



**TWO  
RIVERS**  
WISCONSIN

## **CITY OF TWO RIVERS**

### **PERSONNEL POLICY MANUAL**

**ADOPTED BY CITY COUNCIL: MARCH 7, 2022**

**SUBSEQUENT REVISION DATES:**

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## **INTRODUCTION**

The City of Two Rivers strives to recruit and retain a workforce that efficiently, effectively, and reliably provides important municipal services to the residents and businesses of the City of Two Rivers.

The City wishes for its employees to be provided with training opportunities to maintain and enhance their professional skills, along with the necessary tools and technology to perform their jobs. And we want them to perform their work in an environment that is safe, supportive, and inclusive.

Overall goals and policy direction for the City are set by the elected City Council, which appoints the City Manager to oversee the day-to-day management of the City and to direct the various department heads in their pursuit of those goals and policies. Department heads are expected to familiarize their employees with these overall City goals and policies, and to direct resources to such goals and policies, as well as goals, objectives, and policies specific to their departmental operations.

This Personnel Policy Manual contains information in summary form about our workplace, the major benefits available to employees, and the obligations of employees.

This Personnel Policy Manual is for informational purposes only. Nothing in it constitutes a guarantee of employment or of any right or benefit, nor is it a contract of employment, expressed or implied, and it does not eliminate or change the employment-at-will status of the relationship between each employee and the City of Two Rivers.

The City reserves the right to alter, change, delete, deviate from, suspend, or discontinue any part or parts of the policies contained herein, including but not limited to any employee benefit without prior notice. No one other than the City Council may alter or change any of the policies in this Personnel Policy Manual. Any alteration or modification by the City Council must be in writing. No statement or promise by an elected official, manager, department head, supervisor, agent, or other representative may be interpreted as a change in policy, nor will any such statement or promise constitute an agreement with any employee.

Should any provision of this Personnel Policy Manual conflict with any statute, law, ordinance, regulation, or lawful provisions of a valid collective bargaining agreement to which the City of Two Rivers is a party, the statute, law, ordinance, regulator, or collective bargaining agreement shall control. Nothing in this handbook shall restrict employees from engaging in any concerted or other activity protected by state or federal law.

It is the employee's responsibility to read and become familiar with the information in this Personnel Policy Manual and to follow the policies and procedures contained herein. If an employee has questions regarding the Personnel Policy Manual or matters that are not covered in it, the matters should be discussed with a department head or Human Resources.

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# Chapter 1 – Objectives

## 1.01 City Council’s Adoption of Policies

*Effective Date: 3/7/2022*

The following policies have been adopted by the City Council.

## 1.02 Public Relations

*Effective Date: 3/7/2022*

City employees have a significant public relations responsibility. Employees’ work, attitude, and appearance are all subject to close inspection by City employee’s ultimate employers – City taxpayers and rate payers. In some cases, a single person may be the only City employee known by an individual citizen. Employees are representatives of the City when they are at work. Citizens and visitors may base their total judgment of the efficiency and character of their City’s government on the performance of that employee. To them, that employee *is* the City.

If employees take pride in the fact that they are doing their job well, others will share the same spirit. The reputation which the City of Two Rivers enjoys depends largely on what employees think and say about the City.

When asked for information, employees should be helpful and friendly. A single employee cannot possibly know all the answers, but the employee can make sure that the person asking the question is referred to the right source. Employees must be courteous in all dealings with the public and show a sincere interest in the problems that are directed to them. Employees should refrain from losing their temper when interacting with the public.

## 1.03 Collective Bargaining Agreements

*Effective Date: 3/7/2022*

Police Department and Fire Department personnel have Collective Bargaining Agreements in place and are subject to the provisions of Wisconsin Statute Statutes, Chapter 62.13. Where the contract, work rules, or provisions of any State statutes that indicate otherwise or are silent, the Personnel Policy Manual is applicable.

## 1.04 Equal Employment Opportunity

*Effective Date: 3/7/2022*

The City provides equal opportunities for all qualified persons without regard to age, race, color, religion, disability, family status, gender, national origin, sexual orientation, military status, or any other basis protected by state or federal law.

Equal consideration shall be given to each qualified person without regard to his/her protected status when making employment decisions including, but not limited to, the following:

1. Recruitment for employment

2. Hiring, placement, promotion, transfer, or demotion
3. Compensation
4. Conditions of employment
5. Training and development
6. Involuntary layoff or separation from employment
7. All other components of the City's human resources system

## 1.05 Immigration Reform and I-9 Compliance

*Effective Date: 3/7/2022*

The City of Two Rivers complies with the regulations of the Department of Homeland Security as it relates to Employment Eligibility Verification.

The City of Two Rivers must complete Form I-9 to document verification of identity and employment authorization of each new employee. Form I-9 must be completed within 3 days of hire.

## 1.06 Reasonable Accommodations for Disabilities

*Effective Date: 3/7/2022*

The City is committed to full compliance with applicable federal and state disability laws. An employee who is a qualified individual as defined by state or federal law will be provided a reasonable accommodation if one exists that allows the employee to perform the functions of the employee's job unless such accommodation creates an undue hardship for the City or poses a direct threat to the safety of the employee or others.

Employees should submit a request for workplace accommodation to the City Clerk/Human Resources Director or to their supervisor. Any supervisor or department head who receives a request for a workplace accommodation must forward it to the City Clerk/Human Resources Director immediately. After receipt of the request, the City Clerk/Human Resources Director will meet with the employee to discuss all the facts and circumstances necessary to make an accommodation determination.

## 1.07 Harassment Policy

*Effective Date: 3/7/2022*

The City of Two Rivers is committed to providing a professional work environment that maintains employee equality, dignity, and respect. The City strictly prohibits and will not tolerate discriminatory practices or harassment against employees based on their protected class status by anyone, including elected officials, supervisors, co-workers, visitors, vendors, citizens, or any other persons. Similarly, employees are prohibited from harassing or discriminating against any other person based on his/her protected class status.

Any protected class harassment is unacceptable and will not be tolerated. Any employee who violates this policy will be subject to disciplinary action up to and including termination.

Harassment includes any conduct, whether verbal, physical, or visual, that is based on a person's protected status, including age, arrest/conviction record, ancestry, color, national origin, race, religion,



disability, marital status, military service, pregnancy, childbirth, sex, sexual orientation, off-duty use or nonuse of lawful products, or any other characteristic protected by federal, state, or local law. Conduct need not be directed at a particular individual to be considered a violation of this policy.

Harassment can take many forms and may include, but is not limited to:

- Epithets, slurs, or negative stereotyping
- Threatening, intimidating, or hostile acts
- Denigrating jokes
- Verbal abuse
- Written or graphic material that denigrates or shows hostility or aversion toward a protected class
- Nonverbal conduct, such as staring or making denigrating gestures
- Physical conduct, such as stalking, assault, unwanted touching
- Any other type of verbal, physical, written, or visual conduct

#### Sexual Harassment

This policy protects all employees from sexual harassment. The City's policy prohibits all conduct, whether physical, verbal, written, or visual that is based on sex, including but not limited to:

- Unwelcome sexual flirtations, compliments, advances, requests, or propositions
- Unwelcome touching, patting, pinching, brushing against another's body, attention to an individual's body, or physical assault
- Any sexual statements or referencing one's sexuality, gender, or sexual experience, sexual gestures, innuendos, suggestions, "kidding", "teasing", or jokes
- The display of sexually-related or suggestive pictures or objects including emails or other computer images

#### Complaint Procedure

The City is committed to maintaining a workplace free of discrimination and harassment and takes seriously all complaints or reports of harassing or discriminatory conduct by or against any of our employees, supervisors, elected officials, visitors, vendors, citizens, or any other party. The timely reporting and prompt effective resolution of complaints is crucial to preventing and ending prohibited conduct; therefore, the following procedures are in place to address prohibited conduct:

- Any employee who believes they have experienced or witnessed conduct that violated this policy must report the matter as soon as possible to their supervisor, department head, City Clerk/Human Resources Director, City Manager, or any other member of management with whom they feel comfortable.
- Employees should not bring their complaint to their immediate supervisor first if the supervisor is the subject of the complaint, or if they feel more comfortable bringing the matter to the attention of one of the other designated representatives identified above.

#### Investigations and Remedial Action:

- All complaints will be promptly and thoroughly investigated.
- The City will take corrective action designed to end any harassment or discrimination in the workplace and prevent it from recurring.
- Corrective and preventative action may include the imposition of discipline or termination, training, referral to counseling, monitoring, demotion or reassignment, or any other action deemed appropriate under the circumstances. The City will make follow-up inquiries to ensure that the harassment or discrimination has not resumed.

The City recognizes that false allegations of harassment or discrimination may have a serious impact on innocent individuals and appropriate action will be taken against anyone who makes a false claim of harassment or discrimination.

#### Confidentiality

The City understands that matters of harassment or discrimination can be sensitive, and when possible, complaints and related information will be kept confidential. Disclosure will occur only when necessary to investigate and resolve the matter or when required by law.

#### Retaliation

Any employee who reports harassment or discrimination, files a complaint, or takes part in an investigation, is protected from any retaliatory action. No reprisal or adverse action will be taken against an employee for coming forward or participating in the investigatory process. Employees who believe that they are the subject of retaliation, even if the behavior is subtle or they are unsure that the conduct is retaliatory, should report it immediately to a supervisor, department head, City Clerk/Human Resources Director, City Manager, or any other member of management with whom they feel comfortable. Anyone who violates this retaliation prohibition will be disciplined or terminated.

### 1.08 Staff Relations

*Effective Date: 3/7/2022*

For the City to fulfill its roles successfully, employees must maintain positive interpersonal communication. Good interactions among staff members help achieve a sense of personal well-being, and interpersonal communication skills can help staff negotiate problems and relate to co-workers. Employees should treat each other professionally and with respect.

Generally, if an employee is having a problem with an individual, approaching that person first and attempting to resolve the conflict is the best first step. If that does not work, employees should go to their immediate supervisor. In some cases, the employee and the supervisor may decide to refer the problem to the next higher level of administration or to the City Clerk/Human Resources Director.

### 1.09 Open Door Policy

*Effective Date: 3/7/2022*

Employee opinions, suggestions, and questions are important to management. Employees should feel free to talk to any member of management about issues at work which concern them. Management will attempt to provide employees with honest, straightforward responses to employee questions and comments.

The typical protocol would be to address a situation with an immediate supervisor first, then with the department head, however, in certain circumstances an employee may wish to go directly to the City Clerk/Human Resources Director or the City Manager.

## 1.10 Indemnification of Officers and Directors

*Effective Date: 3/7/2022*

In recognition of its responsibilities under Section 895.46 of the Wisconsin State Statutes, the City of Two Rivers resolves that where the Defendant is an Officer or employee of the City of Two Rivers and is proceeded against in his/her official capacity or because of acts committed while carrying out his/her duties for the City of Two Rivers and the jury or court finds that such employee acted in good faith in the performance of his/her duties, any judgment and/or costs entered against such employee shall be paid by the City.

## Chapter 2 – City Government

### 2.01 Purpose

*Effective Date: 3/7/2022*

To provide for effective, efficient administration and management of City government by maintaining a consistent, city-wide personnel program that establishes a clear understanding of responsibility and authority. Under the City's organizational structure, the City Manager is the Chief Executive Officer and is responsible for the general administration of the City's business. The City Council is responsible for such things as setting the annual budget, levying taxes, incurring debts, and the general management and control of City property.

### 2.02 Responsibility and Authority

*Effective Date: 3/7/2022*

The **City Manager**, consistent with state law and Municipal Code, shall have responsibility for hiring all department heads and employees, and to terminate such employees at any time their conduct and/or their job performance becomes unsatisfactory. This does not apply to employees subject to the jurisdiction of the Police and Fire Commission.

**Department heads** shall have responsibility for:

1. Enforcing the personnel policies and procedures in their respective department.
2. Keeping employees informed of current personnel policies.
3. Conducting the appropriate step in the grievance procedure.
4. Appointing or removing employees from positions subject to approval of the City Manager (not withstanding powers and authority granted to the Police and Fire Commissioners or the Chiefs of Fire and Police Departments of the City conferred by Section 62.13, Wisconsin State Statutes).
5. Administering discipline and delegating such authority to supervisory personnel as appropriate.
6. Notifying the City Manager and City Clerk/Human Resources Director of any proposed changes in personnel.
7. Working with the City Manager and City Clerk/Human Resources Director in hiring, developing employee orientation/in-service training programs, and other personnel management activities.
8. Conducting performance evaluations at the end of the employee's probationary period and at any other time considered appropriate by the City Manager.
9. Delegating duties to subordinate employees.
10. Preparing budgets for respective departments.

### 2.03 Records Management

*Effective Date: 3/7/2022*

The City Manager is designated as the legal custodian for the records of the City of Two Rivers as set forth under Wisconsin State Statutes 19.33. Personnel records provide factual data about an individual's employment with the City and meet legal requirements as defined in Wisconsin State Statutes 19.31 - 19.39.

## 2.04 Personnel Files

*Effective Date: 3/7/2022*

An official personnel file shall be maintained in the City Clerk/Human Resources Director's office for each employee. Consistent with the provisions of Wis. Stat. Section 103.13, an employee who wishes to review the contents of his or her file may request to do so through the City Clerk/Human Resources Director; however, the file must remain in the City Clerk/Human Resources Director's office while being viewed. An employee may not remove items from his/her personnel file; however, copies may be provided upon request.

## 2.05 Employee Information

*Effective Date: 3/7/2022*

It is important that employees notify the City Clerk/Human Resources Director of any change in their personal information, including any changes in name, mailing or email address, phone number, marital status, dependents, beneficiary designations, and emergency contact information.

## 2.06 Public Inspection

*Effective Date: 3/7/2022*

Information as to name, address, date of employment, class title, and salary of employees and former employees is available for public inspection in accordance with the procedure prescribed by the City Manager subject to State law governing public records.

## 2.07 Confidential Records

*Effective Date: 3/7/2022*

All confidential records shall be available only to the employee, the employee's designee, the City Manager, the Finance Director, or authorized federal or state representatives who have cause to review official records. Employee disciplinary and personnel records may not be exempt from disclosure under the public records law.

## 2.08 Destruction of Records

*Effective Date: 3/7/2022*

Employee service records shall be kept for 10 years. Applications for employment, payroll, examinations, and other records shall be kept at the discretion of the City Manager.

## Chapter 3 – Position Classification

The City Manager will oversee the overall development, maintenance, and administration of the position classification plan.

The purpose of the position classification plan is to assist in the equitable and efficient handling of personnel matters. Position classification provides a system of analyzing positions in terms of different kinds and levels of work performed. By grouping similar positions under common job titles, effective administration of personnel activities, such as manpower, planning and budgeting, standard of job performance, fair and equitable pay, valid selection and recruitment programs, training programs, and career development can be enhanced.

### 3.01 Administration

*Effective Date: 3/7/2022*

The City Manager shall be responsible for the administration of the position classification plan. The City Manager may delegate this responsibility or portions thereof to other City department heads.

### 3.02 Employment Types

*Effective Date: 3/7/2022*

#### Full-Time Employees (2080 hours per year)

Year-round employees with regular schedules of 40 or more hours per week. Full-time employees are eligible for full-time benefits.

#### Regular Part-Time Employees (1200-1456 hours per year)

Year-round employees with regular schedules of up to an annual average of 28 hours per week. Regular part-time employees are eligible for part-time benefits including Wisconsin Retirement, life insurance, pro-rated vacation hours, pro-rated holiday pay, pro-rated personal hours, and COLA (cost of living adjustment).

#### Part-Time Employees (1000-1199 hours per year)

Year-round employees with regular schedules of up to an annual average of 23 hours per week. Part-time employees are eligible for part-time benefits including pro-rated vacation hours, pro-rated holiday pay, and COLA (cost of living adjustment). Except Parks and Recreation Part-Time staff.

#### Limited Part-Time Employees (up to 999 hours per year)

Year-round employees with regular schedules of up to an annual average of 19 hours per week. Limited part-time employees are eligible for COLA (cost of living adjustment). Except Parks and Recreation Part-Time staff.

#### Interns and Seasonal Employees (up to 1199 hours per year)

Employees who do not work year-round and have varied work schedules based on the seasonal position. These employees are not benefit eligible.

Part-Time Employees – Parks and Recreation Department (up to 1199 hours per year)

Year-round employees with regular schedules up to 1199 hours per year. Hours per week will depend on the need of the department. Parks and Recreation Department Part-Time Employees are not eligible for benefits.

