APPROVAL SLW	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/06/11
REPORTS & RECOMMENDATIONS	**A Resolution to Replace the Civil Service System "Manual of Personnel Rules" (January 1, 1990) with a Civil Service System Personnel Administration Program (September 6, 2011), Including, but not Limited to, Changes to Expand its Application to all Employees Eligible per Wisconsin Statutes, to Satisfy Legal Requirements of Wisconsin Acts 10 and 32, to Revise Disciplinary and Disciplinary Grievance Procedures to Eliminate the "Just Cause" Standard, and to Establish a Process for Review of Workplace Safety Concerns**	ITEM NUMBER

Part of Act 10, as adopted, requires certain actions prior to October 1st relative to local governments establishing certain procedures to incorporate some grievance and workplace safety protections into the municipality's policies for those employees who may have lost such rights following the expiration of existing labor agreements. A primary factor in what needs to be completed and how it may be completed by 10/1 is whether or not the local government operates under a Civil Service System. The City of Franklin currently operates under a Civil Service System. Under the new statutory provisions, the City is now required to maintain the Civil Service System and address the new issues within that System. The City's Civil Service System rules specifically provides for the ability to modify the rules, procedures, or policies as needed by the City.

The existing City of Franklin Civil Service System rules were last modified in 1990. The Civil Service System's primary impact on the organization has been its impact on the hiring process where a subcommittee of the Personnel Committee reviews entrance exam results and establishes lists for new positions. The remaining rules have been largely over shadowed by existing labor contracts that have been controlling over the Civil Service System Rules. As each labor contract expires, except Police and Fire, the language that has provided the employees with explanations of their wages, hours, and working conditions also expires or evaporates. Through the Civil Service System, the Employee Handbook, and wage and salary resolutions or ordinances, the City needs to then reconstitute the administrative and personnel structure that applies to the employee's job.

Staff prepared a recommended revision to the Civil Service Rules, including revising the title to Civil Service System Personnel Administration Program. The Personnel Committee, which by ordinance serves as the Civil Service Commission, reviewed the draft extensively over two long meetings on August 15, 2011 and August 29, 2011. A meeting with employees, which ended up lasting four hours, was also made available on a date between the two Personnel Committee meetings (August 23, 2011). The Personnel Committee made a few recommendations that have been incorporated into the attached version.

PLEASE NOTE THAT "COMMENTS" INCLUDED IN THE MARGIN ARE FOR REFERENCE PURPOSES AND ARE NOT PART OF THE FINAL DOCUMENT UNDER CONSIDERATION AND WILL NOT BE INCLUDED IN THE FINAL PRINTED OR ON-LINE VERSION.

Following is a listing of some of more significant changes incorporated into the proposed document revision:

1. Section 1.2.2: The scope was clearly limited to those 9 areas provided for in the statute. Topics not falling into these categories were removed and will be addressed in the Employee Handbook revision which is soon to follow.
2 Section 1.5 to 1.6: Supervisors have been identified as "Unclassified Service" as required by statute. All other employees are "Classified Service". The Classified Service is then broken down to "Certified" (where an "examination" is given) or "Non-certified" (certain limited-term positions where no test is required).
3. Throughout Section 3.3: Compensation schedules are defined with flexibility such that they can be merit ranges or step and grade plans, etc. The compensation plan(s) itself will be set up by resolution (or ordinance, but ordinances will be avoided in the future), so this document is not committing the City to a certain pay plan structure or system at this time. The Compensation Plans themselves will have to be addressed in the near future.
4. Throughout Document: Library staff are included because the City's authorizing ordinance did not specifically eliminate the Library from inclusion as is allowable under the statute. That is probably a good thing, because if they were excluded, the Library Board would have to independently follow all of the required statutory steps required under Act 10. I have tried to delegate authority back to the Library Board where it seemed appropriate given our current expectations and practices regarding the Library Board.
5. Section 3.3.6 Workers Compensation language limits individuals to benefits not in excess of their normal take home pay (as we have been trying to get into all of the contracts). Retaining the one-year eligibility period at 100% increased the potential allowance for a few non-reps who will now be in Civil Service.
6. Incorporated special provisions related to a union group with an expired contract. See, for example, Section 3.4.2.1. As new union contracts expire before 1/1/12, it will likely be necessary to revise the document to incorporate any special provisions in those contracts that the City determines is in its best interest to retain.
7. Section 3.4.2.2 Library Assistants: The Personnel Committee's recommendation does not match the current practice of the Library where all Library Assistants that work on Sundays receive time and one-half.
8. Note that Article 3 "Compensation" generally addresses the compensation aspect of each leave type, whereas Article 10 generally addresses the administration and management (non-fiscal) side of each leave type.
9. Section 3.16: Longevity was converted to one scale for all groups. The scale will bring eventually Inspectors and DPW to the same scale as everyone else. The estimated cost including roll-ups is approximately $1,500 per year.
10. Section 5.5: Internal promotion opportunities for limited-term employees will be restricted to identified career paths where the promotion opportunity is pre-identified (on an approved list) as in line with each limited-term position. (Example a part-timer in the Clerk's office may have preference over external candidates for a full-time position in the Clerk's office, but may not for a full-time position in the Fire Department.)
11. Section 5.7.3: The Veterans Adjustment language was modified to reflect current statute.
12. **Article 9 Discipline: Incorporates a significant change moving from a "just cause" standard to a "reasonable and appropriate, not arbitrary and capricious" standard for disciplinary action. Eliminating "just cause" eliminates the employee's property interest in their job and eliminates the high standard of review and administrative burdens associated with just cause and full due process. This standard may not be the same as an "at will" standard, which provides for complete, unfettered authority including acts considered arbitrary and capricious.**

13. Section 10.1 does provide flexibility for the Mayor or Common Council to consider 4 ten-hour days in lieu of the regular 5 eight-hour days. Similarly, the office hours of departments remain flexible but under the authority of the Mayor or Common Council.
14. Section 10.6.7 was added to set the stage to more aggressively pursue sick leave abuse. This language may need to be modified overtime.
15. Section 11.2.2 provides that layoffs may occur based upon performance, not necessarily seniority, if a valid performance monitoring system is in place and unless otherwise directed by the Common Council. Also, Section 11.2.2.2 restricts bumping rights during a layoff to those instances where authorized by the Common Council.
16. Article 12 sets up a grievance procedure that applies ONLY to matters of discipline. The Personnel Committee is the final step of the process, unless there is a financial impact beyond budgetary levels, in which case the Common Council retains authority over the fiscal portion. Again, the just cause standard has been eliminated, which also removes the requirements for "full due process."
17. Article 13 Employee Complaints: This section is intended to cover additional requirements of Act 10. It effectively provides a grievance process for everything else other than disciplinary actions. For example, if an employee thinks he wasn't paid properly or a department head inappropriately refused a vacation day request. As most of these issues are managerial in nature, the Mayor is the final arbiter. DOA review is used to monitor consistency across departments. The title "Complaints" is potentially confusing; the Common Council may wish to re-title the section "Personnel Administration Concerns" patterning the "Workplace Safety Concerns" nomenclature of Article 14.
18. Article 14 adds Workplace safety as is required by Act 10. This article includes Police and Fire as well. As a managerial process it is administered similarly to the complaint process in Article 13. The Common Council retains purse string control. It is written to be broad in scope and is not restricted only to violations of workplace safety statutes or administrative regulations.
19. Throughout: The Director of Administration is inserted in areas where human resources principles require monitoring consistency of application or implementation across the entire organization.

In addition to the above items, the following changes have also been incorporated based on my recommendation and additional guidance or legal advice that has been obtained since the Personnel Committee meeting. If the Common Council wishes them not to be incorporated, the final motion should direct they be removed.

1. The date was changed on the cover page.
2. A footer was added (Date and "This document should be considered in conjunction with the Employee Handbook")
3. "Permanent" and "Temporary" have been replaced with "Extended-Term" and "Limited-Term" to avoid confusion related with the removal of a property right or property interest in the job in conjunction with the elimination of "just cause" as an employment or disciplinary standard.
4. "Probation" and "Probationary" have been changed to versions of the word "Introductory" to avoid potential linkages to property rights that may have become associated with these terms over the years.
5. Language setting and clarifying the "reasonable and appropriate, not arbitrary and capricious" standard and providing the opportunity to be heard was copied from Article 12 Grievances and repeated in Article 9 Discipline, as it should apply to both stages of the disciplinary process.
6. Conflicting statements as to the deadline in 12.3.2 were reconciled and clarification of the employee deadline was made to 12.3.3.
7. The following clarification was added to Article 12 Grievance: "Timelines expressed with "should" are intended to provide flexibility to the City in meeting the referenced deadline."

8. Section 10.1.2.1 and 10.1.3.3: Clarification was added that this authority extends to the Common Council as well as the Mayor.
9. Section 11.2.2.3 The reference to "Reappointment List" was corrected to "Reinstatement List" as used elsewhere throughout the document.
10. Section 12.1: The Grievance process failed to identify who presented first during the process. The following language was added: "The burden of proof shall be upon the employee, who shall present first at each step in the grievance process." It also didn't specify the following, which has been added: "If an Employee does not meet established deadlines, the grievance shall be considered resolved."
11. Section 14.1: The ability to amend the policy to redefine "workplace safety" was clearly retained.
12. Various typos

Please note that until further action is taken, the following applies: Extended-Term Part-Time Employees/Positions with Benefits and Extended-Term Part-Time Employees/Positions without benefits will continue to be distinguished based upon the number of hours regularly worked per week until such time that a clear, non-discriminatory basis for distinguishing such differences can be put forth.

This document will continue to be revised in the coming weeks and months. For example, revisions are expected prior to the expiration of the current DPW and Inspection contracts. ALSO, COMPENSATORY TIME WAS NOT ADEQUATELY ADDRESSED WITHIN THE DOCUMENT. Nonetheless, it was necessary to take the best, first effort at incorporating the new statutory requirements while updating the language to be more consistent with current practices. To that end, this revision will probably constitute the most substantial revision.

COUNCIL ACTION REQUESTED

Motion to approve Resolution No. 2011-_____, A Resolution to Replace the Civil Service System "Manual of Personnel Rules" (January 1, 1990) with a Civil Service System Personnel Administration Program (September 6, 2011), Including, but not Limited to, Changes to Expand its Application to all Employees Eligible per Wisconsin Statutes, to Satisfy Legal Requirements of Wisconsin Acts 10 and 32, to Revise Disciplinary and Disciplinary Grievance Procedures to Eliminate the "Just Cause" Standard, and to Establish a Process for Review of Workplace Safety Concerns.

A STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2011-_____

A RESOLUTION TO REPLACE THE CIVIL SERVICE SYSTEM "MANUAL OF PERSONNEL RULES" (JANUARY 1, 1990) WITH A CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM (SEPTEMBER 6, 2011), INCLUDING, BUT NOT LIMITED TO, CHANGES TO EXPAND ITS APPLICATION TO ALL EMPLOYEES ELIGIBLE PER WISCONSIN STATUTES, TO SATISFY LEGAL REQUIREMENTS OF WISCONSIN ACTS 10 AND 32, TO REVISE DISCIPLINARY AND DISCIPLINARY GRIEVANCE PROCEDURES TO ELIMINATE THE "JUST CAUSE" STANDARD, AND TO ESTABLISH A PROCESS FOR REVIEW OF WORKPLACE SAFETY CONCERNS

WHEREAS, amendments to Wisconsin Statutes as adopted in Acts 10 and 32, 2011, require certain amendments to Civil Service Systems for those municipalities operating with such a system; and

WHEREAS, the City of Franklin operates under a Civil Service System as established by the City's Charter Ordinances and set forth within Section 64 thereof; and

WHEREAS, the Personnel Committee is charged with administering the Civil Service System; and

WHEREAS, the Personnel Committee has reviewed and recommended amendments to the Civil Service System Manual of Personnel Rules and the Director of Administration has provided further recommendations and clarifications as provided to the Common Council for its consideration; and

WHEREAS the proposed amendments are found to be in the best interest of the City of Franklin, including the amendments which eliminate a "just cause" standard for disciplinary actions and grievance procedures, and thereby eliminates the related property rights and interest rights in employment, and substitutes a "reasonable and appropriate, not arbitrary and capricious" standard.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Civil Service System Personnel Administration Program, dated September 6, 2011, to replace in its entirety the January 1, 1990 Manual of Personnel Rules, is hereby approved and adopted.

