



Employee Personnel Policy & Procedure Handbook

DATE APPROVED BY COUNCIL: MARCH 13, 2018

Updated by Council: August 13, 2019

Updated by Council: January 28, 2020

Updated by Council: March 10, 2020

Updated by Council: March 17, 2020

Updated by Council: April 28, 2020

S:\Administration\Employee Personnel Handbook\Employee Handbook MASTER – Approved by Council 8-13-18 (current through 5-5-20).docx

TABLE OF CONTENTS

TABLE OF CONTENTS	2
Section 1 INTRODUCTION	4
1.01 Purpose of this Handbook and At-Will Statement	4
1.02 Definitions	4
1.03 Handbook Updates.....	5
1.04 Severability	5
1.05 Conflicts.....	5
Section 2 EMPLOYMENT.....	5
2.01 Dual Employment (a/k/a Moonlighting)	5
2.02 Employment Background Investigation/Reference Checks	6
2.03 Equal Employment Opportunity Statement Policy	7
2.04 Nepotism	8
2.05 Part-Time, Regular Part-Time, and Seasonal Employees	9
2.06 Recruitment of New Employees.....	9
2.07 Salaries and Performance Appraisals	12
2.08 Residency Requirements.....	12
2.09 Uniform Guidelines on Employee Selection - Hiring Process.....	13
2.10 Separation or Retirement from Employment by Non-Represented Employees	19
2.11 Volunteering as a City Employee.....	20
Section 3 EMPLOYEE BENEFITS	20
3.01 Cafeteria Plan, Section 125, or Flex Plan.....	20
3.02 Deferred Compensation or IRS Section 457 Plan	21
3.03 Employee Assistance Program (“EAP”)	21
3.04 Family and Medical Leave Act (“FMLA”)	21
3.05 Funeral Leave	24
3.06 Health Insurance	25
3.07 Hearing Protection Policy and Policy on Hearing Aid Cost Sharing.....	26
3.08 Holidays	26
3.09 Income Continuation Insurance	27
3.10 Leave of Absence.....	27
3.11 Life Insurance	29
3.12 Retirement Fund	29
3.13 Sick Leave	29
3.14 Vacation.....	30
3.15 Emergency Declaration For Medical Events - Paid Leave	31
Section 4 COMPENSATION	32
4.01 Clothing Allowance.....	32
4.02 Employee Time Donation Policy for Catastrophic Illness or Injury	33
4.03 Exempt Employees and the Fair Labor Standards Act (FLSA)	35
4.04 Fire Inspector.....	36
4.05 Flex-Time	36
4.06 Foreman Pay – Temporary Assignment	37
4.07 Hours of Work, Lunch and Breaks	37
4.08 Longevity	38
4.09 Overtime Pay.....	38
4.10 Use of Benefit Time.....	39
4.12 Workers’ Compensation.....	39
Section 5 CONDUCT.....	40

5.01	City Locker Room Policy	40
5.02	Commercial Driver’s License	40
5.03	Disciplinary Action	41
5.04	Dress Code, Physical Adornments, Hair, Etc.	46
5.05	Drug and Alcohol Free Workplace.....	47
5.06	Drug and Alcohol Testing Procedures	58
5.07	Ethics Code	74
5.08	Grievance Procedure	74
5.09	Harassment and Discrimination in the Workplace.....	78
5.10	Nicotine and Tobacco-Free Workplace	81
5.11	Standards of Behavior and Employee Work Rules.....	82
Section 6	EDUCATION.....	85
6.01	NIMS/ICS Training.....	85
6.02	Training and Training Programs	85
Section 7	INFORMATION TECHNOLOGIES.....	86
7.01	Adoption of Information Technology Policy	86
7.02	Employee Use of Social Media	86
7.03	Telephone Usage.....	87
Section 8	PROTECTIVE EMPLOYEES (Special Policies)	88
8.01	Police and Fire (Protective Employees) Policies.....	88
Section 9	TRAVEL GUIDELINES	89
9.01	Expense Reimbursement.....	89
9.02	Use of City-Owned Vehicles	91
Section 10	MISCELLANEOUS POLICIES	92
10.01	Accident and Injury on the Job.....	92
10.02	Americans with Disabilities Compliance Policy	93
10.03	Breast Pumping	94
10.04	Damage to Personal Belongings.....	94
10.05	Elected Officials	95
10.06	Exceptions to this Handbook.....	95
10.07	Identification Badges/Access Badges/Keys/Fobs.....	95
10.08	Light Duty	96
10.09	Mail Handling	96
10.10	Payroll Services.....	97
10.11	Time Clock Administration	97
10.12	Tornado Warning.....	98

Section 1 INTRODUCTION

1.01 Purpose of this Handbook and At-Will Statement

This Personnel Policy and Procedure Handbook applies to all employees of the City of Baraboo including management, supervisors, clerical, professional, or other such employees, and employees covered by a bargaining agreement.¹

These policies and procedures are not intended to create a binding employment contract nor are they to be construed to constitute an employment contract between the City and any one or all of its employees. While the City believes wholeheartedly in the plans, policies, and procedures described herein, it believes that they are not conditions of employment and the City explicitly reserves the right to modify, revoke, suspend, terminate, or change any or all of such plans, policies, and procedures, in whole or in part, at any time as it deems appropriate, in its sole and absolute discretion. Employees will be notified of changes in policy, benefits, or rules stated in this Handbook as they occur.

Except as specifically provided by applicable State or Federal law and the City of Baraboo Municipal Code for appointed officials, employment may be terminated at any time for any reason or no reason, with or without notice, either by the employee or the City, notwithstanding any of the provisions of these procedures and policies, i.e., an at-will employee. City employees are notified that while they may receive raises, promotions, or similar improvements in wages and benefits, this fact does not alter their at-will status. Any change in an employee's at-will status must be specifically approved by an adopted resolution of the Common Council. No employee or official of the City is authorized to make any guarantees of employment, compensation, or benefits.

This Handbook recognizes that due to the nature of work, some of the provisions in this policy may be inapplicable to protective employees. Therefore, where appropriate, provisions applicable to protective employees have been set forth. Additionally, contracted employees, such as the City Administrator, may be subject to additional or alternative policies pursuant to their employment contract with the City. Elected officials, volunteers, temporary, seasonal and per diem employees, including Paid-On-Call firefighters, are not subject to all of the policies in this Handbook and questions about the applicability of any of the policies in this Handbook to a particular City employee must be directed to the City Administrator or designee.

Working for a municipality means that each employee has an obligation to serve the taxpayers of the City of Baraboo to the best of their ability. The property taxes, fees, charges, and assessments paid by the citizens of Baraboo provide the means by which each employee is paid.

1.02 Definitions

The following are definitions to commonly used words and phrases used throughout this Handbook:

- **Applicable law** means the applicable local, state and/or federal ordinances, statutes and codes.
- **City** means the City of Baraboo.
- **Day**, unless otherwise specified, and for the purposes of calculating an employee benefit, shall mean 8 hours.
- **Department Head** means the City Attorney, Director of Parks and Recreation, Director of Public Works, Finance Director, Fire Chief, Library Director and Police Chief.
- **Employee** means any person employed by for the City, including, but not limited to, full-time, part-time, per diem, seasonal and temporary employees. Also included, unless otherwise exempt by law, are elected officials. Excluded, unless otherwise specified in this Handbook, are contractors and agents. Not all policies of this Handbook will apply to all employees. For questions about whether a particular policy applies to you,

¹ Where a Bargaining Agreement expressly addresses a subject that is contained in this Policy Handbook, the Bargaining Agreement controls and supersedes the applicable statement in this Policy Handbook. Where statutes specifically assign hiring and personnel authority to another authority, e.g., Police and Fire Commission, the statutory authority controls.

please speak to the City Administrator.

- **Handbook** means this Employee Personnel Policy and Procedure Handbook.
- **Protective employees** means all protective service employees holding positions within the scope of §62.13, Wis. Stats., or its successor statutes.

Other words and phrases with specific definitions for a specific section of this Handbook will be in **bold**.

1.03 Handbook Updates

This Handbook will be reviewed and updated periodically as determined by the City Administrator. The Handbook will be available in its most up to date form on the City's website and Department Heads will be notified of changes. A summary of this Handbook will be made available to employees at their time of hire.

Major changes to the Handbook or any sections of the Handbook must first be submitted to the Finance/Personnel Committee for review and will require adoption of a resolution by the Common Council to make it effective. Non-substantive changes, such as typographical corrections, updates in information, and clarification of policies, can be made by the City Administrator.

Notices affecting employee policy and procedure will be posted in an area designated as the place where employees are likely to see such communications, i.e., the Fire Department Break Room and the Employee Break Room in the City Administrative Building. Employees are encouraged to periodically check these locations for such notices.

1.04 Severability

If any provision of this Handbook is held invalid under any applicable law, such invalidity shall not affect any other provisions of this Handbook that can be given effect without the invalid provision, and to this end, the provisions hereof are severable.

1.05 Conflicts

In the event of a conflict between policies in this Handbook, the City Administrator must be consulted. The original intent of the policies, the plain meaning of the policies, and the interpretation of the policies pursuant to Wisconsin Law, when applicable, shall be taken into consideration when interpreting the conflicting policies.

Section 2 EMPLOYMENT

2.01 Dual Employment (a/k/a Moonlighting)

A. **Policy:** Employees may work in other employment in addition to their job at the City on their own time (commonly referred to as "moonlighting"). The purpose of this policy is to define and clarify the ethical and practical issues regarding City employees moonlighting on jobs while actively working as a full-time employee for the City.

B. **Procedure:**

1. **Definitions:** An employee's "**own time**" means time after work hours, vacation time, personal days, holidays, military leave (work for the military), during a general leave (see Leaves of Absence in this Handbook), when laid-off, or when suspended from work. An employee's "own time" does not include sick time, while on FMLA, or during regular business hours for employees who are able to use flex time or comp time, unless expressly permitted in writing by the City Administrator.
2. **Permitted Moonlighting:** Employees may moonlight in addition to their job at the City on their own time. Police Department staff requires the Police Chief's approval prior to moonlighting.
3. **Prohibited Moonlighting:** Employees may not moonlight while using City sick leave or family leave or other paid

or unpaid leave from scheduled work hours for the City, unless it is on their own time. Employees may not moonlight in a second City job although there may be exceptions for part-time, seasonal or recreation program positions with a Department Head approval. Extenuating circumstances may allow employee sharing.

4. Code of Ethics and Conflict of Interest: All City employees must comply with the City Code of Ethics contained in the Municipal Code and in this Handbook. Employees may not moonlight in a position that creates a conflict of interest in violation of the City's Code of Ethics. Violations may subject an employee to discipline and will require termination of the conflict of interest. For questions about whether a dual employment position would be a conflict of interest see the City Attorney.
5. Moonlighting for the City. Employees, including part-time and seasonal employees, may hold more than one job for the City so long as the policies and procedures in this Handbook are followed, and so long as it does not violate the Fair Labor Standards Act ("FLSA"). Prior to accepting an additional position with the City, the employee and the employee's Department Head must speak to the City Administrator or his/her designee and the City Attorney to ensure compliance with the FLSA.

2.02 Employment Background Investigation/Reference Checks

- A. **Policy:** It is the policy of the City to conduct an employment background investigation before offering a full-time position with the City or before an offer contingent on other examinations is made. This policy shall be implemented and applied in accordance with the applicable law. This policy does not apply to the recruitment of sworn police and fire personnel who fall under the auspices of the Police and Fire Commission responsibilities. All information obtained during the background investigation will be confidential except to the extent required by Ch. 19, Wis. Stat. After having served the purpose for which it is intended, the reports will be filed and maintained as a confidential record separate from the employee's personnel file.

Applicants are required to respond to questions regarding convictions and pending criminal charges, if applicable, on the City's application form. Pending criminal charges and conviction history information may not be used against candidates for employment, unless the conviction or pending criminal charge substantially relates to the circumstances of the particular job. In reviewing applicable convictions and pending charges, the City will consider the relationship between the conviction and the position, the nature of the conviction, the number of convictions, rehabilitation efforts and the applicant's fitness for the job. The background investigation must be completed before a firm offer of employment is made. Upon determining that the applicant has a background that is suitable to City employment, the Department Head may make a contingent offer of employment and schedule the candidate for any required medical or psychological examinations.

B. **Procedure:**

1. All applicants for employment with the City will be required to sign a Release and Authorization Form that will authorize the City to obtain the information required by this policy.
2. Upon an applicant's successful completion of any examinations and interviews that qualify an individual for employment, the Department Head making the employment recommendation will forward a copy of the candidate's application to the Chief of Police.
3. The Chief of Police will conduct a check to determine whether the applicant has an applicable criminal record, any active warrants for his/her arrest, or is on probation or parole. The Chief of Police will also conduct a check of motor vehicle records to determine if the applicant has a valid driver's license, a history of traffic violations, or accident record. Upon completion of these checks, the Chief of Police will provide a written report of his/her findings to the Department Head.
4. Upon receiving a satisfactory record check from the Police Department, the Department Head will complete the background investigation by making the following checks:
 - i. Contact previous employers for references.
 - ii. Contact personal references.
 - iii. Verify educational qualifications.
 - iv. Obtain proof of identification (Form I-9 documents are acceptable).

- v. When applicable, obtain military records.
 - vi. When appropriate, conduct a credit check (dependent upon position applied for).
5. The results of the investigation will be made in writing and used to determine whether the candidate is qualified for employment with the City. The Department Head is responsible for determining if the Police Chief's report shows information that might be applicable to the job being offered to the extent allowed by applicable law. The Department Head, in consultation with the City Administrator, shall make a decision to hire.
 6. All information obtained during the background investigation will be confidential except to the extent required by Chapter 19, Wis. Stat. After having served the purpose for which it is intended, the reports will be filed and maintained as a confidential record separate from the employee's personnel file.
 7. Part-Time, Seasonal, and Volunteer Applicants. To the extent reasonably practical, background investigations shall be conducted on all applicants for seasonal or part-time employment positions and on all applicants for volunteer positions such as coaches, umpires, etc., before offering the position.
 8. Juvenile Applicants. Law enforcement records pertaining to juveniles are confidential under Wisconsin law and cannot be released for employment purposes. Department Heads may base their employment decisions regarding juvenile applicants on personal knowledge of the individual and the recommendations of references. The reasons for recommending or denying employment must be documented by the Department Head.

EMPLOYMENT BACKGROUND INVESTIGATION CHECKLIST

City Department: _____ Date of Investigation: _____
 Applicant Name: _____ Date of Birth: _____
 Position Applied For: _____

Check Police Record Checks	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A
Check Previous Employer(s)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A
Check Personal References	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A
Verify Education	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A
Obtain Proof of Identification	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A
Obtain Military Records	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A
Conduct Credit Check	<input type="checkbox"/>	Yes	<input type="checkbox"/>	N/A

Comments: _____

Employment Recommended Yes No

Date: _____ Department Head Signature _____

2.03 Equal Employment Opportunity Statement Policy

A. **Policy.** It is the policy of the City to provide equal opportunity in employment to all employees and applicants for employment in accordance with all applicable laws, directives, and regulations of federal, state, and local governing bodies. No otherwise qualified person shall be excluded from employment, be denied the benefits of employment, or otherwise be subject to discrimination in employment in any manner on the basis of age, race, religion, color, sex (including pregnancy and gender identity), national origin or ancestry, disability, arrest or conviction record, sexual orientation, marital status, veteran status, or any other status protected by applicable state or federal law, except where such status is a bona fide occupational qualification. No person shall, on the grounds of race, color, national

origin, age, sex, religion, or handicap be excluded from participation in or be subjected to discrimination in any program or activity funded, in whole or in part, by federal funds. The City recognizes and complies with the American with Disabilities Act of 1992. Equal employment opportunity under this policy includes recruitment, hiring, training, advancement, transfer, compensation, discharge, disciplinary action, and other terms, conditions, and privileges of employment.

B. Procedure:

1. Administration of the Program. The City Administrator is designated as the Equal Employment Opportunity Coordinator and in such capacity shall have responsibility for administration of the City's Equal Employment Opportunity Program. All personnel who are responsible for hiring and promoting employees and for the development and implementation of programs or activities shall support this program. Any complaint regarding equal employment should be filed with the Equal Employment Opportunity Coordinator, whose office is located in the City Administrative Building and who can be contacted between 7:30 A.M. and 4:30 P.M., Monday through Friday. Information on how to file a complaint relating to employment discrimination is available upon request.
2. Discrimination Prohibited. No complainant will be subjected to any form of adverse action because of the filing of a complaint of discrimination. Employees who are witnesses or knowledgeable parties are urged to cooperate fully in the complaint investigation process without fear of adverse action or retaliation. The City supports the incorporation of nondiscrimination and affirmative action rules to the extent required by state and federal contracts.
3. Recruiting/Selection/Hiring. Prominently posted at City facilities are notices informing employees and applicants for employment of their Equal Employment Opportunity Rights and their right to notify the Equal Employment Opportunity Commission or other appropriate agencies if they believe they have been victims of discrimination. Where appropriate, these notices are also posted at other work locations and in other appropriate languages.
4. Application Forms. All employment application forms utilized by the City shall contain a notice, in bold type, informing prospective employees that the City of Baraboo is an Equal Opportunity Employer. To the extent required by Federal Regulations (29 CFR 1607.4), the City shall maintain records that will disclose the impact which its tests and other selection procedures have upon employment opportunities of persons by identifiable race, sex, or ethnic group.

2.04 Nepotism

A. Policy.

1. Nepotism, defined as favoritism (as in the appointment to a job) based on kinship, is prohibited and efforts to avoid nepotism must be made when hiring new employees.
2. Members of the same immediate family may be employed either on a full-time or part-time basis with the City so long as neither member is responsible for the supervision, direction, or evaluation of the other.

B. Procedure.

1. All cases involving possible employment of members of the same "**immediate family**" must be reported to the City Administrator for approval before final commitment is made. Under certain circumstances, a guardian or foster-parent arrangement may exist. This might occur when hiring a part-time or seasonal employee under the age of 18. Under those circumstances the City Administrator should be consulted before proceeding further.
2. Under this section, "**Immediate family**" means:

Employee's Mother	Employee's Grandfather	Employee's Wife
Employee's Mother-in-Law	Employee's Brother	Employee's Husband
Employee's Step-Mother	Employee's Half-Brother	Employee's Son
Employee's Grandmother	Employee's Step-Brother	Employee's Step-Son
Employee's Father	Employee's Sister	Employee's Daughter
Employee's Father-in-Law	Employee's Half-Sister	Employee's Step-Daughter
Employee's Step-Father	Employee's Step-Sister	

2.05 Part-Time, Regular Part-Time, and Seasonal Employees

A. **Policy.** The classification of part-time, regular part-time and seasonal employee status will have an effect on an employee and the benefits for which that employee may be eligible.

B. **Procedure:**

1. For Employees Hired Before 07/01/2011:

- a. Part-time Employees: Part-time employees receive benefits in accordance with the number of hours worked per calendar year. Employees in this classification work more than 600 hours per calendar year, but less than 1,040. These employees may be eligible to receive Wisconsin Retirement life and health insurance, and income continuation insurance. See the Benefits sections of this Handbook for more information.
- b. Regular Part-time Employees: Except for longevity benefits, City employees who work more than 1,040 hours per calendar year on a continuous basis, but less than full-time, are eligible, on a pro-rata basis, for all benefits based on the number of hours the employee works per week on the average as compared to forty (40) hours per week. The City Administrator, in consultation with other appropriate jurisdictional bodies, may categorize certain employees as full-time employees even though the employee may work less than forty (40) hours per week if it is determined that the number of hours worked per week is an approved alternative to forty (40) hours.
- c. Seasonal Part-time Employees: Employees in this classification work less than 600 hours annually and receive no benefits.

2. For Employees Hired After 07/01/2011:

- a. Regular Part-time Employees: Except for longevity benefits, City employees who work 1200 or more hours per calendar year on a continuous basis, but less than full time, are eligible on a pro-rata basis, for all benefits, including paid benefit time, based on the number of hours the employee works per week on the average as compared to forty (40) hours per week. The City Administrator, in consultation with other appropriate jurisdictional bodies, may categorize certain employees as full-time employees even though the employee may work less than forty (40) hours per week if it is determined that the number of hours worked per week is an approved alternative to forty (40) hours.
- b. Seasonal Part-time Employees: Employees in this classification work less than 1200 hours annually and receive no benefits.

2.06 Recruitment of New Employees

A. **Policy.** Department Heads and the City Administrator are to work together in the recruitment of new employees, and are to follow the procedural steps described below in Subsection B. See also Section 2.09, Uniform Guidelines on Employee Selection - Hiring Process.

B. **Procedure.**

1. When a need arises for the recruitment of a new City employee, Department Heads shall prepare

- job descriptions and prepare a Hiring Timeline Form, and the City Administrator will review the job descriptions and determine whether to refer it to Common Council.
2. Depending on the job, the notice of the availability of the position will be posted in the same location where other employee notices are posted or in an alternate position where it can be viewed by all department members. Notice may also be posted by electronic mail depending on the position.
 3. Notification of all full-time position vacancies shall be distributed to each Department Head in order to provide current City employees with the opportunity to apply for the vacancy; however, vacancies in the Police Department shall be filled in accordance with Police Department policies, and advertising efforts may be limited to the use of WILENET or other similar law enforcement resources.
 4. Upon receiving a conditional offer of employment, the prospective employee may be required to pass a physical exam and may be required to pass other examinations such as a psychological evaluation, skills testing, and drug testing. The conditional offer of employment will be contingent upon the successful completion of these examinations and the approval of the appropriate governing bodies.
 5. Except for those employees subject to §1.04(4), Baraboo Code of Ordinances, there will be a 6-month trial period for all new full-time employees. During that period, the employee may be released for any reason; however, passing the trial period does not give an employee a vested interest in their position, and all employees remain at-will employees for the duration of their employment.

Hiring Timeline Form

City Department: _____ Position _____
 Date of Vacancy: _____ Projected Date to be filled _____

Action Step	Person Responsible	Date to be Completed
Update Job Description		
Report To City Administrator		
Committee Approval/Authorization (If Needed)		
Council Approval Authorization (If Needed)		
Development Of Ad – External		
Send Ad to Job Service		
Send Ad to Other Sources		
Development Of Screening Matrix		
Date Ad Runs		
Closing Date On Ad		
Complete Applicant Screening		
Contact Candidates for Testing		
Skill Testing		
Initial Interview		
Final Interview		
Decision Matrix		
Reference and Background Check		
Conditional Offer Of Employment		
Drug Test		
Medical Test		
Final Offer		
Candidate Acceptance and Offer Letter		
Candidate Notice		
Enter Into Payroll (I-9, Benefits)		
Start Date		
Orientation and Initial Safety Training		

2.07 Salaries and Performance Appraisals

A. **Policy.** The City has a pay plan in place that has grade and step structures established (see The Employee Performance Appraisal Process and Pay Plan Implementation Guidelines at the end of this Handbook²). Each year the Finance/Personnel Committee reviews adjustments to the pay scale and makes a recommendation to the Common Council for their consideration.

B. **Procedure:**

1. **Appraisal.** At a minimum, all employees must be appraised at least once each year. The timing is controlled by one of two dates: (1) the date of hire, or (2) the date of the most recent promotion. All appraisals shall be conducted by the immediate Supervisor/Department Head. The employee shall also be given the opportunity to conduct a self-appraisal. The appraiser and the employee shall meet to discuss the performance appraisal. Employees are eligible for pay adjustments at their anniversary date upon proper completion of a performance appraisal by their supervisor.
 - a. All Department Heads should consult with the attached document titled The Employee Performance Appraisal Process and Pay Plan Implementation Guidelines to aid them in what documents need to be produced in order to conduct the appraisal and, if appropriate, to cause a change in step which may result in an increase to the employee's rate of pay.
 - b. The appraisal process is an important communication tool between the employee and his/her immediate Supervisor/Department Head and conducting it annually is viewed as a valuable means for maintaining open communications.
2. **Seasonal and Temporary Employees.** Each year, pay rates are reviewed by the Finance/Personnel Committee and a recommendation is made to the Common Council. An annual resolution is then passed by the Council establishing the rates for each seasonal and/or temporary position.
3. **6-Month Trial Period.** Employees successfully completing their 6-month trial period may be eligible for a rate increase based upon their performance appraisal. The amount of the rate adjustment can be any amount up to the next available step for their grade and current pay scale.

2.08 Residency Requirements

A. **Policy.** Pursuant to State Statute, employees who are classified as non-emergency employees may live anywhere.³ Law enforcement, fire (except volunteers⁴) and emergency personnel are required to live within 15 miles or thirty minutes from the City, as defined as reporting to where the employee is regularly assigned to work.⁵

B. **Procedure.**

1. The residency requirement for employees who are considered emergency personnel is established to be within 15 miles or thirty minutes of the City and defined as reporting to your regularly assigned work site. This includes the following positions or groups:
 - a. **Public Works Department:**
 - i. Director/City Engineer
 - ii. Street Superintendent
 - iii. All foremen, skilled crew, semi-skilled crew, licensed semi-skilled crew, mechanics, sanitation, janitor and laborer positions that are "emergency personnel" as reasonably determined by the City.⁶
 - b. **Police Department:**

2 Removed per City Council Resolution on March 10, 2020, with instructions for City Administrator to update.

3 See Milwaukee Police Association v. City of Milwaukee, 2016 WI 47, 364 Wis. 2d 626, 869 N.W.2d 522, 14-0400.

4 See §66.0502(4)(d), Wis. Stat.

5 See §66.0502(4)(b), Wis. Stat.

- i. Chief
 - ii. Captain, Lieutenants, Sergeants, Detectives and Patrol Officers or other protective positions that may be created and that are “emergency personnel” as reasonably determined by the City⁷.
 - c. Fire Department:
 - i. Chief
 - ii. Assistant Chief and Lieutenants (volunteers are exempt)
 - iii. Firefighters or other protective positions that may be created and that are “emergency personnel” as reasonably determined by the City (volunteers are exempt)
 - d. Utility:
 - i. Superintendent
 - ii. Foremen, skilled crew, semi-skilled crews, laborers, plant maintenance, laboratory technicians and janitors that are “emergency personnel” as reasonably determined by the City.
- 2. The deadline for Employees to comply with the residency requirement is 12 months from the date of hire, unless an extension is granted by the City Administrator.

2.09 Uniform Guidelines on Employee Selection - Hiring Process

A. Policy.

1. The City recognizes that hiring the most qualified and best person for a position is one of the most important tasks it can undertake. City employees are the most valuable resource the City has. This policy sets forth the guidelines to be used by supervisors throughout the hiring or “selection process” and it also outlines the legal liabilities the City may have if proper procedures and practices are not followed.
2. The 1978 Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs (OFCCP) govern the requirements of selection procedures that assist in prohibiting discrimination and apply to every selection procedure (subjective or objective) utilized. The “*selection process*” is any test or procedure used to measure an individual’s job related qualifications. The “*total selection process*” refers to the combined effect of all selection procedures leading to the final employment decision such as hiring or promoting.
3. All applicants must be given an equal opportunity for employment.
4. All qualified candidates for City positions must be treated in the same manner and given the same consideration without regard to their traits that are protected by law.

B. Procedure.

1. The following components form the essential foundation of the City’s hiring practices; the entire process must be well documented.
2. Necessary Documents of the Hiring Process. An organized file of the hiring process will be created and maintained by the City Clerk for a period of at least seven (7) years from the date hiring action is taken. Medical records will be maintained in a separate, confidential file by the City Clerk.
 - a. Hiring Folder. The hiring folder shall contain the following: job analysis, position description, recruitment ads or notices, applications, tests, names and titles all staff involved in the hiring process, the criteria used for screening applications, interview questions, interview rating sheets, responses to reference questions, an outline/timeline of the process, an

⁷ City Attorney Note: If conflict between this Handbook and Union Contract exists, the Union Contract governs.

adverse impact analysis for each step of the process, and filed work permits for minors. The results of a medical exam, obtained after an offer of employment has been made, shall be kept in a separate medical file.

