

CITY OF KENOSHA



PERSONNEL POLICIES AND REGULATIONS

For Non-Represented Employees
of the City of Kenosha

Effective Date: July 1, 2014

**CITY OF KENOSHA
PERSONNEL POLICIES AND REGULATIONS
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CITY OF KENOSHA

PERSONNEL POLICIES AND REGULATIONS

The policies, regulations and procedures contained in this document has been developed to give employees general information about employment with the City of Kenosha (herein known as the “City”), including what is expected of employees and what employees can expect from the City as an employer. The City is a municipal employer as defined by Wisconsin State Statute §111.70. It is the responsibility of each City employee in every job to meet the expectations of the citizens of Kenosha. Our mission is to provide prompt, courteous, and high quality services to the people we serve.

I. DEFINITIONS

A. Appointment

To select or designate an applicant or current City employee to fill a position that is listed as a permanent position in the City’s Table of Organization, as approved during the City’s budget process by the Common Council.

B. Business Days

Business days shall be considered Monday through Friday, with the exception of those days that the Municipal Building is closed for business or to the public.

C. City of Kenosha

The City is a municipal employer as defined by Wisconsin State Statute §111.70. The term “the City”, when used in these policies and regulations, is intended to mean the City as the employer.

D. Civil Service System

The City operates under a Civil Service System which ensures that employment decisions are based on the relative ability, knowledge and skills of the individual, and that applicants and employees receive fair and impartial treatment. The Civil Service Commission is a quasi-judicial board appointed by the Mayor. The Civil Service Commission hears and decides appeals made by City employees under the protection of the established Civil Service Rules and Regulations (herein known as the “Civil Service Rules” or “Rules”). The Rules, Regulations and By-Laws of the Civil Service Commission were promulgated in pursuance of Article 4, Section 3 of City Charter Ordinance No. 29, as amended, for the purpose of establishing a system of personnel administration based on the merit principle that meets the social, economic and program needs of the people of the City.

E. Classification Plan

The classification plan provides an orderly inventory and appraisal of City positions so that the following may be obtained: equality of pay for positions on the basis of substantially similar duties, responsibility or work difficulty; proper pay differences between positions which differ materially in duties and responsibilities; improved recruiting through appropriate definitions of positions and the establishment of reasonable standards for entrance to or promotion within the classified service; and, the orderly control of personnel status changes affecting employees while employed by the City, such as transfers, promotions, demotions, leaves of absence, dismissals and other personnel status changes.

F. Compensation Plan

The compensation plan is a schedule of salaries and wages for all City positions. The compensation plan provides an orderly and fair means for compensating employees on the basis of the work that they perform and how well they do it. The compensation plan provides the

minimum and maximum rate for each position, otherwise known as “steps”. Changes to the compensation plan are submitted to and approved by the Common Council.

G. Domestic Partnership

The City extends certain benefits to eligible employees who are in a registered domestic partnership as defined by Wisconsin State Statute §770.05. The City must receive a certified copy of the declaration of domestic partnership in order to provide these benefits.

H. Employer

The City is a municipal employer as defined by Wisconsin State Statute §111.70. The term “the City”, when used in these policies and regulations, is intended to mean the City as the employer.

I. Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage; overtime pay eligibility, recordkeeping and child labor standards affecting full-time and part-time workers in the private sector and in federal, state and local governments. The City determines which employees are considered “covered employees” according to the provisions of the FLSA based on salary level, salary basis and job duties and further classifies each employee as exempt or non-exempt from overtime pay.

J. Just Cause

The City must have a reason (“cause”) for imposing employee discipline and the reason must be fair (“just”). The City must prove specific wrongdoing and apply a penalty (“progressive discipline”) that is appropriate, although the City may immediately terminate employment in extreme cases, or when there is a violation of law or safety concerns. Employees may be dismissed, demoted or suspended for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in the Civil Service Commission By-Laws.

K. Non-Represented Employee

A non-represented employee is an employee whose job classification is not represented by an organized labor organization (Union).

L. Pay Rate or Step

A pay rate or “step” is the assigned salary or hourly compensation paid to employees is based on their job classification as set by the City’s classification plan.

M. Probation

The appointment to a full-time or part-time permanently budgeted position is considered a probationary appointment subject to the satisfaction of the required probationary period. The probationary period shall be regarded as an integral part of the examination process, and shall be utilized for dismissing any employee who does not meet the required standards of performance. Probationary periods for managerial and professional positions are twelve (12) months or one (1) year, and six (6) months for all other positions.

N. Regular Full-Time Employee

A regular full-time employee is a permanent employee who works a regular schedule, as determined by the City, and typically works forty (40) or more hours per work week.

O. Regular Part-Time Employee

A regular part-time employee is a permanent employee who works a regular schedule as determined by the City and typically works, on average, less than twenty-nine (29) hours per work week, but under no circumstances will exceed 1,500 hours per year.

P. Retired Employee

A retired employee (retiree) is an individual who has left City employment and drawn an immediate retirement annuity under the provisions of the Wisconsin Retirement System (WRS).

Q. Step Increase

A step increase is the advancement of an employee to the next higher step in his or her classification based on the wage/salary schedule as set by the City's approved compensation plan.

R. Temporary Employee

A temporary employee is hired to fill a temporary position, the need for which may be reasonably anticipated and is likely to recur periodically each year or within shorter time periods, but under no circumstances will exceed 1,500 hours per year. Temporary employees may also be referred to as seasonal employees.

II. AUTHORIZATION & SCOPE

A. Authorization

These policies and regulations provide City employees with a common reference to the basic information that governs their employment. The authority to enforce the provisions set forth in these policies and regulations rests with the City.

B. Scope

These policies and regulations apply to positions and employees covered by the Civil Service System Ordinance (Charter Ordinance No. 29) as described in Article II of that Ordinance, as amended, which exempts employees of the Kenosha Public Library, Kenosha Police Department and Kenosha Fire Department. These policies and regulations follow the Rules and Regulations of the Civil Service Commission, which were promulgated to ensure that employment decisions are based on the relative ability, knowledge and skills of the employee, and that all individuals receive fair and impartial treatment.

C. Compliance

The City expects all employees to demonstrate professional, competent and reasonable behavior, and to continually serve, both on duty and off-duty, as positive examples of the high-quality personnel affiliated with this organization and consistent with the high expectations of the public. Failure to comply with these policies and regulations can undermine these objectives, and the trust and confidence that the public, businesses, employees and officers of the City must have in that employee.

D. Conflicting Policies

Employees are required to follow these policies and regulations as well as any applicable department policies, regulations or procedures which may vary from those cited in this document. Each City department may have policies and procedures that supplement the information provided in these policies and regulations. These policies and regulations will control to the extent that the policies and regulations are in conflict with department policies. In the event of a conflict between these policies and any collective bargaining agreement, state or federal law, or

City ordinance or resolution, the terms and conditions of that agreement or law shall prevail. These policies and regulations do not grant any additional benefits over and above any labor contract, law, ordinance or resolution.

E. Violations

Violations of these policies and regulations may subject an employee to discipline up to and including termination of employment.

F. Amendments and Distribution

The City reserves the right to revise, supplement or rescind policies from time to time as it deems appropriate, with or without notice. Employees will be notified of such changes as they occur. Employees should maintain a current copy of this manual and become familiar with its contents. Employees shall be required to individually acknowledge receipt of a copy of this manual by signing and dating the Acknowledgment of Receipt form found at the end of this manual.

III. MANAGEMENT RIGHTS

Under Wisconsin law, the City is given broad authority to manage its operations and functions. This authority or “rights” include, but are not limited to the following:

- Prescribing and administering rules and regulations essential to accomplishing the services desired by the Mayor, the Common Council and City management;
- Managing and supervising all employees;
- Hiring, promoting, transferring, assigning and retaining employees;
- Taking disciplinary action such as suspension, demotion, termination or any other disciplinary action deemed appropriate by the City;
- Maintaining the efficiency and economy of operations entrusted to the City Administration;
- Determining the methods, means and personnel by which such operations are to be conducted; and,
- Establishing the kinds and amounts of services to be performed and the employees to perform those services.

Any rights or authority that may be limited by State and/or federal law is referenced within these policies and regulations.

IV. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY

The City is committed to a policy to provide equal employment opportunity for all persons. All employment decisions are made without regard to race, color, age, sex, creed, religion, national origin, ancestry, marital status, pregnancy, handicap or disability, sexual orientation or gender identity, military service, arrest record, use or non-use of a lawful product, or any other characteristic protected by state or federal law. The City’s Equal Employment Opportunity/Affirmative Action (EEO/AA) policy applies to all employment decisions, including recruitment, selection, hiring, training, promotions, transfers, appraisals, pay, benefits, discipline, separation, City activities and other terms and conditions of employment. Anyone who believes that he or she or any other employee of the City has been the victim of discrimination should contact the Human Resources Department immediately. Please refer to the City’s EEO/AA Policy for information.

V. AMERICANS WITH DISABILITIES ACT (ADA) TITLE I POLICY

It is the policy of the City to increase equal employment opportunities to disabled individuals. In accordance with the Americans with Disabilities Act (ADA) of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008 and the Wisconsin Fair Employment Act, the City 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 is committed to providing accommodations for eligible employees, citizens and/or applicants with documented disabilities.

A. Application Process

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 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 to ensure that all applicants have accessibility to all phases of the selection 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. 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. Procedures for Employees

Employees who believe they need a reasonable accommodation to perform an essential function of their job should make that request through their supervisor, department head, or the Human Resources Department (or City representative). 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 request with appropriate supporting documentation to the City Representative for consideration. A request for reasonable accommodation may be oral or written. If the request is oral, the City Representative shall begin the "interactive process".

All requests for accommodation shall be responded to in a timely fashion, after the City representative has engaged in the “interactive process” with the employee requesting accommodation. Supervisors are encouraged to request assistance from the Human Resources 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.

Documentation of the request for accommodation and the response by the City Representative should be forwarded to the employee and shall be kept in a confidential file separate from personnel and/or medical files.

E. Complaint Procedure

Anyone who believes he or she has been discriminated against in employment or application for employment on the basis of disability may file a complaint through the Human Resources Department or through the City’s Harassment Ordinance (Section 1.29 of the Code of General Ordinances). A formal complaint may also be filed with the Wisconsin Equal Rights Division of the Department of Workforce Development and/or the federal Equal Employment Opportunity Commission.