All resolutions and parts of resolutions in contravention to this resolution are hereby repealed.

Introduced at a regular meeting of the Common Council of the City of Franklin this 6th day of September, 2011 by Alderman _____.

Passed and adopted by the Common Council of the City of Franklin this 6th day of September, 2011.

APPROVED:

_____
Thomas M. Taylor, Mayor

ATTEST:

_____
Sandra L. Wesolowski, Director of Clerk Services

AYES____NOES____ABSENT____

THE CIVIL SERVICE SYSTEM

PERSONNEL ADMINISTRATION PROGRAM

(Also Known as the "Civil Service Rules)
(Previously the "Manual of Personnel Rules")

As Approved by the

PERSONNEL COMMITTEE
And
COMMON COUNCIL
Of the
CITY OF FRANKLIN, WISCONSIN

THIS DOCUMENT SHOULD BE CONSIDERED IN CONJUNCTION WITH THE EMPLOYEE HANDBOOK

DATED: September 6, 2011

CITY OF FRANKLIN, WISCONSIN
PERSONNEL COMMITTEE

The Civil Service System
Personnel Administration Program

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CITY OF FRANKLIN, WISCONSIN

THE CIVIL SERVICE SYSTEM

PERSONNEL ADMINISTRATION PROGRAM

PREABLE

The Common Council of the City of Franklin ordained, within the Charter Ordinances, that "Pursuant to the provisions of Sections 62.11(5), 66.01, and 66.19 of the Wisconsin Statutes, there is hereby created a Civil Service System of selection, tenure and status" and that "The Civil Service System created pursuant to Section 64.01 of the Charter Ordinance No. 64 shall be administered by the Personnel Committee established pursuant to Ordinance No. 2001-1687, in part amending and as set forth within 10-12 of the Municipal Code, as set forth under such ordinance, which Personnel Committee, for such duties, shall be the Civil Service Board or Committee, as contemplated by Section 66.0509(4), Wis. Stats."

PART I

ARTICLE 1 CIVIL SERVICE RULES

Comment [M1]: NAME CHANGE TO AID IN CLARIFYING THAT THERE ARE PERSONNEL RULES THAT MAY APPLY OUTSIDE OF CIVIL SERVICE.

Section 1.1 ORIGINATION AND ADOPTION: The Personnel Committee shall prepare or cause to be prepared and revised as necessary rules governing all phases of the Personnel Administration Program of the City as it applies to the City's classified employees and as is allowable under the scope of a Civil Service System authorized by the State of Wisconsin. Such rules shall be submitted to the Common Council for review and adoption after which the rules shall have the force of law.

Comment [M2]: Term has new meaning

Section 1.2 PURPOSE AND SCOPE:

1.2.1 PURPOSE - It is the purpose of these rules to supplement, interpret, and otherwise to give effect to provisions of Chapter 6 of Code of Ordinance.

Comment [m3]: What is the statutory and municipal code requirements for what needs to be in a civil service ordinance.

1.2.2 SCOPE - The scope of these rules shall be restricted to classified or covered employees and to the provisions in respect to the following topics and areas of personnel administration, including any such related topics and areas as determined by the Personnel Committee as appropriate, as authorized by state statute for inclusion in a Civil Service System:

(a) employee selection,
(b) employee tenure,
(c) employee status,
(d) attendance
(e) leave regulation
(f) compensation and payrolls
(g) a grievance procedure that addresses employee terminations,
(h) employee discipline, and
(i) workplace safety

Comment [M4]: Required purpose of 66.0509

Comment [M5]: Allowable provisions under 66.0509

Comment [M6]: Requirements added by Act 10

Section 1.3 AMENDMENT: The Personnel Committee shall submit proposed amendments of these rules to the Common Council whenever such amendments are deemed necessary by the Committee or as directed by the Common Council. Any such amendments shall not be inconsistent with the provisions of Chapter 6 of Ordinance, and following their adoption by the Common Council, the Committee shall properly make available or transmit such amendments to Appointing Authorities and classified employees.

Section 1.4 DEFINITION OF TERMS: The words and terms hereinafter mentioned, whenever used in these rules or in any regulations in force thereunder, shall be construed as follows:

1.4.1 APPOINTING AUTHORITY – shall mean the Common Council, Mayor, or any City Department Head having the authority by ordinance to make appointments to any subordinate office or position in a department of the City Government.

1.4.2 COMMITTEE – shall mean the City of Franklin Personnel Committee.

1.4.3 CITY – shall mean the City of Franklin, Wisconsin.

1.4.4 EXTENDED-TERM FULL-TIME EMPLOYEE – shall mean an employee who has been appointed as a result of a certification to an extended-term, full-time position and who generally works at least 37.5 hours weekly and is expected to work 1950 hours or more per year, including paid leaves.

Comment [M7]: This might need to change depending how I list the unclassified people

1.4.5 EXTENDED-TERM FULL-TIME POSITION – shall mean a position where the employee is expected to generally work at least 37.5 hours weekly and 1950 hours or more per year, including paid leaves, in a position authorized by the Common Council as an "Extended-term Full-Time" position.

1.4.6 EXTENDED-TERM PART-TIME EMPLOYEE WITH BENEFITS – shall mean an employee who has been appointed as a result of a certification to an extended-term, part-time position and who generally works less than 37.5 hours weekly and is not expected to work 1950 or more hours per year, including paid leaves, and whose category within a position classification has been designated by the Common Council as receiving benefits.

Comment [M8]: This new language allows for the possible consideration that the Common Council may determine a specific job designation does not warrant benefits, possibly due to market considerations, even if the hours worked exceeds 20 per week.

1.4.7 EXTENDED-TERM PART-TIME POSITION WITH BENEFITS – shall mean a position where the employee is generally expected to work less than 37.5 hours weekly and is not expected to work 1950 or more hours per year, including paid leaves, and whose category within a position classification has been designated by the Common Council as receiving benefits.

1.4.8 EXTENDED-TERM PART-TIME EMPLOYEE WITHOUT BENEFITS – shall mean an employee who has been appointed as a result of a certification to an extended-term, part-time position and who generally works less than 37.5 hours weekly and is not expected to work 1950 or more hours per year,

including paid leaves, and whose category within a position classification has been designated by the Common Council as not receiving benefits.

1.4.9 EXTENDED-TERM PART-TIME POSITION WITHOUT BENEFITS – shall mean a position where the employee is generally expected to work less than 37.5 hours weekly and is not expected to work 1950 or more hours per year, including paid leaves, and whose category within a position classification has been designated by the Common Council as not receiving benefits. Most typically such a position is scheduled for 19 or fewer hours per week.

1.4.10 LIMITED-TERM FULL-TIME EMPLOYEE – shall mean an employee who has been appointed without certification to a full-time position and who generally works at least 37.5 hours weekly and would be expected to work 1950 hours or more per year, including paid leaves, if annualized, but whose position is authorized for a limited duration, which is not expected to exceed nine continuous months of employment.

1.4.11 LIMITED-TERM PART-TIME EMPLOYEE – shall mean an employee who has been appointed without certification to a limited-term part-time position and who generally works less than 37.5 hours weekly and is not expected to work 1950 or more hours per year, including paid leaves, if annualized, but whose position is authorized for a limited duration, which is not expected to exceed nine continuous months of employment.

1.4.12 EMERGENCY EMPLOYEE – shall mean an employee appointed without certification for short-term employment which may be required for special projects, unusual work loads, or emergency circumstances.

1.4.13 INTRODUCTORY PERIOD – shall mean the period when an appointed employee is required to demonstrate the fitness for the position by actual performance of duties.

Comment [M9]: Previously these positions did "not have civil service status.". Now they must be incorporated into the Civil Service System, but the broader steps of certification do not also need to be applied.

Comment [M10]: Recommendation to extend this from the current 6 months indicated in the Handbook so that it can cover a full Spring – Fall position. The previous six month standard likely stems from past state arbitrator decisions and the 600 hour WRS restriction. VERIFY THERE IS NOT 6-month REQUIRMENT

Comment [M11]: Do I really need to Define "... Position"

Comment [M12]: Consider defining this term

Comment [M13]: See Dana's note and ensure there is a section on the rules of probation, which rules probably aren't best suited for the "definitions" section

Section 1.5 UNCLASSIFIED SERVICE: The following offices and positions in the public service of the City shall be designated as "unclassified service" and are not covered within the scope of the Civil Service System, except to any extent otherwise specified.

All officials elected by the citizens of the city,

Members of the Judiciary,

All members of any board or commission, including election officials,

Employees who are employed pursuant to a special contract or separate employment agreement with the City if also falling within another category setforth in this section,

All members of the Fire and Police Departments subject to Section 62.13 of the State Statutes and under the jurisdiction of the Police and Fire Commission, except to the extent as provided herein for workplace safety,

Officers of the City as setforth in Wisconsin Statutes Chapter 17, a list of which positions shall be maintained by Human Resources.

All supervisors of the City, a list of which shall be maintained by Human Resources, but not including positions identified as "lead workers" by the City,

Section 1.6 CLASSIFIED SERVICE: All offices and positions in the public service of the City, not included in Section 1.5, shall be designated as "classified service".

1.6.1 UNCERTIFIED SERVICE: The following offices and positions in the classified service of the City shall be designated as "uncertified service" or "uncertified positions" and are covered within the scope of the Civil Service System, to the extent as specified herein, but do not require testing or certification in the filling of the positions, which positions may be filled in a manner as prescribed by the Municipal Code or, if not so prescribed, in a manner determined by the Director of Administration, as subject to the review of the Mayor.

Limited-term, full or part-time employees,

Emergency employees authorized by the Mayor,

Employees who are employed pursuant to a special contract or separate employment agreement with the City,

1.6.2 CERTIFIED SERVICE: All offices and positions in the classified service of the City not included in 1.6.1 shall be designated as "certified service" or "certified positions".

Section 1.7 DESIGNATION OF AGENT: The Director of Administration shall be designated as agent for the Committee and empowered to act for the Committee in routine administration, implementation, and interpretation, where required, of these rules. The Director of Administration will have no authority to abridge rules as provided for herein or to implement rules not provided for herein, and all such actions may be subsequently reviewed and approved, disapproved, or allowed to remain unaltered by the Committee.

ARTICLE 2 POSITION CLASSIFICATION PLAN

Section 2.1 CLASSIFICATION OF POSITIONS: The Director of Administration shall propose amendments or revisions of the classification system to the Committee based on duties, responsibilities, and employee qualifications of all certified positions in the classified service. The Committee shall submit classification recommendations to the Common Council for approval. All personnel budget records, financial records,

Comment [M14]: State Statute says "the system may be made applicable to all municipal personnel except the chief executive and members of the governing body, members of boards and commissions including election officials, employees subject to s. 62.13, members of the judiciary and supervisors".

#64Charter Ordinance itemizes some titles, which list has become outdated over time.

Comment [M15]: Required addition by Act 10

Comment [M16]: This exclusion is specified in 66.0509 but was not excluded by reference previously

Consider adding a definition or cross reference to 111.70

Comment [M17]: I NEED TO REMOVE UNION EMPLOYEES, BUT ALSO NEED TO ADDRESS THOSE UNIONS THAT ARE STILL EFFECTIVE WITH JUST A WAGE RATE cpi ADJUSTMENT. LOOK AT WHERE NANCY PERKY SAID THEY COME FROM.

Comment [m18]: Comparing to the Handbook are their other categories that we need to be concerned about being "classified"

Comment [M19]: Added to provide more clear distinction so that an "interpretation" is not misconstrued as abridging or implementing new rules.

Comment [M20]: Same reason as above and to remove confusion as to "new" rules.

employee records and communications shall denote the appropriate titles established in the classification plan adopted by the Common Council. The Director of Administration shall review position classification matters and make recommendations to the Committee.

Section 2.2 CLASS SPECIFICATIONS: The Director of Administration shall prepare position classification specifications for every authorized class of positions in the classified service. The Committee shall review and authorize these specifications. The Director of Administration will submit approved specifications to appointing authorities.

Section 2.3 REVISIONS OF POSITIONS: The Director of Administration shall study the duties, responsibilities, and necessary employee qualifications for each requested new or revised position. Based on findings of the study, the Director of Administration may recommend to the Personnel Committee the appropriate classification to fit the duties, responsibilities, and employee qualifications.

