

**CITY OF WATERLOO**

**EMPLOYEE**

**HANDBOOK**



<b>ARTICLE I - INTRODUCTION</b>	<b>1</b>
<b>ARTICLE II - EMPLOYMENT</b>	<b>2</b>
<b>ARTICLE III - DEPARTMENT ORGANIZATION UNITS</b>	<b>3</b>
3.1 Chain of Command	3
<b>ARTICLE IV – RECRUITMENT SELECTION PLACEMENT</b>	<b>4</b>
4.1 Residency	4
4.2 Licenses and Certifications	4
4.3 Applications	4
4.4 Classification of Employment	5
4.5 Probationary Period	5
4.6 Employee Performance Evaluation	5
4.7 Layoffs	5
<b>ARTICLE V - HOURS OF WORK</b>	<b>5</b>
5.1 The Workweek	5
5.2 The Workday	5
5.3 Rest Periods	6
5.4 Meal Periods	6
5.5 Record-Keeping of Hours	6
<b>ARTICLE VI - WAGE AND SALARY ADMINISTRATION</b>	<b>6</b>
6.1 Employee Compensation	6
6.2 Overtime Compensation	6
6.3 Payroll Periods	6
6.4 Payroll Deductions	7
6.5 Stand-By/Emergency Status (on call/pager)	7
<b>ARTICLE VII – EMPLOYEE BENEFITS</b>	<b>7</b>
7.1 Holidays, Holiday Pay & Personal Time Off	7
7.2 Vacation Policy	8
7.3 Health Insurance - <b>Revision effective 04/01/2021</b>	8
7.4 Income Continuation	9
7.5 Life Insurance	9
7.6 Flexible Spending Account (FSA)	10
7.7 Retirement and Pension	10
7.8 Deferred Compensation Plans	10
7.9 Sick Leave – <b>Revision effective 04/01/2021</b>	11
7.10 Personal Leave of Absence	11
7.11 Military Leave of Absence	12
7.12 Family Leave/Medical Leave	12
7.13 Jury or Witness Duty Leave	16
7.14 Bereavement Leave	16
7.15 Firefighter Leave	16
7.16 Uniforms	16
7.17 Mileage Reimbursement	16
7.18 Education & Travel Reimbursement	17
7.19 Employee Injuries and Medical Illnesses	17
<b>ARTICLE VIII - DISCIPLINE, RULES, CODE OF ETHICS AND EMPLOYEE COMMUNICATION PROCEDURES</b>	<b>17</b>
8.1 Political Activity	17
8.2 Outside Employment	18
8.3 Accepting Gifts or Gratuities	18
8.4 Use of City Telephones	18
8.5 Use of City Equipment and Supplies	19
8.6 Punctuality	19

8.7 Personal Mail	19
8.8 Absenteeism and Tardiness	19
8.9 Housekeeping, Dress and Cleanliness	19
8.10 Name and Address Changes	19
8.11 On the Job Safety	19
8.12 Performance and Expectations	19
8.13 Employee Grievance Policy and Procedure	21
<b>ARTICLE IX - MISCELLANEOUS</b>	<b>24</b>
9.1 Drug and Alcohol Abuse Policy	24
9.2 Commercial Driving License Policy	29
9.3 Computer Use Policy	30
9.4 Use of Communication Technologies & Devices	33
<b>ARTICLE X – SEPARATION OF EMPLOYMENT</b>	<b>38</b>
10.1 Resignation	38
10.2 Disposition of the Final Paycheck	38
<b>Appendix A – Residency</b>	<b>39</b>
<b>Appendix B – Employee Compensation – Longevity Pay</b>	<b>40</b>
<b>Appendix C – Overtime Compensation</b>	<b>41</b>
<b>Appendix D – Holidays, Holiday Pay &amp; Personal Time Off</b>	<b>42</b>
<b>Appendix E – Uniforms</b>	<b>43</b>
<b>Appendix F – Vacation Policy</b>	<b>44</b>
<b>Appendix G – Driver Background Check</b>	<b>45</b>
<b>Appendix H – Formal Employee Grievance Form</b>	<b>46</b>
<b>Appendix I – Sexual/Harassment Form</b>	<b>48</b>
<b>Appendix J – Request for Leave of Absence Form</b>	<b>50</b>
<b>Appendix K – Acknowledgement of Receipt of Handbook and Statement of Employee Understanding</b>	<b>51</b>

**ARTICLE I – INTRODUCTION**

We have prepared this handbook to introduce you to some of the City’s current employment policies. There are, however, several important things to keep in mind. First, when reference is made to the “City” or “City of Waterloo”, those references shall also cover the employer of employees of the Karl Junginger Memorial Library. Similarly, when reference is made to “Committee”, “City Council”, or “City Clerk/Treasurer”, those references shall also include the Karl Junginger Memorial Library Board and the Waterloo Water and Light Commission.

Second, this handbook is general in nature. It is not intended to address all the City’s employment policies, procedures, or benefits, or all possible applications of, or exceptions to, the same. If you have questions, please contact your supervisor.

Third, this handbook is not intended to, and does not confer upon any employee any contractual or due process rights. Nothing in this handbook, or any other personnel document, creates or is intended to create a promise, guarantee, or entitlement to any rights or benefits. Similarly, nothing in this handbook limits the City’s right to terminate an individual’s employment at any time and for any reason. No representative of the City has authority to enter into a contract or agreement for employment with you or any other employee.

Fourth, the policies, procedures, and benefits described in this handbook may be modified or discontinued from time to time in the City’s sole discretion.

Finally, some of the matters described in this handbook are covered in specific detail in official plan documents. You should refer to those materials for specific information and eligibility requirements. They are controlling.

Thank you for taking the time to review this handbook.

## **ARTICLE II-EMPLOYMENT**

### **OPEN DOOR POLICY**

The City encourages open communication between employees and management with the hope that we might increase the likelihood of promptly resolving issues which may arise from time to time. Please feel free to discuss with your supervisor or any other member of the City's management staff, any questions or concerns relating to your employment. Your supervisor might not be aware of a potential concern unless you specifically bring it to his/her attention.

### **AT-WILL EMPLOYMENT**

Your employment with the City is on an at-will basis. This means that the employment relationship may be terminated by you or the City at any time and for any reason not prohibited by law. Nothing in this handbook, or in any other personnel document, shall alter the at-will employment status or create contractual, due process, or property rights in employment with the City.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The City makes employment decisions based on merit, qualifications, and abilities and affords equal employment opportunities to all employees and job applicants without discrimination based on age, race, creed, color, disability, marital status, gender, sexual orientation, national origin, ancestry, arrest or conviction record, membership in the armed forces, or any other basis prohibited by law. The City will provide reasonable accommodation for qualified individuals with known disabilities unless doing so would result in undue hardship. This policy applies to all aspects of the employment process, including recruiting, hiring, transfer, promotion, training, compensation, benefits, discipline, and termination.

### **NON-DISCRIMINATION, HARASSMENT, AND RETALIATION**

The City is committed to a work environment in which all individuals are treated with respect and dignity. All employees have a right to work in a professional atmosphere free of unlawful discrimination, harassment, and retaliation. Accordingly, such conduct is prohibited. Employees who violate this policy will be subject to appropriate disciplinary action, up to and including immediate termination.

#### **A. Prohibition Against Sexual Harassment**

The City strictly prohibits sexual harassment. Sexual harassment is a form of discrimination which is illegal under federal, state, and some local laws. Sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, catcalls, or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature.

## **B. Prohibition Against Other Harassment**

The City also prohibits other forms of unlawful harassment including harassment directed at an individual's characteristic protected under the law. This includes, but is not limited to, verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her age, race, creed, color, disability, marital status, gender, sexual orientation, national origin, ancestry, arrest or conviction record, membership in the armed forces, or any other basis prohibited by law that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

## **C. Complaint Procedure: Reporting an Incident of Harassment, Discrimination, or Retaliation**

The City requires employees to immediately report to it all concerns or observations of potential discrimination, harassment, or retaliation, regardless of the potential offender's identity or position. Individuals who believe they have experienced conduct that is unlawful or contrary to this policy must report such concerns or observations to their immediate supervisor or some other member of the City's management staff who they feel comfortable speaking within order that the City may promptly investigate and address such concerns and observations. Early reporting is essential to resolving actual or perceived incidents of discrimination, harassment, and retaliation.

## **D. Prohibition Against Retaliation**

The City prohibits retaliation against any individual who in good faith reports what they believe to be unlawful discrimination, harassment, or retaliation, or who in good faith participates in an investigation by the City into such a report.

## **ARTICLE III - DEPARTMENT ORGANIZATION UNITS**

### **3.1 Chain of Command**

A. Employees are to be responsive to all citizens of the City as much as possible. The Chain of command shall be:

#### **City Employees**

- 1) Mayor
- 2) Common Council
- 3) Committee/Board
- 4) Department Heads/Supervisors
- 5) Staff members/employees

#### **Library Employees**

- 1) Library Board
- 2) Library Director
- 3) Library Supervisors
- 4) Staff members/employees

#### **Waterloo Water & Light Utility Employees**

- 1) Mayor
- 2) Common Council
- 3) Waterloo Water & Light Commission
- 4) Department Heads/Supervisors
- 5) Staff members/employees

## **ARTICLE IV – RECRUITMENT SELECTION PLACEMENT**

### **4.1 Residency**

An applicant who is hired to fill a position with a residency requirement must live within the distance prescribed within twelve (12) months of said employment. (See Appendix A, as modified from time to time.) Exceptions may be granted by the Common Council.

### **4.2 Licenses and Certifications**

Applicants for a position requiring certification and/or a degree must either have the certification or be eligible to acquire it.

**A. Driver’s License/Driving Record.** Employees must hold a current valid driver’s license and must always have the license in their possession while operating a City vehicle. Employees are prohibited from driving a City vehicle without a valid driver’s license. Employees are required to immediately inform a supervisor of any change in the status of their driving record, including but not limited to alleged moving violations, DUI citations, license restrictions, license suspensions, or license revocations.

**B. Safe Operation/Traffic Laws/Traffic Citations.** Employees are required to always operate City vehicles in a safe and responsible manner, in compliance with applicable traffic laws, ordinances, and regulations, including but not limited to use of seat belts by the driver and any passenger in the vehicle. Except for emergency purposes, employees are prohibited from using cell phones, PDAs, or other electronic devices while operating a vehicle. Employees are responsible for any parking and traffic citations incurred while operating the vehicle.

**C. Accident Reporting.** Employees must immediately report any accident or property damage to a City vehicle to a supervisor.

**D. Alcohol/Drugs.** Employees are prohibited from operating a City vehicle while under the influence of alcohol or drugs. Under no circumstances may employees take City vehicles to bars, taverns, or other establishments. Employees taking prescription medication that may affect their driving ability or cause drowsiness should contact the City to discuss whether restrictions are necessary. Employees are at all times prohibited from possessing or carrying alcohol or drugs in the vehicle.

**E. Drivers/Passengers.** Only authorized personnel are allowed to drive City vehicles. Similarly, only authorized personnel may ride as passengers in such vehicles and only for business purposes, unless with prior authorization.

**F. Vehicle Security.** Employees are responsible for locking City vehicles when not in use. Vehicles should be parked in a safe, well-lighted location. Tools and equipment that are not in use should be secured out of sight inside the locked vehicle. In the event an employee’s negligence or failure to follow proper safety/security precautions results in theft and/or damage to the Vehicle or City property (tools, equipment, etc.) within the vehicle, the employee may be held responsible for the equipment loss and/or vehicle damage.

### **4.3 Applications**

Applicants for employment shall file a release of information form prior to employment with the City. Any employment application which is false, untrue, or fraudulent in any manner, or which omits a material fact, will result in disqualification of employment. If the applicant has been hired, he/she will be subject to immediate termination.

#### **4.4 Classification of Employment**

There are three classifications of employment.

##### **A. Full-time personnel**

Full-time personnel are employees who consistently work the minimum workweek as defined for their relative position. Full-time employees are those employees hired for a continuing, necessary work assignment on an hourly rate or monthly compensation. Employees are expected to work an annual average of 2080 hours per year to entitle them to benefits.

##### **B. Part-time personnel**

Part-time personnel are employees who consistently work a schedule less than the minimum workweek.

##### **C. Seasonal or temporary personnel (limited term employee)**

Seasonal or temporary employees are hired to perform a specific job or for a specific time period and are not eligible for any benefits other than compensation for the job performed.

Provisions for employee benefits and other specific policies for different employment classifications can be found in the appropriate section of this manual.

#### **4.5 Probationary Period**

Full-time employees are required to serve a twelve (12) month probationary period commencing on their date of employment.

#### **4.6 Employee Performance Evaluation**

After a full time, employee completes their probationary period, they will have their on-the-job performance evaluated and documented at least annually by their immediate supervisor.

#### **4.7 Layoffs**

A Lay-off is any period in which an employee is not working for or receiving earnings from the employer and has not terminated the employer-employee relationship. If a lay-off is necessary, in a department, it will generally be done on the basis of length of service, provided the more senior employees are qualified to perform the job of the least senior person, unless the needs of the department require otherwise in the City's discretion.

### **ARTICLE V - HOURS OF WORK**

#### **5.1 The Workweek**

Each department head shall recommend to the Personnel Committee a workweek for employees in that department. The workweek shall be established when approved by the Personnel Committee. Within the workweek, each department head shall determine the days and times each employee is scheduled to work, subject to the following section. The scheduled hours of work for employees may vary between departments because of operational demands. Such hours shall not be less than the minimum hours described herein for full-time employees and shall, as far as practical, be uniform for employees in the same unit assigned to perform the same duties. Full-time employees shall be scheduled to work 40 hours per workweek, except full-time Fire Department employees, who are scheduled to work up to 53 hours per week.

