



Personnel Policy Manual

As adopted by the Monona City Council

December 17, 2012

Revisions:

February 1, 2010,
December 17, 2012

Amendments:

Chapter 19, Oct. 4, 2010, per Resolution 10-10-1733
Chapter 11, Oct. 3, 2011, per Resolution 11-10-1807
Appendices J and K, added Dec. 16, 2013

TABLE OF CONTENTS

Chapter 1 Purpose, Scope and Conditions of Employment 2

Chapter 2 Organization and Administration 7

Chapter 3 Position Administration 8

Chapter 4 Salary Administration 10

Chapter 5 Scheduled Hours, Overtime and Compensatory Time 12

Chapter 6 Recruitment and Selection 14

Chapter 7 Employment Conversion, Continuance, Layoff, Recall from Layoff 16

Chapter 8 Disciplinary Action 17

Chapter 9 Employment Termination..... 19

Chapter 10 Performance Evaluations..... 21

Chapter 11 Grievance Procedure 22

Chapter 12 Records Management 24

Chapter 13 Training and Development 26

Chapter 14 Exit Interviews 28

Chapter 15 Conflict of Interest..... 29

Chapter 16 Employee Fringe Benefits..... 30

Chapter 17 Unpaid Leave of Absence, Medical and Military Leave 36

Chapter 18 Jury Duty..... 38

Chapter 19 Use of City Vehicles Policy 39

Chapter 20 Harassment and Workplace Violence 43

Chapter 21 Safety and Loss Control 44

Chapter 22 Police Sergeants 45

Chapter 23 Amendments 48

Appendix A City of Monona Organizational Chart..... 49

Appendix B City of Monona Family and Medical Leave Policy 50

Appendix C Sick Leave Conversion Plan for Non-Represented Employees 54

Appendix D Americans with Disabilities Act (Ada) Title 1 Policy..... 56

Appendix E Consolidated Omnibus Budget Reconciliation Act (Cobra) Policy..... 60

Appendix F Anti-Harassment and Retaliation Policy 63

Appendix G Workplace Violence Policy 68

Appendix H Electronic Communication And Information Systems Policy 74

Appendix I Drug And Alcohol-Free Workplace Policy..... 80

Appendix J Department of Public Works 97

Appendix J Buildings and Grounds..... 100

Index 101

SECTION A: PURPOSE

This manual represents the formal documentation of an orderly system of personnel administration that has been developed to meet the organizational needs of the City of Monona and the employment needs of its personnel. This policy manual applies to all employees, both represented and non-represented. For public safety employees covered by a collective bargaining agreement, this manual applies to only to those topics not address by those contracts or by Police and Fire Commission (PFC) jurisdiction. The system set forth herein shall be consistent with the following merit principles:

1. Recruitment, selection, placement, and advancement of employees shall be based upon their relative ability, knowledge, and skills as determined through open competition.
2. Recognition shall be made of employee performance which exceeds a level of full competency.
3. Marginal and/or substandard employee performance shall be discouraged and corrective action taken to ensure its discontinuation.
4. Fair treatment of job applicants and employees in all aspects of personnel administration shall be provided and shall be based solely upon a consideration of merit factors. Physical factors may be a part of merit, subject to legal duties which may exist.

This chapter also sets forth a definition of the relationship that exists between the City of Monona and all of its employees who are not covered by a Collective Bargaining Agreement or an individual employment contract. This chapter also defines other basic conditions of employment not set forth elsewhere in this manual.

SECTION B: ANNIVERSARY DATE

For purposes of administration of benefits, all references to anniversary date shall mean the first of the month following date of employment unless hired on the 1st of the month.

SECTION C: EQUAL OPPORTUNITY

All qualified applicants will be considered for the positions for which they apply; neither the City, nor its agents, shall exercise any illegal discrimination against any employee on such basis ancestry, age, creed, handicap, marital status, arrest record, conviction record, sexual orientation, sexual harassment, military service, use or nonuse of lawful products off the employer's premises during non-working hours, unfair honesty testing, and genetics as described by State and Federal law.

SECTION D: EMPLOYMENT STATUS

The legal presumption that governs the working relationship between the City of Monona and its employees is that the employment is "at will". That is, the employment is at the will of either party, and the employer is free to dismiss the employee at any time without explanation or legal penalty so long as the dismissal is not discriminatory in nature.

All public safety employees under contract with the City shall be governed by the provisions contained in their individual contracts.

SECTION E: EMPLOYEES COVERED

Except as provided in Section A or unless excluded from coverage because the position is in one of the categories listed or described below, all employees of the City of Monona shall be governed by the provisions contained herein. Persons serving in the following capacities shall be excluded from those provisions:

1. Mayor.
2. Members of the City Council.
3. Elected City officials.
4. Members of committees, boards or commissions who are not City employees.
5. Independent contractors providing services within City facilities.
6. Volunteer workers.

SECTION A: PURPOSE

This chapter sets forth the delineation of authority and responsibilities in the administration of the City of Monona personnel system and program. Effective and efficient delivery of City services requires appropriate organization and assignment of responsibilities.

SECTION B: DELINEATION OF AUTHORITY AND RESPONSIBILITIES**1. City Council.** The City Council shall:

- a. Act upon the Table of Organization as set forth in the adopted version of the annual City Budget.
- b. Authorize the creation of any and all new classified positions.
- c. Confirm Department Manager appointments.
- d. Approve the compensation policy for non-represented employees, and all Collective Bargaining Agreements.
- e. Review and approve City personnel policies.
- f. Delegate such duties and responsibilities as necessary to the City Administrator.
- g. Such other duties as are imposed by law, or as it may choose to perform.

2. City Administrator. The City Administrator shall:

- a. Be responsible for the administrative direction and coordination of all employees of the City according to established organizational procedures.
- b. Appoint, promote, discipline, and remove Department Managers and all non-statutory employees, and accept resignations subject to confirmation of the City Council.
- c. Serve as personnel officer with responsibilities to see that complete and up-to-date personnel records, including specific job descriptions for all City employees, are maintained.
- d. Evaluate the performance of employees on a regular basis.
- e. Recommend salary and wage scales for City employees not covered by Collective Bargaining Agreements.
- f. Develop and enforce high standards of performance for City employees.
- g. Work with Department Managers to promptly resolve personnel problems or grievances.
- h. Conduct grievance procedures where appropriate.
- i. Assist in labor contract negotiations and all collective bargaining matters.
- j. Work with Department Managers to ensure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skill, and act as the approving authority for requests by employees to attend conferences, meetings, training, schools, etc., provided that funds have been budgeted.
- k. Perform other related duties as assigned by the City Council.
- l. Delegate appropriate authority to subordinate supervisory personnel.

3. Department Managers. Department Managers shall:

- a. Enforce the personnel policies, rules and regulations in their respective Department.
- b. Keep employees informed of current personnel policies.
- c. Conduct first step grievance procedures.
- d. Immediately notify the City Administrator of any proposed changes in personnel and participate in the selection of replacements.
- e. Cooperate with the City Administrator in developing employee orientation and in-service training programs.
- f. Administer discipline and delegate such authority to supervisory personnel as appropriate.
- g. Recommend hiring, promotion, or removal of employees under their supervision.
- h. Delegate appropriate authority to subordinate supervisory personnel.

4. Supervisory Personnel. To the extent that Department Managers delegate authority to them, supervisors will:

- a. Enforce the personnel policies, rules and regulations in their respective area of responsibility.
- b. Recommend discipline, if necessary, to the Department Manager.

SECTION A: PURPOSE

This chapter sets forth the policies governing the creation, abolition, classification and funding of positions within the City of Monona organization and delineation of administrative responsibilities therein.

SECTION B: AUTHORIZED POSITION COUNT

The Authorized Position Count of classified positions, as set forth in and duly adopted as part of the annual City Budget, shall serve as the official documentation of authorized classified positions within the City organization. The Authorized Position Count shall identify the title and status of each classified position and shall be maintained and updated by the City Clerk.

SECTION C: TABLE OF ORGANIZATION

The City Administrator shall maintain a Table of Organization setting forth the functional relationship of positions within the City organizational structure based upon the Authorized Position Count. The City Administrator shall present the Table of Organization to the City Council on an annual basis. The Table of Organization can be found in Appendix A.

SECTION D: POSITION CREATION/ABOLITION

The City Council shall, by formal resolution, add to or delete from the Authorized Position Count of classified positions set forth in the annual City Budget. Any such action shall be in accordance with State and Federal law. Any resolution creating a position shall contain the position title, its proposed classification, the rationale for its creation, and all anticipated salary, fringe benefits and other related costs. Other pertinent information including length of tenure restrictions, revenue contingencies or other limiting factors, shall also be contained therein. Each such resolution shall have attached to it the proposed position description approved by the City Administrator. The City Council shall consider the recommendations of the City Administrator and the requesting Department Manager, prior to acting upon any such resolution. The City Council may abolish positions by resolution at any time, but shall consider the recommendations of the City Administrator and the affected Department Manager prior to acting upon such resolution.

Any abolished position will follow the established Reduction in Force Process to ensure the position is identified and evaluated based on all factors relating to Disparate Impact or Disparate Treatment.

SECTION E: POSITION CLASSIFICATION

Each position within the City organization will be identified as Exempt or Nonexempt as described under DOL FLSA guidelines. In addition, each position shall be defined as classified or unclassified according to one (1) of five (5) basic categories in accordance with the recommendation of the City Administrator. The five (5) basic categories are defined as follows:

- 1. Full-Time Employment.** Any position created to exist for an indefinite time period and having a regular work schedule of no less than 2,080 hours per year (1,950 hours per year for dispatch employees). All position classifications wherever used throughout this manual are intended to apply to the status of the position and not to that of the employee.
- 2. Permanent Part-Time Employment.** Any position created to exist for an indefinite time period having a regular work schedule averaging the same amount of works hours per week but annually averaging less than the full-time schedule of the employing Department.
- 3. Hourly Part-Time Employment.** Any position created to exist for an indefinite time period having a regular or irregular work schedule of less than forty (40) hours per week.
- 3. Volunteer Firefighters.** Any position created to exist for an indefinite time period for the purpose of responding to fire related activities which include, but are not limited to, the following: firefighting, fire investigation, public education and other administrative duties as directed by the Fire Chief.
- 4. Emergency Medical Technicians (EMTs).** Any position created for an indefinite time period for the purpose of responding to Emergency Medical Service related activities which include, but are not limited to, the following: emergency or non-emergency requests for ambulance, training, public education and other duties as directed by the Fire Chief.

5. **Unclassified.** Any position having a fixed or limited term of duration. This group includes the following:
- a. **Seasonal Full-Time.** Any position created to exist on a seasonal full-time basis for a definite time period and having a regular or irregular work schedule of no less than forty (40) hours per week.
 - b. **Seasonal Part-Time.** Any position created to exist on a seasonal basis for a definite time period and having a regular or irregular work schedule of hours averaging less than forty (40) hours per week.
 - c. **Temporary.** Any position created to exist for a definite time period on a temporary basis.
 - d. **Substitute.** Any position created to exist on a temporary basis for the purpose of filling in for an employee on authorized leave.
 - e. **Intern.** A student or recent graduate undergoing practical training under the supervision of a department head.

SECTION F: FILLING VACANCIES

The City Administrator shall be empowered to authorize or deny the filling of positions as they become vacant.

SECTION G: POSITIONS

Department Managers shall modify position descriptions or job titles subject to the approval of the City Administrator. The City Administrator shall maintain current position descriptions for all positions within the City organization and shall make copies available to any individual upon request.

SECTION H: GROUP ASSIGNMENT

Concurrent with the creation of a position, the City Administrator shall determine the position classification and appropriate employee group to which persons holding the position will be assigned.

SECTION I: PROBATION

The "probation period", except for police officers and firefighters, shall be a minimum of six (6) months as determined by the department head and may be extended if documentation relating to unsatisfactory performance or behavioral issues is submitted for review by the City Administrator. During this period, the employee is eligible for sick leave benefits, funeral leave, and floating holiday. The employee is not eligible for vacation during this time; however, this benefit, which will be received following the "probation period", will be accumulated from the date of employment. Employment may be terminated by the City Council at any time during the "probation period" without reason. Termination at any time, either during the "probation period" or after, shall also be at-will, except City officers as defined by City ordinance.

SECTION A: PURPOSE

This chapter sets forth the basis of authority and the delineation of responsibilities in the establishing and administration of the City of Monona's Administrative Salary Plan.

SECTION B: ADMINISTRATIVE SALARY PLAN

The Administrative Salary Plan covers all classified regular positions not covered by a Collective Bargaining Agreement, professional services agreement or grant agreement. The principal objectives of the Plan are the following:

1. **Policy.** The City Council, based upon the recommendations of the City Administrator, shall establish the general policy governing the administration of the Plan and shall establish annually a pool of funds to be used for salary adjustment purposes.
2. **Administration.** The City Administrator shall establish specific rules and procedures governing the overall administration of the Plan. The City Administrator shall determine the specific amounts of salary adjustments to be provided individual employees consistent with the rules and procedures established by the City Council. The City Administrator shall oversee the day-to-day administration of the Plan and shall implement the salary adjustments approved by the City Council. He/she shall also be responsible for preparing recommendations and cost analysis relative to any revisions to the Plan and shall report, at least annually, to the Finance and Personnel Committee regarding the status of the Plan and the salaries of all covered employees.
3. **Salary Range Assignment.** Salary ranges shall be assigned to individual positions, on an annual basis during the budget process, by the City Council based upon the results of a comparative salary analysis prepared by the City Administrator and reviewed by the Finance and Personnel Committee.
4. **Re-Evaluations.** The City Administrator shall be responsible for keeping the job descriptions current and will recommend same to the Finance and Personnel Committee when appropriate. Re-evaluation of job descriptions may be requested by position incumbents, their Department Managers, or the City Administrator. Following City Council action, the City Administrator shall advise the requesting party.
5. **Initial Salary And Benefit Assignment.** Upon hire, an employee shall be advised in writing as to their beginning salary. The beginning salary shall be within the salary range established for the position and shall normally be the minimum rate in the range. Upon recommendation of the City Administrator, the City Council may authorize a benefit package and beginning salary above the minimum rate of the salary range based on a new hires prior experience.
6. **Annual Salary Review and Adjustment.** Following the annual revision of the Plan, the City Council may grant salary adjustments to employees in accordance with the rules established in the Plan. In so doing, the City Council shall take into consideration the recommendation of the City Administrator and/or Department Manager regarding the demonstrated job performance of the employee. In the case of Department Managers, the City Administrator shall first evaluate their performance before authorizing any salary adjustment.
7. **Special Adjustments.** On an exceptional basis, the City Council, based upon the recommendations of the City Administrator, may authorize special salary adjustments for individual employees for the purposes of enhancing internal equity or effectively responding to current labor market conditions requiring immediate action.
8. **Other Adjustments.** The following personnel actions may require a salary adjustment for an affected employee as determined by the City Administrator and approved by the Mayor:
 - a. **Transfer.** When an employee is transferred from one Department to another having the same job content, the salary rate in effect for the employee prior to the transfer shall remain in effect.
 - b. **Promotion.** When an employee is promoted to a position having a higher job content, they shall be eligible for a salary adjustment upon promotion and again upon the successful completion of the "probation period." The terms, conditions, and amounts of any such adjustment shall require the approval of the City Council; and shall be offered to, and accepted by, the employee, in writing, prior to the date of promotion.
 - c. **Demotion.** When an employee is demoted to a position having a lower job content, they shall continue to receive their current salary rate in effect prior to the date of demotion provided that such rate does not exceed the maximum rate in the new job classification. In the event the salary rate prior to the date of demotion exceeds the maximum rate in the new salary range, they shall receive the maximum rate in the new salary range.
 - d. **Reinstatement.** When an employee is reinstated to their former position, they shall normally be paid at the level of the salary range that corresponds with the level that was in effect at the time that they left the position.

SECTION C: PROFESSIONAL SERVICE AGREEMENTS

Upon approval of the City Council, the City Administrator shall have authority to execute professional service agreements with independent contractors who provide services of a professional nature to the City or any of its operating Departments.

SECTION D: SALARY SCHEDULE FOR UNCLASSIFIED POSITIONS

The City Council shall establish salary and wages for unclassified positions in the annual budget adoption process.

SECTION A: PURPOSE

This chapter sets forth the policies and practices of the City of Monona governing the establishment of work schedules, overtime, and forms of overtime compensation.

SECTION B: SCHEDULED HOURS

The normal scheduled hours for each full-time position shall be forty (40) hours per week (2,080 hours per year) in accordance with Department policy. Part-time employees shall work a normal schedule of hours averaging less than those established for full-time positions with the Department.

Full-time dispatch employees, because of the demands of the position and the need to have staff scheduled 24 hours per day/7 days per week, shall have full-time status at 1,950 annual hours.

- 1. Temporary Variations.** Temporary variations in daily and weekly work schedules may be authorized by the City Administrator in the case of Department Managers and by Department Managers in response to Department needs. Department Managers, at their discretion, may authorize temporary variations in work schedules for subordinate employees in order to accommodate employee needs. Any such variations shall be in accordance with the Fair Labor Standards Act. Where applicable, Department Managers and salaried positions may be allowed to work a flexible schedule of hours in order to accommodate fluctuations in their workloads. Such scheduling shall be subject to the approval of the City Administrator in the case of Department Managers, and by the Department Managers in the case of subordinate positions.
- 2. Deductions.** Deductions from a salaried employees' pay is prohibited, if the docking would jeopardize the FLSA exemption from overtime.
- 3. Authorized Leave.** Requests for authorized leave should be submitted at least one (1) work day in advance. Leave within the daily schedule shall follow the Temporary Variations Policy.
- 4. Compensatory Time for FLSA-Exempt Employees.** The City Administrator shall have the authority to establish a compensatory time policy for FLSA-exempt employees. The current policy allows:
 - a. FLSA-exempt employees earn one (1) hour of compensatory time for every 2 (two) hours worked after forty-five (45) hours worked in a given week.
 - b. FLSA-exempt employees may accrue up to a maximum of forty (40) hours of compensatory time.
 - c. FLSA-exempt employees are responsible for tracking and documenting their hours worked and earned compensatory time.
 - d. The use of compensatory time should be requested as per the City's Leave Request Policy and must be approved by the City Administrator.
- 5. Compensatory Time for Non-FLSA-Exempt Employees.** Non-exempt employees may have the option to earn compensatory time, at time and one-half for all hours worked in excess of 8 hours in a day and 40 hours in a given workweek, (for dispatch employees, after 8 hours in a day and all hours they are required to report for work outside of their regular work schedule/work week) in lieu of overtime pay if allowed by individual department policy. Each department shall have its own compensatory time policy for non-exempt employees, written by the Department Head and approved by the City Administrator.

SECTION C: LUNCH PERIODS, BREAKS

Subject to scheduling by supervision and individual department policy, a non-paid, 30-60 minute lunch period shall normally be provided midway through an employee's shift. Employees who eat lunch within City facilities are to do so away from their work stations, if possible.

Paid, non-cumulative, fifteen- (15) minute breaks shall be provided in the morning and afternoon in accordance with Department policy. Such breaks are not to be taken at the beginning or at the end of the work shift, and no more than fifteen (15) minutes can be combined with lunch periods.

SECTION D: OVERTIME

Except for public safety employees as defined by FLSA, overtime is defined as time worked in excess of forty (40) hours per week. Full-time, non-exempt employees shall be eligible for overtime pay at the rate of time and one-half for all hours

worked in excess of eight (8) hours in a day and forty (40) hours in a given workweek. For Dispatch employees, overtime shall be paid at the rate of time and one-half for all hours worked in excess of eight (8) hours in a day and for all hours they are required to report to work outside of their regular work schedule (workweek). For purposes of computing overtime and compensatory time, vacation, holidays, and sick leave shall be considered as time worked. Employees who are called back to work or are called in for emergencies or other circumstances will be paid for two (2) hours work or for the actual number of hours worked, whichever is greater.

All overtime must be approved in advance by the employee's supervisor except in emergency situations when pre-approval is not possible. It shall be the responsibility of every Department Manager and first-line supervisor to assign overtime work when emergencies or other compelling circumstances prevent the reasonable accommodation of additional work through the re-assignment of work priorities or through the rescheduling of hours within the same workweek.

Eligibility for overtime compensation shall be determined by individual Department policy and in accordance with the Fair Labor Standards Act and shall be subject to approval by the City Administrator.

SECTION E: SHIFT DIFFERENTIAL PAY

A shift premium may be paid for regular hours worked during certain hours of the day or on Sundays. Shift differentials will be paid per the policies of each individual department.

SECTION F: PAY PERIODS

Paychecks are distributed no earlier than 8:00 am on the 15th and 30th of each month. If a payday falls on a holiday or weekend day, employees will receive their paychecks on the last working day preceding the holiday or weekend day.

Overtime compensation for all safety employees (law enforcement, ambulance, and fire protection) shall be calculated on a twenty-eight (28) day "work period" basis, as defined by the Fair Labor Standards Act, or as provided by collective bargaining agreement.

SECTION A: PURPOSE

This chapter sets forth the policy and practices of the City of Monona governing the recruitment and selection of persons for placement in employment positions. This chapter excludes Police and Fire Department personnel who are covered by Wisconsin Statute 62.13 and subject to PFC jurisdiction.

SECTION B: POLICY

It is the policy of the City of Monona to recruit and select the most qualified persons for positions in the City Services in accordance with the City's equal opportunity policy. Recruitment and selection activities shall reflect the affirmative action goals of the City of Monona directed toward the establishment of a fair and equitable distribution of qualified minorities throughout all levels of the work force. Promotional and internal transfer opportunities for existing personnel shall be actively encouraged and may be relied upon instead of outside recruitment in order to enhance the retention of skilled personnel. Accordingly, present employees shall be given consideration of the filling of vacant positions whenever such employees are found to be qualified and available.

In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008 and the Wisconsin Fair Employment Act, the City of Monona prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City of Monona is committed to providing reasonable accommodations for eligible employees or applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided any accommodations made do not impose an undue hardship on the City. *See Appendix D* for the City of Monona's complete ADA Title I Policy.

SECTION C: RECRUITMENT

The City Administrator shall coordinate and supervise the recruitment of candidates for all City positions. The recruitment program shall be designed to meet the current and projected personnel needs of the City, tailored to each individual position to be filled and directed to sources likely to yield qualified applicants.

1. **Vacancy Announcements.** All vacancies, for which recruitment has been authorized, shall be publicly announced via posting on the City Hall building bulletin board and other appropriate places. All vacancy announcements shall include the position title, department, and salary rate range.
2. **Paid Advertisements.** The City Administrator may authorize newspaper and other media advertisements depending upon the number of qualified individuals available through internal sources. For a limited number of positions requiring a level of skill and experience not readily found locally, state-wide publications and professional journals may be authorized.
3. **Application Form.** All applications for employment shall be made on forms prescribed by the City Administrator and shall meet State and Federal requirements. Applicants may be required to provide proof in verification of application statements made.
4. **Notice of Rejection.** Whenever an applicant has applied for a current vacancy and is rejected, notice of such rejection shall be promptly mailed to the applicant.

SECTION D: SELECTION

The selection process shall assess attributes necessary for job performance and career potential which shall maximize reliability, objectivity and validity. The level of involvement by Department Managers and other staff shall be determined by the City Administrator.

1. **Selection Devices.** The City Administrator shall be responsible for determining methods to be used to screen applicants for job vacancies. In developing the selection devices, the City Administrator shall confer with Department Managers, consultants, and others familiar with the knowledge, skills, and abilities required to best measure these factors. Such methods or devices may include, but need not be limited to, one or more of the following:
 - a. Review of education, training and experience as shown on the application.
 - b. Practical written or oral tests, work samples or performance test, if job related.
 - c. Physical tests of strength, stamina or dexterity and pre-employment health examination, when job related.