F. Definitions

1. City Representative – A city representative is the supervisor, department head or the Human Resources Department representative of the current employee or potential applicant.
2. Qualified Individual with a Disability (Under the ADA of 1990) – Employment discrimination is prohibited under the ADA of 1990 against “qualified individuals with disabilities”. This includes applicants for employment and current employees. An individual is considered to have a "disability" if they have a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. People discriminated against because they have a known association or relationships with an individual with a disability are also protected. Wisconsin law further defines a “disabled” individual in three ways: 1) as a person who has a physical or mental impairment that makes achievement unusually difficult or limits the capacity to work; or, 2) has a record of such an impairment; or, 3) is perceived as having such impairment.
3. Direct Threat to Health and Safety – A direct threat is a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
4. Essential Job Functions – Essential job functions are 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 employees are hired for their expertise in the area. Other factors that may be considered in determining whether a function is essential are: the amount of time employees spend performing the function, the consequences if the employees were not required to perform the function, the work experience of previous employees who held the job, and the work experience of employees in similar jobs.

5. 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.
6. 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).
7. Reasonable Accommodation – The 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.
8. Undue Hardship – Undue hardship is action(s) that are considered excessively costly, extensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business.

VI. EMPLOYMENT PRACTICES

Employment with the City is based on a civil service system that hires, retains and promotes individuals based on their qualifications and ability to perform the job. Non-represented City employees are covered by the Civil Service Rules, which ensure that employment decisions are based on the relative ability, knowledge and skills of the employee and that all individuals receive fair and impartial treatment.

The City retains the right to hire, promote, transfer and retain employees who fit the needs and culture of the City. Recruitment will be directed to sources that are likely to yield the most qualified candidates. In order to maintain the efficiency and economy of City operations, the City will determine the methods, means and workforce needed in order to effectively deliver services to the public while being closely guided by the Civil Service Rules.

A. Classification Plan

All City positions are arranged by classes and occupational groups using a classification plan. No person shall be appointed to or employed in a position under a title not included in the classification plan. Classified positions may be filled from an eligibility list, by transfer or demotion of a current employee, or as otherwise provided for under the Civil Service Rules.

B. Employment Categories

1. Regular Full-Time Employee

A regular full-time employee is a permanent employee who works a regular schedule, as determined by the City, and typically works forty (40) or more hours per workweek.

2. Regular Part-Time Employee

A regular part-time employee is a permanent employee who works a regular schedule as determined by the City, and typically works, on average, less than twenty-nine (29) hours per workweek, but under no circumstances will exceed 1,500 hours per year.

3. Temporary Employee

A temporary employee is hired to fill a temporary position, the need for which may be reasonably anticipated and is likely to recur periodically each year or within shorter periods, but under no circumstances will exceed 1,500 hours per year.

C. Notice of Vacancy

When vacancies occur, City employees who believe they possess the required education, knowledge, skills and abilities required of the position are encouraged to apply. Vacancies will be posted and/or distributed electronically to all City departments and to the general public when applicable. Such notices shall specify the title and salary range of the position, essential and general job functions, required qualifications including education and/or licensing, notice of examinations and testing date(s), if any, the closing date for submitting applications, and any other pertinent information about the vacancy. All applications for employment shall be made using the methods and time frames prescribed by the City. The City may extend the closing date for accepting applications at its discretion.

D. Background and Reference Checks

The City believes that hiring qualified individuals to fill positions contributes to the overall success of the City. Reference and background checks serve as an important part of the selection process. This type of information is collected through the application and examination process as a means of promoting a safer and more productive work environment for employees. This information helps determine the applicant's overall employability and future conduct/performance, ensuring the protection of current and future employees, citizens, property and information of the City.

The City will perform a thorough reference check prior to making an offer of employment unless otherwise specified by federal or State law. No offer of employment will be given unless the City obtains sufficient and satisfactory references. The type of information that can be collected includes, but is not limited to, that pertaining to an individual's past employment, education, motor vehicle driver license and driving record, etc. This process is conducted to verify the accuracy of the information provided by the applicant and to determine suitability for employment, continued employment or appointment. The City is granted a release to obtain this information through the online application process.

1. Verification of Submitted Application Information

The City may obtain references, verify and investigate the information provided by an applicant to confirm and supplement information on a resume or application for employment unless otherwise specified by the applicant during the application process. Additionally, the City may seek confirmation of background data (such as dates of employment, salary, position and duties, education, and professional licenses) and competency with respect to certain job-related skills (such as dependability, judgment and initiative).

2. Restrictions

Reference checks will be conducted in compliance with anti-discrimination laws. Therefore, inquiry about an applicant's race, color, sex (including pregnancy and sexual harassment), national origin, age, disability, religious observance or practice, ancestry, creed, handicap, marital status, arrest record, conviction record, sexual orientation, military service, use or non-use of lawful products off the employer's premises during non-working hours, unfair honesty testing, genetic testing or any other protected class under federal, state or local law is expressly prohibited. Information obtained as part of the reference and background check process will be used as part of the pre-employment process and will be kept strictly

confidential. Any employee who has authority to conduct a reference check should forward all pertinent documentation to the Human Resources Department for placement in the personnel or applicant file.

3. Criminal Record

Applicants are required to respond to questions regarding conviction of any violations of law on their application for employment. The City will make inquiries regarding criminal records during the pre-employment stage. Conviction history information may not be used against candidates for employment, unless the conviction or pending criminal charge substantially relates to the duties of the position applied for and is consistent with business necessity. The City utilizes local and national law enforcement and court records to obtain criminal background information.

4. Pre-Employment Drug Testing

The City determines which job classifications require pre-employment drug testing and retains the right to test applicants once an offer of employment has been made. An offer of employment may be withdrawn if verified tests results are positive for controlled substances. The City shall notify applicants of the test results (including which controlled substance(s) were verified as positive) if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application.

5. Physical Examination

Certain City classifications require pre-employment, annual or periodic physical examinations to verify that applicants and/or employees meet all required standards of the classification. Pre-placement physicals are completed post-offer. The City may also request a current employee to submit to a "fitness for duty" examination to verify if the employee is able to perform the essential job functions of their position.

6. Motor Vehicle Driving Record Review

Prior to an offer of employment, transfer, or promotion, the City may review the licensing status and motor vehicle record (MVR) of the applicant or employee against a specific set of screening criteria (to evaluate if the record is acceptable) and/or whether the candidate meets the minimum licensing requirements for the position if driving is an essential job function.

7. Commercial Driver License (CDL)

Employees who drive a commercial motor vehicle (CMV) or perform safety sensitive functions for the City (as defined by Federal Motor Carrier Safety Administration (FMCSA)/Department of Transportation (DOT) regulations) are required to possess a valid commercial driver license (CDL) as a condition of employment and must comply with all Wisconsin Department of Motor Vehicles (DMV) and federal DOT standards, as well as the City's Drug and Alcohol Free Workplace Policy, which requires mandatory participation in the drug and alcohol testing program.

8. Providing References for Employees

All inquiries regarding a current or former City employee must be referred to the Human Resources Department, including telephone and written requests. The City will provide title(s), date(s) of employment and pay rate(s) upon request. The City requires a signed release of information from the individual in order to release any other information (eligibility for rehire, etc.).

9. Disqualification from Employment or Appointment

The City may reject the application or remove from an eligible list any person who:

- a. Does not meet the minimum qualifications set forth in the classification specification;
- b. Has established an unsatisfactory employment or personnel record as evidenced by background and reference check(s);
- c. Has made a false statement of any material fact or practiced deception or fraud in his or her application, examination or medical history;
- d. Is unable to discharge the duties and responsibilities of the position;
- e. Has failed to report for an examination at the time and place specified;
- f. Has failed to report in response to an official notice including notice to report for employment interview;
- g. Has used or attempted to use personal or political influence to further his or her eligibility for appointment;
- h. Is barred from employment pursuant to Rule V of the Civil Service Rules;
- i. Resides outside the residency area specified in the classification and allowed by State law or labor agreement;
- j. Has been certified and rejected three (3) or more times by the same department (e.g., an applicant with a lower score on the examination was appointed); or,
- k. For any other reason not inconsistent with the intent of the Civil Service Rules.

Decisions made by the City pursuant to this section are not subject to the Grievance Procedure but may be appealed to the Civil Service Commission as provided in the By-Laws of the Civil Service Rules.

E. Examinations

The City retains the right to administer examinations in order to determine qualifications and aptitudes for vacancies. Unless otherwise specified by a labor agreement, the City will follow the Civil Service examination process.

1. Open-Competitive Examination

An open competitive examination can be taken by any person who meets the minimum qualifications of the vacancy.

2. Non-Competitive Examination

Classifications for which competitive testing is not required due to the knowledge, skills and abilities associated with the position. These qualifications may be of a scientific, managerial or professional level.

3. Unassembled Examination

The City may hold unassembled examinations when there are not enough applicants in sufficient numbers to justify holding assembled competitive examinations. The Director of Human Resources may authorize unassembled examinations, to be given at such times as applicants are available and until City needs are met.

4. Promotional Examination

Promotional examinations are limited to current City employees. Such examinations are customarily restricted to employees serving in lower, related classifications and possessing the qualifications for the class for which the examination is being conducted. However, the Director of Human Resources may, in his or her discretion, accept applications from employees with the necessary qualifications regardless of their current class titles, and may

require additional training, education and/or experience for any employee to achieve eligibility.

F. Eligible Lists

Appointment to City positions shall be made through the certification of names from an eligibility list as qualified through the Civil Service examination process. The Director of Human Resources will establish and maintain such eligible lists for the various classes of positions as he or she deems necessary to meet the needs of the City.

1. Employment Lists

Employment lists contain the names and final scores of applicants who attained the minimum passing score on an entrance examination. The duration of an employment list will be determined by the Director of Human Resources for any period up to one (1) year, based upon his or her estimate of the needs of the City, the qualifications of those on the list, and the cost of conducting examinations for the classification. The duration of an employment list may be extended by the Director of Human Resources.

2. Promotional Lists

Promotional lists shall contain the names and final scores of eligible applicants who attained the minimum passing score on a promotional examination. Promotional lists are limited to persons already permanently employed by the City. Duration of a promotional list will be determined by the Director of Human Resources for any specific period up to one (1) year but may be extended at his or her request.

3. Re-Employment Lists

Re-employment lists shall contain the names of former permanent City employees who were separated from City service due to a layoff. Names will be listed in inverse order of their layoff and each name shall remain on the list for one (1) year unless recalled to City employment within the year. Employees in probationary status at the time of layoff are not entitled to have their names placed on a re-employment list, but instead shall have their names restored to the top of the appropriate eligible list for a period of one (1) year from the date of layoff. The City may utilize a re-employment list to fill a vacancy that is not filled by transfer, promotion or exceptional appointment, as provided under Rule VIII of the Civil Service Rules.

