



MIDDLETON POLICE DEPARTMENT

DATE
March 17, 2014

POLICY
2.4.01

SUBJECT: **Compensation, Benefits & Conditions of Work**

REVIEWED
December 27,
2019

Refer to: SS [66.0509\(1m\)\(a\)](#); [Personnel Ordinance](#); [Dispatch Handbook](#); [WPPA Contract](#); [Fair Labor Standards Act](#)
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Contents

PURPOSE	4
POLICY	4
DEFINITIONS	4
COMPENSATION	5
Entry Level Salaries and Ranges	5
Longevity Pay	5
Separation – Prorated Longevity Payment	5
Overtime	6
FLSA Overtime	6
Contractual Overtime	6
Required and Approved Overtime	7
Voluntary Patrol Shift Overtime Normal Assignment Priority	7
Involuntary Patrol Shift Overtime Normal Assignment Priority	8
Non-Patrol Related Overtime	8
Voluntary Traffic and Non-Patrol Overtime	8
Involuntary Traffic and Non-Patrol Overtime	9
Split Shifts & Gap Assignments	9
Filling Open Dispatch Shifts	9
Work Breaks / Meal Breaks	9
Unrepresented Employees	9
Dispatchers	9
Police Officers	10
Call-In Compensation	10
Holdover & Call-in	11
12 Hour Rules	11
Premium Pay and Differentials	12
Night Differential (ND)	12
ASC	12
Special Duty/FTO/CTO	12

Multishift Schedule	13
Skill / Education Pay	13
Reporting Hours Worked, Overtime, Leave & Premiums.....	13
Hours Worked Report	13
Payroll Report	13
Deferred Compensation	13
Reimbursement of Personal Expenses	13
Use of Personal Vehicle	14
Commercial Travel	14
Meals.....	14
Lodging	14
Responsibility	14
Advance Payment	14
Funded Training Programs or Other Activities	14
Receipts.....	15
Tuition Reimbursement for Employees	15
LEAVE.....	16
Reporting to Work	16
Vacation	16
Holiday.....	18
Compensatory Leave	19
Sick Leave.....	20
Donated Leave	21
Eligibility for Donated Leave.....	22
Donated Leave Procedures.....	22
Temporary Restricted Duty Assignment	23
Flex Scheduling	25
Flex Schedule – Dispatchers	25
Flex Schedule – Police Officers	25
Flex Schedule – Other Non-Exempt Employees.....	25
Flex Time - Exempt Employees.....	25
Trading Time & Mutual Trades	26
Administrative Leave	26
Disciplinary Suspension.....	26
Military Leave.....	27
Jury Duty.....	28
Subpoenaed Witnesses.....	28
Bereavement Leave.....	28

Family Medical Leave	29
Unpaid Leave/Leave of Absence	29
SCHEDULING.....	30
Dispatch Scheduling	31
INSURANCE.....	31
Health/Dental/Vision/Life/Disability/WC	31
Liability Insurance and Indemnification	32
VEBA Trust Account.....	32
Flexible Spending Account.....	32
Worker’s Compensation	33
Notice of Injury	33
Returning to Work	34
Waiting Period (waived)	34
Required Medical Examinations.....	34
Physical Fitness.....	34
RETIREMENT	35
Notification of Intent to Retire	35
Eligibility for Health Plan	35
OTHER BENEFITS	35
Domestic Partnerships	Error! Bookmark not defined.
Severance Pay	35
Sergeant/Com Supervisor Benefits	36
Employee Assistance Program	36
SECONDARY EMPLOYMENT & EXTRA DUTY.....	37
Secondary Employment	37
Extra-Duty.....	37
GREIVANCE PROCEDURES.....	38
Permissible Subjects for a Grievance	38
Unrepresented Employees.....	38
Represented Police Officers	39
Grievance Procedures	40
Grievance Format.....	41
Timelines.....	41
OTHER CONDITIONS OF WORK.....	41
Residence Requirement	41
Probationary Period	41
Layoff.....	41
Evaluations.....	42

Access to Personnel Files.....	42
Equal Opportunity.....	42

PURPOSE

The purpose of this policy is to provide readily accessible information regarding compensation, benefits and working conditions to all department personnel.

POLICY

It is the policy of the Middleton Police Department to ensure that all personnel have ready access to all information regarding compensation, benefits and working conditions. In addition to this policy, information is available in the Personnel Ordinance, Collective Bargaining Agreements, Dispatcher Handbook, Payroll System, Paychex eServices (Company ID 0454 E1198), Administrative Program, or by contacting a supervisor, Office Manager, or City Human Resources Officer.

DEFINITIONS

Academy Officer – is an employee hired as a police officer who must attend a police academy prior to certification as a sworn officer in the State of Wisconsin. The academy officer designation shall remain in place until the employee successfully graduates from a Wisconsin Department of Justice certified police officer academy.

Exempt – Positions designated as exempt are those that are not subject to the minimum wage and overtime provisions set forth in the FLSA. Exempt positions are paid a set salary regardless of the hours worked in a workweek and are not eligible for overtime pay for hours worked in excess of 40 in a work week.

Non-Exempt – Positions designated as non-exempt are subject to the minimum wage and overtime provisions set forth in the FLSA; that is, they are overtime eligible.

Permanent Employee is an employee employed continuously, year round, indefinitely and without interruption as evidenced by uninterrupted payment on the payroll (Worker’s Compensation payments excepted). Seasonal, temporary, emergency, limited term, military leave replacement, and on-call occasional part-time appointments are not permanent employees.

Represented - employees who are represented by a labor organization for the purpose of collective bargaining.

Unrepresented/Non-Represented – employees who are not represented by a labor organization for the purpose of collective bargaining. These terms also include employees who are not entitled to collective bargaining (independent contractors, supervisors, or confidential, managerial or executive employees).

COMPENSATION

Entry Level Salaries and Ranges

All salaries for positions covered by a collective bargaining agreement are set by and listed in the respective labor contracts. All salaries for unrepresented positions are set by the Common Council and listed in the Administrative Pay Plan. Labor Contracts and the Administrative Pay Plan are available to employees on a shared drive and accessible from the List of Lists.

Longevity Pay

Longevity pay is designed for employees who provide long-term service to the City. The longer you are with the City, the higher the percentage of longevity pay you will receive for your commitment. A permanent employee who has completed the requisite number of years of service will receive a lump sum payment annually according to the following schedule:

Years of Service Completed	Annual Longevity Pay
3-Years	1% of base pay
7-Years	2% of base pay
11-Years	3% of base pay
15-Years	4% of base pay
19-Years	5% of base pay
23-Years	6% of base pay

An employee's eligibility is determined annually on the employee's employment anniversary date. The annual lump sum payment for all eligible employees will be made on December 1, or the closest payday thereto.

Separation – Prorated Longevity Payment

A prorated longevity payment shall be made to an eligible employee who retires, resigns or is otherwise separated before the date of annual eligibility. This final longevity payment shall be a pro-rata payment equal to the employee's annualized base pay from the employee's last date of hire anniversary through the date of separation, multiplied by the employee's longevity rate.

If an employee separates after the date of annual eligibility, but before the annual lump sum payment, the employee is entitled to the full lump sum payment and pro-rata payment.

When an employee dies, payment shall be made to the estate.

If an employee's appointment permanently changes to an appointment type that is ineligible for continued longevity pay, a prorated longevity payment shall be made as if the employee were separating from service.

If an eligible employee goes on leave without pay (except military leave, short-term disability, and WC leave), longevity will not be paid until the employee returns and completes the full year.

If, however, the employee should resign while on leave without pay, the prorated amount for which the employee is eligible is paid.

Overtime

There are two categories of City employees under the Fair Labor Standards Act (FLSA): those who are subject to the overtime compensation provisions of the federal FLSA (non-exempt) and others who are exempt from these provisions. Executive, administrative, professional, and computer employees, including the Police Chief, Police Captains, department heads, assistant/deputy department heads and administrative assistants who are paid on a salary basis are exempt from overtime pay, but sometime have more flexible work schedules. Police Sergeants and Communications Supervisors are non-exempt.

FLSA Overtime

The normal FLSA work period for non-exempt employees is the work week (seven consecutive days, from midnight Sunday to midnight Saturday) and the normal FLSA overtime threshold is 40 hours per work week. Under the FLSA overtime rules, "nothing happens" unless and until a non-exempt employee has actually worked more than the threshold number of hours in a work period, for example over 40 hours in a work week. "Hours Worked" for overtime purposes does not include hours in paid status where no work is performed such as vacation, comp, holiday or sick leave. When one employee agrees at his or her option, and with department approval, to substitute for another employed in the same capacity, each employee will be credited as if he or she had worked his or her normal work schedule for that shift. Unpaid meal breaks are not considered work time. Paid meal and work breaks are considered work time.

The work period and FLSA overtime threshold for police officers (and firefighter and EMS personnel) covered by the so called 7K exemption may be different. The work period for Middleton Police Officers is twenty-seven days and the FLSA overtime threshold is 165 hours. (Dispatchers are not included in the 7K exemption.)

FLSA overtime pay is time and one-half the employee's "**regular rate**" of pay. The employee's regular rate may be different than the hourly rate. The regular rate is the hourly rate plus longevity pay, shift differentials, premium pay, and nondiscretionary bonuses factored in on a pro rata basis.

Employees may be assigned to work a different schedule or different work start or end times without the payment of overtime.

Contractual Overtime

Contractual overtime is a matter of agreement between the City and employees or collective bargaining units. Such agreements may be found in the Dispatcher Handbook and Police Officer CBA. For example, employees covered by the agreement may be awarded overtime for working outside of the employee's normal schedule, on a holiday, or for more than 8 (officers) or 8.25 (dispatchers) hours in a day. (Also see flex scheduling. A police officer or dispatcher may be assigned, on ten days or more notice, to work a different schedule without the payment of overtime.) Contractual overtime pay is typically time and one-half the employee's "**hourly rate**" of pay, but on rare occasion may be two times the hourly rate.

- a. One hour of work at the overtime rate will result in 1.5 hours of pay.
- b. One hour of work at the double-time rate will result in 2.0 hours of pay.

- c. One hour of work at the overtime rate, where the employee is already compensated at the straight time rate, will result in 0.5 hours of pay.
- d. One hour of work at the double-time rate, where the employee is already compensated at the straight time rate, will result in 1.0 hours of pay.
- e. One hour of work at the double-time rate, where the employee is already compensated at the overtime rate, will result in 0.5 hours of pay.