#### **5.2 The Workday**

Each department head shall establish work schedules for subordinate employees. Department heads may be required to work longer than their normal workday. Other personnel occasionally may be requested or required to work more or less hours than their normal workday. Any proposed change in the work schedule on a permanent basis, shall first be submitted to the Finance, Insurance and Personnel Committee for approval.



### **5.3 Rest Periods**

All employees are entitled to a fifteen-minute break for every four-hour shift worked. The scheduling of these periods and location is entirely discretionary with the department supervisor and will be arranged as he/she feels is most compatible with departmental operations. These rest periods cannot be taken at the beginning of the day or end of the day and not in conjunction with lunch periods.

### **5.4 Meal Periods**

A half (½) hour unpaid meal period will be provided for all employees who are scheduled to work six (6) hours or more in one (1) day. Meal periods are to be taken at a time as designated by their supervisor.

Police Officers and Fire/EMT personnel will be provided with a 30-minute paid meal period during their shift. That time is to be taken within the City limits, unless out of the City on business. Fire/EMT personnel will be granted an additional 30-minute paid meal period if they are scheduled a 16-hour work shift.

### **5.5 Record-Keeping of Hours**

All employees are required to maintain, daily on their timesheet, a record of all hours worked, as well as the starting and ending times of each workday and meal periods. Employees may not complete time records for other employees. Employees must turn their timesheets in to their Department Head or designee on a bi-weekly basis. Employees who violate this policy, or who submit incomplete, inaccurate, or false time records will be subject to appropriate disciplinary action, up to and including immediate termination, as well as potential civil and/or criminal liability.

## **ARTICLE VI – WAGE AND SALARY ADMINISTRATION**

### **6.1 Employee Compensation**

The wage and salaries for all City positions shall be determined by the Finance, Insurance and Personnel Committee and approved by the Common Council at budget time.

### **6.2 Overtime Compensation**

Employees may be required to work overtime when requested to do so. However, employees working overtime without approval or pre-approval of a supervisor will be subject to appropriate disciplinary action, up to and including immediate termination. Overtime will be paid for all hours over forty (40) hours per week, except Fire Department employees, who will be paid for all hours over 53 hours. All paid vacation time, paid holidays and paid sick leave shall be considered as “time worked” for purpose of this section.

Employees working overtime shall have the alternative to be paid for such overtime at the overtime rate or take compensatory time off at a later date. Compensatory time shall be earned at the rate of one and one-half (1 ½) times the number of overtime hours worked and may be accrued to a maximum of eighty (80) hours at any one time and may be carried over to the following year. Compensatory time off shall be scheduled at a time mutually agreeable between the employee and the City.

Department of Public Works, Police Department and Waterloo Water & Light Utility employees Sunday and Holiday pay. (See Appendix C, as modified from time to time.)

### **6.3 Payroll Periods**

The payroll period is two weeks beginning on Sunday morning and ending on the second following Saturday.

Employees shall be paid on the Thursday following the end of the pay period. If the payday falls on a holiday, checks will be direct deposited on the last workday preceding the holiday. Each employee should review their

paycheck for errors and report any errors to their supervisor immediately. All payroll checks are made by direct deposit.

All payroll records will be kept in the City Clerk/Treasurer's office and available for inspection.

#### **Waterloo Water & Light Utility employees:**

The payroll period is two weeks beginning on Monday morning and ending on the second following Sunday. Employees shall be paid on the Monday following the end of the pay period. If the payday falls on a holiday, checks will be direct deposited on the next workday following the holiday. Each employee should review their paycheck for errors and report any errors to their supervisor immediately. All payroll checks are made by direct deposit.

All payroll records will be kept in the Waterloo Utility Superintendent's office and available for inspection.

#### **6.4 Payroll Deductions**

Only deductions required or authorized by law or those authorized in writing by the employee shall be deducted from an employee's paycheck. All deductions will be itemized on the employee's paycheck stub.

#### **6.5 Stand-By/Emergency Status (on call/pager)**

- A. An employee shall be on a Stand-by/Emergency status if the employee is instructed verbally or in writing by his/her supervisor to be continuously available to report to work during an off-duty period.
- B. An employee who is instructed to be on Stand-by status must be:
  - 1. Continuously available to be contacted by the supervisor through either a telephone or electronic signaling device. An Employee must be able to report to work immediately, but in no event no later than thirty minutes of receiving a request from the appropriate City personnel.
  - 2. Must report in a physical condition which allows the efficient performance of the employee's job classification.
  - 3. Employees on Stand-By/Emergency Status are reminded that the City of Waterloo's Drug and Alcohol Abuse Policy are fully in effect for the duration of the Stand-By Status period including when the employee is on Stand-By/Emergency Status and when the employee is responding to an emergency. (Section 9.1 Drug and Alcohol Abuse Policy Statement)
  - 4. Must report in uniform unless informed otherwise.

### **ARTICLE VII - EMPLOYEE BENEFITS**

#### **DISCLAIMER**

**The City has established a variety of employee benefit programs for eligible employees. This handbook contains a very brief description of the benefits to which you may be eligible and does not change or otherwise interpret the terms of official plan documents. Your eligibility and rights, if any, can be determined only by referring to the full text of the official plan documents. The City reserves the right to amend, modify, or terminate any or all of the benefit plans described herein. For more complete information regarding any of our benefit programs, please contact the City Clerk.**

#### **7.1 Holidays, Holiday Pay & Personal Time Off**

Full-time employees shall receive the paid holidays listed in Appendix D, as modified from time to time.

Employees working a standard workweek, a scheduled holiday that falls on a Saturday shall be observed the Friday before. A scheduled holiday that falls on a Sunday shall be observed the following Monday. For

employees working a nonstandard workweek a scheduled holiday shall be observed on the exact day that the holiday falls.

Library employees working a standard workweek, a scheduled holiday that falls on a Saturday shall be scheduled by the Library Director in advance of the holiday for a day of the week before that Saturday.

Library employees working a standard workweek, a scheduled holiday that falls on a Sunday shall be scheduled by the Library Director in advance of the holiday for a day of the week following that Sunday.

Any employee, who qualifies for the benefit and is obligated to work on an official holiday, shall be compensated at 1½ times their normal rate of pay, plus holiday pay. Any shift that starts on a paid holiday gets holiday pay.

Holiday pay will be equal up to a maximum of eight (8) hours of pay at the employee's straight time rate at the time of the holiday. Employees scheduled to work seven consecutive days, and their normal day off falls on a scheduled holiday, will be permitted to reschedule an alternative holiday in lieu of the scheduled holiday. The rescheduling will be subject to the approval of the Department Head. Holidays shall be taken in the year earned unless carry over is approved by the Department Head

To be eligible for holiday compensation, employees must work their scheduled workday before the holiday and their scheduled workday after the holiday. Notwithstanding any other provisions in the Employee Manual, employees absent from work the scheduled workday before and/or the scheduled workday after the holiday, shall not be eligible for holiday compensation unless the absence is pre-approved by the Department Head, such as vacation time.

Under no circumstances are employees compensated with both holiday and sick leave pay when the employee is unable to report to work on a scheduled holiday.

All holiday pay and personal time off shall be paid at straight time.

## **7.2 Vacation Policy**

The City shall grant all full-time permanent employees vacation hours as listed in Appendix F, as modified from time to time.

- A.** Vacation schedules are to be approved by the Department Heads. While due consideration may be given to the employee's convenience, the needs of the City in scheduling work shall be the controlling criterion. Preference in scheduling vacations for non-management employees shall be based upon seniority.
- B.** A vacation year will be based on the anniversary date of hire.
- C.** An employee will be paid at their regular straight time rate at the time they take their vacation.
- D.** Use of vacation leave:
  - 1. All vacation must be taken in the anniversary year in which an employee is eligible and cannot be carried over into the next vacation year. Only with prior written approval of the Department Head may an employee carry over unused vacation time into the next anniversary year for a short period of time.

## **7.3 Health Insurance**

Eligible employees may enroll in the City's current group health insurance plan. Please contact the City for specific details concerning the current group health insurance plan.

The City currently makes available medical health insurance coverage for all permanent full-time and eligible part-time employees and their dependents as prescribed within the terms and conditions of the policy in effect. Employees are eligible for insurance coverage at ~~the start of employment after sixty (60) days of employment, effective on the first day of the month following the sixty (60) days.~~ **(Common Council Approval Resolution #2021-07 – April 1, 2021)**

- A. The City is a participating employer under the Wisconsin Public Employer Group Health Insurance program administered through the State of Wisconsin.
1. Eligibility: An eligible employee for group health insurance purposes is defined as:
    - a. Any employee who qualifies as an active participant under the Wisconsin Retirement System (WRS).
  2. Employer Share Eligibility:
    - a. If an employee is employed in a position that requires at least 2,080 work hours per year, the employer contribution shall be 88% of the average premium cost of the qualified Tier 1 health plan within the county, as long as the appointment specifies a minimum of 2,080 work hours, the amount of employer contributions remains the same.
    - b. If an employee is employed in a position that requires at least 1,044 work hours per year, the employer contribution shall be 50% of the average premium cost of the qualified Tier 1 health plan within the county, as long as the appointment specifies a minimum of 1,044 work hours, the amount of employer contributions remains the same.
    - c. If an employee is employed in a position that requires working less than 1,044 work hours per year, the employer contribution shall be 25% of the average premium cost of the qualified Tier 1 health plan within the county, as long as the appointment specifies less than 1,044 work hours, the amount of employer contributions remains the same.

#### 7.4 Income Continuation Insurance

The City currently provides income continuation insurance to employees who have been enrolled in the Wisconsin Retirement Program for six (6) months. The City shall pay one hundred percent (100%) of the premium for each full-time employee normally scheduled to work 2,080 hours per year enrolled in the plan. The coverage shall provide up to seventy percent (70%) of the employee's gross earnings after a thirty (30) day waiting period. The employer shall pay fifty percent (50%) of the monthly premium for part-time employees working at least 1,044 hours per year and twenty-five percent (25%) of the monthly premium for part-time employees working less than 1,044 hours per year. Whether the employee actually works that minimum is immaterial; as long as the appointment specifies a minimum of 1,044 work hours, the amount of employer contributions remains the same.

#### 7.5 Life Insurance **(Common Council Approval Resolution #2016-08 - March 3, 2016)**

The City currently provides group term life insurance to employees ~~who have been~~ enrolled in the Wisconsin Retirement Program ~~for six (6) months~~. The City shall pay one hundred percent (100%) of the premium for Basic, Supplemental and one (1) unit of Additional insurance for each full-time employee normally scheduled to work 2,080 hours per year. The City also pays an amount equal to 20% of the employee Basic premium for post-retirement coverage at the 25% of Basic level. The employer shall pay fifty percent (50%) of the monthly premium for part-time employees working at least 1,044 hours per year and twenty-five percent (25%) of the monthly premium for part-time employees working less than 1,044 hours per year. Whether the employee actually works that minimum is immaterial; as long as the appointment specifies a minimum of 1,044 work hours, the amount of employer contributions remains the same.

Spouse, dependent, and one or two more units of additional life insurance may be selected by the employee and is financed through employee premiums.

## 7.6 Flexible Spending Account (FSA)

The City is currently a participating employer under a flexible spending account administered by Employee Benefits Corporation.

### 1) Health Care FSA

This is a program that permits participants to elect to put pre-tax dollars into a Flexible Spending Account (FSA) to cover the cost of certain out-of-pocket health care expenses for you, your spouse and or dependents. You decide how much money to put into an account during the enrollment period. Then when you incur an eligible expense, you receive tax-free reimbursements.

### 2) Dependent Care FSA

This account covers expenses you incur for dependent care while you are at work. Eligible expenses include daycare, nursery school and day camp for children, as well as services for older dependents that cannot care for themselves.

## 7.7 Retirement and Pension

The City is currently a participating employer under the Wisconsin Retirement Fund. Full-time employees are eligible under the Wisconsin Retirement System upon the first day of employment. The employer will contribute 100% of employer required contribution (ERC) rate. ERCs are taxable to the employee when a benefit is taken. The employee will contribute 100% of the employee required contribution (EERC) rate. When paid by the employee, the EERC is post tax. When paid by the employer, the EERC is taxable to the employee when a benefit is taken. Rates are established by state statute. Police Administration employer/employee contribution rates shall be the same as established in the Waterloo Professional Police Association agreement.

### A. Eligibility for retirement benefit

1. Part-time, seasonal, or temporary employees hired prior to July 1, 2011 must meet the following criteria:
  - a. Upon hire to work more than 600 hours per calendar year
  - b. When expectations change
  - c. On their one-year anniversary date of employment
  - d. During a 12-month rolling look-back
2. A new employee who was initially employed on or after July 1, 2011, who had no prior employment with a participating WRS employer would be evaluated under the new eligibility requirement of:
  - a. expected to work at least two-thirds of full time per year (defined as 1,200 hours) and
  - b. expected to be employed for a least one year (365 consecutive days, 366 in a leap year) from employee's date of hire.
3. A new employee hired on or after July 1, 2011 who had any employment with a participating WRS employer prior to July 1, 2011. Is evaluated under the old eligibility requirements of:
  - a. expected to work at least one-third of full time per year (defined as 600 hours) and
  - b. expected to be employed for at least one year (365 consecutive days, 366 in leap year) from employee's date of hire

## 7.8 Deferred Compensation Plans

The City currently provides a deferred compensation plan through the State of Wisconsin Deferred Compensation Plan. Participation in the plan is strictly voluntary and receives no contributions from the City. Beginning in July of 2011 a ROTH deferred compensation plan is also offered.

