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CITY OF WAUPACA, WISCONSIN

EMPLOYEE HANDBOOK

NOT A CONTRACT

IMPORTANT NOTICE

THIS EMPLOYEE HANDBOOK CONTAINS VARIOUS RULES, POLICIES, AND PROCEDURES RELATING TO YOUR EMPLOYMENT. THE PROVISIONS OF THIS HANDBOOK AND THE CITY'S PERSONNEL POLICIES ARE SUBJECT TO CHANGE BY THE CITY AT ANY TIME. NOTHING IN THIS HANDBOOK OR IN ANY OF THE CITY'S PERSONNEL POLICIES SHALL BE DEEMED TO CONSTITUTE A CONTRACT OF EMPLOYMENT AND ALL EMPLOYEES OF THE CITY ARE EMPLOYEES-AT-WILL WHO MAY QUIT AT ANY TIME FOR ANY REASON AND MAY BE TERMINATED AT ANY TIME FOR ANY OR NO REASON. WHILE MANY PROVISIONS IN THE HANDBOOK APPLY TO ALL EMPLOYEES, THERE ARE A NUMBER OF WORK RELATED POLICIES AND CONDITIONS OF EMPLOYMENT WHICH ARE GOVERNED BY THE LABOR CONTRACT BETWEEN THE CITY OF WAUPACA AND THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION (WPPA). THIS MANUAL HAS BEEN CREATED IN ANTICIPATION OF QUESTIONS EMPLOYEES MAY HAVE ABOUT WORKING AT THE CITY. WHILE THE CITY HAS ATTEMPTED TO PROVIDE GUIDELINES FOR MOST ISSUES THAT MIGHT CONCERN EMPLOYEES, OVER TIME, QUESTIONS MAY ARISE THAT ARE NOT ANSWERED IN THIS MANUAL. EMPLOYEES ARE ENCOURAGED TO DISCUSS THOSE QUESTIONS WITH SUPERVISORS OR WITH THE CITY ADMINISTRATOR. THOSE INDIVIDUALS WILL BE GLAD TO HELP IN ANY WAY POSSIBLE.

GENERAL PROVISIONS

PURPOSE:

The purpose of this handbook is to establish guidelines to help employees understand their job and their responsibilities so they can better serve the public.

EMPLOYMENT AT WILL

Neither this manual, nor City practices, nor communications with supervisors are intended to create any contract of employment with any employee. Only the Mayor or the City Council has authority to enter into contracts of employment and any such contract must be in writing, must declare that it is an "employment contract" and must be signed by the mayor after a majority vote of council. Absent any written employment contract, employment with the City is "at will." This means that any employee may terminate his or her employment with the City at any time, with or without reason, and the City retains the same right.

The policies stated in this employee manual are meant only to be a guide for employees, and do not change employment at will in any way. Because management is committed to reviewing its policies and benefits continually, this manual is subject to interpretation, review, revocation and change by management at any time. No guideline, policy, communication or practice limits the reasons or procedures for termination or modification of the employment relationship.

POSITIONS COVERED:

- A. These policies shall cover all employees in the municipal government. However, these rules/regulations are not applicable to the Mayor and City Council, the City Attorney, and appointed Boards and Commissions. Where noted, certain policies may not apply to Police and Library Department personnel and represented law enforcement City employees.

ADMINISTRATION:

- A. The City Administrator shall develop such rules, regulations and changes thereto as are necessary for the effective administration of the personnel system.
- B. Amendment, changes or revisions of the rules and regulations shall be developed and recommended by the City Administrator for approval by the Personnel Committee and City Council.
- C. Department Heads may develop appropriate rules and regulations to regulate operating practices and procedures in their respective departments provided the prescribed rules and regulations do not conflict with or permit a lesser standard than that imposed by the City Council in a general City policy. Any such departmental rules and regulation should be in written form and shall be retained in a manual of standard operating practices and procedures, following approval by the City Administrator. In the case of the Police Department and Library, no approval by the

City Administrator is needed for the establishment of operating practices and procedure in these departments.

End of Section

EMPLOYEE CLASSIFICATION

A. Regular Full-Time Employees

A regular full-time employee is an employee who has successfully completed the probationary period, who works no less than the established workweek (*generally 40 hours per week*) within the City department, and who is eligible for all benefits.

B. Regular Part-Time Employee

A regular part-time employee is an employee who has successfully completed the probationary period, works fewer hours per day or fewer days per week than the established workweek (*generally 40 hours per week*), and who is eligible for some benefits.

C. Temporary Full-Time Employee

A temporary full-time employee is an employee who has been hired to work for a given period of time, usually six months or less, works no less than the established workweek (*generally 40 hours per week*) each week, and is not entitled to benefits.

D. Temporary Part-time Employee

A temporary part-time employee is an employee who has been hired to work in a given period of time, usually six months or less, works less than the established workweek (*generally 40 hours per week*) each week, and is not entitled to benefits.

E. Probationary Employee

A probationary employee is an employee who has worked less than the probationary period and who is eligible for regular employment status upon successful completion of the probationary period. For represented law enforcement employees the probationary period is established by the labor contract. Police department supervisory employees shall serve a twelve month probationary period or such period of time set by the Police and Fire Commission.

F. Recurring Full Time Seasonal Employee

A recurring full-time seasonal employee is an employee who works the established workweek (*generally 40 hours per week*) from approximately May 1 to December 1 of each year. Although, this class of employee is not entitled to benefits, they are covered under the City's liability insurance and workers compensation policies.

G. Volunteers

A volunteer is an individual who donates their services without contemplation of pay. Volunteers are not considered employees of the City.

End of Section

ARTICLE 1. EMPLOYMENT PRACTICES

Section 1. Equal Employment Opportunity

It is the policy of the City of Waupaca to recruit, hire, train, and promote employees without discrimination because of race, religion, color, disability, national origin, sex, sexual orientation, age, marital status, military service, arrest and conviction record (unless there is a substantial relationship between the crime and the job), use or non-use of lawful products, or any other characteristic protected by law. This policy applies to all levels and phases of personnel administration such as recruitment, testing, hiring, training, promotion, demotion, transfer, leave practice, rates of pay and other terms of compensation, selection of supervisory positions, and employee benefits programs.

The City adheres to this policy to maintain and build an organization of the highest quality that provides equal employment opportunities to all persons on the basis of individual merit. It is the responsibility of each official to insure implementation of these policies so as to avoid any discrimination in employment.

Section 2. Anti-Harassment Policy

A. General

It is the policy of the City that verbal, physical, and visual, harassment are strictly prohibited. All employees are entitled to a workplace which is free from pressure, conduct or actions constituting jokes, ridicule, slurs and harassment either relating to distinctions based upon sex, race, national origin, age, religion, sexual orientation, disability, other protected classes, or simply arising out of a lack of consideration and respect for a fellow human being. Employees found violating this policy will be subject to disciplinary action up to and including discharge.

Sexual harassment is one serious form of harassment, which is dealt with in greater detail below. The same process should be used to report any other type of harassment.

B. Definition of Sexual Harassment

“Sexual harassment” is defined as unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, visual, or physical conduct of a sexual nature when:

1. Submission to such contact is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Such conduct has the purpose or effect of interfering with an individual’s performance or creating an intimidating, hostile, or offensive working environment.

You cannot be forced to submit to sexual harassment as a basis for any employment decision. In addition, the City will attempt to prevent and promptly eliminate any conduct that creates an intimidating, hostile, or offensive work environment for our employees.

C. Policy Violation Defined

1. Sexual harassment includes but is not necessarily limited to the following:
 - a. Sexually suggestive or off-color comments or jokes;
 - b. Sexual flirtation, innuendo, advances, propositions, or other sexual activities;
 - c. Unprofessional touching, such as massages, embracing, or inappropriately putting an arm around another employee;
 - d. Repeated and unwelcome invitations for social interactions outside of the workplace;
 - e. Sexual or racial slurs, derogatory remarks, or offensive gestures;
 - f. Displaying or distributing sexually explicit or otherwise off-color materials, including books, magazines, articles, pictures, greeting cards, photographs, drawings, cartoons, and e-mail messages;
 - g. Including or excluding any individual from workplace activities, assignments, or responsibilities based on their refusal to participate in or tolerate sexual or other forms of harassment or based on other factors not related to job performance or legitimate business reasons
 - h. Making sexual advances or requesting sexual favors when submission to or rejection of such conduct is the basis either explicitly or implicitly for imposing or granting terms and conditions of employment which either favorably or adversely affect the staff member's employment.
 - i. Granting, recommending or refusing to take any personnel action because of sexual favors, or as a reprisal against an employee who has rejected or reported sexual advances.

Disregarding and/or failing to investigate allegations of sexual harassment whether reported by the employee who is the subject of the alleged conduct, or a witness, and failing to take immediate corrective action in the event such conduct has occurred.

This list is not intended to be exhaustive. For example, any particular conduct described above may also be inappropriate outside the workplace if the conduct may adversely affect the work environment. Similarly, a consensual relationship does not justify inappropriate displays of affection or other sexual statements or activities during working hours or at work-related functions. Any questions about

whether particular conduct is prohibited under this policy should be discussed with your supervisor.

D. Complaint Procedures

If an employee feels that the anti-harassment policy has been violated by anyone with whom (s) he comes in contact on the job, regardless of whether it is a fellow employee, a supervisor, a member of the general public or City Council member, the employee is urged to report the violation to his supervisor, his department head or the City Administrator. The complaint will be kept as confidential as possible, consistent with its efficient investigation.

E. Investigation, Follow-Up

Complaints of harassment will be promptly and thoroughly investigated and you will be advised of the results of the investigation. The City will take appropriate disciplinary action, up to and including discharge, against any employee who engages in sexual or other harassment or who otherwise violates this policy. Further, the City will correct any adverse employment action you or another employee experienced due to conduct forbidden by this policy. If an individual involved in harassing or inappropriate conduct is not employed by the City, the individual will be informed of our policy and appropriate action will be taken. In all cases, the City will make follow-up inquiries to make sure the harassment has stopped. If you are not satisfied with the results of the investigation or follow-up action, or if further harassment or other unacceptable conduct occurs, you should contact your supervisor or the City Administrator.

Because of the sensitive and private nature of most sexual harassment incidents and the emotional and moral complexities surrounding such issues, employees may request assistance to resolve such problems on an informal basis if possible. The City Administrator shall appoint an individual responsible for mediating sexual harassment claims should an aggrieved employee desire a third party mediator to help resolve the complaint.

F. Retaliation Forbidden

The City will not tolerate retaliation against employees who complain of harassment or individuals who provide information in connection with any such complaint. If you believe that you have been retaliated against for bringing a complaint or providing information related to a complaint, the City urges you to use the reporting procedure described in this policy.