Required and Approved Overtime

Prior supervisory approval is required for overtime, if such approval can reasonably be obtained. Employees are required to respond to overtime, holdover, and call-in orders. Time permitting, overtime opportunities will be posted for a reasonable period and awarded within the shift/unit in order of seniority, and then within the department in order of seniority. Supervisors and special assignment employees may not be awarded overtime outside their classification unless no regular employee volunteers. If no employee volunteers for the overtime, the supervisor will select someone to perform the work. The supervisor's decision is final. In making this selection, the supervisor will consider holding over and/or calling in personnel already scheduled for adjacent shifts, shift/unit personnel on their days off in reverse seniority order, and department personnel on their days off in reverse seniority order. The supervisor may also consider employee safety related to total hours worked by an employee in a duty cycle or work period. Supervisors and special assignment personnel will not normally be ordered to work outside of their classification unless no regular employee is available. Employees who have signed up for voluntary overtime must work it (or find someone that will) and cannot be bumped by senior employees after the work has been awarded and appears on the schedule.

Supervisors scheduling and assigning multiple officers for patrol, traffic, or other special event overtime should consider the impact the assignment will have on the Communication Center operations. Supervisors should be aware that minimum staffing for the Communications Center shall typically be one dispatcher to every six Patrol Officers (supervisors excluded). Exceptions to this staffing level can occur and the ratio can be exceeded for unscheduled events or activities which could not be planned for, for patrol officers assigned to duties which traditionally have not created extra work for the Communication Center, and for other situations which are deemed appropriate and approved by the Communication Supervisor. Supervisors scheduling events that exceed the standard six to one ratio are to notify the Communication Center Supervisor so that the situation can be evaluated and the need for additional dispatch personnel can be determined.

For the purposes of this overtime assignment section, "adjoining shifts" is defined as a shift where the majority of its hours are contained within the four hour period directly before or after an established shift. Should the "adjoining shift" fall evenly between two established shifts, seniority shift assignment rules will be applied.

Voluntary Patrol Shift Overtime Normal Assignment Priority

- a. Senior Patrol Officer on affected shift requesting entire shift.
- b. Senior Patrol Officer requesting entire shift.
- c. Senior Patrol Officer on affected shift requesting partial shift.
- d. Senior Patrol Officer requesting partial shift.
- e. Senior Patrol Supervisor on affected shift requesting entire shift.
- f. Senior Patrol Supervisor requesting entire shift.
- g. Senior Patrol Supervisor on affected shift requesting partial shift.

- h. Senior Patrol Supervisor requesting partial shift.
- i. Senior Special Assignment Officer on affected shift requesting entire shift.
- j. Senior Special Assignment Officer requesting entire shift.
- k. Senior Special Assignment Officer on affected shift requesting partial shift.
- l. Senior Special Assignment Officer requesting partial shift.
- m. Senior Special Assignment Supervisor.

Involuntary Patrol Shift Overtime Normal Assignment Priority

- a. Junior Patrol Officer, working on regular day on, on adjoining shifts, receives up to a four hour block.
- b. Junior Patrol Officer, working on regular day off, on adjoining shifts, receives up to a four hour block.
- c. Junior Patrol Officer, on affected shift, receives the entire shift on days off.
- d. Junior Patrol Officer receives the entire shift on days off.
- e. Junior Patrol Supervisor, on adjoining shifts, receives up to a four hour block.
- f. Junior Patrol Supervisor Officer, on affected shift, receives the entire shift on days off.
- g. Junior Patrol Supervisor Officer receives the entire shift on days off.
- h. Junior Special Assignment Officer on adjoining shifts receive up to four hour block
- i. Junior Special Assignment Officer on affected shift receives entire shift on days off.
- j. Junior Special Assignment Officer receives entire shift on days off.
- k. Junior Special Assignment Supervisor

Generally, absent emergency circumstances or other unanticipated conditions, an officer will not be ordered in to work for patrol or special assignment overtime more than twice in a nine day period. This provision applies to an order-in of two hours or more, not including, voluntary overtime assignment, court, late calls, department-wide meetings or mutual trades. The nine day period will start on the first work day in a standard rotation. After an officer has been ordered in twice in a nine day period, the next order-in will go to the next senior officer. Furthermore, should it be necessary to order-in an officer more than twice in a nine (9) day period, they will be compensated at a double-time rate for the affected hours.

Non-Patrol Related Overtime

Non-Patrol overtime may originate within the department, school district, or private organizations. This O.T. may include but is not limited to: GNF, School Events and Traffic Control for Special Events and Private Events at commercial venues (Quaker Steak, Club Tavern, etc.). Normally, participation in these programs is voluntary. All special traffic related overtime assignments shall be filled by officers that are proficient in the use of the TRACS (or other comparable) citation, accident and warning systems. Compensation comes from the department. Department sanctioned events are posted.

Voluntary Traffic and Non-Patrol Overtime

The priority for awarding voluntary non-patrol shift overtime is as follows:

- a. Senior Officer requesting entire shift.
- b. Senior Officers requesting partial shift.
- c. Senior Supervisor requesting entire shift.
- d. Senior Supervisor requesting partial shift.

When multiple shifts are posted from a single organization (i.e. Quaker Steak, School District) the overtime will be distributed as fairly as possible. For example, a request for five (5) slots comes in and 5 officers sign up, each officer regardless of seniority or rank gets a slot. If less than 5 were to sign up then the majority of the slots would go to the senior patrol officer first. If you sign up for it, you must work it, or find someone that will. You may not “remove” your name!

Involuntary Traffic and Non-Patrol Overtime

If the overtime becomes involuntary, the involuntary non-patrol shift overtime will be assigned using the following priority:

- a. Junior Officer, working on regular day on, on adjoining shifts, receives up to a four hour block.
- b. Junior Officer, working on regular day off, on adjoining shifts, receives up to a four hour block.
- c. Junior Officer receives entire shift on days off.
- d. Junior Supervisor, on adjoining shifts, receive up to a four hour block.
- e. Junior Supervisor receives entire shift on days off.

Generally, absent emergency circumstances or other unanticipated conditions, employees will not be allowed to work more than eight (8) days in a row.

Split Shifts & Gap Assignments

Split Shift occurs when an employee works non-consecutive hours which are interrupted by a period of off-duty hours. This occasionally occurs when an employee works a special event or assignment prior to or following a regular shift. In the event that an officer’s regular shift starts or ends within 2 hours of a worked special event or assignment, at the officer’s option, the officer will be given a work assignment to cover the gap between the two assignments. Normal workday and work period overtime rules apply, except double time for hours worked in excess of 12 will not be paid to officers who volunteered for the special duty or assignment.

Filling Open Dispatch Shifts

Open shifts will be posted, time permitting, and any employee may sign up. Open shifts shall be awarded following a reasonable period of posting. Employees who have been awarded open shifts cannot be “bumped” by a senior employee after the assignment appears on the posted work schedule. This is not a bar to a mutual trade (see trading time). Also see Dispatch Scheduling.

Work Breaks / Meal Breaks

Unrepresented Employees

Unrepresented employees will receive an unpaid lunch period each work day, the length and time of which shall be determined by the Department Head. Paid work breaks will be given at the discretion of the Department Head.

Dispatchers

Under favorable conditions, Dispatchers should expect to take one paid meal break and one paid work break during an 8.25 hour shift. A reasonable period of time, generally 30 minutes for meal breaks and 15 minutes for work breaks is allowed. There is no additional compensation for recalls or missed meals or breaks. Outside of the regular work break routine, when feasible,

Dispatchers may be afforded a break after prolonged periods of peak activity or high-stress incidents. Dispatchers may request restroom breaks as may be necessary. Dispatchers may not leave the grounds during their shift without prior authorization.

Police Officers

Under favorable conditions, Police Officers covered by a CBA should expect to take one paid meal break and one paid work break during an eight-hour shift. A reasonable period of time, generally 30 minutes for meal breaks and 15 minutes for work breaks is allowed. Shift Commanders may authorize up to 60 minutes for a meal break on authorized holidays if circumstances permit. There is no additional compensation for recalls or missed meals or breaks.

- A. All breaks will be taken at locations within the Middleton City limits unless the express permission of the Shift Commander or other commanding officer is given.
- B. When a break is taken, an officer will check out as Code - 6 with the dispatcher. Although they may be used, an officer should not rely on outside speakers or portable radios to monitor calls while on break.
- C. No more than 50% of the patrol unit should be on break at any given time. Breaks should not be taken at a time when no units would be left in service.
- D. Officers should vary the time and location of work breaks taken away from the PD. Avoid getting into a rut.
- E. Breaks should not be taken during the first or last 30 minutes of a shift. (Exceptions may be made for third shift officers if authorized by shift commander).
- F. Meeting of officers in the field which last longer than several minutes (5 minutes or more) should be conducted in an inconspicuous place.

Call-In Compensation

It is not required that shifts are scheduled to begin or end at particular times of the day, nor at the same times each day.

Non-exempt unrepresented employees, except Sergeants, Communications Supervisors and Dispatchers, who are recalled to work outside of the employee's regular schedule do not receive overtime until the employee has actually worked more than the threshold number of hours (40) in the work period (7-days).

Dispatchers recalled to work outside of the employee's regular schedule will receive a minimum of two hours compensation at the overtime rate, unless such time immediately precedes his/her scheduled shift. Dispatchers on vacation leave who are recalled to work or subpoenaed to give testimony about events arising out of their employment, will be paid or compensated at the overtime rate.

Officers recalled to work outside of the employee's regular schedule will receive a minimum of two hours compensation at the overtime rate, unless such time is within one hour of his/her

scheduled shift. Officers on vacation leave or scheduled days off who are recalled to work will receive a minimum of three hours pay at the overtime rate.

The two and three hour minimums also applies to court cancellations where there is less than a 12-hour notice, if the officer confirms the court appearance 12-hours before the scheduled court time by contacting a supervisor, the Court Officer, or personally checking the subpoena/court cancellation list. The Court Officer will post a subpoena/court cancellation list in the officer write-up room which may be consulted by supervisors and employees when confirming court appearance. When court cancellation information is received it should be forwarded to the Court Officer. If the information is received while the Court Officer is off duty, it should be forwarded to the Shift Commander who will update the Subpoena/court cancellation list and forward a copy to the Court Officer. When possible, as a courtesy, the Court Officer will attempt to notify affected employees of subpoenas and court cancellations. Officers shall notify the Court Officer when they receive subpoena directly.

Officers called back to duty to testify via telephone shall, at all times, be compensated for actual time spent on the call or for a one hour minimum, whichever is greater.

Holdover & Call-in

Supervisors may holdover on-duty staff, call-in on-coming staff, call-in off-day staff, and call-in investigators or specialists as may be necessary when staffing shortfalls or unusual activity occurs. When supervisors are calling to order in staff, they should clearly articulate the fact that this is an order in and that the staff member is required to return a call to the police department upon receipt of the message. Employees shall immediately, upon receipt of a recall message, contact the department. Employees shall respond to recalls to work.