## 7.9 Sick Leave

Regular full-time employees may be entitled to eight (8) hours of sick leave with pay for each month or major fraction thereof of actual service up to an accumulated total of one hundred thirty-five (135) workdays or 1,080 hours. Waterloo Water & Light Utility will match all City departments with 1,080 maximum on sick leave. The sick leave time earned during the first ~~six (6)~~ three (3) calendar months of employment shall ~~not~~ be available to an employee ~~until the end of the six (6) month period~~ after ninety (90) days of employment. Such sick leave with pay shall be granted in case of bona fide illness of the employee or the employee's immediate family (as defined in the Wisconsin Family and Medical Leave Act), as well as diagnostic treatment, dental procedures and optician's services when performed by a duly authorized and licensed practitioner, and the necessary time to travel to and from the place of treatment. A maximum of eighty (80) hours per calendar year of paid sick leave may be taken for the employee's immediate family. **(Common Council Approval Resolution #2021-07 – April 1, 2021)**

In the case of illness extending beyond (2) day's duration, the employee shall furnish a certificate issued by a licensed practitioner upon the request of the department head concerned.

Any employee that falsely reports to his/her department head that he/she is ill for the purpose of using sick leave as an additional paid vacation, shall be subject to disciplinary action and shall forfeit five (5) days of accumulated sick leave for each day or fraction thereof falsely reported.

To the extent permitted by law, no employee shall be entitled to sick leave while absent from duty for any of the following reasons or causes:

- A. Any sickness or injury purposely self-imposed or inflicted or caused by any of his/her willful misconduct.
- B. Sickness or injury sustained while on leave of absence without pay.

Employees shall be required to give prompt notification of the absence from work to their supervisor or department head. If the supervisor or department head cannot be reached, the City Clerk shall be notified before 9:00 a.m. on the first day of absence as is reasonably possible. Employees shall make reasonable efforts to keep the employer informed as to the duration of the absence so that the employer can plan the schedule accordingly. Failure to comply with this provision for reasonable and prompt notification shall result in forfeiture of sick leave benefits for the hours or days involved, and the employee may be subject to disciplinary action, including termination.

Sick leave may be used to acquire paid health insurance for employees who qualify for retirement under the guidelines of the Wisconsin Retirement System, if employed by the City fifteen (15) years or longer, or other exceptions as granted by the Council. In the event of the employee's death after such retirement, accumulated sick leave shall be used to continue spouse/dependent health insurance.

## 7.10 Personal Leave of Absence

A Leave of Absence is any period in which an employee is not working for or receiving earnings from an employer and has not terminated the employer-employee relationship.

The department head, at his/her sole discretion, may grant up to five (5) days leave of absence without pay in any calendar year. Any leaves other than the 5 days previously mentioned or outside of Family Medical Leave, shall be approved by the Finance, Insurance and Personnel Committee. For leaves of absence in connection with family medical leave, the provisions of Wisconsin State Statutes and Federal law shall apply.

If an employee takes another job, (except military service), the leave will be immediately canceled and the employee subject to termination.

If an employee does not report for work at the end of a leave, they will be considered to have voluntarily terminated their employment.

### **7.11 Military Leave of Absence**

Employees who have served at least (3) months of their probationary period, who are duly enrolled members of the reserve components of the armed forces for the United States will be entitled to leave of absence as follows:

#### **A. Active Military Service**

Any employee, other than temporary and seasonal employees, who leave active employment for the purpose of being inducted, entering, determining physical fitness to enter, or performing training duty in the armed forces or Coast Guard either by enlistment, draft or recall, will be granted a Military Leave of Absence.

Upon the expiration of such Leave of Absence, each employee will be restored to his/her former job classification or to a position of like seniority, status and pay, unless circumstances of the City have so changed as to make it impossible or unreasonable to do so.

#### **B. Military Training (Reserve/National Guard)**

Any full-time employee who is a member of a military unit of the United States, or State of Wisconsin, attends special training assignments, shall be given leave – not to exceed fifteen (15) calendar days a year. This special leave shall in no way affect Vacation, Sick Leave or other Emergency Leave benefits of the employee's job status.

### **7.12 Family Leave/Medical Leave**

It is the policy of the City of Waterloo to comply with the requirements of both the Wisconsin and Federal Family and Medical Leave Act (FMLA) laws. This policy explains the rights, responsibilities and procedures which employees must follow in requesting and using FMLA leave. Recognizing that on occasion an employee may request a leave of absence, the City of Waterloo has established these guidelines in assessing these requests in order to provide consistent management of leave of absence procedures. It is the policy of the City to consider, based on individual need, the conditions under which various leaves of absence may be granted to employees. The City reserves the right to approve or deny any leave request and to place restrictions on the length of the leave being requested.

#### **General Guidelines**

1. No leaves of absence will be granted to any employee to seek or have outside employment.
2. All leaves must be requested in writing and documentation as to the necessity of the leave may be required. Forms may be obtained from your department head or the City Clerk/Treasurer's office.
3. Leaves of absence, if possible, must be approved in advance by the appropriate supervisory authority.
4. The length of the leave granted will be contingent upon the reason for the leave and the department operations.
5. As benefits may be affected by a leave of absence, employees are encouraged to contact their Department Head and the Office of the City Clerk/Treasurer prior to the leave taking affect. Benefits impact will be explained at that time. Failure to make these contacts prior to going on leave may result in the loss of benefits for part or the duration of the leave.
6. Failure of an employee to return to work on the return-to-work date will be considered as a voluntary termination of employment (quit).

### **FAMILY AND MEDICAL LEAVE**

**(Family and Medical Leave Act = FMLA)  
(Wisconsin Family and Medical Leave Act = WFMLA)**

### **Eligibility and Coverage**

If an employee has worked for the City of Waterloo for a minimum of 12 months, and 1,250\* hours worked in the past 12 months, the employee is eligible for family and medical leave. All of an employee's time away from work, paid or unpaid, that meets the criteria for FMLA or WFMLA will be charged to the benefits available under those Acts, including but not limited to Worker's Compensation or sick leave. (\*WFMLA - 1,000 paid hours) The City will grant family and medical leaves of absence to eligible employees for the following reasons:

- the birth of the employee's child,
- the placement of a child with the employee for adoption or foster care,
- the serious health condition of an employee's family member
- the employee's own serious health condition,
- a qualifying emergency for a family member called to active duty, and
- the serious illness or injury of a family member which is incurred while the family member is on active military duty.

### **Computation of Available Leave**

FMLA grants eligible employees up to a maximum of 12 weeks leave in a 12-month period. The city has established that leave under FMLA will be computed on a calendar year basis for leave taken under the Wisconsin FMLA and for leave taken under the Federal FMLA.

If the employee's request for leave meets the requirements for family and medical leave, as outlined in this policy, and the employee has not used up the number of weeks of leave to which the employee is entitled, the employee's request for leave will be approved.

Where the employee and the employee's spouse are employed by the City, they are entitled to total combined leave of up to 12 weeks for the birth, adoption or placement of a child for foster care or to care for a sick parent.

### **Intermittent and Reduced Schedule Leave**

Leave for serious health conditions may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary. If the employee requests intermittent leave or leave on a reduced schedule, the City may require that the employee transfer to a temporary alternative position for which the employee is qualified and that better accommodates the intermittent or reduced hour leave than the employee's regular job assignment. The temporary position will have pay and benefits equivalent to the employee's regular work assignment. The City will decide on a case-by-case basis, whether or not intermittent or reduced scheduled leave will hinder or be a help to the schedule of the requesting employee's department.

### **Status While on Leave**

Family and medical leave is unpaid leave.

### **Substitution**

Under FMLA\* eligible employees may choose to substitute accrued paid leave – vacation, or compensatory time for statutory family leave. Even if the employee does not elect to substitute paid accrued leave during family leave, the City may require its use. (\*WFMLA – additionally allows use of accrued sick leave in substitution.)

In the case of a serious health condition of the employee, the same rule applies; however, the available accrued leave includes paid vacation, compensatory time, or sick leave.



Substitution of paid accrued leave during the family and medical leave does not extend the length of the leave allowance. Rather it takes the place of unpaid leave. For example, if the City provides an employee four (4) weeks of paid vacation in substitution of unpaid family leave, and the federal or state law provides 12 weeks total, the employee will have a maximum allowance of 12 weeks of leave – 4 paid and 8 unpaid – not 16 weeks of leave. The fact that the employee may choose to substitute paid accrued leave or that the City may require the employee to use paid accrued leave does not mean that the City is required to provide paid leave that it otherwise would not have provided.

### **Advance Notification**

In order for the City to prepare for an employee's absence during a leave for the birth or adoption of a child, the City requires the employee give advance notice, in a reasonable and practicable manner, of the expected birth or adoption. Generally, this means an employee must give at least 30 days' notice of the need for FMLA leave due to birth or adoption.

For medical leave due to planned medical treatment or supervision of a child, spouse, or parent, or the employee, the employee shall make a reasonable effort to schedule the medical treatment or supervision so as not to unduly disrupt the affected department's operations.

Employees will submit requests for WFMLA or FMLA on the authorized City form "Requests for Family or Medical Leave" (copy attached) in accordance with the time guidelines of the acts. The form will be hand delivered by the employee to the Department Head or designated representative. The form will be dated when received by the Department Head and expeditiously forwarded with a recommendation to the Office of City Clerk/Treasurer for final disposition.

If, due to an emergency or unforeseen circumstances, the employee is unable to provide notice in accordance with the guidelines of the acts before taking leave, notice as soon as possible and practical is acceptable. The City reserves the right to inquire as to the reason why advance notice of the leave could not be given.

### **Medical Certification**

When requesting leave for the serious health condition of a family member or for the employee's own serious health condition, the City requires the employee provide advance written certification issued by the attending health care provider of the need for leave, except in a medical emergency situation. Certification will be presented to the Department Head along with the required Family Medical Leave Request form. Both forms will be immediately forwarded to the Office of the City Clerk.

Medical certification forms will be completed (legibly) by the health care provider and include the date the serious health condition commenced, it's probable duration and all appropriate medical facts. When leave is requested to care for a family member, the certification will also state that the employee is needed to care for the ill family member and an estimate of the time necessary to do so.

When intermittent or reduced schedule leave is requested for planned medical treatment, the City will require the certification to include the dates and duration of the treatment. As well as a statement the intermittent or reduced leave schedule is medically necessary for the employee or to the care of the family member.

If the City finds that a medical certification form is incomplete or insufficient, it will contact the employee and allow the employee an additional 7 calendar days to correct any deficiencies in the medical certification form submitted. If the employee fails to correct the deficiency, the City does reserve the right to contact the employee's medical provider and seek clarification as the medical information provided.

If the City finds reasons to doubt the validity of the certification, it may require, at its expense, a second medical opinion from a health care provider designated or approved by the City. Should the second opinion differ from

the original certification provided by the employee, the City, again at its expense, may require the employee obtain a third opinion. The opinion of the third health care provider, designated and approved by both parties, is final and binding.

The City requires re-certification of the continued need for leave every 30 days while the employee is still taking such leave or if the circumstances related to the leave have changed.

### **Reinstatement**

While on family and medical leave, the employee's benefits, including health care coverage, will be continued as if the employee were not on leave.

Contributions ordinarily made by the employee must be continued during the period of leave. The employee's total contribution amount due for that period must be paid by mail or in person on or before each regularly scheduled payday. Should payment cease, such benefits will be suspended until payment is resumed or the employee returns to work.

At the end of family and medical leave, the employee will be returned to the position the employee held when leave began or will be given an equivalent position with like employment benefits, pay and other terms and conditions of employment. No benefits that accrued prior to taking leave will be lost, however, the employee will not be entitled to accrue further seniority or employment benefits while on leave. In addition, the employee is not entitled to any right, benefit, or position of employment other than a right, benefit or position of employment that the employee would have been entitled to if the employee were not on leave.

### **Return to Work**

If an employee does not return from leave because of the continuance, reoccurrence, or onset of a serious illness, employees must report their status and should report their intention to return to work at least two (2) weeks prior to the date they intend to return to work. In addition, re-certification of the medical need for leave may be needed.

Should an employee be ready to return to work from family and medical leave before the scheduled return to work date, the employee is to notify the City as soon as possible to request reinstatement. The City will attempt to accommodate all requests for early reinstatement.

If family and medical leave is taken because of the employee's own serious health condition, the employee is required to provide certification prior to returning from leave that they are able to resume work. The City will require a fitness-for-duty certification prior to the employee's return to work. The fitness-for-duty certification will confirm that the employee is able to resume his/her work duties, after the medical provider reviews the specific job duties performed by the employee.

Should an employee fail to return to work at the expiration of family and medical leave without requesting an extension of their leave or making other arrangements, the City will assume that the employee has voluntarily resigned their position and will require the repayment of group benefit insurance premiums paid by the City on the employee's behalf during the leave period. Reimbursement will not be required if the health condition that prevents their performing their job or because of other documented circumstances that are beyond their control.

The City requires written medical certification that the employee cannot return to work because of the employee's own illness or the illness of a family member that the employee is needed to care for.

### **Complaint Procedure**

An employee may file complaint with the U.S. Department of Labor or file a private lawsuit if they believe they have been denied rights under the Federal FMLA or may file a complaint with the State of Wisconsin if they believe they have been denied rights under the Wisconsin FMLA.

## **Notices and Records**

Copies of this policy will be posted in all City departments. Should the employee need more information, they may contact the Office of the City Clerk/Treasurer at 478-3025 or visit that Department in the City Municipal Building.

The Office of the City Clerk will keep all records regarding family medical leave requests and applications of those leaves for three (3) years. All such records are considered confidential.

### **7.13 Jury or Witness Duty Leave**

An employee whose service on a jury or subpoenaed as a witness in any case and causes the loss of regularly scheduled work shall receive full pay for such time lost. To be eligible for full pay the employee shall turn over to the City Clerk all fees paid to him/her by the court, except the sum paid for travel expenses.