3. Job Analysis. Conducting a thorough job analysis is a critical step in the development of the position description and a necessary component of the selection process. The job analysis should identify the competencies (i.e., technical knowledge, skills, etc.) necessary for successful job performance. Specific characteristics of the job should be examined, including work conditions, essential duties and responsibilities, and expected outcomes. The work situation should be described, including the setting in which work is performed, and, where appropriate, the manner in which knowledge, skills, or abilities are used, and the complexity and difficulty of the knowledge, skill, or abilities.
4. Position Description. The position description is the foundation for each hiring process and provides significant evidence of the employee's job duties and expectations. The position description accurately details the essential duties, behavioral competencies, training, and education necessary to perform the job.
 - a. The description should reflect the reality of the employee's job as closely as possible. The Americans with Disabilities Act (ADA) recognizes that a written position description is considered evidence of the essential functions of the job in ADA cases.
 - b. In order for position descriptions to stay current, they should be updated regularly. The position description should include as many job duties and expectations as possible, including physical requirements, working frequent overtime, working weekends, rotating shifts, and exposure to extreme weather conditions and chemicals.
 - c. Job duties that employees DO NOT perform should NOT be included on the position description. In addition, the position description should be updated prior to the start of recruitment for a position.
 - d. Essential functions should be defined. "**Essential job functions**" are those that are imperative to the position that a candidate or employee must be able to perform and are critical to ensure compliance with the ADA. In determining what functions are essential, the following factors are considered:
 - i. The employee is actually required to perform the essential job functions;
 - ii. The reason the position exists is to perform that function;
 - iii. The number of other employees who are available to perform that function;
 - iv. The degree of expertise and skill required to perform that function; and
 - v. If physical requirements are listed, there should be a direct correlation to the essential job functions.
5. Recruitment. The City has the right to set qualifications and to use any hiring method as long as it does not utilize arbitrary, artificial, or discriminatory standards and practices that restrict the employment opportunities of protected groups. Recruitment for a position should be as broad as possible so as to obtain the most qualified applicants.
 - a. Methods of Recruitment.
 - i. Possible recruitment sources include: newspapers, journals, radio/TV, internet, home page with job information, community organizations, college campus, applications on file, personal letters, existing employees, job fairs, and employment agencies.
 - ii. Recruitment and/or advertising should not occur if it expresses a preference for applicants based on a protected class, except in the narrow circumstance in which the class (es) is(are) deemed to be a bona fide occupational qualification (BFOQ). Every stage of the process should be reviewed to insure that the standards and practices relate directly to performance of the job.
 - iii. Language that is equally applicable to men and women should be used in advertisements. Gender-specific job titles should be avoided, as should

advertisements that indicate a preference or limitation based on age. The language in advertisements should mirror language from the position description.

- iv. All help wanted ads should include a non-discrimination notice, e. g., "***The City of Baraboo is an Equal Opportunity Employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, disability, or other legally prohibited characteristics.***"
- v. Information about the job opening should be available at a location accessible to people with different disabilities.

b. Application for Employment.

- i. Every applicant for a non-police City position is required to complete a City of Baraboo application. The police and fire departments may require the use of an alternative application. A resume may not be substituted for the application, though it may be included with the application.
- ii. Some City positions may require an applicant to complete a supplemental application form, in addition to the City's general application. The supplemental application helps to elicit more detailed information from an applicant (i.e., specific information related to their job experience, supervisory experience, etc.) to better understand their qualifications. Questions that are not directly related to job performance and that may directly or indirectly elicit information about protected characteristics should be avoided.
- iii. An EEO and recruitment form will be handed out with the application, but shall be kept separate from the application once turned in. It is the applicant's choice whether to complete the form. The form is used to compile statistical information for the City and is not used in making hiring decisions.
- iv. Employment with the City is "at-will" and a statement on the application form must state that the City and employee are each free to terminate the employment relationship at any time, with or without cause.

c. Employment Testing.

- a. The City may utilize one or more exams as part of the selection process for a City position. The job posting will show the type of examination that will be included as part of the selection process for the position for which the person is applying. An examination may be taken by anyone who has the minimum qualifications for consideration for appointment to the City position. Baraboo will utilize valid exams that are designed to measure skills, knowledge, aptitude or characteristics relevant to the performance of the job. Valid exams are those that do not have an adverse impact on any protected class. An exam is deemed acceptable if the following criteria are met: (1) Valid: the exam must measure what it says it is measuring; (2) Reliable: the results must be consistently repeatable; (3) Job-related: the exam must be job relevant and job specific. The following methods accomplish validation: (1) Content Validation: analyzes the content of the exam and demonstrates that it corresponds to the job tasks as set out in the position description; (2) Construct Validation: shows that the exam measures specific personal characteristics that are shown to be necessary for performance on the job; (3) Criterion Validation: shows a statistical correlation between performance on the exam and actual job performance as measured by specific criteria.
- b. At the discretion of the City Administrator or other hiring authority, examinations may consist of any one, or a combination, of the following types of tests suitable for assessing the knowledge, skills, and abilities of an applicant:
 - 1. Written Test: Includes a written demonstration designed to show the applicant's familiarity with the knowledge involved in the desired

- position, their ability in the use of the English language, the range of their general information or their general educational attainments;
2. Mental Test: Includes any test to determine mental alertness, the capacity of the applicant to adjust their thinking to new problems, honesty, or to ascertain special aptitudes;
 3. Performance Test: Includes such tests of performance that would determine ability and manual skills of applicant to perform the work involved;
 4. Oral Test: Includes a personal interview with applicant for position where ability to deal with others, to meet the public, to make an oral presentation, or other similar qualifications are to be determined;
 5. Training and Experience: This part, when required, shall be assessed from the statements of education and experience contained in the application form or from supplemental data as may be required. Results of reference checks, if made prior to oral tests, may be part of the evaluation of training and experience.
6. Interviewing. Conducting a job interview requires preparation. The position description should be reviewed to consider: the essential functions to be performed, the requirements of work experience, education, training, skills, knowledge, and abilities necessary to perform the job (i.e. operational knowledge, ability to operate equipment, communication skills). The position should also be evaluated in terms of behavioral factors (i.e. motivation, interests, goals, reliability, stress tolerance, etc.).
- a. All questions must be motivated by job relevance and should be developed with the motivation to obtain the information necessary to find the best qualified person for the position. Other questions that do not relate to the qualifications for a particular job are irrelevant and should be avoided. Job-related interview questions should be developed based on specific criteria which are defined and expanded upon after review of the position description and the job itself. If information is volunteered from the applicant that is not job related, interviewer should not ask follow-up questions.
 - b. The interviewer may inquire about an applicant's ability to perform certain job functions and, within certain limits, may conduct tests of all applicants to determine if they can perform essential job functions, with or without an accommodation.
 - c. Inquiries may be made during the interview about an applicant's ability to perform both marginal and essential duties and job-related functions. Direct inquiries regarding an applicant's disabilities are prohibited until a conditional job offer is made. However, a variety of things may be done to evaluate whether an applicant is qualified for the job including, for example, asking about an applicant's ability to perform specific job functions. The physical requirement of the job may be stated (such as the ability to lift a certain amount of weight or the ability to climb ladders), and if the applicant can satisfy these requirements.
 - d. Asking about an applicant's non-medical qualifications and skills, such as the applicant's education, work history, or required certifications and licenses, and asking the applicant to describe or demonstrate how they would perform job tasks is permissible.
 - e. Notes concerning an applicant's protected status should not be made at any point during the interview, even if done so to recollect interviewees at a later time. These types of notes may be subpoenaed in any subsequent employment-related litigation and, regardless of their intended use, could be damaging evidence against the City.
7. Background and Reference Checks. Any of the following background and reference check(s) may be used on an applicant depending on the position applied for and as determined by the hiring manager(s): (i) verification of background data (i.e. employment, education, licenses), (ii) past

employer reference checks, (iii) criminal records, (iv) driving records, (v) background investigation, (vi) credit checks.

- a. In addition to obtaining related information that helps to determine an applicant's employability and future job success, the City has an obligation to check references where the employee has a "duty of care" toward others. A "duty of care" toward others normally exists when an employee is entrusted with the care of the health, finances, or safety of customers, clients, or the public (i.e. accountant, police officer, nurse, attorney, and cab driver).
 - b. The indication of a pending arrest or conviction when noted on a City application is not an automatic bar to employment. Consideration of a pending arrest or conviction record in a decision not to hire an individual must indicate a direct and substantial relationship between the arrest/conviction and future job performance.
 - c. Information obtained from the reference check must be kept confidential and shared only with individuals directly involved in the hiring process.
8. Medical Evaluations. Medical evaluations required for specific City positions will be given to all entering employees in the same job category regardless of disability after a job offer has been made. Physical agility tests and tests for the use of illegal drugs are not considered medical examinations under the Americans with Disabilities Act (ADA).
- a. Once a conditional job offer is made, the City may ask disability-related questions and require medical examinations as long as this is done for all entering employees in that job category. If the question or examination screens out an individual because of a disability, the City must demonstrate that the reason for the rejection is "job related and consistent with business necessity." In addition, if the individual is screened out for safety reasons, the City must demonstrate that the individual poses a "direct threat," which means that the individual must pose a significant risk of substantial harm to himself/herself or others, and that the risk cannot be reduced below the direct threat level through reasonable accommodation.
 - b. A "medical exam" is a procedure or test that seeks information about an individual's physical health. The following factors may be helpful in determining whether a procedure or test is "medical":
 - a. Is it administered by a health care professional or someone trained by a health care professional?
 - b. Are the results interpreted by a health care professional or someone trained by a health care professional?
 - c. Is it designed to reveal impairments?
 - d. Is the City trying to determine the applicant's physical health or impairments?
 - e. Is it invasive (for example, does it require the drawing of blood, urine, or breath)?
9. Offers of Employment. Offers of employment may be given orally or in writing. If given orally, a formal job offer in writing must follow, confirming an applicant's start date for employment. The following are some considerations for inclusion in an employment letter: a welcoming statement; an employee title; pay rate; department and section where employee will work; where, when, and to whom the employee should report; the supervisor's name and phone number; what to wear, information on lunch, terms of the probationary period, working hours, work schedule, and who to contact for more information. Note that §103.14, Wis. Stat., requires new employees to be notified at the time of hire of the City's dress code involving hairstyle, facial hair, clothing, etc.
10. Requirements upon Hiring.
- a. The Employment Eligibility Verification Form (I-9) must be completed by all newly hired employees to verify their identity and eligibility to work in the United States. Employees are considered hired as of the actual commencement of employment for wages. The employee must fill out Section 1 of the form and present documents establishing both identity and

- employment eligibility within three days of hire.
- b. The City must examine Section 1 of the form to ensure that it is signed and completed. The documentation provided by the employee must be physically examined to ensure identity and employment eligibility. Section 2 of the form must be completed by the appropriate designated City official within three days of hire, confirming that the applicant is eligible for employment.
 - c. New Hire Reporting. All new hires must be reported to the Department of Workforce Development within a specified length of time. Reports must include the employee's name, address, date of birth, Social Security number, date of hire, and the City's name, address, and federal employer identification number. A copy of the employee's federal W-4 form or Wisconsin WT-4 form will meet the reporting requirements. Reports may be filed by mail and sent to:

Wisconsin New Hire Reporting
P.O. Box 14431
Madison, WI 53714-0431
Or by fax to: 1-800-277-8075;
Or by telephone to: 1-888-300-HIRE
Or electronically to: <http://www.newhire-usa.com/wi/>

11. Legal Restrictions. Remember that it is imperative that each step of the hiring process is valid and non-discriminatory. Therefore, the protections afforded under both federal and state law must be kept in mind at all times.
 - a. Title VII of the Civil Rights Act of 1964 prohibits discrimination based on race, color, religion, sex (including pregnancy and sexual harassment) and national origin.
 - b. Age Discrimination in Employment Act (ADEA) prohibits discrimination against individuals age 40 and over.
 - c. American's with Disabilities Act of 1990 (ADA) prohibits discrimination against individuals with disabilities in employment (Title I), public services and transportation (Title II), public accommodation (Title III), and telecommunication services (Title IV).
 - d. Wisconsin Fair Employment Act (WFEA) prohibits discrimination based on: race, color, religious observation or practice, sex, national origin, age, creed, handicap, marital status, ancestry, arrest record, conviction record, membership in the national guard, state defense force, or any reserve component of the military force of the United States or this state, use or non-use of lawful products off the employer's premises during non-working hours, unfair honesty testing, genetic testing, sexual orientation, and sexual harassment.
 - e. Unlawful employment practices include:
 - i. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of his/her race, color, religion, sex, or national origin.
 - ii. To limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee because of race, color, religion, sex, or national origin.
 - iii. To retaliate against any individual because he/she has opposed an unlawful practice or filed a charge, testified, or assisted in a proceeding under the ADA.
 - iv. To print or publish any notice or advertisement relating to employment indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin (except in the case of a bona fide

occupational qualification for employment).

12. Additional Information. In addition to the information contained in this Policy Section, also see the section of this Handbook entitled "Employment Background Investigation and Reference Checks."

2.10 Separation or Retirement from Employment by Non-Represented Employees

A. Policy. Full time employees may be eligible for separation benefits pursuant to this policy.

B. Procedure:

1. In general, it is recommended that employees who have chosen to terminate their employment with the City other than by retirement give the City two weeks' notification of the separation; however, except for cases involving injury or disability, retiring employees must give notice of their intention to retire to their Department Head in writing at least sixty (60) days before the date of retirement in order to be eligible for any benefits made available to retirees elsewhere in this policy.
2. Department Heads receiving a notice of intent to terminate employment or retire must inform the City Administrator.
3. Any employee who commenced full-time employment with the City prior to January 1, 1987, and who thereafter worked continuously for the City on a full-time basis until retirement or termination is entitled to receive compensation for accumulated sick leave, vacation, compensatory time, and/or overtime. Such compensation shall be paid in a lump sum at the first regular payroll date following the employee's last workday with the City. An employee retiring from active employment with the City may extend his/her final date of retirement through the use of accumulated sick leave, vacation, compensatory time, or overtime. At the option of the City, the final payment for unused accumulated sick leave, vacation, compensatory time, or overtime may be made in a lump sum at the request of the retiring employee. A retiring employee extending his/her date of retirement through the use of accumulated benefits as set forth herein, will continue to accrue sick leave and vacation as provided in this handbook up to the date of final retirement.
4. Employees hired between January 1, 1987, and August 31, 2012, who terminate or retire from employment with the City and who is entitled to receive compensation for accumulated sick leave, vacation, compensatory time, and/or overtime will be paid such compensation in a lump sum at the first regular payroll date following the employees last work day with the City. Employees may not extend the date of their retirement by utilizing accumulated sick time, compensatory time, vacation time, or any other benefit time after their last day of work.
5. Employees hired on or after September 1, 2012, who terminate their employment with the City other than by retirement shall receive compensation for accumulated vacation, compensatory time, and other benefit time but not including sick time, in a lump sum at the first regular payroll date following the employees last work day with the City.

Employees' accumulated sick time shall be paid based upon the following schedule:

Less than five years employment:	No reimbursement.
Five years to less than 10 years:	Reimbursement for 30% of sick time.
Ten years to less than 15 years:	Reimbursement for 50% of sick time.
Fifteen years or more:	Reimbursement for 75% of sick time.

6. Employees hired on or after September 1, 2012, who terminate their employment with the City by retirement, in addition to receiving compensation for accumulated vacation, compensatory time, and other benefit time, shall be reimbursed for 100% of accrued and accumulated sick time.
7. Employees may designate all or part of accrued sick leave for continued health insurance coverage as provided in the Sick Leave section of this handbook.
8. Any employee who is terminated for misconduct and/or unlawful acts prohibited by this Handbook

- is not entitled to receive unused sick leave, and any such accumulated sick time shall be forfeited.
9. Employees who provide at least a two week notice prior to voluntarily terminating employment may utilize their accrued compensation time and/or accrued vacation time to fill their two weeks between the date of the separation notice and the end date of their employment, however the employees' intent to use accrued time must be communicated by the employee to their Department Head on or prior to the date of the separation notice.
 10. For purposes of this Policy section, the following definitions shall apply:
 - **"Retirement"** means: the termination of employment by an employee who is aged 50 years or older; and where the City of Baraboo has been provided 60 days' prior written notice; and when the employee is not leaving employment for any other employment. Retirement shall also mean the termination of employment by an employee of any age as a result of injury or disability.
 - **"Other than by retirement"** shall mean all termination of employment by an employee *other* than meeting the definition of "retirement."

2.11 Volunteering as a City Employee

- A. **Policy.** City employees may, in their discretion and at their option, choose to participate in volunteer opportunities with the City so long as the volunteer work complies with the Fair Labor Standards Act (FLSA).
- B. **Procedure.**
 1. If a City employee would like to do volunteer work for the City, the employee must first speak to his or her Department Head to ensure the volunteer work would not conflict this his/her regular work assignment. If there is no conflict and/or if the Department Head will waive the conflict, the employee must then speak to the City Administrator or his/her designee and the City Attorney to determine whether the volunteer activity would be permitted under the FLSA.
 2. If the volunteer work is permitted under the FLSA, the employee will be subject to and be required to sign all regular and customary City volunteer waivers and releases.

Section 3 EMPLOYEE BENEFITS

3.01 Cafeteria Plan, Section 125, or Flex Plan

- A. **Policy.** The City makes available to interested employees a program commonly known by one of the three following names: a Cafeteria Plan, a Section 125, or a Flex Plan. The program allows employees to pay for certain benefits with pre-tax dollars. It allows employees to choose the benefits they want in the program and the level at which they will utilize the plan (this ability to choose is where the term "cafeteria plan" comes from). This employee benefit program was initially made available to all City employees in 2003 and renews on January 1st of every year, at which time employees can enter the plan or adjust their participation levels.
- B. **Procedure.** Detailed information on this program is available from the City Clerk. The City Clerk can address individual questions and provide all the educational material an employee may need to make a decision on whether or not to participate in this program.

3.02 Deferred Compensation or IRS Section 457 Plan

- A. **Policy.** The City provides the opportunity for employee participation in the Wisconsin Deferred Compensation Program. The IRS Section 457 Plan (Deferred Compensation Program) is offered to public sector employees as a voluntary supplement to the City/State Retirement Program.
- B. **Procedure.** Detailed information on this program is available through from the City Clerk. The City Clerk can address individual questions and provide all the educational material an employee may need to make a decision on whether or not to participate in this program.

3.03 Employee Assistance Program (“EAP”)

- A. **Policy.** In an effort to help City of Baraboo employees and their families maintain healthy levels of emotional, work-life, physical well-being, and to limit the effect of personal problems on job performance, the City sponsors an Employee Assistance Program (EAP).
- B. **Procedure.**
1. This benefit comes at no cost to the employee or dependents and is designed to provide short-term confidential counseling and referral services, financial information and resources, legal support and resources, work/life solutions and guidance resources to employees, their spouses and dependent children.
 2. Services rendered by the EAP are provided through a contract with a private consulting firm.
 3. All information shared by an employee with the EAP will be kept strictly confidential by the private consulting firm and will not be shared with the City or any employees of the City.

3.04 Family and Medical Leave Act (“FMLA”)⁸

- A. **Policy.** This policy is intended to conform to, and not exceed, the requirements of the federal and state Family and Medical Leave Acts (“FMLA”). This policy does not specifically repeat every provision of the federal or state FMLA statutory or regulatory requirements, but does incorporate the federal and state laws fully herein as required by law.⁹ Family and medical leave (“FML”) taken under this policy may be covered by federal law, by state law, or both. When FML is governed by both federal and state law, the more generous provision will control in the event of a conflict. However, when FML is governed by state or federal law, but not both, the applicable law will control under this policy. In this regard, employees should note that certain FML may be covered by both state and federal law for only a portion of the leave.

Posters summarizing the benefits required to be provided under federal and state law can be found with other employment related postings.

B. **Procedure.**

1. **Eligibility Requirements.**
 - a. To be eligible for FML under federal law, an employee must have been employed by the City for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave.
 - b. To be eligible for FML under state law, an employee must have been employed for more than 52 consecutive weeks and have been paid for at least 1,000 hours.

⁸ First adopted on 01/11/1994, Resolution 94-05; Revised on 09/12/2000, Resolution 2000-90; Revised on 1/28/2020 by Council Resolution. 9 29 CFR 825 and §103.10, Wis. Stat.

- c. The kind and amount of FML available to an employee under this policy, as well as an employee's rights during FML, depends on whether the employee meets one or both of these requirements. Exceptions to these requirements will be made only by separate written policy of the City.
2. Types of Leave Available. It is City policy to treat use of FML under this policy as simultaneous use of state and federal leave entitlements whenever appropriate and permitted by law.
 3. Circumstances When Applicable. The City provides FML for eligible employees under the following circumstances.
 - a. Birth of the eligible employee's child and to care for a newborn child;
 - b. Placement with the eligible employee of a child for adoption and, under federal law, foster care;
 - c. Care administered to an eligible employee's spouse, son, daughter, parent, parent-in-law and domestic partner (§103.10(1)(ar), Wis. Stat.), with a serious health condition;
 - d. Inability of the eligible employee to perform the functions of his/her job because of a serious health condition;
 - e. Care for a service member – up to 26 workweeks (Form WH-385) (see 29 CFR 825.127(c));
 - f. Leave because of a qualifying exigency (Form WH-384) (see 29 CFR 825.126);
 - g. When receiving continuing treatment (see 29 CFR 825.115): Employee is treated 2 or more times within 30 days (of the first day of incapacity) and employee is treated on at least one occasion within 7 days (of the onset of the condition) and requires continuing treatment.
 - h. BONE MARROW AND ORGAN DONATION LEAVE: The Wisconsin Bone Marrow and Organ Donation Leave Act provides qualifying employees with the right to take up to six weeks in a 12 month period of job-protected leave, with continued medical benefits, when they need time off from work for the purpose of serving as a bone marrow or organ donor. To qualify for Bone Marrow and Organ Donation Leave an employee must have worked for the City of Baraboo for more than 52 consecutive weeks and have worked at least 1,000 hours during the preceding 52-week period. If an employee intends to take leave for the purpose of serving as a bone marrow or organ donor, the employee must do the following:
 - i. Make a reasonable effort to schedule the bone marrow or organ 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 done.
 - ii. Give the City advance notice of the bone marrow or organ donation.
 - iii. Submit a request for Family Medical Leave.
 4. Amount of Leave Available.
 - a. Under federal FMLA, an eligible employee is entitled to a total of 12-weeks of leave during a 12-month period.
 - b. Under state FMLA, an eligible employee is generally entitled to:
 - i. In a 12-month period, six weeks of FML for:
 1. The birth of the employee's natural child if the leave begins within 16 weeks of the child's birth.
 2. The placement of a child with the employee for adoption or as a precondition to adoption under §48.90(2), Wis. Stat., but not both, if the leave begins within 16 weeks of the child's placement.
 - ii. In a 12-month period, two weeks of FML for to care for the employee's child, spouse, domestic partner, or parent, if the child, spouse, domestic partner, or parent has a serious health condition.
 - iii. In a 12-month period, no employee may take more than eight weeks of FML for any combination of reasons.
 - c. The 12-month period utilized by the City in applying this policy is a "rolling" 12-month period measured backward from the date an employee uses any FML. The City "looks back" over the last 12-months, adds up all the FML time the employee has used during the previous 12-months

and subtracts that total from the employee's 12-week federal FML allotment and/or applicable state leave allotment. When calculating an employee's available FML leave, the employee's remaining available balance is 12-weeks (or applicable state FML available balance) minus whatever portion of FML leave the employee used during the 12-months preceding that day.

5. Manner in which Leave can be taken. FLA available under this policy may be taken in full, intermittently (e.g., one week at a time) or on a reduced leave schedule (e.g., consecutive hours at a time) under certain circumstances.
6. Compensation during Leave. Generally, FML is unpaid leave. However, the FMLA permits an eligible employee to choose to substitute accrued paid leave for FML. If an employee does not choose to substitute accrued paid leave, the City may require the employee to substitute accrued paid leave for unpaid FML. See 29 CFR 825.207 and § 103.10(5)(b), Wis. Stats.
7. Continuation and Accrual of Benefits.
 - a. Employees will remain eligible for health insurance benefits under the City's group health plan during FML under the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave.
 - b. During FML, the City will pay any portion of the premiums for coverage that it was responsible for paying immediately prior to the leave. The employee must continue to pay his/her share of health coverage as provided in the City health plan. If paid leave is not substituted for unpaid leave, the employee must pay his/her share of premiums to the City Treasurer by the same time payment would have been made for such premiums through payroll deduction. If paid leave is substituted for unpaid leave, the employee's share of the premiums will be paid by the same method used during paid leaves of absence, i.e., by payroll deduction. Employees should check with the City Clerk concerning arrangements for making employee payments for health insurance during leaves.
 - c. The City reserves the right to require employees to place up to eight (8) weeks of premiums in escrow prior to FMA, pursuant to state law, or to discontinue coverage if premiums are received from employees more than thirty (30) days late, pursuant to federal law, to the extent permitted by law.
 - d. Employees will not accrue seniority or any other employment benefit during FLA, except that such benefits will accrue if employees elect to use other leaves provided by the City pursuant to Section 3, Benefits, of this Handbook, and if such benefits would normally accrue during that leave.
8. Required Advance Notice.
 - a. Employees must provide the City with notice in a reasonable and practicable manner before taking FML if the need for leave is foreseeable, e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. When requesting partial or intermittent FML in connection with child birth or adoption, the employee must provide at least as much notice as the City requires for making other non-emergency or non-medical leave, as well as a definite schedule for the leave. When advance notice is not practicable due to uncertainty as to when leave will be required to begin, a change in circumstances, or medical emergency, notice must be given as soon as practicable. Employees are encouraged to provide a written request for FML, the reasons for the requested leave, and the anticipated beginning date and duration of the leave.
 - b. When planning medical treatment, the employee should consult with the HR Director and make a reasonable effort to schedule the leave so as not to disrupt unduly the City's operations, subject to the approval of the employee's health care provider. Employees are ordinarily expected to consult with the HR Director in order to work out a treatment schedule which best suits the needs of both the City and the employee.
 - c. When an employee is absent for three (3) consecutive days or more, the HR Director must be notified by the employee's supervisor so that the employee can be given the opportunity to

apply for FML.