Employees assigned duties normally requiring continuity of assignment (Patrol Sergeants, Patrol Officers, Dispatchers) shall not leave their assigned duties until such time as they are properly relieved.

12 Hour Rules

Dispatchers who work more than 12.25 hours in a 24-hour period, beginning with the first hour of a shift, will be compensated at the double-time rate for the time worked over 12.25-hours. Dispatchers will be scheduled with at least 12 hours off between shifts, unless mutually waived. Supervisors will consider alternatives to assigning dispatchers to work more than two 12-hour shifts in a single duty rotation.

Police Officers who work more than 12 hours in a 24-hour period, beginning with the first hour of a shift, will be compensated at the double-time rate for the time worked over 12-hours, except for training. In a training situation, the department will schedule a minimum of an 8-hour off-duty period prior to the officers' training shift. Each training hour that is less than 8-hours from the time the officer stopped work shall be compensated at the double time rate, unless mutually waived. Police Officers who work more than twelve (12) hours within a twenty-four (24) hour period shall not be rescheduled for duty without having ten (10) hours off. Hours of work normally scheduled within this ten (10) hour period can either be taken as compensatory time, vacation or be rescheduled at the officer's option at a later date.

Premium Pay and Differentials

Night Differential (ND)

Dispatchers and the Communications Supervisors will receive an additional sum of seventy-five cents (75¢) per hour for all hours worked between 6:00 PM and 7:00 AM.

Officers and Sergeants will receive an additional sum of \$1.25 per hour for all hours worked between 6:00 PM and 7:00 AM.

Other unrepresented employees do not receive night differential pay.

The Office manager will tabulate ND from the posted regular schedule for eligible employees assigned to second and third shifts. Other eligible employees working between 6:00 PM and 7:00 AM should report their ND hours on a payroll report. ND should also be marked on all OT and Leave payroll reports, as a positive or negative number, if the OT or Leave occurred during ND hours (6:00 PM and 7:00 AM).

ASC

Officers will receive an additional sum of \$1.50 per hour when working as the Acting Shift Commander for a period of two hours or more.

Dispatchers and unrepresented employees do not receive ASC pay.

ASC hours should be reported on a OT payroll report if applicable, on a standalone payroll report if necessary, or, in the event of regularly recurring ASC hours, all the ASC hours due for a pay period may be reported on a single payroll report. If you don't report ASC hours, the Office Manager will not know to pay you.

Special Duty/FTO/CTO

Dispatchers designated as Communications Training Officers and assigned to work with a Dispatcher in training, will receive a fifty cents (50¢) per hour premium for hours actually worked in performing the special duty assignment. CTO hours should be reported on a payroll report. In the event of regularly recurring CTO hours, all the CTO hours due for a pay period may be reported on a single payroll report.

Officers given special duty assignments (Canine Handlers, Community Awareness Officer, FTO's, and Instructors) will receive an additional sum of seventy-five cents (75¢) for hours actually worked in performing the special duty assignments. FTO hours should be reported on a payroll report. In the event of regularly recurring FTO hours, all the FTO hours due for a pay period may be reported on a single payroll report.

Officers given special duty assignments to the posts of Police School Liaison Officer and Detective (to include permanent and rotating) will receive an additional sum of one dollar and fifty cents (\$1.50) for hours actually worked in performing the special duty assignments.

Unrepresented employees do not receive special duty pay, except Sergeant and Communications Supervisor Instructors.

Multishift Schedule

If the department establishes and Police officers are assigned to work a regular multishift schedule, the officers will receive a shift premium of fifty cents (\$.50) per hour for all hours worked. A multishift schedule is a regular work schedule in which officers report for work at different times of the day, for example three days at 7PM followed by three days at 11PM.

Skill / Education Pay

Police Officer II and III levels are educational levels as defined by police department policy 2.3.01 Job Classifications and Assignments.

Reporting Hours Worked, Overtime, Leave & Premiums

Hours Worked Report

Each non-exempt employee is required to submit to his or her supervisor an “Hours Actually Worked Report” on the prescribed form for each work period (7-days, midnight Sunday to midnight Saturday, or 27-days for police officers). Employees should enter the number of hours actually worked for each day of the work period, even if that number is 0. Do not count minimum call-in time you didn’t actually work, unpaid meal breaks, or leave time, and do not apply the OT rate. Hours worked reports are processed by the Officer Manager.

Payroll Report

A payroll report is a standardized form completed by employees to report overtime/comp time, night differential, ASC, cash outs, and time transfers, and vacation, comp, sick, and unpaid leave. Employees are responsible for marking all appropriate categories on all their payroll reports and, on a timely basis, submitting them to their supervisor for approval and processing. This includes category, rate, hours, reason, date or date range, submittal date, and name. It is the responsibility of Supervisors to check, approve and process payroll reports submitted to them on a timely basis, and return a copy to the employee. Payroll reports are processed by the Officer Manager.

Deferred Compensation

The City provides the opportunity for employee participation in the Wisconsin Deferred Compensation Program. The IRS Section 457 Plan (Deferred Compensation Program) is offered to public sector employees as a voluntary supplement to the City’s/State’s Retirement Program. Internal Revenue Service (IRS) rules set a limit on the amount an individual can set aside through pre-tax and tax deferred programs.

Details on this program are available upon request from the Human Resources Officer.

Reimbursement of Personal Expenses

Payment of personal expenses will be made in accordance with guidelines set forth below. Under certain circumstances, the Chief of Police may authorize payment in excess of the rates set forth below providing such authorization was received in advance. Reimbursement claims shall be made on the appropriate Department and City forms.

Use of Personal Vehicle

Employees required to use their own automobile in City business and approved by the Department Head will be reimbursed at the current IRS reimbursement rate adopted by the City. Reimbursable mileage is the mileage from the employee's normal workplace to the destination, or the employee's actual mileage, whichever is less. Normally, employees will use City vehicles and/or car pool. If reimbursement is pre-authorized, reimbursement will only be made for one vehicle round trip (and reasonable daily mileage) per event, unless the number of employees attending exceeds the capacity of a single vehicle or the event exceeds five-days in duration. A department vehicle shall be used whenever possible. A department credit card will be issued for lengthy trips.

Commercial Travel

When authorized, commercial travel will be paid at coach or standard fare. Whenever possible, commercial tickets should be purchased through a travel agency that will bill the department directly.

Meals

Employees required to work or attend training outside of Dane County, or requiring an overnight stay, will be reimbursed up to the maximum City approved rate for breakfast, lunch and dinner. Only the actual meal expense, including tax and tip, may be claimed. When an employee is entitled to two or more consecutive meals in a day, the cost may be divided between meals as desired, as long as the maximum is not exceeded. Receipts for meals are not required, but may be submitted with an explanation for unusual circumstances. Employees required to work or attend training away from the department for three (3) days or more are also eligible for meal reimbursement.

Lodging

Overnight lodging when required will be reimbursed under the following guidelines:

- A. Travel to and from home must be impractical
- B. Double occupancy may be used if more than one employee is participating
- C. Prior Approval

Responsibility

It shall be the responsibility of the Training Coordinator to review and process claims for payment of personal expenses. All claims should be filed as soon as possible following completion of the activity warranting payment of personal expenses. Questions regarding rates and eligibility for reimbursement should be raised with supervisors prior to incurring expenses. The Chief of Police shall rule on all disputed claims.

Advance Payment

Payment for projected personal expenses may be made when such expense would result in undue economic hardship for employees. Advance payment must be approved by the Chief of Police.

Funded Training Programs or Other Activities

When activity resulting in personal expense is paid for in whole or in part from a source other than the City of Middleton, employees shall be subject to whatever reimbursement policies that

outside source may impose. The only exception to this rule will be reimbursement for use of personal vehicles.

Receipts

Receipts must be filed for reimbursement of registration fees, lodging, transportation and other miscellaneous expenses. Receipts are not required for meals except for unusual amounts which should be documented by receipts and explanations.

Tuition Reimbursement for Employees

Employees of the Department will be eligible for tuition reimbursement for approved courses upon completion of coursework based on the following:

- A. A written request is made to the Chief of Police requesting reimbursement prior to the employee actually taking the course. Notification must be provided to the Chief of Police prior to August 1 of the current year of the employees' intention to seek reimbursement during the following year along with an estimated dollar amount that the employee will be requesting during the following year.
- B. The request will include the course description and information related to the purpose of the course.
- C. The employee must obtain a passing grade with a B (3.0) or above average in the course. The course must be taken from an accredited school. The coursework must be work-related. In order to be work-related, the coursework must meet one of the two following criteria:
 1. The education is required by the department or by law to keep your present salary, status, or job.
 2. The education maintains or improves skills needed in your employment.
- D. The Department will follow IRS guidelines in determining whether coursework is work-related. Under these guidelines, coursework that is needed to meet the minimum educational requirements for a job or coursework that is a part of a course of study that qualifies you for a new trade or business is not reimbursable. Coursework that is related to the same general kind of work that you are presently doing, however, is not considered work that would qualify you for a new trade or business.
- E. The amount of tuition that will be reimbursed will be dependent on the amount of money available in the department's budget in a training account or any other separate account that might be set up for this purpose, and the number of employees requesting reimbursement. The decision of the Chief of Police as to the amount of reimbursement, if any, to be paid is final. Eligible tuition reimbursement costs may be paid on a one-time, lump-sum basis, or reimbursed after a course is completed and grade provided.
- F. 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. 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.

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

1. Within 1 year of reimbursement = 100%
2. Within 1 – 2 years of reimbursement = 66%
3. Within 2 – 3 years of reimbursement = 33%

LEAVE

Leave is time when an employee has permission to be absent from work. Leave is typically paid time off, but could be unpaid in some circumstances. Employees are awarded vacation, sick and floating holiday leave on an annual or monthly basis, holiday leave on designated holidays, and may choose to take overtime as compensatory time off. Employees must request unpaid leave.

Employees may accrue leave within permissible limits. Police employees may access current information relating to their personal leave accrual and pay through the online payroll program or by requesting a printout from the Office Manager. It is the ultimate responsibility of the employee utilizing leave, of any form, to be certain that they have enough accrued time to take the requested leave and that the appropriate payroll reports have been completed and the hours of leave have been deducted from their account.

While you are encouraged to use your vacation and compensatory leave, the time must be pre-approved by your supervisor. The practice of reserving time off by requesting vacation leave and then changing the request to compensatory leave at some later date is forbidden. Staffing levels, your workload, and the need to adjust other employee schedules or backfill your position are important consideration in granting leave, so request time off as far in advance as possible. If you wait until the last minute, you may not be able to take the leave.