### **7.14 Bereavement Leave**

An employee shall be granted funeral leave with pay for the purpose of attending the funeral of a member of the employee's immediate family. Said leave shall not exceed three (3) days for any one funeral. The funeral of more than one (1) person at any one time shall be considered one funeral. Immediate family shall be defined as: spouse of the employee, parents, stepparents, parents-in-law, stepparents-in-law, grandparents, children, stepchildren, grandchildren, brothers, stepbrothers, sisters, stepsisters, brothers-in-law, and sisters-in-law, sons-in-laws and daughters-in-law. In-laws shall be limited to current marital status.

### **7.15 Firefighter Leave**

With the exception of the Police Department, any full-time city or utility employee who is a firefighter or EMT shall have permission to respond to an emergency call during the normal work shift. If time permits, the employee shall notify the supervisor that the employee is leaving the workplace to respond to the emergency call.

The employee shall use discretion in responding to calls so as not to create another potential emergency situation by having left the workplace.

Utilization of this policy shall not result in overtime pay.

### **7.16 Uniforms**

The City currently provides certain employees with a uniform allowance for purchase of clothing and equipment unique to the job duties of such employees. (See Appendix E, as changed from time to time.) The allowance must be used within the year and must be billed to the City of Waterloo by December 31<sup>st</sup> of that year.

Employees making purchases shall submit a paid receipt/invoice or invoice the City directly. The City shall then reimburse the employee or pay the vendor directly, deducting the amount from the employee's uniform allowance. If an employee exceeds the annual amount, he/she shall pay the difference to the City within ten days, unless other arrangements are made.

### **7.17 Mileage Reimbursement**

Attendance at professional conferences, seminars, technical meetings and/or training programs shall be considered part of the employee's normal duties. An employee may request authorization to attend such functions at City expense. The City shall provide mileage reimbursements if it is necessary to use their personal vehicle. The mileage rate is what is allowed by the IRS. In the event of an accident traveling to and from the training while using your own personal vehicle, your personal auto insurance shall be primary.

## **7.18 Education & Travel Reimbursement**

- A. If the City requires an employee to attend an education course or program, the employee will be reimbursed by the City for such expenses.
- B. Expense reimbursement: Expenses will be paid upon the filing with the City Clerk, a travel/expense log with receipts of expenses incurred. Receipts are mandatory and must be approved by the department head.
- C. Fire/EMT personnel who voluntarily attend training approved by the Fire Chief will receive \$40/day, this is a taxable benefit.

When required by the Internal Revenue Service, meal reimbursements without the adequate receipt will be taxed to employee.

## **7.19 Employee Injuries and Medical Illnesses**

### **A. On-the-Job Injuries**

The City provides worker's compensation insurance on behalf of its employees per applicable law. In the event you believe you have sustained a work injury or condition, no matter how slight, you must at once report the injury or condition to your supervisor and the City Clerk/Treasurer in order that the injury-causing event may promptly be investigated and reported to our worker's compensation insurance carrier. You must also complete an Employee's Accident Report and provide the completed form to the City Clerk/Treasurer as soon as possible following the injury. In all cases, it is the decision of the insurance carrier to initially accept or deny a claim. Employees with temporary work restrictions must keep their supervisor and the City Clerk/Treasurer regularly advised as to their current medical treatment/restricted work status in order that the City can assess whether there is any suitable, temporary light duty work within the employee's work restrictions.

1. The City cannot guarantee the employee's reinstatement and may have to fill the employee's position during a leave of absence.

### **B. Off-The-Job Disability**

When an employee suffers an off-the-job injury or sickness, gained benefits including sick leave, vacation, holiday, and comp time may be used for the first thirty (30) day at which time they will become eligible for Income Continuation. He/she may be placed on Temporary Medical Leave of Absence with the approval of the City Council. If the employee is permitted a Temporary Medical Leave of Absence, the City Council, based on recommendation of the Personnel Committee, shall set the time period based on the circumstances in each specific case. Benefits will not accrue during the Temporary Medical Leave of Absence and in no event shall the leave be permitted to extend beyond one (1) year. An employee on Temporary Medical leave of Absence will be permitted to continue their coverage under the Group Health Insurance.

The City cannot guarantee the employee's reinstatement and may have to fill the employee's position during a leave of absence.

## **ARTICLE VIII - DISCIPLINE, RULES, CODE OF ETHICS AND EMPLOYEE COMMUNICATION PROCEDURES**

### **8.1 Political Activity**

To serve the best interests of the employee, taxpayers, and City government, it is the policy of the City of Waterloo to restrict certain types of political activity without infringing upon the employee's right and it is

important to safeguard the interest of the public whom all municipal employees must serve without political bias and without regard to their political opinions or affiliations.

This policy has been developed not to restrict one's constitutional rights but to dramatize and protect the neutrality of public service personnel.

A. Therefore, employees are prohibited from:

1. Using their official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
2. Directly or indirectly coerce, command, or advise a state or local officer, employee to pay, lend, or contribute anything of value to a party, committee organization, agency or person for political purposes.

B. On the other hand, employees on their own time shall be allowed to:

1. Express their opinions on political subjects and candidates.
2. Take an active part in political management and political campaigns.
3. Campaign for a candidate in an election by making speeches, writing on behalf of the candidate or soliciting voters to support or oppose a candidate.
4. Attend political rallies or campaign meetings.
5. Transport voters to the polls for their convenience.
6. Make voluntary contributions to a political party or organization

## **8.2 Outside Employment**

No full-time, part-time or temporary employee shall be employed in outside employment that will affect the performance of their duties or conflict with the interests of the City.

- A. If an employee suffers an injury during or resulting from an outside employment activity the City will not be responsible for any Worker's Compensation benefits.
- B. City uniforms, vehicles, equipment and supplies shall not be used in connection with outside employment positions.

## **8.3 Accepting Gifts or Gratuities**

Employees are not to accept gifts or gratuities from businesses or individuals who are soliciting business from the City or whom the City is doing business with.

## **8.4 Use of City Telephones**

- A. Employees shall observe the rules of telephone courtesy in receiving or placing calls.
- B. Employees are permitted to use City telephones for personal reasons only in case of absolute necessity. This is a privilege and not a right and may be withdrawn by the Department Head if abused through excessive use or if telephoning causes interference with work duties.
- C. Toll and extra unit call for personal reasons must be recorded by the employee and paid for by the employee at the time the charge is known.
- D. Employees shall discourage persons from telephoning them at work.

### **8.5 Use of City Equipment and Supplies**

In using the City's equipment and supplies, employees must keep in mind the fact that they are representatives of the City. Employees shall be responsible for the proper care and use of the equipment and supplies and shall report promptly to the Department Head any accidents, breakdowns, or the malfunction of any equipment so that the repairs can be made.

No employee will be allowed to use City equipment or material for personal use.

### **8.6 Punctuality**

Employees shall report promptly at the designated starting time at their assigned workstation, and shall devote their entire efforts during working hours to assigned duties.

### **8.7 Personal Mail**

Employees shall not use the addresses of the City of Waterloo as an address for personal mail, but can accept personal deliveries at work from UPS, Express Mail, etc.

### **8.8 Absenteeism and Tardiness**

If an employee is unable to report to work at the scheduled time, he/she must notify or cause the notification of his/her supervisor by telephone or messenger.

### **8.9 Housekeeping, Dress and Cleanliness**

All employees are expected to keep their work areas in a clean and safe condition, dependent on the type of job. In any job that requires meeting the public, such as reading meters, police, clerks, library, etc., employees are expected to wear neat and clean clothes or uniforms.

### **8.10 Name and Address Changes**

It is the responsibility of the employee to notify the City Clerk/Treasurer and Department Head of a name, address change or change in insurance or tax situation.

### **8.11 On the Job Safety**

Safety is a condition of employment. Employees must abide by all safety and health policies, practices, and procedures implemented by the City from time to time and may not engage in any conduct which tends to create a safety, health, or fire hazard. Under no circumstances may employees remove or make inoperative any safety device. Additionally, employees must use the safety articles and personal protective equipment required of their positions and immediately report any work injury or accident to their supervisor and a member of the City's management staff. Employees must immediately report any violations of this policy to their supervisor. Employees who violate this policy will be subject to appropriate disciplinary action, up to and including immediate termination.

### **8.12 Performance and Expectations**

#### **Attendance and Tardiness**

Regular attendance and promptness for work are essential to successful employment and job performance. Unexcused absenteeism and tardiness burden the City, co-workers, and causes undue hardship. If an illness or emergency prevents you from reporting to work on time, you must notify your supervisor and the City Clerk/Treasurer as soon as possible prior to the commencement of your scheduled starting time. You must continue to call in daily until you are able to return to work. Unexcused absenteeism, tardiness, or insufficient notification, will result in appropriate disciplinary action, up to and including immediate termination.

If you are absent for three (3) consecutive days and have had no contact with your supervisor and the City Clerk/Treasurer, we will assume that you have voluntarily resigned your employment, unless circumstances make it impossible for you to comply with these requirements.

### **Standards of Conduct**

Although we believe we have a dedicated group of employees, the following is a non-exhaustive list of basic standards of conduct which the City expects its employees to comply with:

1. Employees must comply with the City's policies and procedures.
2. Employees must report to work at their regular starting time and remain at work until the conclusion of their scheduled workday.
3. Employees must report excused and unexcused absences to the City as soon as possible in the manner required by the City.
4. Employees must perform their employment-related responsibilities in accordance with the City's expectations and performance standards.
5. Employees must not fail or refuse to perform work.
6. Employees must not engage in insubordinate conduct, ridicule, or express hostility toward co-workers or the authority of management.
7. Employees must not conduct personal business on work time or use the City's computer or communications systems for personal pursuits.
8. Employees must not falsify personnel documents, time records, expense vouchers, job records, or other City records.
10. Employees must maintain, on a daily basis, a record of all hours worked, as well as the starting and ending times of each workday and meal periods. Employees may not complete time records for other employees.
11. Employees must not destroy City property, whether by neglect, carelessness, or mischief.
12. Employees must not obtain unauthorized access to restricted areas, property, or records, or remove from the City's premises, copy, duplicate, or otherwise disclose City information without the City's written consent.
13. Employees must not use profane, obscene, hostile, offensive, discourteous, or abusive language while at work, or otherwise engage in conduct intended to harass or intimidate co-workers, clients, customers, or others.

Employees who violate this policy will be subject to appropriate disciplinary action, up to and including immediate termination.

### **Cell Phone & PDA Policy**

The City strictly prohibits employees from using cell phones, PDAs, and other electronic devices while operating vehicles or equipment, except in emergency situations. Employees may use personal cell phones, PDAs, and other electronic devices during breaks and meal periods.

## Smoking Policy

The City is committed to providing a clean and safe work environment. Therefore, smoking is not permitted in any working areas or at any entrances to working areas. Employees may only smoke at designated smoking areas during their regularly scheduled breaks and meal periods. Employees may not take additional break time to smoke.

### 8.13 Employee Grievance Policy and Procedure

**Purpose.** This discipline and grievance policy and procedure (the “Policy”) is adopted per Sec.66.0509(1m), Wis. Stats., and is intended to provide a timely and orderly review of disputes regarding a) employee terminations, b) employee discipline, and c) workplace safety. This Policy applies to all employees of the City of Waterloo (the “City”) who are subject to the provisions of Sec. 66.0509, Wis. Stats, as amended from time to time, except those employees who are exempted there from.

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

**Definitions for Terms Used In This Document.** The following terms shall have the following meanings:

“**Days**” means calendar days, excluding legal holidays as defined in Sec. 995.20, Wis. Stats.

“**Discipline**” means any employment action that results in disciplinary suspension without pay, disciplinary education in pay or other benefits, disciplinary demotions and employment terminations. The term “discipline” does not include verbal notices or reminders, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of performance improvement plans or job targets, placing an employee on paid leave pending an internal investigation, action taken pursuant to an ordinance enacted pursuant to Sec. 19.59(1m), Wis. Stats., changes in job assignments or locations, or other personnel actions taken by the employer for non-disciplinary reasons.

“**Governing Body**” means the Common Council of the City.

“**Hearing Officer**” means the impartial hearing officer required to be selected per Sec. 66.0509(1m) (d) 2, Wis. Stats. In the event a Hearing Officer is required by the City, a request shall be made to the Wisconsin Employment Relations Committee to appoint one of its staff as the Hearing Officer.

“**Termination**” means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term “termination” does not include: a voluntary quit; completion of seasonal employment; completion of temporary assignment; completion of contract; layoff or failure to be recalled from layoff at the expiration of the recall period; retirement; job abandonment (“no call, no show” or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license or other inability to perform job duties; or any other cessation of employment not involving an involuntary termination.



**“Workplace Safety”** means conditions of employment affecting an employee’s physical or mental health or safety and resulting from any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

## **Discipline and Grievance Procedure**

**A. Written Grievance.** Any employee who desires to follow this Policy must file with the City Clerk a written grievance that must contain all of the following:

1. The name and position of the employee filing it.
2. A statement of the issue(s) involved.
3. A statement of the relief sought.
4. A detailed explanation of the facts supporting the grievance.
5. The date(s) the event(s) giving rise to the grievance took place.
6. The identity of the policy, procedure or rule being challenged.
7. The steps the employee has taken to review the matter either orally or in writing, with the employee’s immediate supervisor; and
8. The employee’s signature and date of execution.

**B. Steps of the Grievance Procedure.** Before filing a written grievance, employees should first discuss complaints or questions with their immediate supervisor. Supervisors and employees should make every reasonable effort to resolve any questions, problems or misunderstandings that have arisen before filing a grievance. In all cases, and in all the following steps, the grievant shall have the burden of proof to support the grievance.

**1. Step 1 – Written Grievance Filed with the City.** The employee must prepare and file a written grievance with the City within ten (10) business days of when the employee knows (due to receipt of a dated notice) or should have known (due to participating in an activity common sense would indicate was subject to discipline), of the events giving rise to the grievance. The employee’s supervisor or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible, within ten (10) business days of receipt of the grievance. In the event the grievance involves the employer’s supervisor, the employee may initially file the grievance with the Clerk/Treasurer or his/her designee, who shall conduct the Step 1 investigation.