Section 3. Recruitment

The City of Waupaca seeks to employ the most qualified persons available. In this effort, the City shall conduct an active job information and recruitment program. When possible, the City shall consider filling vacancies by promotion or transfer within the organization. However, the City reserves the right to consider outside applicants at any time during the selection process. All vacancies shall be advertised. The administrative procedure shall be as follows:

- A. When a vacancy occurs, the department will immediately notify the City administrative office. A job announcement shall be prepared, stating the position title, minimum training and experience requirements, and salary range and application procedures. This announcement shall be posted internally for all positions for a period of seven business days, prior to posting externally.
- B. All job announcements shall be advertised in local and area-wide newspapers. Educational institutions, employment agencies, trade journals and publications, and professional organizations may also be utilized as advertisement sources. City administration shall select appropriate recruitment sources. Appropriate departments will be furnished with copies of published job announcements.
- C. Active application files may be reviewed to determine qualified candidates. Although applications are retained for two years, typically they are considered “active” for only nine (9) months.

Section 4. Selection

All persons seeking employment with the City of Waupaca shall complete an employment application. In addition, depending on the nature of the job, one or more of the following selection criteria may be required of the applicant. Examples include: performance tests, written examinations, oral interviews, background investigations, reference checks, and physical examination.

- A. All applicants shall be reviewed and those who do not meet the minimum qualifications required for the position shall be eliminated from further consideration. Qualified applications shall be further reviewed for job-related experience and specific criteria.
- B. Interviews shall be scheduled with selected qualified applicants. Appropriate testing and examinations shall be scheduled for the applicants (if applicable).
- C. Background investigations and reference checks shall be conducted on the top job candidate(s).
- D. For all positions below the level of department head, the department head shall make the final selection with the approval of the City Administrator. No City Administrator approval is required for selections made in the Library and Police Departments.
- E. In the case of Department Heads, the City Administrator will coordinate the interview process and recommend candidates to the Mayor for interviewing. The Mayor will then make a recommendation of hiring to the City Council. The City Council must approve the selection and hiring of all department heads and city administrator (except the Library Director and Police Chief).

Section 5. Hiring

A. General

Upon the selection of a qualified candidate to fill a vacancy, the City Administrator or department head shall initiate the hiring process. The department head shall consult with the City Administrator if he/she plans to offer the applicant more than the entry-level pay for the position. In the case of department heads the Mayor and City Council must establish pay. This must be done prior to an offer of employment. No employee can begin work until approved by the City Administrator. Once approved, a written conditional offer of employment shall be sent to the prospective employee and signed by that employee.

B. Pre-Employment Physical

All individuals to whom a conditional offer of full time and permanent part time employment is made shall be required to take a physical examination prior to beginning work. The cost of the physical will be paid by the City.

The pre-employment physical procedure is as follows:

1. Conditionally hired employee fills out a pre-employment physical questionnaire.
2. City administrative personnel arrange an appointment for the conditionally hired employee with the physician previously selected by the City.
3. Conditionally hired Police Officers will be given a psychological evaluation to be conducted by a licensed psychologist.
4. Conditionally hired employee is informed of time and place of physical by physician.
5. The employee undergoes the physical to include hearing, vision and drug testing.

Section 6. Probationary Period

All new employees hired to fill a regular full-time and part-time position shall serve a probationary period of six months. The probationary period may be extended for two additional six month periods if deemed necessary by the department head and documented by the employee's evaluation. During the probationary period, the employee will be evaluated periodically. The employee may be terminated at any time during the probationary period without cause. Successful completion of the probationary period does not guarantee an employee continued employment. Employees remain at-will employees during and after the probationary period. The probationary period for represented law enforcement employees is governed by the collective bargaining agreement.

During the probationary period, new employees shall be eligible to accrue and use some benefits. The benefits will be determined by the City and are subject to change at any

time. Employees serving in the original probationary period will not be paid for accrued benefits upon separation from the City.

Promoted and demoted non-represented employees shall serve a probationary period of up to six months in the new position to be determined by the department head and/or city administrator. Evaluation of these employees shall follow the procedures outlined in the City's performance evaluation system. Should it be determined that a promoted employee is not performing satisfactorily in the new position, the employee may request and be allowed to return to his/her former position should an opening exist. The decision to do so is the sole discretion of the City.

A temporary employee whose position with the City becomes a regular position may use the time spent in a temporary status as credit toward fulfilling the probationary period. The amount of credit will be determined by the City Administrator upon the recommendation of the department head.

Section 7. Promotion

It is the policy of the City of Waupaca to employ and promote the most qualified individual available for any given position. Promotion from within the organization is desirable when possible and practical.

Vacancies shall be advertised in accordance with this handbook.

When a vacancy is to be filled by promotion, the City shall consider a number of factors, an example of which include:

- A. Qualification for the position (i.e., knowledge, skills, and abilities).
- B. Service record with the City (previous performance evaluations).
- C. Physical fitness (if appropriate to the position).
- D. Testing or examinations (if appropriate to the position).

Section 8. Nepotism, Favoritism, and Bias

Close relatives shall generally not be employed or promoted into positions in the same division or position in which one occupies a position which has influence over a close relative's employment, promotion, supervision, salary determination and administration, or other related management or personnel administration. Deviations from this policy may be allowed in some cases. Department heads in these cases shall exercise judgment and be proactive in recognizing that potential problems may arise and through scheduling or other means work to minimize any negative impacts. This policy is applicable to all employee classes including part time and seasonal employees.

Close relatives include spouses, domestic partners, parents (including in-laws and step-parents), and children.

Section 9. Dual Employment

The work of the City of Waupaca shall take precedence over any other occupational interests of its employees. All outside employment for salary, wages or commission services and all self-employment must be reported in writing to the appropriate department head and approved in advance. It shall be the responsibility for the employee to determine if a conflict of interest arises from the dual employment and to disclose the dual employment to their supervisor and/or department head. For law enforcement personnel the department's dual employment SOP shall govern.

Dual employment shall not:

- A.** conflict or interfere, or could conflict or interfere, with the employee's service to the City.
- B.** lower the efficiency of the employee.
- C.** be incompatible or create a conflict of interest with an employee's official duties, as covered under the City of Waupaca Code of Ethics.
- D.** create the appearance of a conflict of interest.

Department Heads and the City Administrator shall make determinations on dual employment. For dual employment issues concerning department heads and the Administrator, the City Council shall make the decision. In the case of the Library Director and Police Chief, the Library Board and Police and Fire Commission respectively shall make the determination.

Section 10. Drug Use and Drug Testing Policy

It is well recognized that drug abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of the City of Waupaca to comply with the Drug Free Workplace Act, a law to establish and maintain drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and use of controlled substances on or off the job.

For this reason, the City of Waupaca adopts the following policy:

A. Use of Drugs in the Workplace

The illegal manufacture, distribution, dispensation, possession or use of narcotics, drugs or other controlled substances is strictly prohibited on the City of Waupaca's premises or related work sites. Violation of this policy will result in immediate discipline up to and including discharge.

All existing and new employees will be given a copy of this policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he will abide by the policy as a condition of employment. Failure to do so will result in discipline up to and including discharge.

As a condition of employment, employees agree to notify the City of Waupaca within five (5) days after any criminal conviction for the manufacture, distribution, dispensation, possession or use of narcotics, drugs or other controlled substances at the workplace.

Criminal conviction means: a finding of guilt, an imposition of a sentence, a plea of no contest, or a plea of guilty.

Law enforcement authorities will be notified whenever illegal drugs are found in the workplace.

B. Use of Drugs while Not at the Workplace

The illegal manufacture, distribution, dispensation, possession or use of narcotics, drugs or controlled substances either off the premises or on non-work time, or both, is prohibited and may result in drug and/or alcohol counseling assistance and discipline up to and including discharge.

All existing and new employees must notify the City of Waupaca of any drug-related conviction within five (5) calendar days of such conviction.

Conviction means: the finding of guilt, an imposition of a sentence, a plea of no contest, or a plea of guilty.

C. Drug Free Awareness Program

Drug abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations and the risk of injury or possible death. In order to prevent these consequences of drug abuse, the City has implemented the above policy to ensure that the workplace remains drug-free.

The City provides drug counseling and rehabilitation services to regular full time employees. Employees should ask Personnel to confirm which organization is providing drug counseling and rehabilitation services prior to using such services.

D. Drug Testing

In order to ensure that the workplace remains drug-free, the City of Waupaca reserves the right to test employees for drug use.

Applicants for Employment - the City will conduct pre-employment drug testing for all applicants conditionally selected for employment. This policy also includes regular full time and regular part time employees. The City shall not hire any applicant tentatively selected for employment who refuses to submit to a drug test or who tests positive for use of illegal or unauthorized substances.

1. Employees Requiring Commercial Driver's License (CDL) - Employees requiring a CDL for their jobs will fall under the US DOT CDL drug and alcohol testing guidelines adopted by City Council. A copy of this policy is available from the Administrative Department.

2. Employees in an accident involving a City vehicle or equipment may be required by their supervisor, department head or city administrator to submit to drug and alcohol testing as part of the accident investigation process. Failure to submit to a test or testing positive for either drugs or alcohol will subject the employee to disciplinary action up to and including termination of employment.

End of Section

ARTICLE II. RESPONSIBILITIES OF PUBLIC SERVICE

Section 1. Commitment to Dedicated Service

Public employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their position, regardless of personal considerations, recognizing that their public and private affairs should be above reproach. Employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

Section 2. Citizen Relations

Citizen relations are one of the most important aspects of employment with the City of Waupaca. It is expected that City employees will, at all times, conduct themselves in such a manner as to reflect credit on them as well as on the City.

Employees of the City of Waupaca are regarded by friends and the general public as “The City,” both on and off the job. This means that employee actions directly affect how the public perceives their City government and the services rendered by the City.

Because employees of the City of Waupaca are constantly in the public eye and because they occupy positions of trust, City administration reserves the right to take appropriate action up to and including discharge of any employee whose conduct whether on or off the job would adversely affect the public’s perception of the City or its employees.

To guide employees in obtaining the goal of citizen relations two principles are offered:

Principal 1: Proper use of Public Property-no employee shall use, request or permit the use of City owned vehicles, equipment, materials, or property for personal benefit.

Principal 2: Equal Treatment to all Citizens - no employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Section 3. Political Activity

Although City employees are encouraged to support the governments in our political systems in an appropriate fashion, there are limits on employee political activity. City employees may join civic, partisan or political organizations, may attend political meetings and advocate the principles or policies of civic or political organizations in accordance with the Constitution and laws of the state and nation. The following specific guidelines apply:

- A.** No City employee shall be required to contribute any money or anything of value to,
 - 1) any candidate for nomination or election to any office,
 - 2) to any campaign or political committee,
 - 3) to take part in any political campaigns.

- B.** Any City employee who seeks a City elective office will be placed on personal leave of absence without pay on the date such employee officially files for elective office.
- C.** Employees are prohibited from:
 - 1. Engaging in any type of political activity during normal working hours or while pursuing regular duties in the course of employment. City employees may not take part in any political activity while in uniform.
 - 2. Receiving expenses, gifts, remuneration of any type or monetary reward in exchange for political activities.
 - 3. Using one's official position or knowingly allowing it to be used to further a political party or political candidate.
- D.** Any City employee violating this section shall be guilty of improper conduct and shall be subject to disciplinary action, up to and including discharge.

Section 4: City of Waupaca Code of Ethics

Article 2.16 of the City Code details the ethics policy for City employees. The City's Code of Ethics is detailed in Attachment A to the handbook. The Code of Ethics applies to all employees regardless of employment classification.