Reporting to Work

All employees are expected to report to work during inclement weather, disasters, and other adverse conditions. Employees engaged in work directly related to health, safety, and welfare of the community are expected to exhaust every effort in reporting to their work station at the appropriate time. Employees unable to reach their work station because of inclement weather, disasters, or other adverse situations may use vacation, floating holiday or compensatory time in lieu of a lost day of pay.

Vacation

Vacation leave is intended for a meaningful break in your work – a time for you to renew yourself physically and mentally so you remain productive at your job.

“Permanent Employees” are granted vacation leave each year based on completed years of service. The following chart explains how much leave employees earn:

Years of Service Completed	Annual Vacation Days
1	12
2	12
3	13
4	14
5	15
6	15
7	15
8	15
9	18
10	20
11	20
12	20
13	20
14	21
15	24
16	25
17	26
18	27
19	27
20	27
21	27

Permanent part-time employees accrue vacation leave on a pro rata basis according to their average workweek full time equivalency.

Vacation rate is computed from the employee’s hire/anniversary date. Employees will be credited with a proportionate share of their annual vacation award for each month of a calendar year in which an employee works. After six months of continuous service, vacation accruals may be used as soon as they are credited, and may be carried over into the following year, however balances in excess of 240 hours (200 hours for police officers) as of December 31 will be forfeited, absent written approval of the personnel officer. Police officers earning vacation at a rate of at least 15 days annually may cash out up to 40 hours of vacation per year at the employee’s base rate of pay, to be paid out in November of the year in which the cash-out is sought.

For the purpose of awarding vacation leave, the following priorities will be used.

1. Vacation requests take priority over Compensatory Time, regardless of rank or seniority.
2. **90 Days or more** in advance - Priority by Shift/Unit, administrative rank, and then seniority.
3. **89 Days or less** in advance – Priority by Shift/Unit, then earliest submittal date; if the same date – administrative rank, and then seniority.

Holiday

The Personnel Ordinance and collective bargaining agreements have set the following days as City paid holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday After Thanksgiving
- December 24
- December 25
- December 31
- Three Floating Holidays

All employees receive a paid day off on designated holidays (no payroll slip required), with the exception of those in positions which require continuity of assignment who will work their regularly scheduled work day unless leave is requested and approved (Patrol Sergeants, Patrol Officers, Dispatchers, Cover Shift Dispatchers). Employees who work on a holiday will receive compensation at the 1.5 rate (payroll slip required). Holiday shifts are identified by the shift start time. For example a shift starting on 12/23 at 11PM and ending on 12/24 at 7AM, is not considered a holiday, while the entire shift starting on 12/25 at 11PM and ending on 12/26 at 7AM is considered a holiday. Patrol Sergeants, Communications Supervisors, Patrol Officers, and all Dispatchers who work on a holiday will receive compensation at the 1.5 rate for the first eight hours and at the 2.0 rate for all time worked over 8-hours on a holiday (payroll slip required).

If a holiday falls on a weekend, the City Administrator will designate an alternate paid day off, typically Friday or Monday, for all positions that do not require continuity of assignment (no payroll slip required). If a holiday falls on a Patrol Sergeant's, Patrol Officer's, or Dispatcher's regular day off, the employee may submit a payroll slip for 8 hours pay or comp time at the straight time rate. If a holiday falls on a Patrol Sergeant's, Patrol Officer's, or Dispatcher's regular day off and the employee works on the holiday, the employee should submit two payroll slips (one for 8 hours straight time for the holiday on a day off, and an additional slip for hours worked on a holiday at the overtime rate).

An employee in a position requiring continuity of assignment (Patrol Sergeants, Communications Supervisors, Patrol Officers, Dispatchers, Cover Shift Dispatchers) may request leave on a holiday, and the normal leave approval process will be followed. In anticipation that the leave will be approved (making the holiday a day off), on the same payroll slip used to request the leave, the employee should also request compensation for a holiday on a day off (supra). If patrol staffing allows, Holiday time may be used to take a Holiday off.

For the purpose of awarding leave on a Holiday, the following priorities will be used.

1. Vacation requests take priority over Compensatory Time, regardless of rank or seniority.
2. **90 Days or more** in advance of the Holiday - Priority by Shift/Unit, administrative rank, and then seniority.
3. **89 Days or less** in advance of the Holiday – Priority by Shift/Unit, then earliest submittal date; if the same date – administrative rank, and then seniority.

Annual floating holidays are credited as compensatory time on January 1st. New employees hired after January 1st will be credited with floating holidays on a pro rata basis.

If an employee terminates before a specific holiday, the employee will not be compensated for that or subsequent holidays.

Compensatory Leave

1. Compensatory time is time off with pay from a scheduled shift, granted to an employee as compensation for floating holidays or extra hours worked on a previous date. In most cases, a non-exempt employee may choose compensatory time in lieu of paid overtime (some special voluntary overtime programs may not permit compensatory time and exempt employees are not eligible for overtime or compensatory time).
2. Eligible employees shall receive compensation for overtime as set forth above. Payment for overtime hours may be in cash or compensatory time off as the employee may request, subject to the supervisor's approval.
3. The rates that compensatory time is credited is as follows:
 - a. One hour of work at the overtime rate will be credited as 1.5 hours of compensatory time.
 - b. One hour of work at the double-time rate will be credited as 2.0 hours of compensatory time.
 - c. One hour of work at the overtime rate, where the employee is already compensated at the straight time rate, will be credited as 0.5 hours of compensatory time.
 - d. One hour of work at the double-time rate, where the employee is already compensated at the straight time rate, will be credited with 1.0 hours of compensatory time.
 - e. One hour of work at the double-time rate, where the employee is already compensated at the overtime rate, will be credited as 0.5 hours of compensatory time.
4. Accumulated compensatory time may be converted to pay by employees.
5. Non-exempt employees may accumulate compensatory time, but must use it in the same calendar year or have it converted to pay, except that 24 hours may be carried forward to the next calendar year, except for Dispatchers and Police Officers. Dispatchers, Communications Supervisors, Police Officers and Police Sergeants may accumulate and maintain up to ninety-six (96) hours of compensatory time. All overtime in excess of the 96-hour cap will be paid in cash.
6. All accumulated compensatory time and use of compensatory time shall be maintained in written and/or digital form by the Office Manager.

7. Employees terminating employment will be paid for overtime and unused compensatory time at the rate in effect at the time of payment.
8. Use of contractual compensatory time off shall be subject to the approval of the employee's supervisor and may be canceled, with proper notice but not within ten (10) days to accommodate training or vacation leave, at the discretion of the department. Vacation time takes priority over contractual compensatory time and one employee's vacation time request could "bump" another's contractual compensatory time if the request is beyond ten (10) days. The department will not approve contractual compensatory time off when it would be necessary to backfill for the absent employee with another employee on an overtime basis. Use of FLSA compensatory time off will be granted unless doing so would create an undue disruption to the department.
9. Compensatory leave requests will be approved in order of submittal date. Requests submitted on the same date will be approved in order of rank and seniority.
10. Once compensatory time is scheduled it shall not be cancelled with less than ten (10) days' notice to accommodate training or vacation leave. Barring emergency circumstances, the department will not cancel previously approved compensatory leave within twenty-four hours of the schedule leave.

Sick Leave

Paid sick leave is intended to provide a level of income protection for employees when they are unable to report to work due to illness or injury. Sick leave may be used in case of illness, injury, health care requirements, pregnancy, or because of death or illness of immediate family members. Paid sick leave may not be used for any other purpose and may not to be used as additional paid time off. Employees who abuse sick leave may be subject to disciplinary action. Supervisors may take reasonable steps to verify legitimate use of sick leave including but not limited to requiring medical certification or written verification. Medical certification or written verification will be required when sick leave is taken in excess of 64 hours in any 12-month period. Included in this 64 hour requirement is any leave for which an employee calls in sick for any assigned shift, including security details, special assignments, or any other assignment where the employee was expected to be at work. Leave that is verified will not be counted toward the 64 hours. Under State law, employees may substitute accrued paid leave time or choose to take unpaid leave in situations where the Family Medical Leave Act applies.

A Dispatcher or Officer who exhausts his/her sick leave credit and is unable to work due to injury or illness will be granted an unpaid leave of absence not to exceed a period of six (6) months or until certified by a doctor of his/her ability to return to work. The Employer is entitled to a medical report, when requested, as to the employee's medical condition. Further, an examination to determine the condition of an employee on sick leave by a physician of the Employer's choosing may be required as a condition of a continuation of a sick leave. If the Employer requests such examination, the cost will be borne by the Employer. Other employees should see the Leave of Absence procedure.

When any permanent employee is taking an approved, unpaid medical leave of absence beyond approved FMLA leave, the City will continue to provide, and pay the City portion of the employee's health insurance for up to three (3) months. The City may request the employee to have a medical evaluation performed by a doctor chosen by the City. If the approved unpaid medical leave goes beyond three (3) months, health insurance will continue to be offered as required in the Health Care Reform Act.

Permanent full-time employees (minimum of 30 hours per week) earn sick time at a rate of 8-hours for each month of service. Permanent part-time employees earn sick time on a pro-rata basis. Sick leave must be earned before it can be used and may not be anticipated. Eligible employees will accrue paid sick leave over time, up to the stated maximum based on their normal work schedule. The objective is to allow employees to accrue enough paid sick leave so that if they encounter any type of serious illness or injury, they will not have their regular income severely impacted. Sick leave accumulation is capped at 1,040 hours for employees hired after July 12, 2013, except for police officers. Police officers covered by the collective bargaining agreement with excessive sick leave accumulation, hours greater than 1,500, on December 31, 2019, will have such excess converted to cash values and deposited in their individual VEBA Trust Accounts by February 1st. Police officers covered by the collective bargaining agreement with excessive sick leave accumulation, hours greater than 1,400, on December 31, 2021, will have such excess converted to cash values and deposited in their individual VEBA Trust Accounts by February 1st.

Retired or disabled employees shall receive the equivalent value of their accumulated sick leave credits placed in an escrow account to pay for health and life insurance premiums until such time as the employee's funds are exhausted. Employees who otherwise leave employment voluntarily receive the equivalent value of fifty percent (50%) of their accumulated unused sick leave hours placed monthly into either the employee's VEBA account or paid directly to the employee's health/dental insurance carrier until the employee's funds are exhausted. The sick leave credit is calculated by multiplying the unused hours (up to the established maximum) times the employee's hourly salary at the time he or she voluntarily leaves employment, except that for employees who are not a Dispatcher, Communications Supervisor, or sworn Officer and hired after July 12, 2013, the calculation is based on the employee's average hourly wage throughout the employee's entire City employment.