**2. Step 2 – Review by Department Head Review Committee.** If the grievance is not settled at Step 1, the employee may appeal the grievance in writing to the Department Head Review Committee within ten (10) business days of the receipt of the decision of the Department Head (or Clerk/Treasurer) at Step 1. The Department Head Review Committee will consist of the Police Chief, Fire Chief, Library Director, Director of Public Works, Utility Superintendent and Clerk/Treasurer or their designees. In the event the grievance involves a Department Head, that individual will not serve on the committee during the time the grievance is being addressed. The Department Head Review Committee will review the matter and inform the employee of its decision, if possible, within ten (10) business days of receipt of the grievance.

**3. Step 3 – Impartial Hearing Officer.** If the grievance is not settled at Step 2, the employee may request in writing, within ten (10) business days following receipt of the Department Head Committee decision, a request for written review by the Hearing Officer. The Hearing Officer will determine whether the Department Head Review Committee acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue(s) involved, the Hearing Officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. (The Hearing Officer has a total of 10 days to make this determination, and, if considered necessary, work with the Clerk/Treasurer’s Office to schedule a hearing). The Hearing Officer shall prepare a written decision, as soon as reasonably practicable, but in no event more than 30 days after the date of any hearing. Copies of the decision shall be distributed to all interested parties. The Hearing Officer may be provided by WERC. If a Hearing Officer is not available through WERC within the timeframes specified in this ordinance, or if WERC is unable to provide a Hearing Officer who can perform these offices within the timeframe

specified within the ordinance (for instance, due to a heavy caseload) an alternate Hearing Officer will be selected from a predetermined group of qualified Alternate Hearing Officers. Selection process shall not take more than 30 days and will be as follows: 1) The Clerk Treasurer's office contacts members of the group of Alternate Hearing Officers and inquires of their availability. 2) If more than one member is available, the grievant and the Department Head Review Committee select a Hearing Officer that is mutually acceptable. If there is no mutually acceptable Hearing Officer, the Governing Body will select the Hearing Officer in closed session. This group of Alternate Hearing Officers will be composed of individuals whose professional background is appropriate to the duties described herein. The group of qualified Alternate Hearing Officers will be selected by the Mayor and staff and approved by the Governing Body, selection process to begin on formal adoption of this ordinance and approval to occur no later than 60 days subsequent to adoption of this ordinance.

**4. Step 4 – Review by the Governing Body.** If the grievance is not resolved after Step 3, the employee or the City shall request within ten (10) business days of receipt of the written decision from the Hearing Officer a written review by the Governing Body. The Governing Body shall not take testimony or evidence; it may only determine whether the Hearing Officer reached an arbitrary or incorrect result based on a review of the record before the Hearing Officer. The matter will be scheduled for the Governing Body's next regular meeting. The Governing Body will inform the employee of its findings and decision in writing within thirty (30) business days of the Governing Body meeting. The Governing Body shall decide the matter by majority vote and its decision shall be final and binding.

#### **Miscellaneous Matters**

A. An employee may not file a grievance outside of the time limits set forth above. If the employee does not meet the deadlines set forth above, the grievance will be considered resolved. An employee will not be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure.

B. All timelines may be extended by mutual written agreement of the City and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.

C. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received during normal business hours or if postmarked by 11:59 p.m. on the due date.

D. The grievant and the City may mutually agree in writing to waive a step or multiple steps within the procedure. If the grievant and the City do not mutually agree, then all the steps in the procedure described herein must be followed.

E. Granting the requested or agreed upon remedy resolves the grievance.

F. The Hearing Officer may require the employee and/or the City to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The Hearing Officer shall sustain or deny the decision of the Department Head Review Committee. The Hearing Officer is not given authority to modify the decision so made. The Hearing Officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the Hearing Officer will issue a decision in writing indicating the findings and reasons for the decision.

G. If the Hearing Officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Other issues are not subject to modification in the appeal process.

H. The Hearing Officer's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.

3. A statement outlining the timeline to appeal the decision.

**Representation**

Both the employee and the City may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

**Consolidation**

The employee’s immediate supervisor and/or the Hearing Officer may consolidate grievances where a reasonable basis for consolidation exists. If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

**Costs**

Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial Hearing Officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half. The fees of the Hearing Officer will be established by resolution duly adopted from time to time by the Governing Body.

**ARTICLE IX - MISCELLANEOUS**

**9.1 Drug and Alcohol Abuse Policy**

Employees must report to work free of illegal drugs, intoxicants, alcohol, narcotics, or any other controlled substances. Manufacture, distribution, dispensation, possession, or use of any illegal drugs, intoxicants, alcohol, narcotics, or other controlled substances while on City premises (including worksites) or in City vehicles is strictly prohibited. These activities constitute serious violations of City rules, jeopardize the City, and can create situations that are unsafe or that substantially interfere with job performance. Employees who violate this policy will be subject to appropriate disciplinary action, up to and including immediate termination.

Employees who are required to have a CDL or who perform safety sensitive functions are subject to the following. The City has established procedures which will require employees to submit to a urine screen to detect the presence of amphetamines, marijuana, cocaine, opiates and phencyclidine and a breath alcohol test under regulations issued by the USDOT (49 CFR Part 40) in the Federal Register.

The federal drug testing regulations governing this anti-drug program are set forth by the Federal Highway Administration in 49 CFR Parts 382, 390, 391, 392 and 394.

**A. Identity of Individuals to Answer Driver Questions**

Any employee with questions about this policy should direct them to their immediate Supervisor, City Clerk, Mayor, or a member of the Personnel Committee.

**B. Categories of CDL Drivers Tested**

All employees of the City of Waterloo who are required as a condition of their employment to have a Commercial Drivers’ License (CDL) and operate a Commercial Motor Vehicle (CMV) are subject to this policy.

### **C. Safety Sensitive Functions**

The DOT ruling covers employees who perform safety-sensitive functions in the commercial transportation industry as defined by each DOT agency. The Federal Highway Administration (FHWA) ruling includes drivers who must hold a commercial drivers' license (CDL) and perform the following safety sensitive activities:

1. Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other property, or on any public property, unless the driver is relieved from duty by the motor carrier.
2. Equipment inspections as required by sections 392.7 and 392.8 of part 392, driving motor vehicles for service checks and repairs at any time.
3. At the driving controls of a commercial motor vehicle (CMV) in operation.
4. While in or upon any commercial motor vehicle (CMV).
5. Supervising or assisting in loading or unloading a vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate a vehicle, or when giving or receiving receipts for shipments loaded or unloaded.
6. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### **D. Prohibited Conduct**

The City of Waterloo, in accordance with the regulations, prohibits a driver on duty from possessing, being under the influence of, or using:

1. Any Schedule I drug or other substance identified in appendix D of subpart A of 49 CFRP art 392.
2. An amphetamine or any formulation thereof.
3. A narcotic drug or any derivative thereof.
4. Any other substance to a degree which adversely affects the driver's ability to safely use a commercial motor vehicle.

No driver shall consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating, or having physical control of a motor vehicle. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication containing alcohol. No driver shall report for duty or remain on duty while having a breath alcohol concentration of .02 or greater. No driver shall consume or be in possession (unless manifested) of an intoxicating beverage, regardless of its alcoholic content while on duty, or operating, or in physical control of a motor vehicle.

### **E. Circumstances for Testing**

Effective October 15, 1997 employees of the City of Waterloo covered by USDOT regulations pertaining to drug and alcohol testing will therefore be required to submit to a drug and/or alcohol test in the instances set forth as follows:

#### **1. Pre-employment testing**

Applicants will have to sign a release of information form which will allow the City of Waterloo to obtain drug and alcohol test information from all previous employers within the preceding two years.

Applicants will be informed that the City of Waterloo requires all individuals it intends to hire to be drug-free and that passing a pre-employment drug test are a condition of employment at the City of Waterloo. If an applicant refuses to submit to the drug test, or tests positive on the drug test, the applicant will not be considered qualified for employment with the City of Waterloo and will not be offered employment with the City.

## **2. Reasonable cause testing**

The City of Waterloo may require an employee to submit to a drug and alcohol test whenever reasonable suspicion exists that an employee might have engaged in prohibited conduct. The reasonable cause conduct will be documented in writing by an immediate supervisor and “if at all feasible” at least one supervisor will witness the reasonable-cause conduct. No anonymous tips shall ever form the sole basis of reasonable suspicion that an employee has used alcohol or a controlled substance.

Supervisors will have received proper training in the detection and objective evaluation of reasonable cause behavior. The City of Waterloo shall ensure that the employee is transported immediately to a collection site for the collection of a urine and breath specimen. If the employer finds the employee not fit to return to work, the employer will arrange transportation for the employee to his/her home. The employer may also suspend the employee, without pay, pending receipt of the test results. If the test results are negative, the employee will return to work and receive compensation for any wages lost while waiting the test results.

## **3. Post-accident testing**

The City of Waterloo shall require a driver to be readily available to provide a breath specimen to be tested for the presence of alcohol within 2 hours if possible but no later than 8 hours after a reportable accident as defined in 49 CFR Part 390.5. A reportable accident is defined as:

- a. A motor vehicle accident involving a fatality; or
- b. An accident where the driver of the commercial motor vehicle was issued a citation for a moving traffic violation **and** the accident resulted in a vehicle being inoperable (towed away) or involved bodily injury to a person who as a result of the injury required immediate medical treatment away from the scene of the accident. Driver is prohibited from using alcohol following a reportable accident until after completion of the breath alcohol test. Nothing in this paragraph shall require the employee to delay medical treatment when necessary.

As soon as possible, but no later than 2 hours after a reportable accident, the driver shall contact the following people:

- a. An on-duty City of Waterloo Police Officer to notify them of your accident.
- b. Your immediate supervisor. If unable to contact your immediate supervisor, contact the Mayor or City Clerk.

## **4. Random testing**

The City of Waterloo shall use a random selection process to select and request an employee to be tested for the use of alcohol and controlled substances in conformance with the DOT regulations. The minimum annual percentage rate for random drug testing shall be 50 percent of the average number of driver positions. The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions. The random selection process will be performed so that the random testing is “reasonably spread throughout the year”.

## **5. Return to duty and follow-up testing**

When an employee has engaged in prohibited conduct, the City of Waterloo requires that the employee must undergo return to duty alcohol testing with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol or a controlled substances test with a verified negative result if the conduct involved a controlled substance. This testing will occur after the employee has successfully completed a prescribed rehabilitation program and before returning to a safety sensitive position.

Each driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, must be evaluated by a substance abuse professional who will determine if the driver has properly followed any rehabilitation program prescribed (see Disciplinary Actions). The driver shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the employer following the driver's return to duty. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional and shall consist of at least six tests in the first 12 months following the driver's return to duty but shall not exceed 60 months from the date of the driver's return to duty.

**F. Procedures for Testing Driver Safeguards, Assurance of Integrity, Identity and Validity of Results, Chain-of-Custody/Confidential Procedures:**

The employer will instruct the employee/applicant to report to a designated collection site properly trained to collect the urine specimen. A non-viewed collection procedure is utilized to maintain the individual's dignity and privacy. The collection site person divides the sample into two containers in the presence of the employee. These two samples, 'primary' and 'split' are sent to the laboratory. The 'primary' container is opened and used for analysis, the 'split' remains sealed and is stored for further use. A chain-of-custody/control form will be signed at the time of the collection by the employee/applicant and the staff person responsible for monitoring the collection of the urine specimen to ensure the integrity and identity of the results.

Drug testing will be performed by a DHHS/SAMHSA certified laboratory utilizing clinically sound and approved testing methodologies. Specimens are initially screened for five drugs (see below) using an immunoassay method. Any sample with a positive screening result will be confirmed using gas chromatography/mass spectrometry. Only samples testing positive by both methods will be reported positive to the Medical Review Officer (MRO). The name of the individual providing the specimen will remain confidential and will not be provided to the laboratory performing the test. The testing laboratory is only able to identify the specimen by the "specimen identification number" printed on the chain-of-custody form. Specimens testing positive will be frozen and retained for one year for additional testing. *Additional testing will be performed at the expense of the employee.*

The D.O.T. requires the City of Waterloo to test for the following five drugs and/or alcohol:

- Marijuana Metabolites Phencyclidine
- Cocaine Metabolites Amphetamines
- Opiates Metabolites – Amphetamines
- Morphine – Methamphetamine
- Codeine

The laboratory will only release the results of the drug test to the Medical Review Officer (MRO) designated by the employer on the chain-of-custody/control form. The MRO shall verify the results and report to the employer whether the test was positive or negative and the drugs for which there was a positive result.

For pre-employment testing the applicant shall be entitled to test results if he/she requests such results within 60 days of being notified of employment decision by the City of Waterloo.

For reasonable cause, random, post-accident, return to duty or follow-up testing, the employee will be advised of test results and what drug was identified.

Breath alcohol testing will be performed by fully trained and certified Breath Alcohol Technicians (BAT's) using DHHS approved testing devices. The breath alcohol test will be performed in the employee/applicant's presence and documented on an approved DOT Breath Alcohol Testing Form. The employee/applicant and the Breath Alcohol Technician will sign the testing form. At the time of the alcohol test, employee/applicant will receive a copy of the test results, with an identical copy sent to the City of Waterloo.

## **G. Refusal to Test and Noncompliance with Testing Procedures**

All employees/applicants requested to undergo a drug and/or alcohol tests are required to promptly comply with the request. The City of Waterloo expects all prospective and current employees to exercise good faith and cooperate in complying with any procedures required under this policy. Employees who refuse to submit to a drug or alcohol test or engaging in any conduct which operates to jeopardize the integrity of the specimen, or the reliability of the test result will be subject to disciplinary action, up to and including termination, independent and regardless of any test results. This includes failure to show up for a drug and/or alcohol test specimen collection, postponing, and rescheduling of drug and/or alcohol specimen collections. The City of Waterloo reserves the right to require a viewed collection for subsequent urine specimen collections when the employee has failed to cooperate and comply fully with the drug testing collection procedures on previous occasions.