2.3.1 Whenever a change of substance or significance is made in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments, such changes shall be reported by the supervisor or Appointing Authority to Human Resources who will investigate such changes. If the investigation reveals the changes to be permanent and of such a nature that reclassification is justified, the Director of Administration will make a recommendation to the Committee which will subsequently recommend the appropriate class for the position to the Common Council for final action.

Comment [M21]: There needs to be some standard for the change; it can't be EVERY change in duty, no matter how small.

2.3.2 An employee in a certified classified position may request the consideration of a reclassification of the employee's position. The employee shall initially make a written request, setting forth the employee's reason for the change to the Appointing Authority. The Appointing Authority shall then forward such request to the Director of Administration, who shall proceed thereafter in a manner consistent with 2.3.1.

Section 2.4 EFFECT OF REALLOCATION OF POSITIONS: An employee occupying a position which is reclassified to a different class, as a result of approval by the Common Council, shall continue in the position only if eligible for or if acquiring eligibility to the new position in accordance with the rules governing promotion, transfer, or demotion.

Section 2.5 CLASSIFICATION DETERMINATION DISCLOSURE: An employee may seek information from the Director of Administration as to how the classification of a position(s) was derived. The Director of Administration will disclose the methods used.

ARTICLE 3 COMPENSATION PLAN

Section 3.1 ORIGINATION AND REVISIONS:

3.1.1 The Director of Administration is responsible to prepare and to revise an equitable compensation plan fixing a salary structure, such as but not limited to a minimum salary, salary range, single wage rate, or a wage schedule, for each class of positions in the certified classified service, except those referenced in 3.1.2. The Director of Administration shall submit such salary structure recommendations to the Common Council for approval. The salary structure shall be maintained annually in accordance with 3.3.2.

Comment [M22]: Enables consideration of step and grade plans as is most common in our current structures

3.1.2 The Library Director is responsible to prepare and to revise an equitable compensation plan fixing a salary structure, such as but not limited to a minimum salary, salary range, single wage rate, or a wage schedule, for each of the Municipal Library's class of positions in the certified classified service. The Library Director shall submit such salary structure recommendations to the Library Board for approval of a recommendation to the Common Council for final approval. The salary structure shall be maintained annually in accordance with 3.3.2.

Comment [M23]: Enables consideration of step and grade plans as is most common in our current structures

Section 3.2 ADMINISTRATION:

3.2.1 BASIS OF SELECTION OF A SALARY STRUCTURE: A salary structure shall be directly related to the position-classification plan and determined with due regard to the structure of compensation for other classes.

3.2.2 APPOINTMENT RATE: Appointments to positions in the classified service shall normally be made at the established minimum rate of compensation. Appointments above the established minimum rate of compensation may only be made following recommendation by the Appointing Authority and the Director of Administration and with final approval by the Mayor for those positions addressed in 3.1.1 and by the Library Director for those positions addressed in 3.1.2; however, in each case sufficient funding must be available within the adopted budget. Appointments at a rate below the established minimum rate may not be made.

Comment [M24]: Consistent with the Salary Administration Policy.

3.2.3 ADVANCEMENT: Where the minimum and maximum limits of compensation are established for a position in the certified classified service or where consistent with the salary structure as adopted, advancement to the next higher rate within the limits of compensation for such position shall be based entirely upon meritorious performance during tenure in the position at the last rate of compensation and upon any other such factor incorporated into the salary structure for that position. The Appointing Authority shall prepare a written efficiency evaluation and conduct an evaluation interview with each employee at least annually. Recommendations as to any merited advancement to the next higher rate of the applicable compensation shall be based on the written evaluation and upon any other such factor incorporated into the salary structure for that position. The Appointing Authority will submit the efficiency evaluation

Comment [m25]: Existing language seems to assume a step and grade plan, but requires satisfactory performance. See 3.6.

Comment [m26]: Reconcile with contracts

Comment [M27]: Enables annual steps as is currently common, if so approved in a salary structure.

report and recommendation to Human Resources. The Director of Administration or his/her designee will review all evaluations and will approve advancement only when advancement is clearly justified, recommended by the Appointing Authority, and the compensation increase will not exceed the budgetary limit for the department as approved by the Common Council for the current fiscal year. Advancements in the same classification may not be made more frequently than one (1) time per year, without the approval of the Mayor, except that an introductory employee at the completion of the introductory period who demonstrates ability exceeding the compensation rate, may advance to a proper rate in line with such demonstrated ability.

Comment [M28]: Consistent with current non-rep plan. Verify.

3.2.4 PROHIBITED PRACTICES: No employee may accept or receive reward, gift, or other form of remuneration of any consequence, consistent with standards as set forth in State Statutes, in addition to regular compensation from any source for the performance of their duties.

Comment [M29]: Section 3.2.5 "work week" removed as not consistent with Section 1.2

Section 3.3 COMPENSATION:

3.3.1 CONVERSION OF MONTHLY RATES TO HOURLY RATES: Hourly rate equivalents of monthly salaries shall be determined according to the following conversion table:

Salary Base	Hourly Rate Equivalent
40 hour week	1/173 of monthly salary

All hourly rate equivalents of monthly salaries shall be reported to the nearest one (1) cent but shall be computed based upon the level of accuracy of the payroll system (for example, four decimal places).

3.3.2 COMPENSATION SCHEDULES: The compensation of employees occupying certified classified positions shall be on the basis of appropriate schedules of monthly salaries or hourly rates prescribed for the respective classes of positions. The schedules of monthly and hourly rates will be recommended by the Director of Administration and adopted by the Common Council in a separate "Salary Ordinance" or by separate resolution. The Salary Ordinance and/or resolution shall be reviewed at least annually and recommendations of revisions or modifications will be submitted by the Director of Administration to the Common Council whenever the Director of Administration deems necessary. At any time the Salary Ordinance or resolution is revised all employees occupying positions affected will automatically advance to the new rate as appropriate within the salary structure, provided the employee is maintaining satisfactory performance, in order to maintain the same place within the salary schedule. All such compensation increases shall be effective as specified by the Common Council in the Salary Ordinance or resolution. In accordance with Section 15.2, the compensation schedules and Salary Ordinance or resolution shall incorporate and may not conflict with the

Comment [M30]: Delete: "Each monthly salary and hourly rate schedule shall consist of at least a minimum rate, intermediate rate, and a maximum rate." As not consistent with "salary structure" language as set in 3.1.

Comment [m31]: Cross Each monthly salary and hourly rate schedule shall consist of at least a minimum rate, intermediate rate, and a maximum rate. reference to performance

provisions of an approved labor agreement, to the extent allowable under Wisconsin statutes.

3.3.3 COMPENSATION SCHEDULES DETERMINATION DISCLOSURE: An employee may seek information from the Director of Administration on how the compensation schedules were determined. The Director of Administration will disclose the methods used.

3.3.4 COMPENSATION BASIS: The monthly salary and hourly rate structure or ranges set forth in the Salary Ordinance or resolution shall be based on full-time employment at the established normal working hours for the respective classes of positions.

3.3.4.1 FULL-TIME WORK: All full-time employees shall be compensated consistent with the monthly salary or hourly rates prescribed in the Salary Ordinance or resolution for their respective classes of positions.

Comment [m32]: "at" was wrong since schedules or ranges may be involved.

3.3.4.2 PART-TIME WORK: Compensation to employees occupying part-time, limited-term, or emergency positions shall be based on the established hourly rates and/or the hourly rate equivalent of approved salary as provided in Section 3.3.1, if so established.

Comment [M33]: These positions are not typically in the salary ordinance and, in fact, weren't even included in the prior ordinance so it isn't clear how this sentence could be here. Nonetheless, if one is established, it should be followed.

3.3.5 SALARY ORDINANCE – EMPLOYEE FRINGE BENEFITS: For positions addressed in 3.1.1, the Personnel Committee will review and recommend and the Common Council will review and establish employees' fringe benefits, including, but not limited to, health insurance, dental insurance, life insurance, pensions, severance pay, and clothing allowance; and from time to time approve amendments to such fringe benefits provided for City employees. For positions addressed in 3.1.2, the Library Director will review and recommend and the Library Board will review and establish such employee's fringe benefits. These provisions will be addressed and recorded elsewhere and not within the Civil Service System Personnel Administration Program.

3.3.6 WORKER'S COMPENSATION:

3.3.6.1 An employee who sustains an injury while performing within the scope of employment, as provided by Chapter 102 of the Wisconsin Statutes (Worker's Compensation Act), shall receive full net salary in lieu of Worker's Compensation payment for the period of time the employee may be temporarily totally or temporarily partially disabled because of said injury, but not to exceed one year from the date of injury. In no event will such supplemental pay and Worker's Compensation benefit exceed, in aggregate, the employee's normal net "take home" pay.

Comment [M34]: Dana, I like how this clearly limits the salary basis. What do you think?

Comment [m35]: Most groups receive 100% for 1 year but the current non-rep ordinance says only 30 weeks and the Teamsters contract only provides 80% of pay for 30 weeks.

3.3.6.2 Continued eligibility for Worker's Compensation shall be reviewed every thirty (30) days by the respective Department Head and Human Resources.

3.3.6.3 This policy shall not limit policies or actions of the City to promote a return to work or light duty.

3.3.6.4 When the City shall have made any such payment and the employee makes claim for damages against any third party or his/her insurer, the City shall be entitled to receive from any damages recovered by such employee reimbursement for such wages paid in the same proportions prescribed by Section 102.29, Wisconsin Statutes, for Workers Compensation payments.

Section 3.4 OVERTIME: All employees shall use time sheets so the total amount of time worked, including overtime, is clearly recorded.

3.4.1 AUTHORIZATION: An Appointing Authority, or duly authorized supervisor, may authorize short periods of overtime work in emergencies or to meet irregular day-to-day operational needs. Extended overtime work required by extraordinary circumstances over and above normal day-to-day operational needs must be approved by the Common Council if additional appropriations are required.

Comment [m36]: Consistent with current budgetary and statutory practices

3.4.2 COMPENSATION OR EARNINGS RATE: Full-time employees, who are not otherwise identified in a subsection hereto or who are not exempt in accordance with the Fair Labor Standards Act (FLSA), shall be paid at the rate of one-and-one-half (1½) times the base rate for all hours worked above the normal work day or normal forty-hour work week and at the rate of double time for all overtime work performed on Sundays and holidays. Overtime may be paid in compensatory time in a manner as prescribed herein. Employees called in on emergency duties or mandatory call-in (hours other than regularly scheduled hours) shall be guaranteed two (2) hours pay at the appropriate overtime rate. This two-hour guarantee shall not apply to call-ins which are consecutively prior to or subsequent to (in other words, "concurrent with") the employee's regular schedule.

Comment [M37]: REVISED RECOMMENDATION

Comment [M38]: Add a cross reference to the section number once written.

3.4.2.1 DISPATCHERS: Employees shall receive one and one-half (1-1/2) times their straight time hourly rate for all hours worked in excess of their normal, regular scheduled workday or work week, except for training time and schooling. Employees who are required to attend training sessions or classes during their off time will receive equivalent compensatory time off or pay at the straight time rate. Training sessions or classes during off time will be scheduled so that it does not require overtime payment or compensatory time at time and one-half pursuant to the FLSA. Exceptions will only be allowed if approved by the Police Chief or his designee. Mandatory call-in provisions of 3.4.2 also apply. Overtime management procedures shall be as established by the Mayor considering the recommendation of the Police Chief.

3.4.2.2 LIBRARY ASSISTANTS: Library Assistants, not hired for and regularly scheduled for Sundays, that work on a Sunday are paid at time and one-half their normal hourly rate.

Section 3.5 RETURN FROM MILITARY SERVICE: Salaries following return from military service shall be as per a separate policy as adopted by the Common Council and incorporated into the Employee Handbook.

Comment [M39]: Altered to avoid confusion

Section 3.6 PROMOTION AND TRANSFER: When a regular employee is promoted to a position having a higher compensation schedule, the rate of compensation shall be adjusted to be at the lowest rate in the higher schedule that will provide an increase of at least five percent over the rate received immediately prior to such promotion. When a regular employee is transferred from one position to another position having the same compensation schedule, the rate of compensation will remain unchanged. Subsequent advancement, in either case, to the next higher rate in the compensation schedule may be only on the basis set forth in Section 3.2.3.

Comment [m40]: Assumes a step and grade plan which we don't have

Section 3.7 HOLIDAYS: Compensation for declared holidays for the City shall be as set forth herein.