End of Section

ARTICLE III. COMPENSATION

Section 1: Hours of Work and Attendance Records

Each department establishes its work schedule and hours of work for employees to best serve the needs of the public. Employees are expected to comply with established work schedules to insure the efficient operation of the department and effective delivery of City services. Unexcused absences will not be tolerated, and disciplinary action may result. Due to the nature of municipal operations, employees' working hours may vary.

An attendance record shall be maintained for each employee by the respective department. This record shall reflect time worked, all absences including sick leave, vacation, civil leave, worker's compensation disability, flex time, and so forth. Employee pay is computed from attendance record reports.

Section 2: Pay Periods

The City of Waupaca shall issue payroll checks biweekly; payday is every other Thursday. The pay period covers a two-week period, beginning on Monday at 12:01 a.m. and ending on the second Sunday at 12:00 midnight. Should a payday fall on an official holiday, paychecks shall be issued on the last working day before the holiday. Cash salary advancements will not be issued to any employee. Paychecks will be issued to employees electronically to a bank account of the employee's choosing

Section 3: Overtime

A. General Purpose

Employees shall normally work a minimum of forty (40) hours in a workweek. In order to provide essential services, some employees may be required to work in excess of posted department hours at the direction of the supervisor and/or department head.

Any overtime work must be approved in advance by the appropriate supervisor.

B. Exempt and Non-Exempt Status

For overtime purposes, City employees are classified as either exempt (salary) or nonexempt (hourly) employees. This determination is based upon a combination of factors such as job description, position duties, responsibility, salary and guidelines outlined in the Fair Labor Standards Act (FLSA).

C. Payment of Overtime

Non-Exempt employees are paid overtime premiums of one and one-half their hourly rate of pay for all hours in excess of forty in a workweek. Vacation, holidays and sick leave hours are counted as hours worked. Payment of overtime for represented law enforcement employees is governed by terms in the respective Labor Agreement.

D. Compensatory Time

Non-Exempt employees shall be allowed to choose compensatory time accrual instead of overtime payment. Compensatory time accrual shall be at the rate of time and one-half for overtime hours worked. Employees shall be allowed to accrue no more than forty-four hours of compensatory time in a given year. Compensatory time must be taken off within the calendar year it is earned or it will be paid out on the first payroll of the next year at the rate it was earned. Employees shall be allowed to take compensatory time off in increments of one quarter (¼) hour.

Section 4: Flex time

In order to provide the best service to the public without raising employment costs, a policy of flexible hours is established. Hours are not to be changed on a regular or routine basis.

All regular full time employees, except represented law enforcement personnel, who work a minimum of forty hours a week shall be eligible for flex time. Upon the approval of the Department Head, an employee may change their hours to accommodate a longer or shorter break, not to exceed 4 hours per week.

Examples of when flex time might be allowed include:

- 1) An extended lunch break
- 2) To attend a school or business function,
- 3) Tend to a sick person, or other personal business

All other time will be logged as hours worked, sick, vacation, funeral, or overtime, etc. All flex time will be made up during the same week it occurred.

Department heads will be allowed flextime upon approval of the city administrator as long as they work a minimum of 40 hours per week. Supervisors may use flextime if approved by the department head.

Section 5. Captive Pay

The City pays employees to carry a pager on a rotational basis and to be available for after hour emergency response. The amount of captive pay is reviewed periodically and adjusted as needed. The City has sole discretion in establishing the captive pay rates.

End of Section

ARTICLE IV. BENEFITS OF EMPLOYMENT

Section 1: Health Insurance

Insurance Eligibility:

Only probationary and regular full-time employees of the City shall be provided comprehensive group medical insurance maintained by the City. No other employee class is eligible for health insurance benefits. The plan design and choice of carrier is at the sole discretion of the City. The premium cost share for the established health plan shall be determined by the City and is subject to change by the City from time to time. Employees not retiring but otherwise separating from employment with the City have the option of continuing health insurance coverage through the City's health insurance carrier for up to 18 months at the employee's expense (COBRA). Additional information on insurance benefits can be obtained from the Administrative Department. The Summary Plan Description has details of the plan specifics.

Alternative Selection Payment

If a full-time employee chooses to enroll in their spouse's insurance program instead of enrolling in the City's health insurance program, the City will make monthly payments to deferred compensation in the name of the employee. The amount of such payment is determined by the City and is subject to change by the City from time to time.

Section 2. Retirement

All regular full time and regular part time City employees working at least 1200 hours per year are required to be members of the Wisconsin State Retirement System. The City pays the employer contribution for regular full time and regular part time employees. The employee portion shall be the responsibility of the employee. The employer and employee pension contribution as well as vesting requirements are set by the Wisconsin Retirement System.

Specific questions concerning the retirement system should be directed to the Wisconsin Retirement System.

Section 3. Optional Benefit Programs

The City of Waupaca offers several optional employee benefits to include dental and life insurance. Employee payment is through payroll deduction.

All regular employees, including full and regular part time employees can elect to participate in the City's optional dental insurance. The entire cost of participation is borne by the employee.

For regular full time employees the City shall make available a life insurance policy up to five (5) times the employee's annual wages for the previous calendar year rounded to the next 1,000. To qualify the employee must complete the required probationary period and enrollment in WRS as required by the State Insurance Fund. The City pays the premium for the first unit of coverage. One unit is equal to one year of salary. The City will provide

an additional ½ unit of life insurance coverage but this must be matched by the employee to create a second full unit in accordance with Wisconsin Retirement System rules. The cost to obtain the additional 3 units of coverage is the responsibility of the employee. Any and all of these additional units must be purchased as full units of coverage.

Section 4. Employee Assistance Program

The City of Waupaca recognizes behavioral adjustment problems and substance abuse as treatable. Employees having such problems may be offered professional assistance through the Employee Assistance Program. All regular full time and regular part time employees can elect to seek assistance on their own, or a supervisor can request an employee to participate. All records are kept confidential. For further information, contact City administrative offices.

Section 5. Flexible Spending Accounts (FSA)

All regular full time and regular part time employees are eligible to participate in the Flexible Spending Account (FSA) Program. This program allows employees to pay for health care and dependent care expenses with pre-tax dollars, thereby reducing the amount employee’s pay in payroll taxes. There are rules governing maximum amounts of payroll deductions and reimbursement procedures. Please contact the City administrative offices for further details.

Section 6. Official City Holidays

The following shall be observed as official holidays for employees of the City of Waupaca:

New Year’s Day	Labor Day
Good Friday (afternoon ½ day)	Thanksgiving Day and the day after
Memorial Day	Christmas Eve and Christmas Day
Independence Day (4 th of July)	New Year’s Eve

In addition, all full time employees will receive two floating holidays to be taken at the employee’s discretion. However, in the first partial year of employment, the floating holidays will be pro-rated based on hire date.

<u>Hire Date</u>	<u>Floating Holiday</u>
January 1 – March 31	2 Floating days
April 1 – June 30	1.5 Floating days
July 1 – September 30	1 Floating day
October 31 – December 31	.5 Floating day

When the holiday falls on Saturday, the preceding Friday will be observed. When the holiday falls on Sunday, the following Monday will be observed as the holiday. Temporary employees will not be paid for holidays. In order to be eligible for holiday pay, an employee must work all of his/her scheduled hours on the last day before and on the first day after the day celebrated as a holiday, unless the employee has an excuse of absence which is accepted by the department head and/or city administrator. In the case of the Library and Police Department, approval must be given by the Library–Director and Police Chief respectively.

When work is required of employees on an official City holiday, the following guidelines shall apply. For represented law enforcement employees the Labor Agreement shall govern.

- A. Whether work on a holiday is a regularly scheduled workday or not, the employee will be compensated at the rate of one and one-half (times the hourly rate for actual hours worked. This pay would be in addition to the regular compensation for the holiday. Exempt employees who are required to work on a holiday will be given time off at the time and one-half rate for hours worked.
- B. Holiday hours actually worked will count as hours worked for purposes of computing overtime.
- C. For purposes of the policy, holiday pay is considered eight hours.
- D. From time to time when an official holiday falling on the weekend is observed on a weekday, City departments, upon the direction and approval of the City Administrator, will staff as appropriate, the department office to receive and serve the public. Employees working this holiday will be granted another day off at regular pay in return. This alternate day is to be taken off in the same calendar year as the actual holiday. A day is considered 8 hours.

Section 7. Sick Leave

Sick leave is designed to provide a level of financial protection to employees who are unable to work due to illness, pregnancy, or injury. Such leave is a privilege, not a right that an employee may use as he/she pleases. The abuse of sick leave is grounds for disciplinary action.

A. Rates of Accrual

Paid sick leave for regular full-time employees shall be accrued at the rate of eight (8) hours per month. When the beginning date of employment is on or before the 15th, accrual will begin at the end of that month; when after the 15th, accrual will begin at the end of the following month. Probationary employees are eligible to accrue and use sick leave. No sick leave is earned by temporary employees. Part-time regular employees shall not earn sick leave. Employees on leave without pay for sixteen (16) or more calendar days during a month shall not accrue sick leave for that month.

B. Use of Sick Leave

1. Sick leave may be paid when an employee is unable to work due to personal illness, pregnancy, or injury, or when the employee's presence may endanger the health of fellow workers.
2. Sick leave may be used for personal and family medical appointments.

3. Sick leave may be used in the case of personal illness, disability or serious illness in the immediate family (spouse, children, parents, sisters, brothers, aunts, uncles, grandparents).
4. When a paid holiday occurs during the period an employee is on sick leave with pay, the employee shall receive only regular holiday pay and that day shall not be charged against sick leave accrual.
5. Sick leave will be charged in units of 15 minutes.
6. Sick leave for employees, except represented law enforcement employees is considered "hours worked" for purposes of computing overtime.

C. Payment of Sick Leave

1. If an employee is to be paid for sick leave, the employee's supervisor must be notified within thirty minutes after the beginning of the workday. Failure to notify the supervisor may result in loss of pay for the time missed during the workday.
2. Daily notification to the employee's supervisor is required unless instructed otherwise by the supervisor. When an employee is out of work for more than three working days, the employee's supervisor should be notified of the date the employee anticipates returning to work.
3. The use of sick leave is subject to verification when three or more days are missed. The supervisor may require a doctor's certificate to confirm reasons for absence.
4. Employees returning to work after an extended illness must present (prior to returning to work) a physician's certificate permitting their return to regular duties. Also, the City may require the employee to submit to a physical examination prior to returning to work if the examination is job related and a business necessity.
5. At retirement (as defined by the Wisconsin Retirement System), the employee has the option to either 1) have all sick leave accrued by the employee placed in a bank in his/her name that may be used to pay for health insurance coverage for the employee after retirement or 2) take a lump sum payment. If the employee chooses to bank their sick leave the City health insurance program is not an available program beyond COBRA requirements.
6. Employees shall have the option to donate sick leave to another employee who has exhausted all their sick leave due to a serious illness.

D. Maximum Accumulation of Sick Leave

All regular full time employees shall be allowed to accrue sick leave. The maximum accrual is 150 days. For purposes of this section a day is equal to eight (8) hours. For regular full time employees hired after the date of adoption of this handbook

shall be eligible for a maximum accrual of 90 days. Rules governing sick leave accrual after the 90 days and payout are the same for these new hires.