- d. Background and reference inquires.
 - e. Assessment center.
 - f. Psychological profiles.
 - g. Drug/alcohol screening.
2. **Confidentiality.** All persons participating in the development and maintenance of selection materials shall exercise precautions to ensure the highest level of integrity and security. Only the City Administrator and his/her designees shall handle confidential selection materials.

SECTION E: APPOINTMENT

Applicants selected for an interview in accordance with the selection process shall number at least three (3) per vacancy. In the event that there are less than three (3) qualified applicants for a vacancy, the City Administrator shall approve and present the candidates for interview as stated in Section E (2) below.

1. In the event that there are equally qualified candidates, preference shall be given to laid off employees, regular employees desiring promotion or job transition, veterans, City residents and affirmative action goals.
2. The City Administrator shall be delegated the authority to make the final selection and appointment for all non-Department Manager positions. The City Administrator shall submit a recommendation for appointment of Department Managers to the Mayor. The Department Manager shall submit final selection and appointment recommendations to the City Administrator.

SECTION F: EXCEPTIONS

Except for certain positions, the City of Monona does not establish eligibility lists. In all cases involving the establishment of eligibility lists, the City of Monona follows the principle of open competition and equal opportunity in recruiting and selecting.

Recruitment and selection activities for unclassified positions may vary from the above as determined appropriate by the City Administrator.

SECTION A: PURPOSE

This chapter sets forth the policies and practices of the City of Monona regarding employment conversion to part-time, continuance, layoff and recall of laid off employees.

SECTION B: CONVERSION TO PART-TIME STATUS

Employees in classified, full-time positions who convert to part-time status shall retain sick leave and vacation benefits previously earned, but shall not continue to accumulate said benefits at the same rate, per the fringe benefit policy for part-time employees.

SECTION C: LAYOFF

Employees may be laid off. Under certain circumstances, workweek reductions may be imposed in lieu of layoff for non-exempt employees.

Employees laid off may be eligible for continuation of their participation in the group health insurance program for up to eighteen (18) months following the date of layoff, provided that they submit a written request and pay the full premium for such coverage starting the first month following the month in which the layoff occurs. Employee premium payments shall be made on a monthly basis and in accordance with City policy and law.

Laid off employees shall not accrue sick leave or vacation credits during any full month of layoff, but shall retain all past sick leave accumulations for possible use following recall from layoff; and shall retain length of service for vacation accumulation purposes following recall.

Laid off employees may be able to continue their participation in other insurance programs, at their expense, for up to eighteen (18) months following the first day of the month following the date of layoff in accordance with the terms established under the various insurance programs.

Laid off employees shall continue on the payroll beyond the date of layoff until all earned and accrued vacation and floating holiday benefits are exhausted.

Laid off employees who have not been recalled to their former positions or placed in another appropriate position within one (1) year from their date of layoff, shall be considered to be terminated from City employment.

Persons assigned to reduced workweek in lieu of layoff shall have their salaries and benefits eligibility administered on a prorated basis effective from the date of workweek reduction. It is the responsibility of laid off employees to apprise their Supervisors and the City Administrator's Office as to their current address and telephone number so that recall or some placement activities may be efficiently handled. Any employee failing to do so may be considered to have forfeited their recall or other placement rights.

SECTION D: RECALL FROM LAYOFF

Any employee recalled from layoff shall report for work as soon as possible following the date of recall notice, but no later than seven (7) days there from. Exceptions to the work return requirements may be made at the direction of the City Administrator.

In the event that other appropriate employment is offered by the City to a laid off employee, the employee is obligated to accept such employment in order to retain their employment status with the City. Refusal of such employment shall be considered to constitute a voluntary termination of employment.

The salary assignment to a laid off employee appointed to fill a vacancy other than their former position shall be within the salary range established for the vacant position, and not as if the assignment was a demotion or promotion.

SECTION E: EXCEPTION

Layoff or recall for police and fire protection service personnel shall be in accordance with State and Federal law.

SECTION A: PURPOSE

Disciplinary action in the employment setting is taken for the purpose of modifying or eliminating unacceptable behavior or job performance on the part of an employee. This chapter sets forth the general disciplinary policy of the City of Monona. It outlines the suggested procedures to be followed in the administration of discipline, and it identifies some of the aspects of behavior and performance that may constitute a basis for disciplinary actions.

SECTION B: GENERAL DISCIPLINARY POLICY

In keeping with the purposes for disciplinary action, as stated in Section A, the policy of the City of Monona is that of encouraging the implementation of disciplinary action whenever the behavior or job performance of an employee is such that it actually or potentially interferes with, or adversely affects, the efficient or effective fulfillment of the mission of the Department or that of the City organization.

As a representative of the City of Monona to the public, or the provider of a service to the internal organization, each employee, as a condition of employment accepts a fundamental obligation to promote and protect the interests of their employer. Dedication to duty, service to others, and the promotion of harmony and productivity in the workplace are the corner stones upon which the entire employment relationship is based; and the primary reasons for which the employee is compensated. In keeping with this principle, each employee is expected to render a "fair day's work for a fair day's pay". City employment is viewed as a privilege.

It is the obligation of each supervisory employee to foster such efforts and attitudes among their subordinate work force and to take disciplinary measures when positive reinforcement and personal example alone are inappropriate or insufficiently effective in producing desired results.

Any disciplinary actions taken are to be applied fairly and commensurate with the behavior or job performance giving rise to such actions.

Set forth below are the steps that supervisors will ordinarily use when taking disciplinary action. However, the appropriate disciplinary action depends on the reasons for disciplinary action. Employees do not have a right for each step to be followed. Steps may be skipped. Disciplinary action may start at any of these four steps. Some actions will require the termination of an employee with a previously spotless employment record.

- 1. Verbal Warning.** This is generally the first step to be taken when an employee is performing unsatisfactory work or conducting themselves in an undesirable fashion as to minor matters. The employee's immediate Supervisor or Department Manager should inform the employee of the infraction, advise the employee of the accepted manner of performance, and advise the employee that future conduct will result in a higher level of discipline. The Supervisor or Department Manager should make note of this date and the corrective action recommended.
- 2. Written Warning.** This is similar to the verbal warning, but in this case all pertinent data is written including the infractions, warning of more serious discipline for further infractions, and the corrective measures that are to be taken. A copy of the written documentation is given to the employee and also placed in the employee's personnel file.
- 3. Suspension.** An employee is suspended from work without pay. The employee is given a copy of the written documentation specifying the violations and the beginning and ending dates of the suspension. A copy is placed in the employee's personnel file.
- 4. Dismissal.** An employee is terminated from City employment. Written documentation by the City Administrator or Finance and Personnel Committee of the charges against the employee are given to the employee and a copy is placed in the employee's personnel file.

The above is intended to be a guide for steps in the disciplinary process. Each case is individual and some violations are more serious than others and may, therefore, require that the disciplinary process begin at a step other than the verbal warning.

The employee shall receive a copy of any written statements or warnings that are placed in his/her employee file. The employee shall be required to acknowledge having received these documents.

Whenever an employee has been notified that a warning has been placed in his/her file, the employee shall have the right to respond by submitting a written statement to the employee's file. The employee's supervisor shall also receive a copy of this written response.

Acknowledging the receipt of any document is not to be construed as agreement with its contents.

An employee to be suspended without pay or dismissed from City employment shall have the automatic right to present materials relevant to the action to the Finance and Personnel Committee. The employee must submit a written request for such an opportunity to the Mayor or his/her designee within three (3) working days of being informed of the suspension/dismissal.

Failure on the part of the Finance and Personnel Committee to meet on such a written request will allow the employee the option of appealing the grievance determination to the City Council's next regularly scheduled meeting following the fifteen (15) day period. It shall be the employee's responsibility to have the matter placed on the Council's agenda.

Any disciplinary action taken, and any response given, shall be brought to the attention of the Mayor.

Employees may appeal disciplinary demotion, suspension or termination pursuant to the procedures set forth in Chapter 11.

SECTION A: PURPOSE

This chapter sets forth policies governing employment termination of all types.

SECTION B: NOTIFICATION

Employees planning to voluntarily terminate their employment with the City of Monona are to notify their Department Manager as far in advance as possible, but not less than two (2) weeks prior to their last day on the job. Terminating Department Managers and others holding top administrative or professional positions shall be expected to provide an advance notice of thirty (30) days.

Payout of accrued vacation may be reduced or eliminated for persons who fail to provide adequate notice of termination. Persons dismissed or involuntarily terminated from employment shall not normally receive advance notice but may receive two (2) weeks to thirty (30) days severance notice in accordance with notification of termination criteria above. Terminating employees shall turn in all keys and other City properties in their possession to their Supervisor or other designated personnel as directed. Failure to do so may result in prosecution.

SECTION C: TERMINATION DURING TRAINING

Employees terminated during their probation period shall be ineligible for any form of benefit pay out upon termination. If such termination is voluntary, no days during the notice period shall be eligible for vacation, sick or holiday pay.

SECTION D: RETIREMENT

Persons retiring for the purpose of establishing eligibility for annuity payment under the Wisconsin Retirement System and/or Social Security (including disability retirement annuity benefits) shall be eligible for a pay out of all earned and accrued vacation credits. Such payments shall be made at the rate of pay in effect as of the employee's last day on the job.

SECTION E: RESIGNATION

Employees who have completed their probation period and are voluntarily terminating their employment for purposes other than retirement and, who provide prior notice in accordance with Section B above, shall be eligible for a pay out of all vacation time accumulated up to the employee's last day on the job.

SECTION F: LETTER OF RECOMMENDATION

Upon request, persons who voluntarily terminate their employment may be provided with a letter of recommendation from their Supervisor.

SECTION G: DISMISSAL

Person involuntarily terminated (dismissal) from City employment for misconduct shall be ineligible for any form of termination pay other than payment for time worked and unused vacation credit.

SECTION H: HEALTH INSURANCE CONTINUATION

Persons retiring or terminating their employment for any reason shall be eligible to continue their participation in the City's group health insurance program in accordance with State and Federal laws (see Appendix E for the City of Monona's COBRA policy). Employees who retire from qualified service with the City may elect to have the total value of his/her unused accumulated sick leave paid out to a deferred compensation plan or may elect to participate in the City's group health insurance plan with the value of the unused accumulated sick leave applied toward the premiums (see Sick Leave Conversion Plan, Appendix C). The City shall pay the cost of the appropriate health insurance coverage for a period equal to the number of monthly premiums totaling the dollar value of the wage by such retiree at retirement. Thereafter, the retiree may elect to continue appropriate insurance coverage, if available, at his/her option and expense subject to acceptance by the insurance carrier. If the employee should die before this benefit is depleted, the balance of the benefit shall accrue to the employee's estate.

Continued participation shall be contingent upon the retired/terminated employee paying the full monthly premium for such coverage. The employee will have to pay by the 15th of the month for coverage for the following month (January 15th for February coverage, February 15th for March coverage, etc.).

SECTION A: PURPOSE

The City of Monona's performance evaluation program is for the improvement of individual job performance, the strengthening of supervisor/employee relationships and the recognition of employee accomplishments and good work.

Performance evaluation results shall be considered in personnel decisions affecting pay, overtime, promotions, demotion, layoff, re-employment, training and termination.

SECTION B: ADMINISTRATION

The City Administrator shall be responsible for the overall administration of the employee performance evaluation program and shall advise and assist employees, raters, and Department Managers to ensure that performance evaluation procedures are handled according to the provisions of this chapter.

SECTION C: GENERAL PROVISIONS

1. Each employee have their performance formally evaluated at a minimum of once per year, unless otherwise determined by the City Council.
2. All performance evaluations shall be documented in writing on forms approved by the City Administrator.
3. Employees on probation shall have their performance evaluated in writing upon the completion of three (3) and five (5) months of service or at other times during the training period as conditions warrant.
4. Copies of all performance evaluation documents regarding an employee are to be made available to that employee upon request.
5. The rater shall normally be the employee's immediate supervisor. The rater shall be responsible for completing a performance evaluation report at the time prescribed for each employee under their supervision.

SECTION A: POLICY

It is the policy of the City Council of the City of Monona that all employees are treated fairly and equitably in matters affecting their employment. Each employee who feels they have not been so treated has a right to present their grievance to the appropriate management officials for prompt consideration and an equitable decision. "Employee" shall not include public safety employees subject to a collective bargaining agreement which addresses employee discipline, termination and workplace safety, hourly part-time employees, seasonal or limited-term employees, statutory/political appointees, elected officials, independent contractors, and volunteers.

SECTION B: ADMINISTRATION

The City Administrator shall supervise and administer the grievance process. Supervisors and Department Managers shall keep the City Administrator informed of all grievances in progress.

SECTION C: DEFINITION OF A GRIEVANCE

A grievance is a formal complaint regarding:

- 1. Unsafe Working Conditions**, defined as any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.
- 2. The Application of Discipline**, defined as an employment action that results in disciplinary suspension, disciplinary demotion, or disciplinary termination. Employee discipline does not include: verbal or written warnings; plans of correction or performance improvement; performance evaluations; non-disciplinary transfer, reassignment or demotion; administrative suspension pending investigation of misconduct or nonperformance.
- 3. Termination**, defined as a separation from employment by the employer for disciplinary or quality of performance reasons. Termination does not include end of employment due to layoffs, workforce reduction, voluntary termination, job abandonment, retirement, disability, or an employee's failure to meet the qualifications of a position.

Termination grievances shall be filed in writing to the City Administrator at Step 3 within ten (10) calendar days of the termination.

SECTION D: GRIEVANCE PROCEDURE

Step 1: Whenever possible, grievances should be resolved informally. Any employee having a problem with their employment shall first discuss the problem with their immediate Supervisor. If the problem is not settled to the employee's satisfaction within seven (7) calendar days, and is a grievance as defined in Section C of this chapter, the employee may present their grievance in accordance with Step 2.

Step 2: The employee shall prepare a written statement setting forth the grievance, including a description of the remedying action being sought and any information available to support the complaint. The statement should be given to the employee's Department Manager. The Department Manager shall meet with the employee as soon as reasonably possible and reasonable effort should be made to resolve the grievance. A written reply to the grievance shall be made within seven (7) calendar days following the date of the meeting.

Step 3: If the Department Manager's reply does not resolve the employee's grievance, the employee may, within seven (7) calendar days of the date of the reply, present their grievance in writing to the City Administrator who may arrange to meet with the employee and their representative, if any, to ascertain the facts surrounding the dispute and shall reply in writing to the employee within seven (7) calendar days thereafter.

Step 4: The decision of the City Administrator shall be final unless the employee files a written request to the Finance and Personnel committee requesting a hearing before an Impartial Hearing Officer. The request for a hearing must be made within seven (7) calendar days following the City Administrator's decision. The Finance and Personnel Committee, at a regularly scheduled meeting within one (1) month of its receipt of the hearing request, shall provide the name of the person who will serve as the Impartial Hearing Officer.

Step 5: The Impartial Hearing Officer shall file a written report to the City Council within fifteen (15) calendar days of the close of the hearing. The City Council shall review the report of the Impartial Hearing Officer and make its decision at a regularly scheduled meeting within one (1) month of its receipt of the report. The decision of the City Council shall be final.

SECTION E: SPECIAL CONDITIONS

1. Failure by an employee to process a grievance in a timely manner at any step shall result in dismissal of the grievance.
2. Failure by the City to respond to a grievance shall allow the employee to proceed to the next step in the process.
3. Legal Action. Nothing in this chapter shall abrogate any legal means of redress to the courts available to all employees.

SECTION A: PURPOSE

Written personnel records are essential to the establishment of factual data regarding the employment history of all personnel. In addition, for the purpose of meeting a variety of legal requirements, the establishment and maintenance of records relative to all personnel department activities is essential. This chapter sets forth the basic personnel recordkeeping requirements for the City of Monona and identifies procedures governing accessibility to such records, pursuant to Section 103.13 of the Wisconsin State Statutes.

SECTION B: INDIVIDUAL PERSONNEL FILES

An individual personnel file shall be maintained for each person employed by the City of Monona. The active files shall consist of the individual files of all persons currently on the City payroll and those employees in active employment status. The employee shall receive a copy of all records placed in his/her personnel file, except pre-employment material.

The inactive files shall consist of the individual files of all persons formerly employed by the City.

At a minimum, the individual files of all current employees shall contain the following:

1. The full name, current address, telephone number and social security number of the employee.
2. The title of the position currently held.
3. The employee's initial starting date.
4. The current salary of the employee.
5. The employee's original application and/or resume for employment.
6. Any required payroll deduction or withholding authorization forms.
7. All appropriate fringe benefit enrollment and waiver forms.
8. All personnel action forms and official correspondence relative to the employee's employment with the City of Monona. Individual records relative to employee grievances, physical fitness, occupational injury and job performance shall be maintained for each employee. Any such records, including individual files, shall be considered confidential in order to prevent the invasion of privacy and shall be provided only to the employee or their authorized representative as provided for in Section C below, the City Administrator, the Mayor, the individual's Department Manager and Immediate Supervisor(s), outside consultants at the direction of the City Administrator and authorized Federal and State representatives who have cause to review such official records for official reason, unless otherwise directed by law.

SECTION C: ACCESS TO INDIVIDUAL FILES

Access to individual files shall be granted to an employee or their authorized representative during City office hours within two (2) workdays of the submission of such request, in writing, in accordance with Section 103.13 of the Wisconsin State Statutes. No documents may be removed from individual personnel files without the expressed written permission of the City Administrator. Copies of documents contained within an individual's personnel file shall be provided to the individual or their authorized representative upon request.

The requesting party shall be assessed a reasonable fee for the cost of reproducing any such document.

Public access to individual personnel files shall be restricted in order to ensure the privacy of employees, to the extent allowable by law. Such access may be granted under certain conditions in accordance with procedures established by the City Attorney.

SECTION D: OTHER RECORDS

The City Administrator's Executive Secretary shall be accountable for the generation and maintenance of all City payroll records and related reports. In addition, all required employer records such as those relating to group occupational safety and equal employment opportunity (EEO-4) shall be maintained by the City Administrator's Executive Secretary.

SECTION E: ACCESS TO OTHER RECORDS

Public access to any such employer records and reports, including the payroll register, shall be provided to any person requesting such during City office hours within two (2) workdays of the submission of such request, in writing when

possible and if not confidential as determined by law. Copies of any such record and reports shall be made available upon request when appropriate. The requesting party shall be assessed a reasonable fee for the cost of reproducing any such document and any applicable administrative costs pursuant to the City fee schedule and the public records law.

SECTION F: DESTRUCTION OF RECORDS

Employee dates of employment records shall be kept permanently. Payroll records shall be kept pursuant to current law. Applications and examinations may be destroyed in accordance with law. The City Administrator may destroy other records, including correspondence per State Statute, at his/her discretion.

SECTION G: REPORTS

The City Administrator shall provide the City Council with reports and information relating to personnel actions.

SECTION A: PURPOSE

Employee training and development programs are seen as important functions of the City of Monona organization. The purpose of such programs are those of increasing and improving the knowledge, proficiencies and skills of City personnel in order to keep them abreast of current developments in their occupational fields, to provide career growth and advancement opportunities within the City organization in accordance with affirmative action goals, and to improve the quality of services provided to the public.

SECTION B: CITY ADMINISTRATOR

The City Administrator shall be responsible for the development and coordination of employee training and development programs. He/she shall:

1. Periodically analyze and evaluate the overall needs for employee training and development within the organization and discuss such needs with Department Managers.
2. Attempt to match identified needs with available training resources.
3. Provide a form for employees to enumerate anticipated expenses.
4. Ensure that all employees are informed of upcoming training opportunities that are available to them and encourage their participation in programs that may enhance their opportunities for career enhancement and professional growth.
5. Properly credit each employee's personnel file upon successful completion of training and development activities.

SECTION C: DEPARTMENT MANAGER

Department Managers shall provide active leadership in the training and development of employees under their supervision and shall:

1. Suggest to the City Administrator any particular training that would be helpful to employees in their Departments.
2. Cooperate with the City Administrator in organizing programs and encouraging employees to attend training sessions.
3. Assist in assessing the effectiveness of employee training programs and make recommendations for improvements and notification.
4. Grant employees sufficient time to participate in necessary training programs provided that such participation does not unduly interfere with the necessary operations of the Department.

SECTION D: TRAINING, CONFERENCES AND CONVENTIONS

City employees may attend conferences and conventions if attendance is expected to significantly add to their job knowledge and skills.

To the extent possible, Department Managers will be expected to anticipate and plan for attendance at conferences and conventions as part of their proposed operating budget. Reimbursable costs that should be reflected in projected costs include travel or mileage costs, conference or convention registration fees, meals, motel or hotel expense, parking, and toll fees.

In considering individual requests to attend a conference or convention, first priority will be given to conferences and conventions sponsored by Wisconsin associations representing local government interests or similar programs for local government employees' interests, but conducted by other organizations in Wisconsin or the adjoining states. Second priority will be given to conferences and conventions that are national in character and conducted outside Wisconsin or the adjoining states.

SECTION E: CONTINUING EDUCATION

Changes in job requirements, individual responsibilities or technological advances may warrant the City providing assistance to employees who need to improve or develop new job-related knowledge and skills. To this end, the City may pay tuition, cost of required texts, laboratory materials, and other fees associated with programs of instruction offered by the University of Wisconsin System, Madison Area Technical College, or other accredited universities and colleges. A full-time employee is eligible for reimbursement limited to their actual cost for tuition, fees, and required books. Reimbursement shall be made on successful completion of the course contingent upon the following conditions:

1. The course of instruction is job-related, reviewed by the Department Manager and approved by the City Administrator before the first day of class.
2. The employee provides written verification of successful completion of the course with a minimum "B" average grade or equivalent.
3. Reimbursement will be available if sufficient funds are available in the City Budget for such professional development.

Workshops, institutes or similar programs of instruction may also be attended if the purpose of attendance is to improve or develop new job-related knowledge and skills. For purposes of reimbursing the costs involved, the policies governing attendance at conferences and conventions will apply.

Voluntary education and training must be taken during off hours, in unpaid status.

If an employee is terminated voluntarily or involuntarily or resigns for any reason within one (1) year of completing the course, the City shall be fully reimbursed by the employee for any and all costs incurred by the City.

SECTION F: IN-SERVICE TRAINING

Some Departments of the City require in-service training. Such training will be offered and/or coordinated by individuals assigned that responsibility within the Departments. Department Managers shall keep the City Administrator informed of such programs in order to keep personnel files up to date.

SECTION G: NEW EMPLOYEE ORIENTATION

The City Administrator shall develop a program outline to orient new employees to the City workforce.

1. Executive Secretary. On the first day of employment, or as soon as possible during the first pay period, new employees will meet with the Executive Secretary or his/her designee, who shall advise them of all general conditions of employment, such as hours of work, fringe benefits, pay, pay periods, City rules, privileges and responsibilities. All required forms, such as withholding taxes, insurance enrollments, etc., shall be completed, signed and relevant descriptive literature furnished.
2. Department Manager. The Department Manager shall orient each new employee to the conditions related to the job and work site. Such orientation shall include introductions to fellow workers, work standards, safety regulations, break periods, supplies, etc.

SECTION A: PURPOSE

An exit interview is used to gain insight into the effectiveness of City of Monona personnel and managerial practices, to determine where personnel policies and procedures are in need of review or revision, and to determine where supervisor and managerial practices need modification or improvement.

SECTION B: CONDUCTING THE EXIT INTERVIEW

When possible, an exit interview shall be conducted with an employee who is leaving City employment regardless of their length of service, position, or circumstances of voluntary separation.

1. The City Administrator shall conduct interviews with employees leaving City service to determine if separation is in any way related to personnel practices, type of supervision, misunderstanding, or for personal reasons.
2. Department Managers shall notify the City Administrator as soon as they learn that one of their employees is leaving. The City Administrator, or his/her designee, shall then schedule a time and place for the interview (normally during the employee's last day of work).