### 3.03 Fair Labor Standards Act Policy

*Effective Date: 3/7/2022*

The City complies fully with the Fair Labor Standards Act (FLSA) of 1938, as amended. The FLSA policy gives detailed information as it relates to hours of work, overtime, and employment classifications. For detailed information refer to the Fair Labor Standards Act as published by the U.S. Department of Labor. Whether an employee is considered exempt or non-exempt is determined by their duties, level of responsibility, and salary. Employees will be notified at hire whether they are exempt or non-exempt from the wage and hour provisions of the FLSA.

## Chapter 4 – Salary Administration

### 4.01 Wage Schedules

*Effective Date: 3/7/2022*

All employees shall receive compensation fixed by the City Manager in accordance with the schedule of wage rates on file in the office of the Finance Director. The City Manager shall set the salaries of employees within the range for each position.

### 4.02 Pay Policies

*Effective Date: 3/7/2022*

Employees shall be compensated at their approved rate of pay on a bi-weekly basis. Payday is the Friday following the completion of the two-week pay period. When a normal payday is a designated Federal holiday, employees will receive their pay on the workday preceding the Federal holiday.

- Direct Deposit. All employees will be required to participate in direct deposit. Access to paperless statements is available to employees through the City’s designated online payroll vendor.
- Exempt Employees.
  - o Salary Basis. Exempt employees are paid on a “salary basis”, meaning compensation received is a pre-determined amount each pay period. By law, the pre-determined amount cannot be reduced because of variations in the quality or quantity of work performed.
  - o Deductions. Deductions from exempt employees’ salaries may occur under the following circumstances:
    - Absence of one or more full dates for personal reasons where an employee elects not to substitute any accrued leave time or the employee does not have any accrued leave time available.
    - Absences of one or more full days for sickness or disability if the deduction is made under a bona fide sick leave plan, policy, or practice.
    - Unpaid FMLA absences
    - To offset amounts the employee receives as jury or witness fees, or for military pay
    - Disciplinary suspensions of one or more full days imposed in good faith for violations of workplace conduct or safety rules
    - As otherwise permitted by law.
  - o If an employee believes that an improper deduction to salary has been made, report the information as soon as possible to the Finance Director. If an improper deduction has been made, the employee will be reimbursed at the next pay date and steps will be taken to ensure the improper deduction is rectified in the payroll system.



### 4.03 Responsibility and Administration

*Effective Date: 3/7/2022*

The City Council, acting through the City Manager, shall be responsible for approving the administrative pay plan submitted by the City Manager. The City Manager shall be responsible for the overall administration of the pay plan.

### 4.04 Pay Range Determination

*Effective Date: 3/7/2022*

The pay plan shall be directly related to the classification plan. Positions of similar responsibility shall be grouped together in grade levels to establish a pay rate for each grade as well as to establish a pay rate for that grade. The pay rate shall be based on internal rankings and external market conditions.

### 4.05 New Employee Pay Rates

*Effective Date: 3/7/2022*

New employees' pay rate will generally start at the Step A rate.

A performance evaluation shall be made at the end of six months of employment. Upon acceptable performance the employee may advance to the Step B rate.

A performance evaluation shall be made at the end of one year of employment. Upon acceptable performance the employee may advance to the Step C rate.

A department head may recommend a starting rate above the Step A rate due to the new employee's qualifications.

### 4.06 Wage Adjustment

*Effective Date: 3/7/2022*

The wage schedule shall be reviewed annually to consider overall changes of wages relative to job market and economic considerations. If any adjustment is to be made, it may be by a flat percent, a dollar amount, or other methods approved by the City Manager.

The following actions may affect the pay status of an employee:

- a. Transfer
- b. Promotion
- c. Demotion
- d. Reclassification
- e. Reinstatement
- f. Part-Time and Seasonal
- g. Temporary Assignment
- h. Disciplinary Action
- i. Merit

## 4.07 Performance Evaluations

*Effective Date: 3/7/2022*

Every supervisor should review the job performance of each employee in their department. The intent of the performance evaluation is to assist in the effective delivery of services and, at the same time, help employees reach their full potential. Performance evaluations will become part of the employee's personnel file.

The following objectives may be achieved through performance evaluations:

- a. Clarify work assignments, objectives, and expectations.
- b. Let employees know whether they are meeting or exceeding expectations.
- c. Provide a basis for promotions and pay increases and, where necessary, for remedial, disciplinary action, or termination.

## 4.08 Merit Plan - Eligibility

*Effective Date: 3/7/2022*

Employees covered by the position classification and wage plan with at least one year of service beyond the probationary period are eligible.

The purpose of the merit plan is to provide an incentive that is related to performance. It is an extension of both the pay plan and performance evaluation system.

The plan holds out the possibility of increased compensation based upon outstanding performance and extraordinary contributions to the City. To be meaningful, the plan also requires a candid, ongoing assessment of individual compensation levels within the respective pay grades.

An important basic premise of the plan is that all compensation above the "normal" level for a position is based upon merit. The merit concept is meaningful only where an adjustment is tied to performance and does not become part of the base.

Procedures involved in the administration of the merit plan:

1. Merit Increases  
The number and amounts of merit adjustments will be established by the City Manager based upon the recommendations and evidence presented by the department heads.
2. Sustained Merit Compensation  
Any merit portion of an employee's compensation should be evaluated annually when all salaries are reviewed. The City Manager will direct department heads to evaluate the basis for sustained merit compensation for employees at review time.

## Chapter 5 – Recruitment and Selection

The City of Two Rivers shall seek new employees through means designed to avoid and prevent any discrimination. The City may advertise with the Wisconsin Job Center, local newspapers, the City's website, as well as other media outlets.

### 5.01 At-Will Employment

*Effective Date: 3/7/2022*

All employees, except those whose employment is covered by a collective bargaining agreement, governed by Wisconsin State Statutes, Chapter 62.13, or covered by an individual employment contract, are employed at will. In other words, no contractual employment relationship exists between the City of Two Rivers and the employee. The City, or the employee, may end the employment relationship at any time, for any non-discriminatory reason, with or without notice. Employees who are terminated for disciplinary reasons are subject to the Discipline and Grievance Procedure.

This manual is not a contract, express or implied. It does not guarantee employment for any specific duration.

### 5.02 Recruitment and Selection

*Effective Date: 3/7/2022*

When a vacancy occurs in a department, the department head will complete and submit a request for job posting/advertisement to the City Clerk/Human Resources Director with an attached updated job description. The City Clerk/Human Resources Director will seek approval from the City Manager.

The City Clerk/Human Resources Director will prepare and post the vacancy in all City departments and/or advertise for the vacant position to be filled. Once applications are received by the City Clerk/Human Resources Director, the appropriate department head and the City Clerk/Human Resources Director will meet to review applications. After selecting the qualified candidates, the City Clerk/Human Resources Director will schedule interviews. To be considered for a position, applicants must complete the City of Two Rivers employment application.

At the completion of the recruitment process, the successful candidate will receive an offer letter summarizing the pertinent information of the position. The offer letter does not constitute an employment contract, employment remains at-will as previously detailed. The other candidates will receive notice advising them of the hiring decision.

Police and Fire departments may have additional procedures and/or requirements for recruitment and selection.

### 5.03 Expenses

*Effective Date: 3/7/2022*

Mileage, meals, lodging, and other reasonable interview expenses, and expenses for moving personal effects may be reimbursed for positions at the department head level as authorized by the City Manager.

## 5.04 Residency Requirement

*Effective Date: 3/7/2022*

Full-time emergency response personnel, as a condition of continued employment, are subject to residency within 15 miles of the jurisdictional boundaries of the City of Two Rivers within six months after satisfactory completion of the probationary period. In addition to Police, Fire, and EMS employees, the following positions shall be classified as “emergency response personnel” and will be required to abide by this residency requirement:

- a. City Manager
- b. Department Heads
- c. Information Services Director
- d. All employees of the Water Utility, Sewer Utility, Electric Utility, Street Department, and Parks and Recreation Department, with the exception of clerical/office support staff.
- e. Clerical and office support staff of the City Manager’s office, Fire Department, and Police Department.

Police management employees, other than the Police Chief, are subject to residency within 30 minutes’ drive time of the City limits.

This policy may be waived only by the City Council upon recommendation of the City Manager..

## 5.05 Nepotism

*Effective Date: 3/7/2022*

Persons of any of the following relationships shall not be hired to simultaneously serve in the same department as regular full-time employees:

- a. Husband/Wife
- b. Parent/Child
- c. Brother/Sister
- d. Aunt/Uncle/Niece/Nephew
- e. Grandparent/Grandchild
- f. Mother-in-law/Father-in-law
- g. Son-in-law/Daughter-in-law
- h. Brother-in-law/Sister-in-law
- i. Persons living within the same household

Seasonal and limited part-time employees are exempt, as long as the family member is not the supervisor of the position.

The above policy may be applied on a case-by-case basis to positions not in the same department where a potential conflict of interest, or the appearance of a conflict of interest, would be created.

This policy may be waived only, upon recommendation of the City Manager, by the City Council.

## 5.06 Probationary Period

*Effective Date: 3/7/2022*

Employees are subject to a six-month probationary period. Employment beyond the probationary period is subject to approval of the department head and City Manager.

The length of probationary period for represented employees can be found in their current labor agreements.

The City reserves the right to extend the probationary period an additional six months at the discretion of the department head, upon approval of the City Manager.

## 5.07 Police and Fire Recruitment

*Effective Date: 3/7/2022*

Although basic hiring procedures should be utilized in recruiting, specific guidelines may be established by the Police & Fire Commission in accordance with state law.

## 5.08 Work Permits

*Effective Date: 3/7/2022*

A work permit is required for all employees under 16 years of age.

## 5.09 Training and Development

*Effective Date: 3/7/2022*

Department heads shall provide active leadership in promoting the development of employees within their departments and shall encourage employees to take advantage of opportunities for training. Department heads should ensure that proper credit is documented in each employee's personnel file upon successful completion of training course(s) to assure full consideration for transfers and promotions.

## 5.10 Employee Orientation Program

*Effective Date: 3/7/2022*

The supervisor, or his/her designee, will familiarize the new employee to the conditions related to his/her job and worksite, i.e. introductions to fellow workers, supplies, break periods, etc.

## 5.11 Promotions and Transfers

*Effective Date: 3/7/2022*

All promotions and transfers shall be made in accordance with personnel and departmental policies and without discrimination. The City Manager shall approve all reclassification, status changes, reallocation of existing positions, demotions, and dismissal actions.

## Chapter 6 – Workplace Expectations

### 6.01 Scheduled Hours

*Effective Date: 3/7/2022*

The workday for full-time employees shall be eight (8) hours per day and the work week shall be forty (40) hours.

The normal workday is between 6:00 a.m. and 5:00 p.m., Monday through Friday. The City will have the flexibility to adjust work hours to allow for special events or seasonal activities and holidays.

Flexible schedules may be available to full-time employees, subject to the needs of the department and the approval of the department head.

Employees' regular schedules are set by the supervisor and may be temporarily changed by the supervisor or department head to meet the operational needs of the City.

### 6.02 Lunch Periods and Breaks

*Effective Date: 3/7/2022*

A non-paid 30-minute lunch period will be required of all office employees to be taken in accordance with department policy.

Field employees subject to recall at any time for emergencies will receive a 30-minute paid lunch period.

Paid, non-cumulative breaks shall be limited to one 20-minute break daily. Breaks may be taken as 20 minutes in the morning or afternoon, or as separate 10-minute breaks in the morning and afternoon. These breaks should not be taken at the beginning or end of the work shift and should not be combined with lunch periods.

Deviations from the standard lunch period or breaks may be made upon approval of the department head and City Manager.

### 6.03 Overtime

*Effective Date: 1/1/2024*

Overtime is defined as time worked in excess of the weekly schedule of hours normally required of full-time employees within a given department. Vacation, holiday, personal days, comp, and sick time are considered "hours worked" when determining overtime.

For purposes of calculating overtime, the workweek is designated as 12:01 a.m. Sunday through 12:00 a.m. Sunday. All overtime for a pay period must be reported through the last Sunday 12:00 a.m. of that pay period.

a. City Directed Overtime

There are times when it is necessary for employees to work overtime. At such times, a supervisor will notify employees as early as possible regarding the City's overtime needs. Employees shall work overtime when requested to do so by the City.

b. Employee Requested Overtime

There may be times when an employee believes there is a need to work overtime to complete City work assigned to the employee. In that case, the overtime must be approved in advance by the employee's supervisor and department head. Failure to get such approval may result in discipline, up to and including discharge.

Overtime shall not be paid more than once for the same hours worked (e.g. stand-by or call-in). A minimum of two hours of overtime pay shall be paid to employees called in to work outside of their normally scheduled hours except that time worked immediately before or after an employee's regular work shift shall not be subject to this two-hour minimum. If an employee receives multiple call-ins during the same two hours, it shall qualify as one call-in and the employee will only receive the two hour minimum overtime pay.

Non-Exempt Employee Overtime

Non-exempt employees must be paid overtime or given compensatory time at a rate of time and one-half (1.5) for all hours worked in excess of 40 hours per week. For hours in excess of the employee's normal scheduled work week, an employee may elect to take overtime or accrue compensatory time. In situations where overtime is paid as double time, employees must take the double time as pay; accruing compensatory time is not allowed for double time. Additional work outside of a non-exempt employee's normal schedule must be approved by a supervisor. The City reserves the right to adjust schedules to limit overtime due to budget constraints.

a. Compensatory Time

Compensatory time for additional hours worked at time and one half may be accrued to a maximum of 80 compensatory hours (53.34 overtime hours) by mutual agreement of management and the employee in advance of performance of the work. Managers must determine whether to approve accrual of compensatory time based on scheduling needs and budget availability. Compensatory time will be earned at a rate of time and one half (1.5x) in lieu of overtime pay on regular workdays.

Individual status of accumulated and used compensatory time will be provided on the individuals' pay statement. Compensatory time off will be scheduled by the department head in a manner deemed most advantageous to the department. Compensatory time can be both earned and taken in the same pay period so long as the balance does not go below zero. Every effort must be made to use all compensatory time prior to the last full pay period of the year. If compensatory time is not used by the end of the last full pay period of the calendar year, it will be paid out on the final paycheck of the year. Compensatory time cannot be carried over into the next year. Accumulated compensatory time will be paid out at termination of employment.

b. Flex Time

With permission from the immediate supervisor and/or department head, employees may flex to make up lost time within the same week, workloads permitting. Flex time shall only be permitted

for non-overtime hours and shall not be awarded for overtime hours compensable at time and one half.

### Exempt Employees

The City expects exempt employees to work a normal full-time 40-hour work week and any additional hours required by their work load, which can include special and regular meetings and events outside of normal hours. In return, exempt employees may occasionally take time off without using time from their accrued leave banks when the workload of their office permits, provided such time off is approved by the City Manager. This flexibility is not an accrued benefit nor does it constitute compensatory time; use of personal time on an hour-for-hour basis for time worked in excess of a 40-hour work week is not permitted by exempt employees.

Full day absences require the use of paid leave, except in very rare circumstances with approval from the City Manager. If, due to an emergency, the employee works through the weekend, or during several nights, the City Manager may allow the employee to take a day off without the substitution of paid leave.

## 6.04 Timekeeping Requirements

*Effective Date: 3/7/2022*

All City employees are required to accurately report their actual hours worked. Falsification of reported time by an employee or supervisor may result in discipline and/or termination. Department heads or their designated supervisors shall maintain a record for each employee's compensatory time, vacation time, sick leave usage, and report this to the City Manager and Finance Director.

## 6.05 Personal Appearance

*Effective Date: 3/7/2022*

The appearance of employees reflects upon the City. Employees are expected to present themselves for work in a professional, presentable, modest, well-groomed manner at all times, in attire allowed by their department head. Employees are required to adhere to safety guidelines to the extent they apply to their position. Depending on considerations of individual departments certain employees may have to meet special dress, grooming, and hygiene standards that may be required for health or safety reasons, customer and public contact, or other professional/service considerations.

## 6.06 Municipal Property

*Effective Date: 3/7/2022*

Personal use of City resources, such as equipment, tools, physical spaces or buildings, and other items for personal reasons is prohibited. If an employee is contemplating the personal use of a City resource for a reason that they believe is justified, the employee must get the written permission of the department head prior to using the resource.

## 6.07 Return of City Equipment

*Effective Date: 3/7/2022*

Employees leaving City employment must return uniforms, keys, tools, and equipment on or before their last day of work.



## 6.08 Severe Weather Policy

*Effective Date: 3/7/2022*

Personnel who are scheduled to work and who are late or unable to report for work due to severe weather conditions, or the closing of their office or department, may select one of the following options to account for such leave time:

1. Use of vacation time.
2. Reduction of an equivalent amount of pay.
3. Use of earned compensatory time.
4. Employee may flex to make up lost time within the same week, if the workload dictates.