1. Employees accruing sick leave in a given calendar year above 150 days, shall continue to accrue one (1) day per month and will be paid \$50 for each day accumulated and not used in a given calendar year up to a maximum of twelve (12) days per year.
2. Sick Leave Payout at Separation. Upon separation of employment from the City in good standing, employees shall receive a cash payout for accumulated sick leave based on the following schedule:

<u>Years of Employment</u>	<u>% of Accumulated Sick Leave to Payout</u>
1-5 Years	50%
6-10 Years	60%
11 – 15 Years	70%
16+ Years	100%

For purposes of this section, good standing is serving proper notice and separating from employment for non-disciplinary reasons. Resigning in lieu of termination is not considered good standing.

E. Return to Work Policy

On April 18, 2000 the City Council adopted a light duty policy. The purpose of the policy is to make available a modified work assignment program that can be used when an employee has been off work due to work related medical condition, off-work injury or illness. Modified work assignments are meant to aid in the employee’s recovery and reduce City personnel costs, including lost time, sick leave and workers compensation costs.

Section 8. Vacation

The City of Waupaca provides paid vacation affording opportunity for healthful rest and relaxation to regular full time employees. Paid vacation for represented law enforcement employees shall be in accordance with the respective Labor Agreement. After completing one (1) year of service to the City, employees are required to take the equivalent of at least one (1) week of paid vacation each year.

A. Rate of Earnings

All employees except full time represented law enforcement employees and law enforcement supervisors shall be eligible for paid vacation as follows:

After 1 year of service	Six (6) working days
After 2 years of service	Twelve (12) working days
After 3 years of service	Thirteen (13) working days
After 4 years of service	Fourteen (14) working days
After 5 years of service	Fifteen (15) working days
After 6 years of service	Sixteen (16) working days

After 7 years of service	Seventeen (17) working days
After 8 years of service	Eighteen (18) working days
After 9 years of service	Nineteen (19) working days
After 10 years of service	Twenty (20) working days
After 11 years of service	Twenty –one (21) working days
After 12 years of service	Twenty-two (22) working days
After 13 years of service	Twenty-three (23) working days
After 14 years of service	Twenty–four (24) working days
After 15 years of service	Twenty–five (25) working days
After 16 years of service	Twenty-six (26) working days
After 17 years of service	Twenty – seven (27) working days
After 18 years of service	Twenty –eight (28) working days
After 19 years of service	Twenty – nine (29) working days
After 20 years of service	Thirty (30) working days

- b. The employee’s hire date must be between January 1 and June 30 in order to count as one full year of service. For employees hired after June 30 there will be no year service credit for the first partial year of employment.
- c. If it is impossible during a calendar year for an employee to use the vacation allotted, one week vacation may be carried over to the following year, to be taken by September 1.

2. Law Enforcement Supervisors

- a. Each full-time law enforcement supervisor shall be eligible for paid vacations as follows:

After 12 months of service	96 hours
After 8 years of service	144 hours
After 13 years of service	192 hours
After 18 years of service	240 hours
- b. The employee’s hire date must be between January 1 and June 30 in order to count as one full year of service. For employees hired after June 30 there will be no year service credit for the first partial year of employment.
- c. If it is impossible, during a calendar year, for a law enforcement supervisor to use the vacation allotted, one week’s vacation may be carried over to the following years, to be taken by September 1.

B. Paid Time Off PTO (Regular Part Time Employees) – in lieu of vacation and sick leave, regular part time employees are eligible for PTO. To qualify, employees must work at least 40 hours per pay period on an ongoing basis. The PTO benefit is in accordance with the following schedule:

1 year of service	20 hours
2 years of service	30 hours
3 years of service	30 hours
4 years of service	30 hours
5 years of service	35 hours
6 years of service	40 hours
7 years of service	45 hours
8 years of service	50 hours
9 years of service	55 hours
10 years of service	60 hours
11 years of service	65 hours
12 years of service	70 hours
13 years of service	75 hours
14 years of service	80 hours
15+ years of service	85 hours

1. The employee's hire date must be between January 1 and June 30 in order to count as one full year of service. For employees hired after June 30 there will be no year service credit for the first partial year of employment.

2. Regular part time employees hired after January 1, 2010 are not eligible for the PTO benefit.

C. As a personnel recruiting tool for the City the following will apply:

a. For employees below the level of department head, the department head with the recommendation of the city administrator and approval of the Personnel Committee may grant all or part of a new employee's prior years of work in a municipality towards years of calendar service with the City of Waupaca for purposes of determining vacation earnings.

b. For department heads and the city administrator position, the City Council may allow all or a portion of a new employees' prior years of service in a municipality towards years of calendar service with the City of Waupaca for purposes of determining vacation earnings.

D. Proration of Vacation For New Employees. Each new non-represented full time employee hired, shall earn vacation on a pro- rata basis for the time of service in their first partial year of employment with the City. The employee has through the end of the next calendar year to use the earned vacation. For all employees except law enforcement supervisors this is 10 working days. For law enforcement supervisors it is 12 working days. Further, a hire date of the 1st through the 15th of the month will be considered a full month of employment. A hire date of the 16th through the end of the month shall constitute a ½ month of employment. The final calculation is rounded to the nearest whole number. Employees must successfully

complete the probationary period in order to be eligible to take their prorated vacation.

Example: A new police sergeant is hired on February 10, 2011. The rate of earnings is computed based on 12 days of vacation (first 12 months of service for law enforcement supervisory personnel). Because the hire date is the 10th, then this is counted as a full month of employment. Therefore, for 2011 the new employee will earn 11/12ths ($11/12(.917) \times 12 = 11.004$) or 11.0 (rounding down) days of vacation for his/her time worked in 2011. The employee then has until December 31, 2012 2000 to use the 11 days.

Example: A new clerk is hired on October 25, 2011. The rate of earnings is computed based on 10 days of vacation (first 12 months of service). Because the hire date is the 25th, then this is counted as ½ month of employment. Therefore, for 2011 the new employee will earn 2.5/12ths ($2.5/12(.209) \times 10 = 2.09$) or 2 days (rounding down) of vacation for his/her time worked in 2011. The new employee then has until December 31, 2012 to use the 2 days.”

D. Use of Vacation

1. Vacation shall not be charged in units smaller than one- (1) hour increments.
2. When a paid holiday is observed by the City during the period an employee is on vacation the employee shall receive only his/her regular holiday pay and that day shall not be charged against the employee's vacation accrual.
3. Regular full time employees. Upon separation of employment unused, earned vacation will be paid to employees.
4. Vacation for employees is considered “hours worked” for purposes of computing overtime.
5. Absence for sickness, injury or disability in excess of accrued sick leave will be charged against vacation accrual.

Section 9. Procedure for Applying for Vacation, Sick Leave and PTO

Department heads at their sole discretion shall establish application procedures that best meets the needs of their respective departments. Procedures will address such items as timelines to request vacation, number of employees allowed on vacation at any given time and how to resolve conflicts when two or more employees are asking for the same vacation, etc. In the case of represented law enforcement personnel the Labor Agreement shall govern.

Section 10. Civil Leave

A. Jury Duty

All regular City employees selected for jury duty shall be entitled to Civil Leave with pay for the period of absence required. Such leave shall not be charged to annual

or sick leave earnings, except that on any day when such employee is excused from service on a jury, he/she will be expected to report for duty at the regular place of work if within reasonable commuting distance or be charged annual leave for the time excused from jury duty. Likewise, any period of time for which an employee is excused from jury duty because of illness shall be charged to sick leave. An employee shall be entitled to all fees received as a juror. The pay received, as a juror must be signed over to the City of Waupaca in order for the employee to receive full pay for work while attending jury duty.

B. Official Court Attendance

All regular employees subpoenaed or ordered to attend court to appear as a witness for or to testify in some official capacity on behalf of the City, state, or federal government shall be entitled to leave with pay for such period as his/her attendance may require.

C. Private Litigation

Employee participation as a party or witness in private litigation involving the employee directly shall be charged to vacation or to leave without pay at the employee's discretion.

Section 11. Military Leave

It is the City's policy that employees will be granted all military leave rights available under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

At the time this handbook was drafted, USERRA rights included the right of any individual who is absent from employment because of a uniformed service obligation (in the Armed Forces, Military Reserves, or National Guard) to reemployment and all concomitant benefits, as long as the following prerequisites are met:

- If the individual was discharged, the discharge was honorable.
- The individual provided without delay advance notice for the leave, except when advance notice is not possible due to military necessity.
- The leave did not exceed the maximum total absence of five years from this City.
- The individual has timely applied for reemployment. What is timely depends on the length of the service, as follows:
 - Service less than 31 days: The individual must notify the City of his or her return at the start of the next regularly scheduled work period, after having been home eight hours.
 - Service 31 to 180 days: The individual must submit an application for reemployment not later than 14 days after completion of the uniformed service.

- Service more than 180 days: The individual must submit an application for reemployment not later than 90 days after completion of the uniformed service.

If you receive notice that you will be taking military leave, please contact your department head as soon as possible to discuss that leave.

Section 12. Funeral Leave

Funeral leave is only available to regular full time employees. In case of death in the immediate family, an employee may take up to 3 working days per death/funeral (a day is determined by the workday established in the employee's department) leave with pay. Each request requires the approval of the department head. An employee may use sick leave for additional time off if requested and with approval of the department head. Funeral leave shall not be charged against the employee's sick or vacation accruals. Employees shall notify their supervisor prior to taking funeral leave. Immediate family is defined as a parent, child, spouse, brother, sister and parent-in-law. Up to one regularly scheduled working day per death/funeral shall be granted for a grandparent, grandchild, aunt, uncle, cousin, sister-in-law and brother-in-law. Proof of death and relationship may be required

Section 13. Family and Medical Leave Act: (Applies only to employees covered by law)

Federal FMLA

In accordance with the FMLA, the City will grant up to 12 weeks of leave during any rolling 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

Eligibility

To qualify to take federal FMLA leave, an employee must meet all of the following conditions:

- The employee must have worked for the City at least 12 months, which need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee was on leave during the week. In determining whether intermittent or occasional employment qualifies as "at least 12 months," 52 weeks is deemed to equal 12 months.
- The employee must have worked for the City at least 1,250 hours during the 12-month period immediately preceding the date when the leave would begin.

Types of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking the leave for one of the reasons listed below:

- The birth of a child and in order to care for that child;
- The placement of a child with the employee for adoption or foster care;
- To care for a spouse, child, or parent with a serious health condition; or
- Because of the serious health condition (described below) of the employee that makes the employee unable to perform the functions of the employee's job.

Employees may care for any child where they act in *loco parentis*. Children need not be the employee's biological or legal children. Adult children are covered if the child suffers from a serious health condition and is "incapable of self care because of a mental or psychological disability."

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care at a hospital, hospice, or residential medical care facility or continuing treatment by or under the supervision of a health care provider.