Employees who need to use sick leave shall personally notify a supervisor when they become aware of the need, and always prior to the time designated for work. (Notifying a police dispatcher is not sufficient.) When sick leave can be planned in advance (e.g. elective surgery, doctor appointments, etc.), employees should give at least 24-hours' notice, more if at all possible. The supervisor will promptly complete a payroll report (sick slip) if one is not in hand, update the schedule, and arrange for a replacement employee if necessary.

It is the ultimate responsibility of the employee utilizing leave, of any form, to be certain that appropriate payroll reports have been completed and the hours of leave have been deducted from their account.

Donated Leave

Prolonged medical conditions sometimes require employees to use all of their leave. This can force them to go on leave without pay at a critical point in their lives. Donated leave allows City employees to donate leave when there is a need for additional FMLA qualifying leave. This need may arise for treatment or care of an employee's own illness or qualifying condition; or from their need to care for a family member as permitted under FMLA. It is not intended to provide for the donation of leave for common illnesses of short duration, or illnesses or injuries covered by employer paid long term disability policies, or those injuries and illnesses compensated by Worker's Compensation.

An immediate family member may donate leave to another immediate family member when there is a need for additional FMLA qualifying leave.

A non-family member may also anonymously donate leave time to the Donated Leave Bank.

Eligibility for Donated Leave

To be eligible, an employee:

1. Must be a regular full-time or part-time employee.
2. Be eligible to accrue paid time off leave.
3. To have exhausted all forms of their own paid leave, or plan on exhausting all forms of paid leave, during 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, Worker's Compensation benefits.

Donated Leave 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 following procedure shall be utilized in all cases:

1. Upon becoming aware of a qualifying FMLA leave need, a department head shall submit a paid time off donation request to the Finance Department.
2. Upon verifying the need for additional paid time off leave, the Finance Department shall issue a city wide communication by reasonable means, including by e-mail to all departments and employees advising of the leave need. Such communication shall not identify the individual with the leave need.
3. Donations of accrued sick leave, vacation leave, personal leave, or comp leave, must be in whole hours with a minimum of one hour per donation.
4. Donated hours will be converted to dollars by the Finance Department by multiplying the number of hours donated by the donor's hourly base rate of pay at the time of processing.
5. Donating employees may donate as many hours as they wish; however, the donation may not reduce the donating employee's sick leave account balance below 168 hours.
6. Once a donation has been processed, neither the donor nor the recipient may revoke the transaction.
7. Donated hours shall be available to the donee to draw upon during the qualifying leave event. Unused donation hours shall revert to a residual paid time off leave bank to be used for a future donation need. In no case shall donated hours be converted to cash as a lump sum payout.

8. The Finance Department shall cap donated hours and shall reject offers to donate additional hours if the donated hours and accumulated paid time off leave hours in the residual bank would exceed the anticipated duration of the leave need.
9. Total maximum donations for any individual leave event shall not exceed twelve (12) months. Any remaining FMLA leave shall run concurrently with the donated leave for up to the first twelve (12) weeks of the leave.
10. Use of paid time off leave may not be used to exceed a donee's normally scheduled work hours per pay period.
11. Donees are prohibited from soliciting co-workers for donations of paid time off leave. Donations are voluntary.
12. Donees may refuse to accept donated hours at their discretion.
13. The City will not inform the recipient of the names of those donating hours or number of hours donated.
14. During the use of donated paid time off leave, all benefits, other than seniority, shall not accrue. Donees may continue health and dental insurance at their expense or as per any applicable bargaining agreement.

Donation decisions shall not be made on the basis of an employee's race, religion, creed, color, sex, national origin, disability, age, marital status, public assistance status, or status as a veteran or any other protected classification.

Temporary Restricted Duty Assignment

It is the policy of the Department to return to work on temporary restricted duty, when meaningful assignments are available, employees whose ability to perform responsibilities of their regularly assigned position is limited by reason of a physician certified medical condition, (e.g., illness, injury, pregnancy). Days of work and hours of assignment will be determined by the needs of the assignment and/or the department.

In order to qualify for initial assignment and continued participation in a restricted duty assignment, employees shall:

- A. Obtain prior approval from the Chief of Police for temporary restricted light duty assignment.
- B. Promptly notify the Chief of Police of any existing medical condition, which could limit their ability to perform the responsibilities and duties of their regularly assigned position.
- C. Notify their physician of the possibility of temporary restricted duty assignment and promptly schedule an appointment to obtain written verification of limitation.
- D. Notify the Chief of Police of any changes in their medical conditions, or of any condition, which could potentially require special medical attention while on duty.
- E. Be prepared to submit to an evaluation by a physician chosen by the employer upon request.

Employees may be assigned temporary restricted duty if the above criteria are met and:

- A. A physician outlines limitations due to employee's medical condition.
- B. The restricted duty assignment is in the best interest of the Department; the assignment is to specific work, which should be done and would not be done or would be indefinitely postponed otherwise.
- C. The assignment is for a limited period of time, depending on the employee's particular circumstances, subject to extensions at the department's sole discretion.

Employees may be returned to less than full time restricted duty when the criteria outlined are met and the assignment could reasonably enable rehabilitation.

Employees will be granted vacation, sick leave, disability leave and/or wage insurance benefits in accordance with applicable labor contracts and/or City Ordinances.

Employees may be returned to full duty status upon a physician's written certification.

Consistent with the needs of the Department, the coordination of temporary restricted duty assignments will be the responsibility of the Chief of Police. Other supervisors will contact him/her to request the services of temporary restricted duty employees.

Supervisors of those officers assigned to restricted duty have the responsibility to ensure systems coordination for payroll, personnel issues and for receiving and reviewing medical reports.

Payroll records of restricted duty officers will continue to be maintained by the Office Manager.

It will be the responsibility of the officer to coordinate with their supervisor to project workdays, hours and absences.

Employees assigned to temporary restricted duty will submit a physician certified medical report regarding their medical status and progress toward full duty at least every 60 days or as required by the Chief of Police.

When more than one employee has requested restricted duty, employees receiving workers compensation benefits shall receive first priority for such duty; all others shall be at the department's discretion.

Supervisors having employees expected to be assigned to long term restricted duty may transfer, the above responsibilities to another team where the officer is expected to work for the unforeseen future.

Officers serving in a restricted duty status generally receive assignments that place them in positions that minimize direct officer-to-person contact with the public. Officers are not to wear military style uniforms, display badges, carry guns, or operate a marked vehicle without prior written authorization of the Chief of Police or his/her designee. Exceptions to this policy may be granted temporarily by their supervisor on a case-by-case basis after reviewing the physical

capabilities of the officer, nature of the assignment, and evaluation all potential safety risks of the officer, colleagues, and the public.

Officers assigned to temporary restricted duty are not allowed to work special employment until a physician's written certification is received stating the employee may return to full duty status.

Flex Scheduling

Flextime is a scheduling arrangement that permits variations in an employee's starting and departure times, but does not change the total number of hours worked in a week. Flextime may be applied to full-time and part-time positions. Flex Scheduling occurs when an employee's normal schedule pattern is altered (flexed) to accommodate some special activity or situation.

Flex Schedule – Dispatchers

A dispatcher may be assigned, on ten days or more notice, to work a different schedule without the payment of overtime. In the event a schedule change is made without provision of ten (10) days' notice, the affected employee shall be paid at the overtime rate for the affected hours. (Also see Dispatch Scheduling.)

Flex Schedule – Police Officers

A police officer may be assigned, on ten days or more notice, to work a different schedule without the payment of overtime. In the event a schedule change is made without provision of ten (10) days' notice, or there is more than one change (back and forth) in a duty rotation, the affected employee shall be paid at the overtime rate for the affected hours. The junior scheduled on-duty officer working will be given the reassignment unless the purpose of the reassignment is to fill a shift vacancy caused by a probationary assignment, a disciplinary assignment, an illness or vacation absence, or other absence, in which case the junior scheduled on-duty officer working need not necessarily be the officer reassigned.

Flex Schedule – Other Non-Exempt Employees

With supervisory approval, a non-exempt unrepresented employee may request or be assigned a different workday, or shift starting or ending time without the payment of overtime, unless and until the hours worked for the week exceed 40.

Sergeant duty shifts may be flexed to cover sergeant vacancies on adjoining shifts. To maintain continuity of command the designated shift ASC, or Assistant Shift Commander, will be the individual whose schedule is to be flexed.

Flex Time - Exempt Employees

When an administrative position employee (including city administrator, department heads and assistant or deputy department heads) works more than an 8-hour day, he or she may flex his/her hours for the remainder of that work week so that the final work week total equals 40 hours. If the additional work occurs on a Thursday, Friday or weekend, it may be carried into the following work week as flex time. The total work week hours must equal 40 through a combination of available time off (sick, holiday, vacation, bereavement) and flex time.

In no instance will such flex time be banked as compensatory time beyond the aforementioned parameters since there is no provision for it in the Personnel Ordinance.

Trading Time & Mutual Trades

Trading time is the exchange of accrued leave time between employees. A **mutual trade** is one employee substituting for another in exchange for a future payback substitution or accrued leave time. Sworn employees may substitute for one another (mutual trade) and participate in the City Donated Leave Program, but may not otherwise transfer, exchange, or trade accrued leave. That said, mutual trades and accrued leave time trading between similarly classified employees is permitted under the following conditions:

1. Prior approval of a supervisor is required;
2. Significant disparities in rank/skills and department needs will be considered by a supervisor prior to approval;
3. Any changes in scheduled shift personnel, even short term changes, must be marked on the schedule so that it can easily be determined who is supposed to be working;
4. The time or substitution period shall not exceed eight (8) hours;
5. The transfer, exchange, trade, or donation of accrued leave shall be documented on a Payroll Report.
6. Payback substitutions must be completed within thirty days, unless an extension is approved by the Division Commander for exceptional circumstances;
7. Accrued sick leave may not be transferred or exchanged, and accrued vacation leave may not be traded for accrued compensatory time;
8. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift. The hours worked by a substituting employee shall be excluded from the calculation of the hours for which the substituting employee would otherwise be entitled to overtime compensation;
9. The substituting employee should not include the substituted hours in the employees Hours Worked Report;
10. The department will not keep payroll records relating to substitutions; and
11. Any disputes are left to the parties to resolve.