SECTION A: PURPOSE

Democratic government requires that employees be independent, impartial, and responsible to the people they service. It is important that the public have confidence in the integrity of its government.

SECTION B: CONFLICT OF INTEREST

No City employee shall use their office or position for personal financial gain or the financial gain of their family. No employee shall engage in their own business activity, accept private employment, or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of their official duties or would impair their independence of judgment or action in the performance of their official duties. No employee shall use or disclose "privileged information" gained in the course of or by reason of their official position or activities.

SECTION C: POLITICAL ACTIVITY

No employee is precluded from engaging in political activity provided that such activity does not interfere with normal work performance, is not conducted during normal working hours and does not involve the use of City equipment or property. Employees are specifically prohibited from directly or indirectly coercing any person to hold or contribute monetary or other types of assistance to any political candidate, party or purpose. Under provisions of the Federal Hatch Act, employees who are principally employed in an activity which is financed in whole or in part by Federal loans or grants cannot become political candidates in partisan elections.

SECTION D: NEPOTISM

Neither the City Administrator, nor any other person who makes or influences selections, shall be allowed to hire their own relatives for City employment. When applicants who are relatives of the City Administrator or any other selecting official are reached for appointment in the conventional manner, the selection should be deferred to the next higher administrative level.

This policy is not for the purpose of depriving any citizen of an equal opportunity to City employment. It is solely to eliminate the possibility of preferential treatment in favor of relatives or to subject the employing authority to possible criticism.

SECTION E: GIFTS AND GRATUITIES

No City employee shall solicit or accept for oneself, or another person, any gift, gratuity, favor, service or promise of future employment, entertainment, loan, or any other thing of monetary value from a person who has or is seeking contractual or other business activities from or which are regulated by the City. This does not include acceptance of loans from banks or other financial institutions on customary terms of financing for personal use (such as home mortgage loans) and the acceptance of unsolicited advertising or promotional material, such as pens and calendars, and acceptance of an award for meritorious public or personal contributions or achievements.

SECTION F: FUNDRAISING DRIVES

No employee or group of employees shall solicit funds or other things of value on behalf of the City from firms, persons or corporations without first obtaining permission from the City Administrator.

SECTION A: PURPOSE

This chapter sets forth for the City of Monona a description of certain fringe benefits not described elsewhere in this manual and their eligibility criteria.

SECTION B: GENERAL ELIGIBILITY

Paid fringe benefits are available to persons employed in full-time and part-time regular positions. Benefits for permanent part-time employees are prorated based on the number of hours worked per week. Exceptions to this policy may be made by action of the City Council. Collectively bargained provisions governing unionized public safety employees may differ from these eligibility standards and City contribution levels set forth herein.

SECTION C: RETIREMENT

Monona participates in the Wisconsin Retirement System.

Any employee employed by any Wisconsin Retirement System-employer before July 1, 2011, who receives earnings for employment and who is expected to work for at least one full year at least 600 hours is required to participate in the Wisconsin Retirement System.

Any employee who began his or her first employment with a Wisconsin Retirement System-employer on or after July 1, 2011, who receives earnings for his or her employment, and who is expected to work for at least one full year at least 1,200 hours is required to participate in the Wisconsin Retirement System.

In accordance with current state law, the City shall pay the "employer share", which is computed as a percentage of each employee's income, and the employee shall pay the "employee share", which is also a percentage of the employee's income.

Notwithstanding the provisions of this section, eligibility to participate in the WRS is controlled by state statutes (see especially Wis. Stat. §40.22) and the administrative rules of the Department of Employee Trust Funds (see especially Wis. Admin. Code Chapter ETF 20).

The level of the City cost participation may be adjusted from time to time by action of the City Council.

In addition to retirement pension benefits, permanently disabled employees may be eligible for permanent disability retirement benefits under the Wisconsin Retirement System.

SECTION D: GROUP LIFE INSURANCE

All persons employed in qualified positions may be eligible for the Wisconsin State Group Life Insurance Plan up to a maximum to be determined by the City Council.

SECTION E: DISABILITY INCOME PROTECTION

The Employer agrees to make the Wisconsin Public Employers' Group Income Continuation Insurance Program available to all eligible employees. It is understood that at least sixty-five percent (65%) of all qualified employees of the Employer must elect to participate in the program before it becomes effective. Employees pay the cost, by payroll deduction.

SECTION F: SOCIAL SECURITY.

All persons employed in qualified positions shall be enrolled in the Federal Social Security Program.

SECTION G: GROUP HEALTH INSURANCE PROGRAM

Employees in qualified positions may, upon application, participate in the single or family group health coverage on the first day of hire. Persons not enrolling during their first thirty (30) days from the date of qualifying event shall be subject to evidence of insurability and/or a waiting period in accordance with the provisions of the group contract. Employees who marry after their date of initial enrollment shall be eligible for family coverage provided that they apply within thirty (30) days of the date of their marriage. Dependents must be enrolled within thirty (30) days from the date of their birth or adoption.

SECTION H: DENTAL AND VISION INSURANCE

Employees in qualified regular positions may, upon application, participate in the single or family group dental and vision insurance coverage. The cost share of monthly premiums and plans shall be established by the City Council.

SECTION I: HEALTH INSURANCE OPT OUT

Regular full-time employees may elect to not receive group hospital, surgical and major medical insurance.

If an employee elects to not receive such benefits, he or she will receive a monthly contribution to a deferred compensation account established by the City in his or her name. Such monthly contribution shall be equal to the City's share of the lowest single plan health insurance premium in effect at the time and available to the City through the Group Health Insurance Program. Re-enrollment of employees or their dependents is subject to health insurance carrier or health administrator restrictions and regulations that may be in effect from time to time.

SECTION J: UNEMPLOYMENT COMPENSATION

Employees are eligible for unemployment compensation benefits in accordance with the laws of Wisconsin.

SECTION K: WORKERS COMPENSATION

Employees injured on the job are required to report any injury immediately to their Supervisor.

Employees sustaining an on-the-job injury, who lose three (3) days of work or less due to this injury, shall receive reimbursement for this lost time upon receipt of a doctor's verification. Firefighters or EMTs sustaining an on-the-job injury shall be compensated at a rate determined by the City's worker's compensation insurance.

Any employee injured while on the job will receive full pay for the weeks that temporary disability worker's compensation is paid, on condition that worker's compensation checks for said period be turned back to the City; and provided further the City may require the employee to perform work the employee is able to perform.

SECTION L: DEFERRED COMPENSATION

Employees in qualified positions are eligible to participate in the deferred compensation program offered through the City. The City participates in the ICMA Deferred Compensation Program.

Under this program, an employee may designate a portion of his/her income to be deposited in a special investment account for use in retirement years. The program offers certain tax advantages to participants.

SECTION M: SICK LEAVE

Accumulated sick leave may be used for bona fide illness or injury, excepting those compensated for under the Wisconsin Worker's Compensation Act. An employee will be allowed use of sick leave in case they must be absent from work to attend a doctor or dental appointment, or an emergency or severe illness in the immediate family. For the purpose of administrating this policy, the definition of "immediate family" is defined as the employee's spouse, domestic partner, daughter, son, father, mother, brother, sister, father-in-law, mother-in-law, or stepchildren. "Emergency or severe illness" shall mean a death in the family or an employee illness which is so severe that a reasonable person in the employee's condition would not be able to perform his day-to-day work activities, or an illness in the family which is so severe as to require the employee's constant medical care and attention.

- 1. Credit Accumulation.** Full-time employees shall accrue sick leave credits at the rate of one (1) day per month of continuous service. Employees hired prior to December 31, 1978 may accumulate a total of one hundred sixty-five (165) days of sick leave. Employees hired between January 1, 1979 and March 20, 2005 may accumulate a total of one hundred five (105) days of sick leave. Employees hired after March 20, 2005 may accumulate a total of eighty-five (85) days of sick leave.
- 2. Eligibility Requirements.** Employees requesting sick leave shall do so in accordance with City policy and upon a form provided by the City Administrator.
 - a. Except in situations covered by the FMLA, in which case the documentation and certification and recertification requirements would apply, Department Managers and/or the City Administrator may require a physician's certification as to the duration of the time period requiring absence from work and during which professional care was rendered as a condition for sick leave payment. The physician may also be asked to provide an

evaluation of any permanent or temporary physical limitations of the employee relating to an illness or injury and the probable duration of any temporary physical restrictions.

- b. Employees may use sick leave for maternity leave purposes.
- c. Sick leave may be taken in quarter ($\frac{1}{4}$) hour increments.
- d. Sick leave may be used for employee doctor or dental appointments which cannot be scheduled during an employee's regular time off.

3. **Part-Time Employees.** Permanent part-time employees having a regular work schedule averaging the same amount of work hours per week but annually averaging at least 20 hours per week shall earn prorated sick leave benefits.

SECTION N: SICK LEAVE ABUSE

Sick leave is a valuable fringe benefit to be used only for the purpose set forth in Section B above. Any employee found to be abusing sick leave benefits shall be subject to severe disciplinary action including dismissal.

Frequent short-term absences, or any type of patterned utilization, may result in physician certification requirements or other monitoring action by the City. (Applies to unit employees.)

SECTION O: SICK LEAVE CONVERSION RETIREMENT OR DEATH BENEFIT

Upon retirement or death, an employee may elect to have the total value of the unused accumulated sick leave paid out to their ICMA 401(k) plan, or they may elect to participate in the City's health insurance plan with the value of the unused accumulated sick leave applied toward the premiums. If the employee should expire before this benefit is depleted, the benefit shall accrue to the employee's estate. The Sick Leave Conversion Plan, as adopted by the Common Council on March 21, 2005, can be viewed in **Appendix C**.

SECTION P: PAYMENT RATE.

Sick leave shall be paid at the employee's regular straight-time rate.

SECTION Q: DISABILITY LEAVE

Disability is defined as a temporary physical disability.

1. **Notification.** An employee who becomes disabled shall notify their Supervisor at the earliest date possible. Such notification shall be completed by the employee's physician, on a form provided by the City, as to any temporary physical limitations placed upon the employee relative to the performance of their job. Follow-up reports may be required from time to time by the City.
2. **Disability Leave.** Disability leave shall be granted to an employee for a period of time designated by their physician. Disability leave shall consist of paid time followed by unpaid leave time (when necessary). The types of leave granted during a disability leave shall be: paid sick leave, vacation, floating holiday, and unpaid leave.
3. **Return From Leave.** The employee shall return to work when they are able to fully perform their duties while they are on the job. The date of determination to report shall be made by the employee's physician.

SECTION R: FAMILY AND MEDICAL LEAVE

The City shall provide unpaid, job-protected leave with appropriate health insurance coverage maintained by the City in accordance with the provisions of the federal and Wisconsin Family and Medical Leave Acts.

The complete City of Monona Family & Medical Leave Act Policy can be viewed in **Appendix B**.

SECTION S: BEREAVEMENT LEAVE.

1. **Immediate Family.** In the event of a death in an employee's immediate family, an employee may be excused from work for up to three (3) working days without loss of pay to travel and attend the funeral and to attend to matters of the estate.

Immediate family is defined as the employee's spouse, domestic partner, daughter, son, father, mother, brother, sister, father-in-law, mother-in-law, stepchildren, grandfather, grandmother, grandchild, brother-in-law, sister-in-law, aunt, uncle, spouse's grandparents or grandchildren.

2. Attendance - Other Than Family. Employees wishing to attend the funeral of a friend shall use other types of leave to do so.

SECTION T: HOLIDAYS

Employees in regular full-time positions shall be entitled to paid time off for recognized holidays which occur after their first full day on the job.

No employee shall be eligible for holiday pay for a holiday which occurs after their last day on the job.

Terminating employees who are entitled to a floating holiday must use such floating holiday prior to their last day on the job. No floating holiday may be converted to pay upon termination.

The following holidays are granted to full-time employees in classified positions at eight (8) hours wages and prorated for permanent part-time employees:

New Year's Day	Labor Day	Christmas Eve Day
Memorial Day	Thanksgiving Day	Christmas Day
Independence Day	Day after Thanksgiving Day	Three (3) Floating Holidays

Each employee shall qualify for the above. If an exempt employee works on a holiday, he/she shall be compensated for the time worked using compensatory time. If a holiday falls on a Saturday, it will be observed on the Friday before. If a holiday falls on a Sunday, it will be observed on Monday following the holiday. In the event Christmas Eve and Christmas Day fall on a Sunday and Monday, the Sunday holiday will be observed on Tuesday.

If a non-exempt employee works on a holiday, he/she shall receive time and one-half for all hours worked plus a compensatory day.

The City offices may be closed on the holidays listed.

SECTION U: VACATION

All regular full-time employees shall be entitled to paid vacation benefits in accordance with the following:

1. 2.67 hours per pay period (8 workdays per year): One (1) year or less of service.
2. 4.33 hours per pay period (13 workdays per year): Upon completion of one (1) year of service and each year thereafter through six (6) years of service.
3. 6.00 hours per pay period (18 days per year): Upon completion of six (6) years of service and each year thereafter through sixteen (16) years of service.
4. 7.67 hours per pay period (23 days per year): Upon completion of sixteen (16) years of service and each year thereafter.

Permanent part-time employees shall be entitled to pro-rated vacation benefits based on the above.

SECTION V: GENERAL PROVISIONS

1. Vacation credits are earned and recorded on an employment anniversary date basis and shall be maintained by the Executive Secretary.
2. Up to four (4) weeks (160 hours) of vacation credits not used in the year in which it is available for use may be carried forward to the next year. Upon approval by the City Administrator, an employee may carry into the following year hours over the 4-week limit provided those hours are used by May 1 of that year.
3. No vacation time may be used in blocks of less than one-quarter (¼) hour.
4. Various leaves of absence without pay in excess of thirty (30) days and occurring during an earning year will reduce vacation availability during the following year on a prorated basis.
5. Compensation shall be granted to any employee who is terminated or otherwise leaves the employment of the City of Monona for all unused vacation time earned up to the date of separation, and figured on an accrual of hours worked.
6. Employees terminated by the City shall only be eligible for the payment of unused vacation credit within this Policy.

SECTION W: ADDITIONAL MANAGERIAL BENEFITS

The City recognizes that those persons in a managerial capacity, who do not receive overtime pay and generally work in excess of forty (40) hours per week, provide the professional guidance and expertise necessary for the effective operation of the City. The City, wishing to offer some thanks for this dedication, provides the following additional benefits for these positions:

1. Payment of dues in State and National Professional Associations.
2. Payment of reasonable costs incurred in relocation.
3. Monetary bonuses for outstanding performance, as recommended by the immediate Supervisor and approved by the Finance and Personnel Committee.
4. Compensatory time as approved by the City Administrator.
5. Authorized use of a City vehicle.

SECTION X: EMPLOYEE ASSISTANCE PROGRAM

1. Policy. The City of Monona is concerned about the quality of life, health and well-being of its employees and has a commitment to help maintain a high level of job performance. Personal and work-related problems, allowed to go unresolved, can have a devastating effect on an individual's life and job performance. Therefore, the City of Monona has established an Employee Assistance Program (EAP) designed to do what its name implies – to assist employees in finding help for their problems. An EAP specialist will assess the employee's problem(s) and, will refer the employee to professional resources and support groups within the community. The City of Monona EAP will be available to regular employees, Fire and EMS volunteers, and any immediate family members living in the same household.
2. Objectives. By implementing this program, the City of Monona expects to:
 - a. Ensure that all employees are made aware of the availability of professional help.
 - b. Encourage the earliest possible assistance in situations where employee health or work performance has been affected.
 - c. Retain valued employees.
3. Program Description. The City of Monona is committed to the following principles:
 - a. **Employee Involvement.**
 - i.) An initial orientation will be provided to employees and volunteers. Supervisors will make sure that new employees also receive such an orientation.
 - ii.) Through newsletters and brochures, employees, volunteers, and their family members will be kept informed about the EAP program and encouraged to take advantage of it.
 - iii.) An EAP Advisory Committee, made up of employees representing the various work units and unions of the City, will see that the program is maintained and evaluated. Committee members will encourage awareness of the EAP and will make sure that all staff receive information on how to use the EAP. Based on information from the EAP provider and feedback from City employees, the Committee may make recommendations regarding changes in the program.
 - iv.) Employees, Fire/EMS volunteers, or their immediate family members are encouraged to seek such assistance on their own.
 - v.) If an employee is referred to the EAP by his or her supervisor, he/she is strongly encouraged to contact an EAP specialist.
 - b. **Confidentiality.** All communications between an employee and EAP personnel will be confidential. No identifying or confidential information from the EAP assessment will be made known to the City of Monona without a disclosure authorization signed by the employee. Exceptions to this rule of confidentiality mandated by State and Federal Law are:
 - i.) Suspected child abuse and neglect or elder abuse and neglect.
 - ii.) Threat of harm to self or someone else.
 - iii.) The individual talks about a death which is unexplained, unusual or suspicious.
 - iv.) If an individual commits a crime against the EAP or premises.
 - v.) When records are disclosable by law.
 - vi.) When an authorization for disclosure is signed by the individual.

c. Job Security.

- i.) Use of the EAP will not jeopardize an employee's job security or promotional opportunities.
- ii.) The program does not, however, exempt employees from disciplinary action regarding job performance and/or discharge.
- iii.) Regardless of what channel the employee uses to get into the program, the nature of his or her problem, or the length of his or her treatment or rehabilitation, the employee will still be expected to meet the performance standards of his/her job.

d. Free Access To The EAP.

- i.) There is no charge for EAP assessment services to employees, Fire and EMS volunteers, or immediate family members living in the same household. However, any charges for professional services an individual is referred to by the EAP that are not covered by insurance would be the responsibility of the employee and/or family member. In case of financial difficulties, every effort will be made to refer employees to free or inexpensive services.
- ii.) A supervisor may encourage an employee to utilize the EAP on the basis of job performance criteria. If entitled to any reimbursements, an employee must have an attendance record signed by the EAP specialist.
- iii.) If an employee must be absent from work for EAP assessment, referral, or subsequent treatment, the employee may use an appropriate leave benefit to maintain compensation or attend, at the discretion of the supervisor.
- iv.) Method of Self Referral. Anyone interested in self-referral, may call [REDACTED] Employee Assistance Services at [REDACTED] and indicate that (1) he/she wants to talk to an EAP specialist, and (2) he/she is covered by the City of Monona EAP.

SECTION A: PURPOSE

This chapter sets forth the various purposes for which unpaid leaves of absence may be granted to an employee of the City of Monona and the procedures to be followed in requesting and using such leave.

SECTION B: POLICY

It is the policy of the City Council to allow for the granting of unpaid leaves of absence of defined durations when required by law. Otherwise, it is considered a privilege of the City, not a right of the employee.

SECTION C: GENERAL PROVISIONS

The following shall relate to requests for and the granting of all unpaid leaves of absence:

1. A leave of absence without pay may be granted by the Finance and Personnel Committee upon recommendation of the City Administrator or the appropriate statutory Commission. Leaves of absence shall normally be limited to no more than thirty (30) days; however, recognizing serious and extraordinary circumstances, the Finance and Personnel Committee may grant a leave of absence for a longer period of time.
2. Any request for an unpaid leave of absence shall be submitted in writing by the requesting employee to their Supervisor as far in advance as possible of the anticipated leave dates.
3. Except for military leave, no unpaid leave of absence shall be granted unless the employee has first used all available vacation, floating holiday and compensatory time.
4. No unpaid leave of absence shall be granted for extended illness or disability purposes unless all available paid sick leave, vacation, floating holiday and compensatory time has first been used. Any request for such leave shall be accompanied by a physician's certification of the need for such leave and an indication of the probable duration of such need.

Additional supporting documentation for the continuation of such leave may be required of the employee's physician from time to time throughout the leave period, at the discretion of the City Council.

5. No unpaid leave of absence shall extend beyond the amount of time actually needed for the purpose requested.
6. In order to maintain City employment status, an employee granted an unpaid leave of absence shall not be employed elsewhere during the leave period, unless otherwise approved by the Finance and Personnel Committee. (This provision does not apply to military service.)
7. A return to work on an earlier date than scheduled may be agreed upon between the employee and their Supervisor.
8. If an employee is unable to return to work on their scheduled date, a written request for an extension of leave shall be submitted in advance.
9. Employees seeking a disability annuity under the Wisconsin Retirement System shall automatically be placed on an unpaid leave of absence upon the exhaustion of all paid time off benefits and until a final determination is issued by the Wisconsin Retirement System.
10. Exception to the policies of this chapter may be granted by the Finance and Personnel Committee.
11. It is the employee's responsibility to inform the Supervisor if there will be a reason for missing the day designated for return to work. Failure to notify the Supervisor will only be excused when circumstances are so unusual as to warrant such approval. An additional five (5) working days will, in such cases, be allowed before action is taken to terminate employment. The additional time will be used by the Department Manager to locate and determine the employee's intent.
12. Holidays and other non-work days that occur during an approved leave of absence will be considered part of the approved period of absence. The absent employee does not earn either vacation, sick leave, holiday pay or other benefits during an approved absence.
13. An employee has the right to return to the position held at the time an approved leave of absence began. It will be the Department Manager's responsibility to see that the position is available for the employee returning from leave unless the position has been abolished by City Council action or a material re-organization of the Department. In this case, the employee returning from an approved leave of absence will be given first consideration in filling any other vacant position for which they are qualified. If no such position exists, the layoff procedure will apply.

14. Upon expiration of an unpaid leave of absence or upon expiration of a qualified military leave, the employee shall be reinstated into their former position.
15. An approved unpaid leave of absence of one (1) year or less shall not be considered a break in service for purposes of determining the level of future vacation eligibility and the retention of sick leave accumulation for leaves not the result of extended illness or disability.

SECTION D: MILITARY SERVICE PROVISIONS

In addition to the above, employees requesting an unpaid leave of absence for military service shall be covered by the following provisions:

1. **Enlistment.** An employee in a regular position shall be granted an unpaid leave of absence if they leave the service of the City of Monona to join the military service of the United States. Any such leave shall not extend beyond a date of thirty (30) days after release from the initial enlistment period.
Proof of the ending date of active duty must be provided by the employee upon their return.
Such returning employee shall be restored to the position they vacated, or to a comparable position, without loss of benefits accrued as of the start of the military leave.
Failure of any such returning employee to apply for reinstatement within thirty (30) days of the date of their discharge shall result in the automatic termination of the employee.
The above provisions shall apply to all cases unless superseded by Federal or State laws.
2. **Military Reserve.** An employee who is a member of the United States Military Reserve or the National Guard and who is required to undergo annual field training of two (2) weeks or less, or is ordered to serve in a temporary emergency shall be granted an unpaid leave of absence upon request. Such employee shall notify their Supervisor of such duty as far in advance as possible.

SECTION E: GRANTING AUTHORITY

The Finance and Personnel Committee shall be responsible for granting unpaid leaves of absence. In discretionary cases, the Finance and Personnel Committee shall consider the recommendation of the employee's Department Manager and the record of the employee before acting upon such leave request.

SECTION F: MEDICAL LEAVE

The City shall pay the appropriate premiums for health, dental and vision insurance for an employee who is absent because of personal illness or off-the-job injury for the duration of his/her sick leave credit or other paid leave benefits, and for six (6) months thereafter rounded to the nearest full month.

SECTION G: BENEFIT STATUS DURING UNPAID LEAVE PERIODS

During an unpaid leave of absence, all City-paid benefits will cease to accrue during such period. Employees on leave keep their position with regard to seniority. They retain any accumulated sick leave or vacation. Any step increase to which the employee would be entitled are postponed by the length of the leave.

An employee desiring continued group health, dental and vision, life and income continuation insurance coverage shall be responsible for paying the full premium.

Premiums for other insurance may be payable or waived depending upon the type of leave and its duration.

SECTION A: ELIGIBILITY

A regular employee required to serve as a juror shall receive their regular pay. Jury and witness fees received shall be turned over to the City intact. As a condition for such payment, any day-shift employee shall report to work for their scheduled hours immediately before and following such duty when reasonably possible.