The above action is necessary to treat all employees in a fair and consistent manner, and to maintain the flexibility of closing certain offices when severe weather dictates rather than requiring all employees to come to work.

## 6.09 Working Remotely

*Effective Date: 3/7/2022*

Employees will only be allowed to work from a remote location when doing so is in the best interest of the City and is approved in advance by the employee's department head and the City Manager.

## 6.10 Outside Employment

*Effective Date: 3/7/2022*

All regular employees are expected to place the responsibilities and obligations of their positions with the City first. Employees may engage in outside, non-City of Two Rivers employment, subject to the following conditions:

- All outside employment must be reported to the employee's department head.
- There is no conflict of interest between the secondary employment and the work done for the City.
- The City may request the employee cease any outside work, or end their employment with the City in the event of a refusal to surrender the secondary employment, if such work is affecting the efficiency, quality, and effectiveness of work with the City, a potential conflict of interest develops, or if the employee's engagement in the outside employment would reflect negatively upon the City.
- There shall be no professional consulting work or side job by employees within the City of Two Rivers limits where such work would pose a conflict of interest with the job duties of their position with the City.
- No outside employment or consulting work shall be carried on during work hours with the City, nor shall our vehicles, equipment, supplies, machines, or other property be used for an employee's secondary employment.

## 6.11 Release of Information to News Media and Public

*Effective Date: 3/7/2022*

Orderly procedures shall be followed for providing public information to news media representatives and the public. The City Manager and department heads are responsible for the release of information about

City business to the media and to the public. Exceptions may be made for individual employees designated by the City Manager or a department head either on an ongoing basis or for specific incidents.

## 6.12 Code of Ethics/Conflict of Interest

*Effective Date: 3/7/2022*

The City expects employees to use good judgment, adhere to high ethical standards, and avoid situations that create an actual or perceived conflict between their personal interests and those of the organization. It is expected that all transactions in which employees take part will be ethical and within the law, both in letter and in spirit.

There is no way to develop a comprehensive detailed set of rules to cover every business situation. The City requires employees to act ethically when performing their duties so that their actions will reflect positively on the employee and the City. Employees must comply with all local, state, and federal laws.

City policy and state law prohibits employees from engaging in the following conduct:

- Soliciting or receiving from any person or acting as a mediator for any fee, gift, or other thing of value in the course of their work, when such fee, gift, or other thing of value is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person.
- Threatening or attempting to use or using political influence, or giving or being in any way involved in giving any money or any other thing of value in return for appointment, promotion, transfer, leave of absence, change in pay, or other tangible employment benefit.
- Engaging in political activity by making use of their position to further the candidacy of any person or engaging in political work during regular work hours. Nothing in this section shall be construed to interfere with an employee's right to become a member of a political club, to attend political meetings, to express their opinion on political subjects, and to enjoy freedom from all interference in casting their vote.
- Accepting anything of value from any person, business, or organization if it may be viewed as a reward for any official action or inaction taken by the employee. State law also prohibits any local public official or public employee from accepting anything of value if it could reasonably be expected to influence their official actions or independent judgment.

Employees should speak with their supervisor or the City Clerk/Human Resources Director regarding questions, concerns, or issues addressed in or related to this policy.

## 6.13 Political Activity

*Effective Date: 3/7/2022*

Employees have the right to freely express their views as citizens and to vote. Individuals whose principal employment is in a federally-aided program are subject to the prohibition in the Federal Hatch Political Activities Act as amended 5 U.S.C. 1501-1508.

Employees may engage in political activity provided that such activity does not interfere with normal work performance, is not conducted during normal working hours, and does not involve the use of City equipment or property. Employees are prohibited from coercing any persons to hold or to contribute money or other assistance to any political candidate, party, or purpose.

## 6.14 Step-Up Pay

Employees may be granted Step-Up Pay at the discretion of the Department Head when called upon to perform duties at a position of a higher classification for an extended period of time.

## 6.15 Standby

Employees assigned to standby duties shall receive additional compensation during the week assigned to Standby. The additional compensation shall be set by each department along with further specifying the standby policy consistent with the department's needs. All non-exempt employees assigned to standby duties will be compensated consistent with state and federal minimum wage and overtime laws.

## Chapter 7 – Employee Benefits

### 7.01 Life Insurance

*Effective Date: 3/7/2022*

The City provides basic life insurance in the amount of one-time the employee's annual salary (rounded to the nearest \$1,000) at no cost to the employee. Full-time and regular part-time employees who work more than 1,200 hours per year are eligible for coverage the 1st day of the month following 30 days of employment.

The imputed cost of coverage in excess of \$50,000 must be included in income and is subject to social security and Medicare taxes.

Additional coverage may be purchased at the employee's expense and paid through payroll deduction.

### 7.02 Health, Dental, and Vision Insurance

*Effective Date: 3/7/2022*

The City provides group health, dental, and vision insurance to all permanent, full-time employees. Insurance is effective on the 1st day of the month following 30 days of employment. Plan details are set forth in separate plan documents issued when an employee becomes eligible to participate; additional copies are available from the City Clerk/Human Resources Director. The City reserves the sole discretion to determine what insurance and level of benefits to offer. Employees may be required to contribute toward the cost of the monthly premiums as established by the City Council and contributions will be payroll deducted.

### 7.03 Health Savings Account (HSA) Contributions

*Effective Date: 3/7/2022*

Employees participating in a High Deductible Health Plan (HDHP) are eligible for employee contributions to a Health Savings Account (HSA) via payroll deduction.

### 7.04 Continued Health Insurance

*Effective Date: 3/7/2022*

#### Disability Retirement

Employees forced to retire under disability provisions of OASI will be required to apply for Social Security benefits, including Medicare. Coverage will continue from the time of retirement through the determination of eligibility for Social Security benefits, not to exceed 24 months.

#### Normal Service Retirement

For employees hired after September 18, 2000, a minimum of 15 years of full-time employment with the City of Two Rivers shall be required to qualify for this benefit. Employees hired on or after April 15, 2011, are not eligible for a City-provided post-retirement health benefit of any kind upon their retirement.

An employee retiring at age 55 or older shall be eligible for continued health insurance coverage (single or family plan, as may be applicable). As of January 1, 2014, the City shall contribute the current split percent rate of the medical premiums, on behalf of eligible retirees, and the premium co-payment required of retirees shall equal the current split rate applicable to active employees as of the date of the employee's retirement.

This benefit may be exercised immediately upon retirement by qualified employees retiring at age 55 or older (50 or older for Police and Fire employees). Alternatively, an employee retiring at age 55 or older (50 or older for Police and Fire employees) may leave the City's health insurance plan upon retirement and re-enroll in that plan at a later time prior to age 65, with partial City payment of premiums as described above for the duration of the employee's post-retirement health insurance benefits. Provided, however, that a retiree may re-enroll in this manner only one time.

Police Union and Management employees, Fire Union and Management employees and certain non-union employees who are eligible for this post-retirement health insurance benefit have individual letters of agreement with the City that are in their personnel files, which address the number of years of such coverage they qualify for. Any other employees who qualify for this benefit qualify for the number of years cited below:

- a. Employees with over 25 years of service as of December 31, 2013: 3 years of continued health insurance.
- b. Employees with over 10 years of service as of December 31, 2013: 1 year of continued health insurance.
- c. Employees with less than 10 years of service as of December 31, 2013: No benefit.

City contributions will not continue past the retired employee's Medicare-eligibility.

When a retired employee reaches age 65, the employee's spouse, if under 65, becomes eligible for continuation of health coverage under COBRA.

A minimum 30-day advance notice of termination must be given to qualify for this benefit.

A retiree forfeits and waives all benefits under this provision if the employee should obtain employment with another employer (for more than a 30 day grace period) that has a group health insurance plan and is eligible to participate in such plan, or if the retiree becomes covered by any other group health insurance plan.

#### Survivor Coverage

The surviving spouse and/or dependents of a participating employee who dies while actively employed by the City or while retired from City employment, may elect to continue to be covered as part of the group under the rules of the plan set forth in Section above, by payment of the insurance premium co-pay, not to exceed 24 months.

## 7.05 Voluntary Waiver of Health Insurance Coverage

*Effective Date: 3/7/2022*

The City will allow employees to opt out of the City health insurance coverage. Full-time employees who are eligible for coverage under the City's health insurance program will receive a cash benefit for opting out of such coverage.

To receive this cash compensation in lieu of health insurance coverage, an employee must complete a Voluntary Waiver of Health Insurance Form and furnish the City with proof of health insurance coverage from another source. This proof of other coverage must be received by the City before any employee will be allowed to opt out of City coverage. In the case of spouses both employed by the City, an opt-out is not available for the employee that does not elect coverage.

## 7.06 Employee Assistance Program

*Effective Date: 3/7/2022*

An Employee Assistance Program (EAP) is offered to help employees find solutions to personal problems, big or small, that may have the potential to become overwhelming. Examples include substance abuse, relationship problems, stress, anger management, and depression.

The EAP is a free, confidential counseling and referral service for the employee and anyone living in the employee's household.

Information regarding the Employee Assistance Program can be requested by contacting the City Clerk/Human Resources Director or a department head.

## 7.07 Longevity

*Effective Date: 1/30/2023*

On the first payroll in December, eligible full-time grandfathered employees hired before September 18, 2000, shall receive a longevity payment equivalent to 5% of their base salary. Fire Department non-union command personnel became ineligible for this benefit as of January 1, 2000, having been granted an additional pay step of 3 percent upon attaining 15 years of service, effective on that date, consistent with the Fire union contract.

Longevity is calculated by calendar year. Eligible employees leaving employment during the year will receive prorated longevity based on the number of pay periods paid in the current year. *Employees terminated for cause are not eligible for longevity pay at termination.*

## 7.08 Retirement

*Effective Date: 3/7/2022*

Eligible employees shall be covered under the Wisconsin Retirement System (WRS). The City will pay contributions as established by the Department of Employee Trust Funds (ETF), and employees shall pay the employee contribution as set by ETF via payroll deduction. Information regarding the WRS plan can be found at <https://etf.wi.gov/>.

## 7.09 Deferred Compensation

*Effective Date: 3/7/2022*

The City offers deferred compensation plans to supplement retirement income. Participation in a deferred compensation program is voluntary and 100% funded by the employee through payroll deduction in an amount authorized by the employee. Plan and enrollment information is available from the City Clerk/Human Resources Director.

## 7.10 Unemployment Compensation

*Effective Date: 3/7/2022*

City employment is covered by Wisconsin Unemployment Compensation laws. Under provisions of that law, employees who lose their job through no fault of their own may receive limited financial allowance during the period they are out of work and seeking re-employment.

## 7.11 Workers' Compensation

*Effective Date: 3/7/2022*

Employees injured on the job will receive compensation for claims approved by the City's workers' compensation carrier.

- a. Any injured employee shall immediately report the type of injury to his/her supervisor and fill out the Employee Accident and Injury Report.
- b. Any injured employee's supervisor must provide immediate medical attention (if applicable), investigate the accident, and complete the supervisor and applicable sections of the Employee Accident and Injury Report. The reports must be sent immediately to the Finance Department.

Compensation begins when the injured employee is off from his/her regular work duties for more than three days. The employee will begin receiving insurance checks until he/she returns to work. If the insurance checks are less than the employee's base payroll check, the City will pay the employee for the difference in the regular payroll amount and charge such difference to employee's accumulated sick leave balance, until it is exhausted. Additionally, the difference may also be deducted from the employee's compensatory time, vacation, and personal days until exhausted.

The following procedure is mandatory:

- a. The employee must bring his/her workers' compensation insurance check to the Finance Department immediately upon receipt and prior to the next payroll, if possible.
- b. The employee's pay will be adjusted on a bi-weekly payroll basis by the Finance Department. Only the amount paid by the City is charged against sick leave.

<i>Example: 80 hours @ \$12.00/hour</i>	<i>\$960.00</i>
<i>Workers' Comp Check (50 hours)</i>	<i>\$600.00</i>
<i>Paid by City (30 hours)*</i>	<i>\$360.00</i>
<i>*(30 hours charged to employee's sick leave)</i>	

- c. For days missed due to workers' compensation, the City will automatically apply FMLA (Family Medical Leave Act) to the absence, provided the absence qualifies. The full FMLA policy is in Chapter 14.
- d. Dollars paid to the employee through workers' compensation are subject to Wisconsin Retirement contributions. Deductions will be taken on the employee's City payroll.

## 7.12 Clothing Allowance

*Effective Date: 3/7/2022*

The City of Two Rivers is committed to the safety and well-being of their employees. Certain employees are required by the City to wear steel toe shoes to safely perform certain job duties and to protect them from various hazards they may encounter during those duties. These employees are eligible for a safety footwear reimbursement.

- a. Eligible employees may receive reimbursement towards the cost of a safety shoe or boot every 18 months as established in the department's clothing allowance budget.
- b. Line personnel who require special climbing boots are eligible to receive a maximum of \$140.00 every 18 months.
- c. Employees will pay any expense over the maximum allotted amount towards their safety shoes or boots. The employee will not be given any amount of the employer contribution not spent. No amount of employer contribution can be carried over from one 18-month period to another.
- d. Employees receiving this benefit shall always wear the safety shoes or boots while at work and shall use proper care in the maintenance to maximize their useful life.
- e. The City of Two Rivers may review the employer contribution toward the cost of the safety footwear reimbursement.

Police and Fire Chiefs, Police and Fire Assistant Chiefs, and Police Lieutenants shall be provided with an initial dress uniform. An annual uniform allowance shall be provided for maintenance and upkeep of uniforms and equipment by such command personnel in conformance with the current union contracts for their respective departments.

Upon termination of service by any employee, all serviceable items purchased by City funds shall be returned to the Department.

## 7.13 Commercial Driver's License

*Effective Date: 3/7/2022*

For full-time employees required by the City to hold a Commercial Driver's License (CDL) as a condition of employment, the City shall reimburse the difference between the cost of a regular Wisconsin Driver's License and the cost of the required Commercial Driver's License and endorsement(s). Where a skills test is required, the employee will be permitted to use the appropriate City vehicle. Employees shall be allowed to take the first CDL test on City time. If the employee fails the first test, all subsequent attempts shall be on the employee's time.

In the event a CDL holder loses his/her CDL, that employee's employment may, at the City's discretion based on service needs and available workload to meet the driving restrictions, continue for a total of twelve (12) months, provided the employee continues to perform all of his/her regular job duties except those requiring a CDL, maintains a valid Occupational Driver's License to drive non-commercial vehicles at work, and regains his/her CDL as soon as possible.

- a. The City may leave the employee in his/her current position.
- b. The City is not liable to allow or install an ignition interlock device for the employee to continue in their position.
- c. If this period of CDL suspension exceeds a total of twelve (12) months, the employee may be terminated.



- d. No more than two (2) employees will be allowed this accommodation at any one time. If more than two (2) employees need this accommodation, the subsequent employee(s) will be placed on unpaid leave until there are fewer than two (2) in the accommodation status.
- e. All employees who are required to have a CDL have a responsibility to report any offenses, tickets, or violations which they receive, providing copies to the City Manager, or his/her designee, within five (5) working days of the violation. Failure to report any violations shall make the employee ineligible for the provisions of this policy and may result in discipline, up to and including discharge.
- f. At the time the employee's CDL is reinstated, the employee shall be placed in his/her former position or at a lower classification (if a position exists) if the former position is no longer available.
- g. The employee's driving record, whether a CDL holder or not, must not prohibit the employee from being insurable under the City's liability insurance.

## 7.14 Travel and Reimbursement

*Effective Date: 3/7/2022*

Where travel is involved, employees are encouraged to minimize their expenses, as it contributes to the effective operation of the City government. The City will pay the reasonable expenses of employees involved in travel on City business. The following guidelines will apply:

- a. Mileage Allowance  
Employees who use their personal vehicle for official business will receive reimbursement at a rate based on the IRS Standard Mileage Rate. Those who receive a regular fixed travel allowance shall not claim such mileage except for single round trips in excess of 60 miles.
- b. Other Expenses/Out of City Travel
  1. Expenses for conveyance by airplane or by other means rather than personal or city-owned vehicle must be authorized in advance by Personnel Action Form approved by the City Manager. Only coach fare (or more economical fare when available) will be considered for air travel.
  2. Taxi fares, public transportation fees, charges for parking, and other such incidental transportation expenses will be reimbursed based upon actual costs. Fines will not be reimbursed.
  3. Lodging will be reimbursed at actual cost not to exceed the rate of single occupancy.
  4. Meals (including beverage) will be reimbursed at actual cost, but not exceeding a rate designated by the City Manager, or reasonable proportions thereof if less than three meals are involved. Purchase of alcoholic beverages will not be reimbursed.
  5. Registration fees will be reimbursed at actual costs.
  6. Receipts are required for all reimbursements.
  7. Actual expenses should be itemized in detail on the Travel Expense Voucher and submitted to the Finance Department with appropriate approval.