4. Reinstatement to Eligible List

A former employee with permanent status, who was separated from the City in good standing may, within one (1) year following this separation, be reinstated to the eligible list for the class in which he or she had served. Such requests shall be made in writing and are subject to the recommendation of his or her department head and approval of the City. If approved, the employee will remain on this list for one (1) year.

G. Promotion, Demotion, Transfer or Reclassification

1. Promotion

A promotion is the movement of a permanent City employee from one classification to a different classification having a higher maximum salary.

2. Demotion

A demotion is the movement of an employee from a position in one classification to a position in a different classification having a lower maximum salary. All demotions must be

based on the recommendation of the department head and with the approval of the Director of Human Resources. Employees may be demoted to a position for which they are qualified and able to discharge the duties of the position for any of the following reasons:

- a. When an employee would otherwise be laid off because his or her position is being abolished or because of the return to work from an authorized leave of another employee to such position in accordance with City leave regulations;
- b. When an employee voluntarily requests demotion for any valid reason approved by the Director of Human Resources. Except during a promotional probationary period, no employee has a right to a voluntary demotion; there must be a vacancy in an appropriate lower class to which the employee may be demoted without displacing a current employee;
- c. When an employee is demoted for disciplinary reasons, misconduct, inefficiency or incompetence; or,
- d. When an employee is removed during a new probationary period due to promotion or voluntary transfer.

3. Transfer

A transfer is the movement of an employee from one position to another in the same classification but in a different department; or the movement of an employee from a position in one classification to a position in a different classification having the same maximum salary. An employee may be transferred to another position, for which he or she is qualified, based on the recommendation of the department head and the approval of the Director of Human Resources; or, may voluntarily transfer to another department by application and appointment as prescribed by the Civil Service Rules.

4. Reclassification

When a position in the City service is reclassified to another class at the same level, the incumbent shall be reclassified to the new title. This process is also known as “reallocation” as used in the Civil Service Rules. When a position is reclassified to another class at a higher level, the Director of Human Resources will determine if the incumbent is to be similarly reclassified, or whether a promotional examination shall be held to fill the reclassified position. Reclassification to a lower grade in lieu of disciplinary action is not permitted. Employees who hold the title of Engineering Technician I – IV may be eligible for reclassification to a higher Engineering Technician level based on the needs of the City as provided for under Resolution 126-93.

H. Certification and Appointment

The Director of Human Resources will determine if vacancies will be filled by transfer, demotion, exceptional appointment; or, from an eligible list, and shall certify names to the department head. If the vacancy is not filled by transfer or demotion of a current employee, the department head will then make an appointment from the existing and appropriate eligible list in the following priority and manner: 1) re-employment list; 2) promotional list 3) employment list; and, 4) related eligible list. For purposes of this section, a “related list” is a list resulting from an examination in which the qualifications are sufficiently similar to justify the conclusion the eligible’s are apt to be minimally qualified for the vacancy in question.

1. Probationary Appointment

The appointment of an eligible candidate to a full-time or part-time budgeted position shall be a probationary appointment subject to the completion of a satisfactory probationary period.

2. **Permanent Appointment**
Employment of an eligible candidate in a full-time or part-time budgeted position, after the satisfactory completion of a probationary period, shall be considered a permanent appointment.
3. **Provisional Appointment**
In the absence of an eligibility list, the City may authorize the vacancy to be filled by provisional appointment. Provisional appointments shall be for a period of not more than four (4) months.
4. **Limited-Term Appointment**
A limited-term appointment may be made to fill positions of a seasonal, part-time, temporary, student and/or intern nature and may be utilized by a department in which work loads may fluctuate and require the services of employees on a full-time basis up to but not exceeding seven (7) months duration in any one (1) year, but under no circumstances will exceed 1,500 hour per year; or, for purposes of replacing a regular employee during an authorized leave of absence, for a period not to exceed the duration of such leave; or, for work which is temporary in nature, not exceeding seven (7) months each year.
5. **Engineering Technician Appointment**
Current employees who previously held the title of Engineering Aide or Engineering Technician may be considered for appointment to vacant Engineering Technician I – IV positions in accordance with the qualifications under Resolution 126.93, Civil Service Rules and City policy.

I. Probation Period

1. **New Employee**
The probationary period for new employee is one (1) year unless otherwise specified by the Civil Service Rules. New employees without permanent status may be discharged from City employment during their initial probationary period without the right of appeal to the Civil Service Commission.
2. **Current Employee**
The probationary period for a current employee who is promoted or voluntarily transfers is one (1) year unless otherwise specified by the Civil Service Rules.
3. **Performance Evaluations**
The department head is responsible for submitting periodic performance evaluations during an employee's probationary period. Prior to the completion of the probationary period, the department head will submit a recommendation of acceptance as a permanent employee or termination of employment to the Director of Human Resources. The department head may request an extension of a probationary period with the approval of the Director of Human Resources and/or the City Administrator. This request shall be made in writing and the employee shall be given a copy of this recommendation.
4. **Promotional Probationary Period**
A promotional probationary employee whose performance is deemed unsatisfactory shall have the option of returning to the department and classification held prior to the promotion, if still vacant. In the event their previous position is no longer vacant, the Director of Human Resources shall determine the manner whereby the employee shall be employed by the City,

being closely guided by the Civil Service Rules. The employee shall have the further option of electing to separate from City employment having his or her name retained on the current eligibility list for their former classification for a period not to exceed the length of the eligibility list. An employee in probationary status due to voluntary transfer whose performance is deemed unsatisfactory does not retain the right to return to their former position, nor do they retain the right for a voluntary demotion or to be placed on an eligibility list.

5. Voluntary Demotion

Except during a promotional probationary period, no employee has a right to a voluntary demotion. Employees in promotional probationary status may request a demotion to a lower classification during their new probationary period, but only if there is a vacancy in an appropriate lower classification to which the employee may be demoted without displacing a current employee. The request for a voluntary demotion is made at the discretion of the applicable department head(s) with the approval of the Director of Human Resources and/City Administrator.

J. Performance Appraisal

The continued employment of every employee in the City service shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. The City will utilize a system for the appraisal of employee performance, which will include a provision for consultation between the rater and the employee as part of the appraisal process, in order to rate performance.

The performance appraisal system shall include an overall appraisal of performance representing the judgment of the rater on the employee's total performance during the rating period. The appraisal system may be used for the following purposes:

- To counsel an employee so that he or she has a clear understanding of his or her duties and responsibilities, the work of his or her department, and the objectives toward which he or she must strive.
- To improve an employee's performance by describing his or her strengths and weaknesses, while urging improvement.
- To evaluate an employee for an increase in his or her salary range.
- To be used in promotional examination as one means of evaluating an employee's readiness for advancement. In this regard, the Director of Human Resources may, at his or her discretion, provide a separate system for rating an employee's promotional potential, and may use such a system in lieu of any other rating of performance on the employee's existing work.
- To be used as a step in the process of corrective disciplinary action.
- As a basis for other recommendations which might affect an employee's status or change of status.

Permanent employees may request a copy of their performance appraisal and to discuss it with the supervisor who completed it. Employees do not have the right to modify or change a performance appraisal. Performance appraisals become part of the employee's personnel file and may be considered for any personnel transaction involving that employee.

K. Layoff

In the event that it becomes necessary because of lack of work or funds, or through department reorganization, or if it becomes advisable in the interest of economy to reduce staff, the following procedures shall govern the layoff:

1. Reason for Layoff

The reason for such layoff must be reported in writing to the Director of Human Resources and must stipulate the classifications and number of positions to be affected. The department head will determine, in consultation with the Director of Human Resources, the organization units to be affected, and the number and classifications of employees. This plan will then be submitted to the Common Council for approval.

2. Layoff Procedure

The layoff will be made by laying off the employees in the classes to be affected in the following manner:

- a. Probationary employees, if any, shall be laid off first with the selection of persons for layoff to be made at the discretion of the department head.
- b. Permanent employees shall be laid off second at the discretion of the department head, who shall consider such factors as the quality of performance and length of service in order to maintain a level of service equal to City standards.
- c. Employees who are laid off shall have the option of a demotion to a lower classification in the same department, provided the Director of Human Resources finds that he or she is qualified to perform the duties of such lower class and that no other permanent employee with greater performance ratings and length of service would be laid off as a result of the demotion.
- d. The employee selected for layoff shall have the further option of electing to separate from City employment and having his or her name retained on the layoff (re-employment) list for the classification of his or her former position, for a period not to exceed one (1) year.
- e. The lapse of time between layoff and recall to City employment is considered a break in continuous City employment, and the employee will not accrue leave associated with full-time employment.

3. Notice of Layoff

Employees will be given a minimum of fifteen (15) working days notice of layoff whenever possible. In extraordinary circumstances, the fifteen (15) day period may be waived with the approval of the Director of Human Resources.

4. Recall from Layoff

- a. When vacancies exist, the City may utilize re-employment lists. Such lists contain the names of former permanent employees who were separated from their City position due to a layoff.
- b. The names of such former employees shall be placed on the re-employment list in the inverse order of their layoff and each name shall remain on the list for one (1) year unless recalled to City employment.
- c. Employees recalled from layoff shall have five (5) working days to respond after notice has been sent by certified mail to their last known address on file with the Human Resources Department and five (5) working days to resume work.
- d. The failure of an employee on an active re-employment list to return to City employment upon recall from layoff is considered a voluntary resignation of employment.
- e. Employees in probationary status at the time of layoff are not entitled to have their names placed on the re-employment list, but instead shall have their names restored to the top of the appropriate eligible list for a period of one (1) year from the date of layoff.

L. Service Longevity

Service longevity includes all continuous permanent employment, excluding any leaves of absences allowed by federal or State law. Length of service is used to provide and administer

fringe benefits associated with City employment (See Section X – Leaves). The service longevity of an employee shall be adjusted for any of the following reasons:

- If the employee quits or resigns from City employment;
- If the employee is discharged from City employment; or,
- If the employee retires from City employment and takes an immediate retirement annuity under the provisions of the Wisconsin Retirement System (WRS).

M. Separation from Employment

1. Termination of Employment
 - a. A new employee may be terminated during their probationary period without the right of appeal;
 - b. A permanent employee may be terminated for just cause after completing his or her probationary period.
2. Resignation of Employment
 - a. Employees should give a minimum of two (2) weeks advance notice of their intention to resign from City service to enable the City to make proper provisions for the filling of their position, unless otherwise agreed to by the City;
 - b. Employees who fail to give such proper notice may be considered as having left City employment not in good standing;
 - c. Employees who have resigned in good standing may be reinstated within one (1) year following their resignation at the discretion of the Director of Human Resources and the appointing authority, and as provided for under Rule VII of the Civil Service Rules.
3. Additional Provisions
 - a. The last day paid to an employee is considered his or her termination date for purposes of employee benefits and payroll;
 - b. Pay due to an employee for any accumulated leaves upon termination or separation from City employment is exempt from WRS contributions.

