

CHAPTER 75

PERSONNEL ORDINANCE REGULATING CITY EMPLOYMENT

75.01 PERSONS TO WHOM THIS CHAPTER APPLIES.

(1) PERSONS SUBJECT TO THIS CHAPTER. As used in this Chapter, "Employee" shall mean any person regularly employed on a full-time or part-time basis by the City of Richland Center, whether such employment is temporary or permanent. Employees of the Richland Center Electric Utility or of the Richland Center Water and Sewer Utility shall be deemed employees under this Chapter provided the Utility Commission for such utility has by resolution adopted this Chapter thereby making its provisions applicable to utility employees. Upon such adoption of this Chapter, such Utility commission when the provisions of this Chapter are applied to employment by an adopting Utility or to employees of an adopting Utility the term "City" shall be deemed to mean the adopting Utility; the terms "City Clerk" and "Clerk" shall be deemed to mean the Utility Administrator of the adopting Utility; and the term "Personnel Committee" shall be deemed to mean the Utility Commission of the adopting utility.

(2) PERSONS NOT SUBJECT TO THIS CHAPTER. Because they are subject, directly or indirectly, to the electoral process, this Chapter shall not apply to any of the following:

(a) officers and officials of the City elected by popular vote.

(b) officers or officials elected to a term of office of fixed duration by the Common Council.

(c) officers or officials appointed to a term of office of fixed duration by the Mayor, including officers and officials who are subject to reappointment at the annual organizational meeting of the Common Council.

(3) UNION EMPLOYEES. To the extent that the provisions of this Chapter are not in conflict with the provisions of any collective bargaining agreement or union contract covering certain employees, this Chapter shall apply to union employees. In any case where there is a conflict between this Chapter and a collective bargaining agreement or union contract, the terms of such collective bargaining agreement or union contract shall supersede the provisions of this Chapter.

75.02 CLASSIFICATION OF EMPLOYEES.

(1) Employees shall be classed as either full-time, part-time or temporary employees. Within each such classification the employee may be deemed a probationary status employee or a non-probationary status employee, pursuant to and subject to the applicable provisions of sec. 75.03 of this Chapter.

(2) Full-time employees are those employees who normally work a regular full work week of 37.5 or 40 hours (depending upon job classification), 52 weeks per year less holidays and vacations.

(3) Part-time employees are those employees who normally work less than a regular 37.5 or 40 hour week, 52 weeks per year less holidays and vacations.

(4) Temporary employees are those employees normally working an irregular, occasional schedule depending upon the City's needs; employees hired for a limited time such as for summer work only and/or employees who report for work only when called.

(a) A temporary change in the number of hours per week that an employee works shall not be deemed to change the employee's status.

(b) Except as otherwise specifically provided herein, temporary employees shall not be entitled to receive or participate in employee benefits, and shall not accrue seniority.

75.025 PROCEDURE FOR HIRING NEW EMPLOYEES.

(1) MANAGEMENT PERSONNEL. The procedure for hiring management personnel shall be as follows:

(a) An opening develops.

(b) The department head and the appropriate committee present their needs to the Personnel Committee.

(c) The Personnel Committee and the appropriate committee develop a description of the vacant position.

(d) The Personnel Committee advertises the vacancy.

(e) The appropriate committee screens applications and forwards to the interview committee the resumes/applications of those candidates to be interviewed. The interview committee shall consist of the entire Personnel Committee and the chairperson of the committee under whose supervision the vacancy occurs.

(f) The interview committee interviews applicants and selects an applicant for hiring.

(2) NON-MANAGEMENT PERSONNEL. The procedure for hiring non-management personnel shall be as follows:

(a) An opening develops.

(b) The department head of the affected department contacts the appropriate committee regarding the vacancy; the department head also notifies the Mayor and Personnel Committee in writing.

(c) The appropriate committee notifies the Personnel Committee and requests permission to advertise the vacancy.

(d) The interview process and hiring will be carried out by the appropriate committee upon authorization by Personnel Committee.

75.03 PROBATIONARY STATUS EMPLOYEES.

(1) DURATION OF PROBATIONARY STATUS. Every new employee shall be deemed to be a probationary status employee for a period of the employee's first twelve (12) months, of continuous employment by the City. An employee who was previously employed in a different department by the City but who accepts a position in or under a different department of the City shall be deemed a probationary status employee for his/her first twelve (12) months' employment in the new department. An employee who was previously employed in a non-supervisory position in the same department but who accepts a supervisory position within his/her department shall be deemed a probationary status employee for his/her first twelve (12) months, employment in the supervisory position.

(2) PURPOSE OF PROBATIONARY PERIOD. The probationary period is intended to give the employee an opportunity to demonstrate to management his/her ability to function as an effective employee in the City's employment. A probationary status employee has no vested right to retain his/her employment for the City, and his/her employment may be terminated at any time through the last day of the probationary period. No cause need be stated for termination of the employment of a probationary status employee during the probationary period.

(3) PAY RAISES DURING PROBATIONARY PERIOD. No probationary status employee shall be entitled to any pay raises during his/her probationary period. Any pay raises applicable to permanent status employees in the probationary employee's department shall not apply to probationary status employees. There shall be an automatic review by the Personnel Committee of the level of pay of each probationary employee during the last thirty (30) days of the employee's probationary period. The Personnel Committee and the Common Council may, but need not, authorize a pay raise for an employee effective upon the satisfactory completion of the probationary period.

(4) EMPLOYEE REVIEW DURING PROBATIONARY PERIOD. The Personnel Committee and/or the employee's department head or supervisor may review and evaluate any probationary status employee during his/her probationary period, but such a review is not mandatory and the employee shall not be entitled to such a review as a matter of right.

75.04 HOURS OF WORK

The normal work day for full-time employees shall be seven and one-half (7 ½) or eight (8) hours, and the normal work week for full-time employees shall be thirty seven and one-half (37 ½) or forty (40) hours. Other work hours may be established from time to time, in which case the affected employee(s) shall be given notice of the changes a reasonable time in advance.

75.05 LUNCH BREAKS

Each employee shall be entitled to a lunch break of one hour maximum, approximately midway through the employees work shift. Each department may set the normal hour of lunch breaks.

75.06 EMPLOYEE WORK RULES

(1) APPLICATION. The following work rules apply to all City employees to whom this Chapter applies pursuant to sec. 75.01.

(2) DEPARTMENTAL WORK RULES. The adoption of the following work rules does not prohibit individual departments from promulgating additional work rules to cover unique situations, conditions, or work behavior appropriate to the department. Likewise, the work rules shall not be deemed to constitute the entire list of violations for which employees may be disciplined. All additional department work rules shall be reviewed and approved by the Personnel Committee prior to imposition. No departmental work rule shall be adopted or shall be enforceable against any employee if such rule violates the terms of a collective bargaining agreement or union contract applicable to the employee.

(3) RELATION OF WORK RULES TO UNION CONTRACTS. The following work rules are not all-inclusive of prohibited employee acts; nor do these work rules supersede the provisions of any employee collective bargaining agreement or union contract. However, where an employee collective bargaining agreement or union contract reserves or assigns to management the right to impose work rules, these rules shall be applicable to employees in the bargaining unit.

(4) ACTS WHICH CONSTITUTE VIOLATIONS OF WORK RULES GOVERNING GENERAL WORK PERFORMANCE. The following acts shall be violations of work rules and shall be grounds for disciplinary action:

(a) Insubordination, disobedience, failure or refusal to follow the written or oral instructions of supervisory authority, or failure to carry out work assignments.