All travel must be properly authorized in advance by the department head or his/her designee.

## Chapter 8 – Time Away from Work

### 8.01 Holidays

*Effective Date: 1/30/2023*

The City recognizes the following paid holidays:

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

Whenever one of the above-designated holidays occurs on a Saturday, the Friday immediately preceding shall become the official holiday. Whenever a designated holiday occurs on a Sunday, the Monday immediately following shall become the official holiday.

The City may deviate from this weekend substitution if needed.

Either Christmas Eve or New Year's Eve, in lieu of Christmas Eve, may be taken, but not both days. It is understood that minimum staffing should be available on both days to provide necessary municipal services.

#### **Provisions for employees who are required to work on an observed holiday date:**

Whenever it is necessary, as determined by the department head, for a non-exempt employee to be scheduled, or called in, to work a full workday on a holiday to continue essential services, compensation for the actual hours worked shall be at the rate of one and one-half times the regular rate of pay and the employee will be given a compensatory day off. Any hours worked beyond a full workday will be paid at double time.

Whenever it is necessary, as determined by the department head, for a non-exempt employee to be scheduled, or called in, to work less than a full workday on a holiday to continue essential services, compensation for the actual hours worked shall be at the rate of one and one-half times the regular rate of pay in addition to the holiday pay they would have received had they not been scheduled, or called in, to work.

#### **Provisions for employees who are required to work on a legal holiday when it differs from the City-observed holiday date. *For example, an employee is required to work on a legal holiday on a Sunday when the City is observing the holiday on Monday:***

Whenever it is necessary, as determined by the department head, for a non-exempt employee to be scheduled, or called in, to work a full workday on a legal holiday, that is not the City-observed holiday date, to continue essential services, compensation for the actual hours worked shall be at the rate of one and one-half times the regular rate of pay. Any hours worked beyond a full workday will be paid at double time.

Whenever it is necessary, as determined by the department head, for a non-exempt employee to be scheduled, or called in, to work less than a full workday on a legal holiday, that is not the City-observed holiday date, to continue essential services, compensation for the actual hours worked shall be at the rate on one and one-half times the regular rate of pay.

Police management personnel whose schedules require work on these days (or for whom such a holiday is a regular rotation shift day off) will receive a replacement holiday off (at straight time) that will be taken by mutual agreement of the Chief of Police or his/her designee and that employee. Holidays are not used until earned and cannot be carried over from year to year. Police management personnel may not elect to receive pay in lieu of taking holiday time off.

Holiday time for eligible part-time employees is pro-rated based on the total hours worked in the prior year. Vacation, personal days, holidays, and any other paid days off are considered hours worked for the purposes of this calculation. The anticipated annual hours will be used for employees with less than one full year of employment at the time of calculation.

## 8.02 Personal Days

*Effective Date: 3/7/2022*

In addition to the holidays described in section 8.01, each eligible employee shall receive two (2) personal days annually to be scheduled with the mutual consent of the department head. Personal days must be used in the calendar year and cannot be carried forward. Personal days must be used in eight (8) hour increments. New hires hired on or before November 1<sup>st</sup> will be eligible for this benefit in their year of hire.

## 8.03 Vacation

*Effective Date: 3/7/2022*

### **Annual Vacation Benefit**

Annually, following satisfactory completion of one year of employment, a paid vacation is granted according to the schedule below, except Fire management personnel. The vacation period is January 1<sup>st</sup> through December 31<sup>st</sup>. Employees will be credited with vacation on January 1<sup>st</sup> of each year even though vacation is not earned until the employment anniversary date. Employees who use vacation that has not yet been earned shall be required to reimburse the City for any used and unearned vacation time from the employee's final paycheck.

<u>Years of Completed Service</u>	<u>Vacation Days</u>
1 to 4	10
5	11
6	12
7	13
8 to 9	15
10 to 12	16
13 to 15	17
16	18
17	20

Vacation benefit is capped at 20 days per year. Employees exceeding the cap are grandfathered at their current level.

Police Assistant Chief and Lieutenants shall retain the same vacation schedule as the police union contract.

The City Manager shall have the right to grant accelerated vacation benefits of up to twenty (20) days per year to department heads without regard to the above schedule.

Whenever a department head is granted accelerated vacation benefits, he/she shall accrue vacation benefits based on his/her additional years of employment with the City. Such additional vacation benefits shall be calculated as if the department head possessed years of service corresponding to the accelerated amount of vacation initially granted.

**Prorated Vacation Benefits for New Hires**

Employees with six (6) or more months, but less than twelve (12) months, of service as of December 31 of the year of hire shall receive the following vacation benefits to be taken during the year of hire:

- At least 6 months, less than 8 months: 5 days
- At least 8 months, less than 9 months: 6 days
- At least 9 months, less than 10 months: 7 days
- At least 10 months, less than 11 months: 8 days
- At least 11 months, less than 12 months: 9 days

If an employee with fewer than 12 months of employment terminates their employment with the City, their vacation will be prorated to reflect the actual months employed by the City. Again, employees who use vacation that has not yet been earned shall be required to reimburse the City for any used and unearned vacation time from the employee's final paycheck.

**Vacation Carryover & Sell Back**

No more than one week or 40 hours of vacation (48 hours for police lieutenants) may be carried from one year to the next.

1. Police management personnel may elect to receive up to 80 hours of pay in lieu of taking time off. The Police Chief may only elect to receive up to 48 hours pay in lieu of taking time off.
2. The City shall allow non-fire management personnel to carry over not more than three (3) working days of vacation to be carried forward into any subsequent year to be used by the employee subject to the minimum on-duty manning requirements as stated in the work schedule of the department which shall control the use of such days.

In rare circumstances, and only with the approval of the City Manager, hours in excess of 40 may be carried over into the next year or paid out to the employee.

**Scheduling Vacation**

Scheduling vacation time shall be at the mutual convenience of the City and the employee, in order that the business of the City is not disrupted by the absence of vacationing employees.

Vacation requests must be submitted to the supervisor and approval given before taking vacation time.

**Vacation for Part-Time Employees**

Regular Part-Time and Part-Time (Year-Round) Employees: Part-time employees shall receive ten (10) days of pro-rated vacation per calendar year. As with full-time employees, these vacation days shall be available after January 1 of each year. New hires will be eligible for pro-rated vacation days during the

first calendar year of their employment in accordance with the pro-rated vacation benefits schedule. Vacation days for part-time employees must be used in the calendar year and may not be carried to the next year.

Proration for eligible part-time employees will be based on the number of hours the employee worked in the preceding calendar year. The hours worked will be divided by two thousand eighty (2080) hours per year, rounded to the nearest whole percent. The resulting percentage will be the basis used for pro-rating each day of vacation. For the purposes of the calculation, hours worked shall equal the hours the employee was paid.

### **Separation from Service**

Upon quit, termination, or retirement of an employee, payment for all previously earned, but uncompensated time will be paid with the employee's last paycheck at the then current rate.

In the event of separation from service during the year, vacation benefits shall be pro-rated based upon the actual service from the last anniversary date to the date of separation. An employee must give two (2) weeks' notice of separation from service to qualify for this benefit.

The termination benefit for police management personnel, except Captains and above, is in accordance with the Collective Bargaining Agreements.

## 8.04 Leave of Absence without Pay

*Effective Date: 3/7/2022*

- a. Absent exigent circumstances unpaid leaves must be approved in advance.
- b. If the employee does not return to duty status at the end of the approved period as set forth herein, the employee will be put in terminated status.
- c. An employee who provides fraudulent information to obtain leave shall be subject to discipline and potential loss of benefits.
- d. The City will continue to recognize the employee's seniority and any adjustments in wage rates and fringe benefits that apply to the position during leaves that qualify for FMLA.
- e. All other unpaid leave that does not qualify for FMLA may be granted at the sole discretion of the City Manager. For unpaid leaves spanning more than 2 weeks, to continue in the group health insurance plan, the employee will be responsible for both the employer and employee share of the premium.

## 8.05 Sick Leave

*Effective Date: 3/7/2022*

### **Sick Leave – General**

Benefit eligible employees will receive paid leave due to illness or injury as outlined in this section. For all employees, except as noted below, sick leave is earned at the rate of one day for each month of service to a maximum of 120 working days unless otherwise dictated by union agreement or prior agreement.

Employees may not take sick leave until it is earned, nor shall it be advanced.

In order to use sick leave an employee must:

- Notify the employee's supervisor prior to the start of the workday of the reason for the absence
- Continue to update the employee's supervisor of the employee's condition and anticipated return to work date
- Be ill, injured or attending preventative medical care
- Be caring for an immediate family member who is ill, injured, or in the need of preventative care
  - o Immediate Family is defined as spouse, partner, parent, stepparent, child, stepchild, foster child, or guardian
  - o **NOTE:** While sick leave may be used as set forth herein by employees who require time off to care for or attend a medical appointment with an ill child, it cannot be used to provide childcare for a healthy child.

If the absence continues beyond one day, the employee is expected to inform their supervisor of their condition and return date. At the employer's discretion the employee may be required to provide medical verification.

Employees may be required to complete FMLA paperwork for any extended time off due to personal procedures/injuries or caring for an immediate family member when a physician is overseeing treatment. The complete FMLA policy is in Chapter 14, below.

Employees who have accumulated the maximum number of sick leave shall be eligible for one-half (1/2) pay credit (each year) for unused sick leave beyond the maximum accumulation shall be granted, payable in February following the previous years' experience.

**Sick Leave – Fire Assistant Chiefs**

Sick leave is granted at the rate of one-half (1/2) working day for each month of service to a maximum of sixty (60) working days. One hundred (100) percent pay credit each year for unused sick leave beyond the maximum accumulation of sixty (60) workdays shall be paid. This amount shall be paid on the basis of an eight-hour day in February following the previous years' experience.

The Assistant Fire Chiefs shall have an option to cap sick leave accumulation at the maximum of thirty (30) or sixty (60) days. Once the employee has made the election between the 30-day or 60-day accumulation of sick leave maximum, the employee will not be permitted to revise his/her sick leave accumulation cap. New employees must choose an option within 30 days of the date of hire.

**Voluntary Transfer of Leave Time to Employee Who Has Exhausted Leave Time**

Employees may voluntarily transfer one (1) day of sick leave or up to five (5) days of vacation credit to another City employee who is "in need" and who has exhausted all of his/her earned sick leave and vacation time.

"In need" shall be defined as a critical health condition of the employee or a family member to whom the employee must attend. All transfers shall be subject to approval by the City Manager.

**8.06 Light Duty**

*Effective Date: 3/7/2022*

To assist employees with restrictions due to injuries or illnesses, the City may, at its sole discretion, offer temporary light-duty job assignments. Employees who wish to return to work with temporary restrictions should contact the department head about the availability of light-duty assignments.

To be eligible for light-duty assignment, the following conditions must exist:

1. An employee must have a signed doctor's form that outlines the restrictions that a condition exists which prevents the full performance of duties. The opinion must further state the exact nature of the condition, the type of restrictions on the employee's work, and a specific period that the restrictions are to remain in place.
2. Meaningful work must be available, as determined by the department head, which the employee can perform within the stated restrictions and with no undue hardship to the City or danger of harm to the employee, fellow employees, or the public.

The availability of light duty assignments depends on the employee's restrictions and the business needs of the City. This light duty policy does not in any way guarantee that light duty will be available at any given time, or for any employee who requests it. Light duty assignments are not vacant or permanent positions within the City's workforce and are not available to employees on a permanent basis under any circumstances.

An employee may be eligible for workers' compensation in the case of a work-related injury or for other leave as available in the case of a non-work-related injury. Hours worked as light duty will not be counted against the employee's accumulated leave bank or workers' compensation entitlement. Repeated or recurring light duty requests within an unusually brief period will be evaluated on a case-by-case basis by the City Manager.

The City reserves the right to obtain a second medical opinion regarding a condition purportedly necessitating in a light duty assignment at any time.

## 8.07 Emergency Leave

*Effective Date: 3/7/2022*

If an emergency occurs, the employee may be excused from work with pay for the period the emergency exists during their shift. The employee will be excused from work upon notifying their supervisor. However, the situation must be a serious and unexpected emergency, and other arrangements made if the emergency continues beyond the initial working day.

## 8.08 Funeral Leave

*Effective Date: 3/7/2022*

Up to 3 consecutive days off with pay will be granted to full-time employees for the death of any one of the following:

- Spouse/Significant Other/Partner
- Child/Step-Child
- Parent, Step-Parent, Step-Parent-in-law
- Mother/Mother-in-law
- Father/Father-in-law
- Sibling, Sibling-in-law
- Son-in-law
- Daughter-in-law
- Grandchild

- Grandparent, Grandparent-in-law, Step-Grandparent

Up to 1 day off with pay will be granted to full-time employees for the death of any one of the following:

- Aunt
- Uncle
- Cousin

Year-round part-time employees working at least 1,000 hours per year shall receive up to 8 hours of paid leave for the death of any one of the relatives listed above.

Employees may choose to use sick leave, compensatory time, vacation, or unpaid leave if additional leave time is needed with the approval of their immediate supervisor.

The City Manager with the approval of the City Council, has the authority to grant employees funeral leave in situations where a family member is not listed in the current funeral leave language.

## 8.09 Other Leave

*Effective Date: 3/7/2022*

Other leave shall be granted at the discretion of the City Manager or designee for the purposes of attendance at professional meetings, training, institutes, and conferences.

In the event of service with the National Guard, the military reserve, or jury duty, the City shall pay the difference between the regular rate of pay and the pay that person receives in these duties, subject to departmental needs and policies, for a period not to exceed two full weeks or ten working days.

## 8.10 Family and Medical Leave Act (FMLA)

*Effective Date: 3/7/2022*

The Family and Medical Leave Act entitles employees to take job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Employees must complete the FMLA request form in conjunction with certification by a health care provider, if applicable, to be approved for FMLA leave. The complete policy is in Chapter 14.



## Chapter 9 – Conditions of Employment

### 9.01 Public Service Mission

*Effective Date: 3/7/2022*

In addition to the duties and responsibilities as enumerated in Public Relations section 1.02, each employee of the City of Two Rivers, as a public servant, is expected to deal with the public in a prompt, polite, and helpful manner. Fulfillment of this requirement may mean occasional personal inconvenience.

### 9.02 Safety

*Effective Date: 3/7/2022*

The City of Two Rivers takes safety seriously and strives to maintain a healthy and safe work environment for all of its employees. To that end, the City has established a Safety Committee to create and review policy that promotes an atmosphere of general safety.

All employees are to work in a safe manner and observe good safety procedures, both for the safety of themselves, as well as fellow employees and the public. Various safety classes and/or training sessions are offered each year for employees to attend. Certain safety and/or training sessions may require mandatory attendance by particular departments.

It is the employee's responsibility to read and follow the practices contained in the Safety Manual which is available to all employees of the City of Two Rivers. A copy of the Safety Manual is available in the office of the City Clerk/Human Resources Director.

### 9.03 Injury Reporting

*Effective Date: 3/7/2022*

#### **Employee Incident & Injury Report – Supervisor Incident Report**

Employees must notify their supervisor as soon as possible following an accident or injury. In the event medical attention is needed, the supervisor or designee will take the employee to seek treatment. Paperwork from the physician should be provided to the supervisor. The supervisor will help the employee complete and submit an Employee Incident & Injury Report – Supervisor Incident Report within 24 hours of the accident or injury, regardless of whether medical attention is required.

#### **Employee Near Miss/Safety Concern Report**

Employees must report any potential safety hazards or unsafe conditions to their supervisor for immediate action. Complete and submit an Employee Near Miss/Safety Concern Report.

#### **Incident Report**

Employees that witness an accident on City property involving a member of the public must report the accident immediately to their supervisor. Complete and submit an Incident Report within 24 hours of the accident.

## 9.04 Employment Separation/Notification

*Effective Date: 3/7/2022*

Upon quit, termination, or retirement of an employee, payment for all previously earned, but uncompensated time to which the employee is entitled, will be paid with the employee's last paycheck at the then current rate.

Employees planning to voluntarily terminate their employment with the City are to notify their immediate supervisor as far in advance as possible, but not less than two weeks prior to their last day of work. A one-month notice shall be given by department heads or top administrative personnel. Benefit payout provisions may be reduced or eliminated for persons who fail to provide adequate notice of separation.