9. Medical Information Required. The City requires that an employee's request for leave to care for the employee's seriously ill spouse, domestic partner, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform the functions of the employee's positions, be supported by certification issued by the health care provider of the employee or the employee's ill family member. The City reserves the right to require certification consistent with the Department of Labor form related to certification of leave and definition of a serious health condition (Certification of Physician Form). That form is available from the HR Director.
 - a. An employee's failure to make a timely and responsive certification may result in denial of the leave requested until such certification is provided. Further, failure to provide such certification may be the basis for denial of continued leave or qualification of the leave as FMLA leave. The City will be entitled to receive re-certification to the extent permitted by law.
 - b. An employee on FML will report, orally or in writing, to the HR Director every thirty (30) days concerning his/her status and intention to return to work.
10. Bonuses. See 29 CFR 825.215(c)(2).
11. Light Duty. See 29 CFR 825.220(d).
12. Employer Notice Requirements. See 29 CFR 825.300.
 - b. Notices.
 - i. General Notice (WH Publication 1420). Must be accessible to applicants and employees, and distribution to employee must be via handbook or each new hire (can be electronic).
 - ii. Eligibility and Rights and Responsibilities Notice (WH-381). Must be given within 5 business days of an employee request for leave for an FMLA qualifying reason. The appropriate certification form should be sent with the notice.
 - iii. Designation Notice (WH-382). The designation must indicate that the leave is FMLA qualifying or does not qualify and specify the reasons for not qualifying, and must also specify the amount of leave that will be FMLA, and must state whether a fitness for duty certification will be required.
 - iv. Medical Certification Forms (WH-380E and WH-380F). See 29 CFR 825.305 and 825.307(a) for the employer's right to contact the employee's health care professional.
 - c. Second/Third Opinions: See 29 CFR 825.307
 - d. Recertification: See 29 CFR 825.308.
13. Fitness for Duty Certification. See 29 CFR 825.312.
14. Definitions Used in the Policy. See 29 CFR 825.102 and §103.10, Wis. Stats.

3.05 Funeral Leave

A. Policy. Full-time and part-time City employees are eligible for funeral leave, subject to this policy.

B. Procedure.

1. Paid funeral leave of up to three (3) days will be granted to full-time and part-time employees for absence from work caused by death in the employee's immediate family. Under certain circumstances, a guardian or foster-parent arrangement may exist and such a relationship may be considered on the same level as a biological parent; under these circumstances the City Administrator should be consulted before proceeding further. For this section, "**immediate family**" includes:

Employee's Mother
Employee's Mother-in-Law

Employee's Grandfather
Employee's Brother

Employee's Wife
Employee's Husband

Employee's Step-Mother	Employee's Half-Brother	Employee's Son
Employee's Grandmother	Employee's Step-Brother	Employee's Step-Son
Employee's Father	Employee's Sister	Employee's Daughter
Employee's Father-in-Law	Employee's Half-Sister	Employee's Step-Daughter
Employee's Step-Father	Employee's Step-Sister	Employee's Grandchild
		Employee's Domestic Partner ¹⁰

2. Paid funeral leave of up to one (1) day will be granted to full-time employees for absence from work caused by death of an employee's "other family" member. For this section, "other family" includes:

Spouse's Step-Parent	Employee's Aunt	Employee's Step-Grandchild
Spouse's Grandparent	Employee's Uncle	Employee's Step-Mother-in-Law
Employee's Sister-in-Law	Employee's Niece	Employee's Step-Father-in-Law
Employee's Brother-in-Law	Employee's Nephew	

3. Time off may be granted at the discretion of the Department Head for a full-time or part-time employee to attend the funeral services of a deceased friend. If permission is given by the Department Head to attend such services for a deceased friend, the employee may request the use of his/her own compensatory or vacation time to cover the missed wages.
4. Funeral leave is available to eligible employees starting with their first day of employment.

3.06 Health Insurance

- A. Policy.** All employees eligible under the State of Wisconsin Retirement System (WRS) are eligible to participate in the City's Health Insurance Program. Terminating or retired employees and their spouse may obtain health insurance coverage under the City plan at their own expense according to the terms of the Employee Trust Fund who administers COBRA benefits on behalf of the City.

Employees have the option to choose a group health insurance plan from the standard plan and the alternate health insurance plans offered by the Wisconsin Public Employers' Group Health Insurance Program in the City's service area. Employees are required to pay a portion of the cost of the health insurance premium. The level of participation in the premium is determined by the Common Council, and shall comply with State law.

- B. Procedure.**

1. Health insurance coverage for newly hired employees goes into effect according to the Employee Trust Fund System eligibility rules for municipal employees.
2. A full complement of information is available to all employees through the City's Payroll Department. Individual healthcare providers supply information for their plans. Questions on health insurance can initially be directed to the Payroll Department. Once established with a plan, however, questions should be directed to the healthcare provider selected by the employee.
3. Part-time employee eligibility:
 - a. For employees hired before 07/01/11 - Health insurance coverage will be offered to eligible part-time employees on the following basis: The City will pay on a prorated basis % (less the co-pay) of the lowest premium to those employees working between 600 – 1,040 hours per year. Those employees working from 1,040 hours to full-time will be responsible for that portion of the premium based on a pro-ration of hours worked.¹¹

¹⁰ Defined by §103.10(1)(ar), Wis. Stat.)

¹¹ Resolution 99-52, June 08, 1999

- b. For employees hired after 07/01/11 – Health Insurance coverage will be offered to eligible part-time employees on the following basis: The City will pay on a prorated basis %, (less the co-pay) of the lowest premium to those employees working between 1200 to 2040 hours per year. Those employees working from 1200 hours to full-time will be responsible for that portion of the premium based on a pro-ration of hours worked.
- 4. Health Insurance Premium Calculation upon Termination: The City will pay the health insurance premium to the end of the calendar month in which the employee terminates employment.

3.07 Hearing Protection Policy and Policy on Hearing Aid Cost Sharing¹²

A. **Policy.** The City requires annual hearing tests for exposed employees. Prior to this policy, employees operating noisy or heavy equipment were occasionally exposed to noise volumes exceeding what is considered safe levels. As a result, some employees may have experienced some hearing loss in the course of their employment. State Statute §102.555 only recognizes hearing loss as a worker’s compensation claim after the employee terminates employment, retires, or leaves the noisy environment. Therefore, current employees who may have some hearing loss caused through their employment can only obtain hearing corrective devices through their medical insurance or as an out of pocket expense.

B. Procedure.

1. This policy applies to City employees who have had exposures to noise and who have experienced hearing loss due to exposure while employed by the City. Employees with personal history of hearing loss, loss due to illness, loss prior to being employed by the City, and current wearers of hearing aids are not eligible under this policy.
2. The City requires the use of hearing protection and annual testing, and requires that employees be notified if they have a substantial change in their hearing. However, the policy does not address continued employment concerns should an employee’s hearing be reduced by significant levels to the point where the City incurs a liability by having an employee with uncorrected hearing on the job. Therefore, the City acknowledges that employees with substantial hearing losses may not be eligible to retain their position, depending upon the job requirements, unless their hearing can be corrected so that the employees can safely perform their duties.
3. The City will participate in cost sharing for corrective hearing devices (hearing aids) for up to half of the amount not covered by the employee’s health insurance, not to exceed \$500 per ear as a one-time benefit. All care and maintenance costs will be at the employee’s expense. The City will only contribute towards the hearing aid devices and not contribute towards the cost of office visits, maintenance or consumable items.
4. An employee desiring a benefit under this policy must submit (a) a copy of the invoice for the hearing aids, along with (b) the Explanation of Benefits from their health insurance provider, indicating the amount paid by insurance for the hearing aids. These documents are to be provided to the City Clerk.

3.08 Holidays

A. **Policy.** Employees working less than full-time are eligible for holiday pay equal to a proration of their annual hours worked. All regular full-time employees eligible under the State of Wisconsin Retirement System (WRS) will receive 8 hours of pay for the following holidays:

New Year's Day	Friday before Easter	Memorial Day	Independence Day
Labor Day	Thanksgiving Day	Friday after Thanksgiving	Day before Christmas

Christmas Day Floating Holiday (requires Supervisor's approval) Martin Luther King Jr., Day¹³

B. Procedure.

1. In the event a holiday falls on a Saturday, the holiday will be taken the preceding Friday. In the event the holiday falls on a Sunday, the succeeding Monday will be taken as the holiday.
2. Because the City observes both Christmas Eve and Christmas Day as holidays, having one or both of these holidays occurring on a weekend presents a situation that requires clarification in terms of which days of the week will be used to observe these holidays:
 - a. When Christmas Eve falls on a Friday and Christmas Day falls on a Saturday the City will observe them as follows: Christmas Eve will be observed on Thursday; Christmas Day will be observed on Friday.
 - b. When Christmas Eve falls on a Saturday and Christmas Day falls on a Sunday, or when Christmas Eve falls on a Sunday and Christmas Day falls on a Monday, the City will observe them as follows: Christmas Eve will be observed on Friday; Christmas Day will be observed on Monday.
 - c. Any holiday occurring during an employee's vacation will not be considered as a day of vacation.
 - d. Police Department employees covered by a collective bargaining agreement shall refer to their agreement for additional information.
3. New employees shall not be entitled to holiday pay the first thirty calendar days after hire.
4. Except as expressly allowed by the City Administrator, employees may not take personal holiday time that has not been earned and included in their time off bank.

3.09 Income Continuation Insurance

A. Policy. Income Continuation Insurance is a plan that will replace a percentage of an employee's gross earnings in the event the employee should become disabled. The plan provides replacement income for disabilities that are considered short term as well as those that may last for extended periods. Depending on the age at the time disability commences, the plan may continue paying disability payments until age 70. The City provides each eligible employee with Income Continuation Insurance¹⁴ through the Wisconsin Public Employers' Group Income Continuation Insurance Program to protect the income of City employees during short or long periods of disability.

B. Procedure.

1. The premium for Income Continuation Insurance is borne by the City of Baraboo as long as the employee selects the plan that has the 180-day (6-month) elimination period. If an elimination period is selected that is less than 180 days (30, 60, 90, or 120 days), the employee will be responsible for paying a portion of the monthly premium which is based on the level of annual earnings and the elimination period selected.
2. The City will provide each eligible part-time employee, as provided by the Employee Trust Fund, with Income Continuance Insurance through the Wisconsin Public Employers' Group Income Continuation Insurance Program to protect the income of City employees during short or long periods of disability.
3. A full complement of information is available to all employees through the City's Payroll Department. A booklet entitled Income Continuation Insurance is also available to answer questions about the program.

3.10 Leave of Absence

¹³ Per City Council Resolution adopted 1/28/2020.

¹⁴ Resolution 99-51 dated June 8, 1999.

A. **Policy.** Full-time and part-time employees are eligible for a leave of absences pursuant to this policy.

B. **Procedure.**

1. Employees must have passed their trial period to be eligible for a general leave of absence, unless otherwise required by law. Leaves of absence will be granted as follows:

a. Jury Duty: Leave for jury duty shall be as provided by law. An employee called to jury duty will be paid his/her regular salary, providing the check for jury duty is turned over to the City.

b. Military Leave: Leaves will be granted for various duties of service in the military as provided by law. Starting from an employee's date of hire, all full-time employees are granted up to six months of pay for military active duty per calendar year, less their earned military base pay ("offset pay"). Special active duty pay such as hazard duty pay will not be used in calculating the employee's military base pay. In addition, for six months per calendar year, employees on military active duty will continue to accrue their City benefits such as, but not limited to, vacation days, health insurance and pension contributions. Active duty military leave in excess of six months per calendar year will be unpaid with no benefit accrual, although an employee may use his/her accrued vacation and/or compensatory time for such military leave. Employees are required to inform their Department Head and the City Clerk about their military leave as soon as possible, and provide the following:

i. A copy of their Orders,

ii. Documentation supporting their military pay grade and their years of service,

iii. A completed payroll form available from the City Clerk.

a. Example: A full-time employee is called for active military duty for the months of June and July. During June and July, the employee will continue to receive his or her regular pay from the City for the employee's regularly scheduled work hours, less his/her military base pay. Official City holidays, such as July 4th, shall be treated like a regular work day for the purposes of calculating the offset.

b. Example: A full-time employee who works a regular schedule of Monday – Friday is called for active military duty for a Friday, Saturday and Sunday. The employee will receive his or her regular City pay for Friday, less his/her military pay, but will not receive City pay for Saturday or Sunday.

For the purposes of this section, "**Active Duty**" shall not include weekend drill duty obligations.

c. General Leave: The City Administrator may, at his/her option, grant a general leave of absence to an employee. Such leave will be without pay and will not exceed a six-month period.

d. Family and Medical Leave: See the Family and Medical Leave policy section of this handbook.

e. Bone Marrow and Organ Donation Leave: See Family and Medical Leave policy section of this handbook.

2. Requesting a Leave of Absence must be done by submitting a letter to the City Administrator for review with a copy also being provided to the employee's Department Head. The letter should include the date that leave is requested to begin, the duration of leave, and an explanation of why leave is being requested.

3. INSURANCE AND A LEAVE OF ABSENCE – The City of Baraboo will allow employees on leave or layoff status only to utilize accumulated sick leave to pay for Life Insurance and Income Continuation Insurance (ICI) premiums to the extent such coverage is available through the Wisconsin Retirement System. The Wisconsin Retirement System Administration Manual provides the terms and conditions under which employees on leaves of absence (including layoff) may maintain this coverage. An employee on layoff may also choose to continue his/her benefits through cash

payment to the City as provided in the Wisconsin Retirement System Administration Manual, a copy of which may be reviewed in the Payroll Department at City Hall.

3.11 Life Insurance

- A. **Policy.** All employees eligible under the State of Wisconsin Retirement System who work 600 hours or more a year and who are covered under Chapter 40 of the Wisconsin Statutes may be covered under the State of Wisconsin Group Life Insurance program. The City will contribute the percentage required by the State to participate in the plan. The City also offers additional life insurance opportunities through a state program at the employee's own expense.
- B. **Procedure.** A full complement of information is available to all employees in the Payroll Department. A booklet entitled The Wisconsin Public Employees Group Life Insurance Plan provides all the information needed to make an informed decision on participation in additional insurance programs.

3.12 Retirement Fund

- A. **Policy.** All employees eligible under the State of Wisconsin Retirement System will be participants in the Wisconsin Retirement Fund. The City and the employee shall make such contribution to the WRS as may be required by law.
- B. **Procedure.** More information regarding the State of Wisconsin Retirement Fund is available from the City Clerk. Periodic statements are produced by the Fund that provides financial information for each employee.

3.13 Sick Leave

- A. **Policy.** Eligible employees are eligible for sick leave pursuant to this policy.
- B. **Procedure.**
 - 1. One day of sick leave per month (12 per year) will be granted to all eligible employees at their prevailing wage rate based on an eight-hour day. Full-time employees working other than an eight-hour day will have sick leave based on the number of hours normally scheduled. Unused sick leave may be accumulated up to 129 days.
 - 2. Upon reaching the 129-day cap, additional sick leave may be accumulated to a maximum of 150 days, with the number of days in excess of 129 being used only for the purpose of continued health insurance coverage after separation from City service, provided, however, the right to use unused sick leave benefits for continuation of health insurance benefits will only apply to the extent the employee or their spouse is eligible for continuation of health insurance benefits under the health insurance section of this Handbook.
 - a. Once an employee has accumulated 150 days of sick leave, additional sick leave hours accumulated shall be accrued in a catastrophic leave account (CLA).
 - b. Employees may use their CLA during an event when sick leave is eligible for use and all other sick leave time has been exhausted.
 - c. Time accumulated in the CLA is not reimbursable when an employee separates or retires from service with the City.
 - 3. Sick leave will be charged in quarter (1/4) hour increments (15 minutes).
 - 4. Sick leave will be used only as sick leave (see Family and Medical Leave Act policy section of this Handbook for more information). The City has a right to investigate the use of sick leave.
 - 5. Notification of inability to work due to being sick must be given as early as possible.

6. Whenever possible, notification of inability to work must be made by phone by the employee to the employee's Department Head or supervisor.
7. It is intended by this policy that an employee be entitled to sick leave for the first three consecutive working days without furnishing a medical certificate, but that a medical certificate may be required for any sickness which continues for more than three working days.
8. When a medical certificate is required, it will state the doctor's approval to return to work along with any restriction as to the amount and type of work that can be performed. For a job related injury, a medical certificate is required to be turned in to the Department Head before returning to work.
9. Sick leave may be used for medical or dental appointments, examinations, or other medical reasons. Employees will not be required to use sick leave in the case of an on-the-job injury when Workers' Compensation benefits are paid to the employee.
10. The City will allow employees on layoff status only to utilize accumulated sick leave to pay for life and Income Continuation Insurance premiums to the extent such coverage is available through the Wisconsin Retirement System. The Wisconsin Retirement System Administration Manual provides the terms and conditions under which employees on leaves of absence (including layoff) may maintain these coverages. (An employee on layoff may also choose to continue these benefits through cash payments to the City as provided in the Wisconsin Retirement System Administration Manual.)
11. When an employee reaches an accumulation of 129 sick days, he/she will receive one day of pay for each six consecutive month period when no sick leave is taken. This benefit will be paid annually in December.
12. In order to attract the best qualified applicants for certain City positions, the City Administrator may offer an applicant for a Department Head position sick leave benefits which differ from this policy.
13. Employees who terminate before the 15th of each month will forfeit their earned sick day accrual for the month in which they terminate.

3.14 Vacation¹⁵

A. **Policy.** Full time employees are entitled to paid vacation pursuant to this policy.

B. **Procedure.**

1. Full-time employees will receive an annual paid vacation amount based on the following schedule:

One Year of Service	7 days (56 hours)
Two Years of Service	14 days (112 hours)
Five Years of Service	21 days (168 hours)
Twenty Years of Service	24 days (192 hours)
Twenty-five Years of Service	25 days (200 hours)

2. Employees receiving a higher level of vacation benefit as of the date of any revision to this policy will not have their vacation level reduced.
3. Vacation will be earned on a monthly basis prorated for the total annual allocation shown above. This twelve-month (annual) period will commence with the employee's employment start date and usage will be calculated therefrom.
4. At the employee's anniversary, one year's vacation hours may be carried over to the next year. Hours in excess of one year's vacation will be lost. An exception to this rule however, is that up to 40 hours of excess, unused vacation will automatically be carried over for thirty days; any extension beyond thirty days requires preapproval of the City Administrator, and must be due to an

¹⁵ Modified by Council Resolution on 4-28-20.

unforeseen circumstances such as a City-wide emergency or urgent need of the employee's Department. If the excess time is not used within the thirty days, of any approved length of time preapproved by the City Administrator, it shall be lost.

- a. Example: An employee has worked for the City for two years. The employee earns 112 hours vacation per year. If no vacation is claimed, at the end of the year 112 hours will be accrued. At the end of the second year, assuming no vacation is claimed, 224 hours will be accrued. On the employee's third-year anniversary date, 72 hours of vacation will be lost, and 152 hours will remain. At the end of thirty additional days, again assuming no vacation is claimed, 40 hours of vacation will be lost and only 112 hours will be allowed to be carried over.
5. Employees will take their vacations at such time or times as approved by their Department Head. Department Heads must notify the City Administrator of their own intention to take vacation.
6. Except as expressly allowed by the City Administrator, employees may not take vacation that has not been earned and on the books.
7. In order to attract the best qualified applicants for certain City positions, the City Administrator may offer an applicant for a Department Head position vacation benefits which differ than the above.
8. Employees who terminate before the 15th of each month will forfeit their earned vacation accrual for the month in which they terminate.

3.15 EMERGENCY DECLARATION FOR MEDICAL EVENTS - PAID LEAVE¹⁶

- A. Policy. The City recognizes that large-scale medical events resulting in non-essential City employees being ordered to stay home from work to prevent contracting or spreading an illness may result in an enormous financial burden to the employee, their family, and the community as a whole. To address and mitigate this burden, the Common Council has adopted this Policy.

This Policy shall only apply when there has been an Emergency Declaration issued per § 1.33(5) of the Baraboo Municipal Code by the Mayor (or the City's Emergency Management Director in lieu of the Mayor) or the Common Council, and which includes a statement that this Policy has been activated. In the event the Emergency Declaration fails to state that this Policy has been activated, the Common Council may pass a resolution retroactively activating this Policy within three months after the termination of the Emergency Declaration.

Factors that may be used to determine whether this Policy should be activated include, but are not limited to:

- The City receiving orders from the Sauk County Health Department, the State of Wisconsin or the Federal Government for all non-essential City employees to stay home from work to prevent the spread of an illness.
- The City receiving information about a known employee exposure (regardless of position).
- Upon the recommendation of the City's Emergency Management Commission.

For purposes of this Policy, "essential employees" will be determined on a case-by-case basis by the City Administrator taking into consideration the needs of the City, but will typically include police, fire and certain DPW employees and employees working at the Oschner Park Zoo.

B. Procedure.

1. This Policy shall only apply if there has been an Emergency Declaration issued by the Mayor, the

¹⁶ Adopted by City Council by Resolution on March 17, 2020.

City's Emergency Management Director in lieu of the Mayor, or the Common Council pursuant to § 1.33(5) of the Baraboo Municipal Code for a medical event resulting in non-essential City employees being required to stay home from work to avoid spreading an illness. The Emergency Declaration must state that this Policy is activated or, in the event the Emergency Declaration fails to state this Policy has been activated, the Common Council may pass a resolution retroactively activating this Policy within three months after the termination of the Emergency Declaration.

2. Upon the activation of this Policy (or during the period when it applied if activated retroactively by the Common Council) the following shall apply:
 - a. For regular full- and part-time non-exempt, non-essential employees:
 - i. If the employee is ill or is caring for an immediate family member (as defined by the FMLA) who is ill, the employee shall use their accrued sick leave.
 - ii. If an employee has already approved vacation and/or other paid time-off during the activation period of this Policy and the vacation and/or other paid time-off has not been cancelled by the employee's supervisor, the employee must use their vacation and/or time-off and shall not be allowed to substitute the pay provided for in this Policy for those days.
 - iii. If (i) or (ii) do not apply, or if the employee has run out of accrued sick leave in the case of (i), the employee shall receive their regular hourly rate of pay for their regular and customary number of hours worked per week, not to exceed 40 hours per week, for the length of time they have been ordered to stay home by their Department Head or the City Administrator.
 - b. For the Fire Department: Paid-on-call firefighters shall earn their regular rate plus one-half during the activation period of this Policy.
 - c. Exempt employees shall continue to earn their regular salary during the activation period of this Policy.
 - d. During the activation period, non-essential employees who are not ill, caring for an ill immediate family member, or on approved vacation or time-off shall be required, to the fullest extent possible, to work remotely during their regular working hours.
 - e. Essential employees who are required to continue to report to work shall not be entitled to the paid leave provided for by this Policy.
 - f. The Dual Employment (a/k/a Moonlighting) Policy in this Handbook shall remain in full force and effect during the activation period of this Policy, meaning a non-essential employee cannot work in other employment during the employee's regularly scheduled and customary time when they would be working for the City. Limited exceptions may be approved on a case-by-case basis by the City Administrator, such as working for emergency services during the Policy activation period.
 - g. All benefits that the City would normally provide to employees, including health insurance, retirement, etc., shall continue to be provided during the activation period of this Policy.

Section 4 COMPENSATION

4.01 Clothing Allowance

- A. **Policy.** When authorized by a Department Head or the City Administrator, the City will provide adequate protective gear and appropriate shirts, jackets, and hats for employees. The City shall consider authorizing shirts, jackets, and hats for employees bearing City of Baraboo identification when the employee's position regularly risks damage or excess soiling of garments, or when employees are

dealing with the public under circumstances when it is not readily apparent the employee is an employee of the City.

B. Procedure.

1. The City agrees to provide adequate protective rain gear, welding gear, and any other required equipment to those employees who require the same for the safe performance of their jobs. All protective gear shall be stored, when not in use, in facilities of the City of Baraboo.
2. For workers in the Street, Parks, and Utility Departments, the City will provide a clothing allowance of \$150.00 per year. The allowance shall be paid in a January paycheck.
3. The City shall provide each employee required to wear safety shoes a reimbursement for such shoes up to \$150.00 per year on an as needed basis and as approved by the Department Head.
4. Employees authorized to receive appropriate shirts, jackets, and/or hats by the City because of the nature of the employee's job in dealing with the public, namely under circumstances when it is not readily apparent the employee is an employee of the City, shall receive an allowance as determined in the reasonable discretion of the Department Head and with the City Administrator's approval.

4.02 Employee Time Donation Policy for Catastrophic Illness or Injury¹⁷

A. Policy. This program is intended to provide financial assistance and support to regular full-time and regular part-time employees of the City who have exhausted all paid time off benefits and are unable to return to work due to a catastrophic illness or injury suffered by themselves or a family member. City employees may donate a portion of their earned and unused sick leave, vacation or floating holiday time as a way to provide income continuation for eligible employees.

B. Procedure.

1. Definitions. As used in this Section, the following words and phrases shall have the following meanings:
 - a. **Employee** - An individual who is employed with the City in a regular full-time or regular part-time position, has been employed for a minimum of one year, and is eligible to use accrued benefit leave balances.
 - b. **Catastrophic Illness or Injury** - A prolonged non-occupational illness or injury which is life threatening as determined by the program administrator and supported by medical substantiation from the employee's or family member's treating physician, and would result in the employee having to go on unpaid leave of absence or terminate their employment.
 - c. **Donated Leave** - The amount of time from an employee's accrued and unused sick leave, vacation or floating holiday time an employee is willing to donate. Donations must be done in half day or full day increments (4.00 hours or 8.00 hours).
 - d. **Program Administrator** - The City Administrator's Office will administer this program in accordance with the procedures outlined below, and the City Clerk will monitor status of the donations and time used. The City Administrator must approve of all applications.
2. Program Eligibility and Requirements.
 - a. Employment Status / Severity of Illness - An individual must be employed as a regular full-time or regular part-time employee for at least six calendar months and be eligible to utilize accrued benefit balances. An employee must be suffering from a catastrophic illness or injury.
 - b. Exhaustion of Paid Benefit Balances - An employee must have exhausted all accrued and paid benefit balances before being eligible for Catastrophic Illness and Injury Time Donations. An employee or their designee may submit the required program documents prior to the exhaustion of their leave when it is anticipated that the remaining benefit balances will be

¹⁷ Leave Donation Policy (added 12/22/15 Council action).

- exhausted as a result of the catastrophic illness or injury.
- c. Documentation to Request Donations - An employee must submit the following documents when requesting Catastrophic Illness and Injury Time Donations:
 - i. An Application for Catastrophic Illness and Injury Time Donations, which is available from the City Administrator, and
 - ii. Physical, medical or FMLA Certification.
 - d. Use of Donated Benefit Time - An employee who has been granted the use of Catastrophic Illness and Injury Time Donations will have the donated sick leave, vacation or floating holiday time credited to their benefit balances. An employee must utilize any available donated vacation or floating holiday hours within their statutory Wisconsin and Federal family and medical leaves. Donated leave will be subject to all tax liability associated with regular pay and shall be the responsibility of the recipient.
 - e. Worker's Compensation - An employee will not be eligible for Catastrophic Injury or Illness Time Donations if they have applied for Worker's Compensation benefits and a determination has not been made as to their eligibility. If a determination has been made that the employee is not eligible for Worker's Compensation and there is no pending appeal, the employee may submit an Application for Catastrophic Illness and Injury Time Donations.
 - f. Unused Donated Time - If an employee returns to work, terminates, or applies for a WRS disability retirement, the unused vacation and floating holiday hours that were donated will be returned to those employees who donated the benefit time.
 - g. Status Updates - The City Clerk will monitor the use of donated leave under the program and will periodically require program participants to provide updates and additional medical documentation to ensure ongoing eligibility.
 - h. Decisions of Program Administrator - All decisions made or actions taken by the City Administrator, including, but not limited to, determination of eligibility, documentation required, or any decision or action made or taken in the administration, modification or termination of the benefits under the program are final and binding on all parties and shall not be grievable or arbitrated under any labor contract or City policy.
 - i. City Right to Modify or Terminate - The City reserves the right to modify or terminate this policy at any time after providing reasonable notice to all applicable labor organizations.
3. Donated Benefit Time.
- a. Eligibility to Donate Floating Holiday - Any employees with accumulated benefit time are eligible to voluntarily donate accrued and unused sick leave, vacation or floating holidays to an eligible employee for use under the program.
 - b. Eligibility to Donate Vacation - Any employees with accumulated benefit time who are eligible at the beginning of the calendar year for a minimum of two weeks of vacation are eligible to voluntarily donate accrued and unused vacation to eligible employees under the program. An employee may not donate more than forty (40) hours in a calendar year.
 - c. Increment for Donations - Any vacation or floating holiday benefit time that is being donated to an eligible program participant must be in half day or full day increments (4.00 or 8.00 hours).
 - d. Documentation to Provide Donation - Any employee donating vacation or floating holiday time must complete a Catastrophic Illness and Injury Time Donation form. This form specifies the type of leave being donated, the amount of hours the employee wishes to donate, to whom the leave is being donated to, a statement certifying that the vacation or floating holiday hours are being donated on a voluntary basis, and that within limited circumstances the donation is irrevocable.
 - e. Value of Donations - Donations will be done on a day for day basis. The program administrator will not be assessing the value of the donation with respect to the value it has to the program participant. The total hours donated will be credited to the appropriate benefit balance and the recipient will take the time off and be paid at their current rate of pay when the time is

taken.

