

City of Middleton

Employee Handbook



05/30/2025

ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this handbook to help employees find the answers to many questions that they may have regarding their employment with City of Middleton. Please take the necessary time to read it.

We do not expect this handbook to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. City of Middleton adheres to the policy of employment at will, which permits the City or the employee to end the employment relationship at any time, for any reason, or no reason, with or without cause or notice.

No City representative other than City Administrator may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate City documents. These City documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and City Administrator.

This handbook is subject to the terms of any applicable collective bargaining agreement.

This handbook supersedes all prior handbooks.

Table of Contents

| | |
|---|----|
| Section 1 - Governing Principles Of Employment | 7 |
| 1-1. Introduction | 7 |
| 1-2. Equal Employment Opportunity | 7 |
| 1-3. Non-Harassment | 7 |
| 1-4. Drug-Free And Alcohol-Free Workplace | 9 |
| 1-5. Workplace Violence | 11 |
| 1-6. Residence Requirement | 12 |
| 1-7. Outside Employment | 12 |
| 1-8. Conflict Of Interest And Business Ethics | 13 |
| 1-9. Americans With Disabilities Act (Ada) Policy | 14 |
| 1-10. Veterans' Preference Program | 17 |
| 1-11. Whistleblower Policy | 20 |
| 1-12. Electronic Communications And Information Systems Policy | 21 |
| 1-13. Reasonable Accommodations & Interactive Dialogue | 30 |
| 1-14. City Of Middleton Workplace Bullying Policy | 31 |
| 1-15. Employment In Multiple Positions With The City Of Middleton | 33 |
| Section 2 - Operational Policies | 35 |
| 2-1. Employee Classifications | 35 |
| 2-2. Working Hours And Schedule | 36 |
| 2-3. Attendance, Punctuality, And Absenteeism | 37 |
| 2-4. Timekeeping Procedures | 38 |
| 2-5. Meal Period And Other Breaks | 39 |
| 2-6. Remote Work/Telecommuting | 40 |
| 2-7. Overtime And Compensatory Time | 43 |
| 2-8. Recall Premium Pay | 45 |
| 2-9. Special Duty Pay And Differentials Applicable To The Middleton Police Department | 45 |
| 2-10. Your Paycheck | 46 |
| 2-11. Job Postings | 46 |
| 2-12. Direct Deposit | 47 |
| 2-13. Performance Review | 47 |
| 2-14. Classification And Compensation | 47 |
| 2-15. Layoff, Furlough, And Recall | 48 |
| 2-16. Grievance/Dispute Review And Resolution Process | 49 |
| 2-17. Safe Harbor Policy For Exempt Employees | 51 |

Table of Contents

| | |
|---|----|
| 2-18. Your Employment Records | 52 |
| 2-19. Record Retention | 53 |
| 2-20. Travel Policy And Guidelines | 53 |
| 2-21. Transportation Of Citizens/Non-Employees | 58 |
| 2-22. Standby Pay | 59 |
| 2-23. Facility And Program Closures | 59 |
| 2-24. Artificial Intelligence | 60 |
| 2-25. Open Door Policy | 61 |
| 2-26. Pregnancy Workers Fairness Act | 61 |
| 2-27. Workplace Surveillance | 62 |
| 2-28. Emergency Evacuation And Severe Weather Response Plan | 65 |
| Section 3 - Benefits | 70 |
| 3-1. Benefits Overview | 70 |
| 3-2. Employee Benefits Eligibility | 71 |
| 3-3. Vacation | 72 |
| 3-4. Holidays | 75 |
| 3-5. Holiday Pay | 75 |
| 3-6. Holiday Premium Pay | 76 |
| 3-7. Personal Days | 76 |
| 3-8. Sick Days | 77 |
| 3-9. Wisconsin Retirement System (Wrs) Pension Plan | 78 |
| 3-10. Deferred Compensation 457(B) Plan | 79 |
| 3-11. Insurance Programs | 79 |
| 3-12. Health, Dental, And Vision Insurance | 79 |
| 3-13. Term Life Insurance Plans | 80 |
| 3-14. Income Continuation Insurance (Ici) And (Aflac) Income Protection Plans | 80 |
| 3-15. Flexible Spending Account (Fsa) | 80 |
| 3-16. Employee Assistance Plan (Eap) | 81 |
| 3-17. Workers' Compensation | 81 |
| 3-18. Lactation Accommodations | 81 |
| 3-19. Sick Leave Donation Program | 82 |
| 3-20. Tuition Reimbursement/Paid Professional Development | 82 |
| 3-21. Longevity Pay Program: Applicable Only To Employees Eligible For Program Continuation After 2021 | 83 |
| Section 4 - Leaves Of Absence | 85 |

Table of Contents

| | |
|---|-----|
| 4-1. Family And Medical Leave | 85 |
| 4-2. Leave For Emergency Responders | 91 |
| 4-3. Organ And Bone Marrow Donor Leave | 92 |
| 4-4. Bereavement Leave | 93 |
| 4-5. Voting Leave | 93 |
| 4-6. Jury Duty | 94 |
| 4-7. Subpoenaed Witness Leave | 94 |
| 4-8. Military Leave | 94 |
| 4-9. Personal Leave | 95 |
| 4-10. Maternity Leave: Non-Family And Medical Leave Act | 95 |
| 4-11. Unpaid Medical Leaves Of Absence And Leave Of Absence Under The Americans With Disabilities Act | 96 |
| Section 5 - General Standards Of Conduct | 98 |
| 5-1. Workplace And Personal Conduct | 98 |
| 5-2. Corrective Action, Discipline And Discharge | 99 |
| 5-3. Use Of Social Media | 100 |
| 5-4. Employee Dress And Personal Appearance | 101 |
| 5-5. Confidential Company Information | 101 |
| 5-6. Personal Use Of City Facilities, Equipment, And Property | 101 |
| 5-7. Personal And Company-Provided Portable Communication Devices | 104 |
| 5-8. Operation Of Vehicles | 105 |
| 5-9. Inspections | 106 |
| 5-10. Smoking | 106 |
| 5-11. Personal Visits And Telephone Calls | 106 |
| 5-12. Solicitation And Distribution | 106 |
| 5-13. Bulletin Boards | 106 |
| 5-14. Health And Safety | 107 |
| 5-15. Hiring Relatives/Employee Relationships | 107 |
| 5-16. Business Expense Reimbursement | 108 |
| 5-17. Publicity/Statements To The Media | 108 |
| 5-18. If You Must Leave Us | 108 |
| 5-19. Exit Interviews | 109 |
| 5-20. References | 109 |
| 5-21. A Few Closing Words | 109 |
| Section 6 - Forms, Checklists, And Reference Information | 110 |

Table of Contents

| | |
|--|-----|
| 6-1. Pregnancy Workers Fairness Act Forms | 110 |
| 6-2. Compensatory Time Election Agreement | 111 |
| 6-3. City Organizational Structure And Departments | 116 |
| 6-4. References And Resources | 117 |
| 6-5. Employee Conflict Of Interest And Or Outside Employment | 119 |
| 6-6. Remote Work/Telework Agreement | 121 |
| 6-7. It Support Request Process | 124 |
| 6-8. Isolved Login Procedures And Troubleshooting | 124 |
| 6-9. Separation Of Employment Information | 126 |
| 6-10. Example Travel Expenses Form | 129 |
| 6-11. Example Mileage Only Reimbursement Form | 130 |
| 6-12. Request For Accommodations Under The Ada | 131 |
| 6-13. Fmla: Certification Of Health Care Provider - Employee's Serious Health Condition | 134 |
| 6-14. Sick Leave Donation Program - Donation Form | 138 |
| 6-15. Phone System Support/Service Request | 140 |
| General Handbook Acknowledgment | 141 |
| Receipt Of Non-Harassment Policy | 142 |
| Mail And Electronic Communications Policy Employee Acknowledgement | 145 |

Section 1 - Governing Principles Of Employment

1-1. Introduction

For employees who are commencing employment with City of Middleton ("City of Middleton" or "the City"), on behalf of City of Middleton, let me extend a warm and sincere welcome.

For employees who have been with us, thanks for your past and continued service.

The City of Middleton values integrity, teamwork, honesty, diligence, compassion and strong ethics in interactions between and among employees, elected officials and the general public. We strive to be highly open, transparent and accountable for public actions, expenses and use of work time. As a City employee, you immediately become part of our work team and family. We value your insights into quality improvement and thank you for your dedication in making the City an even better place to live, work and play.

Bryan Gadow, City Administrator

1-2. Equal Employment Opportunity

City of Middleton is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, pregnancy-related conditions, and lactation), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances. City of Middleton's management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs, and general treatment during employment.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources Manager. City of Middleton will not allow any form of retaliation against employees who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact Human Resources Manager. To ensure the workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

1-3. Non-Harassment

It is City of Middleton's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual

orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by City of Middleton.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City premises, while on City business (whether or not on City premises) or while representing the City. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

Harassment Defined

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

Sexual Harassment Defined

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;

6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

Reporting Procedures

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Employee's Supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact Human Resources Manager. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

Investigation Procedures

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

Retaliation Prohibited

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

Access to Full Harassment, Sexual Harassment, Retaliation and Whistleblower Policies

The City maintains fully detailed policies in all of these areas. This Handbook is meant to be an overview and resource. If you wish to view the full policy they are accessible through your iSolved account, in "Employee Self-Service/Company Information."

1-4. Drug-Free And Alcohol-Free Workplace

To help ensure a safe, healthy and productive work environment for our employees and others, to protect City property, and to ensure efficient operations, City of Middleton has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the City.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or

distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on City premises, while on City business (whether or not on City premises) or while representing the City, is strictly prohibited. This prohibition with regard to alcohol does not include events, receptions, or other incidental occasions that may be a part of off-work employee social events, training seminars, remote professional seminars or similar events. It is important to note that employee behavior at these events is still important and any consumption should be in moderation.

Employees and other individuals who work for the City also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, consistent with Wisconsin law, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law.

Violation of this policy will result in disciplinary action, up to and including discharge.

The City maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any City employee, including themselves.

However, this exception does not extend any right to report to work under the influence of lawful recreational or medical marijuana or to use such as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law.

Violation of this policy will result in disciplinary action, up to and including discharge.

The City maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any City employee, including themselves.

Employees are strictly prohibited from abusing or misusing prescription drugs while on workplace premises or when reporting to work. Prescription drugs must be used only as prescribed by a licensed medical professional.

Employees who are prescribed medication that may impair their ability to perform their job safely and effectively must report such use to their immediate supervisor or Human Resources (HR) department. This reporting should be made before the employee's next scheduled work shift or as soon as reasonably possible if the medication is newly prescribed during employment.

Employees are expected to be fit for duty while at work. Any impairment caused by prescription drug use that could compromise job performance or the safety of others is strictly prohibited. If an employee is uncertain about their ability to perform their duties safely due to medication use, they must notify their supervisor or HR department and refrain from engaging in potentially hazardous tasks until they are fit for duty.

1-5. Workplace Violence

City of Middleton is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to City and personal property.

City of Middleton does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, City of Middleton specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, City of Middleton does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in City policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises.

Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede City of Middleton's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate good faith investigation, that someone has violated this

policy, the City will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the City to be aware of any potential danger in its offices. Indeed, the City wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

Access to the full Workplace Violence Policy

The City maintains fully detailed policies in all of these areas. This Handbook is meant to be an overview and resource. If you wish to view the full policy they are accessible through your iSolved account, in "Employee Self-Service/Company Information."

1-6. Residence Requirement

The City of Middleton encourages, but does not require, employees to be residents of the City.

Specific positions within the City Staff may carry requirements to live within (or relocate to) a reasonable recall to work distance/commute time; generally, 30 minutes. This requirement is clearly articulated in the job description and job advertisements to which it applies. Positions of this nature include but are not limited to: Street Maintenance, Utility Maintenance, and Park Maintenance Worker positions and their field supervisors. Failure to meet this requirement within a reasonable time period after hire may result in termination of employment.

1-7. Outside Employment

General

Employment with the City of Middleton is a privilege that carries with it both benefits to the employee and responsibilities to the City, the department, and the role you fill. All City employees who have employment in addition to their City position are expected to perform their official duties for the City in an efficient and timely manner. If outside employment results in unacceptable working hours or on the job performance, the employee may be asked to relinquish such employment or leave their employment with the City. This includes availability and attendance for any scheduled work and performance of duties free from conflicts or absences caused by work elsewhere. Any such absences must be minimized and, if unavoidable, be covered by previously approved paid time or other special agreement with the employee's supervisor or manager.

Permanent Full-Time Regular Employees

Permanent full-time employees must disclose any employment or business ownership/interests outside their City employment. Employees may engage in outside employment as long as written approval has been granted by the department head and such approval is filed with the Human Resources Manager. All employees in these circumstances will request approval. Should conflicts, attendance issues, or performance concerns occur, the department head may withdraw the approval for outside work.

Permanent Part-Time Regular and Part-Time Non-Regular Employees

Permanent part-time employees should advise their department heads of other employment. Where

there may be a question of a conflict of interest or impact on performance, the department head should directly with the employee to resolve the matter. If an effective resolution cannot be made, the department head will bring the issue to the attention of the Human Resources Manager. Where it is determined that an unresolvable conflict exists, the employee in question must relinquish their outside employment or their employment with the City, at their discretion.

Unclassified/Part-Time/Temporary/Seasonal and Other Employees

There is no requirement for unclassified/non-regular part-time, or seasonal employees to notify the City of other employment. Employees who have employment in addition to the City positions are expected to perform their official duties in an efficient and timely manner. If outside employment results in unacceptable working hours or on the job performance, the employee may be asked to relinquish such employment, or be discharged from City service.

Coordination with Collective Bargaining Agreements

Disclosure of outside employment and conflicts of interest applies to all City employees. Procedures for approval and guidance articulated in collective bargaining agreements or established policy within the Police department or the Emergency Medical Services Department supersedes this section where the processes are not identical.

1-8. Conflict Of Interest And Business Ethics

It is City of Middleton's policy that all employees avoid any conflict between their personal interests and those of the City. The purpose of this policy is to ensure that the City's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the City.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the City, by any employee who is in a position to directly or indirectly influence either the City's decision to do business, or the terms upon which business would be done with such organization;
2. Holding any interest in an organization that competes with the City;
3. Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the City or which competes with the City; and/or
4. Profiting personally, e.g., through commissions, loans, expense reimbursements, or other payments, from any organization seeking to do business with the City.

A conflict of interest would also exist when a member of the employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is the employee's responsibility to report any actual or potential conflict that may exist between the

employee (and the employee's immediate family) and the City.

1-9. Americans With Disabilities Act (Ada) Policy

PURPOSE

This City of Middleton endeavors to remain fully compliant with all elements of the Americans with Disabilities Act (ADA). The City policy outlines the provisions of the Americans with Disabilities Act (ADA) of 1990 and the rights and obligations of employees and the city under federal and state law.

POLICY

In accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008 and the Wisconsin Fair Employment Act, the City of Middleton prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City of Middleton is committed to providing reasonable accommodations for eligible employees, provided they can perform the essential functions of the job, citizens who are eligible for the receipt of service and/or applicants with documented disabilities.

Application Process

In accordance with the law, all applicants for City positions must have accessibility to all steps in the selection process and are protected from disability related questions that could potentially screen them out of the application process. Applicants may not be asked questions that are likely to elicit information about a disability, including whether an applicant has a particular disability. Inquiries regarding an applicant's medical or worker's compensation history may also not be asked. However, applicants may be asked questions concerning their ability to perform the essential functions of a job. An applicant may not be asked to describe or demonstrate how they would perform the job functions, unless all applicants are asked to do this or if the disability is obvious or the applicant discloses a hidden disability.

Reasonable accommodation will be provided to qualified applicants during the selection process to ensure that all applicants have accessibility to all phases of the process. Accommodations may include making an interview room accessible, or supplying an interpreter or reader.

Pre-Employment

Pre-offer physicals are prohibited by the city, as are inquiries regarding the existence of an applicant's disability or the nature and severity of the disability.

After an offer of employment has been extended, it may be conditioned on the results of a medical examination, as long as all individuals in the same job category have to undergo a medical exam. The information received during medical examinations will remain confidential. However, a supervisor may be told of a candidate's necessary restrictions and/or accommodations.

If the existence of a disability is revealed during the medical exam, the offer of employment may not be withdrawn unless: (1) the reason is job related and consistent with business necessity and no reasonable accommodation can be made; (2) the disability poses a direct threat to the health and safety of the applicant, other employees or the general public, and which cannot be eliminated by

reasonable accommodation.

Reasonable Accommodation

The city is committed to making reasonable accommodation in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the city.

Complaint Procedure

If an employee believes they have been discriminated against in employment on the basis of disability, an internal complaint may be filed through the City's harassment complaint procedure, or a formal complaint may be filed with the Wisconsin Equal Rights Division of the Department of Workforce Development and/or the federal Equal Employment Opportunity Commission.

PROCEDURE

Requests for Accommodation

An employee who believes they need a reasonable accommodation to perform an essential function of their job should make that request through their direct supervisor and the City's Human Resources Manager. The City will work with the employee to determine if their disability can be reasonably accommodated.

When a request for accommodation is received by a supervisor or when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position or participate in the employment process, the employee should be directed to submit a "Reasonable Accommodation Request Form" with appropriate supporting documentation to their direct supervisor, department head and the City's Human Resources Manager.

All requests for accommodation shall be responded to in a timely fashion, after the supervisor has engaged in the "interactive process" with the employee requesting accommodation. Supervisors are encouraged to request assistance from the Personnel Officer or other outside sources, as necessary.

The city reviews all requests for accommodation on a case by case basis and may provide reasonable accommodation that allows the qualified individual with a disability to achieve the same level of job performance as other similarly skilled employees. The city is not obligated to provide an accommodation that causes an undue hardship on the city.

Documentation of Request for Accommodation

Documentation of the request for accommodation and the response by the supervisor and/or Human Resources Manager must be forwarded to the Human Resources Manager. These documents are kept in a confidential file separate from personnel and/or other medical files.

DEFINITIONS

1. "Disability" as defined under the Americans with Disabilities Act of 1990 (42 U.S.C. sec. 12112) and the ADA Amendments Act of 2008: A physical or mental impairment that substantially limits one or more major life activities (sometimes referred to in the regulations as an "actual disability"), or a record of a physical or mental impairment that substantially limited

a major life activity ("record of"), or when a covered entity take an action prohibited by the ADA because of an actual or perceived impairment that is not both transitory and minor ("regarded as "Disability" as defined under the Wisconsin Fair Employment Act (Section 111.32)): A physical or mental impairment which makes achievement unusually difficult or limits the capacity to work, has a record of such impairment, or is perceived as having such impairment.

2. **Direct Threat to Safety:** A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
3. **Essential Job Functions:** Those activities of a job that are the core to performing the position that cannot be modified. A function is essential if: the job exists to accomplish the function, only a limited number of employees can perform the function, the function is highly specialized and an employee is hired for his/her expertise in the area. Other factors that may be considered in determining whether a function is essential are: the amount of time an employee spends performing the function, the consequences if the employee were not required to perform the function, the terms of applicable collective bargaining agreements, the work experience of previous employees who held the job, and the work experience of employees in similar jobs.
4. **Interactive Process:** The process by which an agent of the employer and individual requesting accommodation engage in, to discuss physical or mental abilities and limitations as they relate to the job's essential functions and to determine possible job accommodations.
5. **Major Life Activities (Non-exhaustive list):** Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. Major life activities include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. Major bodily functions also include the operation of an individual organ within a body system (i.e. the operation of the kidney, liver or pancreas).
6. **Physical or Mental Impairment:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. They also cover any mental or psychological disorder, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities [ADA Section 1630.2(h)].
7. **Qualified Individual with A Disability:** A person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the "essential" functions of the position with or without reasonable accommodation.
8. **Reasonable Accommodation:** Any modification or adjustment to a job or the work environment that will enable a "qualified" applicant or employee with a disability to participate in the application process or to perform essential job functions. Examples of reasonable accommodation include: making facilities readily accessible, job restructuring, modifying work schedules, implementing flexible leave policies, reassignment to a vacant position, acquiring or modifying equipment or devices, adjusting or modifying tests, training material or policies, and providing qualified readers or interpreters.
9. **Substantial Limitation of a Major Life Activity:** To have an actual disability or to have a record

of a disability, an individual must be (or have been) substantially limited in performing a major life activity as compared to most people in the general population. The following "rules of construction", as adopted by the ADAAA, will be used when determining if an individual is substantially limited in performing a major life activity

- An impairment need not prevent or severely or significantly limit a major life activity to be considered "substantially limiting". However, not every impairment will constitute a disability.
 - The term "substantially limits" should be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA.
 - The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.
 - The determination of disability should not require extensive analysis.
 - Although determination of whether an impairment substantially limits a major life activity as compared to most people will not usually require scientific, medical or statistical evidence, such evidence may be used if appropriate.
 - An individual need only be substantially limited, or have a record of a substantial limitation, in one major life activity to be covered under the first or second prong of the definition of "disability."
10. Undue Hardship: An action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

1-10. Veterans' Preference Program

The City of Middleton honors and recognizes the sacrifice and dedication made by veterans of the United States Armed Services, and the unique skills, experiences, and abilities they bring to the workplace. The City's Veteran's Preference Program is designed and implemented to encourage and enable the recruitment, review and potential hire of qualified veterans. This program does not guarantee the selection of any veteran or eliminate the need for such veterans to otherwise meet all basic qualifications for the position(s) for which they apply.

Statutory Provisions

State law provides for municipalities to establish a program under which qualified Veterans and Disabled Veterans are granted preference in seeking employment for certain vacant positions and promotions.

Positions Eligible

All applications to City of Middleton positions recognized by the City as Classified Service, Police Officer positions within the Police Department, and Paramedic positions in the Emergency Medical Services Department are eligible for consideration and preference under the Veteran's Preference program in all open hiring actions.

Veterans' Preference does not apply to promotions, applications of current city employees to other jobs within the city, unclassified positions, limited term, or temporary positions, or to positions open only to internal promotion.

Who is Eligible?

Veteran means a person who:

1. Served in the Armed Forces of the United States:
2. For at least one day in a combat zone and was discharged or released from active duty under honorable conditions.
3. For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs.
4. For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability.
5. For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released under honorable conditions: or
6. For a period of more than 90 consecutive days beginning on or before January 31, 1955 and was discharged or released under honorable conditions.
7. Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions.
8. Is receiving a non-service-connected pension from the United States Department of Veterans Affairs.

Disabled Veteran means a person who:

1. has a service-connected disability rating from the United States Department of Veterans Affairs
2. whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty
3. was awarded the Purple Heart for wounds received in combat.

For purposes of this section, "disabled veteran" also includes a person who is receiving service-connected compensation from the United States Department of Veterans Affairs under 38 U.S.C. 1110 or 1131.

As used in this program, "active duty" does not include:

1. attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty
2. inactive duty training and normal schooling, annual or other training requirements as a member of any organized Reserve Forces of the United states, or a as a member of the National Guard of any State.

Applicant Documents Required

To receive consideration under the Veterans' Preference program, applicants must submit the following:

- A copy of their DD214/DD215 form.
- As applicable, a copy current within the last year of the Veteran's Administration Letter stating their service- connected disability rating.

Program

Eligibility:

To be eligible for this program the veteran candidate must meet the discharge, service and definition of a 30% disabled veteran, as follows:

1. hold a General or Honorable discharge characterization of service - **or** - be a currently serving member of one of the Reserve Components of the US military in good standing.
2. be included on a U.S. armed forces permanent disability list with a disability rating of at least 30 percent or
3. have been rated by the U.S. Department of Veterans Affairs as having a compensable service-connected disability of at least 30 percent.
4. provide written documentation from the appropriate federal government authority, such as the U.S. Department of Veterans Affairs, Army, Navy etc., certifying the existence and extent of the disability, and this certification must have been issued within the year preceding appointment.
5. The veteran must not hold a permanent appointment or have mandatory restoration rights to a permanent appointment.

Technical knowledge, skills and abilities will vary depending on the position sought. Appointees must meet the minimum qualification standards for each position they apply for before the program becomes applicable to them.

Program Process:

This program applies to both interview selections and non-interview selection processes.

- When a final competitive process that produces a scored result without an interview is used, the veteran's preference will be in the form of points added to their regular score.
- When a competitive process that produces an unscored result but does not include an interview phase is used, veterans' preference will consist of other advantages for the veteran since points will have no consequence in an unscored process

In most hiring City of Middleton hiring processes, the final step of the hiring process is an interview from which a candidate is selected to fill an open position. Where an interview is the final deciding factor in selection:

- Veterans that are otherwise Fully Qualified, and who meet one or more of the requirements for veteran's preference above will be added to the selected interview list without other competitive evaluation.
- This action will not displace other candidates from the list or reduce the selected size of the list of candidates to interview to accommodate the additions of the veteran(s).
- Hiring selection is made upon the performance of all candidates that are interviewed and the strength of their applications; no other preference or advantage is provided to the veterans added to the list, nor are they specifically indicated on the list provided to the hiring manager as veteran's preference candidates.