(b) Neglecting job duties and responsibilities.

(c) Disclosure of confidential information and records to unauthorized persons, when the employee has been informed that the matter is confidential.

(d) Intentionally falsifying records or giving false information relating to any matters relevant to City affairs to other City, State or Federal officers or employees responsible for record keeping or for enforcement of City, State or Federal law.

(e) Failure to observe all safety rules and practices on the job, including failure to use protective equipment and clothing.

(f) Failure to observe all safety rules and practices in the operation of City vehicles and equipment.

(g) Attempting to keep secret or unavailable information or records which are public records or which rightfully should be furnished to other government employees, including unauthorized destruction of records.

(h) Failure by a department head or other supervisory person to take appropriate action to enforce or to deal with infractions of these work rules by employees under his/her supervision.

(5) ACTS WHICH CONSTITUTE VIOLATIONS OF WORK RULES GOVERNING ATTENDANCE AND PUNCTUALITY. The following acts shall be violations of work rules and shall be grounds for disciplinary action:

(a) Failure to report promptly at the starting time of a shift; leaving before the scheduled quitting time of a shift; or failure to notify the proper authority of impending absence or tardiness.

(b) Unexcused or excessive absenteeism or failure to report to work.

(c) Frolic or detour for personal business or pleasure while on City time or on City business.

(d) Abuse of sick leave privileges, including but not limited to claiming inability to work due to illness or injury when in fact no such illness or injury exists which prevents working. The City shall have the right to require its employees to furnish a written medical excuse signed by a licensed physician verifying illness or injury when any employee fails to report to work due to illness or medical condition on more than two (2) work days or work shifts in any fourteen (14) day period for medical reasons. Failure to require such excuse in all instances shall not be deemed a waiver of this right.

(e) Failure to observe the time limits of lunch, rest, or wash-up periods.

(6) ACTS WHICH CONSTITUTE VIOLATIONS OF WORK RULES GOVERNING USE OF CITY-OWNED PROPERTY. The following acts shall be violations of work rules and shall be grounds for disciplinary action:

(a) Abuse or misuse of City property, materials or equipment including motor vehicles.

(b) Stealing or unauthorized possession of City property, equipment, or materials.

(c) Unauthorized use of City property or equipment including but not limited to vehicles, telephones, copy machines, or mail service.

(d) Selling, giving away or otherwise transferring City property or the use of City property to any person unless specifically authorized to do so by the Common Council or by a Committee of the Common Council.

(7) ACTS WHICH CONSTITUTE VIOLATIONS OF WORK RULES GOVERNING PERSONAL ACTIONS AND APPEARANCES. The following acts shall be violations of work rules and shall be grounds for disciplinary action:

(a) Commission of a Federal or State crime during hours of employment as a City employee or involving the use of any City property or facility.

(b) Threatening, attempting to inflict, or inflicting bodily harm upon fellow employees, representatives of other agencies, or members of the public while working as a City employee, except when exercising a privilege conferred by law, and then only to the extent that such activity is legally privileged.

(c) Threatening, intimidating, interfering with, or using abusive language toward fellow employees or members of the public while working as a City employee, including slurs based upon race, creed, gender, or place of national origin.

(d) Harassment or discrimination as defined in the applicable discrimination / harassment work rules or policy. **ORDINANCE 2001-2**

DISCRIMINATION / HARASSMENT POLICY:

The City of Richland Center is subject to federal, state and local laws, which prohibit discrimination in the work place.

The City of Richland Center prohibits any conduct which violates these laws, including discrimination or harassment based on race, color, religion, sex / gender, national origin, age disability / handicap, status or service as a veteran, marital status, sexual orientation, arrest or conviction record and any other status prohibited by applicable law (collectively “protected class”)

This policy covers acts, which are physical, verbal, or written (including the use of e-mail, internet, or other electronic means (collectively “conduct”)

This policy applies to the conduct of all employees, owners and third parties who interact with employees, such as customers, vendors, independent contractors or members of the public.

This policy prohibits any unwelcome conduct based upon or directed to any employee's protected class which (collectively "unwelcome conduct"):

Creates an intimidating, hostile or offensive work environment; Unreasonably interferes with the work performance of any employee; Submission to or rejection of the conduct is made either explicitly or implicitly a term or condition of employment or otherwise is used as a basis for a decision affecting employment.

Any employee who believes unwelcome conduct is taking place, either to him / her or to another employee, shall promptly report this to the employee's immediate supervisor. If for any reason the employee believes it would be inappropriate to report the matter to the immediate supervisor, the employee shall immediately report the matter to any other supervisor.

Any report of unwelcome conduct will be investigated in a manner that is consistent with the nature of the complaint. Any employee making a bona fide complaint shall not be subject to retaliation on the basis of making a complaint. Unwelcome conduct includes such retaliation and should be reported to a supervisor.

The City of Richland Center will take action to prevent and correct unwelcome conduct as is appropriate under the circumstances. Such corrective action may include discipline up to and including discharge.

(e) Unauthorized possession of weapons on the job or during hours when the employee is working at his/her City employment.

(f) Making or disseminating false, defamatory or malicious statements concerning other employees, supervisors or officers of the City.

(g) Unauthorized possession or use of alcoholic beverages or controlled substances during work hours, while on City time or property, or while engaging in City business.

(h) Reporting to work under the influence of alcohol or controlled substances.

(i) Manifesting evidence of abuse of alcohol or controlled substances when such abuse affects the employee's performance of his/her employment functions.

(j) Reporting to work in a condition reasonably likely to be unsafe to himself/herself, other employees, members of the public or to physical property due to the influence of medication or due to illness.

(k) Eating or drinking in unauthorized areas or at times when not authorized by supervisory personnel.

(l) Selling commercial or private products or services on City time or on City premises without written authorization.

(m) Unauthorized solicitation of funds or donations for any purpose on City time.

(n) Unauthorized distribution of printed matter on City time.

(o) Unauthorized possession, lending, borrowing, or duplication of City keys or credit cards; careless or improper use of City keys or credit cards; or failure to report promptly the loss of City keys or credit cards.

(p) Where City employment requires wearing of a uniform, unauthorized or improper use of the uniform or failure to wear the uniform property,

(q) Soliciting or accepting any unauthorized compensation, reward, kickback, gratuity or gift of any kind or value for performing any service related to the employee's job as an employee of the City.

(r) Engaging in union activities on City time, except as permitted by Federal and/or Wisconsin law or as permitted by a collective bargaining agreement applicable to the City and the employee.

(s) Intentionally, carelessly or negligently damaging or destroying property owned by members of the public while performing duties as an employee.

(8) ACTS WHICH CONSTITUTE VIOLATIONS OF WORK RULES GOVERNING OUTSIDE ACTIVITIES AND EMPLOYMENT.

The following acts shall be violations of work rules and shall be grounds for disciplinary action:

(a) Transacting business as an employee of the City with any business entity in which the employee has an interest except as authorized by law. This paragraph shall not prohibit such transactions if approved by the Common Council after disclosure of the employee's interest in such business entity.

(b) Engaging in any additional employment which hinders the employee's ability to perform his/her duties as an employee of the City. An employee who desires to undertake additional employment shall inform his/her department head of the nature and hours of the additional employment prior to commencement thereof. If the department head determines that the outside employment will hinder the employee in performing duties of City employment, and the employee disagrees, the matter may be referred to the Personnel Committee, who shall make the ultimate determination.

(c) Engaging in any outside activities or employment which may impair the employee's independence of judgment or his/her ability to perform his/her duties as an employee of the City.