"Continuing treatment by a health care provider" may be for a variety of situations, including:

- A period of incapacity of more than three consecutive full calendar days;
- Any period of incapacity due to pregnancy or for prenatal care;
- Any period of incapacity due to a chronic serious health condition;
- A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective; and
- Any period of absence to receive multiple treatments either for restorative surgery or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if not treated.

A "period of incapacity" is a period during which a person cannot work, attend school, or perform other regular daily activities because of the condition, including treatment for and recovery from the condition.

The City normally requires an employee to provide a health care provider's certification of the serious health condition. The form used for the certification process is available from the Human Resources Department.

If an employee takes paid sick leave for a condition that progresses into a serious health condition, the City may designate all or some portion of the earlier leave as FMLA leave

taken under this policy, to the extent that the earlier leave meets the necessary qualifications.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered military service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single twelve month period to care for the service member. This military caregiver leave is available during a single twelve month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

An eligible employee who is the spouse, son, daughter or parent of an individual being on or called up for active duty in the Armed Forces shall be entitled to up to 12 weeks per rolling 12-month period of "qualifying exigency" leave. "Qualifying exigency" is defined as short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities where the employer and employee agree to the leave.

An eligible employee can take up to 12 weeks of leave under this policy during any 12-month period. The City will determine the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

If a husband and wife both work for the City, a leave for the birth of a child, placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) with a serious health condition, may be limited to a total of 12 weeks for both of them during any 12-month period.

Employee Status and Benefits During Leave

While an employee is on leave, the City will continue the employee's health benefits at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continuing serious health condition, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

During a paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. During an unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the City by the 15th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave upon at least 15 days' advance written notice.

Use of Paid and Unpaid Leave

Time off from work granted under the City's paid sick leave policy that meets the required standard for time off under FMLA leave will be counted as part of the 12-week period.

Employees may apply all or part of their accrued paid leave time as part of the 12-week period, provided the basis for the leave qualified under the paid leave program.

The City may require employees to apply paid time off as part of the 12-week period.

Intermittent Leave or a Reduced Work Schedule

Depending on the particular circumstances and information provided by the employee's physician, an eligible employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed), or use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, except that of a military caregiver, the total amount of leave may not exceed a total of 12 weeks over a 12-month period.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption, or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the intermittent leave is medically necessary. The City normally requires certification of the medical necessity.

Certification of the Serious Health Condition

The City also normally requires certification of a serious health condition. The certification form should be returned within 15 days of receiving it. Failure to provide certification may result in a denial of FMLA leave, which may lead to disciplinary action for unexcused absence.

Certification of the serious health condition must include the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own serious health condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the

employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second health care provider, selected by the City.

If necessary to resolve a conflict between the original certification and the second opinion, the City will require a third opinion. The City and the employee will jointly select the third health care provider, and the City will pay for the opinion. This third opinion will be considered final.

The City may require an employee to provide a return to work certification from a health care provider before returning from FMLA leave.

Procedure for Requesting Leave

All employees requesting leave under this policy must submit the request in writing to their immediate supervisor, with a copy to the Human Resources Department.

When an employee plans to take leave under this policy, the employee needs to give the City 30 days' advance notice if the need for the leave is foreseeable. If it is not possible to give 30 days advance notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the City received notice.

While on leave, employees are required to report periodically to the City regarding the status of the medical condition, and their intent to return to work.

Wisconsin Family and Medical Leave

As noted above, an employee may be entitled to leave under both the FMLA and WFMLA, depending on the circumstances. When both acts apply, the employee will be entitled to leave under the more generous act. Under most circumstances, FMLA leave and WFMLA leave will run concurrently, and the FMLA will provide the more generous benefits. There

may be circumstances, however, where only the WFMLA applies or where the WFMLA provides the more generous benefits. This policy summarizes key distinctions in the provisions of the WFMLA.

In accordance with the WFMLA, the City will grant an employee up to 6 weeks of unpaid leave for the birth or adoption of a child, 2 weeks of unpaid leave to care for a seriously ill family member, and 2 weeks of unpaid leave for the employee's own serious health condition during any calendar year. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

Eligibility

In order to qualify to take WFMLA leave, an employee must meet all of the following conditions:

- The employee must have worked for the City at least 52 consecutive weeks. For eligibility purposes, an employee will be considered to have been employed during a week as long as the employee has actually been treated by the City as an employee, in accordance with normal personnel recordkeeping practices, regardless of the number of hours worked that week.
- The employee must have worked or have been on accrued paid leave provided by the City for at least 1,000 hours during the 52-week period immediately preceding the date when the leave would begin.
- The employee must work for an employer in Wisconsin employing at least 50 individuals on a permanent basis.

Types of Leave Covered

The amount of leave an employee may take under the WFMLA varies depending on the reasons for the leave. The different types of leave, and the length of leave available per calendar year for each different type, are described below:

- An employee may take up to 6 weeks of family leave for the birth of the employee's natural child or the placement of a child with the employee for adoption. This leave must begin after 16 weeks prior to the expected date of birth or placement, or before 16 weeks after the actual date of birth or placement.
- An employee may take up to 2 weeks of family leave to care for the employee's child, spouse, qualifying domestic partner or parent with a serious health condition.
- An employee may take up to 2 weeks of medical leave for the employee's own serious health condition if the employee is unable to perform his or her employment duties.

- A “serious health condition” is defined substantially the same as under the FMLA described above.
- Employees with questions about what conditions are covered under this policy or under the City’s sick leave policy are encouraged to consult with the Human Resources Department.

Use of Paid Leave

While an employee is using WFMLA leave, the employee may use accrued sick, personal, vacation, or any other accrued paid leave.

Other Miscellaneous Provisions

The provisions under the FMLA regarding Intermittent Leave or a Reduced Work Schedule, Certification of the Serious Health Condition, and Procedure for Requesting Leave, described above, also generally will apply to leave qualifying under the WFMLA.

If an employee has further questions about specific provisions of the WFMLA, or about the interplay between the FMLA and WFMLA, the employee should contact the Human Resources Department.

Section 14. General Leave of Absence Policy

The Personnel Committee may grant an employee a temporary leave of absence not to exceed nine months, unless otherwise required by law. During a leave extending beyond thirty days the employee shall not accrue or receive any benefits except health and life insurance. This section does not apply to leaves of absence for military purposes.

Leaves of absence shall be requested in writing and be submitted to the employee’s department head for review and should be presented at least ten days prior to the requested leave if circumstances will allow.

Section 15. Accident and Sickness Insurance

Short term disability insurance – The City will provide coverage under an accident and sickness insurance program of its sole choosing. All regular full time employees are eligible for this benefit. The benefit is not available to employees hired after the adoption of the handbook.

Long term disability insurance – The City will provide coverage under a long term disability insurance policy of its own choosing. The policy will provide compensation based on a percentage of salary after 90 days disability. All regular full time employees are eligible for this benefit.

End of Section

ARTICLE V. RESIGNATION

All regular City employees resigning from employment are requested to give the City Administrator at least two weeks' notice in writing.

End of Section

ARTICLE VI. EMPLOYEE DEVELOPMENT

Section 1. Training

Employees are expected to take advantage of opportunities for training offered by the City to better understand their jobs and develop new skills.

The City may require certain employees to attend training courses, as deemed best to meet the educational needs of the employee and to improve the general efficiency and safe delivery of City services. The City will pay the cost of the required training. If an employee desires to attend other training and education programs, the City may help defray some of the cost of job-related courses as approved and authorized by the City Administrator.

Section 2. Educational Reimbursement

A. Tuition Refund

When an employee enrolls in approved courses on his/her/own time, the City will consider paying full or partial tuition costs per course. The Tuition Refund Program should not be considered a right of the employee, but a privilege afforded those who are determined to be eligible and qualified. Reimbursement is for tuition only; charges for books and other supplies are not reimbursable.

All decisions regarding reimbursement are in the sole discretion of the City Administrator. All reimbursement is subject to the availability of funds.

B. Rates of Reimbursement

1. Courses directly related to the employee's present position or potential development in the City may be reimbursed at 100% of tuition.
2. Course cost only will be reimbursed. The cost of books, supplies and other course materials shall be the responsibility of the employee.

C. Eligibility Requirements

1. Must be a regular, full-time employee
2. Educational training must be taken at an accredited college, university, high school, business, professional institutes/organizations or technical school.
3. Courses taken must be directly related to the employee's job or of some direct value to the City.
4. Successful completion and verification of the course completion with at least a rating of "satisfactory" or a Grade of "C" or better.
5. No duplicate payments for the same course will be made if reimbursement from any other source is received.

6. Approval is to be secured in writing from the department head and the City Administrator prior to registering for the course. No exceptions.
7. Employees will use off-duty time to attend any course(s) of instruction for which they are requesting tuition reimbursement.
8. Employees who drop a class or receive a Grade of “D” or “F” are not eligible for reimbursement.

D. Required Employment Periods

If an employee voluntarily terminates employment before satisfying a specified period of time following completion of a course, the employee will be required to repay the City a pro-rated portion of the reimbursement. The length of time is based on the number of college semester (or quarter) hours for the course or length of training. College quarter hours will be converted to semester hour equivalents for purposes of this policy.

The specified look-back employment times are cumulative in that the more hours reimbursed, the longer the employee is required to remain in the City’s employ. However, all time worked following reimbursement for a course is counted toward the specified employment time, even though the employee may currently be enrolled in a course to be reimbursed. In other words, the mandatory employment time is continuously being reduced.

Employees that voluntarily terminate employment prior to satisfying the specified employment period are required to repay the City a prorated portion of the reimbursement, based on the amount of time left to be reimbursed.

The following schedule will be observed in determining the length of specified look-back employment period for tuition reimbursement per reimbursement incident (or term). Semester hour equivalents are the basis of reimbursement.

<u>Reimbursement for:</u>	<u>Length of Service Required:</u>
1-3 hour course	2 months
4-9 hours	4 months
10-18 hours	6 months

The length of look-back employment period shall run from the ending date of the class.

E. Procedure to Apply for Tuition Reimbursement

1. Prior to registering for the course, the employee must inform the department head of his/her intentions to request reimbursement with the Tuition Reimbursement Form. The form requests course title, location, course schedule, course credits, acceptance to a degree program and tuition costs. To assist the department head with budgeting department expenditures, the employee should provide a tentative continuing education calendar and costs coinciding with the City’s fiscal year (January 1 – December 31). The employee request should be to the department head by October 15 so that

due consideration can be made of the request during the annual budget process.

2. The department head should send a memo to the Administrative Department with the above-mentioned request form and his/her recommendation as to approving reimbursement along with his/her reason(s) for the recommendation. The department head must verify that funds are available in the department's budget.
3. City administrative staff will check for the employee's eligibility and the job relatedness of the course before sending its recommendation, including the amount of reimbursement, to the City Administrator for approval.
4. Administrative staff will inform the department head of the final decision, who in turn will inform the employee. At that point, the employee may register for the course assured of being reimbursed for the stated amount.
5. After completion of the course, the employee should submit the paid tuition statement for the course and his/her grade to the department head.
6. The department head will check for a satisfactory grade in the course and make out a check request for the amount to be reimbursed, and forward the claim to the City Treasurer for payment. The fee statement shall be attached to the check request. Reimbursement will be based on in-state tuition fees.
7. This procedure will apply for each course or class term for which tuition is being reimbursed.