## **H. Disciplinary Actions**

A positive drug or alcohol test, or refusal to submit to a drug or alcohol test, will result in disciplinary action as provided in the Disciplinary Actions section of the Employee Handbook which may include termination of employment.

An employee with a positive alcohol test of at least .02 but less than .04 will be removed from performing a safety-sensitive function for at least 24 hours and/or until testing negative for breath alcohol.

*<Note: Federal Highway Administration rules stipulate that any driver with a measurable amount (greater than .02) of alcohol in his/her system be removed from performing a safety-sensitive function for at least 24 hours. Only employers regulated by other DOT agencies (FAA, Transit, etc.) are allowed to respond to employees initially testing positive at greater than .02 but less than .04 by 1) retesting and then returning employee to duty if the subsequent test shows no measurable amount (less than .02) of alcohol or 2) waiting at least 8 hours after the positive test before returning employee to the safety sensitive function.>*

An employee with a positive drug test or a breath alcohol test result of .04 or greater will be required to undergo evaluation by a qualified Substance Abuse Professional (SAP) to determine the need for treatment. If treatment is indicated, the employee will be expected to participate and comply with the recommended treatment and any aftercare or follow-up treatment that may be recommended. The employee will also be required to authorize the employer to communicate with the SAP to ensure that the employee is participating in the treatment and remaining drug-free. Failure to comply with these provisions and remain drug-free will result in the disciplinary action, up to and including termination.

The City of Waterloo will require follow-up drug and/or alcohol tests on an employee who has returned to work following successful completion of a drug/alcohol treatment program (see follow up testing above). Any subsequent positive drug tests will result in disciplinary action, up to and including termination.

## **I. Rehabilitation**

As is required by the DOT regulations the City of Waterloo will provide employees with informational material and a community service hotline telephone number on drug treatment services. *< (This information is attached, if not attached the information can be obtained from the City Clerk.)>*

The City of Waterloo does provide group health insurance benefits to employees. The employee will pay for all costs of rehabilitation not covered under the company's benefit plan. A leave of absence to participate in drug rehabilitation will not be paid by the employer. An employee may however choose to utilize vacation and sick leave he/she has available to pay for the lost time from work.

## **J. Record Keeping**

All records related to the administration and results of the drug and alcohol testing program shall be kept confidential and retained by the employer in the employee's qualification file for a minimum period of 5 years,

except that negative test results shall be retained for a minimum of 12 months. Employers are required under 49 CFR Part 382.413 to obtain or release, pursuant to a driver's written consent, information the driver's alcohol tests with a concentration result of .04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which are maintained by the driver's previous employers.

A Medical Review Officer shall retain the reports of individual test results for a minimum of 5 years.

The laboratory performing the testing shall keep all records pertaining to the drug test for a period of 2 years. The laboratory may disclose information related to a positive drug test of an individual to the individual, the employer, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.

#### **K. Employee Training Program**

The City of Waterloo as required by the DOT regulations will provide supervisors 120 minutes of education and training on alcohol misuse and controlled substance use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The City of Waterloo will also provide each employee with a copy of the company policy relating to drug and alcohol use. In addition to each employee shall be given information concerning the effects of alcohol and controlled substances use on a person's health, work and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

#### **L. Prescribed Drugs**

Inappropriate use of prescription drugs is considered a violation of this policy. The employee must report the use of prescription drugs which may adversely affect work behavior or job performance. Disclosure of the use of prescriptions shall be considered confidential. Violation of these provisions will result in immediate removal from the work site and appropriate disciplinary action, which may include termination of employment.

The designated Medical Review Officer (*or treating physician*) familiar with the employee's medical history and the requirements of the job must provide a release statement indicating that use of the medication at the prescribed level will not affect the employee/applicant's ability to perform the duties of his/her job. The release statement must be obtained before the individual will be permitted to work or return to work.

#### **M. Cross-Reference**

The City of Waterloo will seek termination as the discipline resulting from any violation of the Drug and Alcohol Abuse Policy while on Stand-By/Emergency Status. See Section 6.5B3 Stand-By/Emergency Status.

### **9.2 Commercial Driving License Policy**

Any employee who operates a Commercial Motor Vehicle will be required to hold the proper and valid licenses. (The minimum subclasses required, but not limited to, for employment purposes are A, B, and D.)

- A. Any job applicant submitting application for a position requiring a Commercial Motor Vehicle license will be required to provide their employment history as a commercial motor vehicle operator for the past ten (10) years.
- B. The following offenses shall disqualify employees from employment with the City of Waterloo:
  - 1. Operating while intoxicated (OWI) in a Commercial Motor Vehicle.
  - 2. Knowing and willfully leaving an accident scene involving a Commercial Motor Vehicle.
  - 3. Use of a Commercial Motor Vehicle in commission of a felony.
  - 4. Refusing chemical testing while operating a Commercial Motor Vehicle.



5. Commercial Motor Vehicle drivers who are addicted to the use of intoxicating liquor or controlled substances.
- C. Employees in possession or on duty within four (4) hours of consuming alcohol or having any measured blood alcohol concentration above zero will be ordered out of service for 24 hours without compensation.
- D. Employees who have been convicted with any of the following shall be subject to termination of employment:
  1. Operating a commercial motor vehicle while under the influence with BAC of .04% or more.
  2. Disqualification from operating a commercial motor vehicle.
  3. Any offenses committed in section C of this commercial motor vehicle policy.

### **9.3 Computer Use Policy**

The purpose of this policy is to set guidelines for use of electronic information systems by employees of the City of Waterloo.

All electronic communication systems provided by the City of Waterloo, including but not limited to telephones, e-mail, voice mail, text messages, pagers, the Internet, and computer hardware and software, are the sole property of the City of Waterloo. This includes all information transmitted by, received in or from, and/or stored on these systems. The City may routinely access and monitor these electronic communication systems including e-mail, internet usage, text messages, and voice mail, for legitimate business purposes, at any time, with or without prior notice. Employees have no right or expectation of privacy or confidentiality in their use of the City's electronic communication systems (including, specifically, e-mail, cellular telephones, internet access, mobile data computers, telephone voicemails or text messages, or any other electronic systems owned by the City).

No employee may use the City's systems to access (or attempt to access) stored materials or data that is not appropriate for that employee's position or is outside the scope of his/her employment duties. Employees shall not attempt to destroy data, damage systems or access other users' accounts. Employees shall not operate a personal business using the City's systems. Any violations of the City's policies will result in disciplinary action, up to and including termination of employment.

#### **1. General Issues**

- a. By using any City computer or network account, the user understands and agrees to the following:
  1. Users are responsible for all use of computers and network accounts provided to them by the City, including password maintenance. Only those who have had user accounts approved and created by Department Supervisors are authorized to use the network and are allowed to use only those resources that the Supervisor grants access to unless authorized by the City. Access to such computers and network accounts for maintenance/service purposes by persons responsible for departmental computing or Supervisors is considered authorized.

#### **2. Passwords**

- a. Responsible use includes choosing passwords that are not easily deduced by others. Those with network accounts should not give their network user ID or password to anyone else to use their network account. Voluntary authorized disclosure of a password may result in suspension, revocation and/or denial of computing privileges.
- b. Disclosure of passwords to persons responsible for departmental computing is considered authorized disclosure.
- c. Users that suspect that their City-provided computer or network accounts have been accessed without their permission are expected to change their passwords and are strongly encouraged to report the suspected activity.

- d. Periodically, all user accounts will be audited for verification of password security, access codes or access violations.

### **3. Software/Disks**

- a. The Networks are for storing work-related files and printing work-related jobs only. Users are not allowed to install or store any software applications on the network that are not licensed or approved by the Department Supervisor. It is the user's responsibility to have any disk, compact disk (CD) or other storage media that has been used in a non-City computer scanned for viruses before using that disk in a City computer. Department Supervisor or designated personnel must complete scans. Piracy of software and use of non-authorized disks can result in loss of computer privileges and possible disciplinary or criminal action.

### **4. File Back-up**

- a. Each department shall back up files stored on file servers and other central storage systems on a regular basis. This policy does not include individual workstations. A full backup of all systems will be executed once a week. Media to be discarded will be fully destroyed by Department Supervisors to prevent the unauthorized recovery of any data they may contain.
- b. Full backups will include all user files and the network operating system, including all server databases, such as NT's SAM and Novell's/ NDS. Many backup programs do not back up files that users have opened at the time of backup. Department Supervisor's will periodically make efforts to inform its user community that files open overnight will not get backed up. Alternatively, the Department Supervisor may recommend and install a service agent that aids in backing up open files.
- c. Department Supervisors will use a backup system that allows searching for and retrieval of backup files. The backup system will be designed to allow restoring user files on request. However, no tape backup system can guarantee the restoration of files. The network will be unavailable nightly for backup, during hours coinciding with host systems' backup. The network may be shut down at other times for maintenance or other work. Issues that impact the Department Supervisor's ability to restore a file include:
  - 1. A file that was open consistently overnight has not been backed up. It thus cannot be restored.
  - 2. A file that has not been in existence long enough to be backed up cannot be restored. For instance, a file created in the morning and accidentally deleted in the afternoon will not have been backed up and thus cannot be restored through this method.
  - 3. A file whose name the user cannot remember cannot be restored. Files are restored based on filename. Guesses, based on wildcards, are allowed, but when the user can remember no part of the name, the file cannot be restored.
  - 4. Occasionally, backup jobs do not complete. The Department Supervisor will make every effort to ensure that the scheduled backup happens each night. Even with these efforts a version of a file may not get backed up in the intervening period where a failed backup and a successful backup are run. Because of these points, file restoration will be done on a best-effort basis.

### **5. Virus Protection**

- a. Virus protection will be constantly running on all local machines to protect from virus infection. The department Supervisor or designee is responsible for cleaning up virus damage to any personal computer infected from (or suspected of being infected from) a file on the network. Virus protection will be running on the network servers, but such protection might not prevent all virus activity, and active virus protection on the local machine is highly recommended for all users of the network. The threat of viruses, whether actual or potential, shall be grounds for removing or restricting network access. For help in evaluating the virus protection running on your computer or advice in reducing potential threats, please contact the Department Supervisor.

## **6. System Security/Confidentiality**

- a. The City will seek to maintain system security, but users should not assume that information in their accounts is private. Authorized City personnel may obtain access to computing and networking resources as necessary to service the computing system and to investigate suspected violations of this policy, including unlawful activity. Users will be notified of such access when required by law and/or City policy.
- b. The City cannot and does not guarantee the confidentiality of electronic information. In addition to accidental and intentional breaches of security, the City may be compelled to disclose electronic information as required by law.
- c. Any and all information maintained on City owned computers/network accounts, whether City related or not, is accessible by the City. As part of its necessary routine operations, the City occasionally gains access to network accounts and other computing services it makes directly or indirectly available to the community.
- d. Suspected violations by City employees, whether supervisors or staff, will be reported to the City Council and handled through normal channels established for disciplinary action. All other information accessed during such routine operations will be treated as confidential, except as otherwise required by this policy or law. Unless otherwise prohibited by law, and subject to legal requirements, the City and law enforcement personnel may access computers, network accounts or any other electronic information or technology necessary to investigate suspected violations of this policy or unlawful activity. Users agree to use the computers and network accounts only for lawful purposes, which are consistent with City policies and procedures. Unlawful use of computers or network accounts includes, but is not limited to, defamation; obscenity; discrimination; violation of copyrights, trademarks and/or licenses; and/or violation of other rights arising under the law.
- e. Each user is responsible for all information she/he accesses, makes available or distributes using the computer/network account. Users may use their computers and network accounts for non-City matters except as otherwise prohibited by this or other City policy or where such use unreasonably interferes with job performance, or system performance/operations. Such use is subject to the terms of this policy, including without limitation terms regarding access to information on City computers and accounts.
- f. Only authorized library personnel may change the SHARE database. The library has a policy concerning the confidentiality of all library records in the SHARE.

## **7. Fundraising**

Users agree not to use their computers or network accounts for non-City fundraising, commercial purposes or personal finance gain. Users are permitted to advertise personal items for sale on electronic forums, which allow such postings, but the advertisement(s) should not interfere with the intended purposes of those forums. City personnel may engage in fundraising and commercial activity on behalf of the City in connection with official City-related duties or City-sanctioned activities.

## **8. Policy Violations**

1. Users understand that violation of this Policy may result in suspension or termination of computer, network account and other access and, depending upon the circumstances, may result in disciplinary action including, but not limited to, employment termination. Policy violations will be processed through normal City channels. If the activity is also unlawful, it may result in criminal prosecution. Pending resolution of any disciplinary process, the Department Supervisor or designee may suspend City computing privileges if the alleged violation is reasonably perceived to constitute unlawful activity, pose a substantial risk to the safety or welfare of the City or members of the community. In the event of a

perceived emergency or where other exigent circumstances demand immediate action, the Department Supervisor or designee may immediately suspend computing privileges and notice will be given to the user as soon after as reasonably possible.

2. If a user who loses his/her computing privileges cannot perform his/her job without those privileges, the user's employment may be suspended or terminated. The City reserves the right to seek restitution and/or indemnification from an employee for damage(s) arising from violations of this policy. In addition, the City and/or third parties may pursue criminal and/or civil prosecution for violations of the law. In non-emergency situations, the Department Supervisor or designee will provide the user with notice of the perceived problem and an opportunity to be heard before privileges are suspended. A suspension may be appealed in writing to the City Attorney or designee within three business days of the effective date of the suspension. The City Attorney or designee will provide a written decision to the Department Supervisor and the user within five business days or receipt of the appeal. The City's Attorney's or designee's decision will remain in effect pending final resolution of the disciplinary proceeding.