(9) WORK RULES GOVERNING POLITICAL ACTIVITIES.

(a) It is the policy of the City to permit employees, participation in political activities, but only to the extent that such activities shall not be permitted which either interfere with the employee's obligation to the taxpayers as an employee of the City or which use or even appear to use the employee's City employment for political purposes.

(b) Permitted Political Activities. The following types of political activities by City employees are permitted:

1. Membership in a political party.
2. Participation in political party or campaign activities during non-working hours.
3. Making voluntary contributions for political purposes.
4. Management of a political campaign for a candidate during non-working hours.
5. Display of political signs or other campaign materials at the employee's home.
6. Running for a non-partisan office, if the holding of such office would not be incompatible with the employee's status as a City employee.

(c) PROHIBITED POLITICAL ACTIVITIES. The following types of political activity by City employees are prohibited, and shall constitute violations of work rules and shall be grounds for disciplinary action:

1. Using the employee's authority, influence or status as a City employee to interfere with or affect a nomination or election.
2. Using the employee's authority, influence or status as a City employee to intimidate, threaten or coerce any person to vote contrary to his/her free choice.
3. Using the employee's authority, influence or status as a City employee to directly or indirectly intimidate, threaten or coerce any person to pay, lend or contribute anything of value, including services to any political party, organization or candidate for Political purposes.
4. Using the employee's authority, influence or status as a City employee to threaten or to confer benefits or effect reprisals to secure desired political action or inaction.

5. Engaging in political activities while engaged in City employment duties, such as wearing political identification or campaign materials while on duty, parking a vehicle with a car-top political advertisement on City-owned property, passing out campaign materials on City time, placing political stickers or advertising on City vehicles, or similar activities in which the employee's political activities are intertwined with the duties of his/her City employment.

6. Running for full-time partisan political office while employed by the City. The filing of nomination papers shall constitute running for such an office. Immediately upon such filing, an employee shall take an unpaid leave of absence from his/her City employment, which shall last until the day after the election in which the employee is a candidate. An employee may use any of his/her unused vacation time during the period of leave of absence, but may not use sick days during such leave. Failure by an employee to take such a leave of absence shall constitute grounds for termination of his/her employment by the City.

7. Participating in the solicitation of funds to be used in any manner for a political campaign or political purpose while on duty as a City employee.

75.07 EMPLOYEE DISCIPLINARY PROCEDURES.

(1) OTHER METHODS ACCEPTABLE. The following procedures outline generally the steps to be taken by departments in administering employee discipline. These procedures are not all -inclusive and therefore departments may pursue other discipline methods appropriate to a situation, subject to review by the Personnel Committee.

(2) PURPOSE. The following procedures constitute a progressive discipline process. The principal objective of this process is to correct the inappropriate or unacceptable behavior of an employee. Though this method is progressive the City reserves the authority, should the conduct of the employee be determined to be sufficiently egregious, to take more severe disciplinary action including discharge without first employing the lesser disciplinary available to the City.

(3) FACTORS TO BE CONSIDERED. When considering the application and magnitude or degree of disciplinary actions the following should be considered:

(a) The seriousness and circumstances of the particular offense.

(b) The employment history of the employee involved, including length of service.

(c) The frequency, date and nature of prior disciplinary actions taken with respect to the employee.

(4) AVAILABLE DISCIPLINARY ACTIONS. The following employee discipline actions, set forth in ascending order of severity, are available to the City and may be imposed in appropriate cases:

(a) Oral Reprimand: This involves a face to face meeting between the first line supervisor and the employee to discuss the unsatisfactory areas of the employee's work performance or conduct and suggestions for improvements. The employee should be warned of future disciplinary action if the situation is not corrected. The occurrence of such discussion should be documented by the department, and a copy of such documentation shall be placed in the employee's permanent record.

(b) Written Reprimand: In cases where the oral reprimand has not been successful, or where the circumstances are more extreme or unusual, a written reprimand may be used. The written statement should include the causes of the reprimand and should indicate that further disciplinary action will result if not corrected. Where applicable, references to previous oral reprimands should be noted. The written reprimand should be discussed with the employee at the time it is given to him/her and a copy should be forwarded to the Personnel Committee and placed in the employee's personnel file. A copy shall also be sent to the bargaining unit, which represents the employee, if any.

(c) Suspension Without Pay: For more serious infractions or in cases where oral and written reprimands have not corrected the problem, a suspension without pay of varying Length may be imposed upon the employee. Notice of the suspension must be in writing with copies going to the employee, the bargaining unit, which represents the employee, if any, the Personnel Committee and the employee's personnel record. The written notice of suspension shall state the reason for the suspension, the length and dates of the suspension and shall bear the department head's signature. The written notice shall be delivered personally to the employee unless he/she is on vacation or sick leave, in which case it may be mailed to the employee's current or last-known home address as shown in the City's employment records.

(d) Alternatives to Suspension:

1. Reassignment: Under some circumstances, reassignment of an employee to another job situation may be appropriate either as a disciplinary action or as a means of assisting the employee in avoiding disciplinary actions in the future. Where appropriate, and if not contrary to a collective bargaining agreement, a department head may offer the employee reassignment in lieu of other disciplinary actions, if another position is available. If the employee declines reassignment, other disciplinary actions appropriate the employee's conduct may be imposed and if not contrary to a collective bargaining agreement.

2. Demotion: In some circumstances, departments may recommend demotion or transfer-demotions within a department as a disciplinary action. However, disciplinary

demotions should only be made if there is reasonable belief that the action will improve the employee's conduct.

(e) Discharge: In all cases where all previous disciplinary action has been unsuccessful or in cases of extreme or egregious violations of work rules, the employee should be discharged. The action to discharge may be initiated by a suspension "pending discharge" to provide adequate time for additional investigation. If the facts continue to warrant discharge, the notice of discharge shall be issued in order to effectuate the discharge.

1. Responsibility for Discharge: All discharges shall be formalized in writing and signed by the department head or in his/her absence, his/her representative. If the appointing authority is the Common Council or a Common Council Committee, Commission or Board, the discharge should be authorized at a meeting of the appointing body and the notice of discharge signed by a person authorized by the appointing body. Department heads shall consult with the Personnel Committee on matters involving the interpretation of union contract language or questions of policy.

2. Discharge Procedure: The written discharge, signed by the department head or other proper authority, and copies shall be delivered to the employee, the Personnel Committee, the bargaining unit representative, if any, and the employee's personnel record. If the employee is not available, the notification of discharge shall be mailed to the employee's last address on record with the department.

75.08 APPEALS OF EMPLOYEE DISCIPLINARY ACTIONS.

(1) AVAILABILITY OF APPEALS OF DISCIPLINARY ACTIONS.

(a) Probationary Employees. No employee during his/her probationary period shall have any right to appeal disciplinary actions.

(b) Non-Union Employees. All permanent status employees not covered by a collective bargaining agreement shall have the appeal rights granted under the appeals procedure.

(c) Union Employees. All permanent status employees covered by a collective bargaining agreement shall have the right to appeal disciplinary actions under the grievance procedures of their collective bargaining agreement. Such grievance procedures shall be the employees exclusive remedy, and such employees shall not have the appeal rights granted under the appeals procedure.

(2) APPEALS PROCEDURE.

(a) No appeals of Reprimands. There shall be no right of appeal of a disciplinary action consisting of an oral reprimand or a written reprimand.