VII. EMPLOYEE DISCIPLINE

A. Disciplinary Policy

The continued employment of every employee shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. A new employee serving in a probationary period may be disciplined or dismissed without right of appeal. A permanent employee may be dismissed, demoted or suspended for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in the Civil Service Commission By-Laws.

B. Causes for Disciplinary Action

The following are among the causes which shall be sufficient for disciplinary action including dismissal, demotion or suspension:

- Absence without leave for three (3) consecutive work days without acceptable explanation may be considered a resignation;
- Unexcused failure to return to work after the expiration of a vacation period, leave of absence, or period for which worker's compensation was paid; or,
- Insubordination.

Additional causes for disciplinary action can be found under Rule XIII of the Civil Service Rules and Regulations.

C. Basic Requirements for Disciplinary Action

In all instances of disciplinary action involving suspension, demotion or dismissal, the following shall be observed:

1. Due Process

The department head that makes the decision to discipline must provide the employee with an opportunity to present his or her side of the story prior to taking the disciplinary action. A brief summary of the employee's statement shall be transmitted by the official to the Director of Human Resources unless the employee's testimony results in dropping all charges.

2. Notice of Disciplinary Action

Notice of dismissal, demotion or suspension must be in writing, addressed to the employee with a copy to the Director of Human Resources. This written notice shall state the causes of the action, the nature of the action, and the effective date. Notice of dismissal must be countersigned by the Director of Human Resources. No disciplinary action can be effective prior to the delivery of the written notice. *Exception: An employee can be suspended and sent home without pay or without a hearing if his or her presence on the job appears unsafe or if his or her actions are disruptive and there is need to remove him or her from the work site. However, the foregoing procedures must be implemented as soon as his or her condition permits; always within three (3) work days unless the employee requests postponement in writing, cannot be located, or is not otherwise available.*

D. Progressive Discipline

The City endorses a policy of progressive discipline in which employees are disciplined fairly and consistently without discrimination, are provided notice of their deficiencies and given an opportunity to improve. Disciplinary action may call for any one of four steps – verbal warning, written warning, suspension (with or without pay), or dismissal from employment – depending on the incident and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of actions taken by an employee may be serious enough to justify either a suspension or dismissal from employment without going through progressive discipline steps. The City reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

1. Informal Disciplinary Action

Informal disciplinary action may include employee counseling, which may be utilized by a supervisor at any time prior to administering formal progressive discipline. Employee counseling typically involves an informal meeting between the employee and supervisor, where the employee is made aware of his or her behavior, work rule violation, etc., and guidance is provided as to how the employee can improve the performance or behavior (corrective action). The goal of counseling is to resolve or correct the problem in an effort to avoid formal disciplinary action. Depending on the seriousness and nature of an employee's performance, behavior or infraction, the supervisor may develop a corrective action plan. The City retains the right, however, to include the use of a corrective action plan in the steps of formal progressive discipline.

2. Verbal Warning

A verbal warning is the first step in the formal disciplinary process. This type of notice occurs when a supervisor orally (or verbally) warns an employee about his or her inappropriate behavior, poor performance, a work rule violation, insubordination, etc. The employee will be provided with a clear explanation of the consequences of the failure to

correct the problem and future expectations. Verbal warnings are documented in writing by the supervisor.

3. **Written Warning**

A written warning may follow a verbal warning for a previous incident, in accordance with progressive discipline, or may be provided without a verbal warning for a serious offense. This written notice shall state the causes of the action, the nature of the action, and the effective date. The employee is provided with a copy of the written warning and the warning is placed in the employee's personnel file.

4. **Termination of Employment**

Termination is the involuntary and permanent dismissal of an employee from City employment and is administered in situations where previous attempts to correct an employee's behavior have failed or the severity of the misconduct justifies the termination. Notice of termination of employment must be countersigned by the Director of Human Resources.

VIII. GRIEVANCE PROCEDURE

This grievance procedure is intended to comply with Wis. Stat. § 66.0509 to address disputes regarding employee discipline, termination and workplace safety violations. Permanent employees of the City may utilize this grievance procedure to appeal disciplinary actions including suspension, demotion or dismissal of employment. This grievance procedure is not available to temporary, seasonal, provisional, specially funded, emergency, limited-term, special project, student intern, federally funded and trainee employees for matters concerning employee discipline and termination, the interpretation or application of the Civil Service System Ordinance, its Rules and Regulations, or any directives, resolutions or ordinances promulgated pursuant to said Ordinance or Rules, except that on matters which under these Rules are appealable to the Civil Service Commission as provided in the Civil Service By-Laws.

This grievance procedure may be utilized by any City employee to resolve workplace safety complaints. Workplace safety includes conditions of employment affecting an employee's physical health and safety of employee, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, training and warning requirements, and accident risk. Only those acts or omissions that involve a violation of state and/federal regulations or laws on health and safety in the workplace will constitute a workplace safety violation. Any grievance filed alleging a workplace safety violation must be personal to the employee filing the grievance; no class actions or complaints on behalf of another may be filed under this procedure. In addition, the affected employee must propose a remedy to correct the alleged workplace safety violation in their written grievance. Any remedy proposed by the Civil Service Commission involving the expenditure of City funds to resolve a workplace safety appeal must be approved by the Common Council of the City of Kenosha.

A. Grievance Procedure

Any questions as to whether or not a particular complaint is a grievance, and how it should be processed, will be resolved by the Director of Human Resources. Complaints which are not grievances in the sense described in this paragraph may be presented to an employee's immediate supervisor for informal resolution. At any other than the first oral discussion with the immediate supervisor, the employee may be represented if he so chooses. If a supervisor finds that he or she does not have the authority to adjust a given grievance, he or she shall forward it to the level possessing this authority of the Civil Service Commission, he or she shall forward it to the

Director of Human Resources in his or her capacity of Secretary to the Civil Service Commission.

1. Step One

An employee who thinks he has a grievance shall first discuss it with his supervisor. This discussion must begin within ten (10) working days after the employee knows of, or should have known of, the incident leading to the grievance. If the problem cannot be adjusted by the supervisor within three (3) working days, the supervisor shall inform the employee of his or her right to file a written grievance, which must be done within three (3) working days, with a copy going to the Human Resources Department. The supervisor, within three (3) working days of receipt of a written grievance, shall provide the employee with a written reply.

2. Step Two

The employee may then appeal to Step Two by sending a copy of the written grievance and the immediate supervisor's reply to the supervisor's supervisor. This must be done within five (5) working days of the receipt of the supervisor's Step One reply. The Step Two official shall provide a written answer within five (5) days.

3. Step Three

If the employee is still not satisfied and wishes to pursue the matter further, he or she shall, within five (5) working days of receipt of the Step Two decision, send copies of the entire correspondence to the head of his or her department, requesting a review. The department head shall make such investigation as necessary and deliver his answer to the employee within ten (10) working days.

4. Step Four

If an employee is still not satisfied and wishes to pursue the matter further, he or she shall within five (5) working days following receipt of the Step Three decision, send copies of the entire correspondence to the Director of Human Resources, who shall meet with the employee and make whatever further investigation he or she deems necessary. If, in accordance with the Civil Service Rules, the matter should be handled by the Civil Service Commission or by some other process, he or she shall direct it accordingly, so that it is properly and promptly resolved. Otherwise, he or she shall make a complete report to the Mayor, or the Mayor's designee, whose decision will be final.

5. Step Five

Unless covered by a collective bargaining agreement grievance procedure, an employee with permanent status may appeal a final grievance determination regarding suspension, demotion or dismissal to the Civil Service Commission (herein known as "the Commission"). Any employee, regardless of employment status, may file an appeal of a grievance determination regarding workplace safety concerns to the Commission. Any remedy proposed by the Commission to resolve a workplace safety appeal involving the expenditure of City funds must be approved by the Common Council. To initiate an appeal to the Commission, the employee shall file a request with the Director of Human Resources within ten (10) calendar days following his or her receipt of written notice of the Step Four grievance decision. The letter of appeal shall indicate why the employee disputes the grievance determination. The appeal process and procedure can be found in the By-Laws of the Civil Service Rules and Regulations.

IX. SALARIES AND WAGES

All hourly employees are paid each week for work performed in the previous work week (Sunday – Saturday). Salaried employees are paid on the 15th and last day of the month.

A. Work Schedule

The City maintains the right to determine, establish or alter the number of shifts, hours of work, work schedules, methods, processes and means and ends by which such work is performed.

Employees are permitted alternative working hours provided that:

- The department head approves the alternate schedule.
- Service to the public during normal workday hours remains unaffected by the alternative schedule.
- The number of hours worked per week by the affected employees remains unchanged.

B. Compensation Plan

The compensation plan is a schedule of salaries and wages for all City positions. The compensation plan provides an orderly and fair means for compensating employees on the basis of the work that they perform and how well they do it. The compensation plan provides the minimum and maximum rate for each position, otherwise known as “steps”. Changes to the compensation plan are submitted to and approved by the Common Council.

1. New Appointees

New appointees appointed to a position in the City’s classified service shall be paid the minimum rate of pay for that class, except that in extraordinary situations the Director of Human Resources with the approval of the City Administrator may authorize an appointment at a rate above the minimum, but not in excess of the maximum. Vacant Engineering Technician positions may be filled at any level (I-IV) based on the needs of the City.

2. Step Progression

Employees upon successful completion of their probationary period shall be advanced to the next step of the classification. Additional step increases shall be provided after each successive twelve (12) months of continuous service until the maximum of the rate for the classification is attained.

3. Salary Rate in Promotion, Transfer, Demotion or Reinstatement

The salary rate (or hourly wage) of a regular employee who is promoted, transferred, demoted or reinstated to City employment shall be determined as follows:

- a. Promotion – Upon promotion, the incumbent's regular base pay shall determine the new rate in the promotional class. The new rate shall be set to (1) allow one step increase above the former rate, or (2) the new rate shall be the entrance rate for the promotional class, and whichever increase is greater shall be applied.
- b. Demotion – When an employee is demoted, his or her compensation shall be reduced to the rate prescribed for the class and/or pay grade to which he or she was demoted. The Director of Human Resources shall determine the specific pay step in the lower class, based upon his or her qualification for the work, his or her record of service with the City, his or her length of service and the reasons for demotion.
- c. Transfer – If an employee is transferred to a different position within the same class, there shall be no change in his or her pay rate. If he or she is transferred to a different class having the same maximum pay, the Director of Human Resources shall determine his or her pay step based upon his or her qualifications for the work, his or her record of service with the City, his or her length of service and the reasons for transfer.