#### **9.4 Use of Communication Technologies & Devices**

##### **A. Purpose**

The City of Waterloo provides certain employees with access to communication technologies such as cell phones, the Internet and electronic mail (email) for the purpose of conducting official City business. The City allows and encourages use of e-mail and the Internet to accomplish your job responsibilities.

#### **PERMITTED AND ACCEPTABLE USES OF EMAIL AND THE INTERNET:**

Email and the Internet are business tools, to be used for business purposes. The Internet is to be used only by employees authorized to use it. Please remember that e-mail originating from the City has the City's name on it.

#### **PROHIBITED USES OF EMAIL AND THE INTERNET (both work-related and personal):**

**A. Email System:** The City of Waterloo provides an electronic communication system to employees to assist in conducting official City business. All email sent, received or stored on the City of Waterloo's electronic communication systems is the property of the City of Waterloo.

1. Guidelines for Email system use:
  - a. Although an employee may have a personal password, email can be accessed by the city with or without advance notice.
  - b. All messages sent and received on the email system are the property of the City and may constitute public records and should not be regarded as private communications.
  - c. Employees are strictly prohibited from creating, soliciting, and/or exchanging messages, audio recordings or images that are offensive, harassing, sexually oriented, defamatory, obscene or threatening.
  - d. Discrimination and/or harassment over the email system will not be tolerated and constitutes a clear violation of city policy.
  - e. The city allows limited, occasional or incidental personal use of the email system provided the use does not involve prohibited activities, interfere with productivity, consumes storage capacity, or involve large files

- f. Employees are prohibited from using City computers or cell phones/devices to access personal email services such as offered by Google, Yahoo, Hotmail etc., without approval from a supervisor.
- g. The general rule is that email is a public record whenever a paper message with the same content would be a public record. Therefore, email messages may be subject to Open Records Requests by the public.
- h. Employees shall not distribute advertisements, chain letters or similar materials.
- i. Employees should not open links or attachments received from an unknown source or unverified source

**B. Internet Access:** Internet access via City electronic communication systems will be granted to all employees capable of executing the computer technology programs unless specifically denied by their supervisor. Sites that are inappropriate and not authorized to be visited include sites that are sexually oriented, sites that discriminate based on sex, religion, national origin, or religious beliefs, or any other site deemed inappropriate by a supervisor of the City of Waterloo. The above does not apply if the sites must be visited in the performance of a law enforcement function. The employee's immediate supervisor is to be contacted for clarification if questions arise as to the appropriateness of visiting the site. The City has the capability to monitor internet activity by users of City electronic communication systems and reserves the right to do so.

1. Guidelines for Internet Use:

- a. Each employee accessing the Internet with a City computer shall log on and off at the beginning and end of each shift. Each employee shall use their individual access code. The use of another employee's code or password is strictly prohibited, without proper authority.
- b. Employees shall not save or distribute materials subject to copyright restrictions.
- c. Incidental and occasional personal use of the Internet is permitted. Such personal use may not create any additional cost to the city and is subject to such guidelines and standards as are adopted by the employee's supervisor. Excessive personal use may lead to the termination of the employee's ability to use the Internet and further disciplinary action.
- d. Abilities to download and conduct file transfers must be authorized by the employee's Supervisor. The purpose of this authorization is to ensure that downloads are for business purposes, and to minimize the impact of such operations on the overall network. This authorization also exists to prevent users from downloading and implementing software that has the potential to crash the City's records management system. Under no circumstances shall employees download or install executable programs.
- e. Other than portable equipment (i.e., laptop computers), employees shall not unplug, disconnect, nor move computer equipment or peripherals without approval from their supervisor.

**C. Social Networking:** The use of Internet social networking sites (Myspace, Facebook, Twitter, blogging, etc.) is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the City of Waterloo and its relationship with the community.

1. Guidelines for employees' work-time use of Social Networking:

- a. Employees are prohibited from using City computers or cell phones/devices for any unauthorized purpose, including participation in social media or social networking.
- b. Employees are prohibited from using any social media or social networking platform while on duty, unless permission is granted for investigative or public information purposes.
  - (1) An employee using social media during work time has no expectation of privacy. Employees are advised that social media posts may be subject to discovery under the Freedom of information Act and/or the Wisconsin Open Records Act pursuant to Sec. 19.35. Wisc. Stats. and all other litigation-related and non-litigation-related discovery devices.
- c. Unless granted explicit permission, employees of the City are prohibited from posting any of the following on any social networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:
  - (1) Any text message, written narrative, photograph, audio, video, or any other multimedia file related to any investigation, personnel issues, vehicle crashes, fire and EMS response, zoning or building issues, or any other city-department issues that employees are privy to, both current and past.

2. Guidelines for employees' off-duty use of Social Networking

- a. Employees who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City or its mission. In the course of operating or participating in such venues, the following rules shall apply:
  - (1) Employees are prohibited from speaking on behalf of the City unless authorized by their supervisor. All personal comments must be labeled as personal, and a disclaimer made as to not representing the City or city officials.
  - (2) Employees will be responsible for the content that appears on their maintained social media or social networking sites.
  - (3) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states or opines or otherwise expresses the employee's views on the legal, judicial or criminal justice systems shall not, in any way, undermine the public's trust and confidence in the City.
  - (4) Any posting that encourages the use of illegal substances or criminal activity by members of the general public is strictly prohibited. Any posting made by others to the employee's site that advocates or encourages the use of illegal substances or criminal activity shall be immediately removed by the employee.
  - (5) Employees who become the focus of a Complaint related to the use of Internet Social Networking Sites may be ordered to provide the City, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

**D. Cellular Telephones:** Unless extenuating circumstances exist, City employees shall not utilize a cellular telephone while driving a City vehicle. Employees operating a City vehicle shall refrain from dialing calls while the vehicle is in motion.

1. Guidelines for City issued cellular telephones:
  - a. Employees shall ensure that the cellular telephones assigned to them or their assigned City vehicle, are properly maintained, activated, and charged.
  - b. Personal use of a City-issued cellular telephone should be kept to a minimum. Personal calls may be allowed in limited instances of family emergencies, such as:
    - (1) Illness/injury
    - (2) Unanticipated changes in work schedule
    - (3) Emergency childcare issues
  - c. The use of text messaging features on City-issued cellular telephones is reserved for department related business and only if authorized by the on-duty supervisor.
  - d. Employees shall avoid publication and distribution of City cellular phone numbers.
2. Guidelines for Personal cellular telephones
  - a. The City allows limited, occasional or incidental personal use of personal cellular telephones while on duty.
  - b. An employee shall not use their personal cellular telephone while on duty in view of the public, or when the employee should be available to assist the public.
  - c. Photographs or audio recordings shall not be taken with personal cellular telephones at a crime scene or in connection with any law enforcement related business.
  - d. Excessive personal use of a personal cellular telephone may lead to the termination of the employee's ability to use and carry their personal cellular telephone while on duty.
  - e. Employees may use their personal cell phone during scheduled breaks to access personal email services such as those offered by Google, Yahoo, and Hotmail.
  - f. The City will not repair or replace personal cellular telephones should they be lost, stolen or damaged while on duty.
3. The City requires safe use of its cellular phones by employees. Cellular phone should not be used while driving because of safety concerns. Employees should pull over to the side of the road to make or receive calls instead. If a Police Officer is unable to pull over or stop before receiving a cellular telephone call, and it is warranted that the call be taken immediately, they should keep the business conversation brief, and immediately locate a safe area to park their vehicle.

**E. Telephone Voicemail:** A voicemail mailbox is assigned to employees of the City of Waterloo as a method of processing telephone messages. Whenever practical, the caller shall be informed of the work hours and next workday of the employee that contact is being attempted with.

1. Guidelines for Voicemail Use:
  - a. Voicemail messages are to be retrieved at least twice during a shift and handled expeditiously.

- b. Voicemail greetings are to be kept current at all times and to provide the caller with accurate information as to the availability of the employee being called.
- c. Employees shall regularly remove outdated or unessential messages to prevent a voice message full mailbox status.
- d. If an employee is to be gone for a period of time exceeding their normal off days, the voice message will accurately reflect their status and estimated return time.

**Passwords and/or Access Codes:** Passwords and /or access codes assigned or chosen by employees are to be maintained as confidential with respect to other employees. The use of another employee's password or access code is strictly prohibited without the explicit authority of the employee's supervisor. Passwords and access codes do not imply an employee's right to privacy and the City will monitor all electronic communications whether or not those communications have password or access protections.

### **Downloading Files and the Installation of Software:**

Prior written approval from your Department Head as designated is required before any software programs or files are downloaded through the Internet or before any software from any external source is installed on any City workstation or on the City network. This is necessary to avoid viruses and unnecessary clogging of the system.

### **Use of Telephones**

Office telephones are a vital part of our business operation. Because of the large volume of business transacted by telephone, personal use of the telephone should be limited, and personal calls should be brief. Personal long-distance calls must be tracked and paid for by the employee.

### **Enforcement:**

Employees who violate this policy may be subject to disciplinary action, up to and/or including dismissal.

### **Solicitations, Distributions, and Use of Bulletin Boards**

Employees may not solicit any other employee during working time, nor may employees distribute literature in work areas at any time. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time. Persons not employed by the City may not solicit City employees for any purposes on City premises.

Bulletin boards maintained by the City are to be used only for posting or distributing material containing matters directly concerning City business or announcements of a business nature which are equally applicable and of interest to employees. Employees are expected to check these bulletin boards periodically for new or updated information and to follow any rules set forth in posted notices. All materials must be approved by the City prior to posting. Employees are not to remove materials from the bulletin boards.

### **City Equipment and Supplies**

Under no circumstances may City equipment or supplies be used by employees for personal use. Employees are expected to exercise care at all times when in use of City property and may only use such property of the City for authorized purposes. Loss, damage, or theft of City property should be reported to your supervisor and the City Clerk/Treasurer immediately. Employees that violate this policy will be subject to appropriate disciplinary action, up to and including immediate termination, as well as potential civil and/or criminal liability.



## **Personal Property**

The City is not liable or responsible for any personal property which is lost, stolen, or damaged while on the City's premises.

## **Internal Investigations and Searches**

From time to time, the City may conduct internal investigations pertaining to security, auditing, or work-related matters. Employees are required to cooperate fully with and assist in these investigations if requested to do so. Desks, file cabinets, and other storage devices may be provided for the convenience of employees but remain the sole property of the City. In the City's discretion, work areas (including desks, file cabinets, and other storage devices) and personal belongings may be subject to search without notice. Employees do not have any right or expectation of privacy in City desks, file cabinets, storage devices, or any other locations on City property.

## **Updating Personnel Records**

In order to ensure the accuracy of the City's personnel records, it is important that employees promptly notify the City Clerk/Treasurer of any changes in: (i) name and/or marital status; (ii) address and/or telephone number; (iii) eligible dependents and/or W-4 deductions; and (iv) person to contact in case of emergency.

## **ARTICLE X - SEPARATION OF EMPLOYMENT**

### **10.1 Resignation**

Employees who quit their employment are asked to provide at least two (2) week's written notice to their supervisor and the City Clerk/Treasurer prior to their termination date. Failure to provide such notice shall cause the employee's personnel record to indicate that the employee did not leave the City in good standing. The City Council retains the right to waive the resignation notice requirement. Employees are not authorized to be in possession, custody, or control of any City property after the separation of their employment.

### **10.2 Disposition of the Final Paycheck**

The final paycheck of an employee shall be computed and direct deposited on the regular scheduled payday following the termination date.

**Appendix: A Residency**

**4.1 Residency**

**Department of Public Works  
Police Department**  
No residency by contract

**Waterloo Water & Light Utility**  
Within 30 minutes

## **Appendix: B Employee Compensation – Longevity Pay**

### **6.1 Employee Compensation**

#### **Longevity Pay**

Longevity pay will be granted and paid annually to all full-time employees in the first pay period of December.

#### Payment

1. Employees with 5-10 years shall receive an additional five (5) cents per hour, to a maximum of 2080 hours per year (\$104.00).
2. Employees with 11-15 years shall receive an additional seven and one half (7.5) cents per hour, to a maximum of 2080 hours per year (\$156.00).
3. Employees with more than 15 years shall receive an additional ten (10) cents per hour, to a maximum of 2080 hours per year (\$208.00).

## **Appendix: C Overtime Compensation**

### **6.2 Overtime Compensation**

#### **Department of Public Works Employees:**

Overtime work performed on Sunday and/or holidays shall be paid at two (2) times the regular rate.

Employees on call for a weekend shall receive (4) hours at straight time pay for each day on call, plus time and one-half (1 ½) pay for actual time spent on the job, with a minimum of two (2) hours.

Employees on call for a holiday receive four (4) hours pay at straight time, plus double time pay for actual time spent on the job, with a minimum of two (2) hours. On call scheduling begins with the Memorial Day holiday and ends with the Labor Day holiday. Holidays are defined in appendix D. On call employees are required to respond to work as soon as possible but no later than thirty (30) minutes.

Call In Pay: Any employee who is called in for work at a time other than when he or she is scheduled shall be compensated a minimum of two (2) hours at the overtime rate of one and one-half (1 ½) times the regular rate for work performed Monday through Saturday, and two (2) times the regular rate for work performed on Sunday and/or holidays. Call-in pay shall start when an employee arrives at the shop, or at the work site, whichever comes first.

#### **Police Department Employees:**

Call In Pay: Any employee who is called in for work at a time other than when he or she is scheduled shall be compensated a minimum of two (2) hours at the overtime rate of one and one-half (1 ½) times the regular rate for work performed Monday through Sunday, and two (2) times the regular rate for work performed on a holiday. Call-in pay shall start when an employee arrives at the shop, or at the work site, whichever comes first.