## 9.05 Drug and Alcohol Free Workplace

*Effective Date: 3/7/2022*

The City of Two Rivers maintains a drug-free and alcohol-free workplace. Accidents, injuries, absenteeism, decreased productivity, and property damage can result if an employee is under the influence of drugs, alcohol, or other substances at work.

- **Conduct and Discipline.** A violation of the following rules may result in disciplinary action or termination:
  - o Employees are prohibited from using, possessing, manufacturing, selling, distributing, purchasing, or dispensing alcohol or controlled substances/illegal drugs or drug paraphernalia on City property, while performing job duties, or engaged in a City-sponsored activity, or while on City business. This prohibition shall not apply to off-duty City employees dispensing alcoholic beverages on City property when working as volunteers at community events that have been issued appropriate City licenses.
  - o Employees are prohibited from reporting for or remaining on duty or performing assigned job duties while under the influence of alcohol or a controlled substance/illegal drug or having the prohibited level of alcohol or an illegal drug/controlled substance in their system as indicated by a positive test result.
  - o Employees may not bring or consume any prescription drugs that are not prescribed to them, or that impair their ability to do their job. Employees must notify their supervisor or the Human Resources Department before engaging in any work if their prescription medication could affect job performance and/or safety.
  - o Criminal convictions for manufacturing, distributing, dispensing, possessing, or using controlled substances/illegal drugs in the workplace must be reported in writing to the Human Resources Department no later than 5 calendar days after such conviction.
  - o If an employee refuses to submit to a drug and/or alcohol test when directed to do so under circumstances consistent with this policy, the employee will be immediately placed on suspension pending investigation. Employees may not engage in any conduct that prevents completion of a test, or provide false information when tested, or attempt to falsify a test result.
  - o Employees may not use any alcohol within 8 hours following an on-duty accident.
  - o Employees must comply with requirements for treatment, after care, and return to duty, if applicable.

- **Employee Assistance Program (EAP).** Employees are encouraged to voluntarily seek professional, confidential assistance for alcohol and drug problems. Contact and other information for the EAP provider is located in the Human Resources office. Employees are also encouraged to utilize any programs offered by the City's insurance program.
  
- **Testing.** Drug and/or alcohol testing is required under the following circumstances:
  - Pre-Employment: Drug testing is part of the evaluative procedure for new and returning employees and will be conducted upon a conditional offer of employment.
  - Reasonable Suspicion: Employees will be required to test if there is a reasonable suspicion that they are impaired, under the influence of, or have drugs or alcohol in their system. "Reasonable suspicion" means observations of objective facts sufficient to lead a prudent person to conclude that they may be under the influence or have a prohibited substance in their system.
  - Post-Accident/Work Related Incident: Employees may be required to submit to drug or alcohol testing following a work-related incident/accident.
  - Random: Drug testing may be required on a random basis for those in any safety-sensitive positions.
  - Return-to-Duty: Any employee found to have violated this policy and who is allowed to return to work will be required to test prior to returning to duty, and then randomly thereafter, for a one-year period.

Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable laws.

## Chapter 10 – Discipline and Grievance Procedure

### 10.01 Discipline

*Effective Date: 3/7/2022*

Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a law, regulation, 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.

The following examples of misconduct are listed for the guidance of all employees. This is not intended to be a comprehensive list of all prohibited activities, only a list of examples of conduct that might result in discipline, up to and including discharge:

- Sexual, racial or other harassment of a fellow employee, or anyone with whom the employee comes into contact while working for the City.
- Failure of the employee to perform his/her duties as listed in the job description with competence and integrity;
- Neglect of duty, contractual obligations, or other rules and regulations;
- Refusal or failure to obey legitimate orders from a supervisor;
- Unwillingness to submit to the supervisor's authority or insulting behavior toward a supervisor;
- Failure to respect confidentiality of records;
- Theft or dishonesty;
- Recovering payment for time not actually on duty;
- Frequent tardiness and/or absenteeism;
- Falsification of forms or expense vouchers;
- Unauthorized or illegal possession, use or sale of alcohol or controlled substances on work premises or during working hours, while engaged in City activities or in City vehicles;
- Unauthorized possession, use or sale of weapons, firearms or explosives on work premises;

- Serious deliberate misuse of equipment or abuse of keys or electronic means of access;
- Acceptance of gifts or gratuities in violation of the code of ethics;
- Failure to comply with the City's safety policies.

The above list does not include all possible actions that may be deemed unacceptable. The City reserves the right to administer this policy within its discretion. The City may discipline an employee for any behavior it considers detrimental to the interest of the City and may terminate the employee immediately.

## 10.02 Grievance Procedure

*Effective Date: 3/7/2022*

### Purpose and Scope

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. and those non-police/fire employees covered by current collective bargaining agreements. An employee may appeal any level of discipline under this grievance procedure.

### Definitions

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:
  - a. Placing an employee on paid administrative leave pending an internal investigation
  - b. Counseling, meetings, or other pre-disciplinary action
  - c. Actions taken to address work performance, including use of a performance improvement plan or job targets
  - d. Demotion, transfer, or change in job assignment
  - e. 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:
  - a. Voluntary quit
  - b. Layoff; failure to return to work following layoff if provided with the opportunity for recall; or termination of employment upon the expiration of any recall period
  - c. Retirement
  - d. Termination as the result of job abandonment, "no-call, no-show", or other failure to report to work
  - e. 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.

4. “Arbitrary or Capricious” when used in connection with a decision being reviewed means a decision which is not supported by any reasonable view of the evidence or is an unconsidered, willful and irrational choice not based on a weighing of the evidence. See e.g. Donaldson v. Board of Commissioners, 2004 WI 67, 63, 272 Wis. 2d 146, 680 N.W.2d 762.

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) of 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.

Step 1 – Written Grievance Filed with the Department Head. The employee must prepare and file a written grievance with the department head within ten (10) calendar days following the date 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 in writing, if possible, within ten (10) calendar days of receipt of the grievance. In the event the grievance involves the department head, the employee may choose to bypass Step 1 and file his/her grievance with the City Manager, who shall conduct the investigation and render a decision at Step 2, as described below.

Step 2 – Review by City Manager. If the grievance is not settled at Step 1, the employee may appeal the grievance to the City Manager within ten (10) calendar days following the receipt of the decision of the department head at Step 1. The City Manager or his/her designee will review the matter and inform the employee of his/her decision in writing, if possible, within fifteen (15) calendar days of receipt of the grievance.

For grievances involving workplace safety issues, the City Manager may seek the advisory input of the Safety Committee; in such cases, a meeting of that committee shall be arranged as soon as practicable, and the City Manager will inform the employee of his/her decision in writing, if possible, within fifteen (15) calendar days after receiving the Committee’s recommendation.

Step 3 – Impartial Hearing Officer. The decision of the City Manager shall be final unless the grievant files a written appeal requesting a hearing before an Impartial Hearing Officer (IHO); any such appeal must be filed with the office of the City Manager within five (5) calendar days of the grievant receiving the City Manager’s Step 2 response.

The City shall select the IHO and shall pay any fees associated with his/her services. The IHO shall not be a City employee.

The IHO will schedule and conduct a hearing on the grievance, where both the employee and the City may present oral or written testimony. This process does not involve a hearing before a court of law; thus, the rules of evidence need not be followed.

In all cases, the grievant shall have the burden of proof to support the grievance. The IHO may consider only the matter presented in the initial grievance filed by the employee.

The IHO shall have the authority to administer oaths and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing.

Following the hearing, the IHO shall issue a written determination relative to the grievance; copies of said determination shall be provided to the City Manager and to the grievant. The IHO's determination must answer the following question: **Based on the preponderance of the evidence presented, has the grievant proven that the decision of the City, as modified or affirmed at Step 2 of this grievance procedure, was arbitrary or capricious?**

The IHO shall have no power to add to, subtract from, or modify the terms of the City policy or rule that forms the basis for the grievance.

If the IHO determines that the City's decision was indeed arbitrary or capricious, the IHO may recommend a remedy as part of his/her written determination. The IHO shall have no authority to implement such remedy.

Such recommended remedy shall be considered by the City Manager, who may: implement such remedy as recommended by the IHO; implement such remedy with modifications as the City Manager sees fit; or choose not to implement such remedy. The City Manager shall advise the grievant, in writing, of his/her decision relative to the IHO's recommended remedy, if possible, within fifteen (15) days following the City Manager's receipt of the IHO's written determination.

Step 4 – Review by the Governing Body. If the grievance is not resolved at Step 3, the employee may request, within five (5) calendar days of receipt of the City Manager's decision relative to the IHO's determination, a review of the written record by the Governing Body (Library Board in the case of Library employees; City Council in the case of all other City employees subject to this policy).

For Library employees, the appeal shall be filed with the Library Board President. For all other employees, the appeal shall be filed with the City Clerk.

The Governing Body shall not take testimony or evidence; it may only determine whether the City's decision, as affirmed or modified at Step 3, is arbitrary or capricious, based on a review of:

- The written record from the hearing before the IHO;
- The IHO's written determination; and
- The City Manager's decision in follow-up to any remedy recommended by the IHO

The matter will be scheduled for a regular or special meeting of the Governing Body within 30 days of the City Clerk's (or Library Board President's) receipt of the written appeal to Step 4. The Governing Body will inform the employee of its findings and decision in writing within ten (10) business days

following said meeting. The Governing Board shall decide the matter by a majority vote of its membership and its 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.



## Chapter 11 – Phone Policy

### 11.01 Cell Phone Policies and Usage

*Effective Date: 3/7/2022*

#### Purpose and Scope

The City of Two Rivers wishes to provide the most consistent, convenient, and cost-effective cell phone services possible for its employees. The principles of this policy are applicable to pagers as well as cell phones. The objectives of this policy are to:

1. Provide guidelines to employees who may require a cell phone to conduct City business;
2. Apply standards to the cell phone equipment and service agreements used by City employees;
3. Provide a system for monitoring cell phone usage patterns so that plans can be routinely modified to better meet the needs of the user;
4. Ensure that the City's acquisition of cell phone services is cost-effective; and
5. Provide an internal system for purchasing cell phone services, gaining access to repair services, acquire necessary training and support, establish a system for monitoring future developments in cellular services, and selecting those that meet the needs of the City.

#### Cellular Service Vendors

To facilitate accomplishment of the above objectives, the City may, at its discretion, enter into contracts with cell phone service providers. During the period when one or more of these contracts is in force, the City will only purchase cell phones or cell phone service agreements for employee use on a basis of these contracts, unless a specific exception is granted.

#### Eligibility and Approval

Cell phones and services may be provided to certain City employees to conduct activities incident to their employment that either cannot be conducted on a landline telephone or for which it would be inefficient to use a landline telephone. Requests for cell phones must be approved by the employee's department head (who will determine need), and the City Finance Director.

#### Personal Calls

The City provides cell phones to employees for conducting City regular and emergency business. Use of City-owned cellular equipment to make or receive personal calls during business hours is discouraged, although it is understood that usage for personal reasons may be necessary in certain situations.

It is also understandable that a staff person may find it necessary to utilize the City of Two Rivers issued cellular phone during off duty hours. To accommodate this use, the City has a voluntary program for City issued cell phone users.

The City of Two Rivers will charge those employees that sign up for this program a fee of \$5.00 per month. The appropriateness of this fee amount will be evaluated annually and adjusted when necessary. Any minute overages, long distance, roaming, or other charges realized by the employee for personal calls that exceed this fixed amount shall be the responsibility of the employee. The department head or his/her designee will annually review all related phone bills to determine whether a fee change is appropriate.

Those employees that do not participate in this program are required to review the monthly cellular phone bills and reimburse the City for any personal telephone calls that exceed two (2) minutes. Frequent

two (2) minute personal telephone usage circumvent the intent of this policy and may result in the loss of the cell phone and/or progressive discipline.

Phone bills will be reviewed at random by the Finance Department throughout the year. Any employee who exceeds their monthly-allotted minutes and/or package dollar amount shall be subject to an audit for the previous 12-month period. Costs that are associated with excessive non-business or personal calls that are not reimbursed by the employee at the time of the audit will result in appropriate corrective action. Such action will include reimbursement to the City for all such costs.

Repeated non-compliance with this policy may result in loss of cellular equipment and initiation of progressive discipline.

#### Other Restrictions

1. An employee may not operate a private business from a City cell phone.
2. Employees should not use handheld cell phones while driving. Employees that need to make a call while driving should locate a lawfully designated area to park and make the call.
3. Employees may use hands-free cell phones while driving, but only when necessary. Such calls should be kept short and should the circumstance warrant (e.g., heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue the call.
4. Employees may request to purchase cellular phone accessories using City funds as long as such accessories enhance the phone's functionality and/or safety. (Purely cosmetic or similar accessories are the responsibility of the employee). The City will not pay for installation of permanent hands-free kits in employees' automobiles.
5. Employees are to exercise caution and good judgment while using cell phones while driving. Failure to do so will result in the loss of use of City cell phones.
6. Cell phones distributed to staff members are the property of the City.
7. Cell phones will be returned to the City if the employee discontinues employment at the City. Final paychecks may be withheld pending return of cell phones.
8. Due to the unnecessary costs, the City discourages use of a cellular phone when a desktop phone could be used.
9. If known, toll free numbers should be used.
10. Phones should be carried and turned on as required by the employee's job description or the individual department's cell phone policy. Employees are required to make sure that their cell phone is always adequately charged.
11. Cell phones should be turned on silent/vibrating mode during staff meetings, except for emergency personnel.
12. The functions of City departments are diverse and communication needs differ. Department heads may develop written subordinate policies that are in the best interest of the public and department operations. These departmental policies shall not circumvent the intent of the City's General Policies and Procedures on the use of cellular and standard telephones.
13. Use of personal cell phones for personal business, while on the job, should not interfere with the employee's job responsibilities.

#### Damage, Loss, or Theft

Handsets or other equipment that are damaged in the course of business should be brought to the employee's department head, who will contact the vendor for replacement or repair. Lost or stolen cellular equipment should be immediately reported to the employee's supervisor, who will notify the Two Rivers Police Department and the City Finance Director or designee so the service can be cancelled. The

City will replace lost or stolen cellular phones, however all costs incurred for replacement or repair will be the responsibility of the employee's department.

#### Usage Monitoring

Department heads or their designees are responsible for educating subordinates about appropriate cell phone procedures and monitoring their usage.

#### Program Management

The City Finance Director or designee shall manage the relationship with cellular providers. The Director or designee will place all orders for cell phones and services with the contracted vendor and take delivery of equipment. The Director or designee will contact employees ordering equipment when it arrives and provide necessary orientation and training as well as monitor plans and overall usage and suggest changes in service agreements to provide the most convenient and economical plan. Any changes in service agreements require approval of the City Manager upon recommendation of the City Finance Director.

#### Phone Issuance

Cell phones may be issued to:

1. All Department Heads
2. Supervisors and staff with demonstrated need and those who have on-call responsibility
3. Firefighting staff and officers
4. Police Officers
5. Emergency Government Director
6. Approved volunteers and staff with special duties

## 11.02 Standard Telephone Usage

*Effective Date: 3/7/2022*

#### Purpose and Scope

To ensure proper use and courtesy for general telephone use.

#### Telephone Use and Courtesy

Many of the people who rely upon City employees rarely, if ever, see the employee face-to-face. To them, the City is a voice over the telephone, and therefore, courtesy and tact should be used. A friendly voice, clear speech and identifying the employee to the caller go a long way toward maintaining good relationships with those whom we serve. Callers, generally and justifiably, object to prolonged ringing, being placed "on-hold" for an unreasonable amount of time or being provided wrong or incomplete information. Please use good judgment in addressing these concerns. Also, remember that the City's telephone system is a vital link in the chain of service to those who rely on the City. Therefore, it must always be ready and available for City business. Please use discretion and limit personal use of the telephone. The City does recognize that, on occasion, situations may arise necessitating personal use of the phones by employees. However, said use should be limited. Use of personal cell phones for personal business should not interfere with the employee's job responsibilities.

#### Personal Calls and Business

City of Two Rivers business phones should be limited to business purposes only. It is understood that from time to time that due to emergencies, personal business that must be conducted during business hours, and personal informational calls, staff members may need to utilize the business phone system for personal use. The following guidelines apply for this use:

1. Limit the length of personal calls to no more than two minutes.
2. Do not conduct a personal private enterprise business.
3. Should a customer or other staff member ask for assistance, put the personal call on hold.
4. Should an employee need additional time to conduct a longer personal call, the employee should ask their supervisor to be excused and use a phone away from the general work area.
5. Attempt to make longer calls during scheduled breaks.