3.7.1 EXTENDED-TERM FULL-TIME EMPLOYEES: Each extended-term full-time employee shall be compensated for the declared holidays, in addition to any time worked and based upon their regular schedule, provided that the employee meets the following conditions:

Comment [m41]: Holiday limited to extended-term employees

(a) The employee has completed thirty (30) working days of continuous service as of the date of the holiday;

(b) The employee has worked the last regular work day prior to and the next regular work day immediately following such holiday unless the holiday occurs during the following listing periods.

(1) A period of paid sick leave;
(2) An approved vacation period;
(3) When the employee is on jury duty as provided in Section 10.8;
(4) During the week in which the employee leaves for, or returns from, an approved leave of absence.

Eligible extended-term employees shall be entitled to eight (8) hours holiday compensation at their straight time hourly rate and/or hourly rate salary equivalent exclusive of shift and overtime premiums for each such holiday or, with approval of the Department Head, may take an alternate day off. If extended-term employees, except for the position classification of "Dispatcher", are required and authorized to work on any declared holiday listed in the Salary Ordinance, the compensation for time worked on such a holiday shall be deemed overtime and employees shall be compensated for such time at the rate of double time.

3.7.1.1 DISPATCHERS: Compensation for holiday pay for dispatchers shall be in accordance with Departmental Order 2/125.00 VIII, which may be amended by the Police Chief, with the approval of the Mayor, and which shall address circumstances under which a Dispatcher's holiday day shall be

paid out or rescheduled, but which may not alter the total holiday allotment to be paid or scheduled.

3.7.2 PART-TIME, LIMITED-TERM, AND EMERGENCY EMPLOYEES: Employees who are employed on an extended-term part-time, with-benefit basis shall be eligible for all declared holidays subject to the conditions set forth in Section 3.7.1; however, holiday compensation is in proportion to the scheduled time such employees normally work. If such extended-term part-time employees are required and authorized to work on any declared holiday, the compensation for time worked on such a holiday shall be deemed overtime and employees shall be compensated for such time as provided in Section 3.4.2. No non-extended-term part-time employees, limited-term employees, or emergency employees shall be eligible for holiday compensation.

Section 3.8 PERSONAL HOLIDAYS (PERSONAL DAY): Employees are paid their normal hourly rate, with no premium or multiplier, for each hour of Personal Holiday leave used.

Section 3.9 VACATIONS: Employees are paid their normal hourly rate, with no premium or multiplier, for each hour of Vacation leave used. The Salary Ordinance or resolution shall authorize the length or amount of vacation periods for civil service employees, which may be changed from time to time. Extended-term, part-time employees with benefits, who work a regularly-established number of hours per day, may be eligible for a period of vacation leave each year under the same conditions that an extended-term, full-time employee may be eligible, except that compensation for each week of vacation leave shall be reduced to coincide with the number of regular scheduled weekly hours. An employee who terminates or is terminated, dies or retires from City service, shall receive compensation for any unused portion of accumulated vacation leave up to the date of termination.

Section 3.10 MILITARY LEAVE: Compensation for each extended-term employee who is required to take a period of training for the purpose of retaining status as a member in an organized unit of the reserve corps of the United States Army, Navy, Air Force, Marine Corps, Coast Guard and the National Guard or who is ordered to active duty shall be addressed by a separate policy as adopted by the Common Council, which policy shall be incorporated into the Employee Handbook.

Section 3.11 SICK LEAVE: Each extended-term full-time employee and each extended-term part-time employee with benefits shall be eligible for compensable sick leave credit based upon periods of completed service with the City, which credit may be available for use after the first six (6) months of continuous service. Employees are paid their normal hourly rate, with no premium or multiplier, for each hour of Sick leave used. Compensable sick leave credits may be capped, which caps or maximum accruals will be specified in Section 10.6.3 | No compensation is paid for any unused, accumulated sick leave credit if an employee resigns, is discharged, or is laid off.

Comment [M42]: CROSS REFERENCE THE LEAVE ADMINISTRATION SECTION TO SICK LEAVE.

Section 3.12 BEREAVEMENT LEAVE: All regular full-time and part-time employees with benefits shall receive payment at their normal hourly rate, with no

premium or multiplier, for each hour of Bereavement Leave granted in accordance with Section 10.7. X

Comment [M43]: CROSS REFERENCE THE LEAVE ADMINISTRATION SECTION TO SICK LEAVE.

Section 3.13 JURY DUTY LEAVE: All regular full-time and part-time employees with benefits shall receive compensation for Jury Duty leave in accordance with a policy as adopted by the Common Council and set forth within the Employee Handbook.

Section 3.14 LEAVES OF ABSENCE WITHOUT COMPENSATION: Leaves of absence without compensation may be granted and shall be administered in accordance with the policy as adopted by the Common Council and set forth within the Employee Handbook.

Section 3.15 FAMILY AND MEDICAL LEAVE: Compensation associated with Family and Medical Leave shall be in accordance with state and federal requirements and with a policy as adopted by the Common Council and set forth within the Employee Handbook.

Section 3.16 LONGEVITY: Longevity shall mean continuous and uninterrupted service, as defined in the Employee Handbook, as an employee of the City of Franklin. An employee who is continuously employed by the City shall receive the following increments of pay: 5 years, $5.00 per month; 10 years, $10.00 per month; 15 years, $15.00 per month; 20 years, $20.00 per month; and 25 years, $25 per month.

Section 3.17: SPECIAL DUTY PAY OR MISCELLANEOUS COMPENSATION

Comment [m44]: This section will need to be added to prior to 1/1/12 for considerations that are in the current Inspection contract or DPW, as appropriate.

3.17.1 DISPATCHER – CERTIFIED TRAINER: A Dispatcher shall be paid an additional $.50 per hour for all hours worked while assigned to train a new employee and designated as the training officer.

ARTICLE 4 EMPLOYMENT APPLICATIONS

Section 4.1 APPLICATIONS FOR EXAMINATION: All applicants for examination must satisfy all requirements in the announcement issued for each examination. Human Resources may require applicants to submit proof of age, citizenship, and military service at the time of examination. Applicants shall not be questioned in regard to race, color, religious or political opinions or affiliations, national origin, disability, marital status, membership in the armed services, sexual orientation, ancestry, pregnancy, or any other protected characteristic as established by law, except to the extent as necessary to track non-discrimination statistics as may be required. The Committee, or Human Resources acting on its behalf, may verify statements contained in any application and shall obtain any additional information relative to character and fitness as they deem necessary.

Section 4.2 DEFECTIVE APPLICATIONS: Human Resources, acting on behalf of the Committee, may return defective applications to applicants with notice to amend or correct the application. Such amended or corrected applications shall be considered as original applications provided they are resubmitted and received by Human

Resources, on the Committee's behalf, prior to the expiration of the time limit for receiving applications.

Section 4.3 REJECTION OF APPLICATIONS: The Committee, or Human Resources acting on its behalf, may reject any defective or incomplete application and may reject any application which indicated therein that the applicant does not possess the minimum qualifications for the position.

ARTICLE 5 EMPLOYMENT EXAMINATIONS

Section 5.1 ADMINISTRATION OF EXAMINATIONS: Absent specific action of the Committee, the Director of Administration or his/her designee shall identify and select the appropriate test to administer. The Human Resources Coordinator, acting on behalf of the Committee, shall administer written, oral, and/or performance examinations to determine the suitability of applicants for positions in the classified certified service of the City. Examination shall be administered on a competitive basis and, in order to avoid the possibility of discrimination, the identity of applicants shall be concealed in all examinations. Whenever they deem it necessary, the Committee shall have the authority to appoint, subject to funding as appropriated by the Common Council for such purpose, an examining agent experienced in the particular field or line of work for which candidates for a position are to be examined. The Committee may refuse to examine an applicant, or after examination may refuse to certify an eligible person and may remove the name from the eligibility list, for any of the following reasons:

(a) Disability of such a manner that it reasonably relates to the applicant's ability to adequately undertake the job-related responsibilities of the employment, as set forth in Section 111.34 of the Wisconsin Statutes;

(b) Addiction to the habitual use of intoxicating beverages to excess or use of drugs;

(c) Conviction of a crime if the circumstances substantially relate to the circumstances of the particular job, as set forth in Section 111.335 of the Wisconsin Statutes;

(d) Making a false statement of any material fact or practiced or attempt to practice deception or fraud in the employment application.

(e) Cheating or deception on or in relation to an examination.

Section 5.2 PREPARATION OF EXAMINATIONS: The Committee shall establish adequate examinations for each class of positions in the City certified classified service. The Committee shall establish a list of which classes of positions in the City certified classified service require a prepared test and which examination requires only a review by Human Resources as to meeting the established education, experience, and minimum qualifications as set forth in the job description. Examinations shall relate to those matters which, in the judgment of the Committee (or Human Resources acting on their behalf where necessary), will test fairly the ability and suitability of an applicant to perform, with reasonable efficiency, the duties of the positions for which examinations are administered. Examinations may be assembled or unassembled and

Comment [M45]: Worded to also address those positions where a prepared test is not available or used.

may include written, oral, physical, application review, or performance tests, or any combination of such tests. No question in any examination shall relate to race or religious or political opinions or affiliations.

Section 5.3 SCHEDULING EXAMINATIONS: The Human Resources Coordinator, on behalf of the Committee, shall schedule entrance, promotion, and transfer examinations to fill vacancies in the City certified classified service and/or to provide eligibility lists for positions where vacancies are likely to occur. The Human Resources Coordinator, on behalf of the Committee shall provide notice of the scheduling of each examination via mail, email, verbal discussion, or by some other commonly accepted communication to all qualified applicants.

Comment [M46]: This section was changed to reflect that we review applications prior to testing and do not simply publish a notice and administer a test to everyone who shows up.

Section 5.4 ENTRANCE EXAMINATIONS: Entrance examinations shall be opened to all applicants, except extended-term full-time and extended-term part-time with benefits City employees, who meet the minimum requirements fixed by the Committee with regard to experience, education, character, physical fitness, and such other factors as may be related to the ability and suitability of the applicants to perform with reasonable efficiency, the duties of the positions for which entrance examinations are scheduled.

Section 5.5 PROMOTION EXAMINATIONS: Promotion examinations shall be open to all extended-term full-time City employees eligible to receive benefits and to employees occupying positions as approved in 5.5.1. Additionally, each such employee must meet the minimum requirements fixed by the Committee with regard to experience, education, character, physical fitness, and such other factors as may relate to the ability and suitability of such employees to perform, with reasonable efficiency, the duties of the positions for which promotion examinations are scheduled. Promotion examinations may be limited to a single department or a subdivision thereof if deemed by the Committee to be in the interest of the City service.

Comment [M47]: This limits the potential negative impacts of only hiring from a sub-set of the population that could afford to have a part-time job for a while. (Ex. Kenosha Parks to DPW)

5.5.1 The Personnel Committee shall, from time to time, approve a listing of which part-time positions are eligible for promotion examinations identifying the positions to which promotion eligibility applies. The Personnel Committee shall consider the hours per week of the part-time position, the relationship between and nature of the work of each position, and other factors as the Personnel Committee deems necessary. Such listing shall be available for inspection at the Human Resources office.

Section 5.6 TRANSFER EXAMINATIONS: Transfer examinations shall be scheduled, as the Committee or Human Resources acting on their behalf deems necessary, for the purpose of determining if extended-term City employees, who have properly requested transfer to a position in the same class or to another class with the same maximum salary limit, have the necessary qualifications to perform, with reasonable efficiency, the duties of the positions to which they seek transfer.

Comment [M48]: A phrase used in a number of places to provide for administrative ease and to remove the strict bureaucratic structure that was typical of Civil Service Systems in the 1970's.

Section 5.7 METHOD OF RATING EXAMINATIONS: The Committee shall oversee the development and implementation of sound measurement techniques and procedures for the evaluation of the training and experience of applicants and for

Comment [M49]: Again, focus on language that addresses the Committee's scope of responsibility, but recognizes that it is paid staff that is assigned the tasks.

rating the results of tests used in all examinations for the purposes of rejecting unqualified applicants and establishing the names of eligible applicants on eligibility lists in proper order according to the relative ability and qualification of applicants. The Committee shall review the findings of each examining agent or committee and shall give due consideration to such findings when establishing eligibility lists.