- d. Reinstatement – If an employee is reinstated in the City’s service, the Director of Human Resources shall determine his or her pay step within the approved pay range for the position to which he or she is reinstated, based upon his or her qualification for the work, his or her former record and length of service with the City.

C. Compensation for Overtime

1. Definition of Overtime

Overtime is defined as work performed by an employee after already performing forty (40) hours of actual work within his or her regularly scheduled work week. The City schedules overtime work as required in a manner most advantageous to the City and the public interest. Authorization to work overtime must be obtained in advance unless the employee is assigned as emergency response personnel for his or her department. An overtime record (hard copy or electronic) must be completed and signed by the employee the next regular work day following the period of overtime work performed and submitted to the department head (via the immediate supervisor) for certification and approval.

2. Fair Labor Standards Act (FLSA)

The manner in which City employees are compensated for overtime depends on whether they are considered “covered employees” under the provisions of the Fair Labor Standards Act (FLSA) and if they have been designated by the City as “exempt” or “non-exempt” from the overtime pay provisions of the FLSA. Not all employees are eligible for overtime compensation. Please refer to Subsection E – Special Pay Provisions for exemptions to FLSA overtime pay provisions.

3. Overtime Compensation for Temporary and Regular Part-Time Employees

- a. Temporary employees who work in classifications assigned to the City’s public swimming pools during the operating season do not earn overtime pay. Public pools are considered recreational establishments under Section 13(a)(3)(B) of the FLSA, which exempts work performed in these classifications from overtime pay provisions.
- b. Regular part-time and temporary employees will be compensated at a rate of one and one-half (1½) times their regular, hourly rate of pay for each overtime hour worked over forty (40) in their regularly scheduled work week.

4. Overtime Compensation for Regular Full-Time Non-Exempt Employees

The following overtime compensation provisions will go into effect on January 1, 2015. For purposes of this section, “employee” means a regular full-time non-exempt employee.

- a. Starting on January 1st of each year, employees will first earn compensatory time at a rate of one and one-half (1½) times the actual time worked for each hour worked after forty (40) hours of actual work instead of cash overtime pay. Employees shall earn a maximum of eighty (80) hours of compensatory time from January 1st through December 31st of the current calendar year. Employees who accrue the maximum of eighty (80) hours of compensatory time will then be paid at a rate of one and one-half (1½) times their regular rate of pay for each hour worked after forty (40) hours of actual work. Please refer to Subsection E – Special Pay Provisions for exclusions.
- b. Employees who perform work on a Sunday (unless Sunday is a regularly scheduled work day) shall receive compensatory time at a rate of two (2) times the actual time worked; or, if they have accrued the maximum of eighty (80) hours of compensatory time, will be paid at two (2) times their regular rate of pay for each hour worked on that Sunday. These hours (unless Sunday is a regularly scheduled work day) shall be combined for the

purpose of determining any overtime liability under FLSA for the remainder of the work week. Please refer to Subsection E – Special Pay Provisions for exclusions.

- c. Employees who perform work on an observed City holiday (unless the employee works a 7-day operation) shall receive compensatory time at a rate of two (2) times the actual time worked; or, if they have accrued the maximum of eighty (80) hours of compensatory time, will be paid at two (2) times their regular rate of pay for each hour worked on the holiday. Employees will also receive their regular eight (8) hours of holiday pay unless otherwise ineligible. These hours (unless the employee works a 7-day operation) shall be combined for the purpose of determining any overtime liability under FLSA for the remainder of the work week. Please refer to Subsection E – Special Pay Provisions for exclusions.
 - d. Employees may use compensatory time in multiples of one-half ($\frac{1}{2}$) hour and at such times as approved by their department head and consistent with the needs of the City. The department head has the right to compel an employee to use accrued compensatory time.
 - e. All compensatory time accumulated by a non-exempt employee in the current calendar year shall be used by September 30th of the subsequent calendar year. Any compensatory time not used in the prescribed time period will be paid to the employee at his or her current and regular, hourly base rate of pay.
5. Overtime Compensation for Regular Full-Time Exempt Employees
- The following overtime compensation provisions will go into effect on January 1, 2015. For purposes of this section, “employee” means a regular full-time exempt employee.
- a. Exempt employees perform work that is exempt from the overtime provisions of the FLSA. Overtime pay is not required under FLSA; however, the City allows each department head to elect to provide compensatory time to his or her exempt employees. This determination rests solely with the department head and is dependent upon the needs and budget of his or her department.
 - b. If eligible, starting on January 1st of each year, employees will first earn compensatory time at one and one-half ($1\frac{1}{2}$) times the actual time worked for each hour worked after forty (40) hours of actual work. Employees shall earn a maximum of eighty (80) hours of compensatory time from January 1st through December 31st of the current calendar year.
 - c. Exempt employees may use compensatory time in multiples of one-half ($\frac{1}{2}$) hour and at such times as approved by their department head and consistent with the needs of the City. The department head has the right to compel an employee to use accrued compensatory time.
 - d. All compensatory time accumulated by an exempt employee in the current calendar year shall be used by September 30th of the subsequent calendar year or it will be forfeited.

D. Snow Plowing and Ice Removal Operations

All employees who hold a commercial driver license (CDL) as a condition of employment are required to assist in snow plowing/ice removal operations at the request of the City.

E. Special Pay Provisions

In the event of a conflict between the following pay provisions and any collective bargaining agreement, state or federal law and/or City ordinance or resolution, the terms and conditions of that agreement or law shall prevail.

1. Seasonal Classifications

Employees assigned to work as Seasonal Pool and Beach Supervisor and Athletic Fields Coordinator shall be paid at the rates as provided under the seasonal employee compensation plan. These seasonal rates shall be paid to employees assigned to these classifications only

during the time specified by the City and only while actually performing work in these classifications.

2. Snow Plowing and Ice Removal Operations

Employees who volunteer to work during snow plowing and ice removal operations will be compensated at a rate of one and one-half time (1½) their regular base rate of pay for work performed in this capacity. These hours shall not be combined with the hours worked by the employee in his or her regular job classification for the purpose of determining overtime liability (as excluded under Section 7(p)(2) of the FLSA). ***This overtime compensation provision will go into effect on January 1, 2015.***

Full-time employees who work during snow plowing and ice removal operations shall be paid at the minimum rate for Construction and Maintenance Worker II (CMW II) provided their current rate of pay or salary is below the minimum rate for CMW II. When the employee's rate of pay or salary is above the minimum rate of a CMW II he or she shall be paid at whichever step in the CMW II pay range that is next above his or her current rate of pay or salary, or an additional \$0.20/hour, whichever is greater, provided they work at least one (1) full hour during snow plowing and ice removal operations.

3. Waste Collector Pay

Waste Collectors shall be paid an additional \$.45 per hour when they perform their job duties on a one-person garbage truck. This pay provision does not apply to Waste Collectors who are riding in a one-person truck for training or observation purposes.

4. Attendance Pay for Committee, Commission, Board or Council Meetings

As provided for under Resolution 154-08, regular full-time employees who are required to attend City committee, commission, board or council meetings outside of their regularly scheduled work day will receive a minimum of one (1) hour of compensatory time (or paid overtime if the employee has accrued the maximum eighty (80) hours of compensatory time) at a rate of one and a half (1½) times regardless if the employee performed forty (40) hours of actual work during his or her work week. This minimum one (1) hour guarantee shall not apply when said meeting is contiguous with the employee's regular work day, or starts within thirty (30) minutes following the end of their regularly scheduled work day.

5. Engineering Technician Pay

Engineering Technicians shall be paid at the rate determined by the City as provided under Resolution 126-93.

6. Pay for Court Appearances

The City agrees to pay an employee who have been in the continuous employ of the City for thirty (30) calendar days or more, and who is requested to appear as a witness in any job-related deposition, administrative proceeding or court case by subpoena (no subpoena is required if the request to the employee is made by the City Attorney), during the time he or she is required to be absent from his or her job, his or her straight time rate (excluding shift premiums or overtime) for the actual time necessarily required for such deposition, administrative proceeding or court case, less the compensation paid to the employee as witness fees. This pay provision shall not apply to an employee who appears as a witness in any deposition, administrative proceeding or court case in which the employee, or a family member, has an interest which is adverse to that of the City or its subunits. In these instances, the employee shall appear upon obtaining appropriate approval from her or his supervisor. The department head shall not unreasonably deny a request for such leave.

F. Shift Differential

The City shall pay a second shift differential of \$.50 per hour to all regular full-time hourly employees for time worked during their regularly scheduled shift of 2:00p.m.-9:59a.m. The City shall pay a third shift differential of \$.60 per hour to all regular full-time hourly employees for time worked during their regularly schedule shift of 10:00p.m.-5:59a.m.

G. Worker's Compensation

Employees who are unable to work due to a work-related injury shall receive, in lieu of wages, payment as allowed for under applicable Wisconsin State Statutes.

H. Meal and Break Periods

1. Meal Period

Field employees who work an eight (8) hour day are provided a thirty (30) minute unpaid meal break. Full-time non-field employees are provided a forty (40) minute unpaid meal break. The meal break shall be taken midway through the regularly scheduled work day. The regular eight (8) hour day is paid exclusive of the meal period. The City may require employees to take their meal period at their work site and be responsive to duty during those times, and in such situations the regular eight (8) hour day will be paid for inclusive of the meal period.

2. Wash-Up Period

A ten (10) minute wash-up period will be allotted to each field employee at the completion of his or her work day.

3. Nursing Break

Consistent with the Patient Protection and Affordable Care Act, the City will provide unpaid breaks for an employee who is a nursing mother to express breast milk during her shift. This includes: (1) reasonable break time(s) for one year after the birth of her child each time she has the need to express milk, and (2) the provision of a location, other than a bathroom (unless this location is acceptable to the employee), that is shielded from view and free from intrusion from co-workers and the public, which may be used to express breast milk.

I. Mileage and Travel Time

1. Mileage Reimbursement

In order to receive mileage reimbursement (at the current IRS rate), employees who are assigned job duties requiring the use of a privately owned motor vehicle must submit the City's mileage reimbursement form along with evidence of acceptable insurance coverage to the Finance Department.

2. Travel Time

All required travel time to and from work-related locations during an employee's work day, and as authorized and directed by his or her supervisor, shall be considered time worked.