- f. Unused Donated Time - The Program Administrator will record the receipt of donations and will allocate the donations to the program participant on a first in, first out basis. If a program participant terminates employment or returns to work with the City prior to the exhaustion of the donated time, the remaining balances will be returned to those employees whose benefit time had not yet been allocated. These hours will be credited back to the employee's appropriate benefit balance. If the employee is unable to take the returned sick leave, vacation or floating holiday hours before the end of the calendar year they will be allowed to carryover those hours into the next calendar year.
- g. Maximum Donation Received - Program participants will be eligible to receive a maximum of 1040 hours of donated benefit time per illness or injury. Participation ends once an employee or family member is medically determined to be totally and permanently disabled.
- h. Earning/Use of Benefit Time While Utilizing Donations - A program participant may be eligible to earn additional benefit time when using Catastrophic Illness or Injury Time Donations. Employees will be required to utilize any eligible and earned sick leave, holiday, or floating holiday time before using the donated vacation or floating holiday hours.
- i. No Payout of Unused Donations - Program participants will not be eligible for the payout of any remaining donated sick leave, vacation or floating holiday hours upon the termination of their employment with City.
- j. Remaining Vacation or Holiday Balance - If a program participant has a vacation or holiday balance at the end of the calendar year, the benefit time will be carried over into the next year.
- k. Record Keeping - The City Clerk will maintain all records relating to the program, including the amounts of leave donated, the amount of leave used by program participants, applications for program participation, and supporting documentation.

4.03 Exempt Employees and the Fair Labor Standards Act (FLSA)

A. Policy. The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. It is the policy of the City to comply with the Fair Labor Standards Act and the corresponding state laws.

B. Procedure:

1. An employee who feels he/she is improperly designated as an exempt/non-exempt employee must notify their Department Head. The Department Head will then notify the City Attorney and City Administrator and provide them with copies of the employee's current job description and whether the work of the employee is accurately reflected in the job description. If it is determined that the employee's job description does not accurately reflect the work being performed by the employee and/or that the employee needs to be reclassified, the City Administrator will update the job description and/or the employee's classification.
2. If an employee believes they had improper pay deductions or has not been paid appropriately, the employee should immediately file a written complaint with the Finance Department that includes specific information supporting the basis of the complaint. The Finance Department will review the situation and determine if an improper deduction has been made and, if so, work with the employee to resolve the situation and, if applicable, ensure proper reimbursement is made within a reasonable period of time and will take steps to prevent a similar inappropriate payment or improper deduction from occurring in the future.
3. The following positions are deemed exempt under the FLSA:

Adult Services Librarian/Asst. Director

Asst. Fire Chief

Chief of Police
City Administrator
City Attorney
City Clerk
CDA Executive Director
Fire Chief &
Fire Inspector
Finance Director
Library Director

Parks and Recreation Director
Police Captain
Police Lieutenants
Public Works Director/City Engineer
Recreation Supervisor
Street Superintendent
Utility Superintendent
Youth Services Librarian

4.04 Fire Inspector

- A. **Policy.** The Fire Inspector is required to be a Paid-on-Call Firefighter as a result of his/her position description.¹⁸
- B. **Procedure.** When the Fire Inspector responds to calls for service under the Paid-on-Call Firefighter portion of his/her position description during normal working hours, no additional compensation is received. When the Fire Inspector responds to calls for service outside of his/her normal working hours, the current compensation rate for Paid-on-Call Firefighter applies. The same holds true for any training or meetings attended in this capacity and timeframe.

4.05 Flex-Time

- A. **Policy.** The City Council understands that many Department Heads and other managers work extra hours to attend training, evening meetings, and to respond to emergency situations. Flex-time is a work schedule which allows exempt employees, and non-exempt employees subject to prior approval by their Department Head, to work hours that are not within the standard 7:30 AM to 4:30 PM range, while maintaining a high level of service during the City's peak operating hours (typically 10:00 AM to 3:00 PM). All time worked should be recorded or noted on an exempt employees' time sheets, and must be recorded or noted by non-exempt employees.
- B. **Procedure.**
1. The standard schedule for exempt employees is 80 hours every two-week pay period. With a flex-time schedule, exempt employees are expected to work whatever number of hours are required in order to accomplish their duties and may be permitted to set their own schedules.
 2. Exempt employees shall meet all workload requirements, and attend all scheduled conferences and meetings within the proposed flex-time schedule.
 3. Exempt employees shall notify other employees who will be affected by their presence or absence of their schedules and whereabouts while in work status by posting schedules, notifying those employees that they supervise, notifying the City Administrator, or other appropriate means. Exempt employees shall coordinate their schedules with those of other employees to maintain minimum staffing levels.
 4. Exempt employees shall not accrue or accumulate compensatory time after the date of enactment of this policy. However, all compensatory time currently accrued by an exempt employee shall remain for use by the employee in accordance with policies in effect at the time of the accrual of the time.
 5. Department Heads who allow non-exempt employees to flex their time must ensure it does not violate FMLA and is not done in lieu of an employee using more appropriate benefit time (such as using sick time if the employee is sick).

¹⁸ This rule shall apply to all Fire Inspectors hired after August 1, 2012.

- 6. Flextime by a non-exempt employee must occur within the same calendar week.

4.06 Foreman Pay – Temporary Assignment¹⁹

- A. **Policy.** On occasion a Water Utility Crewman will act as the Water Utility Foreman during the Water Utility Foreman’s absence, in which case the crewman will be entitled to additional pay. Similarly, on occasion, a WWTP Lab Technician will act as the Sewer Utility Forman during the absence of the WWTP’s Foreman, in which case the Lab Technician will be entitled to additional pay.
- B. **Procedure.**
 - 1. Water Utility: Any Water Utility Crewman that is acting as the Foreman in the Water Utility Foreman’s absence will be an compensated an additional a flat rate of \$1.00 per hour.²⁰
 - 2. Sewer Utility: Any WWTP Lab Technician that is acting as the WWTP Foreman in the absence of the WWTP’s Foreman will be compensated an additional flat rate of \$0.50 per hour.²¹

4.07 Hours of Work, Lunch and Breaks

- A. **Policy.** The normal workweek for each full-time employee is forty (40) hours, or an approved alternative.
- B. **Procedure.**
 - 1. Office staff hours shall regularly be from 7:30 AM to 4:30 PM, unless otherwise noted elsewhere in this Handbook, or for such hours as are assigned by the City Administrator or Department Head. Department Heads may revise the work cycle so as to include a four-day work week, or reschedule work starting and ending times to reflect the requirements of the jobs.
 - 2. An unpaid lunch period of a length to be determined by the Department Head and at a time to be determined by the Department Head will be taken unless otherwise approved by the Department Head.
 - 3. Break periods will be given to employees at the discretion of the Department Head.
 - 4. Employees shall be required to work overtime as the necessities of the City demand. Employees that refuse to work overtime may be subject to disciplinary measures.
 - 5. The City of Baraboo maintains the following business office hours. For further information, please contact the City Administrator’s office):

<u>City Department</u>	<u>Business Office Hours</u>
Administration.....	7:30 AM to 4:30 PM
Department of Public Works	7:00 AM to 3:30 PM
Engineering.....	7:30 AM to 4:30 PM
Finance Department.....	7:30 AM to 4:30 PM
Fire Department.....	7:30 AM to 4:30 PM
Library	Mon - Thurs: 9:00 AM to 8:30 PM
	Friday: 9:00 AM to 5:00 PM
	Saturday: 9:00 AM to 1:00 PM
Parks, Recreation & Forestry.....	7:30 AM to 4:30 PM
Police Department.	7:30 AM to 4:30 PM
Water and Sewer Utilities	7:00 AM to 3:30 PM

¹⁹ Created 5/9/16

²⁰ Note: at the time this was created, it was the two grade differential at the max pay rate.

²¹ Note: at the time this was created, it is one grade differential at the max pay rate.

4.08 Longevity

A. **Policy.** In order to encourage a skilled and efficient workforce with years of experience, the Common Council declares that longevity payments shall be paid, as a matter of policy, to all full-time City employees. This policy may, however, be changed or revised by the Common Council at any time.

B. **Procedure.**

1. Longevity will be paid to all City employees who work full-time, or an approved alternative, on a continuous basis at the following rate:
 - a. Beginning at three (3) years of service -- \$60.00.
 - b. Thereafter, for each continuous year of service an additional \$20.00 will be added to the annual rate.
2. Payment for longevity will be made by separate check.
3. Longevity pay will become due on the employee's anniversary date and payment will be made the following payday.
4. This longevity benefit will only apply to employees who maintain continuous full-time employment and any termination from full-time employment will cause the longevity benefit to terminate and any subsequent re-employment will commence as zero years of service for longevity purposes.

4.09 Overtime Pay

A. **Policy.** Employees are required to work overtime as the necessities of the City demand. Employees that refuse to work overtime may be subject to disciplinary measures.

B. **Procedure.**

1. Employees, except exempt employees, who work in excess of 40 hours in a work week, shall be paid 1½ times their regular hourly pay rate for overtime hours.
2. Non-exempt employees are prohibited from performing overtime work at home.
3. If the employee chooses to work a second job for the City and the second job is at a different pay rate than the employee's regular job, the City and the employee may agree before the employee starts the second job that the rate of pay of the overtime shall be calculated at 1½ times the second jobs pay rate and not the employee's regular pay rate.
4. Regardless of the number of hours worked in a week, non-exempt employees shall be paid 1½ times their regular hourly pay for:
 - a. Time worked on a Holiday;
 - b. Emergency call-in work, provided that it does not extend into the employee's normal work schedule, with a minimum of two hours paid; and
 - c. Time worked on a weekend.
5. Employees who are categorized as seasonal amusement and recreational employees under the Fair Labor Standards Act (FLSA) shall not receive overtime pay or compensatory time off for overtime worked. That employee shall be paid their regular wage for the overtime.
6. Interns who earn a stipend which is intended to cover cost of living expenses only shall be considered "voluntary interns," not employees, as defined by the FLSA for the purposes of overtime.
7. Non-exempt employees will be compensated for all time they are required or asked to work which supervisors know or have reason to know they are working. Non-exempt employees are required to report all time worked and are required to accurately reflect this on their timecard or in the City's time system. Failure to correctly record or falsification of actual work time is subject to disciplinary action, up to and including termination. The supervisor who signs an employee's timecard or approves his/her time record must have personal knowledge of the hours worked by the employee and must not "adjust the books" or ask an employee to record more or fewer hours than were

actually worked. Such an action is not only a violation of policy, but is also illegal under the FLSA and may subject the employee and or supervisor to disciplinary action, up to and including termination. Any illegal act may also result in legal action.

7. Non-exempt employees who work overtime without authorization are subject to disciplinary action, up to and including termination.
8. Supervisors are not to ignore work that non-exempt employees do on their own time. This is a violation of policy and prohibited by the FLSA.
9. Non-exempt employees may elect to accumulate overtime hours as compensatory time, to accrue at 1 ½ hours of compensatory time for each hour of overtime worked. A maximum of 150 hours of compensatory time may be accrued by an employee. Ideally, compensatory time earned shall be used in the next regular pay period. The use of compensatory hours by an employee is subject to the discretion of the supervisor, and is dependent upon the need for employees on the date for which the compensatory time is proposed to be used. Overtime hours worked outside the employee's normal department will be paid in money instead of comp time.
10. "**Overtime**" is determined when an employee works more than 40 hours in a week. The hours worked over 40 are overtime if the employee did not take any benefit time. Overtime is recorded in the activities where the overtime occurred. If the employee records more than 40 hours for the week but used some benefit time, the extra hours beyond 40 (worktime plus benefit time) are paid at straight time.
11. "**Time worked**" includes all time non-exempt employees are required to be on duty at their prescribed work places and all time during which they are permitted to work. Time worked does not include vacation, holiday, compensatory, or any other benefit time.

4.10 Use of Benefit Time

A. **Policy.** An employee's use of benefit time must adhere to the policies in this Handbook.

B. **Procedure.**

1. The "**standard work week**" for full time employees of the City is 40 hours.
2. When claiming benefit time (sick leave, vacation time, compensatory time, and funeral leave) an employee shall only use such benefit time as is needed to complete the employee's workday in the standard work week.
3. The use of compensatory time off will be allowed provided it was pre-approved by the employee's supervisor or Department Head.
4. Holiday hours will be applied prior to the application of any benefit hours used.

4.12 Workers' Compensation

A. **Policy.** **EMPLOYEES INJURED ON THE JOB MUST IMMEDIATELY NOTIFY THEIR SUPERVISOR!** An employee who sustains an injury while performing within the scope of his/her employment, as provided by Chapter 102 of the Wisconsin Statutes (Workers' Compensation Act), may continue to receive an amount equal to the difference of his/her regular net pay (deducted from accrued sick leave, vacation, or compensatory time) and his/her Workers' Compensation payments for the period of time of the injury under the following conditions:

1. The employee must have accrued unused sick leave, vacation benefits, or compensatory time to be eligible to receive this disability pay; and
2. Each benefit listed will be converted into dollars and cents per hour to establish the amount of benefit deduction the City will assess the employee for such disability pay; and
3. The City will then deduct from the employee's benefit the actual time needed to generate sufficient money to make up the difference between the amount of the Workers'

Compensation payment and the amount of cost to the City to pay the employee his/her regular net pay; and

4. To insure no abuse of this program, the City may, at its own expense, require covered employees to submit to specified medical evaluations; and
5. If all accumulated sick leave, vacation, and compensatory time has been used, such employee will only receive Workers' Compensation benefits.

B. Procedure.

1. Workers' Compensation processing is handled by the City Clerk. There is a set of rules that must be followed to process a Workers' Compensation claim so the injured employee, the Supervisor, and the City Clerk need to work together to insure that claims are properly handled.
2. During the period of time that an employee is not working due to a compensable injury, the City shall pay all employee and employer contributions to the Wisconsin Employees' Trust Fund required on the earnings reported for the employee. Upon return of the employee to work, the City of Baraboo shall recover from the employee's future earnings the contribution amount paid on behalf of the employee, which customarily would have been paid by the employee. If the City and the employee cannot agree upon a repayment schedule, the recovery shall be made in equal installments over a period of six months.
3. Employees injured on the job are discouraged from corresponding with or speaking to adversarial insurance companies or adjusters without benefit of legal counsel provided by the City Attorney.

Section 5 CONDUCT

5.01 City Locker Room Policy²²

A. Policy. Locker rooms are provided for use to some City employees. The lockers and other storage spaces in those rooms are the property of the City and the City has a substantial interest in how they are used. This policy is to be applied in conformance with §175.22, WI Stat.

B. Procedure.

1. Employees should expect reasonable privacy in locker rooms; therefore, recording devices, including audio and video recorders, cell phones used for their video or audio capture capability, or other similar devices, may not be used without the explicit consent of all present.
2. No person may use any recording device to capture, record, or transfer a representation of a nude or partially nude person in a locker room.
3. Lockers are to be used primarily for the storage of necessary employee personal equipment.
4. Posters, photographs, writings, drawings, cartoons, or any other materials posted anywhere in the locker rooms must be consistent with City policies, including those prohibiting harassment and discrimination.
5. Anyone who is aware of the use of a recording or surveillance device which may be in violation of this policy must immediately report the use to a supervisor.

5.02 Commercial Driver's License

A. Policy. In the event an employee's actual work is such that he/she operates a motor vehicle requiring

a Commercial Driver's License (CDL) and his/her license to operate such motor vehicle is suspended for a period of sixty days or less as a result of an off-duty offense, he/she may be reassigned to tasks within the Department that do not require a CDL during the period of suspension, in which case the employee shall have his/her wage rate reduced by twenty (20%) percent during the period of suspension. However, the City shall not be required to reorganize work crews or assignments so as to reasonably accommodate said employee.

If the employee's CDL is suspended for a period longer than sixty days but not more than one year, the employee may be given a leave of absence for up to one year, until such time as the CDL is restored. If an employee has accrued vacation or comp time, those hours may be used while on leave of absence. Such hours shall be used continuously and not sporadically. During the period of suspension, the City may reasonably accommodate the employee by having the employee's Department Head recall him/her to work as the need for a non-CDL capable worker in the employee's Department is available. The City shall not be required to reorganize work crews or assignments so as to reasonably accommodate said employee. Any employee being reasonably accommodated shall have his/her wage rate reduced by twenty (20%) percent during the period of suspension.

If an employee's CDL is suspended for a period of more than one year, the employee will be terminated without rights to be recalled.

- B. **Procedure.** It is the responsibility of an employee whose actual work is such that he/she operates a motor vehicle requiring a CDL to immediately notify their Supervisor if their CDL is to be suspended, or if it is suspended. Failure to do so may result in discipline up to and including discharge.

5.03 Disciplinary Action

- A. **Policy:** Any employee conduct that, in the opinion of the City, interferes with or adversely affects City business is sufficient grounds for disciplinary action. The goal of this policy is not to punish, but, when possible, to give the employee an opportunity to correct employment problems that may arise. Typically, it is only if this opportunity for correction fails or is not taken that the City's action may be more severe. The employee will be kept informed of the City's rules by way of giving employee's access to this Handbook as provided for herein. The employee is expected to follow all City rules and policies.

B. **Procedure:**

1. The City may take disciplinary action that can range from oral warnings to immediate discharge. The City's policy is to take disciplinary steps in this order (progressive discipline), subject to subsection 2, below:
 - a. **Oral Warning(s).** The employee will be given a verbal explanation of the errant behavior, including a reiteration of what the City's rule is with regard to that behavior. In addition, the employee will be advised of the consequences of further infractions of the rule in question. If no further problems occur with regard to the issue raised at the verbal warning stage, no further disciplinary action will be taken.
 - b. **Written Reprimand(s).** If the problem persists, the employee will be given a written explanation of the errant behavior, including a reiteration of what the City's rule is with regard to that behavior. In addition, the employee will be advised that continuation of the problem will lead to suspension without pay for a stated period of time. As before, the employee will be given an opportunity to change the unwanted behavior and, if the behavior does not recur, no further disciplinary action will be taken.
 - c. **Suspension.** If verbal and written warnings fail to bring about a change in the undesired conduct, the employee will be suspended and will be informed that further occurrences of

the conduct will lead to the employee's immediate discharge, without additional warnings. In addition, the City believes that engaging in certain types of misconduct should subject an employee to immediate suspension or discharge, rather than allowing opportunity for correction of behavior through progressive discipline steps. Violent behavior would be an example that might lead to immediate action. Suspension time may be paid or unpaid, depending on the reason for the suspension, with the determination made by the City Administrator.

- d. Termination. The employee's employment with the City will be ended.
2. The City reserves the right to bypass the disciplinary steps and base its disciplinary action on the severity, frequency, or combination of infractions when circumstances warrant immediate action. The City also reserves the right to alter the disciplinary order described above, to skip disciplinary steps, to eliminate disciplinary steps, or to create new and/or additional disciplinary steps.
3. In choosing the appropriate disciplinary action, the City may consider any number of the following:
 - a. The seriousness of the employee's conduct
 - b. The employee's history of misconduct
 - c. The employee's employment record
 - d. The employee's length of employment with the City
 - e. The strength of the evidence against the employee
 - f. The employee's ability to correct the conduct
 - g. The employee's attitude about the conduct
 - h. Actions the City has taken for similar conduct by other employees
 - i. How the employee's conduct affects this City, its citizens, and the employee's co-workers
 - j. Any other circumstances related to the nature of the misconduct, to the employee's employment with the City, and to the effect of the misconduct on the business of the City
4. Depending on the circumstances, the City may give some of the above criteria more weight than others – or no weight at all. Some conduct may result in immediate termination.
5. Examples of behavior that would require disciplinary action include, but are not limited to:
 - a. Dishonesty or falsification of records
 - b. Insubordination
 - c. Theft or destruction of City property
 - d. Unauthorized use or abuse of City property
 - e. Drinking intoxicants while on the job
 - f. Use of drugs or controlled substances including the inappropriate use of controlled substances prescribed by a physician while on the job
 - g. Fighting or creating a disturbance among fellow employees
 - h. Disorderly conduct
 - i. Violating the civil rights of another person
 - j. Violating the City's anti-harassment policy
 - k. Violating the rules, regulations or policies of their respective department or the City
 - l. Absence without leave, habitual tardiness or abuse of sick leave
 - m. Use of official position or authority for personal profit or political advantage
 - n. Disregard or repeated violation of safety rules
 - o. Knowingly making false or malicious statements
 - p. Acceptance of any gift, favor or any service that might reasonably tend to improperly influence an employee in the discharge of his/her official duties
 - q. Failure to perform assigned work in an efficient manner,
 - r. Being wasteful of material, property, or working time, including sleeping on the job
 - s. Any other circumstance that may warrant disciplinary action on a case-by-case basis
6. Employees must remember that employment is at the mutual consent of the employee and the City. This policy does not change this fact. This means that the employee or the City can terminate

the employment relationship at will, at any time, with or without cause, and with or without advance notice. As a result, the City reserves the right to terminate an employee's employment at any time, for any lawful reason, including reasons not listed in this policy. Employees also have the right to end their employment at any time.

7. Protective employees will be disciplined in accordance with the requirements set forth in §62.13, Wisconsin Statutes, at the discretion of the Police and Fire Commission.
8. Whenever any disciplinary action is contemplated against a public employee as a result of conduct that might lead to a criminal charge, the employee assigned to investigate the allegations of misconduct must be mindful of the following:
 - a. A government employee who wants to ask another government employee potentially incriminating questions must first warn the employee that the employee must respond to questions related to their job.
 - b. Either before an investigatory meeting, at the beginning of the meeting, or after the employee's first refusal to answer a question, the following statement should be made if it is desired to compel the employee to answer: *"You are under a direct order to answer these questions. Failure or refusal to answer all of these questions completely and truthfully shall be considered grounds for serious discipline up to and including discharge. Nothing you say, nor the fruits thereof, may be used against you in any later criminal proceedings, but may be used in later disciplinary proceedings."*²³
 - i. This warning must be given whenever an employee is warned that he/she may not refuse to answer the questions on the grounds that the answer may incriminate him/her.
 - ii. Usually, when such warning is given, the employee is also advised that if he/she refuses to answer the questions, that this would be considered insubordination resulting in his/her discharge.
 - iii. In the alternative to giving the above warning, the investigator may advise the employee that he/she may refuse to answer questions on the grounds that the answers might incriminate him/her; however, he/she should understand that such refusal could be considered adversely from his/her standpoint. Thus, an employee may be advised that he/she may take the Fifth Amendment without repercussions or the interviewer may inform the employee that if he/she takes the Fifth Amendment, the interviewer may draw an adverse inference from the employee's taking the Fifth Amendment, which is permitted in civil cases.
 - c. Outside the criminal context, the government investigator is not required to advise the employee of their legal options.
 - d. It should also be recognized that an employee has no right to skip an interview merely because he/she has reasons to think that he/she will be asked questions where the answers to the questions might be incriminating. The employee must understand that he/she may be asked other questions outside the criminal context.
8. Documentation. Department Heads or a designee will document a disciplinary process beginning with the first verbal warning. A report of disciplinary action will be retained in the employee's personnel file. See Employee Handbook Form B for the City of Baraboo Employee Notice of Disciplinary Action.
9. Approval. The City Administrator must approve all disciplinary actions in excess of written warnings. The City Administrator does not need approval to take disciplinary action against a Department Head unless otherwise required by the City Code, however the Finance/Personnel Committee, Mayor or a designee will approve all disciplinary actions involving suspension time or greater for Department Heads,

²³ The federal courts have held that a public employee whose employment could be terminated only "for cause" has a protectable property interest in his/her job and is, therefore, entitled to due process. See Cleveland Board of Educ. v. Lauderhill, 470 U.S.532, 538 (1985); Sonnleitner v. York, 304 F3d 704, 711 (7th Cir. 2002), and Atwell v. Lisle Park District, 286 F3d 987 (7th Cir. 2002).

except where otherwise required by the City Code. Common Council authority is required for termination of a Department Head, except in cases where authority is also or alternatively required by the Police and Fire Commission.

CITY OF BARABOO
EMPLOYEE NOTICE OF DISCIPLINARY ACTION
Form Updated: September 20, 2018

Employee Name: _____
Department: _____

Job Title: _____
Date of Hire: _____

ACTION TAKEN (select one):

- Reprimand. Date of Reprimand: _____ Verbal Written
- Suspension. Suspension of _____ days. Start Date: _____ End Date: _____
- Termination. Date of Termination: _____

PROVIDE ALL OF THE INFORMATION REQUESTED BELOW (attach additional pages if necessary):

I. Disciplinary action is being taken for the following reason (include dates):

II. Disciplinary history (include dates and explanation of previous discipline):

III. The following corrective action is expected:

Employee Signature: _____ Date: _____

Department Head Signature: _____ Date: _____

City Administrator Signature: _____ Date: _____

(Required when discipline exceeds a written warning)

Finance/Personnel Committee: _____ Date: _____

(Required for some Department Head discipline)

Common Council: _____ Date: _____

(Required for termination of Department Head)

(SIGNATURE INDICATES RECEIPT, NOT NECESSARILY CONCURRENCE)

5.04 Dress Code, Physical Adornments, Hair, Etc.

- A. **Policy.** The personal appearance of all employees reflects the image we project to the citizens we serve. Without unduly restricting individual tastes, employees are expected to present a professional, business-like image to the public at all times. It is the responsibility of each Department Head and/or supervisor to make certain that suitable clothing is worn and proper appearance maintained by employees in the workplace. Acceptable personal appearance is an on-going requirement of employment with the City. Radical departure from conventional and appropriate dress is not permitted.

Wisconsin State Statutes require that newly hired employees be made aware of the City's requirements in terms of dress code, including hairstyle, facial hair, and clothing (See §103.14, Wis. Stat.). In addition to hairstyle, facial hair, and clothing, the City, by law, also has the right to provide standards with regard to body piercings and body tattoos.

Exceptions to this policy may be granted by the City Administrator on a case-by-case based upon a reasonable and objective request by an employee (e.g., religious or cultural reasons).