Part-time employees shall be ineligible for paid time off for jury duty. Such employees shall be allowed to modify their work schedules to accommodate such duty when reasonably possible.

SECTION B: PROCEDURES

In order to be eligible for paid time off for jury duty, a regular employee shall notify their Supervisor as soon in advance as possible as to the dates and times they are to report for jury duty, and shall report the amount of jury fee (except mileage and meal reimbursement) received to the Department Manager.

In addition to the above, the employee shall indicate on their time sheet those normally scheduled work hours that they did not work as the result of jury duty.

A part-time employee shall notify their Supervisor as soon in advance as possible as to the dates and times they are to report for jury duty.

SECTION A: PURPOSE

Sets forth a policy for use of all City vehicles.

SECTION B: AUTHORITY FOR USE.

1. General Staff. All City vehicles, except as authorized by the City Council, are to be utilized for official business only. Where authorized, the use of a City vehicle to and from places or residences will be defined as official business. Personal use may be allowed within the Madison metropolitan region. The Madison metropolitan region is defined as the City of Madison and all abutting municipalities. In addition to the City Administrator, the following positions will be authorized the use of a City vehicle to and from places of residence, as long as their residences are maintained in the City of Monona: the Chief of Police, Police Captain, Police Lieutenants, the City Engineer/Director of Public Works, and the Assistant Director of Public Works. It should be noted that these positions receive the authority to use City vehicles to and from places of residences due to their on-call responsibilities. Any intended use not herein specified must receive the prior approval of the City Administrator.

Other City management positions may receive authorization to use City vehicles to and from places or their residences, however, individuals receiving such authorization must pay the City for such vehicle usage pursuant to a special agreement between the City and affected individuals.

It is expected that the normal use of City vehicles will be confined to the Monona City Limits; however, it is recognized that there are occasions which require usage outside the City, but within the Madison Metropolitan region, for official business. It is the responsibility of all Department Managers to assure that vehicle usage outside the City Limits is consistent with the needs of the Department, is kept to a minimum, and is in fact official business. Any request for non-emergency usage of a City vehicle outside the limits of the Madison Metropolitan region must receive the prior approval of the City Administrator. This applies to all rolling stock owned by the City. Calls for emergency assistance, or calls under our mutual assistance agreements, do not require the prior approval of the City Administrator for the release of City-owned vehicles.

2. Monona Police Department Canine Team Use of Vehicle. (This section added per Resolution 10-10-1733, adopted Oct. 4, 2010.) Each MOPD Canine Team will be assigned a squad for its exclusive use. While the squad must not be used for personal use, canine officers are allowed to keep their squads at their residence and to use them as follows:

- a. Driving to and from work.
- b. During the Canine Team's normal hours for duty.
- c. Transportation of canine to a veterinarian, grooming or kennel.
- d. For purchasing dog food or other required canine-related equipment.
- e. Transportation of Canine Team for work-related training.
- f. Any other transportation to MOPD-related training that involves being accompanied by the police canine.

If the Canine Handler is required to be away from his/her vehicle and the dog is in the vehicle, the vehicle shall be locked and appropriate ventilation provided.

When operating a marked squad, duty handlers will be armed with their duty weapon, will have handcuffs available, and will have police identification, including a badge with them.

SECTION C: VEHICLE IDENTIFICATION AND GAS

All City vehicles will be provided with municipal license plates. The only exception to this policy will be police vehicles and certain large rolling stock. Most vehicles will be provided with a sticker to be emplaced on the driver's door and the passenger's side door indicating the Department to which it belongs. The City Administrator will determine which vehicles may be exempt from this particular requirement. All City-owned vehicles will be authorized the use of City gas. Request for extended travel should include, if necessary, a request for the utilization of City credit cards, to reduce the cost of gas services to the City.

SECTION D: RECORDS

Department Managers will be responsible for keeping adequate records to monitor vehicular usage and gas, and are responsible for submitting a statement of personal mileage by January 5th of each year.

SECTION E: VEHICLE DRIVER POLICY

The City's Insurance Carrier has identified the need for the City to adopt and enforce a rigid driver policy for all operators of City vehicles and privately owned vehicles used on City business, both emergency and non-emergency response vehicles. Concerns regarding the City's potential liability have prompted the development of this policy, which is designed to significantly reduce this potential liability in the event of an accident and to comply with current State law.

1. All Vehicle Operators.

- a. All employees and volunteers must possess a valid Wisconsin, or other state, driver's license that permits the operation of the vehicle(s) the employee operates while in the employment of the City.
- b. Employees and volunteers shall obey all traffic laws, signs, and signals while operating City vehicles or privately owned vehicles on City business, unless granted the exceptions authorized by Section 346.03, Wis. Stats., to the operator of an Authorized Emergency Vehicle, as defined by Section 340.01, Wis. Stats. Employees shall also comply with this policy and any other applicable statutes, rules, regulations, policies, procedures, or orders in effect for their Department or issued by their commanding officers or supervisors.
- c. The use of alcohol is strictly prohibited when operating a City vehicle. Smoking is also prohibited in all City vehicles, per the Monona Code of Ordinances, section 8-1-12.
- d. The Police Department shall annually check the driver's license status and records, as maintained by the Wisconsin Department of Transportation, for all personnel authorized to operate City vehicles and submit a report to the appropriate Department Manager or City Administrator.
 - i.) Any employee whose driver's license is revoked, suspended, cancelled, or otherwise not valid for operation of a motor vehicle shall immediately be prohibited from operation of any motor vehicle on the highways for City purposes.
 - ii.) Any employee whose driving record shows convictions for two or more moving traffic violations within a year shall receive a written warning regarding their driving by their Department Manager.
 - iii.) Any employee or volunteer whose driving record shows an extensive history of moving traffic violations may be prohibited from further operation of City vehicles at the discretion of their Department Manager, subject to review by the City Administrator. An extensive history of moving traffic violations is defined as more than four (4) moving traffic violations within a three- (3) year period.
 - iv.) Convictions for serious traffic violations such as Operating While Intoxicated, Reckless Driving, or speeding in excess of twenty miles per hour over the speed limit may be considered grounds for revocation of City vehicle operating privileges of any employee or volunteer.
- e. Employees and volunteers shall not attempt to operate any City vehicles they have not been trained and/or authorized to operate.

Vehicle Driver Policy is as adopted by Public Safety Commission on December 20, 1990. Remainder of this section subject to individual Departmental policy.

2. Emergency Vehicle Operators.

- a. No employee shall be allowed to operate an emergency vehicle until (s)he has successfully completed instruction in emergency vehicle operation. This training shall include specific classroom instruction in the legal operation of an emergency vehicle, compliance with Section 346.03, Wis. Stats., any other applicable statutes, this policy, and all subsequent revisions. It is strongly recommended that new emergency vehicle operators not engage in actual emergency vehicle operation until also having completed behind the wheel instruction with an experienced emergency vehicle operator.
- b. Emergency vehicle operators shall, at all times, operate their vehicles with "due regard" for other traffic, pedestrians, and other hazards present as required in Section 346.03, Wis. Stats. Any employee who violates this section may have their emergency vehicle operators status suspended by their Department Manager and/or City Administrator.
- c. Firefighters may not use emergency vehicle equipment or red lights to respond to a call while outside the City of Monona Fire/Ambulance district jurisdiction while operating a privately owned vehicle. This does not apply to Fire Department vehicles responding to mutual aid calls.

3. Use of Emergency Vehicle Equipment in Privately Owned Vehicles (P.O.V.)

- a. Employees/volunteers may not install or operate emergency vehicle equipment (i.e., red lights and siren) in their P.O.V.'s unless they have specific written authorization signed by their Department Manager and/or the City Administrator.

- b. Prior to using emergency vehicle equipment in response to an emergency call as an authorized emergency vehicle, the employee shall execute a written release of liability to the City of Monona releasing the City from any liability which may arise from the employee's operation of a P.O.V. as an authorized emergency vehicle. The employee shall also provide the Police Department with certification from the employee/volunteer's insurance carrier that the employee has the required liability insurance carrier in effect for the P.O.V. to be used as an emergency vehicle, and that any loss or injury resulting from use as a emergency vehicle is not excluded from coverage under the policy. Such insurance policy shall provide for liability coverage of not less than \$100,000.00 per person, \$300,000.00 per occurrence, and \$150,000.00 per property damage.
- c. The authorization to operate a P.O.V. as an authorized emergency vehicle shall not be granted unless such liability insurance coverage certificate and the release of liability is on file with the Police Department.
- d. If such liability insurance coverage is permitted to lapse, the authorization to function as an authorized emergency vehicle is automatically revoked and the employee is prohibited from further operation of a P.O.V. as an authorized emergency vehicle.
- e. It is the responsibility of the driver/employee to provide current insurance information to the Police Department in the event of carrier changes and/or policy renewals or changes.
- f. The circumstances authorizing the operation of a vehicle as an authorized emergency vehicle are governed by Section 346.03, Wis. Stats., and apply to P.O.V.'s used as emergency vehicles.
- g. Per Section 340.01, Wis. Stats., ambulance personnel and first responders who are not firefighters must receive annual authorization from the Fire Chief to operate as authorized emergency vehicles.

4. Use of Red Light Only on P.O.V.

- a. The employees must sign a certificate stating that they have notified their personal vehicle insurance carrier of their intent to use a red light in their vehicle if the light is to be used while the vehicle is in motion.
- b. Upon receipt of said certificate, the Department Manager may issue a written authorization for use of red light only. Said authorization is to be immediately forwarded to the Police Department. If no written authorization is prepared by the Department Manager, the employee is prohibited from using a red light in his or her P.O.V.
- c. The use of RED LIGHT ONLY is restricted to:
 - i.) Response to the Fire House for an emergency call.
 - ii.) Response to the scene of an emergency call, if authorized by Department policy.
 - iii.) To assist with traffic control or to mark the location of an emergency.
 - iv.) The RED LIGHT ONLY requires obedience to all State and local traffic regulations, including, but not limited to:
 - * Operation within speed limit.
 - * Complete stops at all stop signs and signals.
 - * Maintenance of vehicle control at all times.
 - * Driving with due regard for other traffic and hazards.
- d. The vehicle horn may NOT grant right-of-way. It is a courtesy light only.

5. Miscellaneous.

- a. Red lights are not to be left visible to the public when not in use unless they are permanently mounted on the roof of the vehicle. Specific permission must be obtained from the Department Manager for roof top installation. Said permission may be revoked by the Department Manager and/or City Administrator if complaints are received alleging traffic violations by the operator of said vehicle.
- b. Any violations of this policy, or operation of a P.O.V. as an emergency vehicle without required authorization, may result in prosecution for any traffic laws violated and/or disciplinary actions by the City.
- c. All references to statute numbers in this policy refer to current State of Wisconsin Statutes and any subsequent revisions thereof.

**CITY OF MONONA
EMERGENCY VEHICLE OPERATION RELEASE OF LIABILITY**

I, the undersigned driver, in consideration of being permitted to use emergency vehicle equipment in my privately owned motor vehicle and use said vehicle as an emergency vehicle, do hereby release and forever discharge the City of Monona, its officers and/or employees, from all manner of action and actions, cause or causes of actions, claims, and demands what-so-ever, which may result from my operation of a privately owned motor vehicle as an emergency vehicle as defined by Wisconsin Statute 340.01(3dm) in response to an emergency call for the Department I am employed by. I acknowledge full and complete responsibility for any injuries or damages that result from my operation of said vehicle. I have provided, or will provide before any such emergency response, a statement from my personal insurance carrier certifying that I have obtained current liability insurance for privately owned emergency vehicle operation. I will provide necessary copies of said certification to those City officials as required and will ensure that copies on file are current. I will stop all privately owned emergency vehicle operation immediately upon the lapse of said liability coverage and will not operate a privately owned emergency vehicle again until such liability insurance coverage is reinstated.

_____	_____
Department Employing Driver	Date and Time
_____	_____
Signature of Driver Vehicle Operation and	Signature of Department Manager Authorizing Emergency Witness to Driver Signature

**CITY OF MONONA
CERTIFICATE OF LIABILITY INSURANCE**

I, the undersigned, acknowledge and certify that the below listed driver is covered by automobile liability insurance by my company, or a company I represent, specifically providing coverage for operation of a privately owned vehicle as an emergency vehicle, utilizing red lights and siren, in response to emergency calls for service by the below listed driver's employer. The coverage amounts and policy dates are listed below.

_____	_____
Name of Insured Driver	Type of Vehicle Covered
_____	_____
Policy Numbers	Termination Date
_____	_____
Signature of Insurance Agent	Company Providing Coverage

Coverage Amounts	

**CITY OF MONONA
RED COURTESY LIGHT CERTIFICATE**

I, the undersigned, hereby acknowledge the rules, regulations, and policies governing the use of red courtesy light to aid my response to an emergency call for service for the Department I am employed by. I state that I will abide by those regulations and acknowledge that any disobedience to traffic regulations may subject me to disciplinary actions and/or citation by the Police Department.

I further state that prior to using a red light in my vehicle, I have notified my automobile insurance carrier of my intent and have appropriate insurance coverage for such use.

_____	_____
Department Employing Driver	Date and Time
_____	_____
Signature of Driver Only. Witness to Driver's Signature	Signature of Department Manager Authorizing Use of Red Light

The City is committed to providing a safe and healthy work environment for its employees and a safe environment for the citizens of the community.

To that end, it is the policy of the City of Monona 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 employees, volunteers, or other non-employees who conduct business with the City. The City considers harassment and discrimination of others 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 or discrimination. A violation of this policy can lead to discipline up to and including termination. The full Harassment and Retaliation Policy, including the procedure for reporting complaints of harassment, is found *in Appendix F*.

The City also has a zero tolerance policy toward any intimidating, threatening or violent behavior at the workplace. Supervisors will work to the extent reasonably possible to ensure that employees are free from intimidating, threatening and violent behavior while at work. Employees who display intimidating, threatening and/or violent behavior will be held accountable under City policy and work rules, as well as local, state and federal law. All City managers and employees are responsible for committing to and becoming involved in the prevention of workplace violence and promotion of a safe work environment. The full Workplace Violence Policy is found in *Appendix G*.

SECTION A: PURPOSE

The City of Monona recognizes that safety is the first consideration in the operation of City business. The City will make every effort to provide a safe and healthful workplace for all employees and to this end comply with all safety laws and regulations. Employees must recognize that their well-being is as important as the activity being performed.

Employees are expected to follow the safety work practices established for their Departments, take no unnecessary risks, use all safeguards, wear personal protective equipment and make safety an integral part of each task.

The City, recognizing the unique supervisory position of Police Sergeants, sets forth the following wage and benefit provisions for the position:

SECTION A: PROBATION

1. Employees hired or promoted to the rank of Police Sergeant shall serve a one year probationary/provisional period. Any probationary employee, who is serving as a new hire, may be terminated at the discretion of the Chief of Police at any time during the probationary/provisional period.
2. An employee who successfully completes the probationary/provisional period shall have six months from the date of such completion to become a resident of the City of Monona or live within twenty-five (25) miles of the Monona City Hall and within Dane County.

SECTION B: GRIEVANCE AND ARBITRATION

The parties agree that grievances are to be resolved as soon as possible and in order to do so establish the following procedure:

1. Definition. A grievance is defined as any dispute involving the meaning, application or interpretation of the terms and provisions of this manual, except:
 - a. Disciplinary actions against subordinates, which shall be processed under ss. 62.13, Wisconsin Statutes.
 - b. Termination of a probationary Sergeant during the probationary period.
 - c. Return to rank and grade of a promoted probationary Sergeant during the probationary period.
2. Procedure.
 - a. Step One. A grievance shall be processed within five (5) working days of its occurrence or knowledge thereof or it shall be barred. A Sergeant who has a grievance shall take it up orally with their Command Officer designated by the Chief of Police, who shall attempt to resolve the grievance at this step. If this fails to resolve the grievance, the employee may proceed to Step Two.
 - b. Step Two. If the Command Officer and the Sergeant cannot reach a mutually satisfactory decision, the grievance shall be reduced to writing. The grievance shall be submitted to the Command Officer within five (5) working days from Step One. The Command Officer will respond with a written decision and reason within five (5) working days after receiving the Sergeant's written grievance. In the event that the immediate supervisor is the Chief of Police and the grievance is not resolved, the grievance will proceed to Step Five. If this fails to resolve the grievance, the employee may proceed to Step Three.
 - c. Step Three. Both the written grievance and the written response will be forwarded to the Chief of Police within two (2) working days of the Command Officer's response.
 - d. Step Four. Within five (5) working days the Chief of Police will review the grievance and the decision and shall interview the grievant and the Command Officer and will issue to both the grievant and the Command Officer a written copy of the Chief's decision. If this fails to resolve the grievance the employee may proceed to Step Five.
 - e. Step Five. If the parties are unable to resolve the grievance at Step Four, the grievance shall be submitted within ten (10) working days to the Monona Police and Fire Commission. The Commission will meet within thirty (30) days of receipt to render a decision.
3. Miscellaneous. Time limits set forth shall be exclusive of Saturdays, Sundays and Holidays. The time limits set forth in the foregoing steps may be extended by mutual agreement in writing. Failure to abide by such time limits or any extension thereof shall cause the grievance to be barred. Grievances not decided by the Employer within the prescribed time limits or any extension thereof shall proceed automatically to the next step, except this shall not include Step Four.

SECTION C: VOLUNTARY TERMINATION OR RETIREMENT

Any Sergeant who resigns on a voluntary basis or who elects early retirement shall give the Employer written notice at least thirty (30) days in advance of such resignation or retirement.

SECTION D: COMPENSATION AND WORKWEEK

1. **Workweek/Workday.** The Chief of Police shall set the scheduled workday. There shall be twelve (12) hours scheduled between shifts except when it becomes necessary because of low shift strength due to illness, injury, vacations, holidays or other time off. The scheduled workweek shall be no longer than an average of 40 hours based on a rotating workweek. The workday may be changed to accommodate training and mandatory court appearances.
2. **Overtime.** All Sergeants who work in excess of their normal regular scheduled workdays will receive time and one-half (1½) as mutually agreed upon. Compensatory time must be taken or paid in the calendar year earned. Compensatory time shall be taken on a seniority basis if chosen six (6) days before it occurs.
3. **Other Payments.**
 - a. **Call Back Time.** All Sergeants shall respond to a call to work outside of their regular schedule of hours by the Chief of Police or his/her designated representative. A minimum of two (2) hours at time and one-half (1½) shall be granted to any Sergeant who is requested to report outside his/her regular schedule of hours or who reports to work as scheduled and is sent home. A Sergeant who is required to report early to his/her shift shall be compensated for extra time worked at time and one-half (1½) rate.
 - b. **Court Time.** A Sergeant required to report to testify in court proceedings outside his/her regular scheduled workday as a result of work-connected activities shall be as per the current labor agreement for officers.

SECTION F: CLOTHING ALLOWANCE

1. The Employer agrees to provide all new uniformed Sergeants of the Police Department with all required clothing, equipment and uniform accessories specified in a mutually agreed list. The list may be modified from time to time to reflect changes in clothing, equipment and accessories, as mutually agreed; or, as required by regulation, law or accepted law enforcement standard(s). This does not apply to Sergeants not required to wear a uniform.
2. The allowance for approved clothing, equipment and accessories shall be the same as allowed for officers per the current labor agreement.
 - a. **Clothing.** Sergeants may purchase any clothing, equipment or accessory in the Police Department regulation(s) or approved by the Chief of Police if the Sergeant's allowance has not been exhausted.
 - b. **Equipment.** Equipment furnished by the Employer, e.g. badges, and cuffs, impact weapon, chemical weapon and carrier, flashlight, ammunition, helmet, bulletproof vest, duty belt and accessories, hats, etc., shall remain the property of the Employer and be surrendered by the Sergeant upon dismissal, termination or retirement.
 - c. **Clothing damaged or destroyed in the line of duty shall be repaired or replaced by the Employer.**
3. Sergeants are required to furnish an approved firearm. The Employer agrees to assist the newly hired Sergeant in purchasing the firearm, if necessary, in compliance with applicable Federal and State law. The Sergeant shall enter into a repayment agreement with the Employer, not to exceed twenty-four (24) months, by payroll deduction, to reimburse the full purchase price of the firearm. In the event the Sergeant is terminated or resigns, any balance due will be paid in full to the Employer.
4. Sergeants required to work in special civilian clothes needed for police work may make job-related purchases provided the purchases meet the approval of the Chief of police and are within the Sergeant's clothing allowance.
5. All purchases of clothing, equipment and accessories made through the clothing allowance shall remain the property of the Sergeant except those items listed in 2(b). On termination the Sergeant shall refund the Employer on a pro rata basis the amount of clothing allowance based on the number of full months worked in the calendar year.
6. The Employer shall pay for the cost of repairing or replacing Sergeant's prescription glasses and contact lens, up to One Hundred Twenty-Five Dollars (\$125); and watch, up to Fifty Dollars (\$50), if damaged or lost in a fracas, melee or civil disturbance while on duty.
7. At the Sergeant's request, THREAT LEVEL II ballistic vests with side panels shall be acquired or replaced at manufacturer's specifications in accordance with the manufacturer's warranty by the Employer. Sergeants, whose ballistic vests have been purchased or replaced by the Employer, shall wear such vests at all times, subject to written rules, regulations promulgated by the Chief of Police. Any Sergeant wishing to purchase a ballistic vest shall notify the Employer's designated agent in writing by August 1st to make the purchase the next calendar year.

SECTION G: HOLIDAYS

1. All Sergeants covered by this Manual shall be entitled to compensatory time or a normal day's pay for the following named holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day;

- I. **PURPOSE:** This policy outlines the provisions of the federal and Wisconsin Family and Medical Leave Acts and the rights and obligations of employees and employers under both laws.
- II. **POLICY:** The Family and Medical Leave Acts provide eligible employees with up to 12 workweeks of unpaid protected leave each calendar year for specified family and medical reasons. The eligibility and entitlements are defined differently under federal and state law.
- A. **Eligibility:** Employees are entitled to FMLA benefits if they:
1. Federal – Have been employed by the City of Monona for at least 12 months (not necessarily consecutive); and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. Time spent on paid or unpaid leave does not count in determining the 1,250 hour eligibility.
 2. State – Have been employed by the City of Monona for at least 52 consecutive weeks and have worked for at least 1,000 hours during the 52 weeks prior to the start of the FMLA leave.
- B. **Qualifying Event and Amount of Leave**
1. Eligible employees may take up to a total of 12 work weeks of unpaid FMLA leave in a calendar year for the following qualifying events:
 - a. The birth or placement of a child for adoption or, under Federal FMLA, for foster care:
 - i. State law provides up to 6 work weeks of unpaid leave for any one child.
 - ii. Federal law requires that leave conclude within 12 months after the birth.
 - b. To care for the employee’s spouse, child, domestic partner (under Wisconsin FMLA), or parent (includes a parent-in-law and domestic partners’ parents under the Wisconsin FMLA) with a serious health condition;
 - i. State law provides eligible employees up to 2 work weeks of FMLA family leave.
 - ii. Care for a child does not include the children of the employee’s domestic partner.
 - c. Family leave due to an employee’s spouse, child or parent being on exigent active duty or having been notified of an impending call or order to exigent active duty as a member of the reserve components of the Armed Forces or a retired member of the Regular Armed Forces or Reserve, in support of a contingency operation.
 - d. For the employee’s own serious health condition that renders the employee unable to perform his/her job.
 - i. State law provides eligible employees up to 2 work weeks of FMLA medical leave.
 2. Eligible employees may take up to a total of 26 work weeks of unpaid FMLA leave during a single 12 month period [beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date, regardless of the method used by the employer to determine the employee’s 12 workweek of leave of leave entitlement for other FMLA-qualifying reasons] to care for a spouse, child, parent, or next of kin who is a member of the Armed Forces who suffered an injury or illness while on active duty that renders the person unable to perform the duties of the member’s office, grade, rank, or rating.
 3. During the single 12 month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under federal law.
 4. Leave qualifying for both Wisconsin and federal FMLA leave will count against the employee’s entitlement under both laws and will run concurrently. When the reason(s) for qualified leave differ, the leave may not run concurrently under federal and state law, and an employee may be entitled to more than 12 weeks of leave in a calendar year. This type of leave occurrence will be evaluated and reviewed with the employee at the time of the leave. Qualified leave taken under Worker’s Compensation also will run concurrently with federal FMLA leave.