Administrative Leave

Administrative leave is a temporary leave from a job assignment, with pay and benefits intact. The employer may place an employee on administrative leave to allow for time to investigate and determine an appropriate course of action following a significant event or allegation. Administrative leave is not a disciplinary action and does not in itself imply that an employee will be disciplined or that an allegation is credible. Police officers are routinely placed on administrative leave after a critical incident while the standard required investigation is conducted, without implying fault on the part of the officer. Administrative leave is not a category of leave, like sick leave or annual leave, but describes a person's work status.

Disciplinary Suspension

A disciplinary suspension removes an employee from duty and pay status for disciplinary reasons. Suspensions will be given to the employee in writing and become part of the employee's personnel file. Suspension of police officers must be reported to the Police

Commission. Police officers may appeal suspensions to the Police Commission pursuant to [62.13\(5\)](#); Dispatchers and other employees may appeal suspensions through the City grievance procedure (and ordinance 27.23). (The Dispatcher Handbook grievance procedure mirrors the City procedure.)

Military Leave

The City allows military leave for all employees who temporarily leave employment with the City to join and/or serve in the military forces of the United States. Further, the City's military leave complies with all requirements of State and Federal law including the Family and Medical Leave Act (FMLA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

All employees requesting military leave must notify the Chief of Police prior to the leave unless precluded by military necessity. The notice must be in writing and, where appropriate, include a copy of the employee's military orders and/or training schedule.

The City shall provide limited differential pay to certain employees ordered to service in the U.S. Armed Forces or National Guard. Non-probationary officials and employees of the City, and employees certified to permanent positions that have served at least 3 months on their probationary period are eligible for such pay. 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 shall be paid for no more than two weeks of service time per calendar year (10 work days).

All military leave from the City is subject to USERRA. The following is a brief explanation of employees' rights under USERRA. Employees should consult the City's Human Resources Officer for answers to more specific questions about military leave and USERRA.

1. **Reemployment.** Employees have certain reemployment rights under USERRA once their military leave ends. Employee rights to reemployment are generally determined by the length of the employee's military leave.
2. **Compensatory Time.** Compensatory time is not specifically covered under USERRA. The City reserves the right to pay out an employee's accrued compensatory time prior to leaving for military duty. Requests for payout of accrued compensatory time may be made prior to leaving.
3. **Step Increases and Cost-of-Living Increases.** Per USERRA, returning veterans are entitled to any rights and benefits that are accrued with length of employment. The City will "credit" employees with time in a pay grade as though they were actively employed, and will increase the pay rate by any pay increases granted while the employee was on leave.

4. Length of Service. Employees continue to accumulate credit for length of service during military leave as if they were an active employee.

Jury Duty

The City believes its employees serving as jurors should be ‘made whole’ while serving on a jury. Therefore, employees will receive their regular rate of pay for the time served as a juror; however, this requires employees to relinquish the "per diem" portion of the Court paid portion of their jury duty compensation to the City. Additional time off or compensation is not given when jury duty occurs on a day scheduled off from work. Part-time employees are not eligible for paid time off for jury duty but will be allowed to modify their work schedule to accommodate such duty when reasonably possible. For the purpose of determining other fringe benefits such as sick leave and vacation time; the status of the employee shall be considered as though not interrupted by such jury duty. The Personnel Officer should be notified of jury duty.

Subpoenaed Witnesses

If any employee is subpoenaed to testify in a matter directly related to City employment, the employee shall be given reasonable time to do so without loss of pay. This time is considered as working time and included in your total hours worked for the week. If the employee is subpoenaed to testify in a matter not directly related to City employment, the employee may use vacation, accumulated compensatory time, or leave without pay to cover the absence.

Bereavement Leave

The City recognizes the need for employees to have time to make arrangements, handle family matters and attend funerals when a close member of their family dies. Bereavement Leave is intended to address the legitimate time needs of employees at these difficult times. Factors to be considered include the relationship of the employee to the deceased, the location, date and time of the funeral, and other facts specific to the deceased and the funeral and/or family arrangements. It is not reasonable for employees to consider Bereavement Leave as an entitlement to paid time off when a qualifying relative dies. Employees not involved or attending the funeral may not qualify for Bereavement Leave.

Where there is a death in the **immediate family** of an employee (father, mother, wife, husband, domestic partner, son, daughter, brother or sister), the employee will 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 (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) the employee will be granted up to three (3) days off without loss of pay and without charge to accrued sick leave or vacation of the employee. In such circumstances, additional time off may be granted at the discretion of the Personnel Officer, 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 Personnel Officer.

The City realizes that “immediate family” and “extended family” may not recognize people within a family who are cared about deeply. In these instances, other forms of paid or unpaid leave may be

available for use by employees. Employees should contact their supervisor to discuss any such requests.

Employees who need to use bereavement leave should notify a supervisor when they become aware of the need, and always prior to the time designated for work.

Family Medical Leave

The City grants eligible employees leaves in accordance with the Wisconsin Family and Medical Leave Act (WFMLA) and the Federal Family and Medical Leave Act (FMLA). The City encourages employees who find themselves in situations where they are contemplating use of Family Medical Leave to meet with the Office Manager or Human Resources Officer to assure a full understanding of how their particular situation may be handled under this policy. All such conversations and inquiries will be treated as confidential. Please see the detailed Family Medical Leave policy.

Unpaid Leave/Leave of Absence

The City will comply with all requirements of the State and Federal Family and Medical Leave Act that apply to municipalities. In addition, department heads may grant leaves of absence without pay for personal reasons, as the Mayor grants such leave to the department heads and the City Administrator. Such leaves of absence will be limited to three (3) calendar days per year. Requests for leaves of absence without pay for three or less calendar days shall be made by written application and submitted at least two (2) working days prior to the anticipated leave.

For requests for a longer leave of absence without pay, the employee shall request authorization from the Personnel Committee (except that Dispatchers and Officers incurring disabilities not duty-connected shall be entitled to a leave of absence without pay for a period not to exceed six (6) months upon written application, including a physician's report, submitted to the Chief). Requests submitted to the Personnel Committee shall be made by written application upon recommendation of the Personnel Officer and department head, or upon recommendation by the Mayor, whichever is appropriate.

Unpaid maternity leaves up to ninety (90) days shall be granted to eligible employees on permanent status who submit a written notice to the Chief at least thirty (30) days prior to the anticipated departure date. The Common Council can approve up to an additional three months, but in no case can the total period of leave exceed six months. Employees may use earned leave and need not exhaust all leave (prior to starting unpaid maternity leave) provided the original written notice reserves such leave time.

In order to maintain and continue health insurance coverage, employees on a leave without pay for more than 30 days will be required to pay the entire premium each month while they are on a leave without pay, except employees taking an approved unpaid medical leave of absence beyond approved FMLA leave, the City will continue to provide, and pay the City portion of the employee's health insurance for up to three (3) months. If the approved unpaid medical leave

goes beyond three (3) months, health insurance will continue to be offered as required in the Health Care Reform Act.

Employees who take leave without pay for more than three days per calendar year will not accrue vacation, sick leave, or other types of leave during their period of unpaid leave.

SCHEDULING

Classification	Workday Length	Average Workweek	Duty Cycle Length	Week Cycle Repeats	Schedule Pattern
Civilian	8	40	7 Days	1 Week	5-2, Locked, Fixed Days Off
Com Center	8.25	38.5	9 Days	9 Weeks	6-3, Unlocked, Rotating Days Off
ISB Officer	8	37.33	21 Days	3 Weeks	5-2, 5-2, 4-3, Locked, Fixed Days Off
ISB Sergeant	8.25	38.5	21 Days	3 Weeks	5-2, 5-2, 4-3, Locked, Fixed Days Off
Academy Officer	8	40	7 Days	1 Week	5-2, Locked, Fixed Days Off
Patrol Officer	8	37.33	9 Days	9 Weeks	6-3, Unlocked, Rotating Days Off
Patrol Sergeant	8.25	38.5	9 Days	9 Weeks	6-3, Unlocked, Rotating Days Off
Exempt	8	40	7 Days	1 Week	5-2, Locked, Fixed Days Off
The average work week = (work hour per shift X on-duty shifts per duty cycle X 7) / duty cycle length in days.					

An annual planning schedule is available in electronic format through Workcloud, and may be viewed on the Schedule Monitor in the Patrol Write-Up Room or through the Communications Center portal to the Write-Up Room. The schedule displays employee work days, hours, assignment, off days, leave, and scheduled overtime. The schedule is considered official and posted ten days in advance. All prospective schedule changes shall be posted on the schedule, including mutual trades. Short notice shift vacancies related overtime, call-ins and hold overs shall be posted to the schedule retrospectively. Overtime not related to a shift vacancy (reports, late calls) are not posted to the schedule retroactively and are documented on payroll and hours worked reports.

Supervisors should make schedule changes, post available shifts, award leave, and assign overtime promptly and without delay after determinations are made or posting periods expire. Supervisors should attempt to notify employees of schedule changes made with less than ten

days' notice or when posted overtime is awarded. Nonetheless, employees are responsible for checking their work schedules regularly and reporting for work as scheduled.

Dispatch Scheduling

Minimum staffing for the Communications Center shall typically be one dispatcher to every six officers. Exceptions to this staffing level can occur and the ratio can be exceeded for unscheduled events or activities which could not be planned for, for patrol officers assigned to duties which traditionally have not created extra work for the Communication Center, and for other situations which are deemed appropriate and approved by the Communication Supervisor. Supervisors may augment staffing for anticipated or unanticipated significant events or activity. Cover or overlay shifts (EC, LC) will be utilized when feasible for periods of regular peak activity, currently identified as Monday through Friday 11AM to 7PM, and Friday and Saturday 10 PM to 2AM.

Shifts vacancies may be filled by the following methods:

1. If there is a vacant cover shift, it need not be backfilled, absent special circumstances as determined by a supervisor.
2. For a vacant primary shift:
 - a. Part-time Dispatcher.
 - b. Move cover shift dispatcher(s) 4 hours to cover or partially cover the shift vacancy (no OT if ten or more days' notice).
 - c. Post the shift for sign-up, but only if time permits. The awarding of available shifts will be based upon department needs (including a preference for straight-time compensation, and dispatcher fatigue considerations), current shift assignment, and seniority.
 - d. Schedule B4 and/or A4 12.25-hour shift(s) to dispatchers already scheduled for adjoining shifts (OT).
 - e. Move a dispatcher's entire 8.25 hour shift, possibly in combination with moving a cover shift dispatcher 4 hours (no OT if ten or more days' notice).
 - f. Order an off day dispatcher to fill the shift vacancy.
 - g. Authorize a shift greater than 12.25 hours.
 - h. As a last resort, in an unavoidable situation, temporarily utilize a qualified relief dispatcher.