5.7.1 POSITIONS REQUIRING A PREPARED TEST: The minimum rating by which eligibility may be achieved by such applicants in each examination shall be established by the Committee, individually or from time-to-time. Such minimum ratings shall also apply to the rating of each part of the examination; therefore, applicants shall be required to attain at least a minimum rating on each part of the examination in order to be considered eligible for employment. The total earned rating of each applicant shall be the total of the earned rating on each part of the examination in accordance with the weights established for each such part prior to the date of examination.

5.7.2 POSITIONS NOT REQUIRING A PREPARED TEST: For positions without a prepared test and only requiring a review by Human Resources, per Section 5.2, Human Resources shall evaluate each satisfactory application to determine if it meets the established education, experience, and minimum qualifications as set forth in the job description and shall rate each such satisfactory application as "Meets Minimum Qualifications" or "Does Not Meet Minimum Qualifications." To aid Appointing Authorities in selection, Human Resources may also provide a ranking or subjective review of those meeting minimum qualifications; however, such subjective review may not take into consideration any of the factors listed throughout this policy which may be considered potentially discriminatory but may consider the training and experience of applicants in order to determine the relative ability and qualification of applicants.

Comment [M50]: This section added to also address those positions where a prepared test is not available or used

5.7.3 VETERANS RATING ADJUSTMENT: A veteran, as defined in Section 230.16(7m) of the Wisconsin statutes, or the spouse of a veteran shall receive a veteran's preference on an examination, considered under 5.7.1, in accordance with Section 230.16(7) of the Wisconsin statutes, as may be amended from time to time. Proof of veteran status shall be provided by a veteran in the form of discharge papers, a certified or photostatic copy of such, or other satisfactory evidence of honorable military service and discharge as is necessary to prove standing under Section 230.16(7m). Veterans with a disability rating shall submit proof of such disability rating on such form as may be required by the Committee and the disability must be certified by the appropriate federal agency responsible for the administration of veterans' affairs. The burden and requirement of proof and of knowledge of a Veterans Rating Adjustment shall be entirely upon the applicant, and the City is not required to amend its process or reconsider actions taken to accommodate notification of Veterans status or preference that was not presented and proved in a timely manner. Veterans shall not be eligible for adjustment of total earned ratings on promotion or transfer examinations.

Comment [M51]: As such, a veterans preference doesn't come into play for non tested positions. In other words, the minimum qualifications are not reduced to accommodate a veterans rating adjustment.

Comment [m52]: Make it their requirement to ask, not ours to provide

Comment [M53]: Added this risk management language

Section 5.8 NOTIFICATION OF EXAMINATION RESULTS: Each applicant who takes an examination shall be notified in writing as to whether the minimum rating was attained in such examination and, if attained, the applicant's standing on the eligibility list. Each such applicant shall be entitled to inspect their own rating and examination papers, but examination papers shall not be open to the general public. Such inspection shall only be permitted at such hours and in such places as specified by Human Resources. If the Committee makes a subsequent adjustment of the final rating of an applicant, Human Resources shall promptly notify the applicant of such adjustment, the reasons therefore, and any change made in the order in which the applicant's name appears on the eligibility list.

ARTICLE 6 ELIGIBILITY LISTS

Section 6.1 ORIGINATION: After each examination, Human Resources shall prepare, and the Committee shall approve in a final manner and form as they shall determine appropriate, an entrance, promotion, or transfer eligibility list of those candidates who have attained minimum ratings as established by the Committee for that examination. Names of eligible candidates shall be placed on the list in numerical order of final ratings starting with the highest rating. In case of ties in the final rating, names of such tied candidates shall be placed on the list in alphabetical order. Human Resources shall also prepare, and the Committee shall approve in a final manner and form as they shall determine appropriate, a list of employees on lay-off status who are eligible for reinstatement.

Section 6.2 ENTRANCE LIST: An entrance list shall consist of the names of all applicants who have attained the required minimum ratings as a result of an entrance examination. Such names shall be arranged in the numerical order of final rating.

Section 6.3 PROMOTION LIST: A promotion list shall consist of names of all extended-term City employees who have attained the required minimum ratings as a result of a promotion examination. Such names shall be arranged in numerical order of final rating.

Section 6.4 TRANSFER LIST: A transfer list shall consist of the names of extended-term City employees who have attained required minimum ratings as a result of a transfer examination. Such names shall be arranged in numerical order of final rating.

Section 6.5 REINSTATEMENT LIST: A reinstatement list shall consist of names of extended-term City employees who have been laid off from their positions in accordance with these rules and who are eligible for rehire. Such names shall be arranged in order of length of continuous service with the City starting with the longest period of continuous service.

Section 6.6 COMBINATION OF LISTS: Two eligibility lists of the same type and for the same class of positions may be consolidated by the Committee in a manner fair to eligible people on both lists.

Section 6.7 REMOVAL FROM LISTS: The Committee may remove the following from the eligibility list:

(1) Any person certified to fill an extended-term position in the City classified service and who accepts such appointment or refuses such position when it is offered by the Department Head, or who fails to present him/herself for duty within such reasonable period of time as prescribed by the Appointing Authority;

(2) Any person who made false statements, subsequently discovered in the application;

(3) Any extended-term employee who refuses to accept a requested transfer;

(4) Any extended-term employee on lay-off status who refuses reinstatement or who fails to report on reinstatement within the period of time prescribed by the Committee;

(5) Any person who fails to notify the Committee in writing of a change of address.

(6) Any person subsequently found to have cheated on the examination.

Section 6.8 DURATION OF LISTS: A list shall remain in force for one (1) year from the date on which originally established by the Committee except as follows:

(1) Before the expiration date of the list, the Committee may extend the time for six (6) month periods during which a list remains in force when the needs of the City service so require, but such extended time may not exceed three (3) years from the date on which the list was originally established, and

(2) The list may be decertified earlier by the Committee for any such, non-discriminatory reason that the Committee deems appropriate and in the best interest of the City.

Any action of the Committee reducing or extending the time period which a list shall be in force shall be duly entered in the meeting minutes of the Committee and the reasons for such extended time period shall be adequately explained therein.

Section 6.9 AVAILABILITY OF ELIGIBLE APPLICANTS: Each applicant listed on the eligibility list shall file with Human Resources any changes affecting availability for employment. Human Resources, acting on behalf of the Committee, may use whatever methods it deems proper to determine availability of applicants listed on an eligibility list. Whenever an eligible applicant submits a written statement to Human Resources or the Committee restricting the conditions of availability for employment, the name shall be withheld from any certification which does not meet the conditions specified, to the extent possible or practicable as determined by Human Resources. Such an eligible applicant may file a new written statement with the

Comment [M54]: Risk management addition

Committee in the duration of the eligibility list to modify or void any prior statement filed as to the condition(s) under which available for employment.

ARTICLE 7 RECRUITMENT

Section 7.1 PERSONNEL REQUISITION: A Department Head may submit a Personnel Requisition to Human Resources to fill a new position or vacancy in an existing position in the classified service, and Human Resources, acting at the direction of the Mayor, shall make the Committee aware of such requisition in a manner and form as prescribed by the Committee.

Section 7.2 CERTIFICATION OF ELIGIBLE APPLICANTS: Upon receipt of an approved personnel requisition for a position for which a valid eligibility list is in place, Human Resources, acting on behalf of the Committee, shall provide the names, addresses, and final ratings of three (3) eligible persons standing highest on the appropriate eligibility list. If the personnel requisition specifies more than one (1) position vacancy for the class of position, Human Resources shall in the same manner provide four (4) names more than the existing vacancies. In the event of a tie at the third or fourth position as indicated above, the Director of Administration shall use statistical methods and/or personnel management principles to narrow the list to the required number or may provide additional names and addresses.

Comment [M55]: Language from Wis Stat 230.25 as to how the state Administrator determines the number of names on the list. Gives flexibility to deal with varying volumes of test results.

The list as provided in Article 6 of these rules shall be used in the following order for certification:

(a) Reinstatement list,
(b) Transfer list,
(c) Promotion list,
(d) Entrance list.

Comment [M56]: It is a toss up which order to set these two. The current Handbook encourages promotions for employees and states that lateral transfers will only be made if it benefits the City's service. Leaving it the way it is, however, does give the organizationally more senior employee an edge or the less organizationally senior person, which is not atypical. As such, I left it as previously stated.

Human Resources shall only provide names from a certified entrance list when no person is eligible for reinstatement, transfer, or promotion. If special requirements, skills, or knowledge are specified in the Position Specifications in the personnel requisition and the Committee after investigation deems that the facts and reasons specified show a need for the special requirements, skills, or knowledge for effective performance of the duties of the position, certification shall be limited to such qualified persons on the appropriate lists.

Comment [M57]: "Continuous service of extended-term employees, if examination rating and all other qualifications are approximately equal, shall be the determining factor of the order by which the Committee shall make certifications from the promotion and transfer lists." Eliminated to give department heads greater ability to select from internal candidates based on performance factors.

Section 7.3 APPOINTMENTS: The Appointing Authority shall examine the applications of certified applicants in regard to education, experience, and other applicable factors and may conduct individual interviews of such candidates, which interviews may not consider any of the discriminatory factors referenced in these rules except to the extent that they may specifically impact the ability to perform the essential functions of the job. Based upon the specific requirements of the position, examination results, and individual interviews, the Appointing Authority may make a decision as to which certified applicant or applicants will be chosen for the vacancy or vacancies and shall immediately inform Human Resources in writing of the resulting appointment or appointments. The Appointing Authority will establish a time period for reporting for duty, notify the appointed applicant of appointment and established

Comment [M58]: This step has always occurred, but wasn't in the current text.

time period for reporting for duty, and specify the time and place of reporting as well as any other pertinent information.

Section 7.4 ACCEPTANCE OF APPOINTMENT: If a certified person presents him/herself for duty within a reasonable period of time as the Appointing Authority shall prescribe, that person shall be deemed to have accepted the appointment and been appointed, otherwise the person shall be deemed to have declined the appointment.

Section 7.5 LIMITED-TERM APPOINTMENTS: Limited-term appointments for short term employment may be made from eligibility lists intended for extended-term employment if an appropriate list is in place. If no appropriate list exists or if certification from lists is impractical because of non-availability of the eligible applicant for limited-term work, the Mayor may authorize the limited-term appointment of any qualified individual or Human Resources may elect to pursue establishment of an eligibility list through the Committee. Successive emergency appointments of the same person to the same position shall not total more than the equivalent of six (6) months full time work in a twelve (12) month period, unless specifically authorized by the Committee. The acceptance or refusal by an eligible applicant for a limited-term appointment shall not affect the applicant's standing on an eligibility list for an extended-term position. Any period of employment under a limited-term appointment is not part of the introductory service period in the event of subsequent appointment to a regular position.

Comment [M59]: Section adjusted to reflect flexibility with such positions that is more consistent with our current practices.

Section 7.6 EMERGENCY APPOINTMENTS: When an emergency condition makes it impossible to fill a position in the City classified service in accordance with these rules, the Mayor may appoint any qualified person to such position to prevent stoppage of public business, inability to adequately commence public business, or loss or serious inconvenience to the public. Any person so appointed shall only be employed during such emergency condition, which shall not exceed thirty (30) working days in any twelve (12) month period, unless otherwise approved by the Committee. There shall be no emergency if the Mayor had or, in the exercise of due diligence should have had, reasonable notice of a clear employment condition. The Mayor shall report all emergency appointments to the Committee and the Common Council as soon as reasonably possible following such emergency appointments. Any period of employment under an emergency appointment is not part of the introductory service period in case of subsequent appointments to a regular position.

Comment [m60]: Comma is in the wrong place

Section 7.7 NEPOTISM PROHIBITED: No person shall be appointed to any position in the City service subject to these rules who is related by blood (whether of whole or half blood), or through marriage to the appointing officer, or to any member of the appointing board or body or to any direct superior, or any elective or appointive City official who also is the appointing officer. This prohibition includes appointments to classified positions.

Relationship as here defined, shall extend to all persons related as closely as first cousin when the relationship is by blood, or more closely related than first cousin where the relationship is through marriage, cases of husbands of sisters-in-law and wives of brothers-in-law. In the event nepotism occurs after appointment (marriage),

within six (6) months after the event causing the nepotism, the employee concerned must seek a transfer, promotion, etc., or the City will unilaterally take action to eliminate this rule infraction.