Under the federal FMLA, spouses employed by the City are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.
- C. **Non Continuous or Intermittent Leave:** Employees are permitted to take leave on an intermittent (blocks of time) or reduced work schedule:

1. When it is medically necessary to care for a family member with a serious health condition or because of the employee's serious health condition.
2. When it is necessary to care for a family member or next of kin who suffered an injury or illness while on active duty.
3. To care for a newborn, adopted or foster child. Federal FMLA leave for the birth or placement of a child for adoption or foster care may not be taken in non-continuous increments unless approved by the City. Under the Wisconsin FMLA, the last increment of leave for the birth or placement of a child for adoption must begin within 16 weeks of that birth or placement.

Medical or family caretaking leave should be planned so as not to unduly disrupt the City's operations. Employees requesting non-continuous federal FMLA leave that is foreseeable based on planned medical treatment for purposes of providing care to a child, spouse or parent with a serious health condition or for the employee's own serious health condition may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the regular employment position of the employee. An employee temporarily transferred will receive the same pay and benefits, but may be assigned different duties.

The City allows for intermittent leave to be taken in no less than quarter-hour (1/4) increments. The employee may not take, or be required to take, more leave than medically necessary to address the circumstances that caused the need for the leave.

- D. Payments on FMLA Leave: In general, both Wisconsin and federal FMLA leaves are unpaid. The City may require employees, or employees may choose, to substitute paid leave for which they are eligible (such as vacation days, personal leave, compensatory time or sick leave) for unpaid leave available under the federal FMLA; or employees may choose to substitute available accrued leave for unpaid Wisconsin FMLA. The City will require that any leave provided by a City collective bargaining agreement be substituted for federal FMLA leave.

E. How to Apply for FMLA Leave

1. Employees must submit a Request for Leave form to their Department Head at least 30 days, or as soon as practicable, in advance of taking leave. If circumstances do not permit an employee to give notice in advance of taking leave, the employee must notify his/her Department Head and submit the Request for Leave form as soon as possible. Failure to give timely notice may result in the delay or denial of FMLA leave and may subject you to discipline under City policies.
2. If the leave is for a family member's or the employee's serious health condition, the employee must submit a medical certification from the employee's or the family member's health care provider within 15 days. If an employee does not provide the required certification by the designated deadline, or if the City determines that an employee's absence is not covered as FMLA leave, the leave may not be designated as Wisconsin and/or federal FMLA leave, and the employee may be subject to discipline under City attendance policies unless he or she uses accrued paid leave (like vacation) and/or is granted a non-FMLA leave of absence.
3. Second or third certifications at the City's expense and periodic re-certifications at the employee's expense may be required under certain circumstances. The City requires periodic reports during federal FMLA leave regarding the employee's status and intent to return to work.
4. Forms are available through the Executive Secretary.

- F. Health Insurance Benefits: Group health insurance coverage will be maintained for employees while they are on FMLA leave, on the same terms as if the employee continued to work. The employee will be required to pay his/her regular portion of health insurance premium payments on a schedule established by the City. Other benefits, including opt-out payments chosen by the employee rather than group health insurance coverage, will not be maintained during periods of unpaid FMLA leave.

The City may recover its share of health insurance premiums paid during a period of unpaid FMLA leave from an employee if the employee fails to return to work (for a minimum of 30 calendar days) after the expiration of the leave. The City may not collect the premiums if the reason the employee does not return is due to continuation, recurrence or onset of a serious health condition that would entitle the employee to leave under FMLA, or other circumstances beyond the employee's control.

The City may discontinue health insurance benefits if the employee fails to make a premium payment within 30 days of the due date after providing written notice to the employee of the cancellation of coverage for non-payment.

- G. Other Benefits: Benefits that accumulate based upon hours worked shall not accumulate during the period of unpaid FMLA leave. Qualified FMLA leave may be counted as an absence under the City's attendance policy. In addition, an employee may be disqualified from an attendance reward program, and/or any reward may be reduced for having taken unpaid FMLA leave.

Other City benefits, including life insurance and income continuation insurance may be continued during periods of unpaid FMLA leave, and arrangements should be made for employee's portion of the payments with the executive secretary.

- H. Worker's Compensation and Light Duty: Federal FMLA will run concurrent with worker's compensation provided that the injury meets the criteria for a "serious health condition", as defined by law. Substitution of accrued paid leave is not allowed for Worker's Compensation absences unless an applicable labor agreement provides otherwise.

If an employee accepts a light duty assignment while on worker's compensation, that time may not count against the employee's family or medical leave entitlement. If the light duty position is declined and the employee elects to stay on FMLA leave, the employee may give up their worker's compensation benefits.

- I. Return to Work: Any employee returning from FMLA for their own serious health condition must provide a "Fitness for Duty" statement signed by their treating physician. Upon return from FMLA leave, an employee shall be restored to his or her original position or, if the position is not vacant, to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

An employee will not be restored to their original or equivalent position if they are unable to perform the functions of their job because of a mental or physical condition.

III. DEFINITIONS

- A. Child: Biological, adopted, or foster child, stepchild, legal ward or, under the federal FMLA, the child of a person having day-to-day care of the child, or a child of a person standing "in loco parentis," who is under 18 years of age or 18 years of age and older and incapable of self-care because of a serious health condition.
- B. Covered Servicemember (Federal FMLA): A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- C. Domestic Partner (Wisconsin FMLA): Same-sex couples who register in their county of residence and same-sex and opposite-sex couples who are not required to register.
 - 1. To qualify as registered domestic partners, two individuals must meet the following criteria: at least 18 years of age and capable of consenting to the relationship, not married to, or in a domestic partnership with another individual, not more closely related than second cousins (whether of the whole or half blood or by adoption), they must share a common residence, and be members of the same sex.
 - 2. To qualify as domestic partners without registration, two individuals must meet the following criteria: at least 18 years of age and capable of consenting to the relationship, not married to, or in a domestic partnership with another individual, they must share a common residence, they must not be related by blood in a way that would prohibit marriage under Wis. Stat. 763.03, they must consider themselves to be members of each other's immediate family; and they must agree to be responsible for each other's basic living expenses.
- D. Incapable of Self-Care: The individual requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living (i.e. grooming, hygiene, bathing, dressing, eating) or instrumental activities of daily living (i.e. cooking, cleaning, shopping, utilizing public transportation, paying bills, maintaining a residence, using telephones and directories, and using a post office).
- E. Next of Kin (Federal FMLA): The nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemembers' next of kin and make take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

- F. Parent: Biological parent, foster parent, adoptive parent, stepparent or legal guardian of an employee, or parent-in-law or domestic partners' parents under the Wisconsin FMLA. Under the federal FMLA, "parent" includes an individual who provided day-to-day care to the employee when the employee was a child.
- G. Serious Health Condition: An illness, injury, impairment or physical or mental condition that involves:
1. Inpatient care in a hospital, hospice or residential medical care facility; or
 2. Under Wisconsin FMLA, outpatient care that requires continuing treatment or supervision by a health care provider (generally defined as requiring two direct, continuous and first hand contacts by a health care provider); or
 3. Under the federal FMLA:
 - a. A period of incapacity of more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (i.e. physical therapist) under orders of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion, that results in a regimen of continuing treatment under the supervision of a health care provider.
 - The first or only in person treatment visit must take place within seven days of the first day of incapacity.
 - Whether additional visits or a regimen of continuing treatment is necessary within the 30 day period shall be determined by the health care provider.
 - b. Any period of incapacity due to pregnancy or for prenatal care;
 - c. Chronic conditions requiring periodic treatment (defined as at least twice a year) by or under the supervision of a health care provider that continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (i.e. asthma, diabetes, epilepsy, etc.);
 - d. Permanent/long term conditions requiring supervision for which treatment may not be effective (i.e. Alzheimer's, a severe stroke, or the terminal stages of a disease);
 - e. Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy), or kidney disease (dialysis).

1.0 Purpose

The City of Monona ("City") has adopted a Sick Leave Conversion (hereinafter, "Plan") to allow certain retiring employees to convert unused accumulated sick leave into a supplemental retirement benefit. This policy supersedes all prior policies on sick leave conversion for employees covered by this Plan.

2.0 General

The Sick Leave Conversion Plan is intended to allow some flexibility in the conversion of unused accumulated sick leave. The City will apply a formula, set forth in Section 4.0 below, to convert an eligible employee's unused accumulated days of sick leave into a dollar value upon the employee's separation from service (hereinafter, "Benefit"). The Benefit will be paid to the eligible employee through a supplemental benefit plan.

3.0 Eligibility

The conversion of unused accumulated sick leave is automatic and mandatory upon retirement and all eligible employees with unused accumulated sick leave on the date of their separation from service will participate in the Plan.

For purposes of this Plan, an "eligible employee" is defined as a non-probationary City employee who has at least \$1,000 of unused accumulated sick leave benefit on the date of the employee's separation from employment with the City and the employee:

- a) is not employed in the police, dispatch, public works, office and maintenance, EMT/fire, or Monona library units (see unit labor contract for policy terms);
- b) completed at least ten (10) years of service with the City;
- c) is eligible for retirement benefits under the Wisconsin Retirement System; and
- d) gave at least thirty (30) days advance notice to the City of the employee's intent to retire.

4.0 Calculation of Benefits

An eligible employee shall receive a Benefit equal to the amount of the unused accumulated sick leave held by the eligible employee on the employee's date of separation from employment, at the eligible employee's wage on that date, up to the following maximum limitations: (a) for employees hired on or before December 31, 1978, a maximum of One Hundred Sixty-Five (165) days and (b) for employees hired after December 31, 1978, a maximum of Eighty-Five (85) days. (See page 31 for employees hired between January 1, 1979 and March 20, 2005.)

5.0 Payment of Benefit

5.1 Election of Form of Benefit. Within thirty (30) days of receiving written notice of the eligible employee's retirement, the City shall elect the form in which the eligible employee will receive the Benefit. The Benefit can only be paid to the eligible employee in one of the forms set forth in paragraph 5.2 of this Plan. In the event that the Benefit would exceed the allowable contribution limit established by law for a deferred compensation plan, the City shall pay the remaining Benefit in one of the other forms set forth in paragraph 5.2.

In making the election, the City will consider several established factors including (a) the eligibility requirements and contribution limitations of the qualified deferred compensation plan used by the City; (b) the eligible employee's access to other comparable health insurance coverage; (c) the value of the eligible employee's unused accumulated sick leave; and (d) the willingness of the City's insurance carrier to cover retired employees. The City will notify the eligible employee in writing (within the thirty day time period identified above) of the election made by the City.

5.2 Form of Payment. Eligible employees receiving a supplemental benefit will be paid the Benefit in one of the following forms, pursuant to the election made by the city in paragraph 5.1 of this Plan:

- a) The City shall use the Benefit to pay the retiring employee's health insurance premiums for the period commencing after the eligible employee's retirement and continuing until the eligible employee's Benefit is exhausted; or

- b) On the date of the employee's retirement, the City shall make a contribution to a 403(b) or other 401(a) qualified deferred compensation plan (selected at the City's discretion) in the amount of the Benefit, which shall be paid to the eligible employee according to the terms of the selected plan.

5.3 Death Benefit. In the event of an eligible employee's death after retirement, or in the event of an otherwise eligible employee's death while actively employed with the City, the employee's surviving spouse shall take the place of the eligible employee under the Plan and shall receive any Benefit due to the eligible employee in accordance with the terms of the Plan.

6.0 Plan Administrator

The City is hereby designated as the Plan Administrator. The Plan Administrator shall have the authority to control and manage the operation and administration of the Plan, including the authority to make and enforce rules or regulations for the efficient administration of the Plan; to interpret the Plan; and to decide all questions concerning the Plan and the eligibility of any person to participate in the Plan. The Plan Administrator shall give reasonable notice of the availability and terms of the Plan to employees and shall keep accurate records of all benefits paid under the plan.

7.0 Miscellaneous

- 7.1 This Plan does not enlarge or diminish the employment rights of any employee nor does it confer any right upon any employee to be retained in the service of the City.
- 7.2 This Plan shall be construed and enforced according to the laws of the State of Wisconsin, where the city is located.
- 7.3 This document contains all of the operative provisions of this Plan. Any conflict between the provisions of this document and any other document purporting to explain the rights, benefits, or obligations of the parties hereunder shall be resolved in favor of this Plan documents. In the event that one or more of the provisions of this Plan is deemed invalid by a tribunal of competent jurisdictions, this Plan shall be interpreted as if the offending language had been stricken from its provisions and the remainder of the Plan document shall continue in full force and effect.

This plan shall be effective on the 21st day of March, 2005.

I. PURPOSE

This policy outlines the provisions of the Americans with Disabilities Act (ADA) of 1990 and the rights and obligations of employees and the city under federal and state law.

II. POLICY

In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008 and the Wisconsin Fair Employment Act, the City of Monona prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City of Monona is committed to providing reasonable accommodations for eligible employees or applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided any accommodations made do not impose an undue hardship on the City.

- a. **Application Process.** In accordance with the law, all applicants for City positions must have accessibility to all steps in the selection process and are protected from disability related questions that could potentially screen them out of the application process. Applicants may not be asked questions that are likely to elicit information about a disability, including whether an applicant has a particular disability. Inquiries regarding an applicant's medical or worker's compensation history may also not be asked. However, applicants may be asked questions concerning their ability to perform the essential functions of a job. An applicant may not be asked to describe or demonstrate how they would perform the job functions, unless all applicants are asked to do this or if the disability is obvious or the applicant discloses a hidden disability.

Reasonable accommodation will be provided to qualified applicants during the selection process to ensure that all applicants have accessibility to all phases of the process. Accommodations may include making an interview room accessible, or supplying an interpreter or reader.

- b. **Pre-Employment.** Pre-offer physicals are prohibited by the City, as are inquiries regarding the existence of an applicant's disability or the nature and severity of the disability.

After an offer of employment has been extended, it may be conditioned on the results of a medical examination, as long as all individuals in the same job category have to undergo a medical exam. The information received during medical examinations will remain confidential. However, a supervisor may be told of a candidate's necessary restrictions and/or accommodations.

If the existence of a disability is revealed during the medical exam, the offer of employment may not be withdrawn unless: (1) the reason is job-related and consistent with business necessity and no reasonable accommodation can be made; (2) the disability poses a *direct threat* to the health and safety of the applicant, other employees or the general public, and which cannot be eliminated by reasonable accommodation.

- c. **Reasonable Accommodation.** The City is committed to making reasonable accommodation in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the City.
- d. **Complaint Procedure.** If an employee believes they have been discriminated against in employment on the basis of disability, an internal complaint may be filed through the City's harassment complaint procedure, or a formal complaint may be filed with the Wisconsin Equal Rights Division of the Department of Workforce Development and/or the Federal Equal Employment Opportunity Commission.

III. PROCEDURE

- a. **Requests for Accommodation.** An employee who believes they need a reasonable accommodation to perform an essential function of their job should make that request through their direct supervisor or department manager. The City will work with the employee to determine if their disability can be reasonably accommodated. When a request for accommodation is received by a supervisor or when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position or participate in the employment process, the employee should be directed to submit a "**Reasonable Accommodation Request Form**" with appropriate supporting documentation to his/her direct supervisor or to the Executive Secretary.

All requests for accommodation shall be responded to in a timely fashion, after the supervisor has engaged in the "interactive process" with the employee requesting accommodation. Supervisors are encouraged to request assistance from the Executive Secretary, the City Administrator, or other outside sources, as necessary.

The City reviews all requests for accommodation on a case-by-case basis and may provide a reasonable accommodation that allows the qualified individual with a disability to achieve the same level of job performance as other similarly skilled employees. The City is not obligated to provide an accommodation that causes an undue hardship on the City.

- b. **Documentation of Request for Accommodation.** Documentation of the request for accommodation and the response (provided on the *“Response to Accommodation Request Form”*) by the supervisor and/or Executive Secretary should be forwarded to the Executive Secretary and shall be kept in a confidential file (separate from personnel and/or medical files).

IV. DEFINITIONS

- a. **“Disability” as defined under the Americans with Disabilities Act of 1990** (42 U.S.C. sec. 12101): A qualified individual who has a physical or mental impairment that substantially limits one or more major life activities (and includes times when the impairment is episodic or in remission); a person who has a record of such impairment; a person who is regarded or perceived to have an impairment; or has a known association or relationship with an individual with a disability.
- b. **“Disability” as defined under the Wisconsin Fair Employment Act** (Section 111.32): A physical or mental impairment which makes achievement unusually difficult or limits the capacity to work; has a record of such an impairment; or is perceived as having such an impairment.
- c. **Direct Threat to Safety:** A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
- d. **Essential Job Functions:** Those activities of a job that are the core to performing the position that cannot be modified. A function is essential if: the job exists to accomplish the function, only a limited number of employees can perform the function, the function is highly specialized and an employee is hired for his/her expertise in the area. Other factors that may be considered in determining whether a function is essential are: the amount of time an employee spends performing the function, the consequences if the employee were not required to perform the function, the terms of applicable collective bargaining agreements, the work experience of previous employees who held the job, and the work experience of employees in similar jobs.
- e. **Interactive Process:** The process by which an agent of the employer and individual requesting accommodation engage in, to discuss physical or mental abilities and limitations as they relate to the job’s essential functions and to determine possible job accommodations.
- f. **Major Life Activities:** Caring for one’s self, performing manual tasks, walking, sitting, standing, seeing, hearing, eating, breathing, speaking, sleeping, reproducing, working, learning, thinking, concentrating and interacting with others, as well as major bodily functions (i.e. endocrine, neurological, reproductive).
- g. **Qualified Individual with A Disability:** A person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the “essential” functions of the position with or without reasonable accommodation.
- h. **Reasonable Accommodation:** Any modification or adjustment to a job or the work environment that will enable a “qualified” applicant or employee with a disability to participate in the application process or to perform essential job functions. Examples of reasonable accommodation include: making facilities readily accessible, job restructuring, modifying work schedules, implementing flexible leave policies, reassignment to a vacant position, acquiring or modifying equipment or devices, adjusting or modifying tests, training material or policies, and providing qualified readers or interpreters.
- j. **Undue Hardship:** An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

AMERICANS WITH DISABILITIES ACT (ADA) RESPONSE TO ACCOMMODATION REQUEST

Date:	Department:
1. Accommodation Requested By:	
2. Is this individual covered by ADA?	
YES	NO
3. Was the requested accommodation approved?	
YES	NO
If yes, the following accommodations and/or modifications will be implemented:	
Approximate cost of accommodation and/or modification: \$	
If the accommodation is denied, list the reasons for the denial*:	
* The Department must consult with the Executive Secretary and City Administrator prior to a denial of any accommodation request.	
4. Date of action:	
5. Response by individual requesting accommodation:	
Signature:	Date:

I. PURPOSE

The purpose of this policy is to establish a policy that governs the continuation of health insurance benefits, pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA requires employers with 20 or more employees to continue to offer coverage in their group health plan to certain former employees, retirees, spouses and dependent children.

II. POLICY

COBRA gives employees and their families who lose health benefits the right to choose to continue group health benefits provided by the City's group health plan for a temporary extension of coverage at group rates under certain circumstances where coverage under the plan would otherwise end because of certain qualifying events. Qualified individuals may be required to pay the entire group rate premium plus a surcharge of up to 2 percent to cover administrative costs.

City employees and their dependents will be notified of their right to extend health plan coverage at the time they become plan participants (referred to as the "general notice" of COBRA rights, which must be furnished within **90 days** after the employee or spouse first become covered under the plan) *and* anytime a qualifying event occurs (referred to as the "election notice").

The required continuation coverage may be terminated by the City if the individual fails to make the required payments, becomes enrolled in another health plan that does not contain any exclusion or limitation regarding a pre-existing condition, becomes entitled to Medicare, or if the City's group health plan is terminated.

- A. COBRA Continuation Coverage.** COBRA continuation coverage is a continuation of health insurance plan coverage when coverage would otherwise end because of a "qualifying" life event. COBRA continuation coverage must be offered to each person who is a qualified beneficiary after a qualifying event. A City employee, their spouse or dependent children could become qualified beneficiaries if coverage under the plan is lost due to a qualifying event. Under the City's health insurance plan, qualified beneficiaries who elect COBRA continuation coverage may be required to pay for the coverage.

1. Length of Coverage

Event	Employee	Spouse	Child
An employee's employment ends for any reason other than gross misconduct.	18 months	18 months	18 months
An employee's regularly scheduled work hours are reduced, making the employee ineligible for coverage.	18 months	18 months	18 months
An employee becomes divorced or legally separated.	n/a	36 months	36 months
An employee's child no longer meets the eligibility requirements.	n/a	N/A	36 months
An employee dies.	n/a	36 months	36 months
An employee becomes eligible for Medicare.	n/a	36 months	36 months
An employee or his/her dependent are deemed disabled (by the Social Security Administration) on the date the employee's coverage ends.	29 months	29 months	29 months

- a. COBRA continuation coverage for an employee's beneficiaries lasts for up to a total of 36 months **after the date of Medicare entitlement** when the qualifying event is the end of the employee's employment or a reduction of their hours, and the employee became entitled to Medicare benefits less than 18 months **before** the qualifying event.
- b. COBRA Coverage Extensions of 18-Month Period
- (1) Disability extension

If an employee or an employee's family member are determined by the Social Security Administration to be disabled and the plan administrator (the City) is notified in a timely fashion, the employee and their family may be entitled to receive up to an additional 11 months of COBRA coverage, for a maximum of 29 months. The disability would have to have

started at some time before the **60th day** of COBRA continuation coverage and must last at least until the **end** of the **18-month** period of continuation coverage.

(2) Second Qualifying Event Extension

- (a) If an employee's family member experiences another qualifying event while receiving 18 months of COBRA coverage, the spouse and dependent children of the employee can get up to 18 additional months of COBRA continuation coverage, for a maximum of 36 months, if notice of the second qualifying event is properly given to the City within 60 days.
- (b) This extension may be available to the spouse and any dependent children receiving continuation coverage if the employee or former employee dies, becomes entitled to Medicare benefits (under Part A, Part B or both) or gets divorced or legally separated, or if the dependent child stops being eligible under the plan as a dependent child, but only if the event would have caused the spouse or dependent child to lose coverage under the plan had the first qualifying event not occurred.

B. Qualified Beneficiaries

1. **City employees** will become a qualified beneficiary if their coverage is lost under the plan, due to (1) their hours of employment are reduced; or (2) employment is terminated for any reason other than gross misconduct.
2. **Spouses** of City employees will become a qualified beneficiary if their coverage is lost under the plan, due to (1) their spouse dies; (2) their spouse's hours of employment are reduced; (3) their spouse's employment is terminated for any reason other than gross misconduct; (4) their spouse become entitled to Medicare benefits (under Part A, Part B, or both); or (5) they become divorced or legally separated from their spouse.
3. **Dependent children** will become qualified beneficiaries if their coverage is lost under the plan, due to (1) the parent-employee dies; (2) the parent-employee's hours of employment are reduced; (3) the parent-employee's employment is terminated for any reason other than gross misconduct; (4) the parent-employee becomes entitled to Medicare benefits (Part A, Part B or both); (5) the parents become divorced or legally separated; or (6) the child stops being eligible for coverage under the plan as a "dependent child".
4. At times filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the City, and that bankruptcy results in the loss of coverage of any retired employee covered under the plan, the retired employee will become a qualified beneficiary with respect to the bankruptcy. The retired employee's spouse, surviving spouse, and dependent children will also become qualified beneficiaries if bankruptcy results in the loss of their coverage under the plan.