(b) Appeals of Suspensions. An employee may appeal a suspension without pay or a demotion in the following manner:

1. Within five (5) working days after the delivery or mailing to an employee of a notice of suspension, the employee may initiate an appeal by delivering to the City Clerk a written appeal request. Such request shall be addressed to the Personnel Committee and shall state clearly on the outermost surface of the request or of the envelope containing the request "APPEAL OF DISCIPLINARY ACTION".

2. The request for appeal shall be typed, printed or legibly handwritten, and shall set forth the nature and duration of the disciplinary action being appealed, together with the employee's objection thereto and reasons for objection.

3. The Personnel Committee shall have the option of affirming or rescinding the suspension. In the event that a suspension is rescinded an appeal, the Personnel Committee may direct imposition of any less severe disciplinary measure or combination of less severe disciplinary measures for the employee's conduct.

(c) Appeals of Discharges. An employee may appeal a discharge in the following manner:

1. Within five (5) working days after the delivery or mailing to an employee of a notice of discharge, the employee may initiate an appeal by delivering to the City Clerk a written appeal request. Such request shall be addressed to the Personnel Committee and shall state clearly on the outermost surface of the request or of the envelope containing the request "APPEAL OF DISCIPLINARY ACTION".

2. The request for appeal shall be typed, printed or legibly handwritten, and shall set forth the nature and duration of the disciplinary action being appealed, and shall set forth the employee's objection thereto and his/her reasons for the objection.

3. The Personnel Committee shall hear and determine the appeal of an employee discharge. The employee shall be notified of the time and place of the hearing and shall be allowed to appear before the Committee and state his/her position, either in person or by a representative. The Committee may elect to hold its hearing as a closed session under sec. 19.85 Wis. Stats. If the hearing is held as a closed session, the employee shall not be entitled to confrontation of witnesses. The City and the employee may present to the Committee witnesses or other evidence having information relevant to the issue of such discharge.

4. After hearing the appeal, the Personnel Committee shall have the option of affirming or rescinding the discharge. In the event that the discharge is rescinded, the Personnel Committee may in its decision direct imposition of any less severe disciplinary measure or combination of less severe disciplinary measures for the employee's conduct.

5. An affirmative vote of the majority of the members of the Personnel Committee shall be required to rescind a discharge.

75.09 LAYOFFS AND DEMOTIONS OF EMPLOYEES.

(1) **LAYOFFS.** Budget cuts, decreases in workload, abolition of programs or departmental reorganizations may result in staff cutbacks. Seniority, performance records, conduct, abilities and qualifications shall be considered in determining the order of layoff within a department. However, no permanent full-time employee shall be laid off while there are seasonal, temporary, limited term, part-time or probationary employees performing similar work within the same department.

(a) Layoff Plans. All plans for layoff shall be developed by the department head in conjunction with the Personnel Committee.

(b) Notice to Employees. An employee scheduled for layoff shall be given a two week written notice of the effective date and the reasons for the layoff.

(c) Priority Reemployment List. Employees who are laid off shall be placed on a priority reemployment list for future City vacancies. Eligibility on the list shall remain in effect for a period of time equal to the employee's length of service or eighteen (18) months, whichever period is shorter.

(2) **DEMOTIONS.** All demotions shall be coordinated through the Personnel Committee. A demotion may occur for any of the following reasons:

(a) Employee Scheduled for Layoff. An employee scheduled for layoff may request to be demoted to another position if he/she has the necessary qualifications and provided that other pertinent requirements are met and that a vacancy is available. The Personnel Committee, in conjunction with the department, shall determine if the employee meets the appropriate requirements.

(b) Unsatisfactory Work Performance. An employee whose work performance is or becomes unacceptable may be demoted to a position requiring work responsibilities that the employee can satisfy. However, preceding the demotion, the employee shall be warned, at least once orally and a second and third time in writing, that failure to improve his/her work performance may result in demotion. The second and third written warning shall be placed in the records of the Personnel Committee.

(c) Disciplinary Action. Where a situation warrants, a demotion may be imposed as a form of disciplinary action. A previous oral or written warning is not necessarily required, depending on the gravity of the situation.

75.10 HOLIDAYS

(1) CITY HOLIDAYS. The following holidays shall be observed by the City in relation to holidays off/holiday pay:

- (a) New Year's Day
- (b) Spring Holiday shall be the Friday before Easter
- (c) Memorial Day
- (d) Fourth of July
- (e) Labor Day
- (f) 1 Personal Holiday
- (g) Thanksgiving Day
- (h) The Day After Thanksgiving
- (i) The Day Before Christmas
- (j) Christmas Day

The personal holiday shall be scheduled in the manner set forth in 75.11, except that any employee who is a veteran shall be entitled to use the personal holiday on Veteran's Day.

(2) FULL-TIME EMPLOYEES. Regular full-time employees and full-time employees on probationary status will be paid at their regular straight-time rate for one normal working day as holiday pay for each of said holidays.

(3) PART-TIME EMPLOYEES. Regular part-time employees of the City of Richland Center who have worked for the City in their part time position for at least 1,040 hours from their start date to their first anniversary date and thereafter in the previous calendar year shall be paid, as holiday pay, that same proportion of eight hour's straight-time pay (at the employee's current pay rate) which his/her average number of hours worked per week bears to a 40 hour week.

(4) EMPLOYEES WHO PERFORM WORK ON HOLIDAYS. Employees who work for the City on any of said holidays shall be paid at the rate of time and one-half for all time actually worked on a holiday, in addition to holiday pay.

(5) PREREQUISITE FOR RECEIVING HOLIDAY PAY. As a prerequisite to receiving holiday pay, an employee must work all regularly scheduled work hours on the work day immediately preceding the holiday and must work all regularly scheduled work hours on the work day immediately following the holiday, unless the holiday falls during an employee's vacation or funeral leave.

(6) WHEN HOLIDAYS OBSERVED. All of said holidays which are observed on a date set by federal law shall be observed on such date. Holidays falling on Sunday shall be observed on Monday. Holidays falling on Saturday will be observed on Friday. In the event Christmas Day falls on a Saturday, it shall be observed on the following Monday. In the event Christmas falls on a Monday, the Day before Christmas shall be observed on the previous Friday.

(7) HOLIDAYS FALLING DURING VACATIONS. Where one or more of said holidays falls during an employee's vacation, the employee shall have the option of

receiving holiday pay for the holiday(s) falling during such vacation or of taking an extra day of vacation for each such holiday falling during the employee's vacation in lieu of holiday pay.

75.11 ACCRUAL OF VACATION TIME BY EMPLOYEES.

(1) NATURE OF VACATION TIME. Paid vacation time shall be awarded to employees in the manner and subject to the limitations herein set forth as additional compensation for previous satisfactory completion of the employee's duties of employment. The accrual of vacation time shall always be based upon service as an employee prior to the accrual date.

(2) VACATION TIME DEFINED. Vacation time shall consist of the right of the employee to take off from work such work day or days as have been awarded to the employee as vacation time pursuant to this subchapter, and to receive vacation pay for each such vacation day calculated at the employee's straight time rate (i.e. without overtime) of pay for each day of vacation, less those amounts properly withheld from the employee's pay.

(3) ACCRUAL OF RIGHT TO VACATION TIME BY FULL TIME EMPLOYEES. An employee shall be awarded no vacation time until the completion by the employee of six (6) month's satisfactory employment, and no right to any vacation time shall accrue until such six (6) month's continuous employment has been satisfactorily completed. Thereafter, full time employees of the City of Richland Center shall accrue vacation time as follows:

(a) During the employee's second six (6) months of employment: Vacation accrues at the rate of one (1) day for each full month of employment completed by the employee.