B. **Procedure.**

1. **Requirements Regarding Hygiene:** It is the City's policy to require personal cleanliness and good grooming. Some jobs more than others will result in soiled clothing, hands, face, etc., but personal cleanliness reaches beyond the surface - so all employees are expected to maintain high standards of personal cleanliness and/or hygiene.
2. **Requirements Regarding Hair:**
 - a. **Condition of Hair.** Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permitted.
 - b. **Hair Color.** The City does not allow hair colors that are not within the natural range of hair color (e.g., pink, green, blue hair is prohibited).
 - c. **Hair Style.** The City does not allow hair styles that detract from the workplace atmosphere (e.g., mohawks are prohibited).
 - d. **Facial Hair.** Neatly trimmed, groomed, and clean facial hair such as mustaches, beards, and sideburns/chops are permitted. Employees using self-contained breathing apparatus equipment need to comply with standards for using the equipment safely and, therefore, may have a stricter standard with which they must comply.
3. **Requirements Regarding Clothing:**
 - a. **Appropriate Clothing.** "Appropriate clothing" is attire that does not draw excessive attention or detracts from the workplace atmosphere. Employees are expected to choose appropriate clothing that suits the job they perform. At its discretion, the City may allow employees to dress in a more casual fashion than is normally required (shorts and related casual attire may be permitted if approved by the supervisor or Department Head). On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, disheveled, or inappropriate clothing (such as suggestive attire, tight, very short, or revealing garments). Employees are encouraged to use common sense and to speak to their supervisor or Department Head if there is any question as to what is or is not appropriate.
 - b. **Uniforms/Safety Gear.** Employees that have uniforms issued are required to wear the uniforms according to the policy set by their Department Heads. In addition, the City places specific restrictions on the dress and appearance of some employees for safety reasons. Some employees must wear safety clothing such as hard hats, orange vests, safety shoes, safety goggles, etc. The City has adopted various safety policies addressing safety clothing and equipment, what is worn, and when it is worn. Affected employees should consult those

policies or see their supervisor or Department Head for specific rules on what to wear.

4. Requirements Regarding Body Alterations:

- a. Body Piercings: Piercings are allowed only on areas of the body that are not visible when an employee is fully clothed. For example, a bellybutton piercing is allowed as long as it is not visible at work. Some examples of piercings that would not be allowed include piercings on lips, noses, eyelids, any area on the head or other areas of the body not covered by clothing. Earrings worn on the ears are allowed, in moderation (the supervisor or Department Head should make a judgment call on multiple studs and/or rings in an ear). If a new hire or a current employee has visible piercing(s), except for earrings as noted, the adornment(s) must be removed while on the job.
- b. Tattoos/Body Art/Brands: Tattoo/body art/brands on the body that are visible when an employee is fully clothed are prohibited if they are excessive, obscene, sexually explicit or advocate or symbolize sex, gender, racial, religious, ethnic or national origin discrimination. In addition, tattoos/body art/brands that advocate or symbolize gang affiliation, supremacist or extremist groups, or drug use are prohibited. This policy shall not be applicable for existing tattoos/body art/brands of current employees at the time the policy becomes effective.
- c. Extreme Body Alterations: Intentional body mutilation, skin stretching, implants, branding, and/or intentional scarring that is excessive or eccentric and visible when an employee is fully clothed, are prohibited. Examples include: a split or forked tongue; foreign objects inserted under the skin to create a design or pattern; enlarged or stretched out holes in the ears (other than a normal piercing); and intentional scarification.

5. Violations. Any employee who does not meet or maintain the standards of this policy with regard to personal cleanliness/hygiene, appropriate clothing, hair, body piercings, and tattoos, etc., will be subject to corrective action which may include being sent home to correct the problem area(s). Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy.

5.05 Drug and Alcohol Free Workplace

- A. Policy. The City is committed to protecting the safety, health and wellbeing of all employees and recognizes that drug and alcohol abuse poses a significant threat to the goals of the City. Employee involvement with alcohol and other drugs can be very disruptive, adversely affect the quality of work and performance of employees, pose serious health risks to users and others, and have a negative impact on productivity and morale.

The City has established a drug-free workplace program that balances the respect for individuals with the need to maintain a drug and alcohol free environment. This policy is also adopted to assist in the prevention of accidents and injuries that result from the misuse of drugs and/or alcohol by all City employees, including drivers of commercial motor vehicles. This policy is intended to be consistent with and in compliance with the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing rules, and the regulations and procedures contained in Title 49 C.F.R. and the Drug Free Workplace Act of 1988. Questions regarding this policy should be directed to the City Administrator.

B. Procedure.

1. Prohibited Conduct for all Employees:

- a. All employees are strictly prohibited from using, possessing, manufacturing, distributing, or dispensing controlled substances while on City property, or operating City equipment

- or vehicles.
 - b. Employees are prohibited from reporting for or remaining on duty or performing assigned job duties while under the influence of alcohol or a controlled substance.
 - c. Employees are prohibited from deliberately misusing this policy in regard to subordinates, as well as providing false information in connection with a test, or falsifying test results through tampering, contamination, adulteration or substitution.
2. Report of Criminal Conviction: Criminal convictions for manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace must be reported *in writing* to the City Administrator no later than five calendar days after such conviction. Appropriate action, which may consist of discipline up to and including termination, will be taken within thirty (30) days of notification. Federal contracting agencies will be notified when appropriate.
3. Prohibited Conduct for Commercial Motor Vehicle Operators: Pursuant to Federal Regulations (49 CFR Parts 40 & 382) of the Omnibus Transportation Testing Act of 1991, all employees who operate a commercial motor vehicle on a full time, casual, intermittent or occasional basis are prohibited from the use of illegal drugs at all times, as well as engaging in the following conduct:
- a. Reporting for or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
 - b. Using alcohol while performing (defined as "anytime the employee is actually performing, ready to perform or immediately available to perform") safety-sensitive functions;
 - c. Using alcohol during the hours the employee is on call;
 - d. Performing safety-sensitive functions within four hours after using alcohol;
 - e. Using alcohol within eight hours following an accident, if the employee is required to take a post-accident alcohol test;
 - f. Performing safety-sensitive functions after refusal to submit to any of the following: post-accident, random, reasonable suspicion or follow-up alcohol or controlled substances test;
 - g. Reporting for or remaining on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance will not adversely affect the employee's ability to safely operate a commercial motor vehicle;
 - g. Reporting for or remaining on duty or performing a safety-sensitive function after testing positive or adulterating or substituting a test specimen for controlled substances
 - h. A "*safety-sensitive*" function means any of the following on-duty functions (for a list of all City position titles that are responsible for performing safety-sensitive functions, please ask the City Administrator):
 - i. All time waiting to be dispatched;
 - ii. All time inspecting, servicing or conditioning any commercial motor vehicle;
 - iii. All driving time (i.e., all time spent at the driving controls of a commercial motor vehicle in operation);
 - iv. All time, other than driving time, in or upon any commercial motor vehicle;
 - v. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 - vi. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.
4. Prevention and Rehabilitation:
- a. The goals of this policy are prevention and rehabilitation whenever possible, rather than discipline or termination. The City encourages employees who have an alcohol or other drug problem to seek help to deal with their problem. The City provides an Employee Assistance Program. Help is available from the City's Employee Assistance Program 24 hours a day, 7 days a week. For more details on this program, speak to your supervisor, Department Head, or the City Administrator.

- b. Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of 49 CFR parts 40 and 382, provided that:
 - i. The employee does not self-identify in order to avoid drug or alcohol testing;
 - ii. The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function.
- 5. Drug and Alcohol Testing: Participation in the City's Drug and Alcohol Testing Program is a requirement of every employee, including those performing safety-sensitive functions, and therefore is a condition of employment.
 - a. Testing Records.
 - i. The City, upon the employee's written consent, will obtain the following information from the D.O.T. regulated employers during the two years prior to the date of application or transfer for all employees seeking to begin performing safety-sensitive functions for the first time:
 - 1. Alcohol tests with result of 0.04 or higher alcohol concentration;
 - 2. Verified positive drug tests;
 - 3. Test refusals (including verified adulterated or substituted drug test results);
 - 4. Other violations of DOT agency drug and alcohol testing regulations;
 - 5. Documentation of the employee's successful completion of DOT return-to-duty requirements for violation of the drug and alcohol regulations. If this cannot be obtained from a previous employer, the documentation will be requested from the employee. An employee will not be permitted to perform safety-sensitive functions if one of the following occurs:
 - a. The above information from previous employers cannot be obtained after 30 days, unless a good faith effort to obtain this information has been made and documented;
 - b. Information is obtained that the employee has violated a drug and alcohol regulation and has not complied with the return-to-duty requirements of the regulations;
 - c. The employee, upon the City's required request, admits to a refusal or positive test on any pre-employment drug and alcohol test administered during the past two years for safety-sensitive transportation work that the employee did not obtain (until and unless the employee documents successful completion of the return to duty process).
 - ii. The employee will not be allowed to perform safety-sensitive functions until the employee documents successful completion of the return-to-duty process.
 - iii. Every DOT regulated employer that information is requested from will receive the employee's written consent to provide the information. A confidential record of the information obtained (or the City's effort to obtain) must be maintained for three years from the date of the employee's first safety-sensitive duty performance.
 - iv. In situations where the City provides this information confidentially and in writing to another employer, a written record of the released information will be maintained, as well as the date, to whom the information was released, and a summary of the information provided.
 - b. Testing Conditions.
 - i. Reasonable Suspicion. An employee is required to submit to an alcohol or controlled substance test upon a trained (in accordance with this policy and Section 382.603 requirements) supervisor's reasonable suspicion to believe that the employee is in violation of this policy. The determination of reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations

may include indications of the chronic and withdrawal effects of controlled substances. The supervisor who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.

1. Under DOT regulations, alcohol testing is only authorized if observations are made during, just preceding or just after the period of the work day that the employee is required to be in compliance (during, just before or after the employee has performed safety-sensitive functions). However, City policy requires that reasonable suspicion alcohol testing shall be performed at any time during an employee's work day.
2. Under DOT regulations, the employee will not be permitted to perform safety-sensitive functions until:
 - i. An alcohol test is administered and the alcohol concentration measures less than 0.02; or
 - ii. 24 hours have elapsed following the determination that there was reasonable suspicion to test the employee. However, City policy requires that an employee will not be returned to work until confirmed test results are obtained.
3. If an alcohol test is not administered within two hours following the reasonable suspicion determination, the supervisor must prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the reasonable suspicion determination, the supervisor must cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. In addition, the driver will be out of service for 24 hours.
4. The supervisor who made the observations shall provide a report that contains the observations leading to an alcohol or controlled substances reasonable suspicion test within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.
5. Upon the employee's removal from the job site, the supervisor should contact the City Administrator. If contact cannot be made at that time, the supervisor should proceed to the next step of this procedure and make contact with the City Administrator as soon thereafter as possible.
6. The supervisor is to then take the employee to the collection site for drug and/or alcohol testing, and must remain at the site until the test is completed.
7. If the alcohol test is conducted more than two hours, but less than eight hours, after the supervisor makes the reasonable suspicion determination, the supervisor will complete a report explaining the reason for the delay in conducting the test. If the alcohol test is not conducted within eight (8) hours after the supervisor makes such reasonable suspicion determination, or if the drug test is not conducted within twenty-four (24) hours after such determination, the supervisor will complete a report explaining the reasons why the test was not conducted.
8. Once the drug and/or alcohol test has been completed the supervisor is to make arrangements for the employee to be taken home. The employee will not be permitted to drive their own car home at that time. The employee may have a family member or a friend pick them up or the supervisor may take the employee home.

- a. The employee is to be advised not to report to work. The City will contact the employee once the test results are known (this normally takes 24-48 hours) and a decision has been made as to the employee's status.
 - b. Once the test has been completed and the employee has been taken home, the supervisor must submit a written report to the City Administrator, outlining in detail what happened and what behavior was observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report is to be done within 24 hours of testing.
10. The results of the drug and/or alcohol test will be sent directly to the City Administrator. When the results are obtained, the employee's supervisor and department head will meet with the City Administrator and/or City Attorney to determine the appropriate course of action to be taken.
11. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not discuss the suspected reason for a referral or termination with anyone who does not need to know.
- c. Pre-Employment Testing.
- i. Controlled Substances: Any individual not currently employed by the City or any City employee who is currently not performing safety-sensitive functions but will be moving to a safety-sensitive position shall undergo alcohol testing prior to hire or transfer. The City must be in receipt of the employee's negative test result from the Medical Review Officer (MRO) or Consortium/Third Party Administrator (C/TPA).
 1. Administration of a controlled substance test is not required if the employee has participated in a controlled substances testing program within the previous 30 days:
 - a. **AND** was tested for controlled substances within the past 6 months (from the date of application with the City);
 - b. **OR** participated in the random controlled substances testing program for the previous 12 months (from the date of application with the City);
 - c. **AND** the City ensures that no prior employer of the individual has records of a controlled substances violation within the previous 6 months.
 2. To utilize this exception, the supervisor must obtain and retain the following information from the controlled substances testing program(s) in which the employee participated:
 - a. Name(s) and address(es) of the program(s);
 - b. Verification of the employee's participation in the program(s);
 - c. Verification that the program(s) conform(s) to part 40 of this title;
 - d. Verification that the employee is qualified under these rules, including that the employee has not refused to be tested for controlled substances;
 - e. The date the employee was last tested for controlled substances;
 - f. The results of any tests taken within the previous 6 months and any other violations of controlled substance testing;
 - g. The above information must be obtained and maintained in accordance with D.O.T. standards at least once every 6 months for employees that are utilized, but not employed more than once a year. If the City cannot verify that an employee is participating in a controlled substances testing program, the City shall conduct a pre-employment controlled substances test.
 - ii. Alcohol Testing: Any individual not currently employed by the City or any City employee who is currently not performing safety-sensitive functions but will be moving to a safety-sensitive position shall undergo alcohol testing prior to hire or transfer. The City must be in receipt of the employee's negative test result from the Medical Review Officer (MRO) or

Consortium/Third Party Administrator (C/TPA). Administration of an alcohol test is not required if the employee has participated in an alcohol testing program within the previous 30 days:

1. The test must be conducted in accordance with D.O. T. standards prior to the first performance of a safety-sensitive function (applicable to new or transferring employees) for all employees, after making a contingent offer of employment or transfer,
2. Employees may not begin performing safety-sensitive functions unless the result of the test indicates an alcohol concentration of less than 0.04.

d. Post-Accident Testing.

- i. As soon as practicable following an accident involving a commercial motor vehicle, the City of Baraboo shall test each of its surviving driver(s) for alcohol and controlled substances if:
 1. The surviving driver(s) were performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life;
 2. The employee received a citation within 8 hours (for alcohol) or 32 hours (for controlled substances) of the occurrence under State or local law for a moving traffic violation arising from the accident, IF the accident involved: (a) bodily injury to anyone who immediately receives medical treatment away from the accident scene AND/OR (b) one or more vehicles incur disabling damage and require towing.
 - ii. The alcohol test must be administered as soon as possible, but no later than eight hours following the accident, and the drug test must be administered within thirty-two hours of the accident.
 - iii. If the alcohol test is not administered within two hours of the accident, the supervisor must still attempt to administer the test and prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours or if the drug test is not administered within thirty-two hours of the accident, the supervisor must cease attempts to administer the test(s) and shall state in the record the reasons for not performing the test(s).
 - iv. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. However, an employee is not prohibited from obtaining necessary medical attention for injured people following an accident or leaving the scene to obtain assistance or necessary emergency medical care.
 - v. The results of a urine or breath alcohol test conducted by a federal, state or local official having independent authority for the test will be considered to meet the requirements for a post-accident test. The test must conform to the applicable federal, state or local testing requirements and must be obtained by the City.
 - vi. This section does not apply to:
 1. An occurrence involving only boarding or alighting from a stationary motor vehicle; or
 2. An occurrence involving only the loading or unloading of cargo; or
 3. An occurrence in the course of the operation of a passenger car or multi-purpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity requiring the vehicle to be marked or placarded.
- e. Random Testing. Random drug and alcohol testing may be performed anytime a safety-sensitive employee is on duty. The employee selection for testing shall be made by a scientifically valid method and will occur unannounced throughout the calendar year. An employee notified of selection for random alcohol and/or controlled substances testing shall cease to perform safety-sensitive functions and proceed to the test site immediately.
- i. An employee shall only be tested for alcohol during, just before or just after the performance of safety-sensitive functions.
 - ii. The minimum annual percentage rate, as established by the FMCSA, for random testing of employees in safety-sensitive positions shall be:
 1. 10% for alcohol testing;

- 2. 50% for controlled substance testing.
 - iii. The testing rates may be adjusted based on analysis of positive drug and alcohol violations rates for the entire industry, as reported annually.
 - iv. If an employee tests positive for alcohol or controlled substances, the employee will be subject to disciplinary action, up to and including discharge.
- f. Return-To-Duty/Follow-Up Testing. Employees testing positive for alcohol or controlled substances shall not be returned to duty in any safety sensitive position.
- g. Test Refusal. The following behavior constitutes a test refusal for drugs and alcohol (49 CFR §382.107):
- i. Failure to appear for the test within 1 hour of having been ordered to appear for testing with the exception of pre-employment.
 - ii. Failure to remain at the testing site until the testing process is completed. However, if an employee leaves a pre-employment testing site before the process starts, it is not deemed to be a test refusal.
 - iii. Failure to provide a urine specimen, saliva or breath specimen, as applicable. However, an employee who does not provide a specimen because they have left the testing site before the process starts for a pre-employment test is not deemed to be a test refusal.
 - iv. Failure to provide a sufficient volume of urine or breath without a valid medical explanation for the failure.
 - v. Failure to undergo a medical examination as part of the verification process. In the case of a pre-employment drug test, the test is deemed to be a refusal only if the pre-employment test is conducted following a contingent offer of employment.
 - vi. Failure to cooperate with any part of the testing process.
 - vii. Failure to permit the observation or monitoring of specimen donation when so required.
 - viii. Failure to take a second test required by the City or collector.
 - ix. A drug test result that is verified by the MRO as adulterated or substituted (applicable to drug test only).
- h. Testing Procedures. The alcohol and controlled substance testing procedures will comply with 49 CFR Part 40, as amended, to protect City employees and the integrity of the testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee. For a more detailed discussion on the testing procedures, refer to Appendix B.
- i. Stand-Down. There shall be no stand-down practice.
- j. Employee Notification. (39 CFR 382.411)
- i. An employee shall be notified of a pre-employment controlled substances test if the employee requests such results within 60 calendar days of being notified of the disposition of the employment application. An employee shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted if the test results are verified positive, and which controlled substance(s) were verified as positive.
 - ii. The DRE shall make reasonable efforts to contact and request each employee who submitted a specimen under the testing program, regardless of the individual's employment status, to contact and discuss the results of the controlled substances test with a MRO who has been unable to contact the employee.
 - iii. The City shall immediately notify the MRO that the individual has been notified to contact the MRO within 72 hours.
- k. Results of a Positive Alcohol or Drug Test. Any employee who tests positive for drugs or for alcohol concentration of 0.02 or higher is subject to discharge.
6. Education and Training Programs: All covered employees shall receive drug and alcohol informational materials and a community service hot-line telephone number for employee assistance. Covered employees must receive at least 60 minutes of training (required only once

during the employee's tenure with the City) on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use. Supervisors and/or other authorized City officials who make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech and performance indicators of probable alcohol misuse (required only once during the employee's tenure with the City).

7. Prescription Drugs: Prior to performing work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication, therapeutic drug, or any non-prescription drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills or judgment may be adversely affected by the use of the medication. A written report of this notification is to be filed by the supervisor with the City Administrator. It is the responsibility of the employee to inform their physician of the type of safety-sensitive function that the employee performs in order for the physician to determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of City's equipment. However, as required by the Federal regulations, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol will be removed from their position and subject to the alcohol provision of this policy, even though the reason for the positive alcohol test is the fact that the employee's prescription or nonprescription medication contains alcohol.
8. Confidentiality of Records: The City respects the confidentiality and privacy rights of all employees. Accordingly, the results of any test administered under this policy and the identity of any employee participating in the City's EAP or other assessment or treatment program will not be revealed by the City to anyone except as required by law.
 - a. The City will release any employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the City will ensure that any lab, agency or MRO used to conduct testing under this policy will maintain the confidentiality of employee test records.
 - b. The MRO will not reveal individual test results to anyone except the individual tested, unless the MRO has been presented with a written authorization from the tested employee. However, the MRO will disclose information related to a verified positive drug or alcohol test of an individual to the City.
 - c. The City may be requested by the MRO to have a tested employee contact the MRO if the employee was unable to be reached after a minimum of three attempts over a 24 hour period.
 - d. The City may disclose information to the employee or to the decision maker in a lawsuit, grievance or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders and subpoenas; or upon the tested employee's written authorization and consent.
 - e. All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file. These records will be stored in a locked cabinet and access will only be allowed to those City employees who have a legitimate need to review the records of a particular employee.
9. Record Retention, Reporting and Public Interest Exclusion: Records will be maintained on test results, the testing process, return-to-duty process, and employee training pursuant to applicable law.
10. Definitions:
 - a. **Accident**: An occurrence associated with the operation of a vehicle if, as a result: (1) an individual dies; (2) an individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; (3) with respect to an occurrence in which the mass transit vehicle involved is a railcar, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from revenue service; (4) with respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, automobile, or any non-revenue service vehicle, one or more vehicles incurs disabling damage as the result of the occurrence and is

transported away from the scene by a tow truck or other vehicle. For purposes of this definition, "disabling damage" means damage that precludes departure of any vehicle from the scene of the occurrence, in its usual manner, in daylight, after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage that can be remedied temporarily at the scene of the occurrence without special tools or parts; tire disablement without other damage even if no spare is available; or damage to headlights, taillights, turn signals, horn or windshield wipers that makes them inoperative.

- b. **Adulterated Specimen:** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- c. **Alcohol Concentration:** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.
- d. **Alcohol Confirmation Test:** A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.
- e. **Alcohol Screening Device (ASD):** A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.
- f. **Alcohol Screening Test:** An analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.
- g. **Breath Alcohol Technician (BAT):** An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
- h. **Cancelled Test:** A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.
- i. **Chain of Custody (CCF):** The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).
- j. **Confirmation (or Confirmatory) Test:** In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
- k. **Confirmation Validity Test:** A second test performed on a urine specimen to further support a validity test result.
- l. **Confirmed Drug Test:** A confirmation test result received by an MRO from a laboratory.
- m. **Consortium/Third Party Administrator (C/TPA):** A service agent who provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of this part.
- n. **Controlled Substances** means any of the substances found in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in Regulation 21 CFR 1308.11 – 1308.15.
- n. **Designated Employer Representative (DER):** An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Part 40. Service agents cannot act as DERs.
- o. **Dilute Specimen:** A specimen with creatinine and specific gravity values that are lower than expected for human urine. A dilute test will be reported as positive or negative. For a positive dilute test the employer treats the result as a positive test and removes the employee from

- safety-sensitive duty. For a negative dilute test, the employer may require, as a matter of policy, employees to retest without direct observation. The second test is the test of record, even if the second test is also negative dilute.
- p. **Drug Metabolite:** The specific substance produced when the human body metabolizes a given prohibited drug as it passes through the body and is excreted in urine.
 - q. **Drug Test:** The laboratory analysis of a urine specimen collected in accordance with 49 CFR Part 40 and analyzed in a Department of Health and Human Services (DHHS) approved laboratory.
 - r. **Evidential Breath Testing Device (EBT):** An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's Conforming Products List of Evidential Breath Measurement Devices (CPL).
 - s. **Invalid Drug Test:** The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.
 - t. **Initial Validity Test:** The first test used to determine if a specimen is adulterated, diluted, or substituted.
 - u. **Legally Prescribed Drug:** A drug where the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. This misuse or abuse of legal drugs while performing City business is prohibited by City policy.
 - v. **Medical Review Officer (MRO):** A person who is a licensed physician and is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.
 - w. **Negative Test Result:** Drug test with a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.
 - x. **Non-Negative Test:** Test result found to be adulterated, substitute, invalid or positive for drug/drug metabolites. Non-negative results are considered a positive test or refusal to test if MRO cannot determine legitimate medical explanation.
 - y. **Performing (a safety-sensitive function):** A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.
 - z. **Positive Test:** Drug test with a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC, or greater.
 - aa. **Post-Accident Test:** A drug test administered to an employee when an accident (as previously defined) has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.
 - bb. **Primary Specimen:** In drug testing, the urine specimen bottle that is opened and tested by a primary laboratory to determine whether the employee has a drug or drug metabolite in their system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.
 - cc. **Pre-Employment Test:** A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The test is also administered when transferring an employee from a non-safety-sensitive position to a safety-sensitive position. Employers are also required to conduct a pre-employment test when a covered employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.
 - dd. **Random Test:** A drug test administered annually to a predetermined percentage of employees

- who perform safety-sensitive functions and who are selected on a scientifically defensible random and unannounced basis.
- ee. **Reasonable Cause Test:** A drug test given to a current employee who performs in a safety-sensitive position, and who is reasonable suspected by one or more trained supervisors or company officials of using a prohibited drug or misusing alcohol.
 - ff. **Refusal to Test:** A covered employee fails to provide a urine sample as required by 49 CFR Part 40, without a valid medical explanation, after they have received notice of the requirement to be tested in accordance with the provisions of this subpart, or engages in conduct that clearly obstructs the testing process. An employee is considered to have refused to test if they fail to do the following: (1) Appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer; (2) Remain at the testing site until the testing process is complete; (3) Provide a urine or breath specimen for any drug test required by this part or DOT agency regulations; (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen; (5) Provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure; (6) Declines to take a second test the employer or collector has directed them to take; (7) Undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures; (8) Cooperate with any part of the testing process (i.e. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process), if the MRO reports that there is verified adulterated, or substituted test result; or (9) Sign "step 2" of the alcohol testing form.
 - gg. **Return-To-Duty Test:** An initial drug test prior to return to duty given to employees performing in safety-sensitive functions who previously tested positive to a drug test and are returning to safety-sensitive positions. A return-to-duty test is also required of an individual who has refused another type of test required by the FTA rule.
 - hh. **Safety-sensitive Function:** Any of the following duties are considered safety-sensitive: (1) Operating a revenue service vehicle, including when not in revenue service; (2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; (3) Controlling dispatch or movement of a revenue service vehicle; (4) Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 18 funding and contracts out such services; and (5) Carrying a firearm for security purposes.
 - ii. **Screening Test (or initial test):** In drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
 - jj. **Screening Test Technician (STT):** A person who instructs and assists employees in the alcohol testing process and operates an ASD.
 - kk. **Split-Specimen:** In drug testing, a part of the urine specimen that is sent to a primary laboratory and retained unopened, and is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
 - ll. **Stand-Down:** The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.
 - mm. **Substance Abuse Professional (SAP):** A person who evaluates employee who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare.
 - nn. **Substituted Specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
 - oo. **Validity Testing:** The evaluation of the specimen to determine if it is consistent with normal

human urine. The purpose of the validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

- pp. **Verified Negative (drug test result):** A drug test reviewed by an MRO and determined to have no evidence of prohibited drug use.
- qq. **Verified Positive (drug test result):** A drug test result reviewed by an MRO and determined to have evidence of prohibited drug use.
- rr. **Verified Test:** A drug test result or validity testing result from a Department of Health and Human Services certified laboratory that has undergone review and final determination by the MRO.

5.06 Drug and Alcohol Testing Procedures

A. **Policy.** The City will use a drug and alcohol collection site that meets the standards established in 49 CFR Part 40 and a laboratory that is certified by the U.S. Department of Health and Human Services. All drug and alcohol testing will be conducted in conformance with the procedures and rules established by the federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations.