C. Notification of Qualifying Event

1. COBRA continuation coverage will be offered to qualified beneficiaries only after the plan administrator (the City) has been notified that a qualifying event has occurred. The City should be notified via mail to City of Monona, Attn: Executive Secretary, 5211 Schluter Rd., Monona, WI 53716 or by calling the Executive Secretary at (608) 222-2525.
2. When the qualifying event is one of the following, the **employee must notify** the health insurance plan administrator (the City) within **60 days** after the qualifying event occurs:
 - a. Divorce or legal separation of the employee and spouse;
 - b. A dependent child's losing eligibility for coverage as a dependent child;
 - c. Disability.

D. Providing COBRA Coverage

When the plan administrator (the City) receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect coverage on behalf of their children.

E. Premium Payments

1. Qualified beneficiaries are allowed to make premium payments on a monthly basis.
2. Upon election of coverage, beneficiaries have 45 days to pay the first premium (from the date of election). After that, premiums must be paid within 30 days of its due dates.

F. Inability for COBRA Coverage and Termination Notices

1. An employee terminated for gross misconduct or other reason that deems him/her ineligible for COBRA continuation coverage will be provided notice of that **14 days** after the plan administrator receives notice of the qualifying event, as well as any other qualified beneficiaries who've attempted to elect coverage. Because the City is the plan administrator, notice will be provided **44 days** after receipt of notice.
2. If COBRA coverage is terminated prior to the expiration of the maximum period of continuation coverage, notice will be provided as soon as possible after the termination of the coverage is determined by the administrator.
 - a. COBRA coverage may be terminated prior to the expiration of the maximum period of continuation coverage in the following circumstances:
 1. If the City ceases to provide any group plan to any employee (including a successor plan).
 2. If the qualified beneficiaries obtain other group health insurance, voluntarily terminate coverage, enroll in Medicare or fail to make premium payments on time.
 3. Coverage may be terminated for the same reasons coverage of comparable non-COBRA beneficiaries are terminated (i.e. fraudulent claims).

G. Address Changes and Health Plan Contact Information

1. In order to protect an employee's family's rights, the plan administrator (the City) should be kept informed of any address changes of family members. An employee should also keep a copy, for their records, of any notices sent to the plan administrator (the City).
2. Information regarding the City's health plan and COBRA continuation coverage may be obtained upon request from the Executive Secretary at Monona City Hall, 5211 Schluter Rd., Monona, WI 53176 or by calling (608) 222-2525.

H. Additional Questions

1. Any additional questions regarding the City's health insurance plan or COBRA continuation coverage rights should be addressed to: Executive Secretary, City of Monona, 5211 Schluter Rd., Monona, WI 53716.
2. For more information regarding employee's rights under the Employee Retirement Income Security Act (ERISA), including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA):

Detroit

211 West Fort Street
Suite 1310
Detroit, MI 48226-3211
Supervisor
Phone 313-226-7450
Fax 313-226-4257

St. Louis

Young Federal Building
1222 Spruce Street, Room 6.310
St. Louis, MO 63103
Gary Newman – Supervisor
Phone 314-539-2693
Fax 314-539-2697

I. PURPOSE

The purpose of this policy 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, discrimination and retaliation.

II. POLICY

It is the policy of the City of Monona that all employees have the right to work in an environment free of all forms of harassment and retaliation. The City will not tolerate, condone, or allow harassment or retaliation by any employee or other non-employees who conducts business with the City. The City considers harassment, discrimination and retaliation 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, discrimination and retaliation. A violation of this City policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

III. PROHIBITED ACTIVITY & RESPONSIBILITY

- a. **Sexual Harassment:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
- b. **Harassment:** Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.
 1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
 2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on age, ancestry, arrest & conviction record, color, creed, disability, genetic testing, honesty testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex (including sexual harassment), sexual orientation, and use or nonuse of lawful products of the employer's premises during non-working hours. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City.
- c. **Retaliation:**
 1. Retaliation against any employee or applicant for filing a harassment or discrimination complaint, for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
 2. Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
 3. Generally, any materially adverse action taken against an employee or applicant "because of" protected conduct is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances, but must be considered "materially adverse", thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint. Examples of conduct that may be considered retaliation include:
 - a. Discharge
 - b. Demotion or not promoting
 - c. Reduction in pay
 - d. Reassignment of job duties
 - e. Giving a less distinguished job title
 - f. Filing false criminal charges against an employee

- g. Significantly diminishing an employee's responsibilities
 - h. Unwarranted negative performance evaluations (impacting promotional opportunities)
 - i. Increased scrutiny of employee's work
 - j. Refusing to restore lost leave time
 - k. Isolation or shunning an employee
4. Complaint Procedure: Any employee who believes that he or she is being retaliated against shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee. Where doing so is not practical, the employee may instead file a complaint with another supervisor, the City Attorney, City Administrator or Mayor.
 5. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and is subject to discipline up to an including termination.
 6. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors and the appropriate internal investigative authority.
- d. Covered Individuals:** Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials and appointed boards and commissions.
- e. Supervisory Responsibilities:**
1. Each supervisor shall be responsible for preventing prohibited activities as defined above by:
 - a. Monitoring the work environment on a daily basis for signs that harassment or retaliation may be occurring;
 - b. Training and counseling all employees on what constitutes harassment, sexual harassment and retaliation, on the types of behavior prohibited by the City's policy and procedures for reporting and resolving complaints of harassment or retaliation.
 - c. Stopping any observation that may be considered harassment or retaliation, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 - d. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending an investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
- f. Employee Responsibilities:**
1. Each employee of this agency is responsible for assisting in the prevention of harassment and retaliation through the following acts:
 - a. Refraining from participation in, or encouragement of actions that could be perceived as harassment or retaliation.
 - b. Reporting acts of harassment or retaliation to a supervisor; and
 - c. Encouraging any employee who confides that he or she is being harassed, discriminated or retaliated against to report these acts to a supervisor.
 2. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.
- g. Complaint Procedures**
1. Any employee encountering harassment or retaliation is encouraged but not required to inform the person that his or 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 and retaliation in order to provide the fullest basis for investigation.
 2. Any employee who has unsuccessfully attempted to terminate the harassment or retaliation by means of Section 1 and who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment or retaliation, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney, City Administrator or Mayor.

- a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment or retaliation, any witnesses to the incident(s) and the date(s) on which it occurred.
3. An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
 - a. **State of Wisconsin – Equal Rights Division**
 201 East Washington Avenue
 Madison, WI 53703
 Phone: 608-266-6860
 - b. **Equal Employment Opportunity Commission**
 210 Martin Luther King Boulevard
 Madison, WI 53703
 Phone: 608-266-4910
 - c. *If the employee exercises the reporting options of (a) or (b) from above, they must file a copy of the complaint with the City Attorney within 24 hours of filing the complaint.*
4. The internal investigation authority shall be responsible for investigating any complaint alleging harassment, discrimination or retaliation.
 - a. The internal investigative authority shall immediately notify the chief executive officer and the City Attorney if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
 - b. The investigation shall include a determination as to whether other employees are being harassed or retaliated against by the person, and whether other City employees participated in or encouraged the harassment or retaliation.
 - c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
 - d. A file of harassment, discrimination and retaliation complaints shall be maintained in a secure location. The chief executive officer shall be provided with an annual summary of these complaints.
5. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.
6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
7. Complaints of employees accused of harassment and/or retaliation may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment or retaliation claim.

IV. DEFINITIONS

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

employment agency, or joint labor management committee controlling apprenticeship or other training or retraining, including on the job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, ***because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.***

- f. **Unwelcome:** 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.
- g. **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.

HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

Name of Complainant:		
Today's Date:	Incident:	Incident:
Location of Incident:		
Names of Witnesses to the Incident (include email/telephone number if known):		
Details of the Incident (attach additional pages if necessary):		
Have you reported this or similar behavior before? If so, please indicate to whom and date reported.		
Have you discussed this complaint with anyone else? If so, please indicate to whom and date discussed.		
Do you know of any documents that may be relevant to this matter? (Please attach.)		
How would you like this matter resolved?		

The foregoing information is true and correct to the best of my knowledge.

Signature: _____ Date: _____

Intake Signature: _____ Date: _____

I. PURPOSE

The City is committed to providing a safe workplace for its employees and a safe environment for the citizens of the community, and has a zero tolerance policy toward any intimidating, threatening or violent behavior at the workplace. This policy applies to any form of workplace violence occurring on the worksite, or involving City employees engaged in the performance of their work duties whether on or off the worksite. Violence occurring at other locations involving City employees will come under this policy if it adversely affects the interests of the City. In addition, this policy applies to domestic violence situations when physical harm, threat of harm or fear of harm creates a safety issue for any employee while performing their job. Domestic violence threats at work must be met with the same level of response as any other kind of threat. Supervisors will work to the extent reasonably possible to ensure that employees are free from intimidating, threatening and violent behavior while at work.

II. POLICY

Employees who display intimidating, threatening and/or violent behavior will be held accountable under City policy and work rules, as well as local, state and federal law. An employee who harasses, threatens, attempts to or inflicts bodily harm to co-workers, representatives of other agencies, or members of the general public is in violation of this policy. All City managers and employees are responsible for committing to and becoming involved in the prevention of workplace violence and promotion of a safe work environment.

- a. **Prevention Techniques:** Often violence occurs in the workplace after a series of unheated warning signs. A troubled employee may make overt threats, exhibit personality changes, or show signs of severe depression. If an employee feels these signs are being ignored, they may feel justified in moving to the next level. Prevention starts with these early warning signs and making those in authority aware of employee behavior which could signal a potentially violent act.

1. Early Warning Signs: There is not one single profile that identifies a potentially violent individual. However, based on historical incidents in the United States, the following identifying factors have been recognized:
 - History of violence;
 - Romantic obsession that is ignored or rejected;
 - Chemical dependence;
 - Severe depression due to personal problems;
 - Pathological blaming of others;
 - High frustration with an individual's work or personal environment;
 - Fascination with guns or other weapons;
 - Fascination with violence or terrorism;
 - Substitution of work for family or friends;
 - Paranoia or belief that the system is unfair;
 - Inability to accept criticism;
 - Does not accept responsibility for his/her actions;
 - Intimidating, harassing or threatening behavior;
 - Uneven job performance and large mood swings;
 - Moral or political intolerance;
 - Social isolation to low self-esteem;
 - Chronic disputes with co-workers or supervisors.
2. Sequence of Workplace Violence: Acts of violence are often preceded by the following sequence of events:
 - a. The perpetrator suffers some type of trauma that creates extreme tension or anxiety. This may result from a single major event (actual or perceived) or a series of cumulative minor events.
 - b. The perpetrator perceives that his/her problems cannot be resolved.
 - c. The perpetrator blames someone else (i.e. supervisor, co-worker, spouse, etc.) for the situation or problem.

- d. The perpetrator's frame of reference becomes increasingly egocentric.
- e. Self-preservation and self-protection gradually become the person's sole objective.
- f. A violent act is perceived as the only way to resolve the situation.
- g. A violent act is attempted or committed.

b. Responsibilities and Reporting Procedures

1. Employee Responsibilities

- a. All City employees have a responsibility to notify their immediate supervisor, or in the absence of their supervisor, another supervisor, of any intimidating, threatening or violent behavior that they witness, receive or have been told that another person has witnessed or received. In addition to notifying a supervisor, the appropriate authorities should be contacted, which include, but are not limited to: the police department, fire department or emergency ambulance services.
- b. Employee involvement entails understanding and complying with the prevention program and security measures; participating in complaint or suggestion procedures covering safety and security concerns; participating on teams when assigned that receive reports of incidents or problems; conducting inspections and making recommendations for corrective strategies; and participating in training and education programs that cover techniques to recognize escalating agitation, assaultive behavior or criminal intent, and discussing appropriate responses.

2. Management Responsibilities

- a. All managers have a responsibility to review this policy with new employees and periodically review this policy with all employees within their department. Additionally, they are responsible for maintaining a working environment that is as safe as possible for City employees. Supervisors can help prevent workplace violence and threats by: knowing the early behavior pattern warning signs, knowing the sequence of workplace violence, and reducing the risk of violence. Periodic employee surveys may be conducted for ideas on the potential for violence, holes in security and other risk factors.
- b. If information received determines there may be potential for a threatening or violent situation, it is the manager's responsibility to immediately notify the City Administrator in addition to advising the employee what authorities to contact, notify the appropriate authorities if the employee involved in the incident cannot, and notify their manager. Managers are required to maintain a written record that documents the incident until such time as that information is turned over to the city administrator for threat assessment or crisis management.

c. Retaliation

- 1. Retaliation against any employee for filing a complaint of workplace violence, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this City and by federal statutes.
- 2. 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 workplace violence complaints.
- 3. Monitoring to ensure that retaliation does not occur is the responsibility of the city administrator, supervisors and the appropriate internal investigative authority.

d. Restraining Orders

- 1. Individuals who apply for and obtain a protective or restraining order must provide to their manager:
 - a. A copy of the petition and declaration used to seek the order.
 - b. A copy of any temporary protective restraining order and/or
 - c. A copy of a protective restraining order that is made permanent.
- 2. In cases of potential discriminator and/or sexual harassment allegations or charges, managers are obligated to begin the investigatory process.

e. Crisis Management

- 1. The City Administrator and a crisis management team of his choosing are responsible for meeting within 24 hours of notification of a violent or threatening incident. In addition, the team should follow up with the manager, if necessary, to obtain additional documentation or information.

2. The crisis management team will take the following steps after notification of a threatening or violent situation:
 - a. Meet to discuss the incident and how to proceed.
 - b. Notify the Employee Assistance Program (EAP) representative.
 - c. Assign an Investigator.
 - d. Record the facts related to the incident.
 - e. Produce written findings and recommendations.
 - f. Submit these findings and recommendations to the city administrator for consideration.
3. After the recommendations have been considered and action authorized, the crisis management team is responsible for notifying the employee reporting the incident and his/her manager of the outcome of the investigation and actions authorized, within the line of state and federal privacy laws.
4. The crisis management team is also responsible for maintaining written documentation and investigator notes for a minimum of five (5) years.
5. As necessary, an incident debriefing session involving group or individual discussions will be held to support affected employees within the normal recovery process, usually within 24 to 72 hours following the incident. If an individual discussion is appropriate, the offer of a debriefing will be made and it is the employee's decision to accept or decline that offer.
6. The EAP Representative's role also includes the following:
 - a. Providing advice on the development or modification of policy procedures.
 - b. Participation in training, if recommended.
 - c. Critical incident stress management services.
 - d. Involvement in problem solving, information and referrals.
 - e. Support to any City employee, family members or managers that have sought EAP services.

f. Hazard Prevention and Control

1. Worksite analysis for existing or potential hazards for violence and appropriate preventive measures.
2. Engineering measures for physical changes to facilities to control access, including alarms, panic buttons, cameras, lighting, mirrors, secure areas, etc.
3. Administrative control measures and rules to prohibit violence, weapons, harassment, drugs and alcohol, etc.

III. DEFINITIONS

a. Intimidation or Threat:

1. Implication or expression of intent to inflict physical or emotional harm and/or actions that a reasonable person would perceive as a threat to personal safety or property.
2. Words or actions which cause a person to avoid social contact or to do or refrain from doing an act, including supervisory discipline, by inducing fear.
3. Threatening behaviors include, but are not limited to:
 - a. Non-verbal threats (i.e. glaring, staring with the intent to intimidate, or insulting gestures.
 - b. Mail, facsimile, messages, phone calls, e-mail or any correspondence deemed by a reasonable person to be intimidating, threatening or coercing.
 - c. Intimidating, stalking or coercing fellow employees on or off premises at any time, for any purpose, that in the employer's judgment affects the interest of the City.

b. Violence:

1. Any direct, conditional or implied threat, intentional act or other conduct which reasonably arouses fear, hostility, intimidation or the apprehension of harm in its target or witnesses, regardless of the location of such acts.
2. Workplace violence: Includes vandalism or the destruction of property at the worksite belonging to an employee, citizen, vendor or the City. The City property includes all items owned or leased.
3. Weapons: Includes any items which, in the manner it is used or intended to be used is likely to produce death, physical injury or property damage.

- a. Authorized weapons (of any type) may not be brought (whether assembled or unassembled) to the worksite. Unauthorized weapons may not be stored in an employee's vehicle or with their personal belongings on the worksite.
- b. Law enforcement officers employed by the City Police Department or other agencies may bring firearms to the worksite if authorized by the Chief of Police. Authorization to bring weapons other than firearms to the worksite may be granted by appropriate department management.
- c. **Weapon:** The statutory definition of "dangerous weapon" is contained in 939.22(10), Wisconsin State Statutes, which states: "dangerous weapon means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce great bodily harm."
- d. **Workplace/Worksite:** Any location where employees are carrying out their job duties or are contacted for reasons related to their job duties.



**CITY OF MONONA
ASSAULT/THREAT REPORT**

EMPLOYEE INFORMATION

Name:	Telephone Numbers: Work: Home/Cell:
Employee Classification:	Supervisor Name:

INCIDENT INFORMATION

Name of Assaulter/Threatener:	Is he/she a City of Monona employee? YES NO
Date of Assault/Threat:	Location of Assault/Threat:

Assault/Threat was from (circle): Personal Confrontation Telephone Conversation Other
Please Explain:

Were there witnesses? Y N If yes, how many?_____. Provide information below and attach their statements. Determine if witnesses prefer to remain anonymous due to the concern of retaliation by the aggressor.

WITNESSES *(If additional witnesses, provide information on attached sheet of paper.)*

Witness 1 – Name	Telephone Number Work: Home:
Address (street, city, state, zip)	Witness Role (employee, customer)
Witness 2 – Name	Telephone Number: Work: Home:
Address (street, city, state, zip)	Witness Role (employee, customer)

IF ASSAULTED, answer the following questions:

1. What started the assault?
2. What did the person say when you were assaulted?
3. What was used to hit/strike/injure you?
4. What injuries did you sustain? Was medical treatment necessary?
5. How did the assault end?
6. How did you leave the assault site?

IF THREATENED, answer the following questions:

1. As closely as possible, what were the exact words used?

2. Was the person in a position to carry out the threat immediately?

3. How serious do you believe the threat was, and why?

EMPLOYEE-RELATED ACTIONS *(Employee must complete)*

1. What actions did the employee take? *(i.e. filed worker's compensation, obtained medical treatment, used sick leave, vacation, etc.)*

2. What specific actions from the City does the employee request related to assault/threat? If none, so indicate.

LAW ENFORCEMENT INFORMATION *(Attach copy of police report when possible)*

Law Enforcement Agency Contacted

Date Contacted

Telephone Number

Name of Person/Officer

Was a written report completed? YES NO

What action was taken/promised?

MANAGER ACTIONS

Directions given to employee *(i.e. go home, go to hospital, etc.)*

Manager Recommendations: Prosecution Restraining Order Letter to Threatener
Other *(specify)*:

NOTIFICATION DATES

Date report was received:

Was employee notified of chosen action?
YES NO

Was the Safety Officer notified of the incident?
YES NO

Was management notified?
YES NO

Was the EAP Officer notified?
YES NO

Was the employee/management notified of other options that can be pursued personally?
YES NO

I. ELECTRONIC COMMUNICATION**A. PURPOSE**

To better serve our citizens and give our workforce the best tools to do their jobs, the City of Monona continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, the Internet, and the World Wide Web.

The City encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City should remember that electronic media and services provided by the City are City property and their purpose is to facilitate and support City business. No expectation of privacy in regards to use of the City's electronic communication systems should be expected by the employee in any respect related to accessing, transmitting, sorting or communicating information via the system.

This policy cannot provide rules to cover every possible situation. The purpose of this policy is to express the City's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the City's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the City.

1. The following procedures apply to all electronic media and services that are:
 - a. Accessed on or from City premises;
 - b. Accessed using City computer equipment or via City-paid access methods; or
 - c. Used in a manner that identifies the individual as acting for or on behalf of the City; or in any way identifies the City.
2. This policy applies to all of the City of Monona, including its departments, offices, boards, commissions, committees, City employees and contracted and consulting resources.

B. POLICY: It is the policy of the City to follow this set of procedures for the use of electronic communication media and services. (Reference: Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 - 2711); Wis. Stats. §947.0125.)

C. PROCEDURES

1. Access and Authority.
 - a. Each Department Head shall determine which employees in their department shall have access to the various media and services, based on business practices and necessity and which shall have authority to communicate on behalf of the City.
 - b. The provisions of this Policy shall apply to the use of City-owned/provided equipment and/or services from home or other locations off City premises. City-owned equipment (e.g. lap tops) may be removed from City premises solely for City-work-related purposes pursuant to prior authorization from the Department Head.
2. Prohibited Communications.
 - a. Electronic media cannot be used for knowingly transmitting, retrieving or storing any communication that is:
 - i. Personal business on City time (e.g. sports pools, games, shopping, correspondence or other non-business-related items/documents), except as otherwise allowed under #3 below;
 - ii. Discriminatory or harassing;
 - iii. Derogatory to any individual or group;
 - iv. Obscene as defined in Wis. Stats. § 944.21;
 - v. defamatory or threatening; or
 - vi. Engaged in for any purpose that is illegal or contrary to the City's policy or business interests.

- b. For the protection, integrity and security of the City's System, electronic media shall not be used to download or transfer software, unless authorized by the City Administrator.
3. Personal Use.
- a. Except as otherwise provided, electronic media and services are provided by the City for employees' business use during City time. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal non-business purposes is permitted as set forth below:
 - i. Personal use is limited to breaks, lunch or immediately before/after work;
 - ii. Personal use must not interfere with the productivity of the employee or his or her co-workers;
 - iii. Personal use does not involve any prohibited activity (see Section B, b-f);
 - iv. Personal use does not consume system resources or storage capacity on an ongoing basis;
 - v. Personal use does not involve large file transfers or otherwise deplete system resources available for business purposes.
 - b. City telephones and cellular phones are to be used for City business. However, brief, limited personal use is permitted during the work day. Personal long distance calls are only permitted with the use of a personal 1-800 calling card, or with the understanding that such calls must be reimbursed to the City, as per policies set forth in the City Employee Personnel Manual.
 - c. Employees should not have any expectation of privacy with respect to personal use of the City's electronic media or services.
4. Access to Employee Communications.
- a. Electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, Internet and bulletin board systems, desktop faxes, and similar electronic media may be accessed and monitored by the City. The City respects its employees' desire to work without surveillance. However, the City reserves and intends to exercise the right, at its discretion, to review, monitor, intercept, access and disclose all messages created, received or sent over the electronic communication systems for any purpose including, but not limited to: cost analysis; resource allocation; optimum technical management of information resources; and detecting use which is in violation of City policies or may constitute illegal activity. Disclosure will not be made except when necessary to enforce the policy, as permitted or required under the law, or for business purposes.
 - b. Any such monitoring, intercepting and accessing shall observe any and all confidentiality regulations under federal and state laws.
5. Security/Appropriate Use.
- a. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by the City Administrator, employees are prohibited from engaging in, or attempting to engage in:
 - i. Monitoring or intercepting the files or electronic communications of other employees or third parties;
 - ii. Hacking or obtaining access to systems or accounts they are not authorized to use;
 - iii. Using other people's log-ins or passwords; and
 - iv. Breaching, testing, or monitoring computer or network security measures.
 - b. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
 - c. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
 - d. Anyone obtaining electronic access to other organizations', business', companies', municipalities' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.
 - e. Employees must understand that the unauthorized use or independent installation of non-standard software or data may cause computers and networks to function erratically, improperly, or cause data loss. Therefore, before installing any new software or data, users should seek assistance of

the City's IT Specialist. Users must never install downloaded software to networked storage devices without the assistance and approval of appropriate personnel.