Section 3. Employee Performance Evaluation

Formal employee evaluations should be conducted at established intervals of an individual's employment. The purpose of the evaluation shall be to formally assess the employee's performance over a designated period and to provide an opportunity for the supervisor and the employee to discuss all aspects of the position. Salary adjustments may be based on the employee's evaluation.

Formal evaluations should be conducted for new employees at the end of the probationary period and for promoted and demoted employees after six months. Regular employees are generally evaluated at least annually. Informal evaluations shall be conducted periodically, as each supervisor considers necessary.

Employee evaluations will generally be conducted by the appropriate supervisor, discussed with the employee, signed by the employee and reviewed by the department head and the City Administrator. The employee will generally have the opportunity to add any written comments to the evaluation form. The Library Board shall review and approve the evaluations of all Library personnel. Performance evaluations become a permanent part of the employee's personnel file.

Section 4. Rules of Conduct

A. General Purpose

It is important to understand that employment with the City of Waupaca is “at will.” An employee may leave City employment at his/her own discretion. Likewise, an employee may be relieved of his/her duties at the City’s discretion.

B. Duties and Responsibilities

It shall be the duty of employees to comply with and to assist in carrying out the provisions of the personnel rules and regulations. It is the duty of all supervisory personnel to promptly discuss improper or inadequate performance with employees so as to correct deficiencies and avoid disciplinary action.

C. Grounds for Action

1. Discipline may be, in the City’s sole discretion, of an increasingly progressive nature for each successive instance of employee misconduct. In recognition of the fact that each instance of misconduct differs in some respect, the City has a right to treat each occurrence individually without setting a precedent for future cases and without resort to progressive discipline.
2. It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is administered for any particular act or act of misconduct rests in the sole discretion of the Department Head and City Administrator subject to review by way of the grievance procedure. The appropriate level and type of discipline is to be determined on a case-by-case basis. Factors that might be considered in determining the appropriate level and type of discipline include: (1) the seriousness of conduct; (2) the employee’s overall employment record and any disciplinary history; (3) the employee’s ability and willingness to correct the conduct; (4) any action taken with respect to similar conduct by other employees; (5) the effect of the employee’s conduct on relations with the public, morale of other employees, or business in general; and (6) any other surrounding circumstances deemed relevant by management.
3. In cases where multiple offenses occur across two or more groups of offenses, the Department Head and City Administrator will have the discretion to administer discipline-based on the more serious infraction(s).
4. When employees receive a written reprimand, the employee is required to sign the reprimand to acknowledge that he/she has seen the letter, not that he/she agrees or disagrees with its contents. An employee may submit a written response for inclusion in his/her file.
5. When a permanent employee is placed on up to three months probation as a result of a disciplinary action, the employee’s status will be considered the same as during the initial probation period.

Group I Offenses

- a. Operating, using or possessing tools, equipment or machines, to which the employee has not been assigned, or performing other than assigned work.
- b. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
- c. Discourtesy to persons with whom the employee comes in contact while in the performance of his/her duties.
- d. Failure to report an absence or unavoidable late arrival at work to the supervisor or other designated departmental representative by the time required by departmental policy.
- e. Taking more than specified time for meals or rest periods.
- f. Productivity or workmanship not up to required standards of performance.
- g. Tardiness
- h. Unexcused absence
- i. Violating a safety rule or safety practice, including refusal to wear safety equipment or follow safety rules as requested.
- j. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or similar types of disorderly conduct.
- k. Creating or contributing to unsafe and unsanitary conditions, or poor housekeeping.
- l. Failure to report other employment to the appropriate department head.
- m. Unauthorized posting or removal of any matter on City bulletin boards or City property at any time.
- n. Unauthorized distribution of written or printed matter of any description on City premises.
- o. Unauthorized soliciting or collecting contributions for any purpose on City premises during work time.
- p. Working overtime hours unauthorized by the appropriate supervisor.
- g. Other actions deemed inappropriate by the department head.

The above list is not intended to be exhaustive. The City reserves the right to

add to or modify the list of conduct that may lead to discipline at any time. In addition, management may at any time, on a case-by-case basis, determine that discipline is warranted for conduct not listed above.

The City reserves the right to determine that immediate dismissal is appropriate at any time and for any reason. Generally, however, Group I offenses will be subject to the following progressive discipline, though the City reserves the right to skip steps in its sole discretion.

First Offense	Oral or written reprimand depending on seriousness
Second Offense	Written reprimand or suspension without pay up to 5 days depending on seriousness
Third Offense	Second written reprimand and or up to three (3) days suspension without pay and/or probation for up to three months depending on seriousness
Fourth Offense	Discharge

Group II Offenses

- a. Failure to work overtime, special hours or special shifts, after being scheduled or assigned according to overtime and standby duty policies.
- b. Provoking or instigating a fight, or participating in a fight any time on City property or while on duty.
- c. threatening, intimidating, coercing, or interfering with co-workers or supervisors at any time, including the use of abusive or obscene communication.
- d. Sleeping or giving the appearance of sleeping during working hours, unless otherwise provided as in fire service.
- e. Being under the influence of alcohol or illegal drugs while on the job.
- f. Participating in illegal chain letter organizations, gambling, lottery or engaging in any other game of chance at any time while on duty.
- g. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operations.
- h. Leaving the job during regular working hours without permission.
- i. Carelessness, which results in injury to City personnel, or damage to materials, equipment, tools or property.
- j. Unauthorized use or possession of the City's or another employee's tools, property, or equipment.

- k. Failure to report an accident or personal injury in which the employee was involved while on the job.
- l. Abuse of sick leave privileges or falsification of any leave records.
- m. Unauthorized use or misuse of City vehicles and/or equipment.
- n. Driving a motor vehicle while on duty without possession of a valid state of Wisconsin drivers' license or failure to report the loss or suspension of a driver's license when an employee is required to drive while on duty.
- o. Absent without permission or without approved leave request (AWOL).
- p. Insubordination.

The above list is not intended to be exhaustive. The City reserves the right to add to or modify the list of conduct that may lead to discipline at any time. In addition, management may at any time, on a case-by-case basis, determine that discipline is warranted for conduct not listed above.

The City reserves the right to determine that immediate dismissal is appropriate at any time and for any reason. Generally, however, Group II offenses will be subject to the following progressive discipline, though the City reserves the right to skip steps in its sole discretion.

First Offense	Written reprimand and/or up to three (3) days suspension without pay, and /or probation for up to three (3) months depending on seriousness
Second Offense	Discharge or other appropriate disciplinary action

Group III Offenses

- a. Wanton or willful neglect in the performance of assigned duties.
- b. Misusing, destroying, or damaging any City property or property of any employee.
- c. Falsification of personnel or City records including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or application.
- d. Making false claims or misrepresentation in an attempt to obtain accident benefits, workers' compensation or unemployment compensation payments for themselves or others.

- e. Unauthorized possession or use of firearms, explosives or weapons on City property.
- f. Unauthorized removal from City locations without proper authorization any City property or property of any employee.
- g. Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his/her job, his/her fellow workers, his/her reputation or goodwill in the community.
- h. The use and/or sale of narcotics or alcohol while on duty, while operating City equipment or while on City property.
- i. Being absent from duty for a period of three (3) consecutive working days without proper notification.
- j. Failure to return from an authorized leave of absence within three (3) working days from scheduled date of return without proper notification.
- k. Incompetence or inefficiency in the performance of assigned duties.
- l. Receipt from any person of a fee, gift or any other valuable thing of more than \$50 without proper notice to the department head.
- m. Use or attempted use of political influence or bribery to secure an advantage in any matter which concerns employment with the City.
- n. Concerted curtailment, restriction, production or interference with work in or about the City's workstations.
- o. Failure to sign a disciplinary notice, evaluation, or any other document when requested by supervisor.

The above list is not intended to be exhaustive. The City reserves the right to add to or modify the list of conduct that may lead to discipline at any time. In addition, management may at any time, on a case-by-case basis, determine that discipline is warranted for conduct not listed above.

Generally, Group III offenses will be subject to immediate dismissal.

Section 5. Discipline and Grievance Procedure

Discipline

Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the City. Disciplinary action may call for any of four steps

– verbal warning, written warning, suspension (with or without pay) or termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of 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.

Grievance Procedure.

This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, the following definitions apply:

1. “Employee discipline” includes all levels of progressive discipline, but shall not include the following items:
 - Placing an employee on paid administrative leave pending an internal investigation;
 - Counseling’s, meetings or other pre-disciplinary action;
 - Actions taken to address work performance, including use of a performance improvement plan or job targets;
 - Demotion, transfer or change in job assignment; or
 - Other personnel actions taken by the employer that are not a form of progressive discipline.

2. “Employee termination” shall include action taken by the employer to terminate an individual’s employment for misconduct or performance reasons, but shall not include the following personnel actions:
 - Voluntary quit;
 - Layoff or failure to be recalled from layoff at the expiration of the recall period;
 - Retirement;
 - Job abandonment, ‘no-call, no-show’, or other failure to report to work; or
 - Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties.

3. “Workplace safety” is defined as conditions of employment affecting an employee’s physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

Any written grievance filed under this policy must contain the following information:

- The name and position of the employee filing it,
- A statement of the issue involved,
- A statement of the relief sought,
- A detailed explanation of the facts supporting the grievance;
- The date(s) the event(s) giving rise to the grievance took place;
- The identity of the policy, procedure or rule that is being challenged;
- The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and
- The employee's signature and the date.

Steps of the Grievance Procedure

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

1. Step 1 – Written Grievance Filed with the Department Head. The employee must prepare and file a written grievance with the Department head within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The Department Head or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the Department head, the employee may initially file the grievance with the City Administrator, who shall conduct the Step 1 investigation.
2. Step 2 – Review by City Administrator. If the grievance is not settled at Step 1, the employee may appeal the grievance to the City Administrator within (5) business days of the receipt of the decision of the department head at Step 1. The City Administrator or his/her designee will review the matter and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance.
3. Step 3 – Impartial Hearing Officer. If the grievance is not settled at Step 2, the employee may request in writing, within five (5) business days following receipt of the City Administrator's decision, a request for written review by an impartial hearing officer. The City shall select the impartial hearing officer. The hearing officer shall not be a City employee. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the City acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.

4. Step 4 –Review by the Governing Body. If the grievance is not resolved after Step 3, the employee or the City Administrator shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employee, the appeal shall be filed with the City Council. The City Council shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the City Council's next regular meeting. The City Council will inform the employee of its findings and decision in writing within ten (10) business days of the City Council meeting. The City Council shall decide the matter by majority vote and this decision shall be final and binding.

An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee will not be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure.

End of Section

ARTICLE VII. GENERAL OPERATING PROCEDURES

Section 1. Breaks

Time permitting, non-represented City employees are allowed fifteen minutes for a morning and afternoon break. Breaks are considered a privilege, and the time allowed cannot be accumulated. Breaks must be taken in designated break areas or at the work site as directed by the supervisor and must not interfere with other employee's work. At the discretion of department supervisors an employee may combine the two breaks for up to 30 minutes.