Where a scored selection process is exclusively used, without an interview as the final selection factor, additional points/percentage are added to selection score of fully qualified veteran applicants who meet the veteran's preference requirements above:

- For a qualified disabled veteran, preference of ten percent (10%) of maximum points shall be awarded.
- These points/percentage shall apply to both meeting the minimum qualification threshold, and to the relative ranking positions for any action that creates a ranked eligible list.

1-11. Whistleblower Policy

Purpose:

The City of Middleton is committed to providing a workplace with the highest standards of personal ethics and legal conduct. The City takes seriously all complaints of violations of City policies, as well as allegations of unethical conduct, illegal conduct or conduct that violates City's high standards of personal ethics. This policy is intended to provide a process to raise concerns about such conduct and assure that those reporting such conduct are protected from retaliation.

Definition:

A "Whistleblower", as defined by this policy, as an employee, officer, elected official, consultant, or volunteer of the City of Middleton who, in good faith, reports an activity which he/she considers to be a violation of a City policy, or which he/she reasonably believes to be unethical, illegal, or some other serious improper conduct, including any suspected fraudulent use or misuse of City resources or property.

Reporting Process:

If a Whistleblower has knowledge of, or a concern regarding such unlawful or unethical activity, the Whistleblower should report such concerns to his/her supervisor or department head. If for any reason, the employee finds it difficult or imprudent to report the concerns to their supervisor or department head, the employee may also report the concerns directly to the City Administrator, the Assistant City Administrator, or the City Attorney. The Whistleblower has neither the authority, nor the responsibility, for investigating any questionable activity or for determining fault or corrective measures.

When the City receives a complaint, the City will take an initial statement to determine the need for an investigation. If it is determined that an independent investigation is warranted, the City will arrange for the appointment of an independent investigator, such as outside auditors or attorneys, as soon as possible. In all cases, there will be a prompt, complete and thorough investigation into the allegations. All employees, including the Whistleblower, are expected to cooperate with the investigation, and if necessary, to provide additional information to the investigator, whether internal or independent.

Safeguards:

Confidentiality - The City will use its best efforts to ensure the confidentiality of the Whistleblower's identity whenever possible. However, a Whistleblower's identity may need to be disclosed to conduct a thorough investigation and to comply with the law. The Whistleblower will be advised if it

becomes necessary to disclose his/her identity. Information regarding complaints will only be shared with those who have a need to know, which may include in appropriate circumstances, law enforcement personnel. Further, if disciplinary or legal action is determined to be appropriate, it may be necessary to disclose the identity of the Whistleblower.

Anonymous Complaints - The City investigates all complaints. Concerns expressed anonymously will be investigated as appropriate, but consideration will be given to the seriousness of the issue, the credibility of the concern and the likelihood of confirming the allegations. It is difficult to investigate an anonymous claim because, in most cases, it is impossible to ask appropriate follow-up questions or to get accurate information.

Protection Against Retaliation - The City will not retaliate against anyone who engages in protected whistleblower activity, including testifying in any action or proceeding resulting from a whistleblower disclosure. This policy includes, but is not limited to, protection from retaliation in the form of an adverse employment actions, including discipline or termination, reduction in compensation, decreases in job duties or responsibilities, adverse comments in the employment record, unwanted transfers to new locations or units, negative reviews, or threats of physical harm. Any whistleblower who believes he/she is being retaliated against may file a complaint with the City Administrator or the City Attorney. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken, up to and including the termination of any employee engaging in retaliation. The right of a Whistleblower for protection against retaliation does not include immunity for any personal wrongdoing or immunity for baseless allegations or allegations made with a reckless disregard of the truth. Protection against whistleblower retaliation is not meant to interfere with the City's power to take action against any employee, provided such action is justified on facts separate from legitimate whistleblower activity.

Resolution:

When the investigation is complete, the Whistleblower who initiated the complaint will be informed, to the extent appropriate and allowable by law, of the results of the investigation. If it is determined that inappropriate or illegal conduct has occurred, the City will act promptly to correct or eliminate the offending or illegal conduct and, if appropriate, will impose disciplinary action, up to and including termination.

1-12. Electronic Communications And Information Systems Policy

ELECTRONIC COMMUNICATION

Purpose

To better serve our citizens and give our workforce the best tools to do their jobs, the Common Council of the City of Middleton (the City) continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, social networks, the Internet, text messaging, and the World Wide Web.

The City encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information.

However, all employees and everyone connected with the City should remember that electronic media and services provided by the City are City property and their purpose is to facilitate and support City business. No expectation of privacy in regards to use of the City's electronic communication systems should be anticipated by the employee in any respect related to accessing, transmitting, sorting or communicating information via the system.

This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express the City's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the City's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the City. Where the policy notes "unless authorized by the City Administrator", it should be understood that the City Administrator will delegate such authority in most instances to the Information Services Director; consequently, requests should be sent to both individuals for consideration.

The following procedures apply to all electronic media and services used by City officers or employees that are:

1. Accessed on or from City premises on City work time
2. Used in a manner that expressly or implicitly states that the individual is acting for or on behalf of the City.
3. Provided or owned by the City.

Organizations Affected

This policy applies to all the City of Middleton's departments, offices, boards, commissions, committees, City employees and contracted and consulting resources.

POLICY

It is the policy of the City to follow this set of procedures for the use of electronic communication media and services.

References:

- Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 - 2711); Wis. Stats. §947.0125.

PROCEDURES

Access and Authority

Each Department Head shall determine which employees in their department shall have access to the various media and services, based on business practices and necessity and which shall have authority to communicate on behalf of the City.

The provisions of this Policy shall apply to the use of City-owned/provided equipment from home or other locations off City premises. City-owned equipment (e.g. lap tops, cell phones, etc.) may be removed from City premises solely for City work related purposes pursuant to prior authorization from the Department Head.

Prohibited Communications

Electronic media cannot be used for knowingly transmitting, retrieving or storing any communication that is:

- Personal business on City time (e.g. sports pools, games, shopping, correspondence or other non-business-related items/documents), except as otherwise allowed "Personal Use" below
- Discriminatory or harassing
- Obscene as defined in Wis. Stats. § 944.21
- Defamatory or threatening
- Engaged in for any purpose that is illegal or contrary to the City's policy or business interests.

For the protection, integrity and security of the City's electronic communications systems, electronic media shall not be used to download or transfer software, unless authorized by the City Administrator. No one covered by this policy shall take, alter, forge, copy, tamper with, disseminate or delete any kind of City electronic media or record without proper authorization.

Personal Use

Except as otherwise provided, electronic media and services are provided by the City for employees' business use during City time. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal non-business purposes is permitted as set forth below:

- Brief, limited personal use is permitted during the work day; however, personal use should be limited largely to breaks, lunch or immediately before/after work
- Personal use must not interfere with the productivity of the employee or that of his or her co-workers
- Personal use does not involve any prohibited activity
- Personal use does not consume system resources or storage capacity on an ongoing basis
- Personal use does not involve large file transfers or otherwise deplete system resources available for business purposes.

City telephones and cellular phones are to be used for City business during the employee's standard work day. However, brief, limited personal use is permitted during the work day. Personal long distance calls are only permitted within the limits of the City's phone service plan. Calls made outside the limits of the City's plan shall be reimbursed to the City.

Employees shall not have any expectation of privacy with respect to personal use of the City's electronic media or services.

Access to Employee Communications

Electronic information created or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, internet and bulletin board systems, desktop faxes, text messaging, and similar electronic media may be accessed and monitored by the City. The City reserves and intends to exercise the right, at its discretion, to review, monitor, intercept, access and disclose all messages created, received or sent over its electronic communication systems for any purpose including, but not limited to: cost analysis; resource allocation; optimum technical management of information resources; and detecting use which is in violation of City policies or may constitute illegal activity. Disclosure will not be made except when necessary to enforce the policy,

as permitted or required under the law, or for business purposes.

Any such monitoring, intercepting and accessing shall be performed in compliance with federal and state law.

Security/Appropriate Use

Except in cases in which explicit authorization has been granted under the authority of the City Administrator, employees are prohibited from engaging in, or attempting to engage in (except for law enforcement pursuant to a court order, search warrant, search warrant exception, exception to the Wisconsin Electronic Surveillance Control Law, or as otherwise permitted by law for official police investigations):

- Monitoring or intercepting the files or electronic communications of other employees or third parties
- Hacking or obtaining access to systems or accounts they are not authorized to use
- Using other people's log-ins or passwords
- Breaching, testing, or monitoring computer or network security measures.

No e-mail or other electronic communications shall be sent that attempt to hide the identity of the sender or represent the sender as someone else.

Electronic media and services shall not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

Anyone obtaining electronic access to materials belonging to other organizations, businesses, companies, municipalities or individuals must respect all copyrights and shall not copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

The unauthorized use or independent installation of non-standard software or data may cause computers and networks to function erratically, improperly, or cause data loss. Therefore, before installing any new software or data, users should seek assistance of the Information Services Department. Users must never install downloaded software to networked storage devices without the assistance and approval of appropriate personnel.

Most of the City's computing facilities automatically check for viruses before files and data which are transferred into the system from external sources are run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software shall not be disabled, modified, uninstalled, or otherwise inactivated. When uncertain as to whether a workstation is capable of detecting viruses automatically, or whether the data has been adequately checked for viruses, the user shall contact the Information Services Department.

Anyone receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

Encryption

Employees shall not assume electronic communications are totally private. Employees with a business need to encrypt messages (e.g. for purposes of safeguarding sensitive or confidential information) shall submit a written request to their supervisor and the City Administrator's office. When authorized to use encryption by their supervisor and the City Administrator's office,

employees shall use encryption software supplied to them by the Information Services Department. Employees who use encryption on files stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

Participation in on-line forums

Messages or information sent on City-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards, and on-line services) are statements identifiable and attributable to the City.

The City recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.

A connection with the City exists with respect to all communications transmitted with City provided equipment or facilities and any such statements could be imputed legally to the City. Instead, employees should seek to limit their discussion to matters of fact and avoid expressing opinions while using the City's systems or City provided account unless such expression is necessary to fulfill the legitimate objectives of the communication. Communications shall not reveal confidential information or otherwise violate this or other City policies.

Employees must receive authorization from their Department Heads prior to participating in an on-line forum on City equipment or on standard City work time. Employees shall be required to review the provisions of this section before they receive such authorization.

Policy Violations

Employees who abuse the privilege of City-facilitated access to electronic media or services risk having the privilege removed for themselves and possibly other employees and are subject to discipline, up to and including termination, and may be subject to civil liability and criminal prosecution.

E-MAIL POLICY

Purpose

The City provides certain employees with systems to send and receive electronic mail (e-mail) so they can work more productively. E-mail gives employees a useful way to exchange ideas, share files, and keep in touch with colleagues, whether they are located in the next room, another City building, or thousands of miles away.

The City's e-mail system is a valuable business asset. The messages sent and received on the e-mail system, like memos, purchase orders, letters, or other documents created by employees in the use of City equipment or during the employee's work hours, are the property of the City and may constitute public records. This policy explains rules governing the appropriate use of e-mail and sets out the City's rights to access messages on the e-mail system. No expectation of privacy in regards to use of the City's e-mail system exists in any respect related to accessing, transmitting, sorting or communicating information via the system.

Organizations affected

This policy applies to all City departments, divisions, offices, boards, commissions, committees, and

City employees. It also applies to emails sent to or received from contracted and consulting resources.

Policy

It is the policy of the City to follow this set of procedures for the use of the City's e-mail system.

References:

Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 - 2711); Wis. Stats. §19.21; Wis. Stats. §947.0125.

PROCEDURES

Access to employee e-mail

- Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the City's e-mail system. E-mail messages and files, like other types of correspondence and City documents, can be accessed and read by authorized employees or authorized individuals outside the City. The City reserves the right to monitor, review, audit, intercept, access and disclose all messages created, received or sent over the e-mail system. Information contained in the e-mail system will only be disclosed to the extent permitted by law, for business purposes, or as needed to enforce the policy. Authorized access to employee e-mail by other employees or outside individuals includes, but is not limited to, the following:
 - Access by the City Administrator's Office during the course of system maintenance or administration
 - Access approved by the employee, the employee's supervisor, the City Administrator's office or the City Attorney when there is an urgent business reason to access the employee's mailbox - for example, if an employee is absent from the office and the supervisor has reason to believe that information relevant to the day's business is located in the employee's mailbox
 - Access approved by the employee's supervisor, the City Administrator's office or the City Attorney when there is reason to believe the employee is using e-mail in violation of the City's policies
 - Access approved by the City Administrator's office or the City Attorney in response to the City's receipt of a court order or request from law enforcement officials for disclosure of an employee's e-mail messages.

Except as otherwise noted herein or as authorized by a department head and City Administrator, e-mail should not be used to communicate sensitive or confidential information. Employees should anticipate that an e-mail message might be disclosed to or read by individuals other than the intended recipient(s), since messages can be easily forwarded to other individuals. In addition, while the City endeavors to maintain the reliability of its e-mail system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.

The confidentiality of any message shall not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.

Employees should understand that electronic mail is a written form of communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, employees should take care to use the same level of discretion and forethought before executing electronic messages.

Passwords

Each user accesses the e-mail system by means of a personal log-in name and password, which will be selected by the employee and kept on file with the City Administrator's office.

Passwords are intended to keep unauthorized individuals from accessing messages stored on the system. From a systems perspective and from the perspective of an e-mail recipient, passwords also establish the identity of the person sending an e-mail message. The failure to keep passwords confidential can allow unauthorized individuals to read, modify, or delete e-mail messages; circulate e-mail forgeries; and download or manipulate files on other systems.

The practice of using passwords is not cause for employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality. (See "Access to Employee E-mail").

Passwords shall not be given out over the phone, included in e-mail messages, posted, or kept within public view.

Employees are prohibited from disclosing their password, or those of any other employee, to anyone who is not an employee of the City. Employees also should not disclose their password to other employees, except when required by an urgent business matter.

Personal Use

The City allows limited, occasional, or incidental personal use of its e-mail system during lunch, breaks or immediately before or after work, subject to the following conditions and restrictions:

Personal use must not:

- Involve any prohibited activity (as defined in "Prohibited Activities" below)
- Interfere with the productivity of the employee or his or her co-workers
- Consume system resources or storage capacity on an ongoing basis
- Involve large file transfers or otherwise deplete system resources available for business purposes.

Employees shall have no expectation of privacy with respect to personal e-mail sent or received on the City's e-mail system. Employees should delete personal messages as soon as they are read or replied to. Employees should not store copies of the personal messages they have sent. Because e-mail is not private, employees should avoid sending personal messages that are sensitive or confidential. Employees should not erase or delete any emails where City business or City affairs are referenced. However, the aforementioned deletion prohibition does not apply to auto archiving.

Personal use on City equipment and the history and logs of that use, residual email trails, and not fully erased or deleted emails that remain on City equipment after use are the City's property and are subject to disclosure to City staff and officials and may be subject to public disclosure pursuant to Wisconsin's Public Records Law. If personal e-mails on a City electronic communications system are determined to be public records they shall not be deleted except upon expiration of the

applicable retention period. For such electronic records as public records, the City typically must retain such documents for as seven (7) years.

Prohibited Activities

Employees are strictly prohibited from sending e-mail or otherwise using the e-mail system in connection with any of the following activities:

- Engaging in personal business or entertainment on City time except as permitted under "Personal Use" above
- Engaging in illegal, fraudulent, or malicious activities
- Engaging in the unlawful use of the e-mail system as set forth in Section 947.0125 of the Wisconsin Statutes (Unlawful use of computerized communication systems)
- Sending or storing offensive, disruptive, obscene, or defamatory material. Materials which are considered offensive include, but are not limited to: any materials which contain sexual implications, racial slurs, , or any other comment that offensively addresses someone's age, race, creed, color, sex, ancestry, religious or political beliefs, marital status, national origin or disability
- Annoying or harassing other individuals
- Using another individual's account or identity without explicit authorization
- Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization
- Accessing, retrieving or reading any e-mail messages sent to other individuals, without prior authorization from the City Administrator's office
- Permitting any unauthorized individual to access the City's e-mail system.

Confidential Information

All employees are expected and required to protect the City's confidential information. Employees shall not transmit or forward confidential information to outside individuals or companies without the permission of their supervisor and the City Administrator's office. See "Encryption" below.

The City also requires its employees to use e-mail in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material - for example, software, database files, documentation, or articles using the e-mail system.

Record Retention

The same rules which apply to record retention for other City documents apply to e-mail. As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record.

Encryption

Encrypting e-mail messages or attached files sent, stored, or received on the City's e-mail system is prohibited except where explicitly authorized. Employees are prohibited from using or installing any encryption software without prior permission from the City Administrator's office. Employees with a business need to encrypt messages should submit a written request to their supervisor and the City Administrator's office. When authorized to use encryption by their supervisor and the City Administrator's office, employees shall use encryption software supplied to them by the City Administrator's office. Employees who use encryption on e-mail stored on a City computer must

provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the e-mail.

E-mail Policy Violations

Employees violating the City's e-mail policy are subject to discipline, up to and including termination. Employees using the e-mail system for defamatory, illegal, or fraudulent purposes and employees who break into unauthorized areas of the City's computer system also are subject to civil liability and criminal prosecution.

E-MAIL RECORD RETENTION POLICY

Purpose

The purpose of this policy is to emphasize that certain types of e-mail as defined in Wis. Stats. §19.32(2) are public records. The same rules which apply to record retention and disclosure for other City documents apply to such records.

Organizations affected:

This policy applies to all of the City of Middleton's divisions, offices, boards, commissions, committees, employees and contracted and consulting resources.

Policy

It is the policy of the City to follow this set of procedures for e-mail record retention.

References:

Wis. Stats. §16.612, 19.21 et. seq., 19.32 and 19.33.

Procedures

Nature of e-mail records

As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record. See Wis. Stats. §19.32(2) for definition of a record.

Components of an e-mail record

The e-mail record is defined to include the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the message was received by the sender is also considered to be part of the record.

Saving and indexing e-mail records

Initially the custodian (that officer, department head, division head, or employee of the City who keeps or is in possession of an e-mail) bears the responsibility for determining whether or not a particular e-mail record is a public record which should be saved and ensuring the record is properly indexed and forwarded for retention as a public record. E-mail which is subject to records retention must be saved and should be indexed so that it is linked to the related records in other media (for example, paper) so that a complete record can be accessed when needed. E-mail records to be retained shall be archived to an archival media, network drive or printed out and saved in the appropriate file. Any officer, department head, division head, or employee of the City may request assistance from the Legal Custodian of records (the City Clerk or the Clerk's designee, except that:

- The Chief of Police is Legal Custodian of Police Department records) in determining whether an e-mail is a public record.
- The EMS Chief is the custodian of PHI records in determining whether an e-mail is a public record.

Responsibilities for e-mail records management

Legal Custodian. E-mail records of a City authority having custody of records shall be maintained by the designated Legal Custodian, pursuant to City policy.

Information Services Manager. If e-mail is maintained in an on-line data base, it is the responsibility of the City's network service provider to provide technical support for the Legal Custodian as needed. When equipment is updated, the City Administrator's office shall ensure that the ability to reproduce e-mail in a readable form is maintained. The City Administrator's office shall assure that e-mail programs are properly set up to archive e-mail.

Public access to e-mail records

If a Department receives a request for release of an e-mail public record, the Legal Custodian of the record shall determine if it is appropriate for public release, in whole or in part, pursuant to law, consulting the City Attorney, if necessary. As with other records, access to or electronic copies of disclosable records shall be provided as soon as practicable and without delay.

Violation

Employees violating this policy are subject to discipline up to and including dismissal. In addition, violations of this policy may be referred for civil or criminal prosecution, where appropriate.

1-13. Reasonable Accommodations & Interactive Dialogue

City of Middleton is committed to complying with applicable federal, state, and local laws governing reasonable accommodations of individuals, including, but not limited to, the Americans with Disabilities Act (ADA). To that end, we will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for whom City of Middleton has notice may require such an accommodation, without regard to any protected classifications, related to an individual's:

- Disability, meaning any physical, medical, mental, or psychological impairment, or a history or record of such impairment;
- Sincerely held religious beliefs and practices;
- Needs as a victim of domestic violence, sex offenses, or stalking;
- Needs related to pregnancy, childbirth, or related medical conditions; and/or
- Any other reason required by applicable law, unless the accommodation would impose an undue hardship on the operation of our business.

Any individual who would like to request an accommodation based on any of the reasons set forth above should contact Human Resources Manager. Accommodation requests can be made in writing using a form which can be obtained from Human Resources Manager. If an individual who has

requested an accommodation has not received an initial response within five (5) business days, the employee should contact Human Resources Manager.

After receiving a request for an accommodation or learning indirectly that the employee may require such an accommodation, City of Middleton will engage in an interactive dialogue with the employee.

Even if employee has not formally requested an accommodation, City of Middleton may initiate an interactive dialogue under certain circumstances, such as when City of Middleton has knowledge that employee's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to any of the protected classifications set forth above, in compliance with applicable law. In the event City of Middleton initiates an interactive dialogue with an employee, it should not be construed as City of Middleton's belief an individual requires an accommodation, but will serve as an invitation for the employee to share with City of Middleton any information the employee desires to share, or to request an accommodation.

The interactive dialogue may take place in person, by telephone, or by electronic means. As part of the interactive dialogue, City of Middleton will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how City of Middleton may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, City of Middleton will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. City of Middleton is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitations.

As part of the interactive dialogue, City of Middleton reserves the right to request supporting documentation to the maximum extent permitted by applicable law.

City of Middleton will endeavor to keep confidential all communications regarding requests for reasonable accommodations and all circumstances surrounding the employee's underlying reason for needing an accommodation.

City of Middleton will not allow any form of retaliation against employees who have requested an accommodation, for whom City of Middleton has notice may require such an accommodation, or who otherwise engage in the interactive dialogue process.

Employees with questions regarding this policy should contact Human Resources Manager.

1-14. City Of Middleton Workplace Bullying Policy

Objective

The City of Middleton is committed to providing a safe and supportive workplace for all employees. The purpose of this policy is to communicate to all employees, including supervisors, managers, directors, and elected officials that the City of Middleton will not *in any instance* tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Definition

The City of Middleton defines bullying as repeated, or singularly egregious health-harming mistreatment of one or more people by one or more perpetrators. Bullying conduct can occur, and is

not limited to, interactions between managers and supervisors towards employees, employees towards each other, or employees towards managers and supervisors; all situations are equally serious and considered a breach of this policy. No employee is excluded from the protections of this policy, nor the consequences if found to be engaging in bullying behavior. Bullying is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

Such behavior violates the City of Middleton's Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

Examples

the City of Middleton considers the following types of behavior examples of bullying:

- **Verbal bullying.** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Non-verbal bullying.** This includes written and digital online statements including social media platforms, and comments of any kind, that deliberately and directly ridicule, humiliate, denigrate, threaten or malign others based on personal or work characteristic or performance.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person in person or in writing.
- Written or digitally created comments denigrating any person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).

- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Bullying does not include a manager or supervisor's reasonable and respectful workplace direction on performance of tasks that are a part of any employee's job, workplace coaching on performance as related to employees' specific work performance or documented and supported corrective action/progressive discipline for violations of conduct or work performance standards.

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the City of Middleton to take appropriate action.

1-15. Employment In Multiple Positions With The City Of Middleton

General

While uncommon, there may be occasions where the same employee is hired and concurrently working in multiple positions with the City of Middleton. This situation presents unique challenges for the employee, the department(s) the employee works for, and the City. In these cases, the department(s) involved will establish ongoing and effective communication between supervisors, managers, and the City Clerk/Payroll Clerk to meet the requirements below.

Regular, Full-time Permanent Employees

No regular, full-time, permanent employee is allowed to work in more than their primary position with the City or to receive compensation from the City other than for the employee's full-time position, e.g., a full-time employee may not also be paid as a youth recreation coach, even if those hours are outside the typical workday. For this condition, regular full-time permanent employees are any employees scheduled for and generally working sixty (60) or more hours per pay period and eligible for all City benefits.

Regarding this restriction, no differentiation is made between FLSA exempt or nonexempt employees. Failure to enforce this restriction may create the unintended requirement to pay overtime in accordance with the FLSA and other undesirable outcomes. This limitation does not restrict the working of approved overtime by nonexempt employees to perform duties assigned within the scope of their primary job or under the other duties assigned condition or exempt employees performing any amount of work beyond forty (40) hours in their primary role or under other duties as assigned for which they receive no additional compensation.

Regular, Part-time Permanent Employees

Though highly discouraged, regular part-time permanent employees may hold and receive compensation for more than one position with the City subject to the limitations, restrictions, and

conditions below. For purposes of this policy, regular part-time permanent employees are employees regularly scheduled for and working at least forty-six (46) hours per pay period (1200 hours per year) and equal to or less than fifty-nine (59) hours per pay period.