J. Closing of any City Department or Building

In the event it becomes necessary to close the City's Municipal office building or any other City department due to an emergency situation beyond the control of City management, the Mayor or his or her designee will make every reasonable effort to notify employees of these closings through the media at least one hour prior to the beginning of the shift of the closing of the City offices, in which case, employees will not be paid for the duration of the closing.

In the event it becomes necessary to close the City's Municipal office building or any other City department during the course of the normal business day due to an emergency situation beyond the control of City management, affected employees will be notified of the closing as soon as practically possible and those employees shall be paid for the first half of their shift if they are sent home during the first half of their shift, or shall be paid for the entire day if sent home at any time during the second half of their shift.

If employees wish to receive pay for the day or portion thereof under these provisions, they shall be permitted to use annual leave or compensatory time. They also have the option to take leave without pay.

If the workload in the department permits, and with approval of the department head, employees may "makeup" the time lost by working before or after normal working hours or on Saturday on a straight time basis within the pay period in which the time to be made up was lost. If this option is chosen, a blue "Report of Absence" for showing "leave of absence with pay" shall be submitted to the employer noting that time will be made up. All such requests must be pre-approved by Human Resources to ensure that no inadvertent violations of the Fair Labor Standard Act occur.

X. LEAVES

The leave policies herein are designed to meet the minimum requirements of Wisconsin Statutes, federal or Wisconsin Family or Medical Leave (FMLA) and the Uniformed Service Employment and Reemployment Rights Act (USERRA). The leaves provided to employees in this section are intended to run concurrent with, and not in addition to, any leaves provided under State or federal law.

A. Notice of Absence

Authorized leave is any absence during an employee's regularly scheduled work day that is approved by his or her supervisor or department head. Authorized leave may be granted to an employee in accordance with City policy, procedures and work rules on the basis of work requirements and, whenever practicable, the personal wishes of the employee.

Employees are responsible for ensuring that notification of any unscheduled absence is reported to their immediate supervisor or designee no later than the beginning of their regularly scheduled work day in accordance with department policy, or in the absence of a department policy, no later than the beginning of their regularly scheduled work day in which the absence occurs, unless they are unable to do so and present a reason which is acceptable to their supervisor or department head. Employees must notify their supervisor or designee of their absence, the reason for their absence and their expected date and time of return. Unauthorized absences without proper notification may result in disciplinary action, up to and including termination of employment. Employees requesting the use of sick leave may be required to provide medical verification.

Unexcused absences of three (3) consecutive and regularly scheduled work days without proper notice to the City shall be considered as abandonment of the job and voluntary resignation of employment.

B. Vacation Leave

1. Eligibility

Regular full-time employees who have completed the required number of years of continuous City service shall earn vacation leave for each month in which they work the majority of their

scheduled work days in accordance with the following table based on hire date. For purposes of this section, time paid shall be considered time worked. If an employee's hire date falls on or before the 15th of the month, he or she shall be credited for vacation under the higher vacation accumulation formula for that month. If the employee's hire date falls on or after the 16th day of the month, he or she shall be credited for vacation under the higher formula beginning with the month following the employee's hire date.

Vacation Leave for Full-Time Employees Hired After July 1, 2014

<u>Continuous Years of Service</u>	<u>Days/Hours per Year</u>	<u>How Accumulated</u>
Less than 1 Year	7 days/56 hours	½ day per month except 1 full day for April & August
After 1 Year	12 days/96 hours	1 day per month
After 10 Years	17 days/136 hours	1½ days per month except 1 day for April & August
After 15 Years	18 days/144 hours	1½ days per month
After 18 Years	20 days/160 hours	1½ days per month except 2 days for March, June, September & December
After 25 Years	25 days/200 hours	2 days per month except 2½ days for April & August

For the purposes of this section, “continuous service” shall include: 1) full-time permanent employment including time worked during probationary periods; 2) all authorized leaves of absences with pay; and 3) any authorized leaves allowable under State or federal law. Previous City employment in non-permanent status, such as temporary employment, is not considered continuous service. Continuous service is based on employment records kept by Human Resources. Any record of termination of employment shall be considered a break in continuous service except when the employee is reinstated following a termination or following a suspension without pay for disciplinary reasons. Under these circumstances; the lapse of time during the termination or suspension shall be considered continuous service without accrual of vacation leave.

2. Vacation Leave Accumulation Procedure

On January 1st of each year, eligible employees shall be credited with their full vacation leave accumulation for that calendar year. It is mutually understood and agreed that such accumulation is provided to an employee as advance credit. An employee who is terminated, resigns or retires from City employment during the calendar year shall have his or her vacation accumulation prorated, and shall be liable to pay the City (as a deduction from his or her last paycheck) for any paid vacation leave he or she has used before earning said leave.
3. Use of Vacation Leave
 - a. Vacation leave may be used at such time as may be approved by the department head consistent with the needs of the City.
 - b. It is desirable that each employee take at least one (1) vacation period of seven (7) consecutive calendar days during each calendar year.

- c. Employees shall be allowed to carry-over a maximum of eighty (80) hours of unused vacation leave into the next calendar year. This carry-over must be used by June 30th of the year into which it is carried over or it shall be forfeited without pay.
- d. All vacation leave used shall be charged in multiples of one (1) hour.
- e. Employees are eligible to earn and may use vacation leave during their probationary period.

C. Military Leave

It is the policy of the City to provide leave for eligible employees who are members of the military forces and have been called to active duty or who have been ordered to attend training or encampment under the supervision of the military by reason of membership in the military Reserves or National Guard. Please refer to the Military Leave Policy for policy information and applicable forms.

D. Bereavement Leave

In the event of death in the regular full or part-time employee's immediate family, paid bereavement leave of three (3) regularly scheduled work days taken within two weeks of the death will be allowed. As used in this section, the term "immediate family" shall mean spouse/domestic partner, child/stepchild/foster child, grandchild/step-grandchild, parent/stepparent, parent-in-law, sibling/step-sibling of the employee. In the event of the death of a grandparent, brother-in-law or sister-in-law of the employee, paid funeral leave of one (1) regularly scheduled work day taken within one week of the death will be allowed. Bereavement leave will be in addition to sick and vacation leave and shall not be charged against either. Bereavement leave will take precedence over any previously scheduled time off.

E. Leave for Jury Duty

The employer agrees to pay regular full-time employees who have been in the continuous employ of the City for thirty (30) calendar days or more, and who are required to serve as jurors, during the time they are required to be absent from their jobs, their straight time rate of pay (excluding premiums or overtime) for the actual time required for such jury duty, less the compensation paid them for jury duty. Employees who are released from jury duty prior to the end of their regularly scheduled workday shall report for duty as soon as possible.

F. Sick Leave

1. Eligibility

- a. Regular full-time employees shall earn sick leave at a rate of eight (8) hours for each month of employment during which they work the majority of their scheduled hours.
- b. Community Service Officers (CSO's) earn sick leave at a rate of eight (8) hours per month of employment (except for the month of July for CSO's who work the 4/2 schedule).
- c. Employees may accumulate a maximum of 960 hours (120 days) of sick leave while employed by the City.
- d. Employees are eligible to earn and use sick leave during their probationary period.
- e. For purposes of this section, time paid for shall be considered time worked.

2. Sick Leave Accumulation Procedure

- a. Employees may earn a total of 96 hours (12 days) of sick leave per calendar year. This sick leave is considered the employee's current calendar year accumulation and once earned, may be used by the employee.

- b. At the end of each calendar year, the balance of any unused sick leave from the employee's current calendar year accumulation will remain in their sick leave account "balance" until an overall maximum accumulation of 960 hours (120 days) is reached. Once they have reached the maximum, half (½) of any unused current calendar year accumulation will be placed in the employee's sick leave bank, which is unlimited and separate from the sick leave account balance.
 - c. Sick leave is paid to the employee first from the current calendar year accumulation, second from the sick leave bank, and third from the sick leave account balance of 960 hours (120 days).
3. Use of Sick Leave
- a. Employees who are absent from work due to a health-related condition or injury shall notify his/her immediate supervisor or department head before scheduled to work, or as soon as possible. If an emergency situation exists, the employee should indicate the nature of the situation and the expected length of absence. Employees are expected to keep their supervisor informed of their condition and anticipated return date.
 - b. Employees may request the use sick leave for absences due to their own health-related needs or those of an immediate family member. It is the responsibility of the department head to determine if a request to use sick leave on behalf of an immediate family member is legitimate.
 - c. Employees who are absent from for more than three (3) consecutively scheduled work days may be required provide reasonable evidence to justify an absence from work and use of sick leave, which may include certification from a physician for the absence and to authorize the employee's return to work.
 - d. All sick leave used shall be charged in multiples of one (1) hour.
 - e. The City has the right to compel an employee to use sick leave when, through exposure to illness, the presence of the employee at his/her post of duty would jeopardize the health of themselves or others.
 - f. The eligibility requirements for use of paid sick leave benefits may meet the requirements for federal or Wisconsin family and medical leave and may allow the City to count the amount of paid sick leave used by an employee against any available FMLA entitlement. Please refer to the City's FMLA policy for information.
 - g. Any employee found to have abused his/her sick leave privileges may be subject to disciplinary action. The City may periodically review the amount and pattern of sick leave used by an employee and may counsel the employee on problem areas.
4. Sick Leave Payment upon Death or Retirement
- The City will pay an eligible employee who retires from City employment under the provisions of the WRS, or to the employee's beneficiary upon death, a severance pay equal to fifty (50) percent of the employee's accumulated sick leave account at the employee's final rate of pay, not to exceed a maximum of 528 hours (e.g., ½ of 960 hours = 480 hours + 48 hours, which is half (½) of the current calendar year accumulation).

G. Family and Medical Leave

The City provides family and medical leave to eligible employees in accordance with the federal and Wisconsin FMLA law. The purpose of the FMLA policy is to provide eligible employees with job-protected, unpaid leave due to medical, caretaking or family/parental reasons as required by law. The Military Family Leave Amendment extends the FMLA to provide military exigency leave and caregiver leave.

When an employee's absence due to their own health-related condition qualifies as FMLA leave under state and federal law, the employee will use up his/her entitlement under each law at the same time. Where one law provides a greater benefit than the other, the employee will receive the greater benefit. Entitlements are calculated on a calendar year, January 1st to December 31st for both state and federal purposes. Please refer to the City's FMLA policy for information and applicable forms.

H. Medical Leave of Absence

Regular full and part-time employees who are unable to work due their own health-related condition or injury may request a medical leave of absence. Notwithstanding the provisions of this section, a leave of absence for medical reasons shall not extend for more than one (1) year without review and approval by the City. A medical leave of absence will typically not be granted to employees who have not passed their initial probationary period. This requirement may be waived under emergency circumstances, with the approval of City Administration.