B. **Procedure.**

1. **Alcohol Testing:** Employees will be required to submit to breath testing using a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing (EBT) or a non-evidential alcohol screen device (ASD) using breath or saliva. A state-certified Breath Alcohol Technician (BAT) will administer an initial screening test. If the employee tests positive for alcohol, then the BAT will conduct a confirmation test. The City will take action based only upon the positive results of the confirmation test, 0.04 percent or greater. All procedures and steps used in conducting both the initial and confirmation tests will be performed in conformance with federal law and regulations.
 - a. **Preparation for Breath/Saliva Alcohol Testing:** The following procedures summarize the procedures established by the Federal Motor Carrier Safety Administration (FMCSA) regulations implementing drug and alcohol testing under the federal law. These procedures are binding and are subject to change in the event the FMCSA or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.
 - i. When the employee enters the collection site, the BAT will require him or her to provide positive identification (i.e. photo I.D. or employer identification).
 - ii. The BAT will explain the test procedure to the employee, and show them the instructions on the back of the Alcohol Testing Form (ATF)(required to be used for all *and only* DOT covered alcohol tests performed).
 - iii. Employees will be required to complete Step 2 of the ATF and sign the certification. Refusal to sign the certification will be regarded as refusal to take the test, and the City will be notified immediately.
 - iv. The screening test will be conducted. The BAT will open an individually sealed, disposable mouthpiece in the view of the employee and attach it to the EBT. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained. Following the test, the BAT will show the employee the test results.
 - v. If a saliva alcohol screen device (ASD) is utilized, a qualified Screen Test Technician (STT) will open the package in the presence of the employee, and instruct the employee to insert it into their mouth until it becomes saturated with saliva. Upon

removal of the device from the mouth, the STT will ensure the test was activated and read the results displayed to the employee within 15 minutes of the test. If the test was not completed, one reattempt will be administered. If the reattempt is not successful, the employee will be directed to take a new test immediately, utilizing an EBT. A saliva alcohol screen device may only be utilized as a screening test.

- vi. If the screening test is a breath alcohol concentration of less than 0.02, no further testing is required and the BAT will report the test to the employer as a negative.
 - vii. If the screening test is a breath alcohol concentration greater than 0.02, a confirmation test must be performed. The confirmation test will be conducted 20 minutes after completion of the screening test, employing the same procedure as using an EBT. During this period the employee must not eat, drink, belch or put any object or substance into their mouth.
 - viii. If the initial and confirmatory test results are different, the confirmation test result is deemed to be the final result. The employee will be instructed to sign the certification statement on step 4 of the ATF. It is *not* a test refusal if the employee refuses to sign. The test results will be confidentially transmitted to the City immediately so the employee can be removed from the safety-sensitive function. If the alcohol test is positive, arrangements will be made to transport the employee from the collection site.
 - ix. In situations where the City has been informed that an employee has not provided a sufficient amount of breath to permit a valid breath test, they will be directed to obtain, within 5 days, an evaluation from a licensed physician acceptable to the City, who has expertise in the medical issues raised by failing to provide enough breath.
 - x. If the employee's behavior constitutes a test refusal, the test will be terminated and the City will be notified of the refusal immediately. Test refusal will subject the employee to discipline, up to and including discharge. The following behaviors constitute an alcohol test refusal: failure to appear for the test within the designated time frame [this must be established by the City], failure to remain at the testing site until the process is complete, failure to attempt to provide a specimen, failure to provide sufficient breath with no valid medical explanation, failure to undergo a medical examination associated with insufficient volume procedures, failure to sign the certification on step 2 of the ATF, and failure to cooperate with the collection process.
 - xi. Cancelled tests (as defined in Part 40.267) must be reported to the City within 48 hours, and the employee will be treated as if the test never occurred. A retest following a cancelled test is only allowed for a return-to-duty or follow-up test, otherwise a retest is strictly prohibited.
2. Drug Testing: The City will utilize a five (5) panel drug screen that consists of the following drugs: marijuana, cocaine, opiates (heroin, morphine, codeine), phencyclidine (PCP) and amphetamines. In instances where there is reason to believe an employee is abusing a substance other than the five drugs listed above, the City reserves the right to test for additional drugs under the City's own authority using standard laboratory testing protocols. Drug testing is conducted by analyzing an employee's urine specimen, through a testing lab certified and monitored by the Department of Health and Human Services (DHS). This procedure will include use of a split specimen testing procedure. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles will be sent to a certified lab. Only the primary specimen bottle is opened and used for the urinalysis. The split specimen bottle will remain sealed

and stored at the lab. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen be retested at the same lab or be sent to another certified laboratory for analysis, at the employee's expense. An employee who fails to notify the Medical Review Officer (MRO) within 72 hours of receiving the results of the positive test of their desire to have the split specimen tested shall be deemed to have waived their right to seek testing of the split specimen.

- a. Preparation for Drug Testing. The following procedures summarize those established by the Federal Motor Carrier Safety Administration (FMCSA) regulations implementing drug testing under the federal law. These procedures are subject to change in the event the FMCSA or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.
 1. Employees are to report to the collection site within the designated time frame [this must be established by the City] after receiving notification. Refusal to report for collection within the time frame or non-cooperation with the collection process will be considered a test refusal.
 2. Upon entry to the collection site, employees will be required to provide positive identification (i.e. photo I.D. or employer identification). The collector will explain the basic collection procedures to the employee and show them the written instructions on the back of the Custody and Control Form (CCF).
 3. In the event both drug and alcohol tests are required, the alcohol test should be conducted first, if possible.
 4. Outer garments must be checked and pocket contents displayed to the collection site personnel. Any unacceptable items will be secured with the employee's other belongings. Employees have the right to retain their wallet and obtain a receipt for their belongings.
 5. The employee will be instructed to rinse and dry their hands and obtain (or observe the collector obtaining) a wrapped specimen container and break (or watch the collector break) the seal on the collection container.
 6. The employee will then be instructed to proceed to the privacy enclosure and provide at least 45 mL of urine in the collection container. The toilet is not to be flushed. The specimen should be returned to the collector as soon as possible. If an insufficient amount of urine is provided, the original specimen will be discarded and the employee will be given up to 3 hours and allowed to consume not more than 40 ounces of fluids to provide another specimen. The specimen may not be tampered with or substituted, and will be visually inspected for unusual color and sediment. The temperature of the specimen will be measured and must fall within an acceptable range.
 7. The employee will be required to provide another specimen under **direct observation** if the temperature falls outside the acceptable range, if the drug test result indicates that the employee's specimen was invalid, the collector notices any signs of adulteration, substitution or tampering with the specimen, the original positive, adulterated or substituted result was cancelled because the test of the split specimen could not be performed, or the MRO reported the specimen as negative and dilute and directs the City to conduct a recollection. The City may also direct a collection under direct observation if the test is return-to-duty or follow-up test. Any reason requiring a direct observation test will be fully explained to the employee. Refusal to cooperate with the request for a new collection under direct observation will be deemed a test refusal.
 8. After the specimen is given to the collection personnel, the collector will break the

seal on the specimen bottles, pour the specimen into the primary and split specimen bottles, seal and label them in front of the employee. The employee will then be instructed to initial the labels to verify the specimen.

9. Step 5 of the Custody and Control Form (CCF) must be completed by the employee. At this time the employee may also wish to indicate on the back of *their copy* of the CCF any medications that are currently being used, in the event the Medical Review Officer (MRO) contacts the employee to discuss the results of the test. Refusal to sign the form does not constitute a refusal to test, but will be noted by the collector in the remarks section of the CCF.
10. The collector will complete their portion of the CCF and place the specimen bottles and copy one of the CCF inside a leak-resistant plastic pouch in front of the employee.
11. The test results will be confidentially transmitted from the laboratory to the MRO in a timely manner. The MRO will then contact the employee and/or City representative (if necessary) per 39 CFR 40.131.
12. If the test result of the primary specimen is positive, the employee may request within 72 hours of receiving the positive test results, that the MRO direct that the split specimen be tested in the same or different Department of Health and Human Services (DUBS) certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.
13. Once the City is notified by the MRO of a verified positive, positive dilute, adulterated, or substituted test result, the City must immediately remove the employee from safety-sensitive job duties and cannot return the employee to safety-sensitive duty until they have successfully completed the return-to-duty process. The employee will also be removed from the safety-sensitive position pending the result of the test of a split specimen.
14. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test.
15. The employee will be directed to provide another specimen immediately if the City is notified of a cancelled test result for a pre-employment, return-to-duty or follow-up test.
16. In situations where an employee does not provide enough specimen they will be directed to obtain, within 5 days, an evaluation from a licensed physician acceptable to the MRO, who has expertise in the medical issues raised by failing to provide enough specimen.
17. Refusal by an employee to provide an adequate amount of urine or otherwise fail to cooperate with the testing process in a way that prevents the completion of the test will be considered grounds for disciplinary action, up to and including termination.
18. In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

DRUG AND ALCOHOL FACT SHEETS

ALCOHOL FACT SHEET

Detection Period: 12-24 hours.

Alcohol is a socially accepted drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

SIGNS AND SYMPTOMS

- | | |
|--|---|
| <ul style="list-style-type: none">• Dulled mental processes• Odor of alcohol on breath• Sleepy or stuporous condition• Slurred speech | <ul style="list-style-type: none">• Lack of coordination• Possible constricted pupils• Slowed reaction rate |
|--|---|

HEALTH EFFECTS

The chronic consumption of alcohol (average 3 servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related)

SOCIAL ISSUES

- 2/3 of all homicides are committed by people who drink prior to the crime
- 2 — 3% of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol related vehicle accident during their lifetime.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average
- 40% of family court cases are alcohol problem related
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related

THE ANNUAL TOLL

- 24,000 more people will die on the nation's highways due to the legally impaired driver
- 12,000 more will die on the nation's highways due to the alcohol-affected driver
- 15,800 will die in non-highway accidents
- 30,000 will die due to alcohol caused liver disease
- 10,000 will die due to alcohol-induced brain disease or suicide
- Up to another 125,000 will die due to alcohol-related conditions or accidents

WORKPLACE ISSUES

- It takes one hour for the average person (150 lbs.) to process one serving of an alcoholic beverage from the body
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

AMPHETAMINE FACT SHEET

Detection Period: 2 – 4 days.

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories

DESCRIPTION

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored "mini-bennies." It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps, and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.

SIGNS AND SYMPTOMS OF USE

- | | |
|---|---|
| <ul style="list-style-type: none"> • Hyper-excitability, restlessness • Dilated pupils • Increase heart rate and blood pressure • Heart palpitations and irregular beats • Profuse sweating • Rapid respiration | <ul style="list-style-type: none"> • Confusion • Panic • Talkativeness • Inability to concentrate • Heightened aggressive behavior |
|---|---|

HEALTH EFFECTS

- Regular use produces strong psychological dependence and increasing tolerance to the drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- The euphoric stimulation increases impulsive and risk taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

WORKPLACE ISSUES

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

COCAINE FACT SHEET

Detection Period: 12 — 72 hours.

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are tenser, the heart beats faster and stronger, and the body burns more energy. The brain experiences any exhilaration caused by a large release of neurohormones associated with mood elevation.

DESCRIPTION

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride — "snorting coke" is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per "line" (about 60 to 90 milligrams). Common paraphernalia include a single edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folder paper packet containing the cocaine.
- Cocaine Base — a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within 7 seconds. Common paraphernalia includes a "crack pipe" (a small smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

SIGNS AND SYMPTOMS OF USE

- | | |
|---|---|
| <ul style="list-style-type: none"> • Financial problems • Frequent and extended absences from work • Increase physical activity and fatigue • Isolation and withdrawal from friends and activities • Secretive behaviors, frequent non-business visitors, delivered packages, phone calls • Unusual defensiveness, anxiety, agitation • Wide mood swings • Runny or irritated nose • Difficulty in concentration | <ul style="list-style-type: none"> • Dilated pupils and visual impairment • Restlessness • Sensation of bugs crawling on skin • High blood pressure, heart palpitations • Hallucinations • Hyper excitability & overreaction to stimulus • Insomnia • Paranoia • Profuse sweating and dry mouth • Talkativeness |
|---|---|

HEALTH EFFECTS

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention.

WORKPLACE ISSUES

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

MARIJUANA FACT SHEET

Detection Period: 2 — 7 days (casual use); Up to 30 days (chronic use).

Marijuana is the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood and perception altering effects in produces.

DESCRIPTION

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly used. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Thai Sticks, Hash, and Hash Oil.

SIGNS AND SYMPTOMS OF USE

- | | |
|---|--|
| <ul style="list-style-type: none"> • Reddened eyes (often masked by eyedrops) • Slowed speech • Distinctive odor on clothing | <ul style="list-style-type: none"> • "I don't care" attitude • Chronic fatigue and lack of motivation • Irritating cough, chronic sore throat |
|---|--|

HEALTH EFFECTS

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The US Government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

PREGNANCY PROBLEMS AND BIRTH DEFECTS

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnancy women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and cause other ophthalmic problems.

MENTAL FUNCTION

Regular use can cause the following effects:

- Delayed decision making and diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements
- Erratic cognitive function
- Distortions in time estimation
- Long term negative effects on mental function known as "acute brain syndrome", which is characterized by disorders in memory, cognitive function, sleep patterns, and physical conditions

Acute Effects:

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image

WORKPLACE ISSUES

- The active chemical, THC stores in body fat and slowly releases over time. Marijuana smoking has a long term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking 3 to 5 joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

OPIOID FACT SHEET

Detection Period: 1 – 2 days.

Opioids are commonly prescribed to relieve pain. They are often prescribed by doctors after surgery or to help patients with severe acute or chronic pain. Studies have shown that if taken exactly as prescribed by a medical professional, opioids are safe, can manage pain effectively, and rarely cause addiction. The problem occurs when they are abused.

DESCRIPTION

- Natural and natural derivatives — opium, morphine, codeine and heroin
- Synthetics — meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White

SIGNS AND SYMPTOMS OF USE

- | | |
|--|---|
| <ul style="list-style-type: none"> • Mood changes • Impaired mental functioning and alertness • Constricted pupils • Depression and apathy | <ul style="list-style-type: none"> • Impaired coordination • Physical fatigue and drowsiness • Nausea, vomiting and constipation • Impaired respiration |
|--|---|

HEALTH EFFECTS

- Needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Opioid use can increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Opioid effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

SOCIAL ISSUES

- There are over 500,000 heroin addicts in the US most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.
- Because of tolerance, there is an ever-increasing need for more narcotics to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user.
- Costs for heroin can reach hundreds of dollars a day.

WORKPLACE ISSUES

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Opioids have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

PHENCYCLIDINE (PCP) FACT SHEET

Detection Period: 2 — 7 days (casual use); Up to 30 days (chronic use).

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication

DESCRIPTION

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folder paper "packets".
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust and Hog

SIGNS AND SYMPTOMS OF USE

- | | |
|--|--|
| <ul style="list-style-type: none"> • Impaired coordination • Severe confusion and agitation • Extreme mood shifts • Muscle rigidity • Jerky eye movements | <ul style="list-style-type: none"> • Dilated pupils • Profuse sweating • Rapid heartbeat • Dizziness |
|--|--|

HEALTH EFFECTS

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucination as LSD induced, and then retreating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are 4 phases of PCP abuse. The first phase is acute toxicity. It can last up to 3 days and can include combativeness, catatonia, convulsions and coma. Distortions of size, shape, and distance perception are common. The second phase, which does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

WORKPLACE ISSUES

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

Pre-Employment Drug Testing Notification and Acknowledgement Form

I, _____ (*print name*), hereby acknowledge and understand that as part of my application for employment for a position which involves the performance of safety-sensitive functions as defined by 49 CFR Part 655, as amended, I must submit to a urine drug test under the authority of the U.S. Department of Transportation, Federal Transit Administration. I acknowledge and understand that any offer of employment is contingent on the passing of the aforementioned drug test and I will not be assigned to perform a safety-sensitive function unless my urine drug test has a verified negative result having no evidence of prohibited drug use.

Applicant Signature

Date

Witness Signature

Date

Witness Print Name

Witness Job Title

NOTE: Your application will not be considered for employment for a covered safety-sensitive position unless this acknowledgement is completed and signed.

Acknowledgement of City of Baraboo's Drug and Alcohol Testing Policy

I, _____ (*print name*), hereby acknowledges that I have received a copy of the anti- drug and alcohol misuse program policy mandated by the U.S. Department of Transportation for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Parts 40 and 382, as amended, and has been duly adopted by the Council of the City. Any provisions contained herein which are not required by 49 CFR Part 382 or 49 CFR Part 40, as amended, that have been imposed solely on the authority of the City are designated as such in the policy document.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained herein. I will seek and get clarifications for any questions from the City's contact person listed in the policy. I also understand that compliance with all provisions contained in the policy is a condition of my employment.

I further understand that the information contained in the currently approved policy is subject to change, and that any such changes, or addendum, shall be given to me in a manner consistent with the provision of 49 CFR Parts 40 and 382, as amended.

Applicant Signature

Date

Witness Signature

Date

Witness Print Name

Witness Job Title

Release of Information Form

SECTION I. Completed by New Employer, Signed by Employee, and Provided to Previous Employer:		
Employee Printed or Typed Name:		
Employee SS or ID Number:		
<p>I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section 1-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT regulated testing items:</p> <ul style="list-style-type: none"> • Alcohol tests with a result of 0.04 or higher; • Verified positive drug tests; • Refusals to be tested; • Other violations of DOT agency drug and alcohol testing regulations; • Information obtained from previous employers of a drug and alcohol rule violation; • Documentation, if any, of completion of the return-to-duty process following a rule violation. 		
Employee Signature:		Date:
New Employer Name:		
Address:		
Telephone Number:		Fax:
Designated Employer Representative:		
Previous Employer Name:		
Address:		
Telephone Number:		
Designated Employer Representative (if known):		
SECTION II. Completed by Previous Employer and Provided to New Employer:		
In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:		
1. Did the employee have alcohol tests with a result of 0.04 or higher?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Did the employee have verified positive drug tests?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Did the employee refuse to be tested?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Did the employee have other violations of DOT agency drug & alcohol testing regulations?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Did a previous employer report a drug and alcohol rule violation to you?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>Note: If you answered "yes" to Question 5, you must provide the previous employer's report. If you answered "yes" to Question 6, you must transmit the appropriate return-to-duty documentation (i.e., SAP reports, follow-up testing record).</p>		
Name of person providing information in Section 11-A:		
Title:	Telephone Number:	
Date:		

Post-Accident Drug and Alcohol Test Decision Documentation Form

Accident Report Number:		Name of Employee:	
Location of Accident:			
Accident Date:		Time:	
Report Date:		Time:	
Identification Number:			
Job Title/Position:			
Result of Accident (check all that apply):			
Fatality		Employee injury requiring transport to hospital	
Disabling damage to one or more City vehicles		Non-employee injury requiring transport to hospital	
Disabling damage to non-City vehicle		Employee injury not requiring transport to hospital	
Other vehicle damage		Non-employee injury not requiring transport to hospital	
		Other, specify:	
Was the employee sent for a post-accident test?		Yes	No
If no, explain:			
Decision to test: FTA Authority		Yes	No
City Authority		Yes	No
1. Type of Test:		Drug	Alcohol
2. Supervisor making determination:			
3. Notification of test: Date:		Time:	
4. Test Conducted: Drug		Date:	Time:
Alcohol		Date:	Time:
5. Did the alcohol test occur more than 2 hours from the time of the accident? Yes No Explain:			
6. If no alcohol test occurred because more than 8 hours elapsed from the time of the accident, please explain:			
7. Did the employee leave the scene of the accident without just cause? Yes No			
If yes, explain:			
8. If no drug test was performed because more than 32 hours had passed since the time of the accident, please explain:			
9. If the employee indicated recent use of prescription or over-the-counter medications, please complete a confidential medical report			
Other Comments:			
Supervisor Signature		Date	
Attachment: Order to Test Chain of Custody Test Result Summary Alcohol Testing Form			

Sources for Informational Materials – AODA Assistance

1. **National Clearinghouse for Alcohol and Drug Information (NCADI)**, PO Box 2345, Rockville, MD 20852. (800) 729-6686 or (301) 468-2600. The Clearinghouse can provide fact sheets, films, posters, pamphlets, and brochures at no or low cost. Multilingual materials and a free quarterly catalog are also available.
2. **State Substance Abuse Clearinghouse:**

Wisconsin Clearinghouse for Prevention Resources
1552 University Avenue
Madison, Wisconsin 53726-4085
Voice: (608) 262-7507
Toll Free: (800) 248-9244
Fax: (608) 262-6346
[E-mail: nkendall@wisc.edu](mailto:nkendall@wisc.edu)
<http://www.uhs.wisc.edu/wch/>
3. **Drug-Free Workplace help line, Center for Substance Abuse Prevention.** (800) 843-4971 operates from 9:00 a.m. to 8:00 p.m. EST, Monday — Friday. Provides information on policy, drug testing, employee assistance programs models, and related topics. Offers literature at no cost to employers. Referrals to other information sources and lists of consultants by geographic area are available.
4. **Partnership for a Drug Free America**, 405 Lexington Avenue, New York, NY 10174-0002. (212) 922-1560. Provides high quality, high impact messages in the form of posters, audiotapes, and videotapes. No charge, but a donation will be requested.

Sources of Community Service Hot Line Telephone Numbers

1. American Council on Alcoholism Help line — (800) 356-9996
2. National Cocaine Hot line — (800) COCAINE or (800) 662-HELP
3. National Council on Alcoholism and Drug Dependence Hope Line — (800) NCA-CALL
4. National Institute on Drug Abuse Hot line — (800) 662-HELP
5. Alcoholics Anonymous — (800) 870-3795
6. Narcotics Anonymous — see local directory
7. Local United Way
8. National Directory of Drug Abuse and Alcoholism Treatment and Prevention Programs. Directory Published by the U.S. Public Health Service, Rockville, MD.
9. Wisconsin alcohol and drug abuse agencies.
10. Yellow Pages directory under "Social Service Agencies."

5.07 Ethics Code

- A. **Policy.** Employees are expected to adhere to the City's Ethics Code, which is fully incorporated herein by reference. The complete Ethics Code can be found in Chapter 1 of the City's General Code of Ordinances.
- B. **Procedure.** If an employee is believed to have violated the City's Ethics Code, or has, in fact, violated the City's Ethic Code, the procedures set forth in the City's General Code of Ordinances, Chapter 1, in addition to this Handbook, as applicable, are to be followed.

5.08 Grievance Procedure

- A. **Policy:** The City of Baraboo has established this Grievance Procedure Policy for an employee to utilize for matters concerning (i) discipline, (ii) termination, and/or (iii) work place safety that are covered by this policy. This policy provides an employee with the individual opportunity to address concerns regarding discipline, termination or workplace safety matters, to have those matters reviewed by an Impartial Hearing Officer, and to appeal to the Common Council of the City of Baraboo.

The City expects employees and management to exercise reasonable efforts to resolve any questions, problems or misunderstandings prior to utilizing this policy. An employee subject to a contractual grievance procedure shall follow the contractual grievance procedure to the extent those procedures cover the matters covered by the Grievance Procedure. An employee subject to statutory dispute resolution procedures shall be subject to those procedures to the extent those procedures cover the matters covered by the Grievance Procedure. This Grievance Procedure does not create a legally binding contract.

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

B. **Procedure.**

1. **Definitions:** For the purpose of this policy, the following words and terms shall have the following meanings:
 - a. **Administration** means the City Administrator or designee who is authorized to respond to a grievance filed by an employee.
 - b. **Employee** means all full-time and part-time employees of the City, not including those employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors.
 - c. **Employee discipline** means an employment action that results in disciplinary suspension, with or without pay, disciplinary termination, or disciplinary demotion. "Employee discipline" does not include oral reprimands or warnings, written reprimands or warnings, performance improvement plans, performance evaluations or reviews, documentation of employee acts or omissions, administrative leave or suspension with or without pay, non-disciplinary wage, benefit or salary adjustments, changes in assignment, action taken pursuant to an ordinance created under §19.59(1m), Wisconsin Statutes, or other non-material employment actions.

- d. **Grievant** means the employee who has filed a grievance with the City.
 - e. **Termination** means a separation from employment by the employer for disciplinary or quality of performance reasons. "Termination" does not include layoff, furlough or reduction in workforce, job transfer, non-disciplinary demotion, reduction or position elimination based on failure to meet qualifications, resignation, abandonment, retirement, nonrenewal of contract, death, separation as a result of disability, action taken pursuant to an ordinance created under §19.59(1m), Wisconsin Statutes., or the end or completion of temporary employment, seasonal employment, contract employment, or assignment.
 - f. **Workplace safety**, which shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety, means conditions of employment related to the physical health and safety of employees, as long as such conditions are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. "Workplace safety" does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.
2. Matters Not Covered By This Policy:
- a. The scope of a grievance that is subject to the jurisdiction of a governmental body or specific procedure by other Wisconsin Statutes shall be governed by those statutes and not this policy
 - b. The scope of a grievance that is subject to a grievance procedure in a collective bargaining agreement may not be brought forth under this policy.
 - c. The scope of a grievance that is subject to other Policy or Ordinance for formal or informal investigation or dispute resolution procedures may not be brought forth under this policy.
3. Grievance Steps:
- a. Verbal Grievance and Dispute Resolution. Within five (5) working days of the employee discipline, or actual or reasonable knowledge of the workplace safety issue, and prior to filing a written Grievance, the Grievant must discuss the dispute with the supervisor who made the decision. The supervisor and employee must informally attempt to resolve the dispute. The supervisor shall notify the City Administrator of this meeting and the results of the meeting.
 - b. Written Grievance Submission. The employee must file a written Grievance within fifteen (15) working days of the termination, employee discipline, or actual or reasonable knowledge of the work place safety issue. The Grievance must be in writing and must be filed with the supervisor and with a copy to the City Administrator. The Grievance shall contain a clear and concise statement of the pertinent facts, the dates the incidents occurred, the identities of the persons involved, documentation related to the Grievance in possession of the Grievant, the steps taken to informally resolve the dispute and the results of those discussions, all reasons why the actions of the supervisor should be overturned, if applicable, and the remedy that should be issued. A Grievance alleging a workplace safety issue shall also identify the workplace rules allegedly violated, if applicable.
 - c. Representation. The Grievant shall have the right to representation during the Grievance procedure at the Grievant's expense. The representative may be an attorney or a personal advocate selected by the Grievant. The representative shall not be a material witness to the dispute.

- d. Administrative Response. The Administration shall meet with the Grievant within ten (10) working days of receipt of the written Grievance to discuss voluntary resolution of the Grievance. If those discussions do not resolve the Grievance, then the Administration will provide a written response to the Grievance within five (5) working days of the meeting. The written response shall contain a statement of the date the meeting between the Administration and the Grievant occurred, the decision to sustain or deny the Grievance, and the deadline for the Grievant to appeal the Grievance to an Impartial Hearing Officer.
- e. Importance of Timelines and Process. A Grievance will be processed pursuant to the established timelines. A Grievant may advance a Grievance to the next step if a response is not provided within the designated time frames. A Grievant may not file or advance a Grievance outside of the designated time frames. The Administration may advance a Grievance to the next step at the written request of either the Grievant or the Administration. The timelines may be modified by written mutual agreement of the Grievant and Administration. The failure of the Grievant to follow the timelines and other requirements in this policy shall result in the Impartial Hearing Officer not having jurisdiction over this matter and shall terminate the Grievance Procedure for that Grievance. The Impartial Hearing Officer shall have the authority to determine whether the Impartial Hearing Officer has jurisdiction, which may be subject to review by the governmental body.
- f. Scheduling. Grievance meetings and hearings will typically be held during the Grievant's off-duty hours. Time spent in Grievance meetings and hearings will not be considered as compensable work time.
- g. Individual Claim. Any Grievance filed regarding workplace safety must relate to issues personal to the Grievant filing the Grievance and may not relate to, without limitation by enumeration, safety of property, or third parties. A Grievance filed regarding workplace safety must be filed by the Grievant claiming he or she has been personally affected by the alleged workplace safety violation.
- h. Impartial Hearing. The decision of the Administration as to the Grievance shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing Officer. The written appeal shall be filed with the City Administrator and within ten working days of the Administrative Response. If no Administrative Response has been filed within the time limits of the Policy, then the written appeal shall be filed within ten working days of the voluntary resolution meeting.
 - i. Costs. Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing, or presenting a grievance. The fees of the Impartial Hearing Officer shall be paid for equally by the Grievant and the City.
 - ii. Selection of Hearing Officer. Following receipt of the appeal requesting a hearing before an Impartial Hearing Officer, the Administration shall provide the name of the person who shall serve as an Impartial Hearing Officer. The Impartial Hearing Officer shall be assigned and notice provided to the Grievant within ten working days of the receipt of the appeal. The Impartial Hearing Officer shall be a Sauk County Court Commissioner or an attorney representing a Sauk or Columbia County municipality, unless a mutually agreed upon alternative Impartial Hearing Officer is selected by the Administration and Grievant.
 - iii. Administration Representative. The Administration shall be represented before the Impartial Hearing Officer by the City Administrator, Department Head, and/or the City Attorney.