(b) During the employee's second (2nd) through seventh (7th) years' of employment: Vacation accrues at the rate of 1 day of vacation for each full month of employment completed by the employee.

(c) During the employee's eighth (8th) through fourteenth (14th) years' employment: Vacation accrues at the rate of 1 1/3 days of vacation for each full month of employment completed by the employee.

(d) During the employee's 15th year of employment, and in each year of employment thereafter: Vacation accrues at the rate of 1 2/3 days of vacation for each full month of employment completed by the employee.

(e) Vacation time in the foregoing amounts shall be deemed to accrue as of the day after the completion of the month's service as an employee of the City. In the event that an employee terminates employment or is discharged from employment prior to an

accrual date, he/she shall not be deemed to have any right to vacation pay based upon employment during the part month since the previous accrual date.

(4) ACCRUAL OF RIGHT TO VACATION TIME BY PART TIME EMPLOYEES. A part time employee shall be awarded no vacation time until the completion by the employee of at least 1,040 hours satisfactory employment from their start date to their first anniversary date and thereafter in the previous calendar year. Thereafter, part time employees of the City of Richland Center who have worked for the City in their part time position for at least 1,040 hours in the previous calendar year shall accrue vacation time as follows:

(a) Vacation for part time employees who have met the requirement of 1,040 hours worked in the previous calendar year accrues at the rate of one (1) day for each 172 hours of employment completed by the employee, up to a maximum accrual of five (5) days in each calendar year. In no event shall any part time employee accrue more than five (5) days vacation time in any calendar year, regardless of length of service.

(b) Vacation time in the foregoing amounts shall be deemed to accrue as of the day after the completion of each 172 hours, service as an employee of the City. In the event that an employee terminates employment or is discharged from employment prior to completion of a 172 hour accrual period, he/she shall not be deemed to have any right to vacation pay based upon employment during the part month since the previous accrual date.

(c) A part time employee who has not completed 1,040 hours of such part time employment by the City in the previous calendar year shall accrue no vacation.

(5) PROBATIONARY STATUS EMPLOYEES. A probationary status full time employee whose employment is terminated, either by the City or by the employee, during or at the end of his/her probationary period, shall accrue no vacation time as a result of his/her first six month's employment as a probationary status employee. He/she may receive vacation time accrued during the second six month's employment, pursuant to (3) above. However, when an employee has successfully completed his/her probationary period and thereafter continues in full time City employment, all of the time when the employee was a probationary status employee shall be deemed part of his/her time of employment for purposes of calculating the amount of vacation time for which the employee is eligible after probation.

75.12 ACCRUAL OF SICK DAYS; PAYMENT UPON SEPARATION.

(1) SICK DAYS DEFINED. A sick day shall consist of the right of an employee to receive one normal day's pay calculated at the straight time rate (i.e. without overtime) for an eight hour day applicable to the employee on a day when the employee is unable to attend work due to the employee's illness or injury. The City may require an examination and/or a written statement from a physician to verify the employee's ability to attend work as a condition of payment for sick days.

(2) ACCRUAL OF SICK DAYS.

(a) Each full-time employee shall accrue sick days at the rate of one (1) sick day for each month of the employee's continuous employment by the City. The provisions of this paragraph relating to accrual of sick days shall not be deemed to supersede the provisions relating to non-carryover or forfeiture of sick days set forth in par. 75.13 (1).

(b) Each part-time employee shall accrue sick days at the rate of one (1) sick day for each 172 hours worked during the employee's continuous employment by the City after October 1, 1989. The provisions of this paragraph relating to accrual of sick days shall not be deemed to supersede the provisions relating to non-carryover or forfeiture of sick days set forth in par. 75.14 (1).

(c) Temporary employees shall not be entitled to paid sick days.

75.12 ACCRUAL OF SICK DAYS; PAYMENT UPON SEPARATION.

(3) PAYMENT FOR UNUSED SICK DAYS UPON RETIREMENT OR DEATH.

(a) Upon the retirement of any full-time employee or in the event of a full-time employee's death while employed by the City, the employee or his/her estate shall be entitled to payment for eighty per cent (80%) of the employee's unused accrued sick days at his/her straight-time pay rate based upon an eight hour day of the employee for each unused accrued sick day, up to a maximum payment for 872 hours (109 days @ 8 hours/day). No payment shall be made or due for unused sick days in excess of said 872 hours.

(b) Upon the retirement of any part-time employee or in the event of a part-time employee's death while employed by the City, the employee or his/her estate shall be entitled to payment for eighty per cent (80%) of the employee's unused accrued sick days at his/her straight-time pay rate based upon an eight hour day of the employee for each unused accrued sick day, up to a maximum payment for 432 hours (equivalent to 54 days @ 8 hours/day). No payment shall be made or due for unused sick days in excess of said 432 hours.

(c) Said employees shall have the option of having one hundred percent (100%) of the sick leave accumulation to a maximum of 136 days at 8 hours per day, (or 1088 hours) for full-time employees and 68 days at 8 hours per day, (or 544 hours) for part-time employees, retained by the Employer and placed in a fund in the employee's name, from which health insurance premiums shall be paid. In the event of the death of the retired or disabled employee prior to the exhaustion of this fund, the remaining amounts shall be paid to the estate of the employee. **ORDINANCE 2001-1**

75.13 CARRYOVER OF SICK DAYS AND VACATION DAYS FROM YEAR TO YEAR.

(1) CARRYOVER OF UNUSED SICK DAYS.

(a) A full-time employee may carry over a maximum of one hundred thirty-six (136) accrued and unused sick days from one month to the next. Any accrued unused sick days in excess of one hundred thirty-six (136) days as of the end of a calendar month shall be deemed forfeited.

(b) A part-time employee may carry over a maximum of sixty-eight (68) accrued and unused sick days from one month to the next. Any accrued unused sick days in excess of sixty-eight (68) days as of the end of a calendar month shall be deemed forfeited. ORDINANCE 2001-1

(2) CARRYOVER OF UNUSED VACATION DAYS. A full-time employee who is eligible for paid vacation days may carry over a maximum of six (6) unused vacation days from one year to the next. Any accrued and unused vacation days in excess of six (6) days as of December 31 of any calendar year shall be deemed forfeited, and the employee shall not be entitled to be paid for such forfeited vacation days.

75.14 EMPLOYEES INJURED ON THE JOB; WORKERS COMPENSATION

(1) The City shall maintain worker's compensation insurance coverage of all employees in the manner provided by Wisconsin Statutes covering injuries incurred in the course of their City employment.

(2) Any employee who sustains an injury while engaged in City employment shall immediately report the injury to his/her department head or immediate supervisor. As soon as possible the employee shall in addition report the injury to the City Clerk, and shall complete any documents required by the Clerk in regard to the injury to complete the workers compensation claim. Where the employee is hospitalized or otherwise incapacitated so as to be unable to report the injury to the Clerk, the employee's spouse or other agent may make the report.

(3) The department head or immediate supervisor of any City employee shall, upon receiving report of an injury on the job, assist the injured employee in securing medical attention for the injury where it seems reasonably indicated.

75.15 OVERTIME. The City may require any hourly employee to work overtime when the City deems such overtime necessary. An employee may request that he/she be excused from working overtime, in which case the City may substitute another qualified worker, but in the event that the City determines that the employee is needed he/she may nevertheless be required to work the overtime. Overtime hours shall be compensated at one and one-half times the employee's normal hourly rate.

75.16 AMOUNT OF COMPENSATION OF NON-UNION EMPLOYEES. The level of compensation of non-union employees shall be as set by the Common Council.