Section 2. Lunch Period

Employees and their respective supervisors shall schedule employee lunch periods. All workstations and phones at the City must be covered during the work period. In general, individual lunch periods should not exceed one hour unless authorized by the appropriate department head. The lunch hour is not considered "work time," unless required by law. The Labor Agreements shall govern lunch periods for represented personnel.

Section 3. Personnel Records

The City tries to balance its need to obtain and use employment information with its concerns for individuals' privacy. To this end, the City attempts to maintain only the personnel information that is necessary for the conduct of its business or as required by federal, state, or local law.

Employees have a responsibility to keep their personnel records up to date, and should notify their department head in writing of any changes in the following information:

- Name;
- Address;
- Telephone Number;
- Marital Status (for benefits and withholding purposes only);
- Names, addresses, and phone numbers of spouse and dependents (for benefits purposes only);
- Beneficiary designations (for benefits purposes only); and
- Persons to be notified in case of emergency.

Access to Records and Personnel Information

Employees may inspect and may copy, but not remove, any personnel documents that have been used or which are used for determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination, or any other

disciplinary action, and medical records. Employees may be denied review of any of the following:

- Records relating to the investigation of possible criminal offenses by the employee;
- Letters of reference for the employee;
- Any portion of a test document, except for cumulative total scores;
- Materials used for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes;
- Information of a personal nature about a person other than the employee if disclosure would constitute a clearly unwarranted invasion into the other's privacy; and
- Records relevant to any pending claim between the employer and employee which may be discovered in a judicial proceeding.

Requests for inspections must be made in writing to the City Clerk and scheduled for a mutually convenient time.

Review must take place in the administrative offices with staff present. In addition, employees have the right to request a review of any information filed that is deemed by the employee to be inaccurate, misleading or unfair. Employees may add a note of disagreement to any information contained in the file.

Section 4. Use of City Vehicles

City vehicles shall be used for City business only except as authorized by the City Council upon the recommendation of the City Administrator. Only the employee assigned a City vehicle or designated to operate a vehicle may do so. City employees assigned or otherwise operating City vehicles shall observe the following practices.

- A.** Operate vehicles safely and economically and in strict compliance with all traffic and parking regulations. All passengers must wear their safety belts at all times while the vehicle is in motion.
- B.** Comply with routine maintenance schedules as established by the City Mechanic.
- C.** Assume responsibility for reporting needed repairs to the City Shop and maintaining the cleanliness of the interior and exterior of the vehicle.
- D.** Radio equipped vehicles shall maintain radio contact with an appropriate base station when on duty or on call.
- E.** All City vehicles shall be locked and keys removed from the vehicle when left unattended.

- F. No posters, stickers or advertisements shall be placed on City vehicles without prior approval of the City Administrator.
- G. City vehicles may be used for transportation to and from meals only when assigned to an employee on a full-time basis or when in use by employees required by job assignments to take their meals in the field.
- H. City vehicles may be used for transportation to and from an employee's residence when assigned to an employee on a full-time basis; when the employee is officially "on call" for emergency duty; or when on a temporary basis, the employee is assigned the vehicle directly by the department head.
- I. At no time shall the vehicle be driven when the operator has consumed alcoholic beverages.
- J. Employees operating City vehicles must have a valid Wisconsin Drivers License. Any change to an employee's regular or restricted driving status must be reported to the employee's supervisor within 5 days of the change of status.

Section 5. Safety

Employees are expected to observe all safety rules and regulations, wear required safety equipment, practice proactive safety in their work areas, and report any unsafe conditions or equipment to their supervisors.

The following safety rules will be strictly followed by all personnel:

- A. Practice good housekeeping. It not only improves the appearance of the job site but it also helps prevent fires, accidents, and personal injuries.
- B. Handle tools carefully and stores them so they cannot cause accidents.
- C. Wear safety equipment as required when performing a job. Safety goggles, safety glasses, dust masks and similar protective equipment will be furnished to those employees whose work requires this protection. Handle and care for safety equipment properly. If equipment needs to be replaced, return it to the appropriate supervisor.
- D. Do not work without proper safety equipment. The City's Workers' Compensation Carrier may not recognize a claim if the City and/or employee willfully fails and refuses to use safety regulations.
- E. Fighting, practical jokes, running, shoving, scuffling, or throwing things are prohibited.

Section 6. Safety Shoe and Uniform Policy

The City of Waupaca requires uniforms and safety shoes for all full time and seasonal employees within the public works and recreation departments. The following shall service as guidance in this policy:

- A. At the City's expense, regular full time, employees only will be provided uniforms (to include shirt, pant and jacket) and an allowance for safety shoes and glasses. The amount and extent of which is at the full discretion of the department head.
- B. The City will provide uniform shirts, t-shirts, swim suits (beach personnel) and potentially ball caps to all seasonal employees at the City's expense.
- C. The City WILL NOT provide pants or an allowance for safety shoes or safety glasses to temporary seasonal employees. It will be up to the seasonal employee to provide pants and safety shoes/glasses at his/her own expense. Safety shoes are a requirement of employment as a seasonal employee in the public works and recreation, maintenance departments.
- D. Safety shoes DO NOT include safety steel toed sneakers.
- E. Shorts- at the discretion of the department head, full time and seasonal employees may wear approved shorts while performing their work with the City. The decision to allow employees to wear shorts is based on safety and potential harm to the employee.
- F. When uniforms are provided to employees they must wear the uniforms (shirt, pants and coats) at all times. The employee and/or the City uniform vendor will keep the uniform clean and neat, except for t-shirts, which will require laundering by the employee. If an employee cannot wear the uniform, due to such reasons as an allergic reaction to the material, the employee must get a letter from their physician stating the reason why the uniform cannot be worn. Alternative clothing materials may be sought by the City to accommodate this concern.
- G. Any employee who leaves City employment and fails to return all uniforms, equipment, and accessories in a clean condition shall be obligated to repay the City for the value of the unreturned items.
- H. Accessory items to police or other uniforms including but not limited to holsters, protective ballistic vests, pepper spray and badges, shall remain the property of the City of Waupaca.
- I. All employees are expected to be neatly dressed and as well groomed as possible while on official business of the City.
- J. Police officers required to wear civilian clothing in the performance of their official duties shall be paid a clothing allowance, the amount and time of payment of which shall be determined by City Council through the annual budget process.

Section 7. Non-Solicitation Policy

The City of Waupaca, as an employer, is legally responsible for promoting the efficiency of the public services it performs. The following rules are implemented to further that legal responsibility.

- A. Solicitation or distribution of literature by the public in those areas of City property,

which are not open to the public, is strictly prohibited. Solicitation or distribution of literature by the public in those areas of the City property, which are open to the public, is prohibited where such activities disrupt, interfere, or otherwise substantially impair governmental operations.

- B.** Solicitation or distribution of literature by City employees on City property during work time is prohibited.
- C.** The City reserves the right to limit or prohibit the distribution of information or literature or the solicitation of donations if the City administrator determines that the activity disrupts, interferes or otherwise substantially impairs governmental operations. Employees shall provide the City Clerk's office with reasonable notice prior to engaging in such activities.

Section 8. Travel and Subsistence Allowance

A. General

Travel advances may be made to cover anticipated travel expenses with the approval of the appropriate department head. Decisions as to which trips are authorized are normally made during the formulation of the annual budget. Travel requests must be specified on a travel request form, which must be forwarded to the appropriate department head within five (5) working days before a trip. A travel reimbursement request must also be submitted to the department head for payment approval. Paid bills for lodging and receipts for air or rail fares are required to be attached to the travel expense form if such expenses have been incurred. The City shall pay actual registration fees, which shall be based upon a copy of the official conference brochure indicating such fees.

B. Transportation

1. The City may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in tourist or economy class where such services are available.
2. Municipal-owned vehicles may be used for out-of-town travel. All expenses incurred for operation of such vehicles must be documented by receipts attached to the expense report.
2. Employees who, with authorization from their department head, use their personal vehicles for official business may be reimbursed at established IRS rates. Adequate vehicle liability insurance must either be previously provided or secured by the employee prior to utilizing a personal vehicle for official business.
4. Receipts must be attached to the expense report to claim reimbursement for all ferry, bridge, road and parking lot tolls. Taxicab fare receipts are not required, but all expenses must be itemized on the expense report.

C. Lodging

An employee is expected to make hotel or motel reservations well in advance whenever possible and to take other actions to insure that lodging is secured at moderate rates. If an employee is to attend a formal, organized meeting or conference, he/she may stay at the hotel or motel where the meeting is to be held. The City, in all cases, will pay no more than the regular single room rate.

D. Mileage and Subsistence Allowance

1. Mileage and subsistence allowance will be determined annually and published in a separate document.
2. Where registration or tuition fees include one or more meals, only those meals not covered by such fees will be reimbursed by the City. Where prices of tickets to conference luncheons or dinners exceed individual meal limits, the applicable meal and daily limits shall be increased by the excess amount.
3. Employees will not be paid for time spent during meals while at training. When training is for all day or multiple days employees will be compensated for an 8 hour workday so that breaks and meal periods do not need to be tracked. Travel time to and from training should be included in the 8 hour day, unless the department supervisor determines that the travel time is excessive and creates a longer than typical work day.
4. Employees receiving a monthly travel allowance will not be eligible for mileage reimbursement unless they travel outside Waupaca County AND their round trip is 50 miles or more. The travel reimbursement for these employees as well as all employees shall be the established IRS rate. The City administrator must approve all mileage reimbursement requests by department heads. The mayor or council president must approve the reimbursement request by the City administrator.

E. Travel Request Procedures

1. Employees shall complete the travel request form at least five (5) days prior to the meeting/conference and forward it to their appropriate department head for review and approval. In cases of emergency travel, the time frame for travel requisition can be altered.
2. Employees shall report all travel expenses using the travel reimbursement form within five (5) days after returning to work. The form should be submitted to the appropriate department head for approval.

Section 9. Clean Indoor Air Policy

In accordance with Wisconsin state law there will be no smoking or use of tobacco products in City buildings. This ban also applies to City vehicles and while operating mobile equipment.

The City shall promote nonsmoking in all City-owned buildings by conspicuously displaying "Thank You for Not Smoking" placards in all public areas.

Smoking during work hours will only be allowed during employee's lunch hour and approved breaks. (Adopted: November 19, 2002)

Section 10. Use of City Property

Proper use and maintenance of all City property is of the up most importance. The equipment and tools used on the job are modern and costly. If it is found that equipment is defective, the condition should be reported to supervision at once. Defective equipment should never be used as this may endanger employees and others.

City-owned property shall not be used by an employee while off the job, or for personal use while on the job.

Abuse or misuse of City equipment will be considered grounds for termination of employment.

Section 11. Telephones & Cell Phones

- A.** The telephones placed in various City offices are provided for conducting City business. Cell phones are also provided for conducting City business. These telephones must be kept open and available for business calls. When it is necessary to place or to receive a personal call while at work, please keep the call as short as possible.

Employees are not to place personal, long distance calls on a City telephone. Exceptions may be allowed in an emergency prior to approval of the employee's supervisor; in no case may such call be charged to the City.