#### Answering Calls

1. Answer telephone calls as promptly as possible, preferably within 3-4 rings. Phones with voicemail options should be programmed/messaged to transfer caller into voicemail if unanswered or given an option of dialing "0" for the operator.
2. Calls should always be handled using a pleasant, clear, and professional tone of voice. For example:
  - a. State appropriate opening greeting. "Good Morning, City of Two Rivers."
  - b. Identify the department or unit, if necessary.
  - c. State your name using your first name or title and last name.
  - d. Use courteous phrases. How may I help you? I would be glad to. Please. Thank you.
  - e. Always use a closing phrase or line.
3. Help the caller reach their intended contact (the first time).
  - a. Question the caller to obtain necessary information to identify the appropriate contact/party.
  - b. If unable to make contact at that time, assure caller someone will contact them as soon as possible.

#### Transferring Calls

When necessary to screen calls say, "May I say who is calling?" before transferring the call. Transfer calls promptly, announcing to the caller that you are making the transfer.

#### Call Waiting/Hold Messages

It may be necessary to place a caller on "hold".

1. Before placing a caller on hold, ask if they would like to go into voicemail or be placed on hold?
2. Wait for a response.
3. While caller waits, use the hold button, call will ring back if not answered; again ask if they would like to continue to hold or if they would like voicemail.
4. Always provide the opportunity for the caller to leave a message. Take an accurate message, which should include date and time of call, the name of the caller (first and last name), name of the company or association, a complete telephone number (area code, extensions) and the message taker's name or initials.

#### Terminating Calls

Terminate all calls with a courteous "thank you" and "goodbye".

#### Initiating Calls

1. When placing a call, identify yourself by name and the City of Two Rivers department/facility.
2. Use a pleasant, clear, and professional manner during all telephone calls.
3. Provide phone numbers to ensure that return caller can reach you. Be prepared and available to take the call.

4. When using voicemail options, provide clear, concise information including a return phone extension. Refer to the City of Two Rivers Message System Booklet for specific instructions for using the voice messaging system.

# Chapter 12 – Internet and Email Policies and Usage

## 12.01 Internet and Email Policies and Usage

*Effective Date: 3/7/2022*

### Purpose and Scope

The internet and email are valuable and cost-effective tools in the day-to-day activities of City of Two Rivers employees. However, press releases and various court cases from around the country continue to underscore the fact that these technologies may also pose potential problems for both employers and individual employees. City of Two Rivers' internet and email usage policy is designed to encourage the appropriate use of the internet and email, while also minimizing associated risks.

The City of Two Rivers may install filters to block access to inappropriate internet sites. However, the fact that the City hasn't blocked access to a particular site does not necessarily mean that it is an appropriate internet site. The City also reserves the right to monitor all employee computer and internet usage, as the City deems necessary.

To summarize, while we have set forth explicit guidelines for internet and email usage, the real issue is finding ways to use all of the City's resources to best promote the goals and programs of the City. That means employees should use internet and email extensively for City-related purposes; subject to the exceptions that are detailed below. In all circumstances, employees must conduct themselves in a professional, honest, and accountable manner when using the City's internet and email resources. This includes the careful observance of any copyrights, software licensing, and the privacy of others, just as the employee would in any business dealings.

### Guidelines

City of Two Rivers employees should contact the I.S. Supervisor, their immediate supervisor, or the City Manager if they have questions about the following guidelines.

1. The display of any kind of sexually explicit image or document on any City of Two Rivers system including related "chat room" conversations is prohibited and may constitute a violation of the City's policy on sexual harassment or discrimination. In addition, such material may not be archived, stored, distributed, edited, or recorded using city computing or network resources.
2. The display of any kind of offensive image or document on any City of Two Rivers system that violates any City policies, state, or federal laws prohibiting discriminatory or harassing activities affecting any protected group is prohibited and may constitute a violation of the City's policy on harassment or discrimination. In addition, such material may not be archived, stored, distributed, edited or recorded using City computing or network resources.
3. If an employee is connected unintentionally to a site that contains sexually explicit or other offensive material, they must disconnect from that site immediately.
4. City of Two Rivers' internet facilities and other information technology resources may not be used knowingly to violate any applicable laws, statutes, or ordinances. Use of any City resources in connection with any illegal activity is grounds for immediate dismissal and it is the policy of the City of Two Rivers to cooperate with any legitimate law enforcement investigation of potential criminal activity.

5. To prevent computer viruses or other potentially harmful computer codes from being transmitted to or through City of Two Rivers' information technology systems, downloading of any software or computer code is prohibited unless authorized by the network administrator or immediate supervisor. All software downloaded must be registered to and becomes the property of the City of Two Rivers.
6. Any software or files downloaded via the internet into the City of Two Rivers' network become the property of the City of Two Rivers. Any such files or software may be used only in ways that are consistent with the licenses or copyrights. No employee may use City of Two Rivers' internet or email facilities to knowingly download and distribute pirated software or data. Violations of any software or license agreements or information services contracts by the unauthorized duplication of software, files, operating instructions, or reference manuals are strictly prohibited.
7. No employee may use City of Two Rivers' internet facilities to:
  - a. Download entertainment software or games, or to play games over the internet.
  - b. Download images, audio files, or video files unless there is an explicit City related use for the material.
  - c. Upload any software licensed to City of Two Rivers or data owned by the City without explicit authorization from the network administrator.
  - d. Deliberately propagate any virus, worm, trojan horse, trap-door program code, or any other code that may interfere with the operation of any City information technology system.
  - e. Knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy, functionality, or security of another user.
8. No employee may use City of Two Rivers' internet or email facilities for personal financial gain or for political activities.
9. Employees using City of Two Rivers' internet and email facilities shall identify themselves honestly, accurately, and completely (including City affiliation and job classification where and when requested) when using City resources (for example, when participating in newsgroups or when setting up accounts on computer systems outside of the City computer system).
10. Only City employees or City officials who are duly authorized to speak to the media or in public gatherings on behalf of the City may speak/write in the name of the City to others using internet or email facilities. Other employees may participate in newsgroups or other electronic forums in the course of business when relevant to their jobs, but they do so as individuals speaking only for themselves. Where an individual participant is identified as an employee or agent of the City of Two Rivers, the employee must refrain from unauthorized endorsement or appearance of endorsement by the City of Two Rivers. Only City officials and employees authorized to speak to the media or in public gatherings on behalf of the City of Two Rivers may make an endorsement on behalf of the City.
11. The City of Two Rivers retains the copyright to any material created by employees in the course of their jobs, including materials posted to any forum, newsgroup, or webpage by an employee in the course of their job.
12. Any and all copyrighted materials belonging to entities other than the City of Two Rivers may not be transmitted by employees of the City's internet or email system. All employees obtaining access to other companies', municipalities', or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy reference only. Failure to observe copyright or license agreements may result in disciplinary action, up to and including termination.
13. Employees are also reminded that newsgroups are public forums where it is inappropriate to reveal confidential information, customer data, and any other material covered by existing City of

Two Rivers confidentiality policies and procedures. Employees releasing protected information via the internet or email, whether or not the release is inadvertent, may be subject to disciplinary action under existing data security policies and procedures.

14. Employees may use City of Two Rivers' internet and email facilities for non-City research or browsing during their designated lunch time or other breaks, or outside of their normal work hours, provided that doing so doesn't interfere with their official City duties and that all other City usage policies are adhered to.
15. The limited use of information technology resources for personal or charitable purposes during non-work hours is permitted, provided that permission of the employees' immediate supervisor or network administrator has been obtained and that all consumable supplies, such as paper goods, are replaced.
16. The limited use of network messaging services, such as email and the internet, for the purpose of preparing and transmitting of personal electronic messages to and from members of the employee's immediate family is permitted, as long as it doesn't disrupt official use of the resource or interfere with an employee's job responsibilities. This reasonable person use of the internet and email is subject to the City's right to monitor all employee computer and internet usage, as the City deems necessary. Employees who use City resources for personal communication with immediate family members must be mindful of the City's ability to monitor such conversations. Immediate family includes an employee's spouse, parent, including a parent-in-law, siblings, or children, including natural, adopted, foster, and stepchildren.
17. User IDs and passwords help maintain individual accountability for internet, intranet, and email resource usage. Any employee who obtains a password or ID for an internet, intranet, or email resource must keep that password or ID confidential. The sharing or use of another employee's user IDs or passwords to obtain access to the internet, intranet, or email is prohibited.
18. The City of Two Rivers has installed a variety of firewalls, proxies, internet address screening programs, and other security systems to assure the safety and security of the City's networks. Any employee who attempts to disable, defeat, or circumvent any City security measure or procedure will be subject to immediate dismissal.
19. Computers that use modems to create independent data connections may interfere with the City of Two Rivers' network security mechanisms and can potentially be used by a third party to compromise the City's network security. Any computer used for independent dial-up or leased-line connections to any computer or network must be approved by the network administrator and must be isolated from the City's internal network.

#### Additional Clarifications

While these guidelines define how City employees can and cannot use the City's internet and email facilities, they cannot foresee or cover every conceivable situation. That is why common sense and professional courtesy will still be both expected and required. For example, internet sites can include information or images that may be acceptable to some people but not others. In situations like this, the best practice is to err on the side of caution while using these resources. The most publicized examples of inappropriate materials include those with sexually oriented images, racism, and hate speech. These sites may include "jokes" or other offensive messages that are sometimes forwarded via email to coworkers or others. It is obviously unacceptable for such material to be identified as coming from the City of Two Rivers.

Material on the internet does not have to be illegal or potentially offensive to be deemed inappropriate for the workplace. Specifically, while limited personal use of City internet and email facilities is allowable, as outlined above excessive access to non-City business related sites (e.g. those that feature sports, stocks



and other financial data, vacation and travel planning, consumer products, and entertainment) is not allowed.

All of the guidelines outlined are intended to cover reasonably foreseeable circumstances, but other uses of internet and email facilities could violate City of Two Rivers' workplace rules, as listed in the Personnel Policy. As with any violation of workplace rules, inappropriate use of internet and email facilities may be grounds for disciplinary action, up to and including discharge from City employment.

These workplace rules prohibit the following:

1. Work Performance
  - a. Neglecting job duties and responsibilities, loitering, or engaging in unauthorized personal business or visiting.
2. Use of Property
  - a. Abuse or misuse of government or private property, materials, or equipment, including motor vehicles.
  - b. Stealing, unauthorized possession, or use of government or private property, equipment, or material.
  - c. Unauthorized use of City of Two Rivers' property or equipment, including, but not limited to: vehicles, telephones, fax machines, copy machines, mail service, or computer resources.
  - d. Unauthorized access to the internet system through City provided gateways in order to conduct private matters.
  - e. Unauthorized installation and/or use of protected software.
3. Personal Actions and Appearance
  - a. Harassment or discriminatory activities, including creation of a hostile or offensive work environment.
  - b. Immoral conduct or indecency.

Definitions

Certain terms in this policy should be understood expansively to include related concepts:

1. City – includes all departments as well as any City sanctioned boards, offices, committees, or commissions.
2. Internet – includes the City's intranet and associated information technology systems.
3. Employee – includes any person(s) given access to City internet, intranet, and/or email facilities, including interns and limited term employees. This policy will also apply to all contract staff, even though they are not considered employees of the City.
4. Document – covers any kind of file that can be read on a computer screen as if it was a printed page, including, but not limited to HTML files read in an internet browser, any file meant to be accessed by a word processing or desktop publishing program or its viewer, or the files prepared for Adobe Acrobat reader and other electronic publishing tools.
5. Graphics – includes pictures, photographs, animations, movies, or drawings.
6. Display – includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions, and virtual reality tools.

Implementation of Policy and Notification of Policy Changes

All employees granted internet and/or email access using City facilities will be provided with a written copy of this policy and all subsequent amendments to this policy. This policy, and amendments, may also be posted on the City internet and intranet sites so that it is always available to City employees.

## 12.02 Social Media

*Effective Date: 3/7/2022*

### Purpose

To provide guidance to the City's official use of social media, as well as an employee's personal use of social media, including adhering to the City's policy regarding internet use. This policy addresses the use of social media in general and not one specific form.

### Definition

Social media refers to digital communication platforms that integrate user generated content and user participation. This includes, but is not limited to, social networking sites, microblogging sites, photo and video sharing sites, chat rooms and forums, other blogs and news sites.

### Types

Examples of social media sites include Facebook, Twitter, Instagram, YouTube, and more.

### Guidelines

The City of Two Rivers acknowledges the use of social media by employees in providing several useful benefits for department operations, as well as personal use.

1. When engaging in social media or social networking activities, all personnel should maintain a level of professionalism both on-duty and off-duty that is consistent with the policies of the City of Two Rivers.
2. The publication of any statement, comment, imagery, or information through any medium of communication which is potentially averse to the operation, morale, or efficiency of the City is prohibited and subject to disciplinary action.
3. Employees are prohibited from using City of Two Rivers represented and owned digital images, audio, or video unless authorized by management.
4. Employees should avoid any defamatory, offensive, or derogatory content that may bring discredit upon the City or its employees.
5. Employees should avoid making, sharing, or commenting in support of any posting that ridicules, criticizes, disparages, expresses bias, negative connotations, or disrespect towards any race, religion, sex, gender, social orientation, nationality, or any other class of individuals.
6. Employees should avoid making, sharing, or commenting in support of any posting that suggests that personnel are engaged in behavior reasonably considered to be unlawful or reckless toward the public.
7. Employees are responsible for the content of their social media accounts.
8. Employees should be aware of the effect their actions may have on both their character and the City's.
9. Employees should use common sense. Professional, straight forward, and appropriate communication is best.
10. Employees shall make reasonable efforts to monitor their accounts so that postings made by others on their accounts conform to this policy.
11. Employees are prohibited from publicly discussing City of Two Rivers matters that are considered confidential or non-public information unless representing the City in an official capacity.
12. If employees publish content after hours (off-duty) that involve work or subjects associated with the City, a disclaimer should be used, such as: "The postings on this site are my own and may not represent City positions, strategies, or opinions."

## Chapter 13 – Alcohol and Drug Testing Policy

### 13.01 Statement of Philosophy

*Effective Date: 3/7/2022*

The City of Two Rivers is committed to protecting the safety, health, and well-being of its employees and recognizes that drug and alcohol abuse pose a direct and significant threat to the goals of the City. The City of Two Rivers is committed to assuring a drug-free workplace that balances the respect for individuals with the need to maintain a drug-free working environment for all its employees.

The City of Two Rivers strictly prohibits the illicit use, possession, sale, conveyance, distribution, or manufacture of illegal drugs, intoxicants, or controlled substances in any amount, or in any manner, on City property or work sites. In addition, the City of Two Rivers strictly prohibits the misuse of prescription drugs and over-the-counter drugs on City property and work sites.

The City of Two Rivers requires all employees to abide by the standards described above.

The Department of Transportation (DOT) and Federal Highway Administration (FHWA) have issued a rule (49 CFR Part 40 and 382) requiring alcohol and controlled substance testing of drivers who are required to have a commercial driver's license. These rules include procedures for urine drug testing and breath alcohol testing. This policy has been adopted to comply with the DOT and FHWA rules and to help prevent accidents and injuries resulting from the misuse of alcohol and the use of controlled substances by drivers of commercial motor vehicles.

### 13.02 Scope

*Effective Date: 3/7/2022*

All employees who operate City vehicles and employees that are required to maintain a commercial driver's license are subject to the requirements of this policy. The City of Two Rivers and the DOT strictly prohibit the use of alcohol and/or controlled substances by its employees who are performing, ready to perform, or who are required to be immediately available to perform any safety-sensitive job functions. Employees maintaining a commercial driver's license are considered to be performing safety-sensitive functions during all on-duty work hours.

#### Safety-Sensitive Functions

- All time spent waiting to be dispatched.
- All time inspecting, servicing, or conditioning any commercial motor vehicle.
- All driving time.
- All time in, or on, a commercial motor vehicle, except resting time.
- All time loading or unloading.
- All time spent performing driver requirements relating to accidents.
- All time repairing, assisting, or attending a disabled commercial motor vehicle.

#### Alcohol Prohibited

- While performing safety-sensitive functions.
- During the four hours before performing safety-sensitive functions.

- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater.
- Possession of alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- During 8 hours following an accident, or until the employee undergoes a post-accident test

Refusal to take a required alcohol test is prohibited and is treated as though an employee tested with an alcohol concentration of 0.04 or greater.

NOTE: An employee found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

#### Drug Prohibitions

- Use of any drug, except by doctor's prescription, and then only if the doctor has advised the employer that the drug will not adversely affect the employee's ability to safely operate a commercial motor vehicle.
- 

Refusal to take a required drug test is prohibited and is treated as though an employee tested positive.

Unless specifically noted, drugs and controlled substances refer to marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamine).