#### **Waterloo Water & Light Utility Employees:**

The employee designated to answer the after-hours/emergency number will be compensated eight (8) hours overtime pay per weekend (4pm Friday until 07:30 am on Monday). The designated employee must remain within 30 minutes from the service territory. The Superintendent answers the after-hours/emergency number during the week.

Employees on call for a holiday will receive two hours overtime pay, plus overtime pay for actual time spent on the job. If an employee is called in, a minimum of two hours of overtime pay will be paid.

Call In Pay: Any employee who is called in for work at a time other than when he or she is scheduled shall be compensated a minimum of two (2) hours at the overtime rate of one and one-half (1 ½) times the regular rate. Unless it is within two hours and consecutive with the start of a normal shift, then it will be overtime for hours worked outside of their normal shift (07:30 AM-4PM). Example: Employee gets called in at 7am, they would only receive ½ hour of overtime.

Rest Period: In the event an employee is required to work four (4) or more consecutive hours between 10PM and 0730AM, after an 8-hour day, an employee will receive ½ the time worked off the following normal work shift. Example: An employee works a full 8-hour day that ended at 4PM, they are called in at 10PM and work until 2AM. Their normal workday begins at 0730AM, they would return to work at 0930AM. They would receive regular hour pay from 0730-0930 AM. The employee has the option to start at 07:30AM and leave at 2PM taking the 2 hours at the end of the shift.

## Appendix: D Holidays, Holiday Pay & Personal Time Off

### 7.1 Holidays, Holiday Pay & Personal Time Off

#### Full-Time Employees:

##### Clerk/Treasurer's Office, Police Administrative Assistant and Waterloo Water & Light

Ten total days of holiday

1) New Year's Day, 2) Friday before Easter, 3) Memorial Day, 4) 4<sup>th</sup> of July, 5) Labor Day, 6) Thanksgiving Day, 7) Friday after Thanksgiving, 8) Christmas Eve Day, 9) Christmas Day, 10) ½ day (afternoon) New Year's Eve Day and ½ day personal time off

#### Full-Time Employees:

##### Library employees

Ten total days of holiday

1) New Year's Day, 2) Friday before Easter, 3) Memorial Day, 4) 4<sup>th</sup> of July, 5) Labor Day, 6) Thanksgiving Day, 7) Christmas Eve Day, 8) Christmas Day, 9) ½ day (afternoon) New Year's Eve Day and 1½ days personal time off

#### Full-Time Employees:

##### Department of Public Works

Ten total days of holiday

1) New Year's Day, 2) Friday before Easter, 3) Memorial Day, 4) 4<sup>th</sup> of July, 5) Labor Day, 6) Thanksgiving Day, 7) Friday after Thanksgiving, 8) Christmas Eve Day, 9) Christmas Day, 10) New Year's Eve Day

(Common Council Approval Resolution #2016-22 - June 2, 2016)

Eight (8) ten (10) hour days of holiday (the normal workday is 10 hours)

1) New Year's Day, 2) Easter Sunday, 3) Memorial Day, 4) 4<sup>th</sup> of July, 5) Labor Day, 6) Veteran's Day, 7) Thanksgiving Day, 8) Christmas Day.

All full-time Fire Department employees may take an alternate day off for each of the holidays, subject to prior approval of the Fire Chief or Assistant Fire Chief. If the request is granted, such specified day shall be taken off during the calendar year of which the holiday was earned. Exceptions to the timetable may be granted by the Fire Chief or Assistant Fire Chief.

If the holiday in question cannot be filled with a volunteer staff member, the full-time employee will be paid for the holiday at straight time for 10 hours along with their regular pay.

#### Full-Time Employees:

##### Police Department, Chief of Police and Lieutenant

Ten total days of holiday

1) New Year's Day, 2) Easter Sunday, 3) Memorial Day, 4) 4<sup>th</sup> of July, 5) Labor Day, 6) Veterans Day, 7) Thanksgiving Day, 8) Christmas Eve, 9) Christmas Day 10) New Year's Eve.

The Chief of Police and the Lieutenant may take an alternate day off for each of the holidays earned, subject to the approval of the Chief of Police. If the request is granted, such specified day shall be taken off during the calendar year of which the holiday was earned. Exceptions to the timetable may be granted by the Chief of Police.

#### Full-Time Employees:

##### Waterloo Water & Light Utility

8.5 total days of holiday

1) New Year's Day, 2) Memorial Day, 3) 4<sup>th</sup> of July, 4) Labor Day, 5) Thanksgiving Day, 6) Christmas Eve Day 7) Christmas Day, 8) Birthday, 8.5) ½ day (afternoon) New Year's Eve Day

Note: All Full-Time employees a day = 8 hours and ½ day = 4 hours

All personal time off days must be used within the same calendar year earned.

Personal time off days can only be used in 4 hour or 8-hour shifts.

All personal time off days are paid at straight time.

06/02/2016

## Appendix: E Uniforms

### 7.16 Uniforms

#### Full-Time Department of Public Works Employees

The Employer shall provide all full-time Department of Public Works Employees with a uniform allowance of two hundred fifty (\$250.00) per year. Up to one half (1/2) of this allowance may be carried over to the following year.

#### Full-Time Police Department Employees, Chief of Police and Lieutenant

The Employer shall provide the Chief of Police and the Lieutenant with a uniform allowance of five hundred dollars (\$500.00) per year. Up to one hundred fifty dollars (\$150.00) of the annual uniform allowance may be carried over from year to year, to a maximum of five hundred dollars (\$500.00) for the sole purpose of purchasing expensive duty equipment (i.e.) (ballistic vest, duty weapon, jackets, etc.).

The employer shall provide all part-time Police Officers with a uniform allowance of One Hundred and Seventy-Five Dollars (\$175.00) per year. To remain eligible a minimum of sixty (60) hours per year must be worked.

**Full-Time Fire Department Employees, Firefighter/EMT-I**

The Employer shall provide all full-time Fire Department Employees with a uniform allowance of five hundred dollars (\$500.00) per year. Up to one hundred dollars (\$100.00) of the annual uniform allowance may be carried over from year to year, to a maximum of five hundred dollars (\$500.00) for the sole purpose of purchasing expensive equipment.

**Full-Time Waterloo Water & Light Utility Employees, except clerical and administrative staff**

Employees will receive an annual footwear allowance to be determined by the Superintendent.

Linemen (requires Flame Retardant FR) will be given an annual allowance to be determined by the Superintendent to purchase FR clothing. Lineman will be responsible for their own laundering.

Water & Sewer employees will have uniforms and laundering provided by the utility.

**Appendix: F Vacation Policy**

**7.2 Vacation Policy**

**Clerk/Treasurer's Office, Department of Public Works, Library, Police Administration, Fire Department, and Waterloo Water & Light Utility**

Paid vacation is available for all regular full-time employees normally scheduled to work 2080 hours per year and shall be calculated by using the anniversary date of hire. An employee is only eligible for vacation at the end of the first year of employment. Vacation will be earned as follows:

- After 1 year of employment = 40 hours
- After 2 years of employment = 80 hours
- After 3 years of employment = 88 hours
- After 4 years of employment = 96 hours
- After 5 years of employment = 104 hours
- After 6 years of employment = 112 hours
- After 7 years of employment = 120 hours
- After 8 years of employment = 128 hours
- After 9 years of employment = 136 hours
- After 10 years of employment = 144 hours
- After 11 years of employment = 152 hours
- After 12 years of employment = 160 hours (8 hours additional every two years thereafter, to a maximum of 200 hours)
- After 13 years of employment = 160 hours
- After 14 years of employment = 168 hours
- After 15 years of employment = 168 hours
- After 16 years of employment = 176 hours
- After 17 years of employment = 176 hours
- After 18 years of employment = 184 hours
- After 19 years of employment = 184 hours
- After 20 years of employment = 192 hours
- After 21 years of employment = 192 hours
- After 22 years of employment = 200 hours maximum

## **Appendix: G Driver Background Check**

### **Driver Background Check**

Page **44** of **51**

## Request for Information

I \_\_\_\_\_ hereby authorize  
(Print name)

\_\_\_\_\_  
(Previous employer name & mailing address)

approximate dates of employment: \_\_\_\_\_  
(within 2 years of date listed below)

to release drug and alcohol test information as required by 49 CFR part 382.413, to the City of Waterloo upon receipt of this request. This information must include information on alcohol tests with a concentration result of .04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years.

Please refer all applicable information to: City of Waterloo  
Attn: \_\_\_\_\_  
136 North Monroe Street  
Waterloo, WI 53594  
  
Phone: 920-478-3025  
  
Fax: 920-478-4746

Thank you for your cooperation with this request.

\_\_\_\_\_  
Driver Signature

\_\_\_\_\_  
Date



**Appendix: H Formal Employee Grievance Form**

**FORMAL EMPLOYEE GRIEVANCE  
CITY OF WATERLOO  
WATERLOO, WISCONSIN**

**PLEASE PRINT OR TYPE**

Employee Name: \_\_\_\_\_ Department: \_\_\_\_\_

Date of Grievance: \_\_\_\_\_ Date of Filing: \_\_\_\_\_

Nature of Grievance (attach a separate sheet of paper explaining in detail the nature of your grievance)

Witnesses/other informed persons: \_\_\_\_\_

Has grievance been discussed with your supervisor? \_\_\_\_ Yes \_\_\_\_ No

If yes, with whom? \_\_\_\_\_ When (Date)? \_\_\_\_\_

What action has been taken? \_\_\_\_\_

Has grievance been discussed with the Department Head Review Committee or the Common Council?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, when (date)? \_\_\_\_\_ What action has been taken? \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

**DO NOT WRITE BELOW THIS LINE**

\*\*\*\*\*

Date Formal Employee Grievance Received by Oversight Committee \_\_\_\_\_

Initial Committee Meeting Heard on (date) \_\_\_\_\_

Committee Findings: \_\_\_\_\_

**Appendix: H Formal Employee Grievance Form (cont.)**

**GRIEVANCE FINDINGS**

Employee notified of Findings (date): \_\_\_\_\_ How notified: \_\_\_ In writing \_\_\_ In person - by whom? \_\_\_\_\_ Committee Hearing Scheduled for (date) \_\_\_\_\_

Employee notified of hearing date on \_\_\_\_\_ (date)

Appearances at hearing: \_\_\_\_\_

Action taken: \_\_\_\_\_

Written summary of Findings sent to Employee (date) \_\_\_\_\_

\_\_\_\_\_  
Signature of Chairperson

Hearing before Personnel Committee requested by Employee. \_\_\_ Yes \_\_\_ No

Date request made: \_\_\_\_\_ Hearing date: \_\_\_\_\_

Employee notified of hearing date (date) \_\_\_\_\_

Appearances: \_\_\_\_\_

Findings: \_\_\_\_\_

Employee notified of findings (date) \_\_\_\_\_

Reconsideration by Personnel Committee requested? \_\_\_ Yes \_\_\_ No

Date Request made: \_\_\_\_\_ Request: \_\_\_ Denied \_\_\_ Approved

Date Reconsideration to be held: \_\_\_\_\_

Employee notified of Reconsideration Date (date): \_\_\_\_\_

Action taken: \_\_\_\_\_

\_\_\_\_\_  
Signature of Mayor

**Appendix: I Sexual/Harassment Form**

**SEXUAL/HARASSMENT**

Complainant's Name: \_\_\_\_\_ Position: \_\_\_\_\_

Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

1. Oral Complaint discussed with \_\_\_\_\_ on \_\_\_\_\_

2. Answer received on \_\_\_\_\_ was not satisfactory.

**3. STATEMENT OF COMPLAINT:**

(Please read the attached City of Waterloo Sexual Harassment Policy before you complete the balance of this form)

a. Name(s) of person(s) accused of sexual harassment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Date(s) of incident(s): \_\_\_\_\_

c. Description of incident(s).

(Describe what happened. Be specific. Include all actions or statements, including your own. Who was present, where did it happen, etc.)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



---

I hereby certify that the information provided by me on this form is true and accurate to the best of my knowledge and recollection.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Appendix: J Request for Leave of Absence Form**

**REQUEST FOR LEAVE OF ABSENCE FORM**

**REQUEST FOR LEAVE OF ABSENCE**

Employee: \_\_\_\_\_ Department: \_\_\_\_\_

Type of leave of absence requested (check one):

- \_\_\_\_\_ Personal
- \_\_\_\_\_ Military
- \_\_\_\_\_ Temporary Job-related disability
- \_\_\_\_\_ Temporary Medical Leave of Absence
- \_\_\_\_\_ Maternity Leave
- \_\_\_\_\_ Family Leave

I request a leave of absence, based on the conditions in the Employee Manual, from the City of Waterloo beginning on \_\_\_\_\_ and ending on \_\_\_\_\_ (if known). I hereby acknowledge receipt of a copy of the City of Waterloo Employee Manual, including Article VII, which contains information on "Leave of Absence," and understand the terms and conditions contained therein.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Employee**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Employee's Supervisor**

Date

Signature of Mayor

**Appendix: K Acknowledgement of Receipt of Handbook and Statement of Employee Understanding**

**ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK  
AND  
STATEMENT OF EMPLOYEE UNDERSTANDING**

I acknowledge that I have received a copy of the City of Waterloo's Employee Handbook. I agree to read it thoroughly, including the statements in the introduction describing the nature of employment with the City. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the City Clerk/Treasurer. I understand that the City is an "at will" employer and as such employment with the City is not for a fixed term or definite period of time and may be terminated at the will of either party, with or without cause. No supervisor, department head, City official or other individual has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states the City's policies and practices in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the City for benefits or for any other purpose or as creating any due process or property rights. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

I understand that this Handbook is the property of the City of Waterloo. I agree to keep the Handbook in good condition and to update it as changes are made. I agree that, upon my separation of employment from the City, it will be my responsibility to return the Handbook no later than my final day of employment

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee's Signature

Print Name: \_\_\_\_\_