Regular, part-time, permanent employees may work and receive compensation for more than one position with the City if:

- The secondary position is a non-regular part-time position or a seasonal position.
- The total hours per pay period and/or per year do not exceed fifty-nine (59) or one thousand ninety-two (1534), respectively.
- Clear, direct, and effective tracking of per-pay-period hours, overall hours worked, and projected hours to be worked in a rolling 12-month period by the affected departments is established and coordinated with the City Clerk.
- If the employee begins to approach the annual hours threshold, their hours in the additional position will be reduced or eliminated until the risk of exceeding the yearly rolling maximum is mitigated - the primary position (role in which the employee achieves regular status) hours will remain unchanged.

Non-regular, Part-time Employees, Seasonal Employees, and Casual Employees

Though discouraged, Non-regular, Part-time Employees, Seasonal Employees, and casual employees may hold and receive compensation for more than one position with the City subject to the limitations, restrictions, and conditions below. For purposes of this policy, regular part-time permanent employees are regularly scheduled for and working equal to or less than forty-five (45) hours per pay period (1170 hours per year).

Non-regular Part-time Employees, Seasonal Employees, and casual employees may work and receive compensation for more than one position with the City if:

- Both positions are non-regular part-time or seasonal positions.
- The total hours per pay period and/or per year do not exceed forty-two (42) or one thousand ninety-two (1092), respectively.
- Clear, direct, and effective tracking of per-pay-period hours, overall hours worked, and projected hours to be worked in a rolling 12-month period by the affected departments is established and coordinated with the City Clerk.
- If the employee begins to approach the annual hours threshold, their hours in any or all positions will be reduced or eliminated until the risk of exceeding the annual rolling maximum.

Section 2 - Operational Policies

2-1. Employee Classifications

For purposes of this handbook, all City of Middleton employees fall within one of the classifications below.

Permanent Regular Full-Time Staff: Permanent Full-time Regular Staff is defined as follows: employment of an individual for work in a full-time position recognized by the city, which requires the services of an employee without interruption for an extended, indefinite period. Permanent Full-Time Regular Staff positions require no less than 30 hours worked/scheduled per week.

Permanent Full-Time Regular staff are eligible for all benefits provided by the City, and are required to participate in the Wisconsin Retirement System (WRS).

Permanent Regular Part-Time Staff: Permanent Regular Part-Time Staff is defined as: employment of an individual for work in a part-time position recognized by the city, which requires the services of an employee without interruption for an extended, indefinite period. Permanent Part-time Regular Staff positions require no less than 23 hours, and no more than 29 hours worked/scheduled per week. Permanent Regular Part-Time Staff are eligible of some benefits provided by the City, and are required to participate in the Wisconsin Retirement System (WRS).

Permanent Non-Regular Part-Time Staff: Permanent Non-Regular Part-Time Staff is defined as: employment of an individual for work in a part-time position recognized by the City, which requires the services of an employee without interruption for an undetermined period. Permanent Non-Regular Part-Time Staff positions are limited to less than 23 hours, on average, worked/scheduled per week. Permanent Non-Regular Part-Time Staff are ineligible for participation in the Wisconsin Retirement System (WRS) and most benefits provided by the City, except as specifically noted.

Indefinite Staff: Indefinite Staff is defined as: employment of an individual in Regular or Non-Regular fulltime or part time positions with no promise of permanent status nor a defined end date of employment not on a seasonal basis. Indefinite employees' tenure is generally subject to the continued availability of funds for their compensation and/or the determined need for continuance of their services for a particular need or project.

Classified Staff: Any staff position(s) and employee(s) incumbent in the position(s) that are included in the City of Middleton salary classification table and annual Salary Resolution. All non-represented Permanent Regular Full-time and Permanent Regular Part-time Staff are considered Classified Staff.

Non- or Unclassified Staff: Any staff position(s) and employee(s) incumbent in the position(s) that are not included in the City of Middleton salary classification table and annual Salary Resolution. Generally limited Permanent Non-Regular Part-Time staff, seasonal, Limited Term Employees (LTE), or other non-regular employees.

Collective Bargaining Unit Employee: Any staff member in a position whose wages and

conditions of work are additionally governed and defined under a collective bargaining agreement between the City of Middleton and such a unit.

Seasonal Employment: A "seasonal appointment" is an appointment for employment for a period less than one (1) year, the need for which can be anticipated as likely to recur.

Temporary Appointment: A "temporary appointment" is for employment for a period not to exceed six (6) months for which the need is important and urgent.

Emergency Appointment: An "emergency appointment" is an appointment for employment for a period of not exceeding ten (10) days for work for which the need cannot be anticipated.

Limited Term Employment: A "limited term employment" is an appointment for employment during the leave of absence of a permanent employee, or for the duration of a project which is not seasonal and has an established probable date of termination.

Military Leave Replacement Appointment: A "military leave replacement appointment" is an appointment made for the duration of the leave of absence of civil service employees entering the military service under provision of federal and state laws requiring restoration of employment.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

2-2. Working Hours And Schedule

General

The City of Middleton is a large, complex, community focused organization. Each department, and often within those departments, specific work schedules are set and implemented to best support the needs of the community and its citizens. These tailored work weeks are set by department heads, but subject to change. The basic public access work hours for the City, to include City Hall, the Administrative Offices, and the Department of Public Works offices are Monday through Friday, from 8:00am to 4:00pm.

The basic work-week length for all departments, excluding Police and EMS, is no greater than forty (40) hours per week.

Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of the City and its citizens, at some point City of Middleton may need to change individual work schedules on either a short-term or long-term basis.

Alternate Workweeks

Specific fulltime alternate work schedules approved for use by departments and in place, include but are not solely limited to those listed below:

- Four nine (9) hour days and four (4) hours on Friday
- Four ten (10) hour days
- Rotating six (6) days on/three (3) days off eight (8) hours a day
- Rotating six (6) days on/three (3) days off eight and one quarter (8.25) hours a day
- Rotating five (5) day on/two (2) days off, five (5) days on/three (3) days off eight and one quarter (8.25) hours per day
- As necessary and scheduled during public open hours for the Library

Schedules may be changed with mutual consent between supervisors and employees, or at the direction of supervisors with reasonable notification to the employee.

Temporary Changes to the Standard Workweek or Hours of Work

Emergency or routine operationally required changes are made at the discretion of the Department Head and department managers. This includes the scheduling and execution of specific tasks on off hours, overtime or recall of employees to work.

In the rare instance where a non-emergent change to standard workdays and/or work weeks does not meet the broad conditions of the previous paragraph, they may be implemented temporarily by the department heads, subject to the approval of the City Administrator.

Temporary changes must be communicated within a reasonable period in advance of the change. This is generally considered to be no less than one calendar week, and optionally two calendar weeks, unless required by emergency circumstances.

Temporary changes are limited to a maximum of 60 days unless an extension is approved by the City Administrator. Such an extension shall be communicated to the affected employees as soon as possible.

Work schedules for Police Officers and Paramedic employees are governed by their respective collective bargaining agreements and departments.

Employees will be provided meal and rest periods as required by law. A supervisor will provide further details.

2-3. Attendance, Punctuality, And Absenteeism

All employees of the City of Middleton are expected to report to work in a timely and consistent manner in accordance with all their scheduled work hours. This includes reporting during inclement weather, disasters, and other adverse conditions.

Employees are hired to perform important functions at City of Middleton. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify supervisors as early as possible, but no later than one hour prior the start of the work day. Asking another employee, friend or relative to give this notice is

improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

Regular full-time and part-time employees earning accrued Paid Time Off of any type must have and use such time to substitute for all hours missed, or be approved for one of the unpaid leave status exceptions listed in sections 4-10 and 4-11. No employee earning paid time off may be approved of unpaid time off in lieu of using paid time off, or after exhaustion of earned paid time off except as noted previously. Any employee not adhering to the guidance above are subject to discipline for absenteeism/tardiness.

Employees not earning accrued Paid Time Off must be approved for an unpaid leave status, or they are subject to discipline for absenteeism/tardiness.

Employees will adhere to their scheduled hours, directed meal or other breaks if so granted, and not leave the work site/duty in a paid status unless approved by a supervisor.

Acceptable leave status from work may include, as appropriate and approved:

- Sick Leave
- Vacation
- Personal Holiday
- Discretionary Unpaid Personal Leave
- Bereavement, Jury, or other special leave as authorized by the City Personnel Ordinance, or by policy as contained in this Employee Handbook.
- Supervisor approved unpaid time off for part-time employees not accruing any type of paid time off.

The specific request process, approval, applicability, use, and accounting of leave during employee absence from duty is per policy in the relevant sections of this Employee Handbook.

Unreported absences of three (3) consecutive work days generally will be considered job abandonment/voluntary resignation of employment with the City.

2-4. Timekeeping Procedures

Employees must record their actual time worked, and/or benefit time off used for payroll and benefit purposes. Time entry methods vary between departments, physical work sites, and positions. Your supervisor will provide you detailed direction on how, and where, to enter your time worked.

Non-Exempt Employees

Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, using the process and entry method prescribed by their Department and supervisor. This process will generally be accomplished through direct entry into the City's automated timekeeping system. Failure to enter time accurately, consistently, and in a timely manner is prohibited and may subject the employee to progressive discipline, up to and including discharge.

Non-exempt employees may not start work until their scheduled starting time, and must clock out at the end of their scheduled working time unless receiving prior approval for working beyond that time

by a supervisor, or engaged in work reasonably considered to be critical for which stopping at a specific time will create a hazardous, disruptive, or other consequence negative to the consistent and effective operations of the City.

It is the employee's responsibility to correctly enter and certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

Repeated failure by employees to enter time and verify time, by supervisors and managers to verify and validate their employee time records, any altering, falsifying or tampering with time records is prohibited and subjects the employee to potential discipline, up to and including discharge.

Exempt Employees

Exempt employees are generally not required to enter time worked into the timekeeping system, or to tracking of starting and stopping times or breaks of any type. Exempt employees are not paid more per work week if they work beyond their generally expected and accepted hours of work, nor are they paid less if they work less except in specific circumstances.

Exempt employees must enter a request for any and all benefit time off used, prior to the time missed, or in compliance with the rules that are applicable to all other employees. Although it is not prohibited to require all time away from work to be covered by an appropriate accrued benefit time, it is not required and may not be appropriate given the extensive duties and variations in schedule that encumber many exempt employees.

Exempt employees are required to record and report full days of absence from work for reasons such as leaves of absence, sick leave or personal business not covered by accrued time off or leave. Reduction of pay may be made in the above circumstance, and in response to disciplinary time away from work only.

supervisors may require exempt employees found or believed to be abusing the above timekeeping flexibility to record their start times and hours worked, but may not reduce their pay for any reason other than those stated above.

2-5. Meal Period And Other Breaks

Meal Periods

Employees under 18 years of age may not work longer than six consecutive hours without receiving at least a 30-minute duty free meal period. Breaks of shorter duration are not required, but - of course - may be offered per Departmental and facility standards established by the Department Head.

FLSA Non-Exempt Employees over 18 years of age, working six hours or greater are provided a paid or unpaid meal period determined by departmental procedures. The duration and type of meal period is determined by the Departments Head with consideration of impact to the employees and the efficiency and effectiveness of work. Supervisors will provide reasonable advance notice of any changes to the length or type of meal period

Duration: Meal Periods are 30 or 45 minutes in duration minutes and scheduled at times reasonably close to the usual meal period.

Unpaid Meal Periods: Employees are fully relieved of duty during unpaid meal periods, but are allowed to use City vehicles to facilitate the Meal period as appropriate.

Paid Meal Periods: Employees must remain "ready to work" and within immediate recall availability during paid Meal Periods.

The timing of Meal Periods are determined directly between the supervisor and the employee. These meal breaks are required and cannot be skipped and added to time worked to leave early or arrive late to work, or in any other way reduce the normally scheduled work day.

FLSA Exempt Employees over 18 years of age are provided a 30 or 45-minute meal break. This meal break is integral to their schedule and salary and is not considered in terms of paid or unpaid time. These employees will determine the timing of their Meal Period independently or in conjunction with their supervisor. They may or may not be fully relieved of duty during this period.

Breaks

Department Heads will determine if break periods are offered and any appropriate break period timing for their employees. Break periods are paid. These breaks will not exceed two 15-minute breaks in one shift, and cannot be combined to create a single longer break.

2-6. Remote Work/Telecommuting

City of Middleton may allow employees to work remotely if their job duties and work performance are determined to be eligible for remote work. Eligibility will be decided on a case-by-case basis by the City. Employees also may be required to work remotely during periods of public health emergencies if government orders and mandates recommend such work.

This policy provides general information regarding remote work/telecommuting. Employees who are approved to work remotely should consult their individual arrangement for specific details of their remote work/telecommuting understanding, such as expected work hours, equipment provided, and other important information.

Basic Eligibility

Some city positions are readily adaptable to remote work and others are incompatible with remote work. Each Job Description for the City of Middleton contains one of three basic categorizations for remote work eligibility and approval. These are:

- Remote/Telework available at employee's own discretion, and with appropriate coordination.
- Remote /Telework possible with Supervisor/Manager approval and the completion of a Remote/Telework Plan.
- Remote/Telework not available. The job duties of these positions are incompatible with remote work.

Remote/Telework Plan

The specific details and conditions of the remote/teleworking arrangement will be documented on a City of Middleton Remote/Telework Plan. This document is reviewed and signed by the employee,

recommended for approval by the supervisor, and approved by the Department head or the HR Manager prior to it being effective. The completed document is filed in the employee's personnel record. The agreement must be reviewed, revised as needed, and revalidated by signature annually during the month of January.

Any remote work/telecommuting arrangement may be discontinued by the City at any time and at the discretion of the City. Employees also may discontinue the arrangement.

At-Will Employment

This policy and any individual agreement addressing this work arrangement do not create a contract of employment and are not intended to be considered or construed as a promise of continued employment. Employment is at will and may be discontinued at any time by the City or employee without notice, cause, or liability.

Hours of Work

Employees working remotely will work the scheduled and agreed hours of work set by the employees' manager or supervisor. Employees should maintain regular contact with their supervisors and managers.

Nonexempt employees must accurately record all hours worked pursuant to the City's timekeeping system and take rest and meal breaks as if in the City's workplace and as required by law. Nonexempt employees may not work beyond scheduled working hours (including working more than 40 hours in a workweek) without prior, written authorization from their manager or supervisor.

Location

Employees will provide, at their expense, a secure, dedicated work area. Employees are responsible for maintaining the work area in a safe, secure, and nonhazardous condition at all times. Employees will maintain security devices and procedures necessary to prevent use by unauthorized persons, including by preventing the connection of any City-furnished computer system, network, or database to any computer, network, or database other than a computer, network, or database to which connections are provided or authorized by the City.

Duties

Employees are expected to follow all existing City policies and procedures. The duties, obligations, responsibilities, and conditions of employment with the City remain unchanged. Employees must stay engaged with work throughout the workday and be fully available during normal business hours. If employees do not successfully perform their job duties remotely, this arrangement will be revoked. Employees are expected to follow existing City policies with respect to scheduled and unscheduled time off, including the obligation to speak with their manager or supervisor before the scheduled start time in the event of an unscheduled absence, tardy, or early departure.

Accidents and Injuries

Employees agree to maintain safe conditions in the remote work space and to practice the same safety habits and rules applied on City premises. If employees incur an injury arising out of the course and scope of the assigned job duties while working in the remote work space, the workers' compensation provisions in place for the state in which the employees are working will apply. Employees must notify their supervisors or manager immediately and complete all necessary and/or requested documents regarding the reported injury. The City assumes no responsibility for injuries

occurring in the remote work space outside normal working hours or for injuries that occur as a result of a reasonably recognizable unsafe remote work space.

Equipment

Employees agree to use electronic equipment that meets all of the City's security requirements. . If the employee is utilizing any personal devices for accessing City resources, the employee agrees to ensure all security patching of any device is up to date and has an antivirus solution installed that is kept up to date. The City reserves the right to have the IT Department inspect the employees personal device prior to allowing access to City resources. If the City provides equipment for home use, employees agree to provide a secure location for City-owned equipment and will not use, or allow others to use, such equipment for purposes other than City business. Employees have no expectation of ownership in such equipment, linkages, property, or other items installed or provided by the City. The employee may be periodically contacted by the IT Department to return the equipment for inspection and security updates. The City will bear the expense of removal of any such equipment, linkages, and installations provided by the City upon the termination of the remote work/telecommuting arrangement but not modification of or repairs to the work location. Employees hereby release the City from any damage or liability incurred in the installing or removal of the equipment provided by the City.

Return of City Property

All equipment, records, and materials provided by the City will remain City property. Employees agree to return City equipment, records, and materials upon request. All City equipment will be returned by employees for inspection, repair, or replacement as needed or requested or immediately upon termination of the remote work/telecommuting arrangement. All equipment must be returned within five (5) business days of written notice to the employees.

Expenses

Upon presentment of receipts and in accordance with the Business Expense Reimbursement policy, the City will reimburse employees for certain preapproved expenses.

Regular household utility charges, such as electricity, water, phone, Internet service, auto, homeowners' insurance, etc., are not reimbursable unless state law requires reimbursement.

Confidentiality

Employees agree that they are subject to the City's policies prohibiting the nonbusiness use or dissemination of the City's confidential business information. Employees will take all appropriate steps to safeguard the City's confidential business information, including segregating it from personal papers and documents, not allowing nonemployees to access such information, and keeping such information in locked drawers or file cabinets when not in use. Employees will maintain confidential information, including, but not limited to, information regarding the City's products or services, processing, marketing and sales, client lists, client e-mail addresses and mailing addresses, client data, orders, memoranda, notes, records, technical data, sketches, designs, plans, drawings, trade secrets, research and development data, experimental work, proposals, new product and/or service developments, project reports, sources of supply and material, operating and cost data, and corporate financial information.

Contact

If employees have any questions concerning this policy or would like to apply to work remotely, they

should contact Human Resources Manager.

2-7. Overtime And Compensatory Time

City of Middleton experiences periods of extremely high activity. During these busy periods, additional work is required from all of us. Effort will be made to provide employees with adequate advance notice in such situations.

Approval to Work Overtime and Recording of Overtime Hours

All non-exempt employees must receive express permission from their supervisor/manager prior to working any overtime of any amount. Failure to obtain permission to work overtime is considered a performance issue and may be subject to Progressive Discipline up to and including termination. In all cases, any overtime worked will be recorded and submitted to Supervisors whether it has received prior approval or not.

The only circumstance where prior approval is not expressly required is during exigent activities of Police Officers, Paramedics, or field service crews in response to emergent issues requiring work past the scheduled end of shift. In these cases, Supervisors and managers will ensure retroactive documented approval is in the employee payroll record.

FLSA Non-Exempt Employees

Overtime: Overtime premium pay is paid to eligible City of Middleton Classified and Unclassified employees for Hours Worked in excess of the amounts noted below. This premium pay is paid at one- and one-half times (1.5x) the employee's regular rate hourly rate of pay.

Overtime is only payable during a period where actual Hours Physically Worked exceed the thresholds below. Vacation, Sick Leave, Personal Holidays, Comp Time taken, and all other leaves are not calculated as hours worked. Total hours in any period with these types of time are reduced by that amount to determine the Hours Worked for purposes of overtime.

Overtime eligibility

1. General Classified and Unclassified Employees: FLSA non-exempt personnel who work in excess of 40 hours per week shall be compensated for such work at the rate of time and one-half time (1.5x) their regular hourly rate for those hours worked. Such work must be approved in advance, in writing, by the department head or an individual designated to make such an approval.
2. Police Department Dispatch Employees: In addition to the overtime noted above, the listed non-exempt employees of the Police department earn overtime at one and one-half times (1.5x) their hourly regular rate for any hours worked in excess of eight (8 hours) worked in a day.
3. Police Sergeants and Lieutenants: In addition to the overtime noted above, the listed employees and Supervisors earn overtime at the rate of time and one-half time (1.5x) their base hourly rate for any hours worked in excess of eight hours (8 hours) in a day.
4. Pleasant View Golf Course and Aquatic Center Employees: All non-minor employees of the Pleasant view Golf Course and the City of Middleton Aquatic Center are exempt from FLSA overtime pay and compensatory time requirements. Both establishments are recognized as "Seasonal Recreation and Amusement Establishments" per that specific exemption in the

FLSA. Employees working in excess of 40 hours per week are paid and their normal straight time hourly rate for those hours. Minors are paid overtime per state statute.

Compensatory Time:

1. Full-time non-exempt employees may elect to accrue compensatory time in lieu of cash overtime payment when requested by the employee and approved by their supervisor in advance of the overtime being worked.
2. Compensatory time is accrued at 1.5 hours per hour of overtime worked.
3. No employee is required to receive Compensatory Time in lieu of cash overtime payment. The election to receive and accrue Compensatory Time is made freely by the employee prior to working any overtime.
4. All regular permanent fulltime non-exempt employees will establish, in writing, an enduring election to receive compensatory time or to receive cash overtime payment. This election remains in effect for all overtime hours worked until
 - changed by the employee or
 - rescinded by the employee's Department Head.
5. If no election is made and on record, the employee will by default receive overtime pay for all overtime hours worked. This election opportunity is provided to employees at:
 - The time of hire during the employee's New Employee Orientation.
 - Any time during their employment by submitting a new election form indicating they wish to change their enduring election to Compensatory time form overtime pay.
6. ??If a change in election is submitted, the change will become effective in the pay period in which the City Clerk/Payroll Administrator receives the form directing the change in overtime pay compensation method. No retroactive changes are permitted
7. Compensatory Time must be used or cashed out in the same calendar year that it is accrued.
8. Law enforcement, fire protection, and emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of comp time; all other employees may accrue up to 240 hours.
9. Accrued Compensatory Time may be cashed out at any time during the year in which it is accrued. This cash out occurs:
 - ?when an employee requests, through the City's payroll and timekeeping system, during the current payroll year, a cash-out payment out any amount of accrued Compensatory Time. Any hours paid in this manner are paid at the employee's regular rate of pay.
 - At year-end: All unused compensatory time earned in the year ending 12/31 is paid at the end of each year at the employee's current regular rate of pay.
 - Beginning the first day of the new year, any employee's existing election to receive compensatory time in lieu of cash overtime pay will resume.

2-8. Recall Premium Pay

RECALL PAY

1. **Applicability:** Any overtime eligible FLSA non-exempt classified or unclassified employee recalled to work by a supervisor outside normally scheduled hours due to an unplanned, unanticipated emergency or event is entitled to recall pay. Routine changes to working hours or anticipated and planned alterations to schedules are not considered recall events.
2. **Recall Pay Eligibility:** Recall pay is eligible only if the recall occurs after completion and clocking out for a scheduled shift and before the beginning of the next scheduled shift, recall on unscheduled regular days off, recall from vacation/compensatory time off/personal holiday time, or recall on an unscheduled Holiday.
3. **Minimum Compensation:** Recalled employees will be paid for a minimum of two hours, or the actual hours worked, whichever is greater. Employees called in to work immediately before or after the employees regularly scheduled hours, will not be subject to the two-hour minimum call-in.
4. **Recall Pay Rate:** Employees recalled are paid at a premium rate of one- and one-half times (1.5x) their normal hourly rate of pay.
5. Employees recalled on a Holiday will receive Recall Pay and Holiday Pay concurrently

No employee will receive Holiday Premium Pay, Vacation Pay, Sick Pay, or any other paid benefit time concurrent with recall hours worked.

2-9. Special Duty Pay And Differentials Applicable To The Middleton Police Department

Dispatch:

- Shift Differential \$0.75 per hour between 6:00pm and 7:00am.
- 1.5x premium pay for mandatory schedule change within ten (10) days' notice.
- CTO (Comm Center Training) \$0.50 per hour while training another dispatcher.
- Generally, absent emergency circumstances or other unanticipated conditions, employees will not be allowed to work more than eight (8) days in a row.
- Employees working greater than twelve (12) continuous hours are required a minimum of ten (10) hours off before returning to work.

Sergeants/Lieutenants:

- Shift Differential \$1.25 per hour between 6:00pm and 7:00am.
- Multi-shift differential of \$0.50 per hour for employees scheduled for multi-shift rotation.
- FLSA pay for any hours over 165 hours in a 27-day period to compensate for the difference between the base rate of overtime paid for all overtime, and the regular rate of overtime for hours worked over 165 in the period.
- ISB Special Duty Pay \$1.50 per hour above base pay rate.
- Recall Pay paid at a minimum of two (2) hours on scheduled work days, three (3) hours on days off, or actual duration worked in excess of the above minimums.

- Employees working greater than twelve (12) continuous hours are required a minimum of ten (10) hours off before returning to work.
- Generally, absent emergency circumstances or other unanticipated conditions, employees will not be allowed to work more than eight (8) days in a row.