Dispatchers will be scheduled with at least 12 hours off between shifts, unless mutually waived. Regular Dispatchers (full-time, half-time) are required to respond to overtime orders. The Supervisor's final decision is not open to debate. Supervisors will consider alternatives to:

1. The flexing of dispatchers more than four hours, more than once (back and forth) in a single duty rotation.
2. The flexing of dispatchers four hours or less, more than twice (back and forth) in a single duty rotation.
3. Assigning dispatchers to work more than two 12-hour shifts in a single duty rotation.

INSURANCE

Health/Dental/Vision/Life/Disability/WC

The City provides health, dental, vision, life, disability, and worker's compensation insurance. Probationary employees are entitled to insurance benefits after one (1) full calendar month of employment. Employees may be required to contribute part or all of the cost for some coverages through payroll deduction. For details please see "Insurance Summary" and specific plan documents at Paychex eServices/Company Documents/Benefits, or contact the City Human Resources Officer or the department's Office Manager. For information relating to your personal compensation and benefits please log in to Paychex Eservices to see your "Benefits Coverage," "Compensation Summary", "Tax Status," and "Check History," or contact the City Human Resources Officer or the department's Office Manager.

Permanent full-time employees and permanent part-time employees who work at least 30 hours per week are eligible for insurance benefits. Permanent part-time employees working 20 through 29 hours per week may receive health and dental insurance benefits by paying 50% of the amount the Employer would otherwise contribute and the balance by payroll deduction. Employees who are not eligible for the City of Middleton health insurance plan will have the option to purchase health insurance through the Health Insurance Marketplace under the auspices of the Affordable Care Act. The City encourages applicable employees to consider this option to take advantage of any premium tax credits for which they may be eligible.

Employees covered under the City's group health insurance plan are eligible for continuation of medical coverage under the group plan upon the employee's termination (except for gross misconduct) or when there is a reduction in hours to a level that does not qualify the employee for benefits under the City's insurance plan. Continued participation will be solely at the participant's expense. Details are available from the City Human Resources Officer.

Liability Insurance and Indemnification

All sworn department personnel are protected by the City's liability insurance and are indemnified when acting for and under the authority of the department. All other employees acting for and under authority of the City are insured through the City. (The City is insured through the Cities & Villages Mutual Insurance Company (CVMIC) up to \$5,000,000 per occurrence).

VEBA Trust Account

The Voluntary Employee Beneficiary Association (VEBA) is a trust fund permitted under federal tax law whose purpose is to provide employee benefits. It is typically used by employees to help pay for medical expenses and insurance during retirement. The employee's VEBA is administered by Security Financial Resources Incorporated.

Upon separation, the converted value of accumulated unused sick leave hours may be placed monthly into an employee's VEBA trust account.

Flexible Spending Account

A flexible spending account (FSA), also known as a flexible spending arrangement, is a tax-advantaged financial accounts that allows an employee to set aside a portion of earnings to pay for qualified expenses (prescriptions, co-pays, deductibles, out of pocket health expenses,

dependent care, daycare). Money deducted from an employee's pay into an FSA is not subject to payroll taxes, resulting in substantial payroll tax savings. Medical Reimbursements have a \$2,500 per year maximum. Dependent Day Care has a \$5,000 per year maximum. One disadvantage to using an FSA is that funds not used by the end of the plan year are lost to the employee, known as the "use it or lose it" rule.

AFLAC provides participating employees with a debit card preloaded with their election amount. It can be used to pay expenses up front, without submitting receipts for reimbursement.

Employees must enroll each year during the open enrollment period to participate. Contact the Human Resources Officers for details or questions.

Worker's Compensation

City employees are covered under the state mandated program referred to as Workers Compensation. This program provides medical and indemnity benefits for individuals who in the performance of duties related to their work, become temporarily disabled, permanently disabled or die as a result of a job-related injury or disease.

Definitions

Injury means mental or physical harm to an employee caused by accident or disease, and includes mental harm or emotional stress or strain, without physical trauma, if it arises from exposure to conditions or circumstances beyond those common to occupational or non-occupational life.

Work Related Injury: Where at the time of the injury, the employee is performing service growing out of and incidental to his/her employment.

Notice of Injury

Work related injuries will be promptly reported to the employee's on duty supervisor, who will ensure that the preparation, investigation and filing of appropriate reports are completed. Any injury which may/does require treatment must be reported on the Employee Report of Injury form. It is suggested that any on the job injury be documented on the appropriate form in case problems develop at a later time that could be related to a specific injury. The Employee Report of Injury form will be completed by the injured employee and submitted to the employee's supervisor, unless the employee is physically unable to do so. (The data pertaining to wages, etc. in the Wage Information section of the report will be completed by the Office Manager.) In the event the employee is unable to complete the report, the employee's supervisor will complete the report. A report or memorandum must be submitted by the employee detailing the injury and how it occurred. The Supervisor notified of the injury will complete a report or memorandum indicating how and when notified, if the injured employee will be taking time off or is anticipating taking time off, and when the employee is likely to return to work if known. If medical attention is sought at the time of the injury, or at a time/date later than the injury, the employee should notify the health care provider that this is a duty related injury and ensure the employee receives a copy of the Physicians Status Report that is completed by the treating physician. Documents relating to employee injuries should be forwarded to the Office Manager for review, submission, and filing. It is the City's responsibility to notify to the worker's compensation insurance carrier of a reported employee injury.

Returning to Work

Written authorization allowing the employee to return to work must be submitted by the attending physician if the employee is unable to complete his/her tour of duty or the employee missed work time subsequent to the initial injury. The authorization must state no restrictions apply, or if any restrictions are placed upon the employee, what those restrictions are and an anticipated date the restrictions may be lifted.

Waiting Period (waived)

Worker's Compensation rules are that the first three (3) days of lost time after a work related injury are not compensable through worker's compensation, but sick leave may be used. Compensation is payable beginning on the 4th day of lost time. If the lost time extends beyond 7 calendar days, the 1st three (3) days of lost time will be picked up and paid retroactively. Nonetheless, the department chooses to waive the three day waiting period.

Required Medical Examinations

When required by the department, physical, medical, drug/alcohol, and or psychological examinations are provided at no cost to the employee.

Physical Fitness

All employees are encouraged to maintain a high level of physical fitness and undergo an annual physical exam through their healthcare provider. It is hoped that by maintaining a high level of physical fitness will reduce the incidents of injury on the job and improve the health and quality of life of each member of the department. Police officers may participate in a voluntary fitness incentive program. An exercise room is available at the department and all employees are encouraged to utilize the exercise equipment to their benefit and participate in City and insurance sponsored wellness programs. Employees shall not use the exercise room during work hours.

Current employees shall possess a level of general health and physical fitness that allows them to adequately perform essential job functions for their specific job assignments, with or without reasonable accommodation. Employees who can perform the tasks of their assignment, with or without reasonable accommodation, will not be penalized.

If the apparent general health and physical fitness level of an employee displays an inability of the employee to perform his or her assigned duties, the Chief may require the employee to undergo a medical examination. The Chief of Police shall rely on the medical advice of the department's physician to establish the criteria used to determine an acceptable level of general health and physical fitness level. If the department's physician determines that the employee is fit for duty, the department will accept the determination and deem the employee fit for duty. If the Department's physician points out areas of deficiency (e.g., high blood pressure, obesity, stress symptoms, etc.), the employee will be made aware of these deficiencies and shall be strongly encouraged to correct them through a general health and physical fitness program.

Essential job functions for Police Officers are identified in the Police Officer Job Description and a fitness test directly related to these essential job functions has been established. Police Officer applicants, prior to attending a Wisconsin DOJ Certified Police Academy, must pass a fitness test

as outlined by DOJ. Special Event Team members, Motorcycle Officers, Canine Handlers, Officers joining the Training Team after May 1, 2013, and volunteer participants in the department's fitness incentive program must pass all elements of the Middleton Police Department fitness test twice annually. The Middleton Police Department physical fitness test consists of the following:

- Vertical Jump – 15.5 Inches
- One Minute Sit Ups – 25 Sit Ups
- 300 Meter Run (68 seconds or less)
- Upper Body Strength Test (25 push-ups or 68% of body weight one time using free weights)
- Timed 1.5 mile distance test (within 15:54)

RETIREMENT

The City contributes to the Wisconsin Retirement System (WRS) for all eligible employees at the level determined annually by the Department of Employee Trust Funds and in accordance with state law. Employees contribute the remainder. Any employee initially hired after July 1, 2011 must work 1,200 hours in a year to be eligible for WRS benefits.

Notification of Intent to Retire

The City expects employees to give reasonable notice, in writing, of their intent to retire. For most employees, sixty (60) days' notice is considered reasonable. More notice is expected for Department Heads. Where circumstances warrant; however, less notice may be acceptable in individual cases. Employees should also be aware that providing less notice to the City or the Wisconsin Retirement System may create a gap between the end of the retiree's employment and when they start to receive retirement benefits. It is important for employees to give reasonable notice to avoid this from happening.

Eligibility for Health Plan

Employees are eligible to remain on the health plan with their current coverage if they retire from the City and immediately qualify for a Wisconsin Retirement System annuity. Retired employees must pay the full cost of their coverage and comply with the provisions of the insurance contract. A retiring employee may keep the same coverage they had immediately before retirement or may switch coverage from family coverage to single coverage. However, coverage cannot be added (from single coverage to family coverage) at retirement.

Retired or disable employees shall receive the equivalent value of their accumulated sick leave credits placed in an escrow account to pay for health and life insurance premiums until such time as the employee's funds are exhausted. If an employee is eligible to receive the aforementioned insurance through other means, the City will contribute the equivalent monthly premium into the employee's VEBA Trust Fund Account at the employee's request until such time as the employee's funds are exhausted.

OTHER BENEFITS

Severance Pay

When an employee retires or terminates service with the City, the employee shall receive pay on termination date for all accumulated unused vacation. Upon the death of an employee, the above benefit shall be paid to the estate or the designee.

Sergeant/Com Supervisor Benefits

Police Sergeants and Communications Supervisors are bona fide supervisors, non-exempt, non-represented, and, like police officers and dispatchers, their public safety positions typically require continuity of service. As such they are eligible for overtime and their hours of work, working conditions, and benefits are generally the same as police officers and dispatchers respectively (as found in the collective bargaining agreement or Dispatch Handbook). There are, however, exceptions. The exceptions include the following:

Salary and benefit rates for non-represented employees are set by ordinance. Typically the benefit rates Sergeants and Communications Supervisors receive is the ordinance rate or the officer's or dispatcher's respective collective bargaining agreement or handbook rate, whichever is more favorable.