75.17 EMPLOYEE'S COMPENSATORY PAID TIME OFF.

(1) **HOURLY EMPLOYEES.** No employee whose pay is computed based upon an hourly rate basis shall be entitled to compensatory time off for hours worked in excess of his/her normal work week. Excess hours worked by hourly employees shall be compensated as overtime.

(2) **SALARIED EMPLOYEES.** No employee whose pay is computed based upon a weekly, monthly or annual salary shall be entitled to compensatory time off for hours worked in excess of his/her normal work week unless the Personnel Committee shall have specifically authorized such time off. The Personnel Committee shall not have the power to make a blanket authorization of compensatory time off for any employee or group of employees, but the Personnel Committee may authorize a specific number of hours of such compensatory time off for a specific employee, and if it does so the Committee shall set a date by which the authorized hours shall be taken off. If time is not used by the established date, it is forfeited.

75.18 LONGEVITY PAY

No employee whose employment by the City commenced after October 1, 1989, shall be entitled to receive Longevity pay based upon Length of employment.

75.19 EMPLOYEE'S PERSONNEL FILE.

(1) A confidential personnel file shall be maintained for each employee in the office of the City Clerk, except that the personnel files of employees of the Police Department shall be maintained in the office of the Chief of Police. In the case of employees of the Richland Center Utilities personnel files shall be maintained in the office of the Utility Administrator. Each such file shall contain the following:

- Any applications for employment.
- Record of accidents and injuries involving the employee.
- Copies of employee's discipline record, letters etc.
- Record of employee's pay adjustments.
- Employee's performance evaluations.

(2) It shall be the duty of each employee to notify the City Clerk of any changes in his/her name, address, telephone number, dependents, marital status, or any other data which may affect the employee's benefit status. Employees of the Richland Center Utilities shall make such notification to the Utility Administrator instead of the City Clerk.

75.20 RETIREMENT BENEFITS.

(1) **FULL-TIME EMPLOYEES.** Full-time employees shall be covered by the Wisconsin Retirement Fund during the period of their employment. The City shall pay the entire amount of the employer/employee's contributions to the Fund. Each employee shall be entitled to the rights and benefits applicable to his/her participation in the Fund, as set forth in the laws of the State of Wisconsin applicable to the administration of the Fund, as the same may from time to time be amended by the Wisconsin Statutes or Wisconsin Administrative Code.

(2) **PART-TIME EMPLOYEES.** Part-time employees shall not be covered by the Wisconsin Retirement Fund during the period of their employment, unless they meet the minimum hours standard set forth in sec. 40.22 Wisconsin Statutes and/or are otherwise made eligible for participation by another provision of the Wisconsin Statutes.

75.21 PROCEDURE UPON RETIREMENT OF EMPLOYEES.

(1) **NOTIFICATION BY EMPLOYEE OF INTENT TO RETIRE.** Any employee who desires to retire shall notify the City Clerk of his/her desire to retire and of the last day on which he/she plans to work. Such notification shall be made in writing, formal or informal, not less than thirty (30) days prior to such last day of work. For all legal purposes, the last day that the employee performs work as a full-time City employee shall be deemed his/her retirement date.

(2) **PAYMENT FOR WORK IN LAST PAY PERIOD.** The employee shall receive his/her paycheck for days worked in the pay period in which the last day of employment falls at the same time as other employees in the department are paid for such period. The amount of the last paycheck shall be only for hours worked in the last pay period, and shall not include payment for any unused or accumulated benefits of the employee.

(3) **COMPUTATION AND TENDER OF PAYMENT FOR UNUSED BENEFITS.** The City Clerk shall, within fourteen (14) days after the specified date of retirement, calculate the total amount of all of the employee's unused sick leave to which the employee is entitled to compensation, vacation time, unpaid overtime or compensatory time and any other unused benefits of the employee. The Clerk shall, within such 14 day period, prepare a written statement showing the City's calculation of the value of all such unused benefits to which the employee is entitled, computed pursuant to the terms of this Chapter or a collective bargaining agreement which covers the employee. The Clerk shall then deduct from the gross compensable value of such unused benefits all appropriate amounts for tax withholding, FICA tax, and other proper deductions, and shall then issue and mail or deliver to the employee the City's check to the employee for the net value of such unused benefits together with a copy of such statement.

(4) **RIGHT TO OBJECT TO CITY'S COMPUTATION.** The employee shall have the right to object to the calculations and amount of the final check, by specifying in writing the nature of the objection and setting forth the employee's computation of the

correct amounts and returning, within seven (7) working days after such mailing or delivery, the original check, uncashed, to the Clerk together with his/her written objection. If the Clerk agrees with the employee's computation, the Clerk shall void the former check and issue a new check. If the Clerk does not agree, the matter shall be referred to the Personnel Committee for a determination. The employee shall be notified in advance of the time and place of the Personnel Committee's meeting at which the matter will be determined, and the employee shall have the right to attend and present his/her position to the Committee.

(5) CESSATION OF BENEFITS UPON RETIREMENT. All benefits of the employee's employment which are paid for in whole or in part by the City, including but not limited to health insurance, life insurance, workers compensation insurance and retirement fund contributions shall cease as of the employee's last day of actual work for the City as a full-time employee. The Clerk shall make appropriate notation thereof in the City's records and shall so notify all insurance carriers and others involved in the administration of such benefits.

75.22 HEALTH INSURANCE

(1) FULL-TIME EMPLOYEES. Full-time employees and their eligible dependents shall be eligible to participate in the City's group health insurance program during the period of their employment, upon the following terms:

(a) Application must be made for coverage at the time of hiring. Any employee who later applies for coverage may be required to furnish evidence of insurability as a condition of participation, and may be rejected if uninsurable or may have limitations imposed on his/her coverage due to preexisting conditions.

(b) The City shall have the exclusive right to determine the identity of the insurer or insurers (which may include the City should it opt to be partially or totally self-insuring), the nature and extent of the coverage, and the deductible or co-pay amounts, if any, PROVIDED that during the term of their employment all full-time employees of the City, whether union or non-union, shall be included under the same program.

(2) PART-TIME EMPLOYEES. The City will make available group health insurance coverage to part-time employees upon the following basis:

(a) Part-time employees shall be required to pay, through payroll deduction, part of their monthly premium pro-rated by the hours expected to work or as stated in the regulations of the plan.

(b) Application must be made for coverage at the time of hiring and returned to the City Clerk / Treasurer's Office within 30 days of start date. Any employee who later applies for coverage may be required to furnish evidence of insurability as a condition of participation, and may be rejected if uninsurable or may have limitations imposed on his/her coverage due to preexisting conditions.

(c) The City shall have the exclusive right to determine the identity of the insurer or insurers (which may include the City should it opt to be partially or totally self-insuring), the nature and extent of the coverage, and the deductible or co-pay amounts, if any.

(3) **COUNCIL MAY ALLOW OTHERS TO PURCHASE.** Nothing in this section shall be construed to forbid the Common Council from permitting other City officers or employees to purchase coverage under the City's health insurance program should the Common Council choose to do so.

(4) **EMERGENCY ROOM DEDUCTIBLE REIMBURSEMENT.** The Employer shall reimburse the emergency room deductible incurred by each employee (including dependents), not to exceed one (1) reimbursement per month per employee.

75.23 LIFE INSURANCE

Each employee shall receive life insurance coverage, Wisconsin Group Life Insurance for Municipal Employees, administered by the Department of Employee Trust Funds. The employees and the Employer's premium cost shall be paid by the Employer. Employees shall be provided an opportunity to participate in the dependent and/or additional life insurance program offered under the life insurance plan cited herein. The additional cost of the dependent and/or additional life insurance coverage shall be assumed by those employees who choose to participate in same.