Vacation Pay Out:

Police Sergeants, Lieutenants, Captains and the Police Chief will be able to carry over a maximum of two hundred (200) hours of accrued vacation time into the following calendar year. An employee earning the equivalent of at least fifteen (15) days of vacation annually has the option to cash out up to forty (40) hours of vacation per year at the employee's base rate of pay.

To do this, a written request must be submitted to the City Clerk no later than the 15th of October each year for cash out of any vacation accrued in that year or carried over from previous years. The vacation will be paid out on one of the November pay period checks.

Excessive Sick Leave:

Beginning in 2021, and continuing each year until changed or discontinued, Police Sergeants, Lieutenants, Captains, and the Police Chief who have more than 1400 hours of sick leave accumulated as of December 31st of each calendar year shall have said amount deposited in his/her individual North Shore Bank account not later than February 1, of the following year.

2-10. Your Paycheck

Employees will be paid bi-weekly for all the time worked during the past pay period.

Payroll stubs itemize deductions made from gross earnings. By law, City of Middleton is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in any employee's pay, the employee should bring the matter to the attention of City Clerk/HR Assistant immediately so the City can resolve the matter quickly and amicably.

Payroll statements are available to all employees on the iSolved Web Portal and through the use of the iSolved mobile app. Hard copy statements are not provided.

Paychecks will be given only to the employee through Direct Deposit.

2-11. Job Postings

City of Middleton is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. This policy outlines the online job posting program which is in place for all employees. The City reserves the right to seek applicants solely from outside sources or to post positions internally and externally simultaneously. When a job opening occurs, the City may post the opportunity as an "open" posting available to current employees and members of the public, or as an "internal promotional only" opportunity available only

to current City employees.

For eligibility to apply for an internal promotional only position, the employees must meet the following requirements:

- be currently working for the City at the time the post closes;
- be a regular full-time or part-time, non-regular part-time, or seasonal employee;
- Not be on conduct/performance-related probation or warning;
- meet the job qualifications listed on the job posting

If employees find a position of interest on the job posting website and they meet the eligibility requirements, an online job posting application must be completed in order to be considered for the position. Not all positions are guaranteed to be posted.

For more specific information about the program, please contact the Human Resources Department.

2-12. Direct Deposit

City of Middleton requires employees to use direct deposit. Authorization forms are available from City Clerk/HR Assistant. Direct Deposit is established as a part of Employee Onboarding. It is preferred that employees change or update their Direct Deposit through the City's current automated Human Resources/Payroll online software, though they may also do so with submission of a direct deposit form to the City Clerk/HR Assistant.

2-13. Performance Review

Depending on the employee's position and classification, City of Middleton endeavors to review performance annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, the City encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

Full guidance and policy on the City of Middleton Performance Review process is available through the iSolved Web Portal under Employee Self-Service/Company Information.

2-14. Classification And Compensation

Employee Classification Plan

The City maintains a Classification Plan to ensure that positions accurately reflect the position description's essential duties and responsibilities, required knowledge, skills, and abilities, and other requirements. The classification plan organizes all non-seasonal/temporary, non-represented jobs into an effective and understandable structure in relation to the local labor market and each other. Department Heads are responsible for notifying the HR Manager of substantive changes in the nature of the duties, responsibilities, working conditions, or other factors that may affect the

classification of any existing position in their respective departments.

Compensation Plan

The City recognizes that employees play a critical role in the provision of services in the community. The City strives to recruit and retain high quality employees to provide public services. It is the compensation philosophy of the City to design, establish, and maintain a salary structure that serves to attract, recruit and retain qualified employees, is competitive with the local labor market, and provides motivation to excel. The compensation plan:

1. Provides fair and equitable rates of pay for employees.
2. Develops a system that establishes a market rate and salary range for each position.
3. Sets rates of pay that allow the City to successfully compete for, recruit and retain qualified employees
4. Establishes a market position which is fiscally responsible with respect to the use of public resources.
5. Ensures that pay rates and progression through the pay range for employees reflects changing economic conditions, and strives to meet or exceed local market labor rates.
6. Provides consistent administration throughout the City.

The full Classification and Compensation Plan and Policy is available on the City's current automated Human Resources Information System.

2-15. Layoff, Furlough, And Recall

Definition

An unplanned or planned requirement to discontinue or reduce work for one or more employees that has previously generally and predictably been available, for an extended period of time (greater than one week). This action may be driven by any number of factors.

Layoff/Furlough Process

- a. Communication: To the greatest extent possible, any employee affected by such layoff shall be given notice not less than fifteen (15) calendar days prior to the effective date. In cases of acts of nature, facility shutdown, or other uncontrollable circumstances the notification period is waived.
- b. Implementation: The following process is taken at the job position level until the specific reduction required is reached.
 1. Part-time employees volunteering to accept layoff are released in order of seniority
 2. Full-time employees volunteering to accept layoff are released in order of seniority.
 3. Part-time employees not volunteering to accept layoff are released in reverse seniority order.
 4. Full-time employees not volunteering to accept layoff are released in reverse seniority order

Recall Process

1. Recall rights shall extend for a period of eighteen (18) months. At the end of that period an employee forfeits all rights to recall.
2. Full-time employees are recalled in order of seniority
3. Part-time employees are recalled in order of seniority.
4. Recall rights may be exercised by the City for the same classification or a lower classification for which an employee is qualified.

Refusal or acceptance of a lower classification does not void recall rights to the original classification; however, refusal to accept recall to their last classification precludes any further recall.

2-16. Grievance/Dispute Review And Resolution Process

Purpose

This grievance policy is intended to provide each employee with an opportunity to address concerns they may have regarding discipline, termination or matters of workplace safety. However, the City expects employees and its managers to exercise all reasonable efforts to resolve any questions, problems or misunderstandings prior to utilizing this grievance procedure.

Except for employees subject to contracts, or subject to statutory dispute resolution procedures, this policy represents the exclusive procedure for filing and hearing grievances by employees of the City. This procedure does not replace or supersede any statutory provision which may be applicable to an employee's employment with the City. This procedure supersedes any other grievance procedure in place for non-represented employees.

This grievance procedure may be modified or eliminated by the City at any time, with or without prior notice. This policy is not a guaranty of employment, a guaranty of any rights or benefits, and does not create or grant employees a property interest in their employment or tenure rights of any kind and does not constitute a contract of employment, either expressed or implied. All employees of the City remain at-will employees unless otherwise designated in a specific contract of employment. The City may terminate its employment relationship at any time, with or without reason, unless specifically bound by such an employment contract.

Applicability

This grievance procedure is available to all employees of the City, except employees subject to collective bargaining agreements, statutory or political appointees, elected officials, limited-term employees, seasonal employees or independent contractors. All other employees may use this procedure to address concerns regarding discipline decisions, employee terminations, or issues of workplace safety. However, the following matters are not subject to this grievance review procedure:

1. Temporary layoffs, including general workforce reduction, furloughs, or other reductions in the workforce
2. Non-disciplinary job transfers or demotions
3. Performance evaluations or reviews
4. Corrective counseling and warnings, including both oral and written reprimands
5. Administrative suspensions, with or without pay, during any employment related investigation
6. Non-disciplinary wage, benefit or salary adjustments
7. City actions or inactions with respect to any other employee

8. The manner in which work is to be performed, except in so far as it implicates a workplace safety issue.

The City's rules or policies are neither invalidated nor subject to question on the basis that they may have been enforced selectively, inconsistently, sporadically or arbitrarily. A rule or standard or policy is not waived despite its non-enforcement or its inconsistent enforcement. Further, the City remains free to modify or repeal any policy or rule after a grievance decision even if the effect of the City's action is to overturn a grievance decision. Grievance decisions shall not have any precedential effect.

Appeal Process

Any complaint or grievance which is not timely filed shall be barred. The term "days" as used in this procedure means working days, which are defined as Monday through Friday, excluding Saturdays, Sundays and observed holidays. Employee's time off which is taken with available paid time or unpaid time shall be considered as working days for the purposes of this policy. A grievance, a request for a hearing' or a request for appeal, is considered timely if received by the specified department or individual listed in this procedure between the hours of 8:00 a.m. and 4:30 p.m. on the due date. Electronic filings, including e-mail, shall not be recognized as a form of filing. The employee and employer may mutually agree, in writing, to waive any step to facilitate or expedite the resolution of the grievance.

In the event a grievance is not answered by the employer within the time limit set forth in this procedure, the employee may proceed to the next available step. Any issues involving the timeliness of a grievance shall be resolved by the Human Resources Manager.

Processing of Grievances

1. Employee shall take the grievance up orally with their supervisor within five (5) days after being notified of a disciplinary action; termination; or after observing, or having actual reasonable knowledge of a workplace safety issue. The supervisor shall attempt to make a mutually satisfactory adjustment or resolution of the matter, and in any event shall be required to give a written answer within ten (10) days.
2. If the employee is dissatisfied with the written response to step one above, the employee may file a written grievance as described above and may present it to the employee's Department Head. Such a grievance shall be presented no later than the (10) days after receipt of the supervisor's answer. The Department Head shall have ten (10) days to respond, and such response shall be in writing.
3. If the employee is dissatisfied with the written response to step two above, the employee may file a written grievance as described above and may present it to the Human Resources Manager. Such a grievance shall be presented no later than the (10) days after receipt of the Department Head's answer. The Human Resources Manager shall have ten (10) days to respond, and such response shall be in writing.
4. If the employee is dissatisfied with the written response of the Human Resources Manager:
 - The employee may file a request with the Human Resources for the appointment of an impartial hearing officer to be appointed by the City Council. Within five (5) days of the filing of such a request, the Human Resources Manager shall contact an impartial hearing officer and shall arrange for a hearing with the employee and any other person

deemed necessary for the review of the subject of the grievance request. The hearing shall be held as soon as practical but in all cases within thirty (30) days of the receipt of step 3 unless the parties mutually agree otherwise.

- The actions or omissions of the City, its supervisors or managers, shall be presumed to be valid. The hearing officer shall not substitute their opinion or judgment as to matters before them, and their sole authority shall be to determine whether the City, through its supervisors, managers, the Human Resources Manager, or its elected officials, acted in an unreasonable, arbitrary or capricious manner. The grievant shall have the burden of proof to support their alleged grievance. Only matters raised in the grievance shall be heard by the hearing officer. The hearing officer shall not have the authority to issue make whole orders or to implement any specific remedy or obligate the City in any fashion, but may make any recommendation they feel appropriate.
 - Within twenty (20) days of any hearing held under step 4, the impartial hearing officer shall prepare and file with the Human Resources Manager a written decision regarding the matter. A copy of the decision shall also be placed in the employee's personnel file.
5. Either the employee or the Human Resources Manager may file a written request for an appeal to the City Council within ten (10) days of the receipt of the hearing officer's decision. Upon the receipt of such a request, the City Council shall schedule a meeting as soon as practical to consider the matter.
 6. The City Council may request testimony from specific individuals if it deems it necessary to review the matter fully. They may also request that the parties supplement the record, or they may consider the matter solely on the record before it. The City Council may sustain, deny, or modify the recommendation of the impartial hearing officer.

All decisions of the City Council involving the grievance shall be by simple majority vote and shall be in writing and filed with the Human Resources office within five (5) days of the date of the final decision. A copy of the final decision shall be delivered to the grievant and placed in the employee's personnel file. The City Council's decision is final and is not subject to further review.

2-17. Safe Harbor Policy For Exempt Employees

It is City of Middleton's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for City of Middleton. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;

- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the City has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact City Clerk/HR Assistant or any other supervisor in City of Middleton with whom the employee feels comfortable.

2-18. Your Employment Records

In order to obtain their position, employees have provided personal information, such as address and telephone number. This information is contained in their personnel file.

Employees should keep their personnel file up to date by informing Human Resources Manager of any changes. Employees also should inform Human Resources Manager of any specialized training or skills they acquire, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem.

Any employee may access to his or her own personnel file through their self-service portal in iSolved

at any time. If an employee wishes to see any legacy paper personnel file, or access restricted areas in their digital iSolved file, they may do so during regular working hours upon written notice to the Human Resources Manager.

2-19. Record Retention

City of Middleton acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the City and its employees and possible disciplinary action against responsible individuals (up to and including discharge of the employee). Each employee has an obligation to contact the Human Resources Department to inform them of potential or actual litigation, external audit, investigation or similar proceeding involving the City that may have an impact on record retention protocols.

2-20. Travel Policy And Guidelines

GENERAL

Employees may be required to travel as a part of their official duties for a number of reasons. This policy sets forth the rules governing travel authorization and approval, compensation during travel, travel expense guidance, and establishes certain procedural matters concerning travel authorization, documentation, reimbursement, and accounting. This travel policy is applicable for all travel expenses incurred on behalf of the City by the employees and elected officials.

Employees on travel status are expected to use good judgment when incurring travel costs. Employees remain representatives of the City and bound by the expectations of public trust during travel.

AUTHORIZATION

1. Any official business travel by City employees must be specifically authorized by the department head or delegated designee prior to travel.
2. All travel for City employees must be authorized by the department head or the city Administrator.
3. The department head or delegated designee shall determine that the proposed travel is appropriate and necessary to the mission, responsibility, or duties of the employee's unit, and the funds for the travel have been budgeted and are available.

CITY CREDIT CARD USE

Use of a City-issued credit card is required for all travel expenses, for employees that have such cards. Employees must sign and adhere to the Purchase Cardholder Agreement.

MODE OF TRANSPORTATION

Travelers are expected to use the least expensive mode of transportation that meets the needs requirement for attendance and business need. Exceptions must be approved by the Department Head authorizing the travel.

Expenses for travel will be reimbursed as follows:

Air Travel

- **??**Reimbursement for commercial air travel shall be limited to fare for the lowest jet class available. First class travel is not allowed.
- Flight insurance for employees is not a reimbursable expense.
- When a favorable price differential exists, round trip tickets or excursion fare tickets shall be purchased.
- Cost of tickets should be charged to the City of Middleton directly, rather than purchased by the employee and reimbursed.
- Reimbursement for the cost of one (1) checked personal bag is reimbursable.

Travel by Train/Bus

- Reimbursement shall be limited to the actual fare.

Taxis, Limousines, and Rental Cars

- Travelers are expected to maximize use of available Hotel Shuttles, public transportation, or other no/low cost means for transportation when traveling.
- Reasonable charges for taxis, ride-share share, and limousines are reimbursable when other modes of travel are not available or practical.
- Rental cars are not authorized unless the location is remote and without other reasonable access to the facility and/or for meals during the event.

Automobile Transportation

- Employees should maximize use of available City vehicles when attending training that is a single day event, or is within a reasonable driving distance; generally 350 miles or fewer.
- Privately owned automobiles may be used in lieu of city-owned vehicles whenever it is more practicable or cost-efficient.
- Travels using city-owned vehicles are not reimbursed for mileage, but are authorized direct purchase of fuel using the fleet credit card included with each vehicle.
- Employees using their personal automobiles are reimbursed at the IRS current rate per mile for mileage from the shortest distance to the destination.
- Charges for repairs, tow services, lubrication, etc., when using a personally owned vehicle are not reimbursable.
- Traffic citations, parking tickets, and other traffic violation expenses are the employee's responsibility and are not reimbursable.
- When two or more people travel together in the same private vehicle, reimbursement is paid only to the owner of the vehicle.
- Parking charges incurred while on official business are reimbursable if incurred as a result of a job.
- Employees should not drive to meetings and conferences when the travel time en route to the destination requires more than one day, unless the employee is utilizing holiday or vacation time. In such instances, no reimbursement will be made for any lodging, meals, or other

expenses incurred en route.

- Excessive mileage charges incurred for personal reasons e.g. such as sightseeing, side trips, etc. are not reimbursable.

LODGING EXPENSES

The choice of lodging shall be based on cost with consideration given to accessibility in conducting business. Travels must utilize the most cost-effective lodging unless specific lodging is required/directed or recommended in the event materials.

Lodging

- When traveling alone, an employee must stay in a single hotel or motel room at a reasonable rate for the community.
- The maximum permitted amounts for lodging reimbursement are listed on the General Services Administration (GSA) website at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. These rates are adjusted annually.
- All lodging expenses must be supported by the original machine printed receipts, which are furnished by most hotels, and motels, or an original handwritten receipt issued by the hotel or motel. A photocopy of the receipt, the hotel or motel statement or credit card receipt is not considered an acceptable substitute unless exceptional circumstances can be documented and a written explanation is attached to the voucher.
- When registering in hotels or motels or signing for any official purpose, City employees shall use their business address and identification and ask for government discounts including tax-exempt discounts. It is the employee's responsibility to present the City's tax-exempt status when required.
- Reimbursement limited lodging is limited to the minimum number of nights required to conduct the assigned City business. If the traveler chooses to arrive earlier or stay later, the additional lodging and other expenses related to this decision are personal expenses and will not be reimbursed.
- If you are not able to arrive on time to the training or meeting by leaving your home after 7:00 a.m., prior night lodging is authorized.
- Post event lodging is only authorized in the event of canceled or delayed return travel due to events beyond the employees control.
- No lodging expenses shall be reimbursed for meeting or conferences held in the Madison Metropolitan area unless prior written approval is obtained from the City Administrator.
- If the cost of lodging must be prepaid, prepayment should be made by the City of Middleton directly, rather than charged or paid by the employee and reimbursed.
- If travel plans change, be sure to cancel any reservations in time to prevent a charge. If this isn't done, the expense will only be reimbursed after reasonable justification is provided and approved by the Department Head.
- Employees shall observe posted hotel checkout hours in order to avoid a charge for the day of departure.
- Pay for view movies in hotel room personal entertainment, toiletries, lost/stolen cash or personal property are not reimbursable.

MEAL EXPENSES

Employees traveling for twenty-four (24) hours or greater are authorized reimbursement for meals. The city of Middleton only provides reimbursement of actual expenses; daily per-diem rates are considered a limit, not an entitlement.

- Payment of expenses for meals and incidentals should be made to the maximum extent possible on a City issued credit card if the employee possesses one. Employees who do not have a City issued credit card may use a personal card or other form of payment. Where the City card cannot be used based on system coding, employees may use a personal card or other form of payment.
- Meals and expenses incurred by travelers attending meetings, conferences, or training remotely and extending overnight are reimbursable subject to the following process and limits:
 - Actual costs paid as documented on receipts are reimbursable to the maximum current rates are listed on the General Services Administration (GSA) website at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. These rates are adjusted annually.
 - The first and last day of travel reimbursement is limited to 75% of the GSA allowable rate.
 - No reimbursement is allowed for the cost of alcoholic beverages.
 - Expenses that exceed authorized limits must be approved by Supervisor AND Finance Director or City Administrator (for Department Heads only).
 - Itemized receipts are required for all meal reimbursements.
 - When meals are provided and the cost included within the training or conference fees, those meals are not reimbursable.

Please Note: All day trips (travel not requiring an overnight stay) which are eligible for meal reimbursement are considered "income" by the IRS and as such will be subject to payroll taxes, and will be reflected on your year-end wage and earning statement as other taxable income. If you choose, you do not have to request reimbursement for these meals.

MISCELLANEOUS EXPENSES?

Incidental Expenses

If the employee is away for more than five consecutive days, reasonable amounts will be allowed for laundry, cleaning, and pressing service. Only one charge per calendar week is reimbursable for each type of actual and necessary service.

Registration Fees

Meeting, Conference or training registration and tuition fees for professional and technical meetings and conferences are reimbursable.

- Registration, tuition, and conference fees must be pre-approved as a part of the travel authorization for reimbursement eligibility.
- Generally these types of expenses should be pre-paid at the time of enrollment and reimbursed separately from the actual travel expenses submitted after the event.

FLSA NON-EXEMPT EMPLOYEE PAY FOR TRAVEL HOURS WORKED

Overnight, Out-of-Town Trips

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled work days (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

Out-of-Town Trips for One Day

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: time spent traveling between the employee's home and the local railroad, bus or plane terminal; and meal periods.

Local Travel

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when the employee goes directly home from the final job site, unless it is much longer than the regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

Commuting Time

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near their home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half (1-1/2) times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

TRAVEL WITH A SPOUSE/FAMILY MEMBER

There is no objection to a spouse and/or other family members traveling on an official trip, but No expenses attributable to them will be reimbursed by the City. No travel expenses incurred by the spouse/family member are reimbursable. With respect to the cost of lodging, the amount reimbursable is limited to the rate for a single room, The cost of tickets for personal use, must be paid by the employee directly, and not paid through the City of Middleton on the same invoice as the employee ticket.

CODE OF CONDUCT

While traveling, City employees are expected to adhere to the Ethics Code (Chapter 2.20(6) of the Middleton Code of Ordinances). They are representing the City of Middleton and are expected to promote a positive image to instructors, business persons, and the public. Even during personal free time when employees choose to wear City-identifying clothing or badges, they will conduct

themselves in an appropriate business manner.

TRAVEL EXPENSE FORM AND REIMBURSEMENT

The travel expense form detailing your travel expenses and costs must be completed and submitted within five (5) business days after completion and return from travel. The travel expense form will also serve as a reimbursement form through payroll.

All approved reimbursement is paid on the employees next regular pay check after the reimbursement request is reviewed, approved, and processed by payroll. No separate checks and no travel advances are authorized.

Required Receipts

Please attach a copy of the training brochure/literature to the reimbursement form to support the necessity for reimbursement of any non-routine items. Itemized receipts are required for the following expenses in order to receive reimbursement:

- Commercial carrier cost
- Gas, repairs, and vehicle expense (city vehicle)
- Tolls, parking, and garage charges
- Shuttle, public transportation, taxi, ride-share service
- Rental cars and fuel for rental cars
- Lodging
- Registration and Tuition Fees
- Meals
- Baggage fees (limit 1 bag per person)
- Extraordinary expenses not covered by these policies

EXCEPTIONS

All requests for exception to the policy, process, and limits provided must be:

- Submitted in writing in advance of the travel
- Reviewed and recommended for approval by the Department Head
- Approved and authorized in writing by the Finance Director or the HR Manager

2-21. Transportation Of Citizens/Non-Employees

GENERAL

City employees, using their personal vehicle or city owned vehicles, shall not provide non-employees a ride to and from the employee's place of residency or requested drop-off site or to any other and all locations.

This prohibition includes, but is not limited to, any program/activity participants of a City program or event. An employee's transport to and from the employee's home is not a City insurance covered event because such transport is considered non-business/personal time. Please note that if an employee does give a non-employee a ride in violation of this policy on the employee's way to or

from work, and the non-employee is injured, the employee's personal insurance policy is the covering policy for the event; and the City of Middleton insurance policy does not cover such liability. If an employee chooses to transport a non-employee, the employee does so at the employee's own peril and risk, and in the event that there is a settlement in excess of the employee's own personal insurance limits, the employee could face personal liability.

EXCLUSIONS

This policy shall not cover:

- Public safety employees (Police, Paramedics, Senior Center Case Managers) acting within the scope of their employment
- Employees providing rides for strictly business purposes (e.g. transporting guests to Middleton for tourism or economic development purposes)
- Employees transporting employees from the City of Middleton or another governmental unit to a conference or training session.

2-22. Standby Pay

Employee(s) on standby duty shall receive \$450.00 per week. On any call-in when on standby duty, the employee(s) shall receive a minimum of two hours of paid time at the overtime rate.

Standby pay is payable only for the weeks that employees are specifically designated by their supervisor or manager as holding standby responsibilities. Only those departments and activities approved by the City Administrator are eligible for standby pay, and only one employee per department at a time may be so designated and compensated.

Standby pay is approved for the following departments:

- Information Technology
- Water and Sewer Utility

2-23. Facility And Program Closures

If a facility or function of the City is closed for a partial or full day by the City Administrator, a Department Head, or other Agency or authority due to inclement weather, acts of nature, insufficient staffing, or other unforeseen circumstances, employees will be directed whether they should report to work or not. Pay status for these periods, if any, is determined by the employee's pay category. Where accrued leave is directed or allowed below, available leave types are Vacation, Personal Days, Compensatory time and unpaid leave. Sick leave may not be used for these purposes.

- FLSA non-exempt employees directed not to report to work may use vacation, personal days, or accrued compensatory time to receive pay for any hours missed due to closures of this nature. If the employee does not accrue paid time off, or they do not wish to use accrued leave, they are granted unpaid time off for the missed period. Under no circumstances will nonexempt employees be paid or made whole for hours not worked and not covered by PTO of some type.

- FLSA exempt employees prevented from reporting to work for any period short of an entire week due to any of the situations noted above, provided they work for any period of time during the week, are paid for any hours missed as if the hours were worked. They are not required to substitute accrued leave under these circumstances. If the closure or event prevents work for a full week exempt employees may be required to substitute accrued paid leave for the period. HR will make the determination and contact the employee(s) affected.

Remote work that is not previously requested, coordinated and approved through the Remote Work Approval process is not available in response to the events above without specific written authorization of the Department Head. This authorization is valid only for the period of closure and confers nor implies any continued or future expectation of remote work availability in like, similar, or different circumstances.