- iv. Conciliation. Prior to the Hearing, the parties and Impartial Hearing Officer may engage in conciliation meetings to resolve the dispute. In cases involving allegations of workplace safety, the conciliation meeting shall be mandatory and shall occur not more than ten working days after assignment to the Impartial Hearing Officer. The Impartial Hearing Officer's involvement in any conciliation process shall not disqualify the Impartial Hearing Officer from hearing the merits of any Grievance unless all parties agree to replace the Impartial Hearing Officer.
- v. Pre-Hearing Conference and Timelines. The Administration, Grievant and Impartial Hearing Officer shall conduct a pre-hearing conference and select a date for hearing not more than thirty (30) calendar days from the date of assignment of the Impartial Hearing Officer. The Impartial Hearing Officer shall assign dates for preliminary matters that may arise prior to the hearing.
- vi. Record of Proceedings. The Impartial Hearing Officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the City Clerk for preservation.
- vii. Burdens. The Grievant shall bear the burden of production and burden of proof. The rules of evidence shall not be strictly followed, but no factual conclusions may be based solely on hearsay evidence. Not less than ten days prior to the hearing, the Grievant and the Administration shall exchange lists of witnesses and documentary evidence that they intend to introduce at the proceedings.
- viii. Written Response. After receiving the evidence and closing the hearing, the Impartial Hearing Officer shall issue a written response. The Impartial Hearing Officer may request oral or written arguments and replies. The recommendation shall contain findings of fact, analysis and a recommendation. The Impartial Hearing Officer must answer the following question: Based on the preponderance of the evidence presented, has the Grievant proven the decision of the Administration was arbitrary or capricious? The Impartial Hearing Officer shall file a written response within fifteen working days of the close of the hearing.
- ix. Powers of the Hearing Officer. The Impartial Hearing Officer shall have the power to issue a response to the Grievance. The Impartial Hearing Officer shall have no power to issue any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the Personnel and Finance Committee and shall be addressed by that Committee in the event the Grievance is sustained.
- I. Appeal to Common Council. The non-prevailing party to the impartial hearing may file a written request for review by the Common Council within ten working days of receipt of the Impartial Hearing Officer's written response.
 - i. Written Appeal. The written notice of appeal shall contain a statement explaining the reasons for the appeal and a copy of the Grievance, the Administration's response to the Grievance, and the Impartial Hearing Officer's response. The written notice may not include information that was not presented at the Hearing. The request shall be filed with the Mayor and with a copy to the prevailing party.
 - ii. Record of the Hearing. Upon appeal of the response of the Impartial Hearing Officer, a copy of the record shall be provided to the members of the Common Council.
 - iii. Review. The Common Council shall review the record and determine whether a rational basis exists for the Impartial Hearing Officer's decision. The findings of fact of the Impartial Hearing Officer shall not be over turned unless clearly erroneous. In the event

the Common Council does not sustain the Impartial Hearing Officer's decision, then the Common Council may render a new decision and remedy, request the Impartial Hearing Officer to take further evidence, assign an Impartial Hearing Officer to create a recommendation for the Common Council's review, or hold a new hearing and make an independent decision. The City Attorney shall provide legal advice to the Common Council during any review, and shall not represent position of the Administration at the review.

- iv. Additional Information. The Common Council may offer the Grievant and the Administration the opportunity to provide information to the Common Council in a meeting duly noticed for closed session or open session discussion. The Common Council may request written or oral arguments from each party.
- v. Decision of the Common Council. The Common Council shall hold a meeting within thirty (30) calendar days of the filing of an appeal of the decision of the Impartial Hearing Officer. A decision by the governmental body will be made within sixty (60) calendar days of the filing of the appeal unless the governmental body extends this time frame. All decisions of the Common Council involving the Grievance shall be by simple majority vote and in writing and filed with the City Clerk within five days of the date of the final decision. A copy of the final decision shall be delivered to the Grievant and the Administration. The Common Council's decision is final and is not subject to appeal.

5.09 Harassment and Discrimination in the Workplace

A. Policy. It is the policy of the City that all employees have the right to work in an environment free of all forms of harassment. The City will not tolerate, condone, or allow harassment by any employee or other non-employees who conduct business with the City. The City considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. 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. The purpose is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination.

B. Procedure.

1. Prohibited Activity (Sexual Harassment and Harassment).

- a. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - ii. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - iii. 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 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.

- i. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
 - ii. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, marital status, sexual orientation, national origin, and other forms of discrimination prohibited by the Wisconsin Fair Employment Act. 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.
2. Covered Individuals. Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials, and appointed boards and commissions.
3. Supervisory Responsibilities.
 - a. Each Supervisor shall be responsible for preventing prohibited activities as defined above by:
 - i. Monitoring the work environment on a daily basis for signs that harassment may be occurring;
 - ii. Training and counseling all employees on what constitutes harassment and sexual harassment, on the types of behavior prohibited, and the City's policy and procedures for reporting and resolving complaints of harassment;
 - iii. Stopping any observation that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 - iv. Taking immediate action to prevent retaliation toward the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending 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 involuntary, should be temporary pending the outcome of the investigation.
 - b. Each Supervisor has the responsibility to assist any employee of the City who comes to that Supervisor with a complaint of harassment in documenting and filing a complaint with the internal investigations authority as designated by this agency.
 - c. Failing to carry out these responsibilities will be considered in any performance appraisal (evaluation) or promotional decision and may be grounds for discipline up to and including termination.
4. Employee Responsibilities. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
 - a. Refraining from participating in, or encouragement of action that could be perceived as harassment;
 - b. Reporting acts of harassment to a Supervisor; and
 - c. Encouraging any employee who confides that he/she is being harassed or discriminated against to report these acts to a Supervisor.
5. Complaint Procedure.
 - a. Initial Contact. Any employee encountering harassment is encouraged, but not required, to inform the person that his/her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.
 - b. Report to Supervisor. Any employee who has unsuccessfully attempted to terminate the

harassment by the means stated in section a, above, and who believes that he/she is being harassed, shall report the incident(s) as soon as possible to his/her Supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may, instead, file a written complaint with the City Attorney, City Administrator, or Mayor. Failure of any Supervisor or other person to whom the complaint is given to carry out the above responsibilities will be considered in any performance appraisal or promotional decision and may be grounds for discipline.

c. Internal Investigation.

- i. The Supervisor or other person to whom a complaint is given shall meet with the employee within 24-hours of receiving a complaint, or as soon as reasonably practicable, and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s), and the date(s) on which the alleged harassment occurred. If the Supervisor or other person to whom a complaint is given does not feel qualified to meet with the employee, or feels there may be a conflict with meeting with the employee, the Supervisor must immediately notify the City Administrator or City Attorney.
- ii. The Supervisor or other person to whom a complaint is given must immediately notify the City Administrator, City Attorney, and Chief of Police if the complaint contains evidence of criminal activity such as, but not limited to, stalking, criminal harassment, battery, rape, or attempted rape.
- iii. After documenting the information regarding the complaint, the Supervisor must provide the documentation to the City Administrator and the City Attorney.
- iv. Upon receipt of the documentation, the City Administrator will appoint an Internal Investigation Authority who will be responsible for investigating the complaint.
- v. The Internal Investigation Authority will consist of, at minimum, the City Attorney.
- vi. The investigation shall include a determination of whether the allegations are true to a reasonable degree of certainty; whether other employees are being harassed by the person to a reasonable degree of certainty; and whether other City employees participated in or encouraged the harassment to a reasonable degree of certainty.
- vii. If the Internal Investigative Authority finds that there is reason to believe an employee violated this policy, the City Attorney will notify the City Administrator and the City Administrator shall determine what form of discipline shall be warranted, up to and including termination. If the person alleged to have violated this policy is not an employee, the City Administrator shall consult with the City Attorney about what action may be taken against the person.
- viii. If the Internal Investigative Authority finds that the allegation is not-sustained to a reasonable degree of certainty, or does not rise to the level of being a violation of this policy, no further action shall be taken by the Internal Investigative Authority beyond informing the employee who made the complaint of the outcome of the investigation.

d. Records. A file of harassment and discrimination complaints shall be maintained in a secure location with the City Attorney. The City Administrator shall be provided with an annual summary of these complaints.

e. Complaints to Outside Agencies. An employee must utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant feels that the complaint has not been adequately addressed, the employee may file a complaint with either or both of the following:

- i. State of Wisconsin Equal Rights Agency, 201 East Washington Avenue, Madison, WI 53703, Phone: (608) 266-6860, and/or
- ii. Equal Employment Opportunity Commission, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203-2292, Phone: 800-669-4000

If the employee exercises the reporting options of (i) or (ii) above, he/she must file a copy of the complaint with the City Attorney within 24 hours of filing of that complaint.

- f. Confidentiality. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances and to the extent permitted under the Wisconsin Public Records Law.

6. Retaliation.

- a. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this City and by Federal and State Statutes.
- b. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
- c. Monitoring to ensure that retaliation does not occur is the responsibility of the City Administrator, Supervisors, Department Heads and the Internal Investigative Authority.

7. Definitions.

- a. **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 descriptions of an individual's body or threats that job, wages, assignments, promotions, or working conditions could be affected if the individual does not agree to a suggested sexual relationship.
- b. **Non-Verbal Harassment:** 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, treating an employee differently than other employees when they have refused an offer of sexual relations.
- c. **Physical Harassment:** Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massaging, kissing, pinching, patting, or regularly brushing against the body of another person.
- d. **Other Forms of Harassment:** Persistent and unwelcome conduct or actions on the basis of disability, age, sex, arrests or conviction record, marital status, religion, race, creed, color, national origin, ancestry, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work and other forms of discrimination prohibited by the Wisconsin Fair Employment Act.
- e. **Harassment on Any Basis (race, sex, age, disability, etc.) Exists Whenever:** (i) Submission to harassing conduct, either explicit or implicit, is made a term or condition of an individual's employment; and/or (ii) Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; and/or (iii) The conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment.
- f. **Unwelcome Conduct:** Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.

5.10 Nicotine and Tobacco-Free Workplace

- A. Policy. As a place where public business is conducted and from which services to the citizens of

Baraboo occur, State Law requires that the interior of all public buildings, areas, and vehicles be maintained as tobacco-free for the health, safety, and welfare of both the public and City employees. Furthermore, because the City is concerned about the health, safety, comfort, and welfare of its employees, all City buildings and vehicles are also nicotine and vape-free.

B. Procedure.

1. If an employee wishes to engage in chewing or smoking products containing nicotine or tobacco, including, but not limited to, cigarettes, chew, snuff, vapes and e-cigarettes, or smoke anything that does not contain nicotine or tobacco, such as herbal cigarettes or nicotine-free e-cigarettes, it shall be done outside City buildings and vehicles during the employee's break, lunch time, or personal time coming to or leaving work.
2. Employees shall not be allowed to take tobacco or smoking breaks during regular working hours.
3. Smoking devices (cigars, cigarettes, pipe contents, etc.) and chewing tobacco products must be disposed of in the containers designated for such use and must not be deposited on the pavement or grounds of City property.

5.11 Standards of Behavior and Employee Work Rules

- A. Policy:** The City believes that employees want to, and will do, a good job if they know what is required to perform their job properly. Each Supervisor is responsible for ensuring that the employee knows what is expected of him/her in their job. Further, it is City policy that employees are given ample opportunity to improve in their job performance.

The City has established rules pertaining to employee conduct, performance, and responsibilities so that all personnel can conduct themselves according to certain rules of good behavior and good conduct. The purpose of these rules is not to restrict the rights of anyone, but rather to help people work together harmoniously according to the standards we have established for efficient and courteous service for our citizens. Reasonable rules concerning personal conduct of employees are necessary if the facility is to function safely and effectively. Employees will be kept informed of department rules and changes to those rules by their Supervisor or Department Heads.

B. PROCEDURE:

1. Employees Shall:
 - a. Be efficient with a high standard of performance of assigned duties and responsibilities.
 - b. Report all absences to his/her Supervisor. (See FMLA and Discipline sections of this Handbook)
 - c. Conduct all duties and responsibilities without negligence in the use of City property.
 - d. Be courteous to other associates, citizens, peers, and management personnel. Courtesy is demonstrated both verbally and non-verbally.
 - e.. Practice good conduct.
 - f. Abide by the Ethics Code (see Ethics Code Section of this Handbook).
 - g. Obtain proper relief or authorization from his/her Supervisor before leaving assigned duties.
 - h. Adhere to safety rules.
 - i. Follow all City policies and codes.
2. Employees Shall Not:
 - a. Use televisions or personal reading materials without authorization while on duty.

- b. Be absent or tardy in reporting to work without proper notification or be willfully inefficient in the use of time.
 - c. Sleep on the job.
 - d. Use threatening, abusive or vulgar language while on duty.
 - e. Breach confidence, including misappropriation or unauthorized divulgence of confidential City information.
 - f. Falsify City records.
 - g. Unlawfully take any City property or the property of another person.
 - h. Deliberately damage City property.
 - i. Threaten or commit physical violence against another person, or engage in fighting.
 - j. Fill out or complete a City time record or timesheet for themselves or for another person without specific permission from a Department Head.
 - k. Carry an illegal weapon on City premises or within the scope of employment without proper authorization.
 - l. Carry any weapon on City premises or within the scope of employment without proper authorization.
 - m. Use or be under the influence of alcohol, intoxicants, illegal drugs, or non-prescribed controlled substances during the scope of employment.
 - n. Participate in the sale, purchase, attempted sale or purchase, possession or transfer of illegal drugs or non-prescribed controlled substances during the scope of employment.
 - o. Use City property for personal gain or favor.
 - p. File a false Workers' Compensation claim.
 - q. Be insubordinate or derogatory toward any City employee.
 - r. Act in an unprofessional manner at any time when representing the City.
 - s. Engage in excessive horseplay.
 - t. Publicly endorse services or products by virtue of their employment with the City.
 - u. Violate the law. The arrest or conviction for any felony, misdemeanor, or other offense that substantially relates to the circumstances of the employee's particular job as provided in §111.335, Wis. Stat., is prohibited.
3. Definitions:
- a. **Absent or tardy** – Each employee is important to the effective operation of the City. When an employee is not present at work at his/her expected times, someone else must do the employee's job or delay doing his/her own job while he/she waits for the employee to arrive. If the employee's job involves working with citizens, they may grow frustrated if they can't reach the employee during scheduled work times. As a result, the City expects each employee to keep regular attendance and to be on time and ready to work at the beginning of the employee's scheduled work day. Of course, things will sometimes happen that will prevent an employee from showing up for work on time. For example, the employee may be delayed by weather, a sick child, or car trouble. If an employee is going to be more than ten minutes late, the employee should call his/her Supervisor. If the Supervisor cannot be reached, then the next person in a Supervisory position should be contacted. This notice should be given as far in advance as possible.
 - b. **Fighting** – Verbal or physical fighting among employees is absolutely prohibited. Employees shall not engage in, provoke, or encourage a fight.
 - c. **Horseplay** – Although the City wants its employees to have fun while they work, the City does not allow employees to engage in horseplay which is fun that has gotten loud and boisterous and out of control. Horseplay disrupts the work environment and can get out of hand, leading to fighting, hurt feelings, safety hazards, or worse.
 - h. **Insubordination** – The City operates on a system of mutual respect between

Supervisors and employees. Supervisors must treat their employees with dignity and understanding and employees must show due regard for their Supervisor's authority. Insubordination occurs when employees unreasonably refuse to obey the orders or follow the instructions of their Supervisors. It also occurs when employees, through their actions or words, show disrespect toward their Supervisors.

- j. **Language (Threatening, Abusive or Vulgar)** – The City expects its employees to treat everyone they meet through their jobs with courtesy and respect. Threatening, abusive, and vulgar language has no place in the business of the City. It destroys morale and relationships and it impedes the effective and efficient operation of the City's business. As a result, the City will not tolerate threatening, abusive, or vulgar language from employees while they are on the worksite, conducting City business, or attending City-related business or social functions.
- k. **Notification** – If an employee must miss a full day of work for reasons other than vacation, sick leave, or other approved leave, the employee must notify his/her Supervisor as far in advance as possible. If the employee cannot reach his/her Supervisor, another Supervisor should be contacted. If an employee is late for work or fails to appear without calling in as required by this policy or by other policies in this handbook, the employee will face disciplinary action up to, and including, termination.
- l. **Sleep on the Job** – When an employee of the City arrives at work, he/she is expected to be prepared to work through their day. Employees who sleep on the job dampen morale and productivity, and deprive City taxpayers of their work obligation. As a result, the City does not allow any employee to sleep while at work. Employees who feel sick or are unable to finish the day because of weariness should talk to their Supervisor about taking the rest of the day off.
- m. **Violence** – Violence includes physical altercations, coercion, pushing and shoving, aggressive horseplay, intimidation, stalking, and threats of violence. The City will not tolerate violence in the workplace. Any comments about violence will be taken seriously and may result in an employee's termination. Employees should not joke or make off-hand remarks about violence. If an employee observed an incident or threat of violence that is immediate and serious, immediately dial 911 and report it to the police. If the incident or threat does not appear to require police intervention, you should contact the City Administrator or the Mayor and report it as soon as possible. All legitimate complaints will be investigated and appropriate action will be taken. An employee will not face retaliation for making a complaint.
- n. **Weapons** – Weapons include firearms, knives, brass knuckles, clubs, bats, explosives, and other equipment whose design is specifically meant to cause harm or injury. Weapons are generally not allowed in the workplace; however, weapons may be required in certain positions where they are permitted. If your work requires you to use an item that may qualify as a weapon, you must receive authorization from your Supervisor to bring that item to the workplace or to use it in the workplace. Any employee found with an unauthorized weapon in the workplace will be subject to discipline, up to and including termination. Except for certified police officers, no employee shall carry a concealed weapon while employed, even if the employee has a valid permit authorizing the concealed carry of a weapon.

Section 6 EDUCATION

6.01 NIMS/ICS Training

- A. Policy:** On June 14, 2005 the City of Baraboo Common Council approved Resolution 2005-34 which adopts the National Incident Management System (NIMS) as the standard for incident management.
- B. Procedure:**
1. The City requires all employees to complete the following courses to satisfy the intent of the above resolution:
 - a. IS-700.A National Incident Management System (NIMS) - An Introduction (available on-line), and
 - b. IS-100 Introduction to Incident Command System (available on-line)
 2. Department Heads and other Supervisory Staff are required to complete the following:
 - a. IS-800.B National Response Framework - An Introduction (available on-line),
 - b. ICS-300 Intermediate ICS for Expanding Incidents; and, if expected to or may need to work in the Emergency Operations Center (EOC) (classroom delivery only), and
 - c. ICS-400 Advanced ICS for Command and General Staff, Complex Incidents and MACS for Operational First Responders (classroom delivery only).

6.02 Training and Training Programs

- A. Policy.** Department Heads may authorize the expenditure of up to \$500 for training sessions and travel if funds are planned for in the department's respective budget. Department Heads must obtain approval for their training from the City Administrator if more than \$500 with the following exceptions:

Position	Receives Approval From:
Police Chief	Mayor or City Administrator
Fire Chief	Mayor or City Administrator
Finance Director	Mayor or City Administrator
Street Superintendent	City Engineer, Mayor, or City Administrator
Utility Superintendent	City Engineer, Mayor, or City Administrator
Parks and Recreation Director	City Administrator
Library Director	Library Board
CDA Director	Community Development Authority Board
City Attorney	Mayor or City Administrator
City Engineer/Public Works Director	Mayor or City Administrator

- B. Procedure.**
1. Attendance for training at any out of state location by any City employee must be approved by the City Administrator and requires funding to be budgeted. (Also see section entitled "Use of City Vehicles" regarding travel arrangements.)
 2. The City has various training programs for its employees as required by the Department of Safety and Professional Services (DPS), most of which are designed for employee safety while on the job. Certain training is considered mandatory based on job responsibilities and exposure to dangerous equipment or

situations. Certain training is mandated by government agencies and, therefore, is also mandatory. Training documentation records required by the DOC are maintained by the in the Finance Department. Other departments, such as the Water Utility, may also maintain records on required training.

3. The number and type of training programs available to employees is always changing. Those listed in this policy are only a sample of some of the training programs that are available and should not be considered all-inclusive. The City's desire to provide education and training opportunities for its employees is a growing area. Check with the Finance Department for the latest list of training and education programs available to City employees.

- Personal Protective Equipment
- Employee Right to Know and Hazard Communications Policy
- Trenching and Excavating
- Lockout/Tagout
- Ethics Code
- Confined Space Entry
- Office Safety Training and Ergonomics
- Bloodborne Pathogens
- Fire Extinguisher
- Hearing Conservation

Section 7 INFORMATION TECHNOLOGIES

7.01 Adoption of Information Technology Policy

- A. **Policy.** On April 9, 2019, the Common Council adopted the City's Information Technology Policy ("IT Policy"), which is applicable to all employees and which may be amended from time-to-time by the Council. A copy of this Policy is available on the City's website. The policies contained in this Handbook relating to Information Technologies are intended to supplement the IT Policy. In the event of a conflict between this Handbook and the IT Policy, this Handbook shall apply.

7.02 Employee Use of Social Media

- A. **Policy:** City employees have a right to free speech, which includes statements made on the internet. However, when statements include information about the City that by their nature compromise public confidence in the City or may cause significant disruption in the work environment, the statements are restricted by this policy. Internet postings, even on sites that have some level of restriction, privacy, or security, are often accessible by far more people than the person posting the information may have intended or believed. Therefore, where City policies apply to any other written or oral forum, they also apply to internet websites, conversations, blogs, electronic mail, and social networking sites.

- B. **Procedure:**

1. Employees shall not release, either directly or indirectly, confidential information, or information that may reasonably be considered confidential, including information concerning investigations, crimes, accidents, training, contract negotiations, information discussed in closed session or

violations of law, to persons outside the City except as allowed by policy and shall treat as confidential the official business of the City.

2. Unless specifically authorized by policy or by the City Administrator or his/her designee, employees shall not represent themselves as employees of the City speaking on behalf of the City.
3. Employees shall not make knowingly false statements related to the City.
4. Employees shall not make statements that by their nature compromise public confidence in the City or may cause significant disruption in the work environment.
5. Employees shall not make racially or sexually derogatory statements to the extent that they have an adverse impact on the City.
6. Employees shall not violate any of the City's policies, including regarding harassment, retaliation, and discrimination.
7. Employees shall not publicly endorse services or products by virtue of their employment with the City. This section is not intended to prohibit political speech as permitted by our political activity policy.

7.03 Telephone Usage

A. **Policy:** Personal use of the City's telephone system is discouraged as is the personal use of a City cell phone or the use of a personal cell phone on City time. The City's telephone systems are furnished for conducting City business.

B. **Procedure:**

1. The City recognizes that from time to time it may be necessary to make or receive a telephone call on the City's telephone system for personal reasons. These calls should only occur when necessary and the utmost discretion should be used. Whenever possible these types of calls should be scheduled during an employee's lunch or break periods. Personal phone calls should be limited to taking care of matters that the employee is unable to accomplish during non-working hours.
2. Any communications involving toll fees or long distance charges must be recorded by the employee and the employee must reimburse the City for the charges. These types of calls are not encouraged and should only occur in emergency situations.
3. Obscene, offensive, illegal, or unprofessional communications are forbidden. There are probably an infinite variety of examples of "unprofessional" communication. Employees must give careful thought to using business-like, professional manners when dealing with the party to whom they are speaking. The following list of phone content (which should not be considered as all-inclusive) is **expressly prohibited** on a City telephone system and a City cell phone:
 - a. Obscene, profane, abusive, or threatening language.
 - b. Statements that may be construed as discriminatory or offensive by reference to race, national origin, gender, religion, age, disability, sexual orientation, or other legally protected criteria.
 - c. Reference to, or discussion of, any sexual acts, sexual relationships, dates, dating, or any personal relationships.
 - d. Communications that violate the personal privacy of, or are disrespectful of, any individual.
 - e. Communications in furtherance of any illegal activity, including, but not limited to, "football pools" and other forms of illegal gambling.
4. Unwarranted personal use of the City's telephone systems or a City cell phone during work hours may result in disciplinary action up to and including discharge.
5. Employees may use their personal cell phone while working, although the use must be limited

and should not interfere with the Employee's job. Employees are encouraged to use their personal cell phones during lunch and breaks. Excessive use of a personal cell phone during work hours may result in progressive disciplinary action up to and including discharge.

Section 8 PROTECTIVE EMPLOYEES (Special Policies)

8.01 Police and Fire (Protective Employees) Policies

1. Command Call. In order to ensure the availability of a Police Department Command Officer, the police supervisors will be assigned command-call hours by the Police Chief. Officers assigned this duty will be compensated on a pro-rated scale of two (2) hours at their regular pay rate for every twenty-four (24) hours on call. When called to duty while on command-call status, non-exempt employees will be compensated at 1½ times their regular pay rate for actual time worked. Exempt employees will be compensated at their regular rate of pay for actual time worked. Officers must be able to respond to a call within one half (½) hour. The two (2) hour minimum for overtime call-in does not apply while on command-call status.
2. Standby Times
 - a. When protective employees are placed on an emergency standby status by the Chief of Police they will be paid eight (8) hours straight time pay for each twenty-four (24) hours of standby or pro-rata thereof.
 - b. Shift Differential.
 - i. Protective employees, with the exception of the Police Chief, Fire Chief and Fire Inspector who work between the hours of 3:00 P.M. and 7:00 A.M., will receive an hourly pay differential of 20¢.
 - ii. The Fire Inspector is required to be a Paid-on-Call Firefighter as a result of his/her position description. When the Fire Inspector responds to calls for service under the Paid-on-Call Firefighter portion of his/her position description during normal working hours no additional compensation is received. When the Fire Inspector responds to calls for service outside of his/her normal working hours, the current compensation rate for Paid-on-Call Firefighter applies. The same holds true for any training or meetings attended in this capacity and timeframe.
 - iii. Effective for all Police employees working on call: CTO is earned even if the employee is called in for OT, or are scheduled to work during the on call schedule.
3. Police Lieutenants Pay for "On Call" Duty. The captain or lieutenants are required to be on call for one or more weekends every other month, dependent on staff availability. The Police Chief is responsible for preparing the monthly on call duty roster. While on call, they are required to be able to be reached by phone (respond to any page in 10 minutes) at all hours and must be able to respond to work in less than 30 minutes. The lieutenants are compensated at 1 hour of CTO for every 12 hours they are on call. If they have to come on duty, they are compensated at the 1:1 ratio for time worked. The Captain and Lieutenants are exempt employees under FLSA and are also eligible for use of Flex Time as outlined in Section 4 of this handbook. Time worked should be recorded on the employee's timesheet along with a designation of whether the time is "on call" or Flex Time.