ARTICLE 8 INTRODUCTORY SERVICE

Section 8.1 INTRODUCTORY PERIOD: All appointments, whether original, introductory, or by reinstatement or transfer to a position of a different class or in a different department than in which the employee had previously served and intended to be permanent shall be for an introductory period of six (6) months of actual continuous service. No transfer, promotion or appointment shall be deemed final until the appointee has satisfactorily completed the introductory period. An Appointing Authority with the approval of the Director of Administration may extend an introductory period for up to an additional 6 months based upon satisfactory need. The Committee may establish a longer introductory period for a position at the time of certification of the list if such extensions do not exceed one (1) year and if deemed to be in the interest of City service. The introductory period shall be regarded as an integral part of the selection process and shall be utilized by close observance of the employee's work and work habits for the purpose of obtaining the most effective adjustment to the position and for rejecting any employee whose work performance or work habits do not meet work standards.

Section 8.2 INTRODUCTORY PERIOD REPORTS: The Department Head shall, no less than two (2) weeks prior to the expiration of an employee's introductory period, report to Human Resources in writing as to whether or not the services and conduct of the employee have been satisfactory and whether or not the employee will continue in the position or whether the introductory period will be extended. Annually, Human Resources may provide the Committee with a summary report of the end of introductory period actions.

Comment [m61]: Reinstitute this as an administrative process..

Section 8.3 DISMISSAL DURING THE INTRODUCTORY PERIOD: The Appointing Authority, with approval of the Director of Administration, may dismiss an employee any time during the established introductory period if such employee, after adequate opportunity to qualify, shall be found incompetent, unqualified, or otherwise unsuited, in the opinion of the Appointing Authority, to perform satisfactorily the duties of the position, including but not limited to interacting well with others within the scope of the office or work environment. In the event of such dismissal, the Appointing Authority shall submit to Human Resources a written statement of reasons for dismissal together with such other service rating reports and forms as Human Resources may require. Any employee who, during the introductory period, is found to have been appointed through fraud or error, shall be dismissed within ten (10) working days of notification to or by Human Resources.

Section 8.4 RESTORATION OF UNSUCCESSFUL APPOINTEE TO FORMER POSITION: An extended-term City employee, appointed from a transfer or promotion eligibility list to a new position who does not successfully complete the introductory period in the new position shall be reinstated in the position, or in a position of the same class, or similar class if in the best interest of the City, occupied by the employee immediately prior to transfer or promotion in line with established

continuous service with the City. All other unsuccessful appointees shall be dismissed in accordance with other provisions of these rules. Actions under this Section 8.4 shall not be considered a demotion.

ARTICLE 9 DISCIPLINE: An overall intent of discipline is to maintain the efficiency and integrity of City service. The tenure of all City employees shall be based on reasonable standards of job performance and personal and professional conduct. As such, discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee has misconduct or violates a policy or work rule (including, but not limited to, those in the Employee Handbook and in this Personnel Administration Program), when an employee's performance is not acceptable or exhibits incompetence, when the employee's conduct is detrimental to the interest of the City, or at any other such time as deemed reasonable by the City. Additional examples of actions warranting disciplinary action as listed in the Employee Handbook are incorporated herein by reference. This policy is intended to comply with Wis. Stats. Section 66.0509. A "just cause" standard is not required to be met in the issuance or review of disciplinary action, but disciplinary action taken should be reasonable or appropriate, and not arbitrary and capricious, given the circumstances associated with the disciplinary action.

Section 9.1 STEPS OF PROGRESSIVE DISCIPLINE: Disciplinary action will be progressive when appropriate and may include, but is not limited to, any of four steps: verbal warnings, written warnings, suspensions with or without pay, and dismissal (termination of employment). Employees will be provided a written or verbal notice of the allegation(s) and provided an opportunity to be heard, prior to imposition of discipline. The Employee will be afforded a reasonable opportunity, as determined solely by the City, to be represented by one individual, at the Employee's sole cost, during the employee's opportunity to be heard. It is the responsibility of each supervisor and Department Head, who may seek assistance from Human Resources, to evaluate the circumstances and facts of employee actions objectively and apply a reasonable form of discipline; however, failure of each supervisor or Department Head to do so shall not lessen the appropriate disciplinary action or forgive the employee's action. The nature and severity of the offense, and the employee's prior record, and any other factor deemed reasonable by the City on a case-by-case basis may be considered in administering disciplinary measures; however, there may be circumstances when one or more steps are bypassed. Certain types of employee actions or problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps, even in the event when an employee's prior work record was clean. **The City reserves the right, in its sole discretion, to impose disciplinary action as it determines may be reasonable and appropriate to the particular circumstances.**

9.1.1 "I'M DISAPPOINTED MEMO" - An "I'm Disappointment Memo" is not a disciplinary action, but a method for informing an employee of concerns that could lead to disciplinary action. They may be considered as part of the employee's prior record, but are not grievable.

9.1.2 VERBAL WARNING: Verbal warnings are typically the first step of progressive discipline. In a verbal warning the employee is informed of their action or inaction that warranted the verbal warning and should be informed of

the performance expectation to avoid additional steps of progressive discipline. The issuance of a verbal warning should be documented in writing and should be provided to the employee. Failure to document a verbal warning does not eliminate it from future consideration, but it may impact its consideration in considering an employee's prior record.

9.1.3 WRITTEN WARNING: Written Warnings should be prepared by the supervisor involved and are to be signed by the employee and placed in the employee's personnel file. A copy of a written warning should be retained by the employee.

9.1.4 SUSPENSION: A Department Head may, for the purpose of discipline, suspend any employee in the City classified service under the Department Head's jurisdiction, with or without compensation for a reasonable period of time not to exceed thirty (30) calendar days in any twelve (12) month period. Prior to issuing the suspension, the Department Head must review all pertinent information specifying and supporting the reasons for discipline, the discipline to be imposed, the effective date, and summarizing the investigation that occurred with the Director of Administration, who must concur with the discipline to be imposed or else the matter shall be reviewed by the Mayor. A copy of such suspension statement shall be provided to the employee.

9.1.5 DISMISSAL:

9.1.5.1 A dismissal is a discharge or termination of employment made as a result of disciplinary action. A Department Head, for the purpose of discipline and with the approval of the Director of Administration, who may require such documentation as he determines is necessary, may dismiss an employee under the Department Head's jurisdiction, but no dismissal shall take effect until the Appointing Authority submits to such employee a written statement specifying the reasons therefor and files a copy of such statement, and other required forms, immediately with the Director of Administration.

9.1.5.2 A "dismissal" shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following personnel actions:

(a) Voluntary quit,
(b) Layoff or failure to be recalled from layoff at the expiration of the recall period,
(c) Retirement
(d) Job abandonment, "no-call, no-show" or other failure to report to work, or
(e) Termination of employment due to medical condition, lack of qualification or license, or other similar inability to perform job duties.

Section 9.2 NOT DISCIPLINE: Discipline does not include the following:

(a) Placing an employee on paid administrative leave pending an internal investigation,
(b) Counselings, meetings, or other pre-disciplinary action,

(c) Actions taken to address work performance, including use of a performance improvement plan or job targets.
(d) Demotion, transfer, or change in job assignment, or
(e) Other personnel actions taken by the employer that are not a form of progressive discipline.

Section 9.3 RIGHT TO GRIEVE: An employee who has received discipline in the form of a verbal warning, written warning, suspension, or dismissal may grieve the disciplinary action in accordance with Article 12.

Section 9.4 "LAST CHANCE AGREEMENT": Nothing in this Program shall prohibit the mutual resolution of disciplinary action or related grievance procedure from concluding with a "Last Chance Agreement," which agreement may eventually or ultimately result in a voluntary separation by an employee who commits the violation or action as specified in the "Last Chance Agreement."

ARTICLE 10 ATTENDANCE AND LEAVE REGULATION

Comment [M62]: THIS SECTION NEEDS TO BE EXPANDED TO COVER ALL TOPICS

Section 10.1 WORK WEEK AND HOURS OF WORK:

10.1.1 A work week is Sunday through Saturday. Most full-time employees will work 40 hours per week; however, all full time employees shall work at least 37.5 hours per week on average, except as otherwise noted herein. All part-time employees shall work less than 37.5 hours per week on average.

10.1.2 Except as otherwise noted herein, the normal work week shall consist of five (5) eight-hour work days, exclusive of authorized meal periods.

10.1.2.1 For full-time employees, the Common Council or Mayor may authorize deviations from 10.1.2 provided the hours for which the employee is paid adhere to 10.1.3 and the employee is only paid for hours worked and for other paid leave hours set forth herein. [For example an employee working from 7:00 a.m. to 5:00 p.m. would be paid for 9.5 hours if there were a one-hour lunch period or 10 hours if there were a one-half-hour lunch period.] Regular shifts or duty assignments established under this provision that exceed 8 hours in length shall not require overtime payments except as required by FLSA.

10.1.2.2 The work week for Dispatchers in the Police Department shall consist of five (5) workdays followed by two (2) off days, followed by five (5) workdays followed by three (3) off days, referred to as 5-2, 5-3 duty schedule, with shifts eight hours and 15 minutes long at times set forth by the Police Chief in department standard operating procedures.

10.1.3 LUNCH PERIODS: Except as otherwise set forth herein, full-time employees shall receive a one (1) hour lunch. Half of the lunch period is paid by the City, the other half is unpaid. [Example: Working 8:30 a.m. to 5:00 p.m with a 12:00 to 1:00 lunch is eight (8) hours worked.] Including the half

hour paid lunch period, the full-time employee must work at least 6 hours to receive the half-hour paid lunch period for that day, but the paid lunch period may not be at the beginning or end of the work period. [Therefore, a full-time employee starting at 8:30 must work until at least 3:00 in order to take a 1 hour lunch that includes the half-hour paid lunch period] The lunch period may be reduced to one-half hour, paid, in conjunction with a work schedule established under 10.1.2.1. Full-time employees who are FLSA exempt are not eligible to receive additional compensation or overtime if they work through the un-paid portion of a lunch period. Full-time employees who are not FLSA exempt do not receive overtime payment or double compensation if circumstances require that they work through their paid half-hour lunch period. Part-time employees are not qualified for a paid lunch period.

10.1.3.1 For Dispatchers in the Police Department the schedules in 10.1.2.2 shall include a thirty (30) minute paid lunch break during their tour of duty, during which time the employee shall be required to remain in the building subject to recall to their work station.

10.1.3.2 For Department of Public Works employees the lunch period shall be one-half hour unpaid, but employees will receive a 20-miinute paid break period during the full work day, which will be administered as determined by the immediate supervisor acting under the authority or direction of the department head.

10.1.3.3 The Common Council or Mayor may approve a revised office-hours schedule, including deviations in the lunch period, for a department that, but such deviations shall remain consistent with the spirit of 10.1.3. The Director of Administration may approve extended term deviations from the lunch periods set forth herein to address special circumstances or departmental needs or schedules, but such deviations shall remain consistent with the spirit of 10.1.3.

10.1.3.4 Lunch periods for the Library shall be as established by the Library Director; however, any paid lunch period must be in compliance with an adopted policy of the Library Board.

Section 10.2 HOLIDAY LEAVE: The declared holidays for the City and the administration of holiday leave shall be addressed in the Employee Handbook.

Section 10.3 PERSONAL HOLIDAYS (PERSONAL DAYS): Except as otherwise specified herein, full-time employees will receive five (5) Personal Holidays per calendar year, except employees with less than 5-years of continuous service will receive four (4) Personal Holidays, which will be issued at the start of each calendar year. Personal Holidays must be taken within the calendar year at a time mutually agreed upon between the employee and the Department Head, except up to two days may be carried over with the approval of the Department Head and Director of Administration in the event of special circumstances, solely as determined by the City. Employees' requests for personal days shall be made twenty-four (24) hours in advance to the employee's supervisor, except in cases of emergency. The Department

Comment [M63]: Reflects a need of management.

Head shall not unreasonably withhold consent to take a Personal Holiday but may do so if required to serve the needs of the department. A new employee shall have their Personal Holiday allowance for the then current year prorated based upon the portion of the year remaining, as calculated by Human Resources. Personal Holiday's must be used for a minimum two-hour period.

10.3.1 DISPATCHERS: Dispatchers are eligible to receive and use four (4) personal days after one (1) year of service, and do not receive a prorated leave balance upon being hired. Administration of Dispatchers' Personal Holidays, including carry over restrictions, shall be in accordane with Departmental Order 2/125.00, which may be amended by the Police Chief, with the approval of the Mayor.