Employees who request a medical leave of absence may be eligible for medical leave under the City's FMLA policy. There may be times when a leave request qualifies for FMLA even though the employee has not specifically applied for FMLA leave. The City has the right to designate such absences as FMLA leave. Employees should refer to the City's FMLA policy for more information on family and medical leave.

1. Request for Medical Leave
 - a. Employees must submit their request for medical leave using the City's *Leave of Absence Request* form to their supervisor or department head at least 48 hours in advance of taking leave.
 - b. The leave request must include a physician's certification indicating the extent of the employee's medical condition and the length of time they will be unable to work.
2. Compensation during Medical Leave
 - a. For purposes of this section, time paid shall be considered time worked.
 - b. Employees are required to use all available paid leave at the commencement of a medical leave of absence.
 - c. Once paid leave is exhausted the employee will be placed in leave without pay status (LWOP).
 - d. Employees on an unpaid leave of absence will not accrue vacation or sick leave and are not eligible for holiday pay.
 - e. Leave without pay for thirty (30) consecutive days or more will cause a delay in the employee's step increase date for the length of the leave.
3. Benefits during Medical Leave
 - a. Employees will continue to receive paid health, dental and group life insurance benefits during a paid medical leave of absence.
 - b. Employees on an unpaid medical leave absence will have their health, dental and group life insurance premiums paid by the City for three (3) months for each period of disability. A new period of disability is established each time the employee returns to work for sixty (60) consecutive calendar days or more. It is understood that each period of disability could be caused by the same illness or injury.
 - c. Employees in LWOP status may elect to continue health, dental and group life insurance coverage for the remainder of his or her unpaid leave provided they pay the full monthly premium(s) for all of the desired coverage to the Finance Department prior to the 10th of each month. Failure to make timely payments will cause cancellation of coverage.

- d. Employees are responsible for the premium payments for any voluntary plans or programs they have elected to continue while on an unpaid medical leave.
 - e. The employee shall not earn any paid time off during an unpaid leave of absence.
4. Return to Work
- a. Employees returning from a medical leave of absence are required to inform the City at least three (3) days in advance of their return, and shall submit a physician's certificate indicating they can resume normal work duties without restrictions. For employees who are able return to work with restrictions, the City will review with the employee possible accommodations under the Americans with Disabilities Act (ADA), if applicable.
 - b. If an employee is unable to return to work on the date originally stipulated, he or she may submit a written request to extend their leave of absence using the City's *Leave of Absence Request* form, which must include updated medical certification substantiating the need for the extension, subject to the approval of the City.
 - c. Notwithstanding the provisions of this section, a leave of absence for medical reasons shall not extend for more than one (1) year without review and approval by the City.
 - d. Failure of the employee to return to work upon the expiration of a medical leave of absence, or an extension is not requested and granted, and the employee has not returned to their position, the employee shall be considered to have voluntarily resigned from City employment with no further right of employment.

I. Personal Leave of Absence

Regular full or part-time employees who have passed their initial probationary period may request a personal leave of absence. Employees must make this request in writing to their department head stating the reason and the length required for leave. Each request is decided on its own merit and is subject to approval by the City. Earned vacation must be used at the commencement of a personal leave of absence, after which the leave is considered unpaid. A personal leave of absence does not guarantee the employee a City position at the end of the leave. Failure to return to work upon expiration of a personal leave shall be considered a voluntary resignation of employment. A personal leave of absence will not be granted to an employee for the purposes of obtaining other employment. Insurance benefits will be provided to an employee on a personal leave of absence in compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA).

J. Sick Leave Donation Program

Employees may voluntarily donate accrued sick leave to be placed in the sick leave account of another employee who has exhausted all of their paid sick leave.

1. Eligibility

Regular full-time employees who have completed their initial probationary period will be considered eligible to participate in this program as either a donor or recipient.

2. Donation Procedure

- a. The donating employee shall complete the *Sick Leave Donation Authorization* form, designating the name of the recipient and the amount of sick leave being donated.
- b. Donations of sick leave are taken from the donor's current sick leave account balance.
- c. Donations must be made in whole hours, with a minimum of four (4) hours per donation.
- d. The City will ask a recipient for their consent to receive sick leave donations prior to applying any donated leave. This consent will serve as authorization and will remain valid until the recipient revokes it or he or she becomes ineligible to participate in the

- program. The City will not inform the recipient of the names of those donating hours or the number of hours donated.
- e. Once a donation has been processed, neither the donor nor the recipient may revoke the transaction, even if it has not yet been paid.
 - f. Donations will be placed in the recipient's sick leave account for immediate use.
 - g. Donated sick leave is considered time worked when used by the recipient.
 - h. Donated sick leave is considered wages and is taxable income to the recipient and will be reported as earnings for purposes of the WRS and taxes.

XI. BENEFITS

A. Wisconsin Retirement System

The City is a participating employer in the Wisconsin Retirement System (WRS). Retirement and its associated benefits are administered by the Department of Employee Trust Funds (ETF). The WRS is a federal Internal Revenue Code §401(a) defined benefit plan. The City and participating employee contribute shares to the employee's account, as set by State law. Information on WRS requirements and eligibility can be found at etf.wi.gov/index.htm or by contacting the Human Resources Department. Employees who do not participate in the WRS are required to contribute to a private retirement plan (FICA Alternative Retirement Plan).

B. Deferred Compensation

All permanent full-time employees are eligible to participate in the deferred compensation programs administered by the City.

C. Group Life Insurance

The City provides group life insurance coverage to eligible employees through the Wisconsin Public Employers Group Life Insurance Program.

1. Eligibility

Employees under the age of seventy (70) are eligible to apply for group life insurance coverage after six months of eligible employment, as determined by the WRS. Eligible employees are required to submit a completed life insurance application to the City upon hire or when they become eligible for coverage. Eligible employees who decline coverage or fail to complete and return the application form within the time limits set by the City may be required to provide the Department of Employee Trust Funds (ETF) with evidence of insurability (at their own expense) in order to obtain coverage at a later date.

2. Coverage Options

- a. The monthly premium for each unit of life insurance coverage is determined by ETF and is based on the amount equal to the employee earnings reported to the WRS for the previous year (or estimated earnings), rounded up to the next thousand (\$1,000). Basic life insurance coverage shall be paid on behalf of an active employee by the City as long as the employee remains in active, paid status.
- b. Employees must be enrolled in the Basic plan in order to be eligible for the Supplemental or Additional plans. Spouse and Dependent coverage is available to insured employees who are married, in a domestic partnership and/or have any qualifying dependents. Employees must meet certain application deadlines and provisions in order to add additional coverage. The premiums for additional life insurance units and/or Spouse/Dependent coverage are set by ETF, are voluntary and paid by the employee through monthly payroll deduction or to the Finance Department while on an unpaid leave of absence.

- c. Premiums for basic life insurance coverage are paid on behalf of an eligible employee by the City for three (3) months during an unpaid medical leave of absence.
- d. Employees who separate from City employment may be eligible to continue or convert their life insurance coverage to an individual plan under the eligibility standards set by ETF. Please visit the ETF webpage at www.etf.wi.gov for program information.

D. Death Benefit

The City will pay one (1) year's pay (based on the employee's current rate of pay) to the beneficiary of any eligible City employee who is killed in the line of duty.

E. Tuition Aid Program

The City recognizes the value to the City and its employees of additional education related to their occupation. Tuition reimbursement is available to regular full-time employees who voluntarily participate in approved coursework which has a relationship to their current job assignment. The Tuition Program is dependent on funding in the annual budget, which may vary from year to year, and is provided to eligible employees on a first-come, first-served basis.

The City will pay 80% of educational costs up to a maximum of \$2,000.00 per calendar year for all eligible employees unless as otherwise defined in a collective bargaining agreement. The City will reimburse employees for the following costs incurred in the process of taking and completing covered coursework: tuition, registration fees (excluding late fees) and lab fees associated with the course. This program does not provide reimbursement for books, travel (mileage, lodging, parking, meals, etc.) or those items which may be necessary to complete the approved coursework but can also be of personal use (i.e., calculator, computer, office equipment and/or supplies).

1. Eligibility

- a. Regular full-time employees are eligible for the tuition aid program after passing their initial probationary period.
- b. Employees on an approved leave of absence as provided under federal or State law, or those unable to work due to an injury or illness that is covered under worker's compensation law(s) shall remain eligible for the program.
- c. If an employee is laid off for reasons beyond their control, subsequent to the approved enrollment, his or her eligibility for the tuition aid program will continue through satisfactory completion of the course(s) currently enrolled in.

2. Covered Coursework

- a. Coursework must have a relationship to an employee's current job assignment. This program is not intended to fund education that will qualify an employee for a new career or secondary employment.
- b. Coursework must be taken in the pursuance of an Associate, Bachelor or Graduate degree. Doctoral level coursework is not reimbursable.
- c. Seminars, workshops, professional conferences, certifications and courses taken through a Continuing Education Program (i.e. adult-education) do not qualify for reimbursement under this program.
- d. Audited courses do not qualify for reimbursement under this program.
- e. Coursework must be taken through an education institution that is accredited by the Distance Education and Training Council Accrediting Commission and/or the North Central Association of Colleges and Schools (as recognized by the U.S. Department of Education and the Council for Higher Education Accreditation) or as otherwise approved by Human Resources.

3. Stipulations
 - a. All courses must be taken outside of the employee's regular work hours unless vacation leave, compensatory time or flex time is used and departmental approval has been provided.
 - b. Employees must remain an active employee for at least two (2) years after the completion of approved courses. An employee who resigns or retires from City employment (under the provisions of the Wisconsin Retirement System) before the completion of the two-year service obligation shall be required to reimburse the City, on a prorated basis, for any benefit paid under this program within the last 24 months of City employment.
 - c. Reimbursement may be obtained through personal payment by the employee, payroll deduction from the employee's last paycheck or deducting an equivalent amount from any accrued leave balances due to the employee.
 - d. Reimbursement will not be made to an employee who was discharged or voluntarily terminates employment with the City before completion of enrolled course(s).
 - e. Reimbursement will not be made to an employee who withdraws from enrolled course(s) due to personal reasons.
 - f. Employees will not receive reimbursement for any portion of associated fees that are eligible for reimbursement through a scholarship program.
 - g. Employees who receive educational assistance through the U.S. Department of Veteran Affairs or the State of Wisconsin due to military service will receive 100% of the net difference between the grant benefit and the yearly maximum benefit. *For example, the employee is approved for a course that will incur fees of \$4,000. The employee receives \$2,000 towards tuition from the GI Bill. The employee is eligible for \$2,000 of City tuition reimbursement if he or she meets all program guidelines.*
4. Procedure
 - a. All requests for tuition reimbursement must be submitted to the employee's supervisor or department head for approval using the *Tuition Aid Request* form.
 - b. Requests must be submitted before course registration and before the commencement of the class. Requests received after this timeframe will not be eligible for tuition reimbursement.
 - c. After initial approval, department heads shall forward requests to HR for final authorization.
 - d. Upon completion of the course(s), a copy of the grade report (with a grade "B" or above), along with all receipts for eligible costs associated with completing the course, should be submitted to HR for processing and refund. This must be done by the employee within 30 calendar days of satisfactory completion of the course(s).
 - e. Audited courses or those which only provide a "pass/fail" marking are not eligible for reimbursement under this program.
5. Tuition Program Disputes

Any disputes relating to the interpretation and administration of this program will be decided upon by a committee comprised of the City Administrator, Director of Human Resources and Finance Director. Disputes must be presented in writing to the Director of Human Resources within thirty (30) days of denial of reimbursement.

