation, the matter will be automatically referred to the governing body for final review and consideration.

**Step 4:** The supervisor or employee may appeal the decision of the Hearing Officer to the governing body in any case involving the loss of pay or benefits. Written Warnings, with no loss of pay or benefits, for example, would not be subject to the appeal process. If the Hearing Officer's decision is appealed, only the issues raised in the Hearing may be appealed (issues are not subject to modification in the appeal process). All cases in which the Hearing Officer recommends additional investigation will be automatically referred to the governing body for final disposition. The decision of the governing body shall be final and binding upon the parties.

Time Limit: The employee or supervisor may request a hearing before the governing body by filing a request within 7 calendar days of receipt of the written decision of the Hearing Officer. If not timely submitted, the grievance can no longer be addressed in the grievance procedure.

**ARTICLE IV**  
**PROCEDURE FOR GRIEVANCES CONCERNING EMPLOYEE**  
**WORKPLACE SAFETY**

**Step 1:** Any employee who personally identifies or is given information about a workplace safety issue or incident must notify their supervisor of the issue or incident as soon as reasonably practicable. All safety issues, no matter how insignificant the situation may appear to be, must be reported to the supervisor and Human Resources if not resolved by the supervisor.

Time Limit: Any workplace safety incident or issue must be reported verbally by an employee to Human Resources within 24 hours after the incident or issue was raised in order to be addressed as part of the grievance procedure.

A written report of the incident or issue, outlining the events that transpired and resolution, if any, shall be signed by all concerned parties and submitted to the Human Resources Department for review and consideration within 7 calendar

days of the incident or issue. The attached Form "C" must be completed and submitted to Human Resources to advance to Step 2 of the grievance procedure.

**Step 2:** After receipt of the written report, the Human Resources Department will conduct additional investigation, as required, and normally issue a final report on its findings and conclusions within 15 calendar days of receipt of the written report. Copies of the report will be given to the persons who signed the written report, as well as to the supervisor and Governing Body Chair.

**Step 3:** The employee or supervisor may appeal the findings and conclusions of the Human Resources Department and request the appointment of an impartial hearing officer.

Time Limit: If the employee does not submit a written grievance to the Governing Body Chair requesting a hearing before an impartial hearing officer within 7 calendar days after receipt of the Human Resources Department Report, the grievance can no longer be addressed in the grievance procedure. If timely requested, the hearing will normally be scheduled within 30 calendar days of receipt of the request for hearing. The Hearing Officer may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing. At the conclusion of the hearing, the Hearing Officer shall record one of three outcomes: 1) Sustaining the conclusions of the Human Resources Department, 2) Denying the conclusions of the Human Resources Department, or 3) Recommending additional investigation prior to final determination.

**Step 4:** The supervisor or employee may appeal the decision of the Hearing Officer to the governing body. In cases where the Hearing Officer recommends additional investigation, at the conclusion of the additional investigation, the matter will be automatically referred to the governing body. The decision of the governing body shall be final and binding upon the parties.

Time Limit: The employee or supervisor may request a hearing before the governing body by filing a request within 7 calendar days of receipt of the written decision of the Hearing Officer. If not timely submitted, the grievance can no longer be addressed in the grievance procedure.

The supervisor and grievant may mutually agree to waive time limits, in writing. If the last day on which a grievance is to be filed or a decision is to be appealed is a Saturday, Sunday or holiday as defined in the Employee Policy Manual, the time limit is the next day which is not a Saturday, Sunday or holiday.

A grievance or decision or appeal is considered timely if received during normal business hours or if postmarked by 12:00 midnight on the due date.

The supervisor and grievant may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.

If the grievance is not answered within the time limits, the grievant may proceed to the next available step within 7 calendar days of the missed time limit.





**Form A**

**GRIEVANCE FORM  
DISCIPLINE OR TERMINATION**

Employee's Name:  
Department:  
Supervisor's Name:  
Incident Date:

Details of relevant facts surrounding the grievance (use reverse side if necessary):

List all reasons why your supervisor's decision should be overturned:

Specific remedy requested:

Actions taken to informally resolve the issue including dates and results of discussions:

\*This form must be completed in its entirety. Attach copies of all related documents and present this written grievance to your supervisor. Provide a copy of the original grievance and related documents to Human Resources and retain a copy for your records.

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

\_\_\_\_\_  
Date Submitted

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

\_\_\_\_\_  
Date Received

*In accordance with the Procedure, the supervisor has 14 calendar days from the date the timely grievance is received to respond in writing to the grievant.*



**SUPERVISOR'S RESPONSE TO  
EMPLOYEE DISCIPLINE OR TERMINATION GRIEVANCE**

Supervisor's Name:  
Department:  
Employee's Name:  
Incident Date:  
Grievance Denied or Sustained:

---

Supervisor's Signature

Date Responded

---

Employee's Signature

Date Received

\*This form must be completed in its entirety. Present this written grievance response to the grievant. Provide a copy to Human Resources and retain a copy for your records.

**If the grievant wishes to appeal the supervisor's decision, a written request for an appeal must be submitted to the Governing Body Chair within 7 calendar days of the supervisor's response date in accordance with the Procedure.**



**GRIEVANCE FORM  
WORKPLACE SAFETY**

Employee's Name(s):  
Department:  
Supervisor's Name:  
Incident Date:

Details of relevant facts surrounding the safety concern (use reverse side if necessary):

List all reasons why the supervisor's decision should be overturned:

Specific remedy requested:

Actions taken to informally resolve the issue including dates and results of discussions:

\*This form must be completed in its entirety. Attach copies of all related documents and present this written grievance to Human Resources. Provide a copy of the original grievance and related documents to the Governing Body Chair and retain a copy for your records.

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

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Human Resource's Signature

\_\_\_\_\_  
Date Received

**In accordance with the Procedure, Human Resources has 14 calendar days from the date the timely grievance is received to respond in writing to the grievant.**



**EMPLOYEE EPM ACKNOWLEDGMENT**

*EPM revision date:* \_\_\_\_\_

I have received a copy of the current City of Manitowoc Employee Policy Manual (see date above). I have read and I understand its contents. I acknowledge that it is my responsibility to ask questions about anything I do not understand.

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

Check the appropriate box

**For Non-Union Employees:** *I understand that my employment can be terminated at the option of either the Employer or me, at any time for any reason. I understand that this Manual and the Acknowledgment Form do not vary or modify the at-will employment relationship between the Employer and me. I understand that my compensation and benefits may be changed by the Employer at any time, with or without notice to the extent permitted by law.*

**For Union (Transit, Fire, Police) Employees:** *I understand that any contract or employment agreement must be authorized and approved by the Employer and Union to the extent required by law. I understand that any contract supersedes this Manual, but items not governed by my Union contract will be governed by this Manual.*

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Employee Name*