In the event that a Sergeant is flexed more than three times in a calendar month, the Sergeant will be paid an additional one-half (1/2) his/her straight time hourly rate for the affected hours. In the event that a Sergeant is expected to miss more than 30 days of work, another Sergeant or Sergeants may be flexed to cover the vacancy without the above provision occurring.

Employee Assistance Program

The Police Department has contracted with Family Service of Dane County to provide an Employee Assistance Program (EAP). There is no paperwork, no cost to you, and it covers you and your family. The plan calls for unlimited telephone consulting and up to five diagnostic/assessment interview(s) to determine the problem, its nature, severity and appropriate treatment plan. Each employee and each family member is entitled up to five assessment/counseling sessions. (Your health insurance provider is likely to provide services too if needed.) The EAP could be used for any number of little or big issues including relationships, anxiety/stress, child/parent problems, divorce, single parenting, grief, depression, substance abuse, domestic violence, elder care issues, relationships at work, locating community resources, etc.

Any contact initiated by you or a family member is completely confidential. The department does not get back any identifying information, but will get a statistical report periodically indicating the number of employees using the EAP. There are two exceptions to confidentiality. Confidentiality may be waived by the person receiving the service and the Family Service may contact someone, not necessarily the employer, if suicide is threatened.

If an employee is formally referred to the EAP because of some work related issue, the EAP contact remains completely confidential, unless confidentiality is waived. Even if confidentiality is waived, the employer will not be provided with personal details, but may receive verification of contact, recommendations, and plans.

To use EAP services, just call and tell them you are a Middleton Police employee or family member and want to use the EAP.

(608) 316-1171 or toll free (866) 968-7327
Family Service EAP
128 East Olin Ave
Madison, WI
General Clinic 252-1325

Greg Chism is the EAP Coordinator gregc@fsmad.org

SECONDARY EMPLOYMENT & EXTRA DUTY

This policy shall provide regulations and guidelines for department employees who engage in secondary employment and/or extra-duty assignments. It does not cover mutual aid requests or regular overtime.

Secondary Employment

For the purposes of this section, secondary employment is any employment for an outside employer, including self-employment, or sworn part-time or sworn limited term employment for another law enforcement agency. Employees engaged in secondary employment are not covered by the City's Worker's Compensation Insurance and are not paid by the City. The authority and responsibility for any police action taken while engaged in secondary employment shall derive from the secondary employer, if a law enforcement agency. If the secondary employer is not a law enforcement agency, any police action shall be consistent with department policy relating to jurisdiction and off-duty police actions. Some Rules of Conduct and the Code of Ethics apply to off-duty work.

In accordance with city ordinance 27.16, permanent full-time employee wishing to engage in secondary employment must submit an outside employment form to obtain permission from the Chief of Police prior to engaging in such employment. This provision may be waived in cases where standing permission has been granted, but only when designated as such by the Chief of Police. Permanent part-time employees should inform the Chief of Police of secondary employment.

Authorization for secondary employment shall be granted under the condition that such employment does not presents an actual or potential conflict of interest, constitutes a threat to the status or dignity of police employees, and is not excessive and would not interfere with the employee's ability to report for duty with the department in a fit, rested, and alert condition. Employees shall ensure that all secondary employment does not violate the spirit or provisions of work hours, as stated in department policy and union agreements. Where there may be a question of a conflict of interest, the Chief may bring the matter to the Personnel Committee for a determination.

Extra-Duty

Extra-duty officers are occasionally requested by a third party, typically for a special event. Extra-duty is work or an assignment requested by a third party conditioned on the actual or

potential use of City of Middleton law enforcement powers by the employee, or the possibility that such powers may be used. The City may charge the third party the cost of extra-duty officers. Employees engaging in extra-duty are considered on-duty, covered by Worker's Compensation Insurance and are paid by the City. Extra-duty officers shall adhere to all policies, rules, and regulations of the department during the course of such assignment. Employees engaged in extra-duty shall have all of the authority and responsibilities ordinarily granted by the department to on-duty officers. In no case shall an employee's obligations or responsibilities to an extra-duty third party requestor supersede or contradict those responsibilities to the department. The employee shall immediately notify the Chief of Police of any such conflicts, or potential conflicts.

All requests for extra-duty officers shall be forwarded to the Operations Captain. The Operations Captain shall review each request to determine the type of work involved; total hours; approximate number of officers needed; and likely impact on department operations and/or the public. If it is determined that the department may have a significant interest in the extra-duty employment, the department will retain operational control of the assignment(s). In that event, the department will be responsible for coordinating all aspects of the extra-duty, including scheduling. The Operations Captain shall post the availability of all extra-duty assignments. Any assignments not filled by volunteers may be filled by on-duty personnel, at the discretion of the Chief of Police.

The Chief of Police shall retain the right to review and revoke any authorization for secondary employment or extra-duty work.

GREIVANCE PROCEDURES

A positive relationship between employees and supervisors is based on mutual trust, respect and open communication. If you have a problem concerning your employment, you should first discuss the issue or concern with your immediate supervisor. In most cases, these discussions can clear up any misunderstanding or disagreement. If you are not successful in resolving your concerns, the grievance policy provides an effective way for you to address specific work-related problems fairly and without fear of reprisal.

Grievances by employees covered by a collective bargaining agreement (CBA) shall be conducted as outlined in the appropriate bargaining unit contract. Grievances by other employees shall be conducted as outlined in the City Chapter 27 Personnel Ordinance, as mandated by Section [66.0509\(1m\)\(a\)](#) of the Wisconsin Statutes. The Chief of Police shall be the coordinator of all police department grievance procedures as well as the custodian of all grievance records.

Permissible Subjects for a Grievance

Unrepresented Employees

Employees may use the Personnel Ordinance grievance procedure to address concerns regarding discipline decisions, employee terminations, or issues of workplace safety. Layoffs, furloughs, non-disciplinary transfers or demotions, termination of probationary employees, performance evaluations, corrective counseling, warnings, oral and written reprimands, administrative suspensions, non-disciplinary wage, benefit or salary adjustments, actions or inactions with

respect to any other employee, and the manner in which work is to be performed (except workplace safety) are not subject to the grievance review procedure.

This grievance review procedure is not available to employees subject to collective bargaining agreements, statutory or political appointees, elected officials, limited term employees, seasonal employees or independent contractors.

Represented Police Officers

Police Officers may use their CBA grievance procedure to address a matter involving the interpretation of the Collective Bargaining Agreement, or any matter involving a violation of the CBA in which an employee maintains that any of his/her rights or privileges have been impaired in violation of the CBA.

Please see the Grievance Procedure Grid on the next page.

Grievance Procedures		
Step	Personnel Ordinance	MPPA/WPPA
1.	Take up orally with supervisor within five days. Supervisor written response within ten days.	Take up orally with supervisor within ten days of the employee's knowledge of the event, but not more than fourteen days after the event. The supervisor shall answer with ten days.
2.	Written grievance presented to Department Head within ten day after receipt of supervisor's answer. Department Head written response within ten days	Within five days after the supervisor's answer is due, the written grievance is presented to the Chief. The Chief shall respond in writing within five days.
3.	Written grievance presented to Personnel Officer within ten day after receipt of Department Head's answer. The Personnel Officer written response within ten days.	Within five days of the Chief's response or last date due, the grievance is presented in writing to the Personnel Committee. The Personnel Committee shall respond in writing within fourteen days.
4.	Written request to the Personnel Officer for the appointment of an impartial hearing officer to be appointed by the City Council. Within five days of the request, a hearing officer shall be contacted and a hearing arranged, to take place within thirty days. Within twenty days of any hearing, the hearing officer shall prepare a written decision.	Within ten days after the Personnel Committee's response, either party may make a written request for arbitration before the Wisconsin Employment Relations Commission. The award of the arbitrator shall be final and binding.
5.	Within ten days of the hearing officer's decision, either party may file a written request for an appeal to the City Council. The City Council shall schedule a meeting as soon as practical, and by simple majority may sustain, deny, or modify the decision of the hearing officer. The City Council's decision is final and is not subject to further review.	

Grievance Format

At the stage when a written grievance is required, the grievance should contain the following:

- a. The name and position of the grievant;
- b. The date the incident or alleged violation took place;
- c. A clear and concise statement of the grievance;
- d. Facts on which it is based;
- e. Section violated, misinterpreted, or misapplied, and other references;
- f. The outcome of attempts to correct the situation, if any;
- g. The remedy or correction sought; and
- h. The signature of the grievant and the date.

A grievance form may be used for this purpose.

Timelines

Failure to process a grievance by the grievant within the time limit set forth, or agreed upon extensions, shall constitute a waiver and the grievance will be considered resolved on the basis of the City's last answer. Failure of a City representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. The time limits set are intended to be strictly observed and will only be extended upon the express written consent of the parties to encourage that grievances are addressed in a prompt manner. The City will only grant such extensions for good cause.

OTHER CONDITIONS OF WORK

Residence Requirement

It is the policy of the City of Middleton to encourage all employees to be residents of the City.

Probationary Period

All new City employees serve at least a six month probationary period, except Dispatchers, department heads and the City Administrator who serve one year probation, and police officers who serve an 18 month probationary period which begins on the first day of Field Training. An employee below the level of department head might be hired with a probationary period longer than six (6) months if it is determined by the Personnel Officer that the longer period is necessary, but in no case longer than one (1) year. The Chief may request a probationary period be extended up to an additional six (6) months, when circumstances justify such an extension. Supervisors will evaluate probationary employee's work performance, in writing, using the standards established for the position. In the event an employee is dismissed, during his or her probationary period, there shall be no right to appeal the dismissal.

Layoff

In the event that a department head has to lay off employee(s), the employee(s) with the least seniority in that classification will be laid off first. Any employee affected by such layoff shall be given notice not less than fifteen (15) calendar days prior to the effective date. Recall from the layoff shall be by seniority. Recall rights shall extend for a period of eighteen (18) months. At

the end of that period an employee forfeits all rights to recall. Recall rights may be exercised 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.

Evaluations

At least once a year employees will receive from their supervisor, and be provided a copy, a written evaluation on a standardized form of their job performance, based standards established for the position. Any employee disagreeing with a supervisor's written evaluation may file a written statement for inclusion in the employee's personnel file

Access to Personnel Files

Every employee shall have access to his or her own personnel file at a mutually convenient time during regular working hours, within seven days of an employee's written request for inspection submitted to the Chief or Personnel Officer.

Equal Opportunity

The City of Middleton is an equal opportunity employer. In accordance with state law we encourage and foster the employment of all persons regardless of their age, race, creed, color, sex, national origin, or ancestry. The City will also make every reasonable accommodation for individuals with disabilities.