75.23 (A) INCOME CONTINUATION INSURANCE. Under the rules of the Department of Employee Trust Funds, the Employer shall be a participant in the Wisconsin Public Employer's Group Income Continuation Program. The Employer and the employee will pay their respective share of the applicable premium as defined by the Plan.

75.23 (B) SECTION 125. The Employer shall make available to the employees an Internal Revenue Service Section 125 Plan to be administered by the Employer.

75.23 (C) DEFERRED COMPENSATION PROGRAM. Employees will have the option to participate in the Wisconsin Deferred Compensation Program through the Department of Employee Trust Funds. Any contributions to the program will be the responsibility of the Employee. There will not be any match contributed by the City on behalf of the Employee.

75.24 NON-MILITARY LEAVE OF ABSENCE

(1) A regular full-time or regular part-time employee may apply for a leave of absence without pay for any of the following reasons:

(a) Personal illness or other adversity within his/her immediate family (spouse, child, grandchild, parent, grandparent).

- (b) Temporary disability.
 - (c) Maternity, on the terms set forth in sec. 75.26.
 - (d) Candidacy for partisan political office, on the terms set forth in sec. 75.06
- (9)(c) 6.
- (e) Other compelling personal reasons.
 - (f) This Personnel Ordinance will be subject to the provisions of the Family and Medical Leave Act.

(2) An employee desiring a leave of absence shall apply in writing to the City not less than thirty (30) days prior to the proposed date of commencement of the leave, specifying the length of leave time requested and the reason(s) therefore. The Personnel Committee shall decide in all cases whether a leave of absence shall be granted or extended.

(3) A leave of absence shall be for a period of thirty (30) days, or such lesser period as the employee may request. Prior to the expiration of a leave, the employee may apply for an extension of his/her leave of absence for an additional thirty (30) days. The granting of a leave of absence or of an extension of a leave of absence by the Personnel Committee shall in all cases be optional and shall not be available to the employee as a matter of right.

(4) Upon return of an employee from a leave of absence, he/she shall be placed at his/her former place and level of employment or in a similar position if he/she is capable of performing the work. In the event that an employee does not report back to work immediately after the expiration of his/her leave of absence or extension thereof, his/her employment with the City shall be terminated.

(5) Where the basis for the requested leave of absence is disability or other medical condition, the City may require a full medical report from the employee's physician in order to determine whether to grant or extend a leave of absence. The City may also, at its expense, require the employee to submit to examination by a physician of the City's choosing in order to aid in such determination. An employee who is still unable to return to work due to a continuing illness or injury shall be granted a medical leave of absence until such time as his/her physician or chiropractor certifies fitness to return to work for a period of no more than one (1) year.

(6) No employee shall engage in any gainful occupation during a leave of absence, except an employee who is on leave of absence due to candidacy for partisan political office.

(7) An employee who is granted a leave of absence may keep his/her insurance in force by payment of the premiums applicable to the period of such leave to the City Clerk.

(8) Seniority shall not accrue to an employee during a leave of absence or extension thereof, although no employee shall lose the seniority, which he/she has accrued up to the date of commencement of a leave of absence.

(9) An employee on a leave of absence shall not be paid holiday pay for any holiday, which falls on a date during the leave of absence.

75.25 MILITARY LEAVE OF ABSENCE

(1) MEMBERS OF RESERVE COMPONENTS.

(a) Employees who are members of U.S. military reserve or national guard units may apply for a leave of absence for periods when they are required to serve their annual active duty obligation. A leave of absence will be granted for the purpose of such active service, provided the employee gives the City the notice required by this section not less than thirty (30) days in advance. The City may require that a copy of the employee's orders be furnished to it before a leave of absence is granted for a military reserve active duty obligation.

(b) If an employee on active duty as a member of a military reserve component receives less in military base pay during such active duty than he/she would be paid for the same period as a City employee, the City will pay an employee the difference between his/her military pay and the employee's regular pay for an active duty period of not to exceed two (2) weeks, or such longer period as may be required by State or Federal law.

(c) An employee may, at his or her option, utilize his/her vacation time for active duty service as a member of a reserve component.

(d) Seniority shall accrue to an employee during a leave of absence for annual military reserve active duty.

(2) ACTIVE DUTY ENLISTEES OR DRAFTEES. Any employee who goes on active duty with any branch of the U.S. military other than for an annual reserve active duty obligation shall be entitled to the reinstatement rights prescribed by State and/or Federal law.

75.26 MATERNITY LEAVE

(1) A pregnant employee may be granted a maternity leave upon furnishing to the City a physician's statement that the employee is no longer able to work due to pregnancy. The employee may use any accumulated sick leave or vacation during a maternity leave. Any portion of a maternity leave period in excess of the employee's accumulated sick leave or vacation shall be deemed a leave of absence without pay.

(2) During the period when an employee is on a maternity leave and is using accumulated sick days and/or accumulated vacation, the City will continue to pay the employee's insurance premiums for not to exceed two (2) months.

(3) The employee will be required to return to work six (6) weeks after delivery, upon furnishing a release to return to work from a physician. Failure to return to work at the end of the leave period will be deemed to constitute a resignation from employment. In the event that the employee encounters medical complications which prevent return to work at the end of the six (6) weeks, the employee may apply for an extension of the maternity leave, but the granting of such an extension by the Personnel Committee shall be optional and shall not be available to the employee as a matter of right.

75.27 FUNERAL LEAVE

In the case of death of a member of an employee's immediate family (spouse, parent, child, brother or sister [step-family included]), an employee will be allowed up to three (3) regularly scheduled work days leave, without loss of pay for the time necessarily spent to attend the funeral. If the funeral involves an employee's grandparents or grandchild, or the immediate in-laws of the employee, [including step-families], the employee will be allowed up to three (3) regularly scheduled work days leave for the time necessarily spent to attend the funeral, without loss of pay for one (1) regularly scheduled work day, and will be allowed the use of sick leave pay for each of the other two (2) regularly scheduled work days.

75.28 EMPLOYEES SUMMONED FOR JURY DUTY

(1) NOTIFICATION OF SUPERIOR. Any employee summoned for jury duty shall promptly notify his/her department head or supervisor of the fact and date of such summons.

(2) DUTY TO REPORT; RETURN TO WORK UPON RELEASE. The employee shall report to court as directed by the jury summons. As soon as the employee is released by the court from jury duty, he/she shall promptly return to work and report to his/her department head or supervisor, unless there is less than one hour remaining in the work day, in which case no return to work is required on that day.

(3) PAYMENT FOR DAYS OF JURY SERVICE.

(a) Full-time employees who appear for jury duty pursuant to a summons shall be paid the difference between their regular straight time pay for the day less the fee paid to the employee for appearing for jury duty. The City may deduct the jury payment from any paycheck issued to the employee within thirty days after the jury appearance.

(b) Part-time employees are not eligible to be paid for any time they are serving as jurors.

(4) COURT RECORDS TO BE DETERMINATIVE. The records of the Clerk of Circuit Court shall control as to the dates and times of employee's appearances for jury service and of their release from jury service, and as to the amounts paid by the court for jury service.

75.29 EMPLOYEES SUBPOENAED AS WITNESSES, EMPLOYEES WHO ARE PARTIES TO LITIGATION.

(1) NOTIFICATION OF SUPERIOR. Any employee served with a subpoena to appear as a witness in State or Federal Court or before any other forum or proceeding legally empowered to subpoena witnesses shall promptly notify his/her department head or supervisor of the fact and date of such subpoena.