- B.** Cell Phone Use While Operating Vehicles. To ensure the safe handling and operation of City and/or privately owned vehicles, it shall be the policy of the City of Waupaca that employees may receive a phone call in their vehicle while the vehicle is moving but they must pull over as soon as possible in a safe location to continue the call. When making/placing calls the employee is to pullover or otherwise be stopped. This policy applies to the operator of the vehicle only.

The City may provide hands free docking stations at no cost to the employee. These stations shall be considered City property. Docking stations allow for hands free operation of a cellular phone. If a hands free docking station is available in the vehicle the employee may receive calls while moving in the vehicle and complete the call. However, when making the call the employee must still pull over at a safe location, place the call and then may proceed on, completing the call. For those

employees using private owned vehicles in their day-to-day work activities, these stations shall be surrendered upon leaving employment with the City.

Employees are given computers, e-mail, voice-mail and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the City's computer equipment. The computer network is the property of the City and may be used only for City business, or other purposes approved and authorized by the City, in compliance with this and other City policies.

Section 12. Employee Physicals

Should there be any question regarding an employee's fitness for duty, a physical examination may be arranged after approval by the City Administrator. These physicals are at the City's expense.

Section 13. Time Keeping

To insure that employees and their supervisors are accounting for work their time properly, all nonexempt (hourly) employees will be required to use the City's web based timekeeping system. It is important that employees review their time entries, as this is the basis for their pay. Department supervisors will verify as part of bi-weekly payroll approval. Employees are prohibited from managing/utilizing the web based time keeping system for anyone but themselves

Section 14. Inclement Weather Policy

It is the policy of the City that all City departments remain open during inclement weather. All employees are to make an earnest effort to report to work.

Non-exempt employees who are unable to report to work on time or who are late to work, shall be allowed to work additional hours in the same pay period in order to make up the lost time. However, if the inclement weather occurs on the last day of the pay period and the City cannot schedule the additional work time that day, the employee may elect to use vacation time. This same situation applies if the employee is allowed to leave work early because of inclement weather.

Section 15. Recycling

The City of Waupaca supports conservation of scarce resources by encouraging recycling and waste reduction in its business practices and operating procedures. This commitment and support includes the purchase, use, and disposal of products and materials in a manner that will appropriately utilize natural resources and minimize any adverse impact on the natural environment.

Recycling containers have been set up to promote the disposal, source separation and collection of the following recyclable materials: newspaper, corrugated cardboard, aluminum, glass and plastic

Employees are authorized and directed to discontinue the use of unnecessary products

and materials, which are harmful to the environment, and to reduce the use of disposable products such as paper & tape. Conservation can be promoted through such activities as two-sided photo copying, reusing paper clips, folders and binders, reusing pallets and packaging materials, and turning off lights when not in use.

Whenever cost effective, employees of the City of Waupaca are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Any questions about recycling should be directed to the supervisor.

Section 16. Time Off For Family Obligations

It is the policy of the City of Waupaca to support employees in their efforts as family members. It is understood that families are the basis for our community and that healthy families are important. By promoting policies that enhance the viability of families, it is felt that employees will be more loyal to the organization and in turn will be more productive and conscientious. Therefore, upon adequate notice to the department supervisor, and at the supervisor's discretion, employees may take time away from work for such activities as chaperoning school events, participating in their child's' activities at school, and activities of service clubs, etc. Every effort will be given to granting this time off. However, the overall operational needs of the City must be considered. The time off is to be charged to an employee's vacation time or uncompensated at their discretion.

Section 17. Internet and E-mail Policy.

A. Overview

The availability of electronic communications technologies has created great opportunities for both business and government. This technological tool will enhance the ability of the City of Waupaca to deliver top quality services to the public. Providing the technology to certain City employees will promote the efficiency and creativity of these employees. Access to and use of the Internet and email will lead to greater resource sharing, improved communications and innovation.

The City of Waupaca promotes the use of resources to improve job performance through Internet and email utilization. Unfortunately, these same technologies can create situations that are not in the best interest of the City organization.

The following policy is meant to clarify City administrations' expectations concerning the use of the Internet and email by establishing guidelines for their use.

B. General Statements of Policy

- a. City Staff are expected to use the Internet and E-mail in a responsible manner.
- b. Use of the electronic resource is a privilege and not a right.
- c. Internet and email uses are to be related to the program and operation of the City.

- d. All e-mail accounts are owned by the City. Therefore, the contents of all e-mail communications are accessible at all times by City of Waupaca management for any business purpose.
- e. Use of the City's computer equipment and related technologies is considered consent by the user to have such information monitored by the City with or without prior notice to the user. Employees should have no expectation of privacy in their use of any of the City's computer equipment or technology.
- f. Unauthorized use of copy written material and material protected by trade secret is prohibited.
- g. Use of City equipment, Internet services and e-mail for personal gain/commercial activity is not permitted.
- h. The Internet and email systems should not be considered a secure network and should not be relied on for the transmission of confidential or sensitive data or messages.

C. Access

It shall be at the discretion of the Department Head and/or City Administrator to determine which employees in their department(s) shall gain Internet access. Department Heads shall determine and monitor, which uses are appropriate.

D. Personal Use of E-Mail

Personal use of the City's computer hardware, software and e-mail capabilities is permitted during breaks, as well as before and after work hours. It is recognized that incidental and occasional personal use of e-mail may occur. Occasional use is permitted and will be treated in the same manner as personal phone calls. Department heads will determine if personal usage is excessive, and if so, take appropriate disciplinary action.

Employees are given computers, e-mail, voice-mail and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the City's computer equipment. The computer network is the property of the City and may be used only for City business, or other purposes approved and authorized by the City, in compliance with this and other City policies.

E. Forbidden Content/Activities

Employees shall not use the Internet and e-mail in a way that is inconsistent with current policy and procedures. Pornographic, profane, insulting, disruptive or offensive language and graphic material is expressly forbidden, to include screensavers and wallpaper. Other examples include dirty jokes, ethnic slurs, unwelcome propositions, cartoons or love letters.

F. Password and System Security

Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to the other employee's e-mail messages.

G. Viruses

Virus infection is one of the most well documented threats of Internet use. It is important that employees scan all incoming files for viruses, whether downloaded or attached to electronic mail messages. Users should not open or attempt to read any files received over the Internet that they did not specifically request, and should immediately contact their network administrator upon receiving an non-requested file.

H. Violations of Policy/Disciplinary Action

Violations of these procedures and policy will result in appropriate disciplinary action up to and including oral & written reprimand, suspension without pay and discharge.

Section 18. Computer Laptop Usage Policy

BACKGROUND: Technology innovation is moving at an accelerated pace. Technology enhancements have the ability to make organizations and employees more efficient and effective. The City of Waupaca can benefit by integrating laptop computers into City operations.

1. Policy Goals to be accomplished through use of laptops.

- a. Improving communication among and between the Common Council, City staff City residents and businesses.
- b. Reduce the use of paper, photocopiers and related office equipment and their associated costs of operation.
- c. Improve the efficiency of putting together the monthly committee and council meeting packets and the meetings themselves.
- d. To make the City organization, policy makers and staff more technology proficient, thereby reaping the cost savings derived from greater efficiency.

2. Ownership. The laptops shall be the property of the City of Waupaca and as such maintained by the City. "Maintained" includes costs of software upgrades, hardware repair or replacement and training for new users. Each laptop shall be inventoried and supplied a fixed asset control number.

Common Council members who choose to use a laptop will be provided one at no charge. The laptop will be equipped with software and appropriate network cards. The council

member is free to use the laptop for both City and non-City related purposes. If the individual no longer serves on Council or is a City employee, the individual will have the opportunity to purchase or “buy out” the remaining life or cost of the equipment. For purposes of this policy, laptops will be amortized over four (4) years.

If the equipment is not surrendered to the City at time of separation, then any cost owed to the City by the council member or employee shall be bill the outstanding amount owed, granting the individual a reasonable amount of time to make full payment. If the City is unable to collect the funds, the City reserves the right to pursue repayment through all available means.

3. Accessory Equipment. Common Council members and City staff shall have the opportunity to purchase accessory equipment for their laptop not approved for payment by the City but must do so at their own cost. The equipment shall remain the property of the council member or employee. The City is not responsible for the care and maintenance of this equipment. The City’s IT consultant should be made aware of these proposed purchases to ensure the additional equipment and/or software is compatible.

4. Internet Services. It shall be the responsibility of the council member and staff employee to retain their own Internet service provider at their cost. However, when in City Hall the individual will have full access to and use of the City network to include Internet, email and printers.

5. Internet and Email Policy. The current stated policy is in effect and incorporated within this policy with the exception that it now extends to council members in addition to City staff. The current Internet and Email policy for the City is attached.

6. Policy Acceptance by council Member and City Staff. Each Common Council member and City staff issued a laptop will be required to sign a statement that they have read and understand this policy.

7. Monitoring Responsibility. The City administrator’s office, working through the City’s technology consultant, shall have the responsibility for ensuring that this policy is adhered to. The City Finance Committee shall be the standing committee to review and make any recommendations for change to the policy that may be required from time to time.

8. Effective Date. This policy shall become effective upon adoption by the Waupaca Common Council.

Employees are given computers, e-mail, voice-mail and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the City’s computer equipment. The computer network is the property of the City and may be used only for City business, or other purposes approved and authorized by the City, in compliance with this and other City policies.

Section 19. Conduct of Union Business.

Represented employees are to conduct their business off the job as much as possible. If Union business is conducted on the job it should not hamper or otherwise have a negative effect on City operations. The DPW and Clerical unions must vote annually to recertify. The City will not collect union dues on behalf of union members through payroll deduction.

Section 20. Commercial Drivers License

Employees requiring to hold a Commercial Drivers License (CDL) shall be reimbursed the difference in cost between a regular drivers license and a CDL license. This applies to both new and renewal licenses.

If the CDL license of an employee is suspended or revoked due to reasons that do not arise during the course of employment, the City will consider whether that employee can continue in another position with the City that does not require the CDL license. Should a position be available the employee shall be paid the appropriate wage for that position. Nothing in this policy obligates the City to create a position for the employee.

Section 21. Weapons Policy

The City of Waupaca prohibits all employees from carrying a weapon during the course of their employment or on City property, including but not limited to handguns, firearms, knives, billy clubs, tasers, and whether concealed or in plain view, regardless of whether the person is licensed to carry the weapon or not. The only exception to this prohibition is for sworn law enforcement officers who have the legal authority to carry a weapon or other persons who act in the interests of the employer and who have been given written consent by the employer to carry a weapon on the property.

Nothing in this policy prohibits an individual from lawfully keeping a weapon in his or her own personal vehicle or from lawfully carrying the weapon while traveling in his or her own personal vehicle in the course of his or her employment to the extent allowed by law. Weapons kept in a personal vehicle on City property must be stored out of sight and unloaded.

An employee in possession of weapons on the employer's premises or in the employee's own personal vehicle must promptly notify his or her supervisor upon arrival at work. Employees who have knowledge of a violation of this policy should immediately report it to their supervisor. No employee will suffer discipline as a result of reporting a suspected violation of the weapons policy

Violation of this policy will subject an employee to disciplinary action up to and including immediate termination and appropriate criminal charges pursued against such individual.

END OF POLICY