10.3.2 DEPARTMENT OF PUBLIC WORKS AND SEWER AND WATER DEPARTMENT: Department of Public Works and Sewer and Water Department employees shall receive four (4) Personal Holidays per calendar year and shall be required to observe a minimum four-hour period.

Section 10.4 VACATIONS:

10.4.1 ACCRUAL RATE: Except as otherwise set forth herein, each extended-term full-time employee and each extended-term part-time employee with benefits in the City service shall accrue vacation hours each payperiod. The accrual rate per pay period shall be $1/26^{th}$ of the appropriate annualized benefit as listed in the Employee Handbook. A new employee is not eligible to use any vacation hours until after six (6) months of continuous employment. The length of the vacation period or vacation accrual rate of each eligible employee shall be based on the employee's years of continuous service as of their last anniversary date.

10.4.1.1 Dispatchers: Dispatchers shall accrue vacation leave once annually (lump-sum) on January first of each year, except a new employee shall receive their first lump-sum on their first anniversary date. An employee who separates employment prior to their anniversary date in any given year who has used all of their vacation allotment for that year is subject to an adjustment to their separation payout to reconcile for vacation used but not earned for the period between their separation date and their anniversary date.

10.4.1.2 EXTENDED-TERM PART-TIME EMPLOYEES WITH BENEFITS: Extended-term, part-time employees with benefits, who work a regularly-established number of hours per day, may be eligible for a period of vacation leave each year under the same conditions that an extended-term, full-time employee may be eligible, except that the accrual rate for each week of vacation leave shall be reduced proportionally to coincide with the number of regularly scheduled weekly hours. If a regularly-scheduled, part-time employee is duly certified, appointed and accepted as an extended-term employee, continuous service with the City service for vacation purposes shall be recomputed to establish a date which will reflect and be the equivalent of full-time service.

10.4.2. VACATION SCHEDULING: Each Department Head shall recommend to the Mayor, after consultation with Human Resources, a vacation scheduling policy that pays particular regard to the continuous service of employees (seniority) and the operating requirements of the Department or divisions thereof. Said plans will be submitted to the Mayor for approval and shall automatically be incorporated into the Employee Handbook without requiring separate action by the Common Council.

Said departmental Vacation Scheduling Policies shall incorporate the following provisions:

(a) Vacation leave credit may be applied, at the written request of the employee and with the approval of the Appointing Authority, to periods of absence due to sickness, injury, disability or Military leave.

(b) A holiday occurring during an employee's approved vacation period shall not be considered a day of vacation leave.

(c) An approved vacation period for an employee may not be rescinded for the sole purpose of granting a vacation period to a more senior employee.

Section 10.5 MILITARY LEAVE: Leave allowances and leave administration for each extended-term employee who is required to take a period of training for the purpose of retaining status as a member in an organized unit of the reserve corps of the United States Army, Navy, Air Force, Marine Corps, Coast Guard and the National Guard or who is ordered to active duty shall be addressed by a separate policy as adopted by the Common Council, which policy shall be incorporated into the Employee Handbook..

Comment [m64]: THIS SECTION WILL BE REDRAFTED TO REFLECT THE CURRENT ADOPTED POLICY

Section 10.6 SICK LEAVE:

10.6.1 ELIGIBILITY: Each extended-term full-time employee and each extended-term part-time employee with benefits shall be eligible for sick leave credit based upon periods of completed service with the City, which credit may be available for use after the first six (6) months of continuous service. The positions of Public Health Nurse, Planner, Police Department Administrative Assistant, Administrative Project Assistant, and Deputy City Clerk shall use, accrue, and administer their sick leave credits, incorporating all subsections of 10.6, in the manner authorized for supervisors in the Employee Handbook.

10.6.2 COMPUTATION OF SICK LEAVE CREDIT: Each eligible employee shall be credited with sick leave up to the maximum sick leave accumulation at the rate of the number of hours equivalent to one (1) average regular scheduled workday period (i.e., prorated), exclusive of overtime and authorized meal periods, for each month of completed service after becoming eligible. For the purpose of sick leave credit, completed service shall include absence due to declared City holidays, to approved vacation leaves, and to disability arising from injuries sustained in the course of City employment,

as evidenced by applicable worker's compensation payments. All other periods of absence shall not be included as completed service.

10.6.3 MAXIMUM SICK LEAVE ACCUMULATION: Except as set forth in 10.6.1, unused sick leave credit of any eligible employee may not exceed 180 days..

Comment [m65]: Consistent with most of our contracts.

10.6.4 SPECIAL SICK LEAVE CREDIT: If an employee has not taken sick leave during a specified four month period (January through April, May through August, and September through December), the employee shall receive a bonus of one sick day.

10.6.5 USE OF SICK LEAVE CREDIT: Eligible employees, upon the approval of their supervisor, may use sick leave credit in accordance with the provisions listed below, to claim compensation for periods of absence due to illness, injury, or quarantine due to contagious disease which could be communicated to other employees (except where Worker's Compensation applies):

Comment [m66]: Still need to provide wording so that current non-represented employees may continue to use sick leave to immediate family members living in the home. Also need to address doctors visits.

(a) Employees shall make every reasonable effort to inform their immediate supervisor of any such absence prior to the beginning of their work shift or as soon as possible thereafter. Failure to do so within twenty-four (24) hours from the beginning of their work shift on each day of absence may be cause for denial of use of sick leave credit for the period of absence, except an employee may provide a notice for a multiple day period.

(b) Sick leave credit may not be used to cover a period of absence less than one hour of the employee's regularly-scheduled daily work hours, except for Department of Public Works and Sewer and Water Employees who may not use sick leave credits to cover a period of absence less than 4 hours of the employee's regularly-scheduled daily work hours.

Comment [m67]: This would be new to some people

(c) The use of sick leave credit in excess of three (3) consecutive days to cover periods for reason of illness, injury, or quarantine may be granted only after an employee presents to the supervisor, a written statement from the employee's physician stating the nature of the illness and certifying that the employee's condition prevents or prevented the employee from performing the duties of the position and, when applicable, that the employee may return to work and can perform the duties of the position. An employee with any illness or injury of more than seven (7) consecutive calendar days must present such a written statement weekly from a physician.

(d) Sick leave credit may be used in accordance with State, Federal, and Local Family Medical Leave Act (FMLA) provisions.

(e) A holiday occurring during an employee's absence due to approved sick leave shall not be considered a day of sick leave.

(f) All unused, accumulated sick leave credit is automatically cancelled if an employee resigns, is discharged, or is laid off except that employees who are laid off, for reasons not discreditable to them, will retain their unused accumulated sick leave credit provided they are reappointed within one (1) year from the date of the lay off.

(g) VACATION LEAVE DONATION: Donation of Vacation leave time is allowed to benefit a sick employee. It shall be administered in accordance with the policy as adopted by the Common Council and set forth within the Employee Handbook

10.6.6 ADMINISTRATION OF SICK LEAVE CREDITS: Supervisors shall ensure sick leave credit used by employees under their jurisdiction is properly and accurately submitted for accounting within the time-keeping system. The Director of Administration shall cause to be maintained a current record of each employee's sick leave credit accumulation and shall make appropriate monthly reports available to supervisors and employees.

10.6.7 SICK LEAVE ABUSE: Any employee fraudulently obtaining sick leave approval or any supervisor falsely certifying to sick leave approval for absence from work for unapprovable reasons, may be disciplined. Any employee exhibiting a pattern of excessive sick leave use, as determined by the City, which pattern can be established by consistent annual use of sick leave credits of more than 6 days without a valid medical reason, as reasonably determined by the City, may be disciplined. Any employee exhibiting a pattern of periodic or cyclical or event-based sick leave use, as reasonably determined by the City, may be disciplined.

Comment [m68]: This initial policy of Sick Leave Abuse restraint may be reviewed again in the near future.

Section 10.7 BEREAVEMENT LEAVE:

Comment [M69]: Significantly matches the Employee Handbook language.

10.7.1 All regular full-time and part-time employees with benefits shall receive up to three (3) working days off with pay as bereavement leave to arrange and/or attend funeral activities in the event of a death within the employee's immediate family. "Immediate family" shall be defined as the employee's spouse, child, father, mother, sister, brother, father-in-law and mother-in-law. The death of a brother-in-law, sister-in-law, daughter-in-law, son-in-law, grand-children, grandparents, or aunt or uncle of the employee or the employee's spouse shall result in one(1) working day off with pay.

Comment [M70]: Not previously in non-rep ordinance, but in some contracts.

10.7.2 When a bereavement leave of absence occurs during an employee's vacation, it shall be considered as part or all of the leave granted up to the amount of days authorized.

10.7.3 An Employee must obtain pre-approval (prior to the first day of usage if possible or during the first day of usage) for bereavement leave by contacting their immediate supervisor or department head. Employees who fail to return to work on the specified date without receiving an extension shall be subject to disciplinary action.

10.7.4 Bereavement leave is to be used to arrange and/or attend funeral activities. Confirming documentation may be required.

10.7.5 Bereavement leave is not deducted from sick leave.

Section 10.8. JURY DUTY LEAVE: Jury duty leave shall be administered in accordance with the policy as adopted by the Common Council and set forth within the Employee Handbook.

Comment [M71]: Where there is no anticipated distinction between those covered by the Civil Service System and those strictly regulated by the Employee Handbook, this strategy will be used to avoid duplication or potential conflict.

Section 10.9 LEAVES OF ABSENCE WITHOUT COMPENSATION: Leaves of absence without compensation may be granted and shall be administered in accordance with the policy as adopted by the Common Council and set forth within the Employee Handbook.

Section 10.10 FAMILY AND MEDICAL LEAVE: The Family and Medical Leave Policy shall be in accordance with state and federal requirements and with the policy as adopted by the Common Council and set forth within the Employee Handbook.

Section 10.11 CONTINUITY OF SERVICE REQUIREMENTS: Continuity of Service Requirements shall be administered in accordance with the policy as adopted by the Common Council and set forth within the Employee Handbook.

Section 10.12 UNEXCUSED ABSENCE: An employee who expects to be absent from duty shall report that reason to the supervisor prior to the date of absence whenever possible and in no case later than twenty-four (24) hours from the time the employee failed to report for duty. Failure to report such absence within the specified time limit may be grounds for disciplinary action. Failure to provide reasons acceptable to the supervisor or an unreported absence, as defined above, shall be deemed an unexcused absence. All unexcused absences in excess of three (3) continuous working days shall have the effect of termination of employment.

Comment [M72]: Consider reconciling this with three day requirement.

ARTICLE 11 REDUCTION OF PERSONNEL OR STATUS

Section 11.1 AUTHORITY: The authority to lay off personnel shall not be vested in the Committee, but a layoff may occur to a classified employee when determined necessary by the Mayor and/or Common Council due to lack of work or funds or for other causes outside the employee's control and which do not reflect discredit upon the service of the employee.

An Appointing Authority shall have the authority to dismiss employees and to accept resignations of employees.

Section 11.2 REDUCTION METHODS:

11.2.1 TRANSFER: Whenever practical, employees scheduled for lay off shall be temporarily transferred to positions in other departments to do work which they are qualified to perform. Such transfer shall not displace any employee with a greater period of continuous service. Any employee having been transferred to avoid lay off shall be given an opportunity to re-transfer back to the former position and department in line with the

employee's continuous service when work becomes available in the regular department.

11.2.2 LAY OFF: An Appointing Authority who has been given authority to reduce personnel may lay off such employees as necessary to accomplish the amount of reduction as required. The Appointing Authority, with approval of the Director of Administration after his/her review of performance evaluation records, may lay off employees based upon performance and prior performance evaluations in order to retain the employees that are in the best interest of the City with regard to service delivery, unless the Common Council or Mayor directs that the layoff occur based upon the employees in the authorized classes of positions who have the least amount of continuous service, in the inverse order of their continuous service. In the event the Director of Administration determines there is not a clear distinction in performance records for employees in the classes of positions affected or in the event there are multiple employees with similar performance records, the employees in the authorized classes of positions who have the least amount of continuous service shall be laid off first in the inverse order of their continuous service. Additionally, an employee with greater continuous service who lacks the necessary ability may be laid off and an employee with lesser continuous service who has the ability may be retained.