This does not preclude the potential to "relocate" the work to an alternate location or facility that is not closed. Relocated work may be performing the same anticipated and scheduled work, or alternate tasks that the Manager/Supervisor/Program leader determines provides similar value to the City and the community.

2-24. Artificial Intelligence

The City recognizes that the use of AI tools can potentially assist employees with the performance of job duties. However, there are many risks. Employees must take clear and effective action when using these tools to ensure the protection of confidential information and the integrity of our operations. As set forth below, all employees who wish to use AI tools for any tasks that may directly or indirectly include sensitive, confidential, proprietary, or protected information must receive management approval from the HR Director and, if granted, comply with the below best practices.

Evaluation of AI tools. Employees must evaluate the utility and security of any AI tool before using it. This includes reviewing the tool's security features, terms of service, and privacy policy. Employees should also review the reputation of the tool developer and any third-party services used by the tool. But most importantly, employees **must** receive management approval prior to using any AI for any tasks that may meet the conditions noted above after explaining the manner in which it will be used and the benefits to the business.

Protection of confidential data. In using any AI tool, employees must not upload or share any confidential, proprietary, or protected data without prior written approval from the Head of Human Resources. This includes data related to customers, employees, or partners. Similarly, employees must ensure any AI tool does not utilize confidential or copyrighted information of a third party.

Access control. Employees must not give access to any AI tools approved for business use to anyone outside the company without prior approval from the Head of Human Resources and implementation of processes as required to meet security compliance requirements. This includes sharing login credentials or other sensitive information with third parties.

Compliance with security policies. Employees must apply the same security best practices we use for all company and customer data. This includes using strong passwords, keeping software up-to-date, and following the City's data retention and disposal policies.

2-25. Open Door Policy

All employees have the opportunity to express ideas and opinions to management. The City believes that open communication is essential to a successful work environment, as well as to the City's success. All employees may express ideas and opinions directly to City management. Employees who would like to bring an idea or suggestion to the City's attention, or just simply wishes to discuss an issue not covered by a separate reporting procedure, are always welcome to send an email or make a call to Human Resources.

2-26. Pregnancy Workers Fairness Act

PURPOSE

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of Middleton will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the City of Middleton's operations.

POLICY

An employee or applicant may request an accommodation due to pregnancy, childbirth, or a related medical condition by submitting the request in writing to human resources (HR). The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include, but are not limited to, allowing the individual to:

- Sit while working
- Drink water during the workday
- Receive closer-in parking
- Have flexible hours
- Receive appropriately sized uniforms and safety apparel
- Receive additional break time to use the bathroom, eat and rest
- Take time off to recover from childbirth
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy. An employee may request paid or unpaid leave as a reasonable accommodation under this policy. However, the City of Middleton will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The City of Middleton prohibits any retaliation, harassment, or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

2-27. Workplace Surveillance

This Workplace Surveillance Policy outlines the guidelines and procedures regarding the use of surveillance technologies in the workplace. The objective of this policy is to ensure the safety, security, and productivity of employees while respecting their privacy rights and complying with all applicable laws and regulations.

Scope:

This policy applies to all employees, elected officials, agents, consultants, contractors, visitors, and any other individuals who have access to the workplace premises or City-owned devices.

Policy Guidelines:

1. Purpose of Surveillance:

Surveillance measures may be implemented to:

- a. Protect the safety and security of employees, customers, and City assets.
- b. Prevent theft, fraud, vandalism, or any other unlawful activities.
- c. Monitor and enhance employee productivity and adherence to City policies.
- d. Ensure compliance with applicable laws, regulations, and industry standards.

1. Types of Surveillance:

The City may employ various surveillance measures, which may include but are not limited to:

- a. CCTV cameras in public areas.
- b. Access control systems to monitor entry and exit points.
- c. Network monitoring and logging.
- d. Electronic communication monitoring (e.g., phone, email, chat, instant messaging).
- e. GPS tracking for City-owned vehicles or devices.

Surveillance regulated by this Policy is intended to be of the type which is conducted covertly and does not include recording done in the course of ordinary work activities (e.g. scene documentation by law enforcement) or recording done with the explicit consent of the recorded party.

1. Notification and Consent:

- a. Employees will be informed of the existence and purpose of surveillance measures through appropriate channels (e.g., employee handbook, policy training).
- b. Employees will generally be required to provide their consent to the monitoring activities, except where specific legal exceptions apply (e.g., public areas without a reasonable expectation of privacy).
- c. Contractors, visitors, and any other individuals who have access to the workplace premises will be notified by appropriate postings at access points and by contract language where appropriate.
- d. For employees who are permitted to use personal electronic equipment for work purposes, the City reserves the right to inspect such devices if doing so is deemed necessary to maintain the security, confidentiality, and integrity of the City its systems, and its data. The City also reserves the right to remotely wipe all City-owned data from personal electronic equipment. This will most commonly occur when an employee is no longer employed by the City or the employee's personal electronic equipment is lost or stolen.

1. Prohibited Activities:

- a. Surveillance measures shall not be used for illegal, unethical, or discriminatory purposes.
- b. Surveillance measures must be approved in advance by the City Administrator or their designee.
- c. Employees shall not tamper with or disable surveillance equipment or engage in any activities intended to circumvent surveillance measures.

1. Data Collection and Storage:

- a. Surveillance data shall be collected and stored in compliance with relevant data protection laws and regulations.
- b. Data retention periods shall be determined based on the purpose of surveillance and legal requirements. Data should be securely destroyed or anonymized once no longer required.

1. Access to Surveillance Data:

- a. Access to surveillance data shall be restricted to authorized personnel who have a legitimate need to access such data.
- b. Personal information obtained through surveillance shall be treated confidentially and only shared when necessary and in compliance with privacy laws.

- c. Workplace monitoring data is only disclosed to third parties as is required by law or as needed to troubleshoot the workplace monitoring systems used by the City. All third parties that are provided with access to workplace monitoring data are subject to confidentiality and security requirements to ensure that employee data is not misused or disclosed without authorization.

1. Employee Privacy:

- a. Employees have a reasonable expectation of privacy in certain areas such as restrooms, changing rooms, and other private spaces, which should not be subjected to surveillance.
- b. Personal use of City-provided communication systems should be treated with a reasonable expectation of privacy, unless there are suspicions of illegal or unethical activities.

1. Prohibition of Employee Directed Surveillance:

- a. Employees are strictly prohibited from conducting any form of surveillance without authorization within City facilities or on City equipment, including all forms of electronic communication devices, whether with personal devices or on City assets.
- b. This prohibition applies to all types of surveillance, including but not limited to audio recording, video recording, monitoring of electronic communications, or any other form of invasive monitoring.
- c. Any requests for surveillance of employees must be submitted to the appropriate department or authority, and approval must be obtained prior to conducting any surveillance activities.
- d. Unauthorized surveillance activities may result in disciplinary action, up to and including termination of employment.
- e. This prohibition reinforces the commitment to maintaining a respectful and professional work environment while upholding employee privacy rights.

1. Training and Education:

Employees shall receive regular training and education on this surveillance policy, including their rights and responsibilities related to workplace surveillance.

1. Compliance and Enforcement:

- a. Non-compliance with this policy may result in disciplinary action, up to and including

- termination of employment.
- b. The City will regularly review and assess the effectiveness of surveillance measures and make improvements as necessary.

1. Legal Compliance:

The City will adhere to all applicable local, state, and federal laws regarding workplace surveillance, including privacy and data protection regulations.

Review and Updates:

This Workplace Surveillance Policy shall be periodically reviewed to ensure its continued relevance and compliance with evolving laws and organizational requirements. Any necessary updates or revisions will be communicated to all employees.

2-28. Emergency Evacuation And Severe Weather Response Plan

General

The City of Middleton as an employer has a responsibility to provide employees and visitors with an emergency evacuation and severe weather response plan.

In order to centralize and streamline the decision-making process, the Police Department, Officer in Charge (OIC) will determine actions to be taken and communicate the decisions to all city employees. Fire alarms emergency warning sirens, or a tornado warning affecting the greater Middleton area via weather alert radios are notified to all to begin evacuation or to take shelter. Expiration of the warning is generally notice of "all clear". The police (OIC) will notify employees in the shelter.

Evacuation Notice

Upon notice to evacuate the building, all employees (on duty police dispatcher excepted), will leave the building by the nearest exit. The public will also be advised to leave the building. City Hall staff will report to the library lobby/portico. Employees will remain there until advised further.

Tornado Warnings

City administrative staff will post the pre-made "Closed due to tornado warning" sign on the front doors of City Hall. City Hall staff will go to the east basement (under the police department). Employees will remain there until advised further.

Preparations

All employees, including department heads and their designees, should familiarize themselves with the emergency evacuation and severe weather response plans and their specific responsibilities in advance. Employees with special needs to facilitate their emergency evacuation or their taking shelter should discuss them with the department head in advance so that plans for their evacuation and taking shelter can be made in advance.

Signs designating evacuation routes and shelter/meeting place locations will be posted.

Emergency evacuation and severe weather response drills will be conducted to familiarize all employees with the plans.

Department Specific

Department heads will advise employees in advance of any necessary functions to be performed prior to evacuating or reporting to the shelter (electronics shutdown, file locking etc.).

Emergency Evacuation Plan

Any employee (or visitor) may determine that an emergency evacuation of the City Hall is necessary. This will be communicated to all other employees by the building fire alarm, by intercom or in person. The employee determining or informed by a visitor that evacuation is necessary will report the reason for the emergency evacuation to the police department dispatcher (dial 911) so that the police dispatcher can obtain assistance and make notification of other departments and the police department OIC.

The police dispatcher will notify the Middleton Police Department to respond if necessary, or be advised by the OIC.

Upon notification to evacuate the building, employees will advise members of the public of the emergency evacuation and instruct them to leave the building immediately. Employees will immediately leave their work stations taking only portable personal items immediately available to them (i.e. purses). Employees should close file drawers, close (but not lock) doors behind them. Employees should walk to the nearest available exit (not necessarily their usual exit) and leave the building and report to the meeting place.

Employee Meeting Place

In order to ensure that every employee has left the building safely, all employees should report to the meeting place upon exiting the building. City hall evacuations report to the library lobby.

In the event the library lobby is closed, the library portico at the main entrance will be used. Employees are to wait at the meeting place until advised by their Department head or designee to return to work, leave for the day or some other outcome. Department heads or designees should respond initially to the meeting place to insure that all of their employees have safely evacuated. The police department OIC can contact them there.

Employees should not return to the building to search for missing employees as they may endanger themselves needlessly. Employees should advise a police officer (in person or via police dispatcher) of any employee who fails to report to the meeting place so that assistance and communications may be obtained to locate the missing employee.

The police OIC will determine when it is safe to return to the building and communicate this to employees at the meeting place.

Severe Weather Response Plan

Severe weather is not uncommon in this area. It does have the potential to endanger people exposed to it. The National Weather Service frequently issues severe weather watch advisories calling for increased awareness of the potential for severe weather. Inhabitants of the area are familiar with these and react to them. Taking shelter in a substantial building is usually sufficient to

safeguard people. It is not appropriate to shut down work every time an advisory is issued. To put this in perspective, employees should keep in mind their own behavior in such situations when not at work.

Severe Weather Watch

Defined: Conditions are right for type of severe weather indicated to occur (i.e. tornadoes are possible)

City administrative staff will post the pre-made sign "Tornado Watch in Effect" in the front doors of City Hall when a tornado watch is in effect. Police dispatcher will post the same sign at the dispatch window. No further response other than increased alertness and preparation to take shelter is necessary. The Police Communications center is equipped to monitor weather information. The police department OIC will monitor the weather situation.

No response other than increased alertness is necessary. The police communications center is equipped to monitor weather information. The police department OIC will monitor the weather situation.

Severe Weather Warning

In the event of a severe weather warning being issued (weather radio report, sirens sounding), the police department OIC will determine whether the report pertains to the City of Middleton. If it does and the taking of shelter over and above simply being inside a building is advised, then the OIC will instruct the police dispatcher to contact each city hall department and advise city employees to go to the shelter. Employees should advise members of the public present in the building of the situation and invite them to accompany employees to the shelter. Department heads or their designee should close and lock doors behind them.

Severe Weather Shelter

In the event that department heads or their designees determine that employees need to take shelter away from their work stations, they will inform the employees to go to the shelter.

City hall employees will shelter in the east basement.

Library employees will shelter in the basement community room.

Department heads or their designee will immediately report to the shelter and insure that all of their employees have safely responded.

Employees should not return upstairs to search for missing employees as they may unnecessarily endanger themselves. Employees should advise a police officer (via police dispatcher by use of the intercom from the police basement or telephone from the library basement) of any employee who fails to report to the shelter so that assistance may be obtained to locate the missing employee.

The police department OIC will determine when it is safe to leave the shelter and will communicate this to employees in the city hall and library shelters.

Employee Option

Employees who fear for their own safety and wish to take shelter contrary to the decision of the police department OIC may go to the designated shelter. Employees are to inform their supervisor of their intention to go to the shelter. Supervisors may require employees assigned to critical

functions (i.e. police dispatcher) to remain at their work station until a suitable replacement can be found. Employees will be asked to take time off from their vacation or compensatory accounts. No disciplinary action will be taken against any employee who in good faith believes that they are endangered when they leave their work station to take shelter.

Addendums

Police Department

The on duty police officer in charge (OIC) has overall responsibility to all city hall and library employees in this plan. All police officers should be aware of these responsibilities should they be the OIC.

The OIC shall be informed of the emergency evacuation incident immediately. The OIC will ensure that the dispatcher has informed all city hall and/or library departments of the emergency evacuation. The OIC will make a determination whether the police dispatcher should evacuate the police communications center and inform the dispatcher.

The OIC will determine the city hall and library responses to a severe weather incident. The OIC will ensure that the dispatcher has informed all city hall and/or library departments of the decision to take shelter. In the case that the OIC determines that other city personnel will take shelter, the OIC will determine whether the dispatcher should also leave the police communications center and take shelter and inform the dispatcher.

In the event of an emergency evacuation of city hall or the library an on duty police officer will be assigned to respond to insure the safety of employees and the public, to provide security for the building and to investigate the cause for the evacuation. A police officer will be assigned to respond and to make contact with department heads or designee at the meeting place to determine the cause for the evacuation, call other resources to assist as needed and to determine whether any employee has failed to report to the meeting place and whether a search is necessary. An incident report will be completed.

In the event that police department employees are assigned to take shelter due to severe weather, on duty police officers in the station and not otherwise assigned to tasks outside the station will go to the meeting place or take shelter with other employees and provide communications. On duty police officers outside the station who are not otherwise assigned to a task may take shelter in an appropriate safe location after notifying the dispatcher and OIC of this intent and their shelter location. On duty police officers assigned to tasks related to the storm condition (i.e. lookout duty) are expected to remain at their task unless in imminent danger and are to only take shelter as a last resort.

On duty police dispatchers perform a critical function and are expected to remain at their work station within the police communications center unless the actual circumstances present make remaining there immediately unsafe or the actual destruction of the police department facility is imminent. Dispatchers wishing to evacuate the communications center shall first notify the police officer in charge (OIC) to allow the OIC to order the evacuation or to assign a replacement as dispatcher. Dispatchers evacuating the communications center shall first notify the OIC, the Dane County Public Safety Communications Center, switch the 911 phone lines to Dane County and respond to the evacuation meeting place or the severe weather shelter as appropriate to the situation with any available portable radio in hand to maintain communications.

On duty clerical staff in the station will evacuate to the meeting place or report to the shelter as

appropriate to the situation.

Overall To Do:

1. Post signs for evac routes and shelter locations
2. Department heads to review plan with employees and determine special needs
3. Any sensitive items (documents) that should be evacuated or protected
4. Present plan to all department heads for comment and revision and to request specific addendums
5. Inform all employees of the plan
6. Conduct drills to exercise and revise plan
7. Collect other department addendums
8. Seek to streamline this plan KISS

Section 3 - Benefits

3-1. Benefits Overview

In addition to good working conditions and competitive pay, it is City of Middleton's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs City of Middleton provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from Human Resources Manager. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, City of Middleton (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact Human Resources Manager.

3-2. Employee Benefits Eligibility

| City of Middleton Benefit Eligibility | | | | | |
|--|----------------------------|---------------------------|---------------------------|---------------------------|---|
| Benefit Listing | Permanent Employees | | | | Non Permanent Seasonal/ Temporary |
| | Regular Staff ⁷ | | | Non-Regular Staff | |
| | Full-time 40hrs/wk | Full-time 30-39 hrs/wk | Part-time 23-29 hrs/wk | Part-time to 22 hrs/wk | |
| Vacation | X | X ¹ | X ¹ | | |
| Personal Days | X | X ¹ | X ¹ | | |
| Sick Leave | X | X ¹ | X ¹ | | |
| Holiday Pay | X ² | X ² | X ² | | |
| Holiday Premium | X | X | X | X | |
| Compensatory Time | X | | | | |
| Recall Premium | X | X | X | X | |
| Health Insurance | X ³ | X | | | |
| Dental Insurance | X | X | | | |
| Vision Insurance | X | X | | | |
| Income Continuation Insurance | X | X | X | | |
| Wisconsin Retirement System | X | X | X | | |
| Deferred Compensation 457b | X | X | X | | |
| Group Term Life Insurance | X | X | X | | |
| Dependent Life Insurance | X | X | X | | |
| Flexible Spending Account (FSA) | X | X | X | | |
| Employee Assistance Plan (EAP) | X | X | X | X | |
| Bereavement Leave | X | X | X | X ⁴ | X ⁴ |
| Jury Duty leave | X | X | X | X ⁴ | X ⁴ |
| Military Leave | X | X | X | X | X |
| Unpaid Maternity Leave | X | X | X | X | |
| Unpaid Medical Leave | X | X | X | X ⁶ | |
| Personal Leave of Absence | X | X | X | X | |
| Leave Donation Program | X | X | X | | |
| AFLAC Income Protection | X | X | | | |
| Legal/Identity Shield Protection | X | X | X | | |
| Tuition Reimbursement ⁵ | X | X | | | |

^{*1} Accrual prorated based on hours scheduled/worked.
^{*2} Limited to actual hours missed or average of weeks hours as applicable.
^{*3} Including eligibility for Cash-in lieu of insurance where applicable.
^{*4} Only unpaid available as unpaid leave.
^{*5} Only available if funded in the annual budget. See your Department Head for more information.
^{*6} Only available if provided under the Americans with Disabilities Act (ADA).
^{*7} Regular Staff are eligible and required to participate in the Wisconsin Retirement System (WRS).

3-3. Vacation

The City of Middleton appreciates how hard employees work and recognizes the importance of providing time away from the demands of work for rest, recovery, and recreation. City of Middleton fully encourages employees to use their earned vacation time in accordance with this policy.

Definition of Vacation Days/Time

Vacation Time/Days are paid commensurately with number of scheduled hours for the employee, for which they are not present for work, on the day(s) on which the vacation hours are utilized. Employees cannot take Vacation Time/Days on or for any hours/days they are not scheduled to work, for more hours than they would normally be scheduled to work on a scheduled workday or workweek, or for any hours in which work is actually performed.

Vacation Accrual

Employees accrue annual paid vacation as follows:

| Years of Continuous Service Completed | Days of Vacation | Hours, Period |
|--|-------------------------|--------------------------|
| Hire through the completing of two (2) years | 15 days | |
| Beginning of three (3) through completion of five (5) years | 18 days | |
| Beginning of six (6) through completion of five (9) years | 22 days | |
| Beginning of ten (10) through completion of five (14) years | 26 days | |
| Beginning of fifteen (15) and more years | 30 days | |
| Notes of Exception | | |
| Vacation accrual as reflected above may be subject to alteration as a part of a new em agreement or offer letter but is limited to the schedules listed above effective with the this ordinance. Any employee grandfathered to another plan will continue with that e) the stated exception ends, is modified, or the employee separates employment. | | |

Vacation Accrual Periods

- a. New employees eligible to accrue vacation hours do so in accordance with the table above, beginning on their date of hire. This provides a prorated vacation total during their first year.
- b. Continuing employees and employees promoted from non-regular permanent part-time status to regular permanent regular full-time or part-time service will accrue vacation hours in accordance with their years of service shown above, based on their anniversary date of hire.
- c. Employees normally scheduled for and working less than 40 hours a week, and at least 23 hours or more a week earn vacation at a rate prorated for their scheduled and worked hours.
- d. Accrual amounts increase due to years of service becoming effective on the anniversary of their date of hire.

Vacation Accrual Carryover

Vacation balances in excess of 240 after last full pay period of the calendar year (payable the 1st payroll in January) are forfeited.



- a. Employees are generally permitted to carry over 240 hours of accrued vacation into the following year. ~~Vacation balances in excess of 240 hours as of December 31 are forfeited.~~
- b. Regular permanent employees normally scheduled for and working less than 40 hours a week will have their maximum carryover of vacation prorated for their scheduled and worked hours.
- c. Under exceptional circumstances, employees may be granted an exception to carry over accrued vacation beyond 240 hours. A written request detailing the specifics and reason for exception must be submitted by the employee, through the employee's supervisor/manager for recommendation, to Human Resources not later than the 1st pay date in December each year.

Basis for Vacation Pay

The rate of pay for Vacation Time/Days is based upon the employee's base earning rate at the time the vacation period begins.

Vacation Request and Usage

Every effort will be made to grant employees' vacation preference, consistent with operating schedules. However, if too many people request the same period of time off, the City reserves the right to choose who may take vacation during that period. Vacation requests for a week or greater must generally be submitted to managers at least two (2) weeks in advance of the requested vacation dates. All other vacation requests must be submitted prior to the day requested, and in accordance the departmental guidance.

- Employees will normally use the City of Middleton's Human Resources Information System (HRIS) to submit requests, modification, and cancelations of any vacation days/hours they wish to use. Department Heads may adjust this input requirement, by exception, for special circumstances.
- New employees are restricted from use of vacation for the first ninety (90) days of employment. Department Heads may approve exceptions to this limitation on a case-by-case basis.
- In no case will vacation hours be advanced for usage before they are accrued
- Partial vacation day usage is permitted in no less than one half hour (30 minute) increments.

Accrued Vacation Payout or Utilization upon Separation of Employment

- a. Upon Retirement: Employees eligible to receive Wisconsin Retirement System (WRS) annuity payment upon termination of employment may choose to schedule and use vacation between their last active working day and the date of their actual retirement from service, receive a payout of any accrued vacation up to the limit of 240 hours, or any combination thereof in whole day amounts.
- b. Upon Voluntary Resignation, transition from regular full-time or regular part-time status to non-regular part-time status with no break in employment, termination not resulting from employee misconduct, or death: Employees accruing vacation who have completed six months of service shall receive pay on termination/status change date for all accumulated unused vacation. They may not schedule and use vacation between their last working day and the

termination/status change date. Upon the death of an employee who passes away while in active service, the above benefit shall be paid to the estate or the surviving insured dependents.

- c. Upon Termination for Cause resulting from Employee Misconduct: Employees involuntarily terminated for cause for acts of misconduct forfeit use or payment for any accrued vacation.

3-4. Holidays

The following are established as holidays for city employees. Generally, City operations are closed on the recognized holidays and no work is performed.

| |
|------------------------------------|
| January 1st - New Year's Day |
| Martin Luther King Jr. Day |
| Memorial Day |
| July 4th - Independence Day |
| Labor Day |
| Thanksgiving Day |
| Friday after Thanksgiving Day |
| December 24th - Christmas Eve Day |
| December 25th - Christmas Day |
| December 31st - New Year's Eve Day |

Holidays are not granted for use in less than full day increments, may not be carried over if unused, and are not paid out upon termination or separation.

Employees must use all compensatory time granted for worked or unworked Holidays within the calendar year in which it is earned/granted.

Unique Situations

If a holiday falls within an eligible employee's approved Vacation period, or a period of Sick leave the eligible employee will be paid for the holiday (at the regular straight-time rate) and the day will not be charged against the employee's accrued vacation or Sick balance.

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight-time rate).

3-5. Holiday Pay

Regular Full-time and Part-time employees receive pay for the City's recognized non-working Holidays per the guidelines below

- a. Regular full-time and regular part-time non-exempt employees will receive holiday pay

consistent with the number of hours the employee would normally be scheduled to work on that day, if their department or the City is closed.

- b. Hourly regular non-exempt employees not scheduled to work on a recognized holiday will receive a prorated amount of holiday pay for that day based on their average hours worked during the week.
- c. Police Dispatch, Sergeants and Lieutenants on rotating schedules will receive Holiday Pay in the amount equal to their basic scheduled hours.
- d. Exempt employees receive their regular salary for any worked or non-worked holidays.
- e. Employees recalled to work on a holiday for which they were not scheduled will receive Recall Premium Pay and their Holiday Pay concurrently.
- f. To be eligible for holiday pay employees must be actively employed with the City on the calendar days immediately preceding and following the holiday. Employees on an unpaid leave of absence will not be eligible for holiday pay.