- f. Most of the City's computing facilities automatically check for viruses before files and data which are transferred into the system from external sources are run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled, or otherwise inactivated. If you are uncertain as to whether the workstation you are using is capable of detecting viruses automatically, or you are unsure whether the data has been adequately checked for viruses, you should contact the City's IT Specialist.
 - g. Anyone receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential and/or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.
6. Encryption. Employees should not assume electronic communications are totally private. Employees with a business-need to encrypt messages (e.g. for purposes of safeguarding sensitive or confidential information) shall submit a written request to their supervisor and the City's IT Specialist. When authorized to use encryption by their supervisor and the City's IT Specialist, employees shall use encryption software supplied to them by the City's IT Specialist. Employees who use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.
7. Participation in On-Line Forums.
- a. Employees should remember that any messages or information sent on City-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards, and on-line services) are statements identifiable and attributable to the City.
 - b. The City recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.
 - c. Employees shall include the following disclaimer in all of their postings to public forums:
"The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City of Monona."
 - d. Employees should note that even with a disclaimer, a connection with the City exists and a statement could be imputed legally to the City. Therefore, employees should not rely on disclaimers as a way of insulating the City from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using the City's systems or City provided account. Communications must not reveal confidential information and must not otherwise violate this or other City policies.
 - e. Employees must receive authorization from their Department Heads prior to participating in an on-line forum. The employees shall be required to review the provisions of this section before they receive such authorization.
8. Policy Violations. Employees who abuse the privilege of City-facilitated access to electronic media or services risk having the privilege removed for themselves and possibly other employees, are subject to discipline, up to and including termination and may be subject to civil liability and criminal prosecution.

II. E-MAIL POLICY

A. PURPOSE

The City provides certain employees with systems to send and receive electronic mail (e-mail) so they can work more productively. E-mail gives employees a useful way to exchange ideas, share files, and keep in touch with colleagues, whether they are located in the next room, another City building, or thousands of miles away.

The City's e-mail system is a valuable business asset. The messages sent and received on the e-mail system, like memos, purchase orders, letters, or other documents created by employees in the course of their workday, are the property of the City and may constitute public records. This policy explains rules governing the appropriate use of e-mail and sets out the City's rights to access messages on the e-mail system. No expectation of privacy in regards to use of the City's e-mail system should be expected by the employee in any respect related to accessing, transmitting, sorting or communicating information via the system.

1. Organizations affected: This policy applies to all City departments, divisions, offices, boards, commissions, committees, City employees and contracted and consulting resources.
- B. POLICY:** It is the policy of the City to follow this set of procedures for the use of the City's e-mail system.
1. References: Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 - 2711); Wis. Stats. §19.21; Wis. Stats. §947.0125.
- C. PROCEDURES**
1. Access to Employee E-Mail
 - a. Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the City's e-mail system. E-mail messages and files, like other types of correspondence and City documents, can be accessed and read by authorized employees or authorized individuals outside the City. The City reserves the right to monitor, review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system. Information contained in the e-mail system will only be disclosed to the extent permitted by law, for business purposes, or as needed to enforce the policy. Authorized access to employee e-mail by other employees or outside individuals includes, but is not limited to, the following:
 - i. Access by the City Manager's Office during the course of system maintenance or administration;
 - ii. Access approved by the employee, the employee's supervisor, or an officer of the City when there is an urgent business reason to access the employee's mailbox - for example, if an employee is absent from the office and the supervisor has reason to believe that information relevant to the day's business is located in the employee's mailbox;
 - iii. Access approved by the employee's supervisor, the City Manager, or an officer of the City when there is reason to believe the employee is using e-mail in violation of the City's policies;
 - iv. Access approved by the City Manager or the City Attorney in response to the City's receipt of a court order or request from law enforcement officials for disclosure of an employee's e-mail messages.
 - b. Except as otherwise noted herein, e-mail should not be used to communicate sensitive or confidential information. Employees should anticipate that an e-mail message might be disclosed to or read by individuals other than the intended recipient(s), since messages can be easily forwarded to other individuals. In addition, while the City endeavors to maintain the reliability of its e-mail system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.
 - c. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
 - d. Employees should understand that electronic mail is a written form of communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, employees should take care to use the same level of discretion and forethought before executing electronic messages.
 2. Passwords: Each user accesses the e-mail system by means of a personal log-in name and password, which will be selected by the employee and kept on file with the City's IT Specialist.
 - a. Passwords are intended to keep unauthorized individuals from accessing messages stored on the system. From a systems perspective and from the perspective of an e-mail recipient, passwords also establish the identity of the person sending an e-mail message. The failure to keep passwords confidential can allow unauthorized individuals to read, modify, or delete e-mail messages; circulate e-mail forgeries; and download or manipulate files on other systems.
 - b. The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality. (See "Access to Employee E-mail").
 - c. Passwords should never be given out over the phone, included in e-mail messages, posted, or kept within public view.
 - d. Employees are prohibited from disclosing their password, or those of any other employee, to anyone who is not an employee of the City. Employees also should not disclose their password to

other employees, except when required by an urgent business matter (see Section C. 1. a. ii. of this policy).

3. Personal Use

- a. The City allows limited, occasional, or incidental personal use of its e-mail system during lunch, breaks or immediately before or after work, subject to the following conditions and restrictions:
- b. Personal use must not:
 - i. Involve any prohibited activity (see #4 below);
 - ii. Interfere with the productivity of the employee or his or her co-workers;
 - iii. Consume system resources or storage capacity on an ongoing basis; or
 - iv. Involve large file transfers or otherwise deplete system resources available for business purposes.
- c. Employees should not have any expectations of privacy with respect to personal e-mail sent or received on the City's e-mail system. Employees should delete personal messages as soon as they are read or replied to. Employees should not store copies of the personal messages they have sent. Because e-mail is not private, employees should avoid sending personal messages that are sensitive or confidential.

4. Prohibited Activities

- a. Employees are strictly prohibited from sending e-mail or otherwise using the e-mail system in connection with any of the following activities:
 - i. Engaging in personal business or entertainment on City time;
 - ii. Engaging in illegal, fraudulent, or malicious activities;
 - iii. Engaging in the unlawful use of the e-mail system as set forth in Section 947.0125 of the Wisconsin Statutes (Unlawful use of computerized communication systems);
 - iv. Sending or storing offensive, disruptive, obscene, or defamatory material. Materials which are considered offensive include, but are not limited to: any materials which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, race, creed, color, sex, ancestry, religious or political beliefs, marital status, national origin or disability;
 - v. Annoying or harassing other individuals;
 - vi. Using another individual's account or identity without explicit authorization;
 - vii. Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization;
 - viii. Accessing, retrieving or reading any e-mail messages sent to other individuals, without prior authorization from the City Administrator; or
 - ix. Permitting any unauthorized individual to access the City's e-mail system.

5. Confidential Information

- a. All employees are expected and required to protect the City's confidential information. Employees shall not transmit or forward confidential information to outside individuals or companies without the permission of their supervisor and the City's IT Specialist. See #7 Encryption.
- b. The City also requires its employees to use e-mail in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material - for example, software, database files, documentation, or articles using the e-mail system.

6. Record Retention

- a. The same rules which apply to record retention for other City documents apply to e-mail. As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record.
- b. The specific procedures to be followed with respect to the retention of e-mail records is contained in Section 3, E-Mail Record Retention Policy.

7. Encryption: Encrypting e-mail messages or attached files sent, stored, or received on the City's e-mail system is prohibited except where explicitly authorized. Employees are prohibited from using or installing

any encryption software without prior permission from the City's IT Specialist. Employees with a business need to encrypt messages should submit a written request to their supervisor and the City's IT Specialist. When authorized to use encryption by their supervisor and the City's IT Specialist, employees shall use encryption software supplied to them by the City's IT Specialist. Employees who use encryption on e-mail stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the e-mail.

8. E-mail Policy Violations: Employees violating the City's e-mail policy are subject to discipline, up to and including termination. Employees using the e-mail system for defamatory, illegal, or fraudulent purposes and employees who break into unauthorized areas of the City's computer system also are subject to civil liability and criminal prosecution.

III. E-MAIL RECORD RETENTION POLICY

A. PURPOSE: The purpose of this policy is to emphasize that certain types of e-mail as defined in Wis. Stats. §19.32(2) are public records. The same rules which apply to record retention and disclosure for other City documents apply to such records.

1. Organizations affected: This policy applies to all of the City of Monona, including its departments, divisions, offices, boards, commissions, committees, City employees and contracted and consulting resources.

B. POLICY: It is the policy of the City to follow this set of procedures for e-mail record retention.

1. References: Wis. Stats. §§16.612, 19.21 et. seq., 19.32 and 19.33.

C. PROCEDURES

1. Nature of E-Mail Records: As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record. See Wis. Stats. §19.32(2) for definition of a record.
2. Components of an E-Mail Record: The e-mail record is defined to include the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the message was received by the sender is also considered to be part of the record.
3. Saving and Indexing E-Mail Records: Initially the custodian (that officer, department head, division head, or employee of the City who keeps or is in possession of an e-mail) bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensuring the record is properly indexed and forwarded for retention as a public record. E-mail which is subject to records retention must be saved and should be indexed so that it is linked to the related records in other media (for example, paper) so that a complete record can be accessed when needed. E-mail records to be retained shall be archived to an archivable media, network drive or printed out and saved in the appropriate file. Any officer, department head, division head, or employee of the City may request assistance from the Legal Custodian of records (the City Clerk or the Clerk's designee, except that the Chief of Police is Legal Custodian of Police Department records) in determining whether an e-mail is a public record.
4. Responsibilities for E-Mail Records Management
 - a. Legal Custodian. E-mail records of a City authority having custody of records shall be maintained by the designated Legal Custodian, pursuant to City policy.
 - b. Information Services Manager. If e-mail is maintained in an on-line data base, it is the responsibility of the City's IT Specialist to provide technical support for the Legal Custodian as needed. When equipment is updated, the City's IT Specialist shall ensure that the ability to reproduce e-mail in a readable form is maintained. The City's IT Specialist shall assure that e-mail programs are properly set up to archive e-mail.
5. Public Access to E-Mail Records: If a Department receives a request for release of an e-mail public record, the Legal Custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the City Attorney, if necessary. As with other records, access to or electronic copies of disclosable records shall be provided within a reasonable time.
6. Violation: Employees violating this policy are subject to discipline up to and including dismissal. In addition, violations of this policy may be referred for civil and/or criminal prosecution, where appropriate.

I. PURPOSE

The purpose of this policy is 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, regulations and procedures contained in Title 49 C.F.R. and the Drug Free Workplace Act of 1988.

II. POLICY

The City of Monona is committed to protecting the safety, health and well being 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.

The contact for any questions regarding this policy is the City Administrator.

A. Prohibited Conduct for all City Employees

1. As required by the Drug Free Workplace Act, all City employees are strictly prohibited from using, possessing, manufacturing, distributing, or dispensing controlled substances while on City property or operating City equipment or vehicles.
2. City 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.
3. City 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.

B. 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 **5** calendar days after such conviction. Appropriate action, which may consist of discipline up to and including termination, will be taken within 30 days of notification. Federal contracting agencies will be notified when appropriate.

C. Prohibited Conduct for Commercial Motor Vehicle Operators: Pursuant to Federal Regulations (49 C.F.R. 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:

1. Reporting for or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
2. Using alcohol while performing (*defined as "anytime the employee is actually performing, ready to perform or immediately available to perform"*) safety-sensitive functions;
3. Using alcohol during the hours the employee is on call;
4. Performing safety-sensitive functions within four (4) hours after using alcohol;
5. Using alcohol within eight (8) hours following an accident, if the employee is required to take a post-accident alcohol test;
6. 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;
7. 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;
8. 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.
9. A *"safety-sensitive"* function means any of the following on-duty functions:
 - a. All time waiting to be dispatched;

- b. All time inspecting, servicing or conditioning any commercial motor vehicle;
 - c. All driving time, i.e. all time spent at the driving controls of a commercial motor vehicle in operation;
 - d. All time, other than driving time, in or upon any commercial motor vehicle;
 - e. 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;
 - f. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.
- D. Prevention and Rehabilitation:** 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. Help is available through the City's EAP Program. For more details on this program, employees should call Meriter/NewStart Employee Assistance Services at (608) 417-6293 and indicate that he/she wants to talk to an EAP specialist, and that he/she is covered by the City of Monona EAP. Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of parts 40 and 382, provided that:
- 1. The employee does not self-identify in order to avoid drug or alcohol testing;
 - 2. The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function.
- E. Drug and Alcohol Testing:** Participation in the City's Drug and Alcohol Testing Program is a requirement of each employee performing safety-sensitive functions, and therefore, is a condition of employment.
- 1. Testing Records: The City, upon the employee's written consent, will obtain the following information from the DOT-regulated employers during the **two (2)** 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). The employee will not be allowed to perform safety-sensitive functions until the employee documents successful completion of the return-to-duty process.
 - d. Every DOT-regulated employer from which information is requested 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 (3) years from the date of the employee's first safety-sensitive duty performance.
 - e. 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.
 - 2. Testing Conditions
 - a. 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.

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.

Under DOT regulations, the employee will not be permitted to perform safety-sensitive functions until: (1) an alcohol test is administered and the alcohol concentration measures less than 0.02; or (2) 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.

If an alcohol test is not administered within two (2) 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 (8) 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.

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.

- 1.) Upon the employee's removal from the job site, the supervisor should contact the department head. If contact cannot be made at that time, the supervisor should proceed to the next step of this procedure and make contact with the department head as soon thereafter as possible.
- 2.) 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.
- 3.) If the alcohol test is conducted more than two (2) hours, but less than eight (8) 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.
- 4.) 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 his/her own car home at that time. The employee may have a family member or a friend pick him/her up, or the supervisor may take the employee home.
- 5.) 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.
- 6.) 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 to determine the appropriate course of action to be taken.
- 7.) 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.
- 8.) 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.

- b. Pre-Employment Testing for Controlled Substances: Any individual not currently employed by the City who is applying for a safety-sensitive position or any City employee who is currently not performing safety-sensitive functions but will be moving to a safety-sensitive position shall undergo testing for controlled substances prior to performing safety-sensitive functions. 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 a controlled substance test is not required if the employee has participated in a controlled substances testing program within the previous 30 days:

- **AND** was tested for controlled substances within the past 6 months (*from the date of application with the City*);
- **OR** participated in the random controlled substances testing program for the previous 12 months (*from the date of application with the City*);
- **AND** the City ensures that no prior employer of the individual has records of a controlled substances violation within the previous 6 months.

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: (1) Name(s) and address(es) of the program(s); (2) Verification of the employee's participation in the program(s); (3) Verification that the program(s) conform(s) to part 40 of this title; (4) Verification that the employee is qualified under these rules, including that the employee has not refused to be tested for controlled substances; (5) The date the employee was last tested for controlled substances; (6) The results of any tests taken within the previous 6 months and any other violations of controlled substance testing; (7) 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.

- c. Post-Accident Testing: As soon as practicable following an accident involving a commercial motor vehicle, the City of Monona 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 OR (b) one or more vehicles incur disabling damage and require towing.

The alcohol test must be administered as soon as possible, but no later than eight (8) hours following the accident, and the drug test must be administered within thirty-two (32) hours of the accident.

If the alcohol test is not administered within two (2) 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 (8) hours or if the drug test is not administered within thirty-two (32) 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).

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City of Monona 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.

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.

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.

- d. Random Testing: Random drug and alcohol testing may be performed anytime an 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. An employee shall only be tested for alcohol during, just before or just after the performance of safety sensitive functions.

The minimum annual percentage rate, as established by the Federal Motor Carrier Safety Administration (FMCSA), for random testing of employees in safety sensitive positions shall be: (1) 10% for alcohol testing; (2) 50% for controlled substance testing. The testing rates may be adjusted based on analysis of positive drug and alcohol violations rates for the entire industry, as reported annually.

If an employee tests positive for alcohol or controlled substances, the employee will be subject to disciplinary action, up to and including discharge.

- e. Return-to-Duty/Follow-Up Testing: An employee is required to undergo an alcohol and/or drug test prior to returning to duty that requires the performance of a safety-sensitive function, following a violation of this policy and evaluation by a substance abuse professional (SAP). A second SAP evaluation cannot be sought by the City or the employee (40.295), and no one has the authority, with the exception of the SAP who made the initial evaluation, to change the evaluation (40.297). The results of the test must indicate an alcohol concentration of less than 0.02 and/or a negative result for drug use. The City is responsible for deciding whether the employee is returned to duty (not the SAP or MRO) (40.305).

Following successful compliance with a recommendation for education and/or treatment, the employee must submit to the follow-up testing plan established by the SAP, which shall be provided to the DER (40.307(b)). The testing plan will include at a minimum that the employee be subject to six (6) unannounced follow-up tests in the first 12 months of returning to duty requiring performance of a safety sensitive function. Follow-up tests may also be performed during the 48 months of safety-sensitive duty following this first 12-month period, as determined by the SAP. The City may not impose additional testing requirements that go beyond the SAP's follow-up testing plan, and other tests may not be substituted for this testing requirement (i.e. random). A cancelled test does not count as a completed test and must be recollected. The requirements of the follow-up testing plan must remain with the employee through any break in service or subsequent employment.

The City must carry out the SAP's follow up testing requirements, and must ensure that the tests are unannounced with no pattern to their timing, and that the employee is given no advance notice (40.309).

Follow-up testing is separate from and in addition to the regular random testing program. Employees who are subject to the follow-up testing must also remain in the standard random pool and must be tested whenever they are selected, even if this means being tested twice in the same day, week or month.

F. Test Refusal. The following behavior constitutes a test refusal for drugs and alcohol (382.107):

1. Failure to appear for the test in the time frame specified by the City, with the exception of pre-employment.
2. 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.
3. 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.
4. Failure to provide a sufficient volume of urine or breath without a valid medical explanation for the failure.
5. 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.
6. Failure to cooperate with any part of the testing process.
7. Failure to permit the observation or monitoring of specimen donation when so required.

8. Failure to take a second test required by the City or collector.

9. A drug test result that is verified by the MRO as adulterated or substituted (applicable to drug test only).

G. Testing Procedures. The alcohol and controlled substance testing procedures will comply with 49 CFR Part 40 as amended and 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 G-1.

H. Stand-Down. Stand-down is the practice of temporarily removing an employee from safety-sensitive duties after a confirmed positive, adulterated or substituted laboratory test, prior to the MRO's verification of the test result. This practice is prohibited unless the City obtains a waiver from the appropriate D.O.T. agency.

If a stand-down occurs the reason for its occurrence, as well as the confirmed positive, adulterated or substituted test result will remain confidential. The City will begin the verification process of the confirmed test as soon as the employee is stood down and shall not exceed five (5) days, unless deemed necessary by the MRO. Any employee subject to stand-down will be treated fairly and will continue to be paid during the stand-down period, which shall only affect the employee's performance of safety-sensitive duties. If the test is verified by the MRO to be negative or is cancelled, the employee will be immediately returned to safety-sensitive duties and will not suffer any adverse personnel or financial consequence. The City will only maintain a record regarding the negative or cancelled test, the results of the confirmed laboratory positive will be destroyed.

A waiver must include the following information: (1) why the stand-down is necessary for safety in the City and the basis for the request, including safety problems or incidents that could have been prevented if a stand-down procedure had been in place; (2) the number of confirmed and verified laboratory positive, adulterated and substituted test results for all applicable employees over the previous two years; (3) information about the work situation of the employees subject to stand-down, including: the size or organization of the unit(s) in which the employees work, process by which employees will be informed of the stand-down, whether there is an in-house MRO and whether the City has a stand-down policy for situations other than drug and alcohol testing; (4) which D.O.T. agencies regulate the City; (5) the stand-down policy for the City.

Note: The practice of stand-down is not applicable for a reasonable suspicion or post-accident test.

I. Employee Notification (382.411)

1. 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.

2. The DER 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 driver.

3. The DER shall immediately notify the MRO that the individual has been notified to contact the MRO within 72 hours.

J. 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 discipline, up to and including discharge. If a confirmation drug test is positive or alcohol test measures 0.04 or greater, the City is required to:

1. Remove the employee from the safety-sensitive position. If the removal is the result of a positive drug test, the removal will only take place after the employee has been allowed to meet or speak with the MRO in order to determine that the positive drug test did not result from the authorized use of a controlled substance.

2. Prior to the employee's return to the safety-sensitive function:

a. The employee will be referred to the City's EAP for assessment of an alcohol problem and a determination of whether participation in a treatment program is necessary OR for assessment and subsequent compliance with a recommended rehabilitation program after determination that a drug problem exists;

b. Obtain verification from a substance abuse professional that the employee has complied with any required rehabilitation or treatment program;

c. Evaluation by a substance abuse professional or MRO and determination to be fit to return to work prior to their release of the employee;

- d. Retest to verify a negative result on a drug test or that the employee's alcohol concentration is below 0.02.
3. Follow-up drug testing to monitor the employee's continued abstinence from drug use will be required if evaluation of the employee determined a need for rehabilitation.
4. The employee will subsequently be given at least six random alcohol tests during the next year with the possibility of follow-up testing for up to 48 months. If the confirmation test level is between 0.02 and 0.039 percent, the employee will be removed from the safety-sensitive position for a minimum of 24 hours following administration of the test.

In the event that an employee is required to comply with breath or saliva testing as a result of a law enforcement investigation, the employee must submit to the examination. The test will be considered enforceable for purposes of this policy, if the testing officer is a qualified BAT and the EBT that was used for the test has been certified by the State of Wisconsin or a local law enforcement agency.

K. 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*).

L. 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 Department. 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 non-prescription medication contains alcohol.

A legally prescribed drug is one 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.

M. 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. 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 Medical Review Officer (MRO) used to conduct testing under this policy will maintain the confidentiality of employee test records.

The Medical Review Officer (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. 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 (3) attempts over a 24-hour period. The MRO will disclose information related to a verified positive drug or alcohol test of an individual to the City. 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.

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.

N. Record Retention, MIS Reporting and Public Interest Exclusion (PIE)

Records will be maintained on test results, the testing process, return-to-duty process, and employee training. For a more detailed discussion on record retention, MIS reporting and Public Interest Exclusion (PIE), refer to Appendix G-2.

III. Definitions

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.

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.

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.

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.

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.

Alcohol Screening Test: An analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

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.

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).

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.

Confirmation Validity Test: A second test performed on a urine specimen to further support a validity test result.

Confirmed Drug Test: A confirmation test result received by an MRO from a laboratory.

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.

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.

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.

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.

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.

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).

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.

Initial Validity Test: The first test used to determine if a specimen is adulterated, diluted, or substituted.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Screening Test Technician (STT): A person who instructs and assists employees in the alcohol testing process and operates an ASD.

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.

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.

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.

Substituted Specimen: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

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.

Verified Negative (drug test result): A drug test reviewed by an MRO and determined to have no evidence of prohibited drug use.

Verified Positive (drug test result): A drug test result reviewed by an MRO and determined to have evidence of prohibited drug use.

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.

APPENDIX I-1: DRUG AND ALCOHOL TESTING PROCEDURES

The City will use a drug and alcohol collection site that meets the standards established in 49 C.F.R 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.

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.

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.

1. 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).
2. 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).
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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 time frame designated 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.

11. 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.

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 (DHHS). 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.

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 time frame designated 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 Part 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 (DHHS) 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.

APPENDIX I-2: Record Retention, MIS Reporting & Public Interest Exclusion (PIE)

Records will be maintained on test results, the testing process, return-to-duty process, and employee training. All drug and alcohol test records must be kept in a secure location with controlled access, and maintained separate from personnel and medical records.