Comment [M73]: Added in the event that at the time of layoff the City has not yet established a process to ensure that non-discriminatory factors, such as age, are not illegally influencing the results.

Section 11.2.2.1 NOTIFICATION OF LAY OFF: An Appointing Authority shall give written notice to the employee of a planned lay off a minimum of two (2) weeks before the date of lay off, unless otherwise specified by action of the Common Council. Unless the notice of lay off was prepared by the Director of Administration, an Appointing Authority shall submit copies of all notices of lay off to the Director of Administration prior to or on the date of notification of lay off.

In the case of limited-term or emergency employment, the Appointing Authority, when appointing such employee, shall specify the approximate expected duration of such employment, if known.

Section 11.2.2.2 "BUMPING RIGHTS" DURING LAYOFF: Employees who are notified that they are to be layed off do not have "bumping rights" (the ability to take the position of another employee of a lower classification and cause that employee to be layed off) unless the Common Council has so directed upon ordering the lay off(s).

Section 11.2.2.3 An employee who has been layed off shall be placed on a Reinstatement List, as set forth in Section 6.5, for a period of three (3) years.

Section 11.3 RESIGNATION: Employees desiring to resign from the City service in good standing shall submit to their Department Heads or other Appointing Authority, a written resignation at least fourteen (14) calendar days prior to the date of resignation, unless the Department Head or Appointing Authority, because of

extenuating circumstances, agrees to permit a shorter period of notice. Failure to comply with this provision shall be entered on the service record of the employee and may be cause for denying future employment with the City. The Committee shall be notified immediately of all resignations and employees who fail to resign in good standing.

Section 11.4 DEMOTION – REDUCTION IN STATUS: The Common Council may authorize or direct the demotion of individual positions or classes of positions at their discretion, which demotion may take the form of a downward adjustment of the pay schedule. An affected employee will be provided a minimum of a two week advance notice of the effective date of a demotion. No demotion shall be made as a disciplinary action.

Comment [M74]: This section was in the last document but it has been significantly changed due to its unlikelihood of use, but it has been retained as a cost reduction option for the Common Council.

ARTICLE 12 EMPLOYEE GRIEVANCES: This policy is intended to comply with Section 66.0509 Wis. Stats. and applies to all employees in classified service.

Section 12.1 AUTHORITY TO GRIEVE AND STANDARD OF REVIEW: Employees in the City classified service may resort to the grievance procedures prescribed herein when they have a grievance pertaining to discipline or dismissal (termination). Grievances should be evaluated at each step in relation to reasonable standards of job performance and personal and professional conduct, as expressed more fully in Article 9 "Discipline", and in relation to whether the disciplinary action as taken is reasonable or appropriate, and not arbitrary and capricious, given the circumstances associated with the grieved disciplinary action. No punitive action shall be carried out against any employee who files a grievance based simply on the fact that they filed a grievance. A "just cause" standard is not required to be met in the issuance or review of disciplinary action. Employees will be provided an opportunity to be heard at each step of the grievance process, except as otherwise indicated herein. The burden of proof shall be upon the employee, who shall present first at each step in the grievance process. The Employee may be represented by one individual, at the Employee's sole cost, during the employee's opportunity to be heard. If an Employee does not meet established deadlines, the grievance shall be considered resolved. The grievance process does not involve a hearing before a court of law; thus, the rules of evidence need not be followed. The Committee may review the circumstances of the grievance and determine, at their sole discretion and on a case-by-case basis, the process that shall apply during the Step 3 review, for example a more formal hearing may be applied, at the Committee's discretion, for review of a grievance resulting in termination.

Section 12.2 FORM OF GRIEVANCE: Any written grievance filed under this policy must contain the following information, except as noted in 12.3.1:

(a) The name and position of the employee filing it.
(b) A statement of the issue involved,
(c) A statement of the relief sought,
(d) The date(s) the event(s) giving rise to the grievance took place,
(e) The identity of the policy, procedure, or rule that is being challenged,
(f) The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor, and
(g) The employee's signature and date.

Section 12.3 STEPS OF THE GRIEVANCE PROCESS: All grievances must be presented in the order of the provisions of this section, and no grievance shall be entitled to redress unless the grievance is made within ten (10) working days from issuance of the disciplinary action in question. Any grievance or complaint affecting the financial status of any employee on which a grievance has been filed, or which is settled by a City representative, shall not be retroactive to a date prior to the date of filing of the grievance unless the circumstances of the case made it impossible for the aggrieved employee to know that a grievance existed.

Comment [M75]: Language may be unnecessary or inapplicable.

12.3.1 GRIEVANCE STEP 1: An employee having a grievance shall first present it to their immediate supervisor in writing, requiring only 12.2 (a), (b), (c), and (g). The grievance must be filed with the immediate supervisor within five (5) business days of receiving the disciplinary action that is the subject of the grievance. The immediate supervisor shall discuss the grievance with the employee and make reasonable effort to effect an immediate mutually satisfactory settlement, not inconsistent with these personnel rules. The immediate supervisor should provide a written response to the grievance within five (5) business days. The immediate supervisor may confer with their Department Head or Human Resources in considering the grievance, which conferral shall not be considered to invalidate the Step 2 process.

12.3.2 GRIEVANCE STEP 2: If the grievance has not been settled to the satisfaction of the employee at Step 1, the aggrieved employee must prepare and file a written grievance with the Department Head within five (5) business days. The Department Head or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision in writing, if possible within the (10) business days of receipt of the grievance. If the Department Head issued the grievance under question and provided the Step 1 review, then the Director of Administration shall provide the Step 2 review and response. If the immediate supervisor did not provide the written response within five (5) business days, the employee shall submit the Step 2 grievance within fifteen (15) days of receipt of the disciplinary action that is the subject of the grievance.

12.3.3 GRIEVANCE STEP 3: If the grievance has not been settled to the satisfaction of the employee at Step 2, the employee shall, if intending to pursue the grievance, within five (5) working days from the date of receipt of the notice of disposition of the grievance at Step 2 submit written request to the Human Resources Coordinator for a Committee hearing. The employee may provide supplemental written material to the written grievance submitted for Step 2. The Committee shall schedule a hearing and provide the employee with at least five (5) days advanced notice, which notice period the employee may waive. Human Resources shall notify all persons concerned of the scheduled date for the hearing, and such notification should be made at least five (5) working days prior to the scheduled date of the hearing, unless an employee waiver occurred. The

Committee may table the matter for a subsequent meeting if, in the discretion of the Committee, such action is necessary in order to more thoroughly consider the merits of the grievance. The Committee shall make a decision, which shall be final and binding provided it is within the scope of authority granted them by the Common Council, as addressed below. The Director of Administration, acting on behalf of the Committee, shall state such decision in writing to the employee, with a copy to the employee's Department Head and immediate supervisor, which should happen within ten (10) working days after the hearing. If, in the opinion of the Committee or the Director of Administration, the decision of the Committee has a fiscal impact exceeding budget levels or expectations, the aspect of the decision which is fiscal in nature shall be considered advisory and that portion shall be submitted to the Common Council for consideration. In such instance, the employee is not entitled to a hearing before the Common Council.

Section 12.4 MISCELLANEOUS:

12.4.1 "WITHOUT PAY": Any employee suspended without pay or terminated, remains in such "without pay" status during the grievance process. A grievance decision that returns an employee to at pay status may be eligible for reimbursement of lost base wages during the suspension or termination period, depending upon the nature of the Committee decision.

12.4.2 TIMELINES: If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date.

12.4.3 COMPENSATION FOR TIME SPENT: An employee will not be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure, except the reviews at Step 1 and Step 2 may occur during regular business hours and the grievant's participation at those steps, as requested by the supervisor or Department Head, will be compensated provided the employee remains in a "paid" status.

ARTICLE 13 EMPLOYEE COMPLAINTS: An employee in the classified service may resort to the complaint procedure when they have a complaint or a dispute with respect to the interpretation, meaning, or application of the provisions of the City's policies or procedures as the complaint may relate to the topics and areas under the Scope of these rules as addressed in Section 1.2.2, except as related to employee safety which is addressed in Article 14 of these rules. The complaint procedure shall be as set forth in the Employee Handbook. The complaint procedure shall be considered a grievance procedure for those such topics and areas. The complaint process does not involve a "just cause" standard, does not require any level of due process, and does not involve a hearing before a court of law; thus, the rules of evidence need not be followed.

ARTICLE 14 WORKPLACE SAFETY:

Section 14.1: "WORKPLACE SAFETY" DEFINED: "Workplace Safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to the same. The authority to amend this document includes the authority to revise the definition of "Workplace Safety".

Section 14.2: EXPANDED SCOPE OF APPLICATION: Article 14 shall be applicable to all classified employees and to all Police and Fire Department employees falling under 62.13 of the Wisconsin Statutes.

Section 14.3: STEPS OF THE WORKPLACE SAFTEY REVIEW PROCESS:

14.3.1 SAFETY COMMITTEES: Each Department, or multiple Departments working together, may establish a "Safety Committee," or such similar group, for the purpose of addressing safety in the workplace in order to create a forum for employee concerns, issues, and desires relative to workplace safety. Safety Committee procedures and actions shall be in accordance with the processes set up by the Department(s), with guidance from Human Resources.

14.3.2 STEP 1 WORKPLACE SAFETY CONCERN: If an employee has a workplace safety concern that is not being resolved at a "Safety Committee", the employee may submit their concern in writing to their immediate supervisor. The immediate supervisor shall discuss the workplace safety concern with the employee and make a reasonable effort to effect an immediate mutually satisfactory settlement. The immediate supervisor should provide a written response to the complainant within (5) business days. If the Department Head is the immediate supervisor, the employee may begin at Step 2.

14.3.3 STEP 2 WORKPLACE SAFETY CONCERN: If the complaint has not been settled to the satisfaction of the employee at Step 1, the employee must prepare, sign, and file a written statement detailing the workplace safety concern with the Department Head. The Department Head or his/her designee will investigate the workplace safety concern and inform the employee of his/her decision in writing.

14.3.4. STEP 3 WORKPLACE SAFETY CONCERN: If the complaint has not been settled to the satisfaction of the employee at Step 2, the employee may request in writing to the Director of Administration to present the workplace safety concern to the Director of Administration. The Director of Administration shall investigate the workplace safety concern. If the Director of Administration agrees with the Department Head, then the Director of Administration shall inform the employee of his/her decision in writing, which decision shall be final. If the Director of Administration does not agree with the Department Head relative to the appropriate disposition of the workplace safety concern, the Department Head and Director of Administration shall

present the two perspectives on the matter to the Mayor, whose decision shall be final.

Section 14.4: FISCAL CONSTRAINTS OF DECISIONS: Determinations issued in the steps of the Workplace Safety Review Process may only be carried out if adequate budget authority is available and if implementation is within the scope of authority of the individual rendering the determination.

Section 14.5: FUTURE CONSIDERATIONS ON WORKPLACE SAFETY: As working conditions and equipment and service demands continually are revised, determination issued during the Workplace Safety Review Process should be considered temporary in nature. Workplace Safety Review Process determinations should be considered non-binding and at the sole discretion of the City, because operational, budgetary, managerial, and program matters may affect the situation that initiated the concern or the service level as impacted. If a determination made hereunder is effectively voided or altered by subsequent action of the City, an employee may submit the same or a similar workplace safety concern for review.

ARTICLE 15 CONSTRUCTION OF THESE RULES

Section 15.1 LEGALITY OF RULES: The provisions of these rules are severable and if any section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words, of these rules shall be held to be unconstitutional or invalid, by a valid judgment or decree of any court or competent jurisdiction, such particular section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words, may be rejected or deleted without affecting, impairing, or invalidating the remaining sections, paragraphs, clauses, or words of these rules. It is hereby declared that it is the intent of the Common Council that these rules and each word, clause, sentence, paragraph, and section thereof would have been enacted, had such unconstitutional or invalid section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, word or words, not have been included herein.

Section 15.2 OVERLAPPING PROVISIONS BETWEEN THE CIVIL SERVICE SYSTEM PERSONNEL ADMINISTRATION PROGRAM AND CITY OF FRANKLIN LABOR CONTRACTS: The City's policy is to give interpretation priority to labor contract language over language found in these Civil Service System Personnel Administration Program when the purpose and intent of the provisions are the same. The Civil Service System Personnel Administration Program will be followed when no related language is found in the respective union's labor contract.