3-6. Holiday Premium Pay

FLSA Non-Exempt Employees

- a. In those cases where employees are scheduled for work on the holidays listed above, employees are paid at a Holiday Premium rate of one- and one-half times (1.5x) their normal hourly rate for those hours worked.
- b. Employees receiving Holiday Premium Pay do not receive Holiday Pay.

FLSA Exempt Employees

When exempt employees must perform required duty on the holidays listed above, they will receive no additional compensation or compensatory time. Supervisors may, but are not required to, grant flexible time off to these employees.

3-7. Personal Days

The City of Middleton provides up to four (4) Personal Days (thirty-two (32) hours) for employees, at the beginning of each calendar year. Full-time employees working forty (40) hours per week receive thirty-two (32) hours.

Personal Days are credited in full and available immediately for use on the first day of the calendar year, and for new hires on their first day of work with the City. Personal Days are allocated on an hours' basis with eight (8) hours considered a day. For employees beginning after the first day of the year, Personal Days are credited on a pro rata based on their scheduled work hours noted above, and the remaining work time in the year.

Part-time permanent regular employees accrue personal days on a pro-rata basis depending upon the number of hours they work.

Personal days must be scheduled in advance through the vacation scheduling system used by the City. Management reserves the right in its sole discretion to deny any requests.

Personal Days must be used in at least one half hour (30 minute) increments.

Granted, unused personal days are forfeited at the end of the calendar year and are not paid out at separation. Personal Day allowed hours are never prorated for a known or expected departure during the new year for which it has been granted

Employees are encouraged to use one of the granted Personal Days to volunteer with local or national non-profit organizations.

3-8. Sick Days

Sick Leave Accrual

All permanent, full time employees, including those serving on probation, earn sick leave at the rate of one day per month, up to twelve (12) days per year.

Regular Permanent employees who work less than full time earn sick leave on a pro rate basis in accordance with the rate for a full-time employee.

Sick leave must be earned before it can be used and may not be anticipated or advanced.

Sick Leave Usage

Sick leave may be used in the following situations:

- Absence from duty because of illness,
- On a scheduled basis to attend necessary personal Doctor, Dentist, or other required medical appointments, including but not limited to pregnancy or other recognized health care/ examinations
- Bodily injury, when not a Worker's Compensation case
- Exposure to contagious disease
- Serious illness in the immediate family of the employee requiring the employee to provide care for the ill family member
- In conjunction with, or in place of Bereavement Leave for the death of an employee's family member. For specifics on this see the Bereavement Policy.

Employees must contact their supervisor as soon as possible if they will miss work due to illness, but at a minimum not less than two hours prior to their scheduled shift. supervisors will establish and communicate by which channels and methods they require this contact to be made. Negligent failure to provide notice of illness may be considered a disciplinary issue.

If the employees call in sick for three (3) or more consecutive scheduled days (days do not need to be contiguous), they may be required to provide their supervisor with a doctor's note on the day they return to work.

Sick Leave may be used in increments of one half hour (30 minutes) or more.

While sick days are intended to cover only the employee's own illnesses, sick days may be used to care for a family member's (including civil union partners') illness or for any other reason required by applicable state or local law.

Unused Sick Leave Accumulation

| Employees Hired prior to July 12, 2013 | |
|--|--|
| (1) | Employees hired prior to July 12, 2013, who retire or who are disabled and eligible to receive Social Security benefits or Wisconsin Retirement benefits shall receive the equivalent value of the accumulated sick leave credits. These funds, which are equal to the unused hours of sick leave multiplied by the employee's hourly salary at the time of retirement or disability will be placed in a Post-Employment Health Reimbursement Account (held by a third-party administrator) and will be utilized to pay eligible medical expenses and insurance premiums as defined by the IRS. Upon a current or former employee's death, a spouse and/or dependent may continue to use the account to pay any eligible health care expenses they incur until the account is exhausted. (O1498, 09/17/2019) |
| (2) | Any employee with at least 10 years of service with the City of Middleton and a minimum unused sick leave balance of at least 480 hours who leaves employment voluntarily but who does not meet the criteria described in paragraph 1 above, shall be entitled to receive fifty percent (50%) of his or her accumulated unused sick leave hours. These hours shall be converted to funds in an amount equal to the number of such hours multiplied by the employee's hourly wage rate in effect at the time of departure. These funds will be placed in a Post-Employment Health Reimbursement Account (held by a third-party administrator) as described in section (1) above. (O1498, 09/17/2019) |
| Employees Hired on or after to July 12, 2013 | |
| (3) | Employees hired on or after July 12, 2013 who retire or who are disabled and eligible to receive Social Security benefits or Wisconsin Retirement benefits shall receive a maximum of 1,040 hours in accumulated sick leave credits. These credits, which are equal to the unused hours, up to a maximum of 1,040 of sick leave multiplied by the average employee's hourly wage throughout the employee's City employment until retirement or disability will be placed in a Post-Employment Health Reimbursement Account (held by a third-party administrator) as described in section (1) above. (O1498, 09/17/2019) |
| Employees Hired after July 12 th , 2013, Not Receiving WRS Retirement | |
| (4) | Employees hired after July 12, 2013 that don't retire under WRS but that have at least 10 years of service and eligibility for 50% of the accumulated sick leave to be paid to an HRA. |

3-9. Wisconsin Retirement System (Wrs) Pension Plan

The Wisconsin Retirement System (WRS) is a qualified retirement system under Section 401(a) of the Internal Revenue Code. It is a hybrid defined benefit plan, containing elements of both a 401(k) or defined contribution plan and a defined benefit plan.

Participation in WRS is compulsory for all employees of the City meeting the minimum thresholds for participation. City of Middleton employees are eligible and required to participate in City of Middleton's retirement plan, The Wisconsin Retirement System (WRS) if they are:

1. regularly scheduled for and/or expected twenty-three (23) hours or more per week **-and-**
2. working or expected to work for 365 days or more **-or-**
3. Were a previous participant in the WRS with the City of Middleton's or another participating agency, regardless of the hours worked/expected to work or time worked/expected to work with the City.

The intention of the WRS pension plan is to provide you with a lifetime retirement payment (annuity) once you are vested and have reached the minimum retirement age. Your retirement annuity is calculated using both a formula calculation and a money purchase calculation. As a retiree, you receive the higher of the two benefit calculations.

The money to pay WRS benefits comes from employee and employer-required contributions and investment (interest) earnings. The largest amount comes from investment earnings. Generally, employers pay 50% of the total amount required per pay period and employees pay the other 50%.

Full details on the WRS plan are available on the City's HR system Web Portal.

3-10. Deferred Compensation 457(B) Plan

City of Middleton Employees regularly scheduled for 23 hours or more a week are eligible to participate in the City's voluntary Deferred Compensation 457(b) retirement savings plan. 457 plans allow you to save money directly from your paycheck for retirement, and offers tax benefits and different investment options. The value of your account is based on how much money you put into the account and how much money your investments make over time.

Three plan providers are available to choose from. Full details on the Deferred Compensation 457(b) retirement program is available on the iSolved Web Portal at Employee Self Service/Company Information.

3-11. Insurance Programs

Regular Full-time and part-time employees may participate in City of Middleton's insurance programs based on their individual eligibility. Under these plans, eligible employees may receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to contact the Human Resources Manager with any further questions.

3-12. Health, Dental, And Vision Insurance

Eligible City of Middleton employees have access to Health Insurance, Dental insurance, and Vision Insurance. Depending on the plan, several options may be available to enroll in. Specific information as to plans, providers, premiums, cost shares, and benefits are available on the City's online Human Resources system/web portal, at New Employee Orientation, during annual open enrollment, or by request.

3-13. Term Life Insurance Plans

Eligible City of Middleton employees have access to a group term Life Insurance program that, at no cost to you, provides coverage equal to your earnings rounded to the next \$1,000. Supplemental, additional, and dependent units may also be purchased at an additional price.

If you do not enroll in coverage at hire, you can apply for coverage anytime, though you may be asked to provide evidence of insurability. Any qualifying event (marital change/birth/adoption), and annual open enrollment allow a new enrollment opportunity.

Specific information as to plans, and costs are available on the City's online Human Resources system/web portal, at New Employee Orientation, and during the annual open enrollment, or by request.

3-14. Income Continuation Insurance (Ici) And (Aflac) Income Protection Plans

Income Continuation Insurance (ICI)

City of Middleton permanent regular employees are eligible to enroll in the State of Wisconsin Income Continuation Insurance (ICI) program. The ICI program is an income replacement plan that replaces a portion of your income if you are unable to work because of sickness or injury. This program serves as both a Short Term Disability (STD) and Long Term Disability (LTD) insurance program.

AFLAC Income Protection Plan

AFLAC supplemental insurance policies such as Accident, Critical Illness, Hospital, and Cancer are available to employees who would like the extra coverage beyond what the City of Middleton offers.

Full details on both plans are available on the City's online Human Resources system/web portal, at New Employee Orientation, during annual open enrollment, or by request.

3-15. Flexible Spending Account (Fsa)

Eligible City of Middleton employees have access to a Flexible Spending Account plan to use pre-tax dollars to pay for medical co-pays, prescriptions, and/or daycare fees with a Flexible Spending Account (FSA). Our FSA is administered by Maestro Health. The deadline to enroll is 30 days from your date of hire. If you do not enroll in coverage at hire, there is an open enrollment opportunity at the end of each year.

Full details on the FSA Plan are available on the City's online Human Resources system/web portal, at New Employee Orientation, during annual open enrollment, or by request.

3-16. Employee Assistance Plan (Eap)

The Employee Assistance Program is designed to assist in the prevention, early identification, and resolution of personal issues. EAP might be helpful in addressing health, marital, family, financial, alcohol and other drug, emotional, stress, and other personal concerns. They also offer financial advising sessions. All services are CONFIDENTIAL and at no cost to the employee.

Full details on the Employee Assistance Plan are available on the City's online Human Resources system/web portal.

3-17. Workers' Compensation

On-the-job injuries are covered by City of Middleton's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow City procedures may affect the ability of employees to receive Workers Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury will also be placed on a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

If any form of restricted or modified duty is prescribed and available for some or all of the employee's normally scheduled hours they are required to accept this duty. Failure to accept the duty may result in withdrawal of benefits or other actions. Employees for whom modified duty is available may also use accrued vacation or sick time, subject to the supervisor's approval, for hours for which there is modified duty available, in lieu of working those hours.

The City of Middleton will continue to pay employees restricted from all duties, or employees for whom no modified duty work can be found, at their normal rate of pay hours for each work week, in lieu of paying them the Workers' compensation payments received from the insurer. Workers' Compensation payments provided by the insurer for any missed work time are then retained by the City.

3-18. Lactation Accommodations

City of Middleton will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law.

The City will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall to express milk in private. This location may be the employee's private office, if applicable. The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law. Please consult Human Resources Manager with questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose.

Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

3-19. Sick Leave Donation Program

Purpose

The Sick Leave Donation Program is to permit an employee to donate sick leave to another employee. This Policy permits such donation to occur when an employee has a need for additional paid leave because they have exhausted all paid leave and have a need for additional Family Medical Leave Act (FMLA) qualifying leave. This need may arise for treatment or care of their own illness or qualifying condition; or from their need to care for a family member as permitted under FMLA. This Policy is not intended to provide for the donation of sick leave for common illnesses of short duration, or illnesses or injuries covered by employer paid long term disability policies or those illnesses compensated by Worker's Compensation.

Eligibility

To be eligible, an employee:

1. Must be a regular full-time or part-time employee.
2. Be eligible to accrue sick leave.
3. To have exhausted all forms of their own accrued leave (sick, vacation, compensatory time), or plan on exhausting all forms of leave, during or after the qualifying FMLA leave event.

Employees are ineligible to use this policy during any disciplinary suspension or if they are receiving or have applied to receive, ICI benefits and pay, or Worker's Compensation benefits and pay.

Procedures

The Finance Department is responsible for coordinating donations, reviewing donation requests and authorizing eligibility. Final decisions on eligibility and distribution of donated leave time rests with the Finance Department, and shall not be subject to any grievance or appeal procedure. The full policy, specific steps, requirements, limitations and forms for the Donated leave Program are available on the iSolved Web portal at Employee Self Service/Company Information.

3-20. Tuition Reimbursement/Paid Professional Development

Employees of the City of Middleton may be eligible for tuition reimbursement or direct payment of professional development events/courses. This benefit is limited and varies for each dependent on based on availability of funds. The City makes no guarantee that during any year funds will be available, or that funds to continue multi-year programs will be available. The decision of the Department Head on award and allocation of these funds is unilateral and final.

The following processes and requirements apply to this benefit:

1. A written request is made to the Department Head/Supervisor requesting reimbursement or payment prior to the employee actually taking the course.
2. Generally, notification must be provided prior to August 1 of the current year of the

employees' intention to seek reimbursement/payment during the following year including an estimated cost for the training.

3. The request must include the course description, provider, cost, information related to the purpose of the course, and a statement indicating its relevance to the employee's work and benefit to the City.
4. The employee must complete the training satisfactorily. This means achieving any pass/fail standard or obtaining a passing grade with a B (3.0) or above average in the course.
5. The course must be taken from an accredited school.
6. The coursework must be work-related. In order to be work-related, the coursework must meet one of the two following criteria:
 - The education is required by the department or by law to keep your present salary, status, or job.
 - The education maintains or improves skills needed in your employment.

The City will follow IRS guidelines in determining whether coursework is work-related.

The amount of tuition that will be reimbursed will be dependent on the amount of money available in the City/Department's budget in a training account or any other separate account that might be set up for this purpose, and the number of non-represented employees requesting reimbursement. The decision of the Department Head as to the amount of reimbursement, if any, to be paid is final. Eligible payment/reimbursement costs will be paid on a one-time, lump-sum basis.

In order to receive a reimbursement, the employee must present satisfactory documentation that the employee has paid for the course, and has completed the course with the required grade. For direct payment of training the employee must provide the course and billing information for approval prior to enrolling in the course. In the unlikely event that a reimbursement of tuition expense is made that exceeds the substantiated expense, the employee will be required to repay the excess within 30 days after the overpayment is discovered and brought to the employee's attention.

Moreover, in order to receive this benefit, non-exempt employees must agree that should they leave City Employment within three years of receiving reimbursement they will repay the City as follows:

Within less than 1 year of reimbursement/payment = 100%

Within 1 - 2 years of reimbursement/payment = 66%

Within 2 - 3 years of reimbursement/payment = 33%

3-21. Longevity Pay Program: Applicable Only To Employees Eligible For Program Continuation After 2021

Longevity Pay Program for Eligible Employees

Longevity Pay Discontinuance:

Effective December 31st, 2021, the City of Middleton discontinued its Longevity Pay Plan. After this point, new employees and employees having not yet received at least one payment prior to December 31st, 2021 under the longevity plan were deemed ineligible for participation. This change applied to all employees in the City of Middleton except those in the WPPA Collective Bargaining

Unit.

Employees eligible for, and electing continuation in the Longevity Pay Plan will receive Longevity based increases as shown in the table below. Employees who selected to continue in the Longevity Pay Plan are ineligible for increase based on the Market Rate Pay Plan and its annual application, and any future increases that may become available through implementation of a Merit/Performance Based additions to the Market Pay Plan. The sole exceptions to this are at the time of reclassification, salary study or employees falling below the minimum of their salary grade threshold.

Longevity Pay Plan Schedule

| | |
|---|----|
| After three (3) years of employment | 1% |
| After seven (7) years of employment | 2% |
| After eleven (11) years of employment | 3% |
| After fifteen (15) years of employment | 4% |
| After nineteen (19) years of employment | 5% |
| After twenty-three (23) years of employment | 6% |

The Longevity pay shall be effective on the payday closest to the first of December each year. Employees who retire and are eligible to receive benefits under the Wisconsin Retirement System shall receive longevity payment on a pro-rata basis at the time of retirement, based on the number of months not paid during their first partial year of employment.

Section 4 - Leaves Of Absence

4-1. Family And Medical Leave

Employees may be entitled to a leave of absence under the Family and Medical Leave Act ("FMLA") and/or the Wisconsin Family and Medical Leave Act ("WFMLA"). This policy provides employees information concerning FMLA and/or WFMLA entitlements and obligations employees may have during such leaves. Whenever permitted by law, the City will run FMLA leave concurrently with WFMLA and any other leave provided under state or local law. If employees have any questions concerning FMLA and/or WFMLA leave, they should contact Human Resources Manager.

I. Eligibility

FMLA leave is available to "FMLA eligible employees." To be an "FMLA eligible employee," the employee must: 1) have been employed by the City for at least 12 months (which need not be consecutive); 2) have been employed by the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

Special hours of service eligibility requirements apply to airline flight crew employees.

WFMLA leave is available to "WFMLA eligible employees." To be a WFMLA eligible employee, the employee must: 1) have worked for the City for at least 52 consecutive weeks and have worked at least 1,000 hours in the 52 weeks preceding the commencement of leave; **and** 2) be employed by an employer that has 50 or more employees.

II. Entitlements

As described below, the FMLA and WFMLA provide eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

A. Basic FMLA and WFMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The WFMLA provides eligible employees up to six (6) weeks of unpaid leave during a calendar year if the leave is due to childbirth or adoption, an additional two (2) weeks of leave for the employee's serious health condition, and an additional two (2) weeks to care for a parent, spouse, son or daughter with a serious health condition (employees, however, are entitled to no more than a total of eight (8) weeks of family/medical unpaid leave, not to exceed 10 weeks within the 12-month period under the WFMLA - see further information below).

For WFMLA the 12-month period is measured by a calendar year from January 1 to December 31.

Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption (or foster care - FMLA only);
- To care for the employee's spouse (or domestic partner WFMLA only), son, daughter or parent (and under the WFMLA parent-in-law) who has a **serious health condition**;
- For the employee's own **serious health condition** (including any period of incapacity due to

pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job); and/or

- Because of any **qualifying exigency** arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country. (FMLA only).

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

Under the WFMLA, a **serious health condition** means a disabling physical or mental illness, injury, impairment or condition involving inpatient care in a hospital, nursing home or hospice, or out-patient care that requires continuing treatment or supervision by a health care provider.

Qualifying exigencies for FMLA leave may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

B. Additional Military Family Leave Entitlement (Injured Servicemember Leave) (FMLA only)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. FMLA leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military service under conditions other than dishonorable at any time during the five year period preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans".

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave

to care for a covered family member.

C. Intermittent Leave and Reduced Leave Schedules

FMLA and/or WFMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also may be entitled to take leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member (both FMLA and WFMLA) or the serious injury or illness of a covered servicemember (FMLA only) or birth or adoption (WFMLA only).

D. No Work While on Leave

The taking of another job while on FMLA/WFMLA or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by applicable law.

E. Protection of Group Health Insurance Benefits

During FMLA/WFMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

F. Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions, including situations where job restoration of "key employees" will cause the City substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The City will notify employees if they qualify as "key employees," if it intends to deny reinstatement and of their rights in such instances. A "key employee" is defined under the FMLA as the employee among the highest paid 10 percent of all employees who are employed within 75 miles of the worksite. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

As with FMLA leave, at the end of WFMLA leave, subject to some exceptions, employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and other terms. There is no key employee exception under WFMLA.

G. Notice of Eligibility for, and Designation of, FMLA and WFMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the City telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the City's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The City may retroactively designate leave as FMLA and/or WFMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA- or WFMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA and/or WFMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA and/or WFMLA leave. **[Note: There is always risk with retroactive designations.]**

III. Employee FMLA and/or WFLA Leave Obligations

A. Provide Notice of the Need for Leave

Employees who wish to take FMLA and/or WFMLA leave must timely notify the City of their need for FMLA and/or WFMLA leave. The following describes the content and timing of such employee notices

1. Content of Employee Notice

To trigger FMLA and/or WFMLA leave protections, employees must inform their Supervisor of the need for FMLA/WFMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA and/or WFMLA leave specifically, or explaining the reasons for leave so as to allow the City to determine that the leave is FMLA/WFMLA-qualifying. For example, employees might explain that.

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- a covered family member (including domestic partner and parent-in-law under WFMLA) are under the continuing care of a health care provider or a condition renders the family member unable to perform daily activities;
- the leave is due to a qualifying exigency cause by a military member being on covered active duty or called to covered active duty status to a foreign country (FMLA only); or
- a family member is a covered servicemember with a serious injury or illness (FMLA only).

Calling in "sick," without providing the reasons for the needed leave will not be considered sufficient notice for leave under this policy. Employees must respond to the City's questions to determine if absences are potentially leave-qualifying.

If employees fail to explain the reasons for leave, the leave may be denied. When employees seek leave due to FMLA/WFMLA-qualifying reasons for which the City has previously provided FMLA/WFMLA-protected leave, employees must specifically reference the qualifying reason for the leave or the need for FMLA and/or WFMLA leave.

2. Timing of Employee Notice

Employees must provide 30 days' advance notice of the need to take FMLA and/or WFMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA and/or WFMLA notice obligations, may have leave delayed or denied.

B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations, subject to the approval of the employee's health care provider. Employees must consult with the City prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City and the employees, subject to the approval of the employee's health care provider. If employees providing notice of the need to take leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the City may require employees to attempt to make such arrangements, subject to the approval of the employees' health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the City may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave, to the extent permitted by law.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the City of the reason why such leave is medically necessary. In such instances, the City and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the City's operations, subject to the approval of the employee's health care provider.

C. Submit Medical Certifications Supporting Need for Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of leave sought, employees may be required to submit medical certifications supporting their need for FMLA/WFMLA-qualifying leave. As described below, there generally are three types of medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the City with timely, complete and sufficient medical certifications. Whenever the City requests employees to provide medical certifications, employees must provide the requested certifications within 15 calendar days after the City's request, unless it is not practicable to do so despite the employee's diligent, good faith efforts. The City will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven (7) calendar days to cure deficiencies. The City will deny leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the City (through individuals other than the employee's direct supervisor) may contact the health care provider to authenticate or clarify completed and sufficient medical certifications. If the employee chooses not to provide the City with authorization allowing it to clarify or authenticate the certification with the health care provider, the City may deny leave if the medical certification is unclear.

Whenever the City deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient medical certifications.

1. Initial Medical Certifications

Employees requesting leave because of their own, or a family member's serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the City has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the City and the employee, to the extent permitted by applicable law.

2. Medical Recertifications

Depending on the circumstances and duration of FMLA leave, the City may require employees to provide recertification of medical conditions giving rise to the need for leave. The City will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

3. Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, the employee returning to work from leave that was taken because of their own serious health conditions that made the employee unable to perform their job must provide the City medical certification confirming the employee is able to return to work and the employee's ability to perform the essential functions of the employee's position, with or without reasonable accommodation, to the extent permitted by law. The City may delay and/or deny job restoration until the employee provides a return to work/fitness for duty certification, subject to applicable law.

D. Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the City may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the City may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

E. Substitute Paid Leave for Unpaid FMLA and WFMLA Leave

Employees may use any accrued paid time while taking unpaid FMLA leave. Employees may elect to use any accrued paid time while taking unpaid WFMLA leave. The substitution of paid time for unpaid FMLA and/or WFMLA leave time does not extend the length of FMLA and/or WFMLA leaves and the paid time will run concurrently with the employee's FMLA and/or WFMLA entitlement.

During the leave, employees may be eligible for compensation, such as temporary disability benefits, family leave benefits or workers' compensation benefits. Any compensation or leave taken in connection with any other policy/plan shall run concurrently with any FMLA/WFMLA leave entitlement. Upon **[written]** request, the City will allow employees to use accrued paid time to supplement any paid disability benefits and workers' compensation benefits.

F. Pay Employee's Share of Health Insurance Premiums

During FMLA/WFMLA leave, employees are entitled to continued group health plan coverage under

the same conditions as if they had continued to work. Unless the City notifies employees of other arrangements, whenever employees are receiving pay from the City during leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If leave is unpaid, employees must pay their portion of the group health premium through a "pay-as-you-go" method.

The City's obligation to maintain health care coverage ceases if the employee's premium payment is more than 30 days late. If the employee's payment is more than 15 days late, the City will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the City for the cost of the premiums the City paid for maintaining coverage during their unpaid FMLA leave.

IV. Coordination of FMLA/WFMLA Leave with Other Leave Policies

The FMLA and WFMLA do not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights. However, whenever permissible by law, the City will run FMLA leave concurrently with WFMLA and any other leave provided under state or local law. For additional information concerning leave entitlements and obligations that might arise when FMLA/WFMLA leave is either not available or exhausted, please consult the City's other leave policies in this handbook or contact Human Resources Manager.

V. Questions and/or Complaints about FMLA/WFMLA Leave

If you have questions regarding this FMLA/WFMLA policy, please contact Human Resources Manager. The City is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA/WFMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their rights have been violated, they should contact Human Resources Manager immediately. City will investigate any complaints and take prompt and appropriate remedial action to address and/or remedy any violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

4-2. Leave For Emergency Responders

Eligible employees who are volunteer firefighters, emergency medical technicians, first responders or ambulance drivers for a volunteer fire department, a public agency or a nonprofit corporation ("volunteer provider") are eligible for unpaid leave to respond to an emergency prior to the time they are to report to work.