#### Prescribed and/or Over-the-Counter Medications

It is the responsibility of the employee to inform their physician of the type of safety-sensitive function that is performed in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of their duties or operation of City equipment. Employees are required to notify a supervisor in writing of any prescribed medications or over-the-counter medications that can interfere with the employee's performance of a safety-sensitive job function. When applicable, an employee is required to complete a Prescription/Over-the-Counter Drug Notification Form and turn it in directly to their supervisor. As required by the federal regulations, any employee who tests positive for alcohol will be removed from their safety-sensitive position, even though the reason for the positive test is the fact that the employee's prescription medication contains alcohol.

The City will not unlawfully discriminate against an employee based on information relating to the use of a prescribed medication and the disability requiring the use of that medication. This information will be treated as a confidential medical record, maintained in a separate, confidential medical file along with the employee's other medical records.

## 13.03 Testing Circumstances

*Effective Date: 3/7/2022*

DOT regulations require the following types of testing:

- Pre-employment
- Post-accident
- Random
- Reasonable Suspicion
- Return-to-duty
- Follow-up

The procedures use an evidential breath testing (EBT) device for alcohol testing. This test will be administered at the Two Rivers Police Department or at the City's preferred occupational health provider. For drug testing, urine specimen collection and testing by a laboratory certified by the Department of Health and Human Services is required. The drugs to be tested for include marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine). This test will be collected at the City's preferred occupational health provider and forwarded to a certified laboratory.

#### Pre-Employment Testing

The City reserves the right to test at any time during the hiring process, including before or after the employee receives a conditional offer of employment. This includes employees who are being transferred into a position that requires a CDL, or employees who are later required to obtain a CDL.

A positive test result will result in disqualification from further consideration for the vacancy. For further consideration, the City must have received a verified negative test result from the Medical Review Officer.

Before performing a drug test, a supervisor will notify the applicant/employee that the test is required under the regulations. Applicants are not required to pay for their own drug tests.

A pre-employment drug test is not required if an applicant/employee participated in a drug testing program within the previous 30 days. While participating in this program, the applicant/employee must have either been tested for controlled substances in the previous 6 months or participated in a random drug testing program for the previous 12 months. In addition, previous employer(s) of the applicant must not have record or knowledge of a violation in the previous 6 months.

#### Post-Accident Testing Requirements

Any employee subject to post-accident testing who leaves the scene of the accident before a test is administered or fails to remain available for testing may be deemed by the City to have refused to submit to testing; such a refusal is treated as if the employee recorded an alcohol test result of 0.04 or greater. The testing requirement is not intended to delay necessary medical attention for injured people or to prohibit any employee from leaving the scene to obtain necessary medical care or to notify the proper authorities.

An employee must always submit to a post-accident test as soon as possible after an accident involving City vehicles or equipment or any on-duty accident that results in the need for employee medical treatment. This includes instances when the driver receives a citation for a moving violation resulting in an accident when a person is injured because of the accident and the injuries require immediate medical treatment or when an accident involves the death of a human being.

In lieu of administering a post-accident test, the City may substitute a test administered by on-site police or public safety officials under separate authority. The City is allowed to substitute a blood or breath alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions.

#### Post-Accident Procedure

1. In the event of an accident, the employee is to notify the appropriate supervisor as soon as practical. If the accident meets the conditions for post-accident testing, the supervisor or another City employee is to proceed through the next step of the procedure and make contact with the appropriate test facility to arrange for testing.

2. The supervisor or another City employee will transport the employee as soon as practical to the collection site for testing. The supervisor or other City employee is to wait at the testing site with the employee until the breath or other alcohol test has been completed and/or the urine sample has been taken. The supervisor or other employee will drive the tested employee home if they tested positive for alcohol (0.02 or above), or back to their car if they tested negative for alcohol (less than 0.02).
3. Once the testing has been completed, if a positive confirmatory alcohol test result has been received (0.02 or above), the employee will not be permitted to perform safety-sensitive functions for 24 hours and is subject to the terms and conditions in the Drug & Alcohol Test Results section.
4. If a blood alcohol test has been administered, the City will contact the employee once the test results are known.
5. While waiting for the verified results of a drug test, the employee will be assessed by two supervisors trained in recognition of drugs and alcohol and if no abnormal observations are made, the employee will continue in their regular on-duty capacity until the results are reported to the City. If the employee exhibits abnormal behavior or cannot be observed by two supervisors, the employee will be removed from safety-sensitive duties and given other work if available until the results are reported to the City.

#### Random Testing

Employees will be randomly selected for testing from a “pool” of employees subject to testing. The testing dates and times will be announced and will be spread reasonably throughout the calendar year.

Random alcohol testing will be administered at a minimum annual rate of 25% of the average number of CDL positions. Random drug testing will be administered at a minimum annual rate of 50% of the average number of CDL positions. The Federal Highway Administration (FHWA) will publicize its decision to increase or decrease the minimum annual percentage rates for random alcohol and drug testing based upon the reported violation rate for the entire industry.

An employee will only be tested for alcohol while performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.

An employee will be tested for drugs at any time while at work for the employer.

Selection of covered employees will be random. The City Clerk/Human Resources Director’s office will be notified of all random selections and pass the lists on to the department heads. The City will ensure that random tests are unannounced and spread reasonably throughout the year. Employees who are selected for random tests must proceed immediately to the testing site upon notification of being selected. In the event that a selected employee is on vacation, layoff, or an extended medical leave, the supervisor will notify the City Clerk/Human Resources Director’s office.

#### Reasonable Suspicion

The City is required to test a covered employee for alcohol and drugs when the City has reasonable suspicion that the employee has violated prohibitions against the misuse of alcohol or use of illegal drugs. The City’s reasonable suspicion will be based on specific articulable observations concerning the appearance, behavior, speech, or body odor of the employee. This information will be documented and signed by the supervisor who made the observation and who is trained to make a reasonable suspicion determination.

City personnel who are trained to make a reasonable suspicion determination are required to receive 60 minutes of training on alcohol misuse and 60 minutes of training on use of controlled substances.

A file of authorized personnel will be maintained by the Finance Department.

1. Alcohol Testing

Alcohol testing is authorized only if the observations are made during, just before, or just after the employee performs safety-sensitive functions. Reasonable suspicion testing for alcohol is to be administered within 2 hours following the observation. If reasonable suspicion testing has not occurred within 8 hours of the observation, efforts to administer testing shall cease.

If reasonable suspicion is observed, but a reasonable suspicion test has not yet been administered, the employee shall not perform safety-sensitive functions until an alcohol test is administered and their alcohol concentration measures less than 0.02; or 24 hours have elapsed following the determination of reasonable suspicion.

2. Drug Testing

Proper documentation of the employee's conduct must be prepared within 24 hours of the observed behavior, or before the results of the drug test are released, whichever is earlier.

Reasonable Suspicion Procedure:

- a. In the event the supervisor, who is trained in drug and alcohol recognition, has reasonable suspicion to believe an employee is using, is in possession, or is under the influence of alcohol or drugs, the supervisor will immediately remove the employee from the job and observe the employee, then the supervisor is to proceed through the next step of this procedure and make contact with the collection site to arrange for testing as soon as possible.
- b. The supervisor is then to transport the employee to the collection site for testing immediately, or no later than 2 hours after having observed the behavior. The supervisor is to wait at the testing site with the employee until the breath test has been completed and/or the urine sample has been taken.
- c. Once the testing has been completed and if a positive confirmatory alcohol test result has been received (0.02 or above), the employee will not be permitted to perform safety-sensitive functions and is subject to the terms and conditions in the Drug & Alcohol Test Results section. The supervisor, or another City employee, will drive the tested employee home.
- d. If the alcohol test results were negative, and no drug test was administered, the employee will return to work.
- e. If the employee is being tested for drugs, the employee will be removed from his/her safety-sensitive capacity and given other non-safety sensitive work if available, until the results are reported to the City.

Return-to-Duty Testing

After testing positive (0.02 or above) regarding alcohol misuse, the employee shall undergo a return-to-duty alcohol test before performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than 0.02.

After testing positive regarding drug use, the employee shall undergo a return-to-duty test before performing a safety-sensitive function. The test result must indicate a verified negative for drug use.

In the event a return-to-duty test is required, the employee must also be evaluated by a Substance Abuse Professional (SAP) (defined later in this policy) and participate in any assistance program defined. Return-to-duty tests need not be confined to the substance involved in the violation. If the SAP determines that

an employee needs assistance with a poly-substance abuse problem, the SAP may require, for example, alcohol tests to be performed along with the required drug tests after the driver has violated the drug testing prohibition.

#### Follow-Up Testing

If a Substance Abuse Professional (SAP) determines that an employee needs assistance resolving problems associated with alcohol or drug use, the City will ensure that the employee is subject to unannounced follow-up testing following the employee's return to duty. The number and frequency of the tests are to be determined by the SAP but must consist of at least six tests during the first 12 months following the employee's return to duty. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time if the SAP determines that the testing is no longer necessary.

The follow-up tests need not be confined to the substance involved in the violation. If the SAP determines that an employee needs assistance with a poly-substance abuse problem, the SAP may require, for example, alcohol tests to be performed along with the required drug tests after the employee has violated the drug testing prohibition.

Follow-up testing for alcohol will only be performed when the employee is performing, immediately prior to performing, or immediately after performing a safety-sensitive function.

#### Compensation

All time spent for an employee's initial testing in compliance with this policy will be considered on-duty, compensable time for normal working hours.

All time spent during validation of an employee's drug screen test for pre-employment, post-accident, random, and reasonable suspicion in compliance with this policy will be considered on-duty, compensable time for normal working hours.

Time spent for validation of a follow-up drug screen test in compliance with this policy will be considered on-duty, compensable time for normal working hours only if the employee is engaged in their regular work for the City during the validation period.

Time spent for validation of return-to-duty testing will not be considered as on-duty, compensable time.

## 13.04 Alcohol Testing Methodology

*Effective Date: 3/7/2022*

#### Breath Alcohol Technician

A breath alcohol technician (BAT) is defined as an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device. The BAT is required to be properly trained and certified according to regulations.

Law enforcement officers who have been certified by state or local governments to conduct breath alcohol testing are considered qualified under the regulations. The officer must be certified to use an EBT that is used for the test.



### Evidential Breath Testing Device

The D.O.T. requires breath testing using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). Devices approved by NHTSA are placed on the Conforming Products List (CPL) of evidential breath testing devices.

### The Alcohol Testing Site

The City of Two Rivers uses a preferred occupational health provider for alcohol testing that is required to follow testing procedures as required under the law.

When required to submit to an alcohol test, the employee must immediately go with a supervisor to the preferred occupational health provider's test site. The supervisor or Safety Director will call to alert them as to how many tests will need to be performed and the approximate arrival time of personnel before arrival.

### The Breath Alcohol Testing Form

The DOT Breath Alcohol Testing Form must be used during the alcohol testing process.

## 13.05 Alcohol Testing Procedures

*Effective Date: 3/7/2022*

1. Upon entering the testing site, the BAT will require the employee to provide positive photo identification, or the employee's supervisor must positively identify the employee. The employee may also request the BAT to show positive identification. The BAT will then explain the testing procedure to the employee.
2. Steps 1 and 2 of the Breath Alcohol Testing Form are to be completed. A refusal by an employee to sign the certification in Step 2 of the form shall be regarded as a refusal to take the test.
3. The BAT will instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.
4. Depending on the result, the following shall be done:
  - a. Result is less than 0.02

The BAT shall date the form and sign the certification in Step 3 of the Breath Alcohol Testing Form. The employee will sign the certification and fill in the date in Step 4 on the form. No further testing is authorized. The BAT will transmit Copy 1 with the result of less than 0.02 to the Finance Department in a confidential manner for their records. Copy 2 of the form goes to the employee. A third copy is to be sent to the Medical Review Officer (MRO).
  - b. Result is 0.02 or greater

A confirmation test must be performed. If a different BAT is conducting the confirmation test, the new BAT will require positive identification of the employee and explain the testing procedure. The BAT must also initiate a new Breath Alcohol Testing Form and complete Steps 1 and 2 with the employee. In addition, the following instruction must be followed:
    - i. The BAT will instruct the employee not to eat, drink, put any object or substance in their mouth, and, to the extent possible, not belch during the waiting period before the confirmation test. This time period begins with the completion of the screening test and shall not be less than 15 minutes.
    - ii. The confirmation test will be conducted within 20 minutes of the completion of the screening test.

- iii. In the event that the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result.
- iv. Following the completion of the test, the BAT shall date the form and sign the certification in Step 3 of the form. The employee will sign the certification and fill in the date in Step 4 of the form.
- v. The Finance Department will receive and handle testing results in a confidential manner. All communications by BAT's to the City concerning the alcohol testing results of employees will be to the Finance Department.

## 13.06 Drug Testing Methodology

*Effective Date: 3/7/2022*

The City of Two Rivers uses a preferred occupational health provider for drug testing that is required to follow testing procedures as required under the law.

When required to submit to a drug test, the employee must immediately go to the testing facility. In the event that testing is required outside of regular hours of the testing facility, the employee must report to the hospital's emergency room for testing.

## 13.07 Drug Testing Procedures

*Effective Date: 3/7/2022*

1. Upon entering the collection site, the employee will be required to provide positive photo identification, or the employee's supervisor must positively identify the employee. If the employee requests, the collection site person will show his/her identification to the employee. The collection site person will then explain the testing procedure to the employee.
2. The employee will be instructed to provide at least 45 ml of urine under the split sample method of collection. This will be done in a specifically designated "donor" bathroom.
3. The urine sample will be divided into a primary specimen (30 ml) and a split specimen (15 ml). Both bottles are sent to a lab. Only the "primary" is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the lab.
4. All specimens suspected of being tampered with will be forwarded to the lab for testing. If the collection site person believes tampering or adulteration has occurred, a second specimen will be collected immediately under the direct observation of a same-gender collection site person.
5. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen be sent to another certified laboratory for analysis.
6. The employee will be removed from performing a safety-sensitive function pending the result of the test of the split specimen.
7. If the results of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the Medical Review Officer (defined in next section) shall confirm the test negative. If the results of the split sample test confirm the presence of illegal controlled substances, the cost of this test will be at the employee's expense.
8. The employee will be required to complete and sign various forms used to document the testing and chain of custody process. The refusal to sign the test form(s) will be regarded as a refusal to take the test.

9. The laboratory will report the test results directly to the City's Medical Review Officer within an average of 5 working days. Both positive and negative results will be reported.

## 13.08 Drug & Alcohol Test Results

*Effective Date: 3/7/2022*

### Medical Review Officer (MRO)

The Medical Review Officer (MRO) is a licensed physician with knowledge of substance abuse. It is the responsibility of the MRO to review and interpret positive results obtained from the laboratory.

### Negative Test Results

1. Alcohol concentration less than 0.02
  - a. Employee may return to his/her safety sensitive duties
2. Negative drug screen test
  - a. Employee may return to his/her safety sensitive duties

### Positive Test Results

1. Alcohol concentration of 0.02 or greater
2. Positive drug urine screen

The MRO will assess and determine whether alternate medical explanations could account for a positive test result. The MRO will give the employee testing positive an opportunity to discuss the test results prior to making a final decision. After the final decision is made, the MRO staff will notify the Finance Department.

Upon the determination of a positive test result, whether it be drug(s) or alcohol, the employee is referred to the City of Two Rivers Employee Assistance Program. At that point, the employee is assessed by a Substance Abuse Professional (SAP) and, if necessary, referred to appropriate treatment. In addition, if the employee is identified as needing assistance in resolving problems associated with alcohol misuse and/or drug use, the employee must be evaluated by the SAP to determine that the prescribed rehabilitation program has been properly followed.

An employee testing positive is subject to DOT regulations and possible disciplinary procedures according to the terms and conditions of the City of Two Rivers policies and labor agreements.

### Disclosure of Information

The MRO must examine the possible alternate medical explanations for any positive test results. To accomplish this task, the MRO may conduct medical interviews with the employee, review the employee's medical history and review any other relevant bio-medical factors. Additionally, the MRO must examine all medical records and data made available by the tested employee, such as, but not limited to, evidence of prescribed medications.

### Notification

The MRO is required to notify the tested employee of the test results to make a final determination. If an MRO, after making and documenting all reasonable efforts is unable to contact a tested person, the MRO shall contact the Safety Director (or their designee) for the employee to contact the MRO prior to going on duty. The MRO may verify a positive test without having communicated with the employee about the results of the test if:

1. The employee expressly declines the opportunity to discuss the results of the test; or
2. 5 days have lapsed between the time that the immediate supervisor notified the employee to contact the MRO and the employee has not done so.