1. Retention Period: The following records must be maintained for the indicated time periods:

- a. Indefinite Period: Records related to the training and education of supervisors and employees, for the period the individual performs the function requiring training and for two years after ceasing to perform those functions.
- b. Five (5) Years: (1) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater; (2) Records of driver verified positive controlled substances test results; (3) Documentation of refusals to take required alcohol and/or controlled substances tests; (4) Driver evaluation and referrals; (5) Calibration documentation; (6) Records related to that administration of the alcohol and controlled substances testing programs; (7) A copy of each annual calendar year summary required by 49 CFR Part 382.403.
- c. Two (2) Years: (1) Records related to the collection process (excluding EBT calibration).
- d. One (1) Year: (1) Alcohol test results of less than 0.02; (2) Records of negative and canceled drug test results.

2. Types of Records to be maintained:

- a. Records related to the collection process: (1) collection logbooks (if used); (2) documents related to the random selection process; (3) calibration documentation for evidential breath testing devices; (4) documentation of breath alcohol technician training; (5) documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests; (6) documents generated in connection with decision on post-accident tests; (7) documents verifying existence of a medical explanation of the inability of an employee to provide adequate breath or urine specimen for testing; (8) consolidated annual calendar year summaries.
- b. Records related to the employee's test results: (1) the City's copy of the alcohol test form, including the results; (2) the City's copy of the controlled substances test chain of custody and control form; (3) documents sent by the MRO to the City; (4) documents related to the refusal of any employee to submit to an alcohol or controlled substances test; (5) documents presented by an employee to dispute the result of an alcohol or controlled substances test administered; (6) documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the City must obtain.
- c. Records related to evaluations: (1) records pertaining to a determination by a substance abuse professional concerning an employee's need for assistance and the employee's compliance with the recommendation.
- d. Records related to education and training: (1) materials on alcohol misuse and controlled substance abuse use awareness, including a copy of the City's policy; (2) documentation of the policy, including the employee's signed receipt of education materials; (3) documentation of training provided to supervisors for the purpose of qualifying them to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; (4) documentation of the training for breath alcohol technicians and certification that any training conducted complies with the requirements for such training.
- e. Administrative records related to testing: (1) agreement with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third party service providers; (2) names and positions of officials and their role in the City's alcohol and controlled substances testing programs(s); (3) semi-annual laboratory statistical summaries of urinalysis; (4) the City's alcohol and controlled substances testing policy and procedures.
- f. Location of records: All required records shall be maintained and made available for inspection at the City within two business days after a request has been made by an authorized representative of The Federal Motor Carrier Safety Administration.

3. Reporting of results in a management information system (MIS).

- a. Detailed summary: Each calendar year summary that contains information on a verified positive controlled substances test result, an alcohol screening test result of 0.02 or greater, or any other violation of the alcohol misuse provisions shall include the following informational elements: (1) number of employees subject to the regulations; (2) number of employees subject to testing under the alcohol misuse or controlled substances use

rules of more than one DOT agency, identified by each agency; (3) number of urine specimens collected by type of test (i.e. pre-employment, random, reasonable suspicion, post-accident); (4) number of positives and negatives verified by an MRO by type of test, and type of controlled substance; (5) number of persons denied a position following a pre-employment verified positive controlled substances test and/or a pre-employment alcohol test that indicates an alcohol concentration of 0.04 or greater; (6) number of employees with tests verified positive by a MRO for multiple controlled substances; (7) number of employees who refused to submit to a required alcohol or controlled substances test, including those who submitted substituted or adulterated specimens; (8) number of supervisors who have received required alcohol and controlled substances training during the reporting period; (9) number of screening alcohol tests, confirmation alcohol tests, confirmation alcohol tests indicating an alcohol concentration of 0.02 or greater but less than 0.04, and confirmation alcohol tests indicating an alcohol concentration of 0.04 or greater, all by type of test; (10) number of employees who were returned to duty (having complied with the recommendations of a substance abuse professional) during this reporting period, who previously had a verified positive controlled substance test result or engaged in prohibited alcohol misuse; (11) number of employees who were administered alcohol and drug tests at the same time, with both a verified positive drug test result and a 0.04 or greater alcohol test result and number of employees who were found to have violated any non-testing prohibitions and any action taken in response to the violation.

- b. Short Summary: The City's annual calendar year summary that contains only negative controlled substance test results, alcohol screening test results of less than 0.02, and does not contain any other violations may prepare a detailed summary containing all of the information specified above, or an "EZ" report that includes the following elements: (1) number of employees subject to this part; (2) number of employees subject to testing under the alcohol misuse or controlled substance use rules of more than one DOT agency, identified by each agency; (3) number of urine specimens collected by type of test (i.e. pre-employment, random, reasonable suspicion, post-accident); (4) number of negatives verified by a MRO by type of test; (5) number of employees who refused to submit to a required alcohol or controlled substances test, including those who submitted substituted or adulterated specimens; (6) number of supervisors who have received required alcohol and controlled substances training during the reporting period; (7) number of screen alcohol tests by type of test; (8) number of employee who were returned to duty (having complied with the recommendations of a substance abuse professional who previously had a verified positive controlled substance test result or engaged in prohibited alcohol misuse).
- c. A City that is subject to more than one DOT agency alcohol or controlled substances rules shall identify each employee covered by the regulations of more than one DOT agency. The identification will be by the total number of covered functions. Prior to conducting any alcohol or controlled substances test on an employee subject to these rules, the City shall determine which DOT agency rule(s) authorizes or requires the test, and direct the results to the appropriate agency.
- d. A C/TPA may prepare annual calendar year summaries and reports on behalf of the City to comply with this requirement. However, each City shall sign and submit such a report and shall remain responsible for the accuracy and timeliness of each report prepared on their behalf.

4. Facilities and Records Access

- a. Except as required by law or in this section, the City shall not release employee information contained in records required to be maintained by this policy.
- b. An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to their tests. The City shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.
- c. The City shall permit access to all facilities utilized in complying with the drug and alcohol testing requirements to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City or any employees.
- d. The City will make available copies of all results for alcohol and/or controlled substances testing conducted and any other information pertaining to the City's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City or any employees.

- e. When requested by the National Transportation Safety Board as part of an accident investigation, The City shall disclose information related to the administration of the post-accident alcohol and/or controlled substance test administered following the accident under investigation.
- f. Records shall be made available to a subsequent employer upon receipt of a written request from an employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's request.
- g. The City may disclose information required to be maintained pertaining to an employee to the decision made in a lawsuit, grievance or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) to (including, but not limited to) a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee. Additionally, the City may disclose information in criminal or civil actions in accordance with 49 CFR Part 40.323(a)(2).
- h. The City shall release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent.

5. Public Interest Exclusion (PIE)

- a. In order to ensure that the City conducts business with only responsible service agents (i.e. laboratory, MRO, SAP), the DOT allows the drug and alcohol program manager or his/her designee ("initiating official") to request a PIE proceeding. The decision to start a proceeding is reliant on credible information from any source that the service agent is not in compliance with DOT regulations regarding drug and alcohol testing. Prior to the proceeding, the service agent must be given the opportunity to correct the problem. It is the responsibility of the individual initiating the PIE to contact the service agent to ascertain if there is any information that may affect the decision to send a correction notice. Once initial contact is completed and no influential information is obtained, the service agent must be sent a correction notice. The correction notice must identify the specific areas the service agent must come into compliance with in order to avoid being subject to a PIE proceeding. A PIE proceeding does not have to take place if the service agent corrects any deficiencies within 60 days of receiving the correction notice.

If the matter is not corrected, the initiating official starts a PIE proceeding by sending the service agent a "notice of proposed exclusion (NOPE)", which includes the following information: (1) a statement recommending that the DOT issue the service agent a PIE; (2) the factual basis as to why the service agent is not providing drug and/or alcohol testing services in compliance with DOT regulations; (3) the factual basis as to why the service agent's non compliance has not or cannot be corrected; (4) the initiating official's recommendation for the scope and duration of the PIE; (5) a statement that the service agent may contest the issuance of the PIE. A copy of the NOPE must be sent to the ODAPC Director, at the same time it is sent to the service agent.

The decision on issuance of a PIE resides with the ODAPC Director or his/her designee. Therefore, the director will not be involved in the initiating official's determination about whether to start a PIE proceeding, and is prohibited from having any discussion, contact or exchange of information with the initiating official, with the exception of anything that is part of a record of the proceeding.

As initiating a PIE, the initiating official is responsible for the burden of proof, and must demonstrate that the service agent was in serious noncompliance with the DOT drug and alcohol testing requirements.

- b. Notification of a PIE: The DOT maintains a document called the "List of Excluded Drug and Alcohol Service Agents", which may be requested from the ODAPC or obtained at <http://www.dot.gov/ost/dapc>. The organization's name and address, as well as other persons or organizations to whom the PIE applies and information about the scope and duration of the PIE is listed. The information is removed when the service agent ceases to be subject to a PIE. The DOT also published a Federal Register notice to inform the public on any occasion on which a service agent is added to or taken off the List.

The City is deemed to have notice of the issuance of a PIE when it appears on the DOT's List or the Federal Register Notice. These sources should be checked to ensure that all service agents utilized by the City are not subject to a PIE.

The service agent who is subject to a PIE is obligated to notify each DOT regulated employer clients, in writing, about the issuance, scope, duration and effect of the PIE. The notice must also offer to immediately transfer all records pertaining to the City and its employees to the City or another service agent designated by the City.

The City must stop using the services of the service agent to whom a PIE has been issued (or any contractor or affiliate of the service agent to whom the PIE applies) no later than 90 days after the DOT published the decision in the Federal Register or posted it on its web site. A 30 day extension may be applied for if a substitute service agent cannot be found within 90 days. Continuing to use the services of a service agent who is covered by a PIE is in violation of the DOT's regulations and subject to applicable sanctions (i.e. civil penalties, withholding of Federal financial assistance).

This appendix applies specifically to employees of the Department of Public Works (DPW) and defines specific department policies as allowed in Chapter 5 of this manual. For any policies not specifically listed in this appendix, DPW staff should refer to the general policies for all City employees as defined in this manual.

SECTION A: SCHEDULED HOURS

- Scheduled work hours for hourly DPW staff are 7:00 a.m.–3:30 p.m., Monday through Friday.
- Staff will receive one (1) 20- minute break at or about 9:00 a.m. each day. When possible, this break should be taken on the job site; taking the morning break at the public works facility is allowed; however, any travel time to and from the public works facility shall be included in the break time.
- Staff will receive a 30-minute, unpaid lunch break each day at 12:00 p.m.

SECTION B: OVERTIME AND COMPENSATORY (COMP) TIME

Full-time Public Works employees shall be eligible for overtime pay at the rate of time and one-half for all hours worked in excess of eight (8) hours in a day and forty (40) hours in a given workweek. In lieu of overtime pay, employees may choose the option to earn compensatory time (comp time), at time and one-half for all hours worked in excess of 8 hours in a day and 40 hours in a given workweek. For purposes of computing overtime and compensatory time, vacation, holidays, and sick leave shall be considered as time worked. With regard to comp time, the following shall apply:

- No more than 40 hours of comp time may be accumulated in any calendar year.
- Employees must schedule comp time off with their supervisor in the same way they schedule paid leave time. Supervisors may deny requests for comp time off if staffing needs will be compromised.
- Comp time cannot be used in the month of December unless scheduled prior to November 1. Employees who have unscheduled comp time on November 1 will receive pay for those hours on their November 30 paychecks.

SECTION C: SHIFT DIFFERENTIAL

A shift premium of forty cents (\$0.40) per hour shall be added to all regular work performed between the hours of 3:30 p.m. and 7:00 a.m. which is not already paid at the overtime rate.

SECTION D: CALL-IN COMPENSATION

Employees who are called back to work or are called in for emergencies or other circumstances will be paid for two (2) hours work or for the actual number of hours worked, whichever is greater, at the overtime rate. Any work required after the first two (2) hours shall be paid in quarter-hour increments.

- Extension of a shift at the end of the employee's normal work day does not constitute call-in. Emergency call-ins requested while the employee is already on duty or on normal weekend rounds do not constitute a call-in, as the employee is already considered working.
- Call-in compensation does not apply to scheduled overtime (including weekend duty). Scheduled overtime is considered planned overtime discussed before the end of the current workday.

SECTION E: ON-CALL-DUTY

All Utility Division employees who are eligible for overtime will be required to participate in the year-round weekly on-call rotation. The call rotation will change every Friday afternoon at 3:30 p.m. Each employee on standby shall be paid the sum of \$100 for his/her week of on-call duty. Street Division employees will not participate in the on-call duty at this time; however, this requirement may be implemented at any time with the approval of the Administrator based on need and budgeted funds.

While on call, the employee must not travel outside a 45-minute response time from the public works facility at 851 Femrite Drive in order to ensure timely response. Should the on-call employee have personal obligations that require

him/her to be outside of a 45-minute distance, he/she shall arrange to have another qualified Utility Department employee cover any call-in duties. The Utility Foreman and Dispatch shall be notified of any changes. Under no circumstances shall an evening, weekend, or holiday go uncovered.

The Utility on-call employee will be required to take the laptop computer home each night during his/her rotation. If the operator is required to respond to after-hours alarm emergencies using SCADA, the employee will be reimbursed in 15-minute increments at a rate of time and one half. Alarm history will be reviewed.

Each Utility Division employee will be issued a City-provided cell phone and must carry the cell phone at all times during the work day and while on-call duty. Utility employees are also encouraged, but not required, to carry the City-provided cell phone after hours when not on call, should the on-call employee need to call for assistance in an emergency. Standby requirements are:

- 3:30 p.m. to 7:00 a.m. Monday through Friday
- 3:30 p.m. Friday to 7:00 a.m. the following Monday
- all City-recognized holidays

Whenever an employee on standby is called to respond to an emergency, he/she may call in another qualified Utility Division employee to assist if he/she is unable to handle the emergency alone. If he/she is unable to make contact with another Utility Division employee, he/she may call in an employee from the Streets Divisions for assistance. Before additional call-in occurs, the responding employee should determine if repairs can wait until the next working day to avoid unnecessary overtime requests.

SECTION F: WEEKEND DUTY

All Utility Division employees who are eligible for overtime are required to participate in the year-round water and sewer system weekend duty rotation, typically consisting of two (2) hours each Saturday, Sunday and City holiday. Employees are free to choose their work start time; however, all duties must be completed by 10:00 a.m. Weekend duty is scheduled overtime and, as such, is not available for call-in pay.

Streets Division employees will not participate in the weekend duty rotation at this time; however, this requirement may be implemented at any time with the approval of the Administrator based on needs and budgeted funds.

SECTION G: COMMERCIAL DRIVER'S LICENSE

A Wisconsin Commercial Drivers License (CDL) is required for all DPW employees (Utility Division and Streets Division). DPW employees are subject to all of the requirements of Appendix I of the Monona Personnel Policy Manual – Drug and Alcohol Free Workplace Policy. All DPW employees will also be required to participate in the WisDOT random drug testing program.

The City will reimburse the employee for the renewal of the CDL portion of the employees' driver's license only. The City will not reimburse the employee for classifications not required by the City. Proof is required for reimbursement.

SECTION H: UNIFORM POLICY

Every DPW employee who is eligible for overtime will be required to wear the appropriate uniform and will receive an allocation of \$320 each year for uniform expenses. The required uniform is a blue-colored shirt with Monona lettering. Shirts may be buttoned and collared with long or short sleeves, t-shirts, or properly hemmed sleeveless t-shirts. Color may be light or dark blue. Alternately, a fluorescent shirt with Monona lettering may be worn. All uniform shirts are eligible for reimbursement through the employee's clothing allocation. Other items eligible for reimbursement through the employee's clothing allocation include:

- steel tip shoes
- cold weather gloves
- coveralls and pants
- protective weather gear
- jackets with Monona lettering (jackets must have Monona lettering in order to be eligible for reimbursement)

- fluorescent shirts and jackets (the City will provide fluorescent safety vests at no cost to the employee)
- All clothing must be in good condition; severely worn clothing or clothing with holes shall not be worn.

SECTION I: CONTINUING EDUCATION

All Utility Division employees, including the Director of Public Works, will be required to obtain the appropriate Department of Natural Resources (DNR) operator certification. Certifications required for the water distribution system are subclass G- Groundwater and subclass D- Distribution. Certifications required to operate the sanitary sewer collection system include "Basic" with subclass SS, for satellite collection systems (as proposed by the DNR beginning 2015).

The City will pay the expenses related to continuing education credits not to exceed the required 18 credits in a three-year period. The Director of Public Works may grant approval to attend additional seminars or conferences that are relevant and beneficial to the City. All attendance at seminars and conferences must be approved by the Director of Public Works.

The City will pay the expenses related to the DNR certification testing only if it is for a required subclass. If an employee desires additional subclasses beyond the required subclasses, such expenses will be paid by the employee.

This appendix applies specifically to Buildings and Grounds employees and defines specific department policies as allowed in Chapter 5 of this manual. For any policies not specifically listed in this appendix, staff should refer to the general policies for all City employees as defined in this manual.

SECTION A: SCHEDULED HOURS

Normal work hours for Buildings and Ground staff are:

- Shift 1: 7:00 a.m.–3:30 p.m.
- Shift 2: 2:00 p.m.–10:30 p.m.

Temporary variations in the scheduled hours may be authorized by the Department Manager in order to accommodate City or employee needs.

The seven-day work period shall begin on Sunday and end on Saturday of each week, and employees shall rotate weekend duty. Employees may only switch shifts with another employee if the switch will occur within the same 7-day work period.

SECTION B: OVERTIME AND COMPENSATORY (COMP) TIME

Buildings and Grounds staff shall be eligible for overtime pay at the rate of time and one-half for all hours worked in excess of eight (8) hours in a day and forty (40) hours in a given workweek. In lieu of overtime pay, employees may choose the option to earn compensatory time (comp time), at time and one-half for all hours worked in excess of 8 hours in a day and 40 hours in a given workweek. For purposes of computing overtime and compensatory time, vacation, holidays, and sick leave shall be considered as time worked. With regard to comp time, the following shall apply:

- No more than 40 hours of comp time may be accumulated in any calendar year.
- Employees must schedule comp time off with their supervisor in the same way they schedule paid leave time. Supervisors may deny requests for comp time off if staffing needs will be compromised.
- Comp time cannot be used in the month of December unless scheduled prior to November 1. Employees who have unscheduled comp time on November 1 will receive pay for those hours on their November 30 paychecks.

SECTION C: SHIFT DIFFERENTIAL

A shift premium of fifty cents (\$0.50) per hour shall be added to all regular work performed between the hours of 3:00 p.m. and 7:00 a.m. which is not already paid at the overtime rate. A shift premium of \$0.50 per hour will also be added for all work performed on Sundays.

SECTION H: CLOTHING ALLOWANCE

Each Buildings and Grounds employee will receive an allocation of \$250 each year for work-related clothing. The preferred uniform is a blue-colored shirt with Monona lettering. Shirts may be buttoned and collared with long or short sleeves, t-shirts, or properly hemmed sleeveless t-shirts. Color may be light or dark blue. All uniform shirts are eligible for reimbursement through the employee's clothing allocation. Other items eligible for reimbursement through the employee's clothing allocation include:

- shoes and boots
- protective weather gear, including jackets, cold weather gloves, hats, and rainwear
- coveralls and pants

INDEX

alcohol, use of.....	5	Electronic Communication & Information Systems Policy	
amendments, to this manual.....	48	Appendix H	74
Americans with Disabilities Act Title 1 Policy		Electronic Communication and Information Systems	3
Appendix D.....	56	employee assistance program.....	34
anniversary date	2	EMTs	8
Appendix A		equal opportunity employer.....	2
City Organizational Chart.....	49	exit interviews	28
Appendix B		family & medical leave	
Family & Medical Leave Policy.....	50	policy.....	50
Appendix C		use of	32
Sick Leave Conversion Plan	54	floating holidays	33
Appendix D		full-time employment.....	8
Americans with Disabilities Act Title 1 Policy	56	fundraising.....	29
Appendix E		funeral leave	32
COBRA Policy	60	gifts and gratuities, acceptance of.....	29
Appendix F		grievance procedure.....	22
Anti-Harassment & Retaliation Policy.....	63	grooming	3
Appendix G		harassment	43
Workplace Violence Policy.....	68	Harassment & Retaliation Policy	
Appendix H		Appendix F	63
Electronic Communication and Information Systems		health insurance	
Policy.....	74	COBRA continuation	60
Appendix I		continuation after layoff.....	16
Drug & Alcohol-Free Workplace Policy.....	80	continuation after retirement or termination.....	19
Appendix J		during family & medical leave	32, 51
Department of Public Works	97	enrolling in	30
Appendix K		opting out of.....	31
Buildings and Grounds.....	100	sick leave conversion for health insurance.....	32, 54
background check.....	4	health insurance opt out	31
bereavement leave	32	holidays.....	33
breaks	12	hours, normal scheduled	12
buildings and grounds.....	100	ICMA deferred compensation program.....	31
call-back pay	13	inclement weather policy	3
canine unit, use of city vehicle.....	39	in-service training	27
city administrator, duties.....	7	insurance	
City Council, duties	7	automobile	5
COBRA Policy		dental.....	31
Appendix E	60	disability.....	30
commercial driver's license (CDL).....	98	health.....	30
compensatory (comp) time		life	30
for FLSA-exempt employees	12	vision.....	31
for non-FLSA-exempt employees.....	12	internships.....	9
conferences	26	jury duty.....	38
conflict of interest.....	29	layoff.....	16
continuing education	26	recall from	16
conventions	26	leave of absence	36
deferred compensation	31	life insurance	30
demotion	10	lunch breaks.....	12
department managers, duties	7	military leave	36
disability insurance	30	nepotism.....	29
disability leave	32	new employee orientation	27
disciplinary policy.....	17	opt out, health insurance	19
dismissal.....	17	organizational chart.....	49
dress code.....	3	outside employment	5
Drug & Alcohol-Free Workplace Policy		overtime	12
Appendix I.....	80		

part-time		for part-time employees.....	32
conversion to	16	use for family & medical leave	51
definition of	8	when converting to part-time	16
vacation benefits for part-time employees	33	Sick Leave Conversion Plan	
pay periods	13	Appendix C.....	54
paychecks.....	13	smoking	5
performance evaluations.....	21	supervisors, duties of.....	7
personnel files	24	suspension	17
physical examination, pre-employment	3	temporary employment	9
police sergeants.....	45	termination from employment.....	19
probation period.....	9	training and development	26
promotion	10	transfer	10
psychological examination.....	4	unclassified positions.....	9
public works department.....	97	unemployment compensation	31
records management.....	24	uniforms /uniform allowance	3
recruitment.....	14	for public works employees.....	98
reimbursement	46	for buildings and grounds employees	100
hotels	5	vacation	
meals & lodging	5	and leave of absence	36
mileage & car rental	4	during disability leave.....	32
parking	5	during layoff.....	16
travel expenses	4	during probation.....	9
tuition	26	during unpaid leave	37
residency requirements.....	4	earning vacation	33
resignation	19	for part-time employees.....	33
retirement		payout upon retirement	19
benefits payout upon retirement	19	payout upon separation	19, 33
health insurance continuation after retirement.....	19	use for family & medical leave	51
sick leave conversion upon retirement.....	54	using and carrying over	33
safety	44	when converting to part-time	16
salary plan.....	10	vehicles, use of city vehicles.....	39
seasonal positions.....	9	Violence in the Workplace Policy	
sexual harassment	See harassment	Appendix G	68
shift premium/shift differential	13	violence, in the workplace.....	43
sick leave		volunteer firefighters.....	8
and leave of absence	36	warnings	17
converting upon retirement	19, 32, 54	weather, inclement weather policy.....	3
during disability leave	32	Wisconsin Retirement System	
during layoff.....	16	disability annuity.....	36
during probation.....	9	participation in.....	30
during unpaid leave	37	workers compensation	31
earning and using sick leave	31		