Employees who become a member of a volunteer provider must notify City of Middleton in writing within 30 days that they are a volunteer firefighter, emergency medical technician, first responder or ambulance driver. Additionally, if the employee's status changes, including termination of that status, the employee must notify the City of the change in status.

Employees who are going to be late or absent from work due to an emergency that involves their service as a volunteer firefighter, emergency medical technician, first responder or ambulance driver, must make every effort to notify the City that they may be late or absent from work due to the emergency. If prior notification is not possible, the employee must provide a written statement from the chief of the volunteer fire department or person in charge of the ambulance service explaining why prior notification was not possible. Following being late or absent from work due to responding to an emergency, employees must provide a written statement from the chief of the volunteer fire department or person in charge of the ambulance service certifying that they were responding to an emergency and indicating the date and time of the response to the emergency.

4-3. Organ And Bone Marrow Donor Leave

Employees may take up to six (6) weeks of unpaid leave in a 12-month period for the purpose of serving as bone marrow or organ donors. Leave may only be taken for the period necessary to undergo and recover from the bone marrow or organ donation procedure.

In order to take leave to serve as a bone marrow or organ donor, employees must provide the City with advance notice of the bone marrow or organ donation in a reasonable and practicable manner. Employees must make a reasonable effort to schedule the bone marrow or organ donation procedure so that it does not unduly disrupt the City's operations (subject to the approval of the bone marrow or organ recipient's health care provider).

Employees may substitute paid time off while taking otherwise unpaid leave under this policy, and the substitution of paid time does not extend the length of leave under this policy. If applicable, this leave also will run concurrently with FMLA and/or applicable state law.

If applicable, the City will maintain group health insurance coverage under the conditions that applied immediately before the leave began. In these cases, the City reserves the right to require the employee to have in escrow with the City an amount equal to the entire premium or similar expense for eight (8) weeks of the employee's group health insurance coverage (which may be paid in equal installments at regular intervals over at least a 12-month period and which the City will deposit in an interest-bearing account).

The City may require certification issued by a health care provider (of either the employee or the bone marrow/organ recipient, as appropriate) which indicates:

- the recipient has a serious health condition that necessitates a bone marrow or organ transplant;
- the employee is eligible and has agreed to serve as a bone marrow or organ donor for the recipient; and
- the amount of time expected to be necessary for the employee to recover from the bone marrow or organ donation procedure.

When employees return from bone marrow and organ donation leave, the City will return them to the position they held immediately before going on leave or, if that position is not available, to an equivalent position with equivalent compensation, benefits, working shift, hours of employment and other terms and conditions of employment. If the employee wishes to return to work before the end of the leave as scheduled, the City will return the employee to the same or a similar position (as described above) within a reasonable time (not to exceed the duration of the originally-scheduled

leave).

When employees end their employment with the City, any payments in escrow (as described above) will be returned to them. If employees end their employment during or within 30 days after taking bone marrow and organ donation leave, the City reserves the right to deduct from the amount returned to the employee any premium or similar expense paid for the employee's group health insurance coverage while the employee was on leave under this policy.

4-4. Bereavement Leave

The death of a family member is a time when employees wish to be with their families. All full and part-time employees who lose a close relative will be allowed time off of up to 3 or 5 days to assist in attending to obligations or commitments.

Full-time and part-time permanent staff at twenty-three hours (23) or more scheduled per week are granted paid time off to attend to bereavement issues per the guidance below. Part-time non-permanent, LTE, seasonal and other employees below the above hours threshold may be granted time off without pay in these circumstances.

Where there is a death in the immediate family of an employee - father, mother, wife, husband, son, daughter, brother or sister, said employee shall be granted up to five (5) days off without loss of pay and without charge to accrued sick leave or vacation of the employee.

Where there is a death in the extended family of an employee - the employee's father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparents or grandchildren, aunt or uncle and applicable step relatives - said employee shall be granted up to three (3) days off without loss of pay and without charge to accrued sick leave or vacation of the employee.

Bereavement Leave may be taken continuously or non-continuously. Any bereavement leave taken must be used within six (6) months of the first day used, if it is taken non-continuously.

In such circumstances, additional time off may be granted at the discretion of the Human Resources Manager, and shall be chargeable to the accrued sick leave of the employee. Requests for additional time off shall be submitted through the department or division head to the Human Resources Manager.

Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, City of Middleton may require verification of death

4-5. Voting Leave

In the event employees do not have sufficient time outside of working hours to vote in a statewide election, if required by state law, the employee may take off up to three hours working time to vote. Such time is unpaid. This time should be taken at the beginning or end of the regular work schedule, but in all circumstances is granted by the employer at the time most conducive to the employee. Where possible, supervisors should be notified at least two (2) days prior to the voting day.

4-6. Jury Duty

City of Middleton realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court.

Non-Exempt City employees absent from scheduled work hours due to jury duty, or travel to and from the location for performance of Jury Duty, where the salary paid for such jury duty is less than the salary paid by the City for such employee, the City shall reimburse said employee for the difference in pay.

Exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the City during such week.

4-7. Subpoenaed Witness Leave

Any employee missing scheduled work by virtue of a subpoena to testify in a matter directly related to City employment is paid for those hours missed without the requirement to apply any accrued paid time off.

Any employee missing scheduled work hours by virtue of a subpoena to testify in a matter not directly related to City employment must use vacation, accumulated compensatory time, personal day time, or leave without pay to cover the absence.

Notification and request for leave, should be submitted as far in advance as possible (ideally two weeks) in advance through the employee's supervisor and Department head to the HR Manager for final approval.

4-8. Military Leave

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

The City endeavors to comply with all requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA) with regard to all employees engaged in part-time or mobilized full-time military service.

The City provides limited differential pay to certain employees ordered to service in the U.S. Armed

Forces or National Guard. Individuals employed on a temporary, emergency, and/or limited term basis, are not eligible for differential pay. If the pay received by the eligible employee for the military service is less than the pay the employee would have received from the City during such period, the City shall pay the difference to the employee. Differential pay is paid for no more than two weeks of service time per calendar year.

Request, approval, certification, and all other details regarding the administration of military leave is made through the employee's supervisor, manager and department head to the HR Manager.

4-9. Personal Leave

All employees may request Discretionary Personal Leave(s) of Absence. These leaves are unpaid, and other accrued Paid Time Off is not charged against the employee for any time missed pursuant to an approved Discretionary Personal Leave.

Such leaves of absence are limited to three (3) calendar days per year. The days may be continuous or non-continuous. Personal Leaves of Absence must be requested in writing through the employee's supervisor, manager, and HR Manager for final approval

Exceptional Requests for a longer leave of absence without pay, may be submitted for consideration/review/recommendation in writing through the employee's supervisor, manager, and HR Manager for final approval or disapproval by the Personnel Committee.

During any exceptional extended personal leave the employees will not earn vacation, personal days, or sick days. City of Middleton will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the City in a timely manner, subject to the terms of the plan documents.

Upon completion of an extended personal leave of absence, the City will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the City will be considered a voluntary resignation of employment.

4-10. Maternity Leave: Non-Family And Medical Leave Act

All City employees eligible for Federal and/or State of Wisconsin Family and Medical Leave are granted Maternity Leave pursuant to those statutes per policy in the Employee Handbook.

Permanent Regular Full-time, Regular Permanent Part-time and Non-Regular Permanent Part-Time city employees not eligible for leave under Federal or State FMLA, or having exhausted their allotment of leave, may be granted unpaid Maternity leaves up to ninety (90) days.

Employees must substitute and use any earned sick leave, compensatory time, and/or vacation paid time during the period of Maternity Leave. Any remaining Maternity Leave taken after exhaustion of accrued Paid Time Off is unpaid.

As applicable, employees on Maternity Leave without pay may continue to participate in the group

insurance programs by paying the applicable premiums to the City Clerk.

Notification, request, approval, of Maternity Leave must be made in writing through the employee's supervisor, Department head for final consideration and approval by the HR Manager.

As applicable, all benefit payments in regard to Maternity Leave are handled in coordinated through the City Clerk/HR Assistant and must be established prior to commencement of the leave.

4-11. Unpaid Medical Leaves Of Absence And Leave Of Absence Under The Americans With Disabilities Act

Unpaid Medical Leave: Non-Family Medical and Leave Act (FMLA)

1. When an employee who has not yet qualified for FMLA, or has exhausted their FMLA allowed leave provided under both the Federal and State of Wisconsin, the employee may be eligible for an unpaid medical leave of absence.
2. Eligibility for Unpaid Medical Leave is limited to employees who:
 - request such leave in writing through their manager to Human Resources in the same manner they would for FMLA.
 - are Regular Permanent Full-time, Regular Permanent Part-time, or Non-regular permanent part-time employees of the City. This does not apply to seasonal or casual employees.
 - have a personal medical condition that extends beyond exhaustion of their FMLA entitlement or occurs before their entitlement for FMLA begins. Leave is not provided under any other circumstance.
 - have, as applicable, exhausted all paid time off (Sick Leave, Vacation, Personal Days, Compensatory time).
 - have their need for leave documented by a medical provider in the same manner that they do under FMLA.
3. Employees enrolled in any benefit offered by the City for which the City provides a monetary contribution are required to pay the full employee **and** employer portions of the benefit premium for the fractional amount of any pay period in which:
 - The employee is on an unpaid status.
 - Benefits are no longer under current payment (past month after the normal monthly payroll deduction for benefits is made.)
 - Examples of this would include Health Insurance, Dental Insurance, Vision, etc. The City Clerk will provide notification of the amounts to be paid.
 - Payments are made at the end of each unpaid pay period to the City Clerk by check.
 - Failure to make these payments will result in termination of the benefit(s).
4. Employees may not substitute unpaid leave for paid leave if they have any amount of paid time off leave available.

Leave as an Accommodation under the ADA

1. When an employee enrolled in the City Health Insurance plan has a leave of absence recommended and agreed upon as a reasonable accommodation under the ADA interactive

process, the City will continue to provide, and pay, the City portion of the employee's health insurance for up to three (3) months.

2. If the approved unpaid medical leave goes beyond three (3) months, health insurance will continue to be offered as required under COBRA and the Health Care Reform Act.

Section 5 - General Standards Of Conduct

5-1. Workplace And Personal Conduct

City of Middleton endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing or defacing City of Middleton property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Violation of City of Middleton's Drug and Alcohol-Free Workplace Policy.
6. Fighting, threatening or disrupting the work of others or other violations of City of Middleton's Workplace Violence Policy.
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences.
10. Gambling on City property.
11. Willful or careless destruction or damage to City assets or to the equipment or possessions of another employee.
12. Wasting work materials.
13. Performing work of a personal nature during working time.
14. Violation of the Solicitation and Distribution Policy.
15. Violation of City of Middleton's Harassment or Equal Employment Opportunity Policies.
16. Violation of the Communication and Computer Systems Policy.
17. Unsatisfactory job performance.
18. Engaging in disruptive, disrespectful, inappropriate, or unprofessional behavior in the workplace or outside of the workplace that detrimentally impacts the work environment, productivity, negatively impacts the morale of colleagues-clients-public, damages the reputation of the City, creates an untenable or ineffective workplace, or hinders in any way the ability discharge the duties of your position.
19. Any other violation of City of Middleton policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and City of Middleton reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, City of

Middleton will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

5-2. Corrective Action, Discipline And Discharge

Corrective Action, Discipline and Discharge Process and Procedure applicable to all City Employees except the City Administrator and Department Heads

When the workplace conduct expectations listed above are not met, the City Administrator, a department head, or other official of the City as charged and vested with such authority, will deal with this failure through corrective action, and disciplinary processes up to and including termination of employment.

Progressive Discipline Schedule

The following progressive discipline schedule applies to all incidents of poor performance and misconduct. In cases of misconduct or willful, deliberate, terminable gross misconduct for which some or all steps leading to termination may be skipped. Each of these steps are formal, specifically documented disciplinary steps:

Step 1 - Performance Discussion

Step 2 - Written Warning

Step 3 - Working Suspension/Probation

Step 4 - Unpaid Non-Working Suspension - (Three Days to Two Weeks)

Step 5 - Termination of Employment

This progressive discipline schedule applies to incidents of misconduct and performance, including performance issues related to absenteeism and tardiness. Unpaid Non-Working suspensions are not normally used or appropriate in work performance issues.

After a 180 day period without a disciplinary infraction, employees will move back to the prior step on the progressive discipline schedule. Each 180 days thereafter without a violation employees will move to the next prior step on the discipline schedule.

The City of Middleton reserves the right to implement an unpaid or paid, non-working Suspension Pending Investigation in response to verified or alleged incidents of gross misconduct, harassment or willful negligence. Employees returned to work at the end of the investigatory period will be made whole for all missed income during the investigatory suspension. This compensation does not preclude assessment of further unpaid suspension if that is determined as the appropriate corrective action.

Coaching and Counseling

Prior to the imposition of progressive discipline for performance issues or minor misconduct, supervisors and managers may, and should, engage the employee in informal coaching and counseling. These are not steps of discipline, but instead opportunities to correct behaviors at their

earliest occurrence. These should be collaborative discussions focused on improvement.

In cases of misconduct, it may or may not be appropriate to move directly to progressive discipline.

Performance Improvement Plan (PIP)

A PIP is a coaching and improvement plan implemented in conjunction with the Working Suspension step of progressive discipline. The PIP is a detailed, timeline bound agreement on expectations for improvement provided by the supervisor. Failure to meet the expectations or timelines in the PIP will subject the employee to further discipline, up to and including Termination.

Corrective Action, Discipline, and Discharge Process and Procedure applicable to the City Administrator or Department Head

In the event investigation or initiation of discipline for poor performance or misconduct involving the City Administrator or a Department Head, the process articulated in the City of Middleton Personnel Ordinance is followed.

5-3. Use Of Social Media

City of Middleton respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect City interests and ensure employees focus on their job duties, employees must adhere to the following rules:

While many employees may have official duties requiring them to post and use social media on a day to day or even frequent basis, this activity should be limited to those duties. Employees should not post on a personal, non-work related blog or web page or participate on a social networking platform, such as Twitter or similar site, during work time.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.

Whether the employees are posting something on their own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the City and also expresses either a political opinion or an opinion regarding the City's actions that could pose an actual or potential conflict of interest with the City, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the City's position. This is necessary to preserve the City's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden.

Employees are admonished from engaging in online activities, including social media usage, that tarnishes the City's reputation, violates City policies, or involves personal attacks on City employees or officials, or creates situation that may damage the effectiveness of the workplace or the employees' ability to effectively discharge their duties. City policies apply equally to employee social media usage.

City of Middleton encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

5-4. Employee Dress And Personal Appearance

Employees are expected to report to work well groomed, clean, and dressed according to the requirements of their position. Some employees may be required to wear uniforms or safety equipment/clothing. Employees should contact their supervisor for specific information regarding acceptable attire for their position. If employees report to work dressed or groomed inappropriately, they may be prevented from working until they return to work well groomed and wearing the proper attire.

5-5. Confidential Company Information

During the course of work, employees may become aware of confidential information about City of Middleton's business, including but not limited to information regarding City finances, pricing, products, and new product development, software, and computer programs, marketing strategies, suppliers, and customers and potential customers. Employees also may become aware of similar confidential information belonging to the City's clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to City of Middleton's competitors. Any employee who improperly copies, removes (whether physically or electronically), uses, or discloses confidential information to anyone outside of the City may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

5-6. Personal Use Of City Facilities, Equipment, And Property

Introduction: The City of Middleton provides its employees with a variety of facilities and resources to facilitate the efficient delivery of City services. These resources include equipment, vehicles, buildings, materials, tools, and land. All city facilities and resources are provided to City of Middleton employees to serve the public and are part of the public trust. It is important that these resources are used only for official City business and that the personal use of City property and facilities is strictly prohibited. This policy has been established to ensure that all City of Middleton property and facilities are used solely for the benefit of the City and its citizens.

Policy Statement: The City of Middleton prohibits the personal use of City property and facilities, including but not limited to equipment, vehicles, buildings, resources, materials, and land, except when such use is in accordance with its goals and objectives and specifically authorized by the City.

Purpose: The purpose of this policy is to ensure that all employees understand that City of Middleton property and facilities are used only for official City business, and that the personal use of City property and facilities is strictly prohibited.

Scope: This policy applies to all City of Middleton employees, contractors, volunteers, and anyone

else who uses City of Middleton property and facilities.

Exclusions: This policy does not include guidance regarding the personal use of phones, computers, information systems, and other office equipment, nor the use of personally owned electronic or information systems and devices for City business. The use and limitations of these resources are articulated in the Electronic Communication and Information Systems Policy.

Prohibited Activity: Prohibited activities include but are not limited to -

- Using City of Middleton property or facilities of any kind for personal business, commercial purposes, or personal gain.
- Removing or taking home City of Middleton property or equipment, except as authorized by the City.
- Using City of Middleton vehicles for personal use or transporting non-City of Middleton employees, except as authorized by the City.
- Using City of Middleton buildings or land for personal purposes, including but not limited to private events, recreational activities, or storage of personal vehicles and equipment.
- Using City of Middleton materials, including but not limited to fuel, lubricants, parts, asphalt, stone, sand, salt, metal stock, and other supplies, for personal use.
- Using the Municipal Operations Center (MOC) wash bay or EMS building bays for cleaning personal vehicles or personal equipment.
- Using the Municipal Operations Center (MOC) maintenance bays or City tools for maintenance of personal vehicles or personal equipment
- Parking personal vehicles or personal business vehicles and/or equipment within the Municipal Operations Center (MOC) facility.
- Using/wearing city issued uniforms off duty for personal use or business.
- Using personal protective equipment provided/paid for by the City of Middleton for personal use.
- Using personal vehicles or equipment for City of Middleton business.

Exceptions:

- **Intra-governmental Cooperation:** The City of Middleton allows the use of its property and facilities for official business of other governmental entities, including the Middleton Cross Plains School District, when such use is authorized in writing by the City of Middleton.
- **City of Middleton Sponsored Events:** The City of Middleton allows the use of its property and facilities for official City of Middleton sponsored events, such as employee wellness programs, or other activities authorized by the City of Middleton. This may also include city or departmental recognition or recreation events and activities within reason.
- **Emergent Conditions:** The City of Middleton allows the storage of personal vehicles within the Municipal Operations Center (MOC) or the EMS station during response to emergent conditions, such as snow events, flooding, or other situations, as authorized by the City of Middleton.
- **Meal Periods:** Use of City vehicles during meal periods to go to restaurants or the employee's residence within Middleton city limits, but only with the prior written authorization of the employee's supervisor.
- **Uniforms:** Employees may wear uniforms while traveling to and from their place of employment, and during meal breaks, provided they are not engaging in any unauthorized activity.

- Use of personal vehicles or equipment: Use of personal vehicles or equipment for City of Middleton business as specifically authorized by a department head as more expedient or advantageous to City operations.
- Other: Any other specific use exception recommended by a department head in writing, through the Human Resources Manager, for approval by the City Administrator.

Specific Limitations:

- Employees arriving at work in personal vehicles with trailers attached must park at the adjacent park and ride lot. Parking of personal vehicles with trailers is not allowed in the Municipal Operations Center (MOC) building, within the MOC fenced compound, or in the MOC employee parking area.
- Personal vehicles are to be parked in marked stalls in the facility parking lot outside the fenced area, at a municipal parking lot, or on a street as legally permitted. The sole exception to this is mechanics parking inside the fenced compound in marked stalls.
- Employees may wear nominal non-professional clothing (including but not limited to t-shirts, sweatshirts, jackets, etc.) off duty as long as they are not engaging in any activity that may discredit, compromise the integrity of, or harm the reputation of the City. This includes wearing items while attending conferences, meetings, trainings, and events outside of the City itself.

Safety: When using City vehicles, equipment and tools, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any vehicle, equipment or tool appears to be damaged, defective or in need of repair. Prompt reporting of loss, damage, defect, or the need for repair could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Improper, careless, negligent, destructive, or unsafe use or operation of vehicles, equipment or tools can result in discipline, up to and including termination.

Violations: Violations of this policy may result in disciplinary action, up to and including termination of employment or contract. The City of Middleton reserves the right to recover any damage caused by the personal use of City of Middleton property or facilities.

City Exclusion of Liability: The City of Middleton is not responsible for any damage to or loss of personal belongings that occurs as a result of a violation of this policy.

Police Department and Emergency Services Department:

Due to the unique requirements of police duty, these two departments will establish their own unique policy for the use of departmental vehicles and uniforms. That policy does not supersede any of the generally prohibited activities or limitations in this policy other than where specific exceptions that enhance public safety are concerned, as determined by the Chief of Police and the EMC Chief.

5-7. Personal And Company-Provided Portable Communication Devices

City of Middleton-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal PCD also may be subject to monitoring if sent through the City's networks, and the PCD must be provided for inspection and review upon request.

All conversations, text messages, and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a City-provided or personal device, employees must comply with applicable City guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use, and operation of vehicles. Using a City-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If employees who use a personal PCD for business resign or are discharged, they will be required to submit the device to the IT department for resetting on or before their last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, City information and personal data (such as contacts, e-mails, and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of City information. This is the only way currently possible to ensure that all City information is removed from the device at the time of termination. The removal of City information is crucial to ensure compliance with the City's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a City-issued device, the City's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

Portable Communication Device Use While Driving

Employees who drive on City business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while driving, and permitted by law, employees must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving are prohibited in all circumstances.

5-8. Operation Of Vehicles

All employees authorized to drive City-owned or leased vehicles or personal vehicles in conducting City business must possess a current, valid driver's license and an acceptable driving record. Specific definitions of acceptability vary between departments and positions based on the work required and applicable state and federal statutes. Department Heads and supervisors can provide more detail. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle off or on City property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

City-owned or leased vehicles may be used only as authorized by management.

Portable Communication Device Use While Driving

Employees who drive on City business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employees are driving, and permitted by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

5-9. Inspections

City of Middleton reserves the right to require employees while on City property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on City or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the City or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

5-10. Smoking

Smoking, including the use of e-cigarettes, on City premises is restricted to identified and marked smoking areas at each building/facility. Smoking is prohibited in all City vehicles.

5-11. Personal Visits And Telephone Calls

Disruptions during work time can lead to errors and delays. Therefore, personal telephone calls must be kept to a minimum.

For safety and security reasons, employees are discouraged from having personal guests visit or accompanying them anywhere in City of Middleton facilities other than the reception areas or other areas designed and operating with the express purpose of serving the public.

5-12. Solicitation And Distribution

To avoid distractions, solicitation by the employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time the employee is engaged, or should be engaged, in performing their work tasks for City of Middleton. Solicitation of any kind by non-employees on City premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times. Distribution of literature by non-employees on City premises is prohibited at all times.

5-13. Bulletin Boards

Important notices and items of general interest are continually posted on City of Middleton bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at City of Middleton. To avoid confusion, employees should not post or remove any material from the bulletin board.

5-14. Health And Safety

The health and safety of employees and others on City property are of critical concern to City of Middleton. The City intends to comply with all health and safety laws applicable to our business. To this end, the City must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the City's premises, or in a product, facility, piece of equipment, process, or business practice for which the City is responsible should be brought to the attention of management immediately.

Periodically, the City may issue rules and guidelines governing workplace safety and health. The City may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

5-15. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, City of Middleton may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the City. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The City generally will attempt to identify other available positions, but if no alternate position is available, the City retains the right to decide which employee will remain with the City.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

5-16. Business Expense Reimbursement

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by the employee's Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to Accountant/Budget Analyst along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their Supervisor in advance if they have any questions about whether an expense will be reimbursed.

5-17. Publicity/Statements To The Media

All media inquiries regarding the position of the City as to any issues should be referred to City Administrator, or a designated representative for specific or departmental issues. Only City Administrator or duly designated representatives are authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by City Administrator, are authorized to make those statements on behalf of City. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the City other than those for whom this is a specific duty of their position must first obtain approval from City Administrator.

5-18. If You Must Leave Us

Should any employees decide to leave the City, we ask that they provide a Supervisor with advance notice of departure. The City Administrator and department heads resigning shall submit a letter to the Mayor at least 30 days prior to such resignation. All other employees shall send a letter to the department head and the Personnel Officer at least two weeks prior to such resignation. Employees desiring to retire shall submit a letter to their department head at least sixty (60) days prior to such retirement, though six(6) months is recommended to allow both organizational and personal preparation for the retiree's departure. Thoughtfulness will be appreciated.

All City property including, but not limited to, keys, security cards, parking passes, laptop computers, tablets, cell phones, power cords, fax machines, uniforms, etc., must be returned at separation. Employees also must return all of the City's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the City (through payroll deduction, if lawful) for any lost or damaged City property. As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

Specific details around benefits and actions upon separation are available on the iSolved Web Portal at Employee Self Service/Company Information.