4. Non-protective Employees of the Police Department "On-Call" Duty.²⁴ Administrative Assistants are required to be "On-Call" to complete the mission of the police department during non-traditional working hours such as weekends and holidays. While on call, they are required to be able to be reached by phone (respond to any page in 10 minutes) at all hours and must be able to respond to work in less than 30 minutes. The non-protective staff is compensated at 1 hour of CTO for every 12 hours they are on call. If they have to come on duty, they are compensated for time worked as outlined in Section 4, "Overtime Pay" of this handbook.
5. Police Sergeants "Command Call." Police Sergeants assume command call on rotating weekend shifts. While on command call, they earn CTO at the rate of 1 hour for every 12 hours of on call time.

On Call Schedule: Friday – 4 p.m. to midnight
 Saturday and Sunday – all day
 Monday – midnight to 8 a.m.

6. Police Captain or Lieutenants Pay for "On Call" Duty.²⁵ The Captain or Lieutenants are required to be on call for one or more weekends every other month, dependent on staff availability. The Police Chief is responsible for preparing the monthly on call duty roster. While on call, they are required to be able to be reached by phone at all hours and must be able to respond to work in less than 30 minutes. The lieutenants are compensated at 1 hour of Compensatory Time Off (CTO) for every 12 hours they are on call. If they have to come on duty, they are compensated at the 1:1 ratio for time worked. Lieutenants are exempt employees under FLSA and are also eligible for use of Flex Time as outlined in Section 4 of this Handbook. Time worked should be recorded on the employee's timesheet along with a designation of whether the time is "on call" or Flex Time.

Section 9 TRAVEL GUIDELINES

9.01 Expense Reimbursement

- A. **POLICY:** Where an approved trip is necessitated by City-related business, seminars, or school, public officials and employees will be reimbursed for meals, lodging, or any other necessary expense provided that an expense sheet is completed and substantiated with any required explanations or receipts. All reimbursement costs are limited to city employees and public officials. The City Administrator must preapprove all out-of-state travel. The City Administrator must be advised in writing of all travel in the state requiring overnight stays. For the remainder of this policy, all references to employees also include public officials.
- B. **PROCEDURE:**
 1. All claims for meals must be supported by a detailed and itemized receipt from the establishment where the meal occurred.
 2. No claim for meal reimbursement will be made from any establishment within the City except for a "working meal," that is, a meal which is essential and justified, both being considered an unavoidable element of the meeting or event and where the employee or officer has a substantive educational, technical assistance, policy-making, or similar role at the meeting or event. "Working

²⁴ Added 5/6/16.

²⁵ From AB's 4-29-16 email. This language differs slightly from what was already changed above in green color.

meals" do not include meals at meetings and events attended purely out of interest, even when related to the employee's or officials established municipal capacity. All in-City meals that are reimbursed require Department Head, or in the case of a Department Head, the City Administrator's, approval and signature. Claims for meal expense reimbursement must represent actual, reasonable, and necessary expenses

3. Maximum permitted amounts are established by the Finance/Personnel Committee. The current rates are:

<u>Morning Meal [B]</u>	<u>Noon Meal [L]</u>	<u>Evening Meal [D]</u>
\$10.00	\$15.00	\$25.00
Depart before 6 A.M.	Depart before 10:30 A.M & return after 2:30 P.M.	Depart before 2:30 P.M. & return after 7 P.M.

Times of departure are per current IRS regulations, regardless of employee's work shift. The maximum allowable tip is 15 percent (15%) of the meal claim and is in addition to the figures shown above.

4. Any unusual amounts must be fully documented and accompanied by a full explanation of the reasonableness of such expenses. An unusual amount is a cost that is incurred outside the control of the individual.
5. No reimbursement will be made for the cost of alcoholic beverages.
6. No reimbursement will be made for alternate meals when meals are provided by the conference or training organization. Continental breakfasts provided free by hotels and conference sites are considered breakfast and therefore, additional breakfast meals will not be reimbursed. Snacks or beverages in-between meals will not be reimbursed as these are not considered meals unless they are taken in place of a meal.
7. Reimbursement for meals for employees will be allowed in conformance with the above guidelines on trips that necessitate an overnight stay and the condition that dinner is reimbursable if the employee leaves the workplace for the destination before 2:30 p.m.
8. Necessary travel related costs such as tolls, cab fares, gas for City vehicle, emergency costs (i.e., towing, disabling auto repairs), reasonable hotel/motel costs, entrance fees, and other forms of necessary travel related expenses must be itemized on an expense report and should be accompanied by receipts and explanations to the fullest extent possible. In the case of tolls, it is understood that a receipt may not be possible, but a record should be maintained and reported.
9. Usual and normal tips are reimbursable. Expenses for personal services are not reimbursable. Examples include valet, spa, salon, room service, phone, movies, room upgrades, etc.
10. For accounting purposes, employees should note if all or part of the expenses incurred on a trip have been previously budgeted, in what amount, and under what account number.
11. Use the City's Expense Report form to report expenses (A copy of the form can be found on the computer [P:/General/Forms/Expense Report.doc] or available in the Finance Department). Obtain the proper signature(s) to approve the expenses and forward to the Finance Department for disposition.
12. If a cash advance has been taken, be sure to show that on the Expense Report form so that the proper reimbursement or payment to the City is reflected.
13. City employees are expected to seek the lowest cost available travel method including bus, air fare and passenger train. If no significant discounts are available due to late booking, the pre-approval of the City Administrator for the expenditure is required. Employees will utilize bus, air or rail travel only when it is deemed the most efficient mode of transportation. Bus, air or rail travel may only be used for trips greater than 300 miles. Only scheduled commercial air, bus or

rail travel may be used. It is expected that persons traveling to the same destination will car pool. No mileage will be paid to employees traveling with family members if another city employee is prohibited or discouraged from carpooling.

14. Employees of the same gender are expected, but not required, to share rooms if attending the same event. When family members travel with the employee, the city will reimburse the hotel rate for a single room.
15. IRS rules will govern concerning taxable meals. This generally only applies to day trips.
16. Picking up the Tab. Costs of 'the tab' will be divided equally among the participants involved and therefore will share equally the tax burden of the entire group. Anyone wishing to avoid this should request a separate bill and pay separately from 'the tab'.
17. City officers and employees will be reimbursed for the use of their private vehicles for trips on authorized City business at the IRS allowable rate in effect as of at the time the expenses are incurred. **NOTE:** The City has a vehicle that can be made available for transportation related to City business, seminars, training, and meetings and its use is encouraged. Refer to Section 9.01, Use of City Owned Vehicles, of this Handbook for how to reserve this vehicle and the rules applicable to its use.

9.02 Use of City-Owned Vehicles

A. **Policy.** This policy applies to every employee in all City departments except for those receiving a monthly car allowance.

B. **Procedure.**

1. Generally, no City-owned motor vehicle is permitted to carry or convey any person who is not directly or indirectly engaged in a City service that is incidental to the use of such motor vehicle. Employees who are off on-call status and Department Heads who are assigned a vehicle may, due to the nature of work and the need to facilitate their availability, use a City owned vehicle for personal use within a ten mile radius of the City.
2. Any City officer or employee who has the use of a City-owned vehicle will be required to reimburse the City at the IRS mileage rate in effect as of January 1st year for personal use of a vehicle. Personal use will include transportation to and from an employee's or officer's home and his/her place of employment and any other use that is not related to or connected with the officer's or employee's job duties or other work for the City. If the transportation between an officer's or employee's home and place of employment is exempt as a taxable benefit under the Internal Revenue Service rules relating to use of a company owned vehicle, the officer or employee will not be required to reimburse the City for personal use of the vehicle for such travel. If this is the case, proper documentation should be noted in the employee's personnel file.
3. City-owned vehicles will be used outside the corporate limits of the City of Baraboo when such use involves routine City activities necessary to carry on the normal functions of the employee or officer using the vehicle. Any other use of a City-owned vehicle outside of the City will be subject to the prior approval by the appropriate Department Head or his/her designee. A City-owned vehicle may be used for transportation to and from approved training and seminars outside of the City.
4. Arrangements/reservations for use of the City-owned vehicle should be made through the Police Department where a record of the vehicle's availability is maintained and where keys are disbursed. The employee using the vehicle should promptly return the keys on the same or next business day.
5. Traveling companions with the same destination as the employee are allowed. All passengers and

the driver must wear seatbelts. Unless an emergency arises, the Baraboo City employee must be the operator of the vehicle. Personal errands in the course of travel are not allowed when the employee is representing Baraboo on official business. There are a few exceptions such as:

- a. Attendance at an out-of-town conference, staying overnight, and invited out to dinner by other conference attendees.
 - b. While at a conference, personal items from a pharmacy or store must be obtained.
 - c. On the way to or from the conference, before or after business hours, an outlet mall or bank, for example, is directly passed and a stop is made to pick up an item.
6. Any use of a City-owned vehicle not specifically covered in this policy will require the prior approval of the City Administrator. The determination whether the use of a City vehicle is a personal use subject to reimbursement to the City or a City related use, will be made by the City Administrator.
 7. Employees using a City-owned vehicle must obey all traffic laws at all times while using the vehicle, and must report to their supervisor, Department Head, or the City Administrator if they receive any citations that attach to the vehicle (i.e., parking ticket, failure to pay a toll).
 8. Employees shall promptly report all vehicle accidents to their supervisor, or the City Administrator, if damage was caused to the vehicle or the property of any other party, or whenever any personal injury resulted from the accident.
 9. Employees transporting minors while on the job and for work related reasons must use a City-owned vehicle unless the employee receives permission to use their personal vehicle from the Department Head or City Administrator, except in a bone fide emergency.

Section 10 MISCELLANEOUS POLICIES

10.01 Accident and Injury on the Job

- A. **Policy:** Any required medical attention or assistance must be gained immediately upon the occurrence of any accident or injury. Administratively there are rules that will need to be followed in order to insure that the occurrence is properly recorded, but making sure that the employee is safe and receiving any required medical attention is first and foremost.
- B. **Procedure:**
 1. If any injury is possibly serious or requires medical attention, **911 should be called before any other call is made**. The Department Head or Supervisor and the City Administrator should be the next individuals informed of an incident. After these notifications, proper protocol should be followed and an appropriate course of action determined.
 2. For information about injuries and accidents on the job, see the Workers' Compensation section of this handbook and contact the City Clerk's area where specific reporting forms (Accident/Incident Initial Report, Employee's Report of Accident/Incident, and Supervisor's Report of an Accident/ Incident) are available.
 3. For any injury incurred on the job and involving time off, any Workers' Compensation claim shall be reported by the Department Head to the City Administrator with complete documentation within 24 hours of the incident. Upon receipt of information, the City Administrator may schedule a meeting with the Department Head, City Attorney, and other applicable individuals to evaluate the accident/injury and to develop a further course of action in terms of accident/injury prevention and/or light duty assignments (See separate Light Duty Policy section of this handbook).

10.02 Americans with Disabilities Compliance Policy

A. **Policy.** The City will adhere to all applicable Federal and State laws, regulations, and guidelines with respect to providing reasonable accommodations to people with disabilities as required (where accommodations do not cause an undue burden on the City) to afford equal opportunity for all.

B. **Procedure.**

1. Requests for Reasonable Accommodation. A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, in a benefit or privilege of employment for a reason related to a medical condition, or access to buildings, services, etc. The reasonable accommodation process begins as soon as the request for accommodation is made. A request does not have to use any special words, such as "reasonable accommodation" or "disability." An individual with a disability may request a reasonable accommodation whenever she/he chooses, even if she/he has not previously disclosed the existence of a disability.
2. Hiring/Promotions. Applicants/employees will be asked questions regarding their ability to perform job-related functions. Interview questions will not be phrased in terms of a disability. The City will make reasonable accommodations on a case-by case basis. The City's ADA Coordinator will determine what constitutes a reasonable accommodation. The following guidelines have been established:
 - a. An applicant/employee who needs an accommodation in the employment/promotion selection process shall request the accommodation from the ADA Coordinator. The job application will include these instructions so that an applicant/employee is aware of the necessary steps.
 - b. An existing employee with a disability may request an accommodation from his/her supervisor or the ADA Coordinator.
 - c. Individuals from the general public may request an accommodation based on a qualifying disability.
 - d. All job descriptions have the essential functions of the job clearly listed and a job analysis is completed for each position.
 - e. The City will conduct a medical examination only after a job offer has been made. Information on any medical condition of an applicant/employee is maintained in strict confidence by the ADA Coordinator
3. Complaint Procedure. Employees, customers, citizens or visitors may file informal complaints by filing the complaint with the City's ADA Coordinator. The ADA Coordinator will be responsible for investigating the complaint and, when necessary, taking action to rectify the problem. The ADA Coordinator will also notify the complainant of the results of the investigation. Employees, customers, citizens, or visitors of the City may also file formal complaints with the Equal Employment Opportunity Commission (EEOC): U.S. Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, D.C. 20507.
4. Responsibilities.
 - a. The City's ADA Coordinator shall be responsible for: providing guidance, training, and assistance to department heads, supervisors and employees on dealing with reasonable accommodations within their areas of responsibility; investigating, resolving, and making findings and recommendations on complaints of discrimination based upon a disability; determining reasonable accommodations of an individual upon the recommendation of the contracted Occupational Health Care Provider; reviewing the job analysis of positions

to determine the physical abilities required to perform the essential job functions; coordinating reasonable accommodations for test administration and interview processes.

- b. Supervisors and Department Heads are responsible for: providing input to the City's ADA Coordinator regarding the essential functions of a job and how a reasonable accommodation may be implemented; educating staff members on the practices and procedures laid out in this policy; cooperating with and understanding the practices in this policy.

10.03 Breast Pumping

A. Policy: In compliance with Section 4207 of the Patient Protection and Affordable Care Act (P.L. 111-148), 29 U.S.C. §207(r)(1), female employees shall be allowed a break each time the employee needs to express breast milk. Such breaks shall be paid breaks provided that they do not exceed twenty minutes twice daily. If the breaks do exceed twenty minutes, or exceed twice daily, then that break shall be unpaid. An employee may, however, adjust her schedule with the consent of her supervisor so as to substitute lunch time, or work before or after regular hours to cover unpaid breaks for breast pumping.

B. Procedure:

1. The City will provide an accessible location allowing privacy (e.g., shielded from view and free from intrusion from coworkers and the public, a lock on the door) for breast pumping. An alternate accommodation may be requested to the employee's supervisor and will be granted so long as the request is reasonable. The locations include:
 - a. City Administrative Building (101 South Blvd): Room C233
 - b. Fire Department (135 4th Street): Assessor's Office
 - c. Civic Center: Warming Kitchen (ground level)
 - d. Public Works Building: Copy Machine Room
2. Refrigerators are present in each building and may be used for the storage of breast milk.
3. The City has a no tolerance policy regarding jokes and/or harassment based on breastfeeding

10.04 Damage to Personal Belongings

A. Policy: Upon the filing of a bona fide claim with the Department Head, and upon the completion and filing of appropriate paperwork, the City may reimburse an employee up to a maximum of two hundred dollars (\$200) per year for personal belongings that are accidentally damaged in the course of the employee's job. For all employees, personal belongings other than clothing that are damaged on the job (excluding normal wear and tear) and presented to the City shall be replaced by the City at no cost to the employee. Reimbursement of watches is limited to \$25.00 annually. Reimbursement of glasses shall be limited to similar frame and lenses as the glasses that were broken. Personal electronic devices, including, but not limited, to cell phones, MP3 players, iPads/iPods, tablets and e-readers, are excluded from reimbursement.

B. Procedure:

1. To submit a claim, the employee must timely submit a claim in writing to their Department Head.
2. All claims must be approved by the Department Head and City Administrator.

10.05 Elected Officials

Except as otherwise provided in this Handbook, all policies, procedures, and benefits as stated herein will apply to all full-time elected officials except that portion referring to salaries, which portion will be established and set by ordinance as required by law.

10.06 Exceptions to this Handbook

- A. **Policy.** The Common Council recognizes that it may be necessary to grant immediate and specific benefits to certain employees who will hold professional or high level Supervisory positions with the City in order to match the benefit package that the employee may have in his/her current position, i.e., vacation eligibility, sick time accumulations, etc. The Common Council, therefore, reserves the right to grant such immediate and specific benefits to an employee as the Council will determine to be necessary and appropriate under all the circumstances.
- B. **Procedure.** When an exception to this Handbook is believed to be warranted or necessary pursuant to this Policy, the request will be brought to the City's Common Council by way of the City's Finance and Personnel Committee as soon as practicable.

10.07 Identification Badges/Access Badges/Keys/Fobs

- A. **Policy.** To maintain a safe and secure workplace and to protect City staff, visitors, and assets, employees are issued identification badges. Some employees may also be access badges, keys, or key fobs. Employee identification badges will be issued by the Police Department. Some departments have specific departmental badges, which will be issued by those departments.
- B. **Procedure:**
1. Access cards, keys, fobs and identification badges will be issued directly by, and returned directly to, authorized personnel. The person receiving the access card, key, fob or identification badge will follow the employee responsibilities as outlined in this policy. This includes access cards or keys being requested on behalf of contractors and vendors. It will remain the responsibility of the requestor to ensure compliance to this policy.
 2. Department Heads or their designees are the only staff with authorization to request an access card, key, fob or identification badge, request modifications, or to request the deletion of an access card, key or fob for an employee within their department or an outside contractor.
 3. Lost access cards, keys, fobs or identification badges are to be reported immediately to the employee's supervisor, whom will contact the issuer. Waiting to report lost access cards, keys, fobs or identification badges allows for a greater potential for security to be jeopardized.
 4. It is necessary at times that access cards, keys, or fobs be issued to contractors to perform work within a City of Baraboo facility. Access cards, fobs and keys can be obtained and will be issued directly by authorized personnel to the Department Head or designee whom requested the access card or key. It is the Department Head or designee responsibility to inform the contractor of the terms of use, to ensure proper usage, and to ensure the access card, key, or fob is returned. A contractor is never to leave City premises with access cards, keys or fobs, unless prearranged with the Department Head or designee.
 5. Tampering, duplication of any component, or any other inappropriate use relating to any City security system, access cards, keys, fobs or identification badges may result in discipline up to and including termination of employment.

10.08 Light Duty

- A. **Policy:** The term “Light Duty” is a special, short term, temporary work assignment that is not an employee’s regular position. See the City’s Safety Manual for additional information on Light Duty.
- B. **Procedure:**
1. Light duty is reserved for an employee who has temporary medical restrictions and who is recuperating from an injury occurring while the employee was performing services growing out of an event incidental to his/her employment and is covered by the Workers’ Compensation Act. In certain circumstances, at the discretion of the Department Head and City Administrator, light duty may be available to an employee who is recuperating from an injury not covered by the Workers’ Compensation Act.
 2. Light duty is temporary, and all assignments will have an end date that can only be extended by written notice. In the event the employee is not able to return to his/her regular pre-injury position at the end of the light duty work, the light duty will not become a long term or permanent job.
 3. Light Duty may be part-time, at a different rate of pay, different location, have different hours, and different duties than performed in the employee’s pre-injury position.
 4. There is no guarantee of light duty work. The City of Baraboo may not be able to create a light duty position for all those with Workers’ Compensation injuries. The amount and type of light duty work will vary from time to time based on changing needs and City budget. Provision for light duty work is at the discretion of the City as it determines is in its best interest at the time.
 5. Written notices approved by the Department Head and the City Administrator will be given whenever a light duty work assignment is created. The notice will say that this is a temporary job and will state the end date. The City Administrator, or his/her designee, will be responsible for sending appropriate notices to employees placed on light duty assignments.

10.09 Mail Handling

- A. **Policy.** The events of September 11, 2001, necessitated that the City look at some of the ways it conducts business, primarily mail handling procedures. On October 16, 2001, this policy was created for immediate implementation.
- B. **Procedure.**
1. All mail and package deliveries will be received at only one place in each building.
 2. Designated employees will sort all received mail and packages and should wear exam gloves while doing so. These are the same gloves as used for bloodborne pathogens and should not be re-used. If the designated employee does not have a supply of these gloves, contact the City Administrator.
 3. Any suspicious mail must not be immediately delivered to the department. Suspicious packages must not be opened, shaken, or smelled. Suspicious mail and packages include, but are not limited to, mail and packages that:
 - a. Are addressed to someone no longer with the City or are otherwise outdated.
 - b. Have no return address or a return address that is not legitimate.
 - c. Are marked with restrictive endorsements such as “personal” or “confidential.”
 - d. Have protruding wires, strings, odors, or stains (immediately notify the Police Department if any of these are found).

- e. Show a city or state in the postmark that does not match the return address.
 - f. Have lopsided, bulky packaging or are excessively wrapped, taped, or tied.
 - g. Have an out-of-country return address or postmark.
4. Suspicious packages must be held at the point of delivery and the intended Department Head will be notified. The Department Head or his/her designee may view the package or mail and choose to accept it if it is expected, usual, or otherwise determined to be acceptable.
 5. Suspicious packages will be stored until they are identified as acceptable or to be disposed of. The respective Department Heads will make this determination.
 6. Questions about suspicious deliveries and how to handle them may be directed to the Police Department, to the Fire Department, or, depending on the urgency of the situation, by calling 911.

10.10 Payroll Services

A. **Policy.** The City's payroll services are handled by the Finance Department. Please contact the Finance Department directly for more information about this policy.

B. **Procedure.**

1. Court Required Collections. Various payments as dictated by the legal system, such as child support, can be made through the payroll deduction process.
2. Direct Deposit. The City requires employee compensation be issued through a direct deposit to the employee's savings or checking account at the bank of the employee's choice. In lieu of a paycheck, a voided pay document is issued to the employee. If a direct deposit is not deposited timely or correctly and it is due to circumstances beyond the City's control, the City shall not be responsible. All City employees must provide to the Finance Department information necessary for direct deposit, and must immediately inform the Clerk's office of any changes to said information.
3. Insurance. Health insurance, life insurance, and cafeteria plan deductions are handled through the payroll deduction process. More details on health insurance, life insurance, and the City's cafeteria plan can be found in the Benefits section of this policy handbook and by contacting the Finance Department.
4. Retirement. All eligible employees become participants in the Wisconsin Retirement Fund. The Finance Department will provide additional information on the State of Wisconsin Retirement Fund for each employee. When an employee is considering retiring, the Finance Department must be informed so they can provide any assistance necessary to get the required paperwork started.
5. United Way. Participants in the yearly United Way campaign may make their contributions through payroll deduction.

10.11 Time Clock Administration

A. **Policy.** In departments where time clocks are used, general time clock regulations must be followed. Time clocks may be used as one of the acceptable means for keeping a record of hours worked by an employee.

A convenient locale and sufficient number of time clocks will be maintained in applicable departments in order to make the clocking-in and clocking-out of employees possible. Time clock cards meet the requirements of the Fair Labor Standards Act (FLSA) for records of hours worked if they accurately reflect the actual hours worked. Such cards, however, are not conclusive proof of time worked. If

other evidence shows that an employee worked during periods in addition to those recorded on his/her time clock, he/she is entitled to compensation for those additional periods. In addition, an employer may not withhold compensation from an employee merely because the employee fails to punch in on a time clock.

Notwithstanding the above, time clock cards, if used, shall be the primary documentation used as the source for reporting time worked on the Weekly Timesheet. Each individual shall be furnished a blank time card at the beginning of each work week.

B. Procedure.

1. Each department may establish rules for whether an employee must clock in and out each working day. Please consult with your Department Head for more information.
2. No employee shall be allowed to punch in or out for another employee. Violation of this rule may be grounds for disciplinary action up to and including termination of both employees.
3. Employees may clock in prior to their beginning work time in order to prepare to begin their work at the appointed hour. These minutes are not compensable unless the employee actually begins working before his/her appointed time.
4. In the event of an occasional infraction of the assigned working hours, there will be a seven-minute grace period. More than the seven-minute grace period will be counted in fifteen minute increments. Infractions resulting in overtime will be paid only when overtime has been authorized.
5. Each department may establish rules for whether an employee must clock in and out lunch break. Please consult with your Department Head for more information.
6. Time posted to the Weekly Timesheet and Leave Record shall correspond exactly with those hours reflected on the employee's time card.
7. Time cards shall be maintained in a secure manner.
8. If it is discovered that a pattern of clocking in early or clocking out late exists, without the employee having secured prior approval for overtime hours, the Department Head should address this concern promptly with the employee. If continued misuse of time clocks is noted, appropriate disciplinary action should be taken.
9. Any time an employee leaves the City during the workday for other than work related business, the employee must "clock out." Upon returning to work, the employee must "clock-in."
10. If continued tardiness or absences are noted, progressive discipline steps may be taken to assist the employee in understanding their full responsibilities as they relate to their work hours and appropriate clocking in and out procedures.
11. The Department Head must sign any deviations from the required time clock punches. Your Supervisor MUST approve any changes from the assigned working hours in advance.

10.12 Tornado Warning

A. Policy. To insure that there is a safe location for City employees and members of the public who may be using any of the municipal buildings for protection when the threat of a tornado arises. This plan will help prepare in advance for the safest location in which to take shelter in any of the City's buildings. In addition to this policy, refer to the City's Safety Manual.

B. Procedure.

1. Definitions:
 - a. **Tornado Watch:** Conditions are right for the development of a tornado. Continue with regular

- activities; however, be alert for changes in the weather and be prepared to act quickly.
- b. **Tornado Warning:** A tornado has been spotted and shelter should be sought immediately.
2. Employees working in a municipal building or citizens/visitors to a municipal building may be alerted to a tornado watch for the Baraboo area if listening to the radio or by communication from someone who has heard there is a tornado watch. Upon notification of a tornado watch, the employee will monitor the radio until the weather situation clears. If a radio is not available, the employee will make arrangements to be notified by other means in case of a tornado warning.
 3. Upon notification of a tornado warning via radio or by emergency warning siren, the employee(s) and any building visitors or citizens who find themselves in the following municipal structures will seek shelter immediately at the following designated shelter areas:

<u>If In:</u>	<u>Seek Shelter at:</u>
Alma Waite	Building Basement area of Fire Station (135 4 th Street) building.
Attridge Park	West wall of the operation's shop area (basement).
Campbell Park	Basement of swimming pool building.
Fire Station (135 4 th Street)	Basement area of Fire Station.
Civic Center	Carpeted area within the gym (lowest level of the building).
Donahue Apartments	Craft room or hallway on ground level. If unable to get to ground level, seek shelter in a bathroom as there aren't any windows and it is an inside wall.
Corson Square Apartments	Ground floor area between the two fire doors near the elevator. These doors should be closed for protection. If unable to do so, take shelter in a bathroom as there aren't any windows and it is an inside wall
City Services Center	Shelter in the Parts Room.
Library	Basement of the building.
Mary Roundtree Park	West wall of fieldhouse building.
Multi-Purpose Pavilion @ Pierce Park ...	Smallest inside room of the building.
Ochsner Park	Zoo's west side building (Otter building).
Pierce Park	Women's restroom of ball diamond concession building.
Wastewater Treatment Plant	Basement of facility

4. Department of Public Works, Utility, and Parks and Recreation employees who may be out of any of the municipal buildings performing their duties in and around the City will be notified by radio, cell phone, or any other available means to insure that they are aware of the weather conditions and of the need to seek safe shelter.