F. Holidays

1. Regular Full-Time Employees

Regular full-time employees (except as provided below) are eligible to receive holiday pay for the following designated holidays:

New Year's Day	Independence Day	Christmas Eve Day
Martin Luther King Jr. Day	Labor Day	Christmas Day
Memorial Day	Thanksgiving Day	New Year's Eve Day
Friday before Easter	Day after Thanksgiving*	

* The day after Thanksgiving Day shall be treated as a paid holiday for all eligible employees, except for employees in the Street Division, Waste Division and employees working a 7-day operation. Employees in the Street Division, Waste Division and employees working a 7-day operation shall receive one (1) additional floating holiday which shall be used between and including the period of the day after Thanksgiving and June 30th of the succeeding year. To be eligible for this holiday, employees must be employed as of the day after Thanksgiving. The scheduling of this floating holiday shall be requested by the employee and subject to the approval of the department head. If the day after Thanksgiving is granted as a day off, the above additional floating holiday for the day after Thanksgiving shall be used.

2. Community Service Officers

Community Service Officers (CSO's) are paid for the following holidays regardless if the holiday falls on a regularly scheduled work day:

New Year's Day	Independence Day	Christmas Eve Day
Martin Luther King Jr. Day	Labor Day	Christmas Day
Memorial Day	Thanksgiving Day	New Year's Eve Day
Friday before Easter	Day after Thanksgiving	

CSO's who work on a designated holiday shall be granted one (1) work day off after the following holidays have passed (to be taken at a later date): Christmas Eve, New Year's Eve Day, Memorial Day, Good Friday and Martin Luther King, Jr. Day. The following holidays shall be incorporated into the day-off schedule of each CSO working a 4/2 work schedule: New Year's Day, Independence Day, Thanksgiving Day, Easter Day, Labor Day and Christmas Day.

3. Holiday Pay Eligibility

- All regular full-time employees are eligible for paid holidays provided they work or are on an approved paid leave the day before and the day after said holiday.
- Employees who use sick leave on the work day before or after the holiday may be asked to submit a justifiable excuse acceptable to the department head in order to be eligible to receive holiday pay.
- The actual calendar holiday, not the designated holiday, shall be used when computing holiday pay benefits for employees working a 7-day operation.
- If a holiday falls on a Saturday, the last scheduled work day prior to the holiday shall be observed as the holiday. If a holiday falls on a Sunday, the next scheduled work day shall be observed as the holiday. When Christmas Eve Day or New Year's Eve Day fall on a Sunday, they shall be observed on the following Tuesday. When Christmas or New

Year's Day falls on a Saturday, they shall be observed on Thursday of the preceding week.

- e. Any holidays paid to an employee on a paid leave of absence do not count as part of the leave.

4. Floating Holidays

- a. Regular full-time employees employed as of March 1st shall be entitled to two (2) floating holidays to be used before December 1st of the same calendar year. Floating holidays must be used in full-day, or eight (8) hour increments. The scheduling of these days shall be requested by the employee and subject to the approval of the department head. Any floating holidays unused by December 1st shall be forfeited without compensation.
- b. CSO's employed as of March 1st shall be entitled to two (2) floating holidays per year. Such holidays may be used at such time as may be approved by the Chief of Police or his or her designate consistent with the needs of the department. CSO's must use all accrued floating holiday hours within the calendar year or they shall be forfeited without compensation.

G. Health Insurance

The City retains unilateral management rights in regards to the provision of health insurance to employees and retirees, and said insurance is subject to unilateral changes by the City. All employees will be required to pay a five percent (5%) monthly health insurance premium. This contribution will be waived with the employee's participation in the City provided Health Risk Assessment (HRA).

1. Health Insurance Eligibility

- a. Full-time employees are eligible for health insurance on the first of the month following sixty (60) days of employment. Employees hired on February 1st or 2nd will be eligible for health insurance on April 1st in the same calendar year.
- b. Employees retain the right to opt out of the City provided health insurance plan at any time. Employees who waive initial coverage must experience a qualifying life event as prescribed for in the carrier's summary plan description in order to re-enroll for coverage; or, they may enroll for coverage during the City's open enrollment period.

2. Health Insurance for Retirees

Full-time employees who retire under the provisions of the WRS may continue to participate in the City's health insurance plan as follows:

- a. Any regularly appointed full-time employee retiring under the provisions of the WRS with greater than or equal to fifteen (15) years of service shall have the privilege of retaining City health insurance, the full premium costs being paid by the City, from the first month following the retiree's sixtieth (60th) birthday, for a maximum of five (5) years, or until the retiree becomes eligible for other paid health insurance, becomes eligible for Medicare, or until the retiree attains the age of sixty-five (65), whichever occurs first.
- b. Any regularly appointed full-time employee retiring under the provisions of the WRS with greater than or equal to eight (8) years of service but less than fifteen (15) years of service shall have the privilege of retaining City health insurance, the full premium costs being paid by the City, from the first month following the retiree's sixty-second (62nd) birthday, for a maximum of three (3) years, or until the retiree becomes eligible for other paid health insurance, becomes eligible for Medicare, or until the retiree attains the age of sixty-five (65), whichever occurs first.

- c. In the event of the death of a retiree as defined above, the surviving spouse/domestic partner and eligible dependents who were covered under the City's health insurance plan at the time of the retiree's death shall have the privilege of retaining City health insurance up to the date that the retiree would have retained the coverage, provided the entire premium cost for the elected coverage is paid by the surviving spouse/domestic partner. This benefit will be provided until the surviving spouse/domestic partner remarries/registers in a domestic partnership, becomes eligible for other paid health insurance, becomes eligible for Medicare, or until they attain the age of sixty-five (65), whichever occurs first.
3. Retention of Health Insurance upon Disability Retirement
 - a. Disabled individuals under the age of sixty-five (65) are automatically enrolled in Medicare after they receive (or were entitled to receive) Social Security disability benefits for two years. The City provides insurance coverage to eligible employees who retire due to disability and are ineligible for City-paid retiree health due to insufficient years of City service and/or qualifying age in order to bridge the gap before they are enrolled in Medicare.
 - b. Any regularly appointed full-time employee retiring with a disability annuity under the provisions of the WRS with greater than or equal to twenty (20) years of service shall have the privilege of retaining City health insurance, with the full premium cost being paid by the City, from the first of the month following his or her active coverage end date, for a maximum of two (2) years. In order to receive such coverage, the retiree must apply for Medicare within the first ninety (90) days of his or her disability date.
 - c. In the event that the retiree dies before the two (2) year bridge of coverage elapses, the surviving spouse/domestic partner and eligible dependents who were covered under the retiree's health insurance plan at the time of death shall have the privilege of retaining City health insurance, at the existing coverage level, for the remainder of the two (2) year time period, provided the entire premium cost for the elected coverage is paid by the surviving spouse/domestic partner and they do not have other health insurance coverage available to them.
 - d. Should the two (2) year bridge of coverage elapse without the retiree securing Medicare coverage for reasons outside of his or her control, the retiree may request an extension of coverage which will be subject to the review of the City and approved on a case-by-case basis.
4. Health Insurance for City Employees who are Married/In a Domestic Partnership
 - a. Eligible employees who are married to or in a domestic partnership with another eligible City employee may elect one of the following options for health insurance coverage:
 - b. Each employee may elect single coverage.
 - c. Each employee may elect either single or family coverage as long as neither employee is provided coverage both as a dependent and as an employee.
 - d. Employees who elect family coverage must cover all eligible dependents under the family plan.
 - e. Eligible dependents of either employee may be covered under one family plan as a dependent, but not both.
 - f. Employees who subsequently divorce or dissolve a domestic partnership are each allowed to participate in the single or family health insurance coverage in accordance with City policy, plan provisions or the divorce decree. If the divorce decree does not specify dependent coverage responsibility, the employee with the greater birth date will be required to cover eligible dependent(s).

H. Other Benefits

1. Tool Allowance

Employees classified as a Mechanic I or Mechanic II in the Public Works Department shall be paid a monthly tool allowance of \$50.00 for each month of employment during which they work at least half of their scheduled work days. For purposes of this section, time paid shall be considered time worked.

2. Clothing and Personal Protective Equipment

The City will provide protective clothing and/or personal protective equipment (PPE) such as coveralls, safety vests, safety glasses, etc., it deems necessary in order for employees to effectively and safely perform his or her job duties.

**CITY OF KENOSHA
PERSONNEL POLICIES AND REGULATIONS
EMPLOYEE ACKNOWLEDGEMENT FORM**

The Personnel Policies and Regulations of the City of Kenosha contain policies, regulations, procedures and important information related to my employment with the City of Kenosha. I understand that I should consult my supervisor, department head, or Human Resources regarding any questions not answered in these policies, regulations and procedures.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the manual may occur. All such changes will be communicated through official notice, and I understand that revised information may supersede, modify, or eliminate existing information contained in this document. I understand that it is my responsibility to acknowledge these updates or revisions using the method prescribed by the City and in a timely manner.

I acknowledge that I have received a copy of the City's Personnel Policies and Regulations on the date listed below. I agree to read this document and accept the information presented. I also understand that it is my responsibility to comply with the employment information and policies contained in this document, and any revisions made to it.

I will sign two copies of this acknowledgment of receipt, retain one copy for myself, and return one copy to the Human Resources Department below on the date of receipt. I understand that this form will be retained in my personnel file.

Signature of Employee

Date

Employee Name (Printed)

Division/Department

FOR OFFICE USE ONLY

Initials/Date Returned to Human Resources: _____

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