5-19. Exit Interviews

Employees who resign are requested to participate in an exit interview with the Department Head, if possible.

5-20. References

City of Middleton will respond to reference requests through the Human Resources Department. The City will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Human Resources Department.

Only the Human Resources Department may provide references.

5-21. A Few Closing Words

This handbook is intended to give employees a broad summary of things they should know about City of Middleton. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, City of Middleton, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about the City or its personnel policies and practices.

Section 6 - Forms, Checklists, And Reference Information

6-1. Pregnancy Workers Fairness Act Forms

PREGNANT WORKERS FAIRNESS ACT EMPLOYEE ACCOMMODATION REQUEST

Instructions: Please complete the form and submit to your direct supervisor or Human Resources.

Name:

Address:

Department:

Position:

Supervisor:

Telephone Numbers: Work:

Home:

Other:

Accommodation Request: Please list accommodation(s) requested and a brief explanation of the medical condition

Estimated start and end date of accommodation(s):

Signature:

Date:

6-2. Compensatory Time Election Agreement

City of Middleton

COMPENSATORY TIME AGREEMENT (Comp Time)

This form is used to **Start** a Comp Time Agreement, **Rescind** a previous Comp Time Agreement or **Request** a payout of Comp Time. The information on this form will be effective in the pay period in which the form is received by the Human Resources Department.

Comp Time off may be granted in lieu of the payment of overtime for non-exempt employees. For every hour of overtime worked, eligible non-exempt employees (Regular, Limited Term and Temporary) may be granted one and one-half hours of comp time off. These hours are tracked in the employee's Compensatory Plan leave bank. Employees may accrue a Comp Time balance of up to 240 hours maximum (480 hours for the Police and Department). Any hours worked beyond the maximum allowed must be paid at the regular overtime rate. All unused Comp Time will be paid out at the end of each calendar year; no Comp time may be carried forward to the new year.

This Agreement may be rescinded at any time by either the Department Head or the Employee.

Employee Name _____ EE# _____
(Print)

Dept _____ Position _____

_____ **Comp Time Agreement**

I would like to be compensated for overtime hours with compensatory time off in lieu of overtime payment. If this request is approved, only overtime hours worked **after** the date of the approval are eligible to be earned as compensatory time off.

_____ **Pay Out All or Part of Comp Time Balance—Continue Comp Time Agreement**

Requests to pay out all or part of my comp time balance with no change to my enduring Comp time agreement will be made in the City's iSolved time and payroll System. No submission of this form or any other action is required beyond the request in iSolved.

_____ **Rescind Comp Time Agreement - Pay Out All or Part of Comp Time Balance**

I would like to rescind my Comp Time agreement and be paid out for all or part of the hours accrued in my Compensatory Plan leave bank. I will be paid for all overtime hours worked from this point forward.

- Pay Out ALL hours in Compensatory Plan leave bank.
 Pay Out Part of Compensatory Plan leave bank - List the number of hours to be paid out: _____

Employee Signature _____ Date _____

Print Supervisor Name _____ Signature - Supervisor _____

_____ **Rescind Agreement**

The Department Head is rescinding your Comp Time agreement. You will be paid for all overtime hours worked from this point forward.

For Department Head Use Only _____ Date: _____

APPROVED Print Appointing Authority Name: _____

DENIED Signature - Appointing Authority: _____

Submit Form to Human Resources and Payroll Immediately on Completion

6-3. City Organizational Structure And Departments

CITY GOVERNMENT

- Mayor
- 8 Alders/Aldermanic Districts
 - City Administrator
 - City Staff
 - Library Board
 - Police and Fire Commission
 - Fire District

CITY DEPARTMENTS

- Office fo the City Administrator
- Administrative Services
 - Finance
 - City Clerk
 - Human Resources
 - Information Technology
- Public Works
 - Administration and Engineering
 - Streets
 - Utilities
 - Mechanics
- Inspection
- Parks and Recreation
 - Recreation
 - Field Services
 - Middleton Youth Center
- Senior Services
- Emergency Medical Services
- Police Department
- Tourism
- Planning and Community Development
- Middleton Public Library
- Pleasant View Golf Course
- Middleton Municipal Court

6-4. References And Resources

List of References

| | |
|--|--|
| City of Middleton - Personnel Ordinance (Chapter 27: City of Middleton Code) | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Staffing and Selection Policy - City of Middleton | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Classification and Compensation Policy - City of Middleton | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Collective Bargaining Agreement - City of Middleton and Middleton Professional Police Assoc. Local 427 | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Collective Bargaining Agreement - City of Middleton and the Fire Fighters Local 311 | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Heath Insurance - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Dental Insurance - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Vision Insurance - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Group Life Insurance - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Dependent Life Insurance - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Health Reimbursement Account - Summary Plan Document for the year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Flexible Savings Account- Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Deferred Compensation Plan - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Wisconsin Retirement System - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |

| | |
|--|---|
| Income Continuation Insurance - Summary Plan Document for the current year | iSolved HCM - Employee Self Service - Company Information https://payrollcompany.myisolved.com/default.aspx |
| Employee Assistance Program Website | Website User Name is: fsm https://www.feieap.com/ |
| Wisconsin Open Meetings Law: Guidebook | https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/OML-GUIDE.pdf |
| iSolved HCM Support Website | iSolved University - https://learning.myisolved.com/ |
| NeoGov Learn Support Website | NeoGov Community - https://community.neogov.com/ |
| GSA Travel Per-Diem and Lodging Rates | https://www.gsa.gov/travel/plan-book/per-diem-rates |

6-5. Employee Conflict Of Interest And Or Outside Employment

City of Middleton Employee Conflict of Interest and/or Outside Employment Disclosure Form

Employee Information:

- Name: _____
- Department: _____
- Position: _____
- Date: _____

Conflict of Interest Disclosure:

It is City of Middleton policy that all employees avoid any conflict between their personal interests and those of the City. No employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the City. All employees that currently have or may have a conflict of interest must disclose that conflict at the time of hire, or when the conflict begins during employment. *(See the Employee Handbook section 1-8, Conflict of Interest for more detail on this.)*

Nature of Conflict of Interest: Please describe any financial interest, relationship, or activity that could be perceived as a conflict of interest with your duties and responsibilities as an employee of the City of Middleton. This may include, but is not limited to, outside employment, financial interests, gifts, and relationships with vendors or contractors

I have no conflicts of interest at this time.

Disclosure of Family Members' Interests: List any family members (spouse, children, parents, etc.) who may have a financial interest, relationship, or activity that could be perceived as a conflict of interest with your duties and responsibilities.

My family members have no conflicts of interest at this time.

Outside Employment Disclosure:

City of Middleton Employees may not engage in any form of outside employment or business opportunity, for themselves or another employer, which would create undue *interference with their job duties* such as, but not limited to, unexpected non-availability for scheduled work due to work for outside employers.

Full-time employees must disclose and receive approval from their Department Head in order to engage in outside employment in advance of performing such outside employment. That the approval may be withdrawn at any time. *(See the Employee Handbook section 1-7 for details on the City's outside employment policy)*

Outside Employment: Please list any outside employment or consulting activities in which you are currently engaged. Include the name of the employer or client, nature of the work, and the number of hours per week devoted to each.

(If applicable, indicate whether any of the outside employment listed above involves entities or individuals that may have business dealings with or could be impacted by the decisions and actions of the City of Middleton.

I have no outside employment at this time.

Mitigation Measures: If applicable, describe any steps you propose to take to mitigate or manage any conflict of interest or outside job interference. This may include recusal from certain decisions, divestment of interests, reduction in hours, or other measures to avoid conflicts.

Employee Sign Off: I acknowledge that I have disclosed all relevant information regarding potential conflicts of interest and outside employment as outlined above. I understand the importance of maintaining transparency and avoiding conflicts that may compromise the integrity of my position and the ability to perform my duties with the City of Middleton.

Employee Signature: _____ Date: _____

Manager Recommendation, Approval and Action

Outside Employment

Supervisor/Manager Approval: I have reviewed the information provided by the employee and confirm that appropriate measures, if necessary, have been discussed and will be implemented to address any identified conflicts of interest.

___ Approved ___ Denied ___ | Approval Withdrawn Reason: _____

Supervisor/Manager Signature: _____ Date: _____

Conflict of Interest

Manager Review/Approval: The Employee's disclosed conflict of interest has been reviewed and the following recommendation/determination made:

___ Approved ___ Denied ___ Referred to HR/Legal for determination

Supervisor/Manager Signature: _____ Date: _____

HR/Legal: ___ Approved ___ Denied | Remedial action if Denied: _____

HR/Legal Signature: _____ Date: _____

6-6. Remote Work/Telework Agreement



City of Middleton Remote Work/Telecommuting Agreement



Employee Information

Name: _____ Hire date: _____

Job title: _____

Department: _____

FLSA status: Exempt Nonexempt

Planned Duration of Agreement Pending Evaluation

This temporary telecommuting agreement will begin and end on the following dates:

Note: The period of this agreement is limited to one (1) year. This agreement must be reviewed, and revised if necessary, and revalidated annually during the month of January. Partial year requests may be made based upon new extenuating circumstances by which an employee needs to consider a remote and/or telecommuting arrangement.

Start date: _____ End date: _____

Workspace and Schedule Arrangements

Temporary work location(s): _____

Note: Employee must fully describe the work location to determine its suitability. This includes the specific space(s) where work will be located and a brief description that demonstrates its suitability for work from an ergonomic, productivity, confidentiality (as necessary), and employee connectivity/accessibility standpoint. Simple inclusion of an address, or statements such as "at home," or "my kitchen," etc. are not sufficient and will not be approved.

Employee schedule: _____

Note: Specific expectations for the number of hours worked, and the time frame in which they are to be worked must be set and adhered to by non-exempt employees and their supervisors. Simple non enduring changes to the agreement, but significant or permanent changes must be documented. Deviation from these schedules without supervisor approval is not allowed and may be cause for corrective action.

Conditions of the Agreement

The employee agrees to the following conditions:

1. The employee will remain accessible and productive during scheduled work hours.
2. Nonexempt employees will record all hours worked and meal periods taken in accordance with regular timekeeping practices.
3. Nonexempt employees will obtain supervisor approval prior to working unscheduled overtime hours.
4. The employee will report to the employer's regular, non-remote work location as necessary upon directive from his or her supervisor.
5. The employee will communicate regularly with his or her supervisor and co-workers, which may include a weekly written report of activities.
6. The employee will comply with all City of Middleton rules, policies, practices and instructions that would apply if the employee were working at the employer's work location.
7. The employee will maintain satisfactory performance standards.
8. The employee will make arrangements for regular dependent care and understands that telecommuting is not a substitute for dependent care. In pandemic circumstances, exceptions may be made for employees with caregiving responsibilities.
9. The employee will maintain a safe and secure work environment at all times.
10. The employee will allow the employer to have access to the telecommuting location for purposes of assessing safety and security, upon reasonable notice by the company.
11. The employee will report work-related injuries to his or her manager as soon as practicable.
12. The employee will abide by any and all requirements and expectations of the City of Middleton Remote/Teleworking Policy including those not specifically listed here on this application and agreement form.
13. The employee agrees that City of Middleton equipment will not be used by anyone other than the employee and only for business-related work. The employee will not make any changes to security or administrative settings on City of Middleton equipment. The employee understands that all tools and resources provided by the company shall remain the property of the company at all times.
14. The employee agrees to protect company tools and resources from theft or damage and to report theft or damage to his or her manager immediately.
15. The employee agrees to comply with City of Middleton's policies and expectations regarding information security. The employee will be expected to ensure the protection of proprietary company and customer information accessible from their home offices.

Required Equipment

City of Middleton will provide the following equipment: _____

The employee will provide the following equipment: _____

Reimbursement and Expenses

In addition to normally reimbursed expenses incurred in the course of work, City of Middleton will reimburse employee for the following expenses directly related to this agreement, with supervisor pre-approval:

Employee will submit expense reports with attached receipts in accordance with City of Middleton's expense reimbursement policy.

6-7. It Support Request Process

How to Submit a Service Request

Marco's Support Desk (Care Team) is available to you from 7:00 a.m. to 5:00 p.m. CST, Monday through Friday to help resolve network issues you may experience in your daily activities.

After hours emergency support is provided by our local IT staff.

To contact the Support Desk

- Call (800) 847-3097
- Email - MIT@marconet.com

Information to Include in Your Request

1. Your name
2. Your company name - City of Middleton
3. Your location (indicate if working remotely) - City Hall, PD, EMS, Senior Center..etc
4. A phone number or email address where you can be reached
5. A detailed description of the problem and the level of urgency / priority
6. Any error messages received
7. A description of the task being performed at the time of failure
8. If you have a "how to" question, provide the name and version of the software being used and
9. The desired end result once resolved

6-8. iSolved Login Procedures And Troubleshooting

iSolved Web Portal

Basics

- Full Web based access to all basic HR and Payroll employee functions and actions
- Personal Access to your Employee Personnel Record
- Channel for completions of Performance Reviews, Progressive Discipline, and other actions
- Login in with your iSolved Self Service email and password. This may or may not be your City email address depending on your setup.

Troubleshooting

- If you are having difficulty logging into your account, or receiving a message that you cannot reset your password Ensure you log in to:
 - HTTPS://payrollcompany.myisloved.com
 - Failure to include the "payrollcompany" in the web address will prevent you from

logging into the City's account

?iSolved Go Mobile App

Basics

- Android or iOS app with access to and partial HR functionality within your iSolved account
- Update contact info, submit vacation, view paystubs and more.
- On setup:
 - From the login screen click the settings gear symbol at the bottom left
 - Select the network Partner tab
 - Enter "payrollcompany" in the box
 - Return to login and use

?Troubleshooting

- Ensure you have "payrollcompany" entered on the Partner tab per above
- Failure to have "payrollcompany" entered will prevent you from accessing the City's account

6-9. Separation Of Employment Information

Separation of Employment

Voluntary Resignation of Employment: The City Administrator and department heads resigning shall submit a letter to the Mayor at least 30 days prior to such resignation. All other employees shall send a letter to the department head and the Personnel Officer at least two weeks prior to such resignation with the effective date of resignation being their last day physically present at work.

Retirement: Employees desiring to retire shall submit a letter to their department head at least sixty (60) days prior to such retirement. Retired employees are those who are eligible to receive Social Security benefits (age 62) or Wisconsin Retirement benefits (minimum of 5 continuous years of contribution and age 55 or 50 for protective services).

| | | |
|-------------------------|--|---|
| Health Insurance | Coverage ends the last day of the of the month of the month of termination of employment | City paid coverage ends the last day of the of the month of the month of retirement |
| | Cobra coverage available for up to 18 months at cost to employee | Retiree may continue with coverage in effect at retirement |
| Dental Insurance | Coverage ends the last day of the of the month of the month of termination of employment | City paid coverage ends the last day of the of the month of the month of retirement |
| | Cobra coverage available for up to 18 months at cost to employee | Retiree may continue with coverage in effect at retirement |
| Vision Insurance | Coverage ends the last day of the of the month of the month of termination of employment | City paid ends the last day of the of the month of the month of retirement |
| | Cobra coverage available for up to 18 months at cost to employee | Retiree may continue with coverage in effect at retirement |

| | | |
|--------------------------------------|--|--|
| Group Term Life Insurance | Coverage ends the last day of the of the month of the month of termination of employment | City paid coverage ends the last day of the of the month of the month of retirement |
| Dependent Life Insurance | Coverage ends the last day of the of the month of the month of termination of employment | Retiree may continue with coverage at retirement with Employee Trust Funds with payments deducted from retirement annuity check Coverage ends the last day of the of the month of the month of retirement |
| Income Continuation Insurance | Coverage ends the last day of employment | Coverage ends the last day of employment |
| Wisconsin Retirement System | Contact Employer Trust Funds to discuss separation options | Annuity is applied for with Employer Trust Funds |

Deferred Compensation 457(b) Plan

Contact your provider for distribution options

Contact your provider for distribution options

Flexible Spending Account

All funds deducted/used year-to-date at termination are available for use per plan documents

All funds deducted/used year-to-date at termination are available for use per plan documents

Vacation Pay

All accrued/unused vacation pay is paid out on final paycheck

All accrued/unused vacation pay is paid out on final paycheck

Employees may not use any additional vacation pay beyond their termination day (last day physically at work)

Retiring employees may use some or all accrued vacation as retirement leave after their last physical day of work. Any retirement leave plan must be provided as part of the retirement notice

Holiday Pay

All unused floating holiday hours are surrendered at termination

All unused floating holiday hours are surrendered at retirement

Sick Leave

Employees may not use any additional sick pay after their last day of work

Employees may not use any additional sick pay after their last day physically present at work

May be eligible for unused sick leave conversion with funds placed in a Post- Employment Health Reimbursement Account. See Section 27.24 of the City of Middleton Code of Ordinances for eligibility

Eligible for unused sick leave conversion with funds placed in a Post-Employment Health Reimbursement Account. See Section 27.24 of the City of Middleton Code of Ordinances for more information

Compensation Time

All unused compensation time will be paid out on final paycheck

All unused compensation time will be paid out on final paycheck

Employees may not use any additional comp time off after their last day of work

Employees may not use any additional comp time off after their last day physically present at work

6-10. Example Travel Expenses Form

CITY OF MIDDLETON TRAVEL EXPENSES



Name _____ Department _____

Purpose _____ Approved By _____

| TRIP HOURS | Date | Hours | How Spent |
|------------|------|-------|-----------|
| | | | |

| Transportation | Date | Details (select from list) | GL Code | Amount |
|----------------|------|----------------------------|---------|--------|
| | | | | |

| Own Car | Date | Mileage | GL Code | Amount |
|---------|------|---------|---------|-------------------|
| | | | | |
| | | | | 56 cents per mile |
| | | | | 56 cents per mile |
| | | | | \$0.00 |
| | | | | \$0.00 |

| Lodging | Date | Hotel Name and Location | GL Code | Amount |
|---------|------|-------------------------|---------|--------|
| | | | | |

| Meals | Date | (see rates below) | GL Code | Amount |
|-------|------|-------------------|---------|--------|
| | | | | |

| Conference Fees | Date | Purpose | GL Code | Amount |
|-----------------|------|---------|---------|--------|
| | | | | |

| Other | Date | Purpose | GL Code | Amount |
|-------|------|---------|---------|--------|
| | | | | |

***Please include copies of receipts for all expenses**

| | |
|--|--------|
| Subtotal | \$0.00 |
| Less Amount Paid by City Credit Card | |
| Total amount owing to employee through payroll reimbursement | \$0.00 |

| | | | |
|--------------------|-----------------|---------------------|---|
| Meal Reimbursement | <u>In State</u> | <u>Out of State</u> | <u>Hotel Rates</u> |
| Breakfast | \$7.00 | See www.gsa.gov | \$70 per night or conference rate |
| Lunch | \$11.00 | | \$80 per night (Milwaukee, Racine, Waukesha counties) |
| Dinner | \$23.00 | | |

I declare, under penalties of perjury, that this account is true and correct and in conformity with the City of Middleton's Policies and instructions printed heron. These are actual, reasonable, and necessary expenses incurred by me personally in the performance of duties required by the public service.

Signature _____

Date _____

6-12. Request For Accommodations Under The Ada

**CITY of MIDDLETON
EMPLOYEE REASONABLE ACCOMMODATION REQUEST FORM**

A. Questions to clarify accommodation requested.

What specific accommodation(s) are you requesting?

If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore? Yes No

 If yes, please explain.

Is your accommodation request time sensitive? Yes No

 If yes, please explain.

B. Questions to document the reason for accommodation request.

What, if any, job function are you having difficulty performing?

What, if any, employment benefit are you having difficulty accessing?

What limitation is interfering with your ability to perform your job or access an employment benefit?

Have you had any accommodations in the past for this same limitation? Yes No

 If yes, what were they and how effective were they?

If you are requesting a specific accommodation, how will that accommodation assist you?

C. Other.

Please provide any additional information that might be useful in processing your accommodation request:

Signature

Date

Return this form to _____

6-13. Fmla: Certification Of Health Care Provider - Employee's Serious Health Condition

Certification of Health Care Provider for
Employee's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT

OMB Control Number: 1235-0003
Expires: 8/31/2021

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Will the patient need to have treatment visits at least twice per year due to the condition? No Yes.

Was medication, other than over-the-counter medication, prescribed? No Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

No Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? No Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: No Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? No Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?
 No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? No Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?
 No Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

6-14. Sick Leave Donation Program - Donation Form

SICK LEAVE DONATION AUTHORIZATION FORM

Name: _____

Date: _____

Job Title: _____

Department: _____

Hours to be Contributed:

Accrued Sick Leave

CERTIFICATION STATEMENT

Having read and understood the City of Middleton's Policy regarding the donation of sick leave, I hereby voluntarily waive my entitlement to receive the accrued hours of sick leave as detailed above on the condition that an equivalent dollar value of the hours donated is paid by the City to an employee in need of additional sick leave. I further understand that any hours not so utilized shall be placed in a residual sick leave bank for utilization at a future period in time. My contribution is voluntary and non-refundable. I understand that my contribution is confidential and I have read the appropriate policy and agree to adhere to its guidelines.

Contributing Employee's Signature

Dated: _____

FINANCE DEPARTMENT

The above named employee's sick leave balances:

- have been
- have not been

reduced by the hours of sick leave donated as detailed above. Partial approvals are as follows:

Accrued Sick Leave

Finance Department

Dated: _____

Distribution List:

Donor Employee; Finance Office; City Administrator

6-15. Phone System Support/Service Request

MARCO MANAGED VOICE SERVICE REQUEST

TO PLACE A SERVICE REQUEST, CONTACT MARCO'S MANAGED SERVICES SUPPORT DESK

EMAIL voiceservice@marconet.com

LOGIN portal.marconet.com

PHONE **800.847.3098**

HOURS **8:00 AM - 5:00 PM | Monday - Friday**

Your service request will go directly to Client Services followed by the steps below.

| | | |
|---|--|-----------|
|  Client Services | <ul style="list-style-type: none">▪ Live answer queue▪ Gather support information▪ Service ticket created | 01 |
|  Remote Support Desk | <ul style="list-style-type: none">▪ Remote solution if possible▪ Escalation to Service Technician (if required) | 02 |
|  Service Technician | <ul style="list-style-type: none">▪ CIS Representative calls to schedule on-site arrival time▪ Resolution if possible | 03 |
|  Completion and Follow-up | <ul style="list-style-type: none">▪ Client is notified of resolution or status of completion | 04 |

800.847.3098 | marconet.com



taking technology further

BUSINESS IT • MANAGED SERVICES • AUDIO VISUAL • COPIERS & PRINTERS

General Handbook Acknowledgment

This Employee Handbook is an important document intended to help employees become acquainted with City of Middleton. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the City's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

I have received and read a copy of City of Middleton's Employees Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the City at any time.

I further understand that my employment is terminable at will, either by myself or the City, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no representative of City of Middleton other than City Administrator may alter "at will" status and any such modification must be in a signed writing.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the City's Employee Handbook.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

Receipt Of Non-Harassment Policy

It is City of Middleton's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by City of Middleton.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City premises, while on City business (whether or not on City premises) or while representing the City. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

Harassment Defined

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

Sexual Harassment Defined

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

Reporting Procedures

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the Employee's Supervisor. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact Human Resources Manager. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

Investigation Procedures

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

Retaliation Prohibited

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

Access to Full Harassment, Sexual Harassment, Retaliation and Whistleblower Policies

The City maintains fully detailed policies in all of these areas. This Handbook is meant to be an overview and resource. If you wish to view the full policy they are accessible through your iSolved account, in "Employee Self-Service/Company Information."

I have read and I understand City of Middleton's Non-Harassment Policy.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.

Mail And Electronic Communications Policy Employee Acknowledgement

As an employee of the City of Middleton (the "City"), I recognize and understand that the City's electronic communication systems are provided for conducting the City's business. However, City policy does permit some limited, occasional, or incidental personal use of the equipment and services under certain circumstances. I understand that all equipment, software, messages and files are the exclusive property of the City. I agree not to use the electronic communication systems in a way that is disruptive, offensive, or harmful to others or to the City. I agree not to use pass codes, access a file or retrieve any stored communication other than where authorized. I agree not to copy, send or receive confidential information without prior authorization from my immediate supervisor and the City Administrator's office.

I am aware that the City reserves and will exercise the right to review, audit, intercept, access and disclose all matters on the City's electronic communications systems at any time. I am aware that the City may exercise these rights with or without employee notice, and that such access may occur during or after working hours. I am aware that use of a log-in name and password do not guarantee confidentiality, guarantee privacy or restrict the City's right to access electronic communications. I am aware that violations of this policy may subject me to disciplinary action, up to and including discharge from employment, as well as civil and/or criminal liability.

I acknowledge that I have read and that I understand the City's policies regarding e-mail and electronic communications, and have been afforded an opportunity to ask questions regarding the policy. I also acknowledge that I have read and that I understand this notice.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

Supervisor's Signature: _____

Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.