#### Re-test Procedures

The MRO shall notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. If the employee makes such a request, the MRO shall direct, in writing, the laboratory to provide the split specimen to another certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall confirm that test negative. If the split specimen is unavailable, inadequate for testing or untestable, the MRO shall confirm the test negative and report cancellation and the reasons for it to the DOT, the immediate supervisor, and the employee.

If an employee requests a test of the split specimen, and the test results confirm a presence of drug(s) or drug metabolite(s) the testing will be done at the employee's expense.

### 13.09 Employee Assistance Program (EAP) and Substance Abuse Professional (SAP)

*Effective Date: 3/7/2022*

#### Employee Assistance Program

Upon the determination of a positive test result whether it be drug(s) or alcohol, or if the employee voluntarily enters the program, the employee may be referred to the City's Employee Assistance Program. At that point, the employee is assessed by a Substance Abuse Professional (SAP) and, if necessary, referred to appropriate treatment. In addition, if the employee is identified as needing assistance in resolving problems associated with alcohol misuse and drug use, the employee must be evaluated by the SAP to determine that the prescribed rehabilitation program has been properly followed.

#### Return to Duty Testing

The SAP makes the determination when an employee can return to work and determines what tests are necessary for an employee to return to work.

#### Follow Up Testing

The SAP determines the number and frequency of follow up tests but must consist of at least six unannounced tests during the first 12 months following the employee's return to duty. Follow up testing may be done for up to 60 months. If the SAP determines that the testing is no longer necessary, the SAP can terminate the requirement for the follow up testing in excess of the minimum at any time.

### 13.10 Results of Positive Test

*Effective Date: 3/7/2022*

Any employee who tests positive for controlled substances is subject to discipline, up to and including termination. Any employee who tests positive for alcohol with a concentration of greater than 0.04 is subject to discipline, up to and including termination.

## 13.11 Confidentiality of Records

*Effective Date: 3/7/2022*

The City of Two Rivers respects the confidentiality and privacy rights of all its employees. Accordingly, the results of any test administered under the Policy and the identity of any employee participating in the City's EAP or other assessment or treatment program will not be revealed by the City to anyone except as required by law.

The City will release an employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the City will ensure that any lab or agency used to conduct testing under this Policy will maintain the confidentiality of employee test records. However, the lab or testing agency will disclose information related to a positive drug or alcohol test of an individual to the City. The City may disclose this information to the employee or to the decision maker in a lawsuit, grievance, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas.

The Medical Review Officer (MRO) will not reveal individual test results to anyone except the City of Two Rivers, unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to the City relevant information as to whether the employee is qualified to perform safety-sensitive functions or whether the employee has tested positive for alcohol or a controlled substance. The City may disclose this information to the employee or to the decision maker in a lawsuit, grievance or other proceeding on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas; or upon the tested employee's written authorization and consent.

## Chapter 14 – FMLA Policy

This policy outlines key provisions of applicable state and federal medical leave laws. Should this policy conflict with the applicable state or federal laws, the provisions of those laws shall control. The Department of Labor’s summary of the Federal law follows our FMLA policy.N

Wisconsin Family Medical Leave and Federal Family Medical Leave shall be run concurrently when legally permissible. The employee is entitled to the protections of whichever law is more favorable. If the Federal Leave extends beyond the end of Wisconsin Leave, only the terms of Federal Leave shall apply to the remainder of the approved leave.

### 14.02 Wisconsin Family and Medical Leave Act

Any City employee who has at least 1000 hours of work and paid leave for the City in the preceding 52 weeks and who has worked for the City for at least 52 consecutive weeks is eligible for unpaid leave under the Wisconsin Family Medical Leave Act (§103.10, Wis. Stats.). However, the employee may, but is not required to, substitute paid leave benefits for unpaid leave under the state law (e.g., sick leave, compensatory time, paid vacation).

The amount of unpaid leave available in a calendar year pursuant to Wisconsin’s law is presently as follows:

**A. Family Leave**

1. Up to a maximum of six weeks per 12-month period for the birth or adoption of a child. The leave must begin no earlier than 16 weeks before estimated birth or placement and no later than 16 weeks after birth date or placement of the child.
2. Up to a maximum of two weeks leave per 12-month period to care for a child, spouse, domestic partner, parent, or parent-in-law who has a serious health condition.

**B. Medical Leave**

1. A maximum of two weeks per 12-month period for the employee’s serious health condition.

**C. Wisconsin Bone Marrow and Organ Donation Leave:**

1. Employees will receive up to 6 weeks as a bone marrow and/or organ donor upon written verification.

*Note: “Serious Health Condition” means a disabling physical or mental illness, injury, impairment, or condition involving inpatient care in a hospital, nursing home, or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.*

### 14.02 Federal Family and Medical Leave Act (FMLA)

Any employee who has worked for the City for at least 1,250 hours in the preceding 12 months and been employed by the City for more than 12 months is eligible for unpaid leave under the Federal

Family and Medical Leave Act of 1993. In some circumstances the City will require an employee to substitute paid leave benefits for unpaid leave.

Federal law provides 12 weeks of leave during a 12-month period (calendar year) for any covered purposes, which are:

- A. The birth and first year care of a child or a child who has been placed with the employee for adoption or foster care.
- B. To care for a child, spouse or parent who has a serious health condition
- C. For a serious health condition of the employee that makes the employee unable to perform their job's essential functions.
- D. Because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or call to covered active duty as a member of the Armed Forces, National Guard, or Reserves.

The federal law also provides for 26 weeks of unpaid leave during a single 12-month period in the case of covered service member caregiver leave when the employee is the spouse, child, parent or next of kin of a covered service member with a serious injury or illness. This 12-month period begins on the first day the eligible employee takes leave for this purpose.

*Note: A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. for a condition that either prevents the employee from performing the essential functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.*

Note, any Worker's Compensation time off will calculate concurrent with FMLA time off.

### 14.03 Intermittent Leave

Under some circumstances, employees may take FMLA leave on an intermittent basis. Intermittent leave may be taken in hourly increments, which are the smallest increment permitted by the City for any other type of employee leave. If it is physically impossible for an employee using intermittent leave to commence or end work midway through a shift, the entire time the employee is forced to be absent shall be designated as FMLA leave.

- A. Federal leave based on a birth or child placement may only be taken intermittently on a reduced leave schedule if the Department Head agrees.
- B. State family leave for birth/placement or care of a child, spouse, parent, or parent-in-law with a serious health condition may be taken as partial absences from employment if scheduled so as not to unduly disrupt the City's operations.

- C. Federal leave based on the serious health condition of an employee or an employee's qualified family member may only be taken intermittently or on a reduced-leave schedule when medically necessary, unless the Department Head agrees otherwise.

#### 14.04 Benefits While on FMLA

The City is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In addition to paying their portion of health insurance premiums, employees shall be required to pay the full cost of continuing their life insurance, dental insurance, additional benefits, and any other relevant benefits during leave. If an employee fails to return to work for a reason other than the serious health condition of the employee or the employee's immediate family member, or other reason beyond the employee's control, the employee may be required to reimburse the City for the employee's portion of the cost of the above-referenced benefits while the employee was on unpaid leave. Employees on FMLA will continue to accrue sick leave. If an employee reaches their maximum allowed leave during the 12-month period, the employee may be required to pay for the full premium of health insurance, additional benefits, etc. to maintain coverage.

#### 14.05 FMLA Notices

Both state and federal law provide that the employee requesting family and medical leave has an obligation to provide reasonable advance notice to management, when practicable, of the nature and extent of any leave requested. In any event, employees will always have a duty to cooperate with management in arranging and processing leave requests under the state and federal laws to avoid undue disruption of the City's operations. The City requests that 30 days' advance notice be provided whenever possible.

To receive FMLA leave, an employee must request the FMLA form from the City Clerk/Human Resources Director and have it completed by a physician. Supervisors are not to discuss medical conditions or leave requests with employees but are to forward them to the City Clerk/Human Resources Director. All qualifying leave will be designated as FMLA when appropriate.

A return to work form from a physician will, in most cases, be required in the case of an employee's serious illness, injury, work-related injury (worker's compensation) or illness which has caused a prolonged absence from work, or if the employee's supervisor reasonably determines for the sake of safety that a medical authorization is advisable.

The City may require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. The City may require an employee seeking FMLA leave due to a serious injury or illness of a covered service member to submit a certification providing sufficient facts to support the request for leave.



## 14.06 Pay During FMLA

In general, both Wisconsin and Federal FMLA leaves are unpaid. When appropriate, the City may require employees to substitute paid leave (vacation days, sick leave, compensatory time, etc.) for unpaid leave available under the Federal FMLA; or, employees may elect to substitute any available accrued leave for unpaid Wisconsin FMLA.

## 14.07 Return to Employment

When an employee returns from FMLA for their own serious health condition, the employee may be required to provide a return-to-work release signed by their treating physician showing that the employee can return to duty with or without restrictions. The City may delay the employee's return to work until the release is received.

At the end of the FMLA leave, the employee will be returned to the position held at the commencement of leave, or if the position is filled, to an equivalent position. The return-to-work entitlement will be no greater than if the employee had continued in employment without taking leave.

Under Federal FMLA, the return-to-work entitlement does not apply to "key" employees. The City will notify the employee regarding key employee status and its possible implications for job restoration at the end of leave.

Employees must notify their immediate supervisor if their return-to-work date changes. If an employee wants to return to work before leave is scheduled to end, and work is available, the employee must notify the City at least 2 workdays prior to the desired return date.

If the employee does not return to work from an FMLA leave at the designated time, the City will consider that the employee has voluntarily terminated their employment, unless they were unable, because of an emergency, to notify the City.

If the employee's FMLA leave expires, and they remain unable to perform the essential functions of their position, the employee's right under the FMLA to their job will end with the expiration of the FMLA leave period. The employee should contact the Human Resources Office to discuss options, which will take into consideration the circumstances of the particular situation and any obligation to reasonably accommodate a disability if one exists as defined by applicable state and federal laws.

## 14.08 Medical Certification

If leave is for the employee's own serious health condition, the serious health condition of a covered family member, or a qualifying exigency, the employee may be required to provide a medical certification form completed by the health care provider. Employees generally must submit the certification form within 15 calendar days of the request. If the employee makes a diligent good faith effort but cannot meet the 15 calendar day deadline, the City will give the employee additional time to provide the certification. The City may require employees to provide updated medical certification forms periodically to the extent permitted by law.

If the employee does not provide the medical certification form as requested, the request for leave (or the continuation of leave) may be denied or delayed until provided. If the employee never produces a requested certification, the leave is not FMLA covered and will not be protected by FMLA laws.

Genetic Information Nondiscrimination Act (GINA) Notice. GINA prohibits employers and other covered entities from requesting or requiring genetic information, except as allowed by the law. Employees should not provide any genetic information when responding to a request for a medical certification. Genetic information includes the employee's family medical history, the results of the employee's or a family member's genetic tests, that the employee or a family member sought or received genetic services, and genetic information of a fetus carried by the employee or a family member or an embryo held by the employee for a family member receiving reproductive services.

## Chapter 15 – Department Policies

Nothing in this policy statement shall prevent individual department policies being instituted as long as they are consistent with the intent of this Personnel Policy.

## Chapter 16 – Separability

If a section of this Personnel Policy should be held invalid, the remainder of the agreement shall remain in effect.

## Chapter 17 – Amendment

When it becomes necessary to amend one or more provisions of this Personnel Policy, such amendment may be made by action of the City Council.

# Appendix A – Acknowledgement of Receipt & Statement of Employee Understanding

## **City of Two Rivers Personnel Policy Latest Revision Date: April 29, 2024**

I have received the Personnel Policy. I understand that it is my responsibility to read and to comply with the policies contained in it and any revisions made to it. I understand that if I have any questions about the content of the Manual, I can speak with the Human Resources office for answers to my questions.

I understand the City of Two Rivers has the right to change any provision in this Manual at any time and that I will be bound by any such change. I acknowledge that nothing in the Manual constitutes a guarantee of employment or an employment contract of any kind. I understand that my employment is “at-will” unless otherwise provided by Civil Service, applicable law or ordinances, or a collective bargaining agreement. Where employment is “at-will”, I understand that it can be terminated at any time for any reason, with or without cause or notice.

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Employee Signature

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Date

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Printed Name

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Department

# Appendix B – Compensatory Time Policy

Effective Date: 4/29/2024

## Introduction

The City of Two Rivers is implementing a revised Compensatory Time policy over a period of three years, beginning on 4/29/2024 and concluding on December 31, 2026. All eligible FLSA non-exempt employees should understand that while the maximum amount of Compensatory Time that they can accrue will ultimately be reduced from 240 hours to 80 hours, they *will not forfeit* any of their earned and accrued Compensatory Time. All earned and accrued Compensatory Time will be: (a) used by the employee to take paid time off from work; (b) paid out to the employee at the end of a calendar year; or (c) paid out to the employee upon termination of City employment.

The City's previous Compensatory Time policy permitted FLSA non-exempt employees to accrue up to 240 hours of Compensatory Time and to maintain a balance of such time over multiple years. Once implementation of the revised Compensatory Time policy is complete as of January 1, 2027, eligible employees will only be able to accrue up to 80 hours of Compensatory Time, which must either be used for paid time off work or paid out to the employee by the end of each calendar year (or upon termination of City employment). Employees will no longer be permitted to carry Compensatory Time balances from one calendar year to the next.

## Key Features

Effective 4/29/2024, any accrued Compensatory Time that an eligible employee earned prior to that date will be designated "Prior Compensatory Time" (PCT). Any Compensatory Time earned on or after that date will be designated "New Compensatory Time" (NCT). The City shall maintain an accurate accounting of all eligible employees' balances of PCT and NCT, which shall be separately indicated on each employee's biweekly pay statement.

Employees' accrued PCT balances shall be treated as follows:

- a) As of 1/1/2025, no employee's accrued PCT balance may exceed 160 hours. Any PCT balance above that 160-hour threshold that the employee has not used for time off work prior to 1/1/2025 will be paid out to the employee on their paycheck for the final pay period of 2024, less all necessary tax and Wisconsin Retirement System ("WRS") deductions.
- b) As of 1/1/2026, no employee's accrued PCT balance may exceed 80 hours. Any PCT balance above that 80-hour threshold that the employee has not used for time off work prior to 1/1/2026 will be paid out to the employee on their paycheck for the final pay period of 2025, less all necessary tax and WRS deductions.
- c) As of 1/1/2027, no employee may have any remaining accrued PCT balance. Any remaining accrued PCT balance that the employee has not used for time off work prior to 1/1/27 will be

paid out to the employee on their paycheck for the final pay period of 2026, less all necessary tax and WRS deductions.

Effective 4/29/2024 an employee may accrue up to 80 hours of NCT in a calendar year. Any remaining accrued NCT balance that the employee has not used for time off work prior to the conclusion of a calendar year will be paid out to the employee on their paycheck for the final pay period of that year, less all necessary deductions. At no time may an employee's combined accrued PCT and NCT balance exceed 240 hours.

### **Using Accrued Compensatory Time**

Taking Time Off Work. Time off work using accrued PCT or NCT must be authorized by the requesting employee's department head, who will permit such time off at their discretion. Compensatory Time can be both earned and used for time off work in the same pay period provided that the employee's total Compensatory Time balance (inclusive of both PCT and NCT) does not go below zero.

Precedence of Accrued PCT. If a requesting employee has both accrued PCT and accrued NCT balances, their time off work will be deducted from the accrued PCT balance first. Time off work will only be deducted from the NCT balance in the absence of any available accrued PCT.

### **Provisions Applicable to Both Old & New Compensatory Time**

Payout Upon Termination of City Employment. Upon termination of an eligible employee's City employment, whether via retirement, resignation, discharge, or otherwise, all remaining accrued Compensatory Time will be paid out to the employee on their final paycheck, less all necessary tax and WRS deductions as further detailed below. Payment amounts for PCT and NCT shall be separately indicated on the employee's final pay statement.

#### Deductions from Compensatory Time Payouts.

- a) When Compensatory Time is used for time off work, paid out at the end of a calendar year, or paid out upon termination of employment, it shall be subject to deductions for all applicable state and federal taxes.
- b) When Compensatory Time is used for time off work, it is subject to withholding of WRS contributions at the rate in effect when the time off was taken.
- c) When Compensatory Time is paid out to an employee at the end of a calendar year or upon termination of employment, it is subject to withholding of WRS contributions at the rate(s) in effect when the Compensatory Time was earned, including any applicable interest. To minimize the employee's portion of interest that must be deducted from any payout for PCT accrued in previous years, as required by WRS statutes, employees are encouraged to reduce their PCT balances as much as possible by taking time off work when feasible for the employee and the City.