(2) DUTY TO REPORT; RETURN TO WORK UPON RELEASE. The employee shall report as directed by the subpoena. As soon as the employee is released by the court or other presiding officer from the subpoena, he/she shall promptly return to work and report to his/her department head or supervisor, unless there is less than one hour remaining in the work day, in which case no return to work is required on that day.

(3) PAYMENT FOR SERVICE AS A SUBPOENAED WITNESS.

(a) Full-time employees who appear as non-party witnesses pursuant to a subpoena shall be paid the difference between their regular straight time pay for the day less the fee paid to the employee for appearing as such a witness. The City may deduct the witness fee payment from any paycheck issued to the employee within thirty days after the appearance. No such payment shall be made to an employee who is a party to the litigation.

(b) Part-time employees are not eligible to be paid for any time they are serving as witnesses. The Personnel Committee may nevertheless authorize payment for such time on a case-by-case basis where the City is a party to the action or the Committee determines that the City has an interest in the outcome of the action.

(4) COURT RECORDS TO BE DETERMINATIVE. The records of the Clerk of Circuit Court or other presiding authority shall control as to the dates and times of employee's appearances as a subpoenaed witness and of their release from such subpoena, and as to the amounts paid by the court as witness fees.

(5) EMPLOYEES WHO ARE PARTIES TO LITIGATION. An employee who is a party to any litigation or other proceeding and who is absent from work due to appearance before a court or other administrative body or who is absent for activities related to such litigation or proceeding (such as depositions, litigation-related physical examinations, attorney conferences with counsel, etc.) shall not be entitled to be paid for the time when he/she is so absent.

75.30 NEPOTISM IN FULL-TIME EMPLOYMENT WITHIN A DEPARTMENT PROHIBITED.

(1) NEPOTISM IN THE SAME DEPARTMENT PROHIBITED. No two or more members of the same immediate family shall be employed in the same department of the City. For purposes of this paragraph, members of the same immediate family includes persons related to one another in any of the following relationships: spouse, child, parent, legal guardian, brother, sister, half-brother, half-sister, step-brother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

(2) EXCEPTION FOR SHORT TERM TEMPORARY EMPLOYEES. The foregoing provision shall not apply to temporary employees who are employed for a limited term not exceeding sixteen (16) weeks duration in any 12 month period.

75.31 REIMBURSEMENT FOR MILEAGE/EXPENSES INCURRED ON CITY BUSINESS

An employee who is required to travel outside the City of Richland Center in relation to City business shall be reimbursed for mileage and expenses pursuant to the following rules:

(1) Mileage driven in an employee's private vehicle shall be reimbursed at the rate per mile allowed under the optional mileage rule of the Internal Revenue Code. For intrastate travel, the mileage tables used by the State of Wisconsin shall be used where applicable to determine the number of reimbursable miles.

(2) Overnight accommodations shall be reimbursed to the extent that the rates are reasonable rates charged for overnight accommodations in the locale where the accommodations are secured. The employee shall present a receipt for such expenditures as a condition to reimbursement.

(3) Meals are at the expense of the employee and will not be reimbursed.

(4) There shall be no reimbursement for alcoholic beverages.

(5) Where an employee is attending a meeting, seminar, school or similar gathering wherein meals or lodging are provided and paid for as part of the registration fee, there shall be no reimbursement for expenses incurred by the employee for meals or lodging secured by the employee in lieu of the furnished meals or lodging.

(6) Expenses for registration or tuition at a school, seminar or training session shall be paid by the City, provided the Common Council or a committee of the Common Council has approved attendance by the employee, upon a finding that such attendance is appropriate and in the best interest of the City.

75.32 RESIDENCY REQUIREMENT FOR CERTAIN EMPLOYEES SUBJECT TO EMERGENCY CALL-IN.

Certain employees are from time to time required to be available for call-in to respond without unreasonable travel time to emergencies within the City during hours outside their normal hours of work. All employees shall live within the confines of Richland County.

75.33 DUTIES OF DEPARTMENT HEADS AND SUPERVISORY PERSONNEL.

(1) DUTY TO ENFORCE THIS CHAPTER. In addition to all other duties of his/her employment, it is the duty of each department head and supervisory employee to enforce the provisions of this Chapter, including all work rules. A failure of any such department head and supervisory employee carry out this duty shall constitute a violation of subpar. 75.03 (4) (a) 8 and may be grounds for the imposition of employee discipline against such department head or supervisory employee.

(2) ANNUAL EMPLOYEE REVIEWS. It shall be the duty of each department head or supervisory employee to prepare, during the month of July of each year, an evaluation of every non-probationary status employee in his/her department or under his/her supervision. Such evaluations shall be in writing, in such format as may from time to time be directed by the Personnel Committee. After preparing such evaluations, the preparer shall on or before July 31 transmit them to the Personnel Committee, who shall review them for format. Upon approval by the Personnel Committee, the department head or supervisory employee shall deliver a copy to the employee and secure from the employee a signed acknowledgment of receipt thereof. Thereafter, the evaluations and the signed acknowledgment shall be placed in and become part of the employee's personnel file.

(3) ASSIGNMENT OF REVIEW DUTIES. The annual employee evaluations shall be made by the Personnel Committee or their designees.

75.34 GENERAL POWERS OF PERSONNEL COMMITTEE

(1) The Personnel Committee of the Common Council shall have the general power to oversee employment and employees of the City, including the power to oversee all department heads and other supervisory personnel in the performance of their duties.

(2) The Personnel Committee shall have the specific power to act as management in initiating and imposing disciplinary actions against department heads or supervisory personnel where warranted. Any such actions by the Personnel Committee shall require a majority vote of the Committee. In the event that the Personnel Committee imposes a suspension or discharge as a disciplinary action against a department head or supervisor, the employee shall have the appeal rights set forth under sec. 75.05, except that the appeal shall be to the Common Council. All of the provisions of sec. 75.05 shall apply to

such an appeal, except that the Common Council shall be substituted for the Personnel Committee in hearing and determination of the appeal.

75.35 SUPREMACY OF PROVISIONS OF FEDERAL AND STATE LAW

Where any law of the United States or of the State of Wisconsin affords an employee any right or benefit as a matter of absolute right which is greater than the rights or benefits provided by this Chapter, such law shall be deemed to supersede any contrary provision of this Chapter.

75.36 NOTIFICATION TO EMPLOYEES OF CONTENTS OF THIS CHAPTER

(1) NOTIFICATION TO EXISTING EMPLOYEES. Within one (1) month after passage of this ordinance, the City Clerk shall attach a copy of this ordinance to a pay check of every City employee on a normal pay date and shall deliver such copies with such pay checks to the employees in order that every existing employee is made aware of the contents of this Chapter.

(2) NOTIFICATION TO NEW EMPLOYEES. Whenever a new employee commences employment after the date of notification of existing employees under par. (1) above, the City Clerk shall attach a copy of this ordinance to the first pay check of such new City employee and shall deliver such copies with such pay checks to the employees in order that every new employee is made aware of the contents of this Chapter.

(History: Ord 1990-20; 1990-22; 1990-31; 1991-3)

This Ordinance shall be in full force and effect from and after its passage and publication.

Date Passed: August 5, 2003

The Ordinance amendment was available in the Clerk's Office for public inspection two weeks prior to the meeting . A class two notice takes the place of publishing the entire Ordinance.

Rita K. Kidd, Mayor

ATTEST:

Jude Elliott, City Clerk / Treasurer