



PERSONNEL CODE

Adopted as Ordinance 2012-1380

PERSONNEL CODE INDEX

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**CITY OF MEQUON
OZAUKEE COUNTY, WISCONSIN**

CHAPTER 24 – PERSONNEL CODE, MEQUON CODE OF ORDINANCES

ARTICLE I - PURPOSE AND APPLICATION

Section 24.01

This manual is an informational guide regarding employment practices for all non-represented regular full/part time, represented general, seasonal and temporary City employees, who are not represented by a labor organization and collective bargaining agreement; but excluding all Library personnel. The City of Mequon reserves the right to amend, delete, supplement or rescind any of the provisions of this manual or any other written or unwritten plans, policies or procedures at any time with or without advance notice. The City further reserves the right to deviate from policies or procedures where appropriate, to interpret policies and to suspend the application of a general policy when, in the City's sole discretion, such action is appropriate.

The provisions of this code are not conditions of employment nor are they intended to create an express or implied contract of employment for any employee covered by this code. Unless otherwise specified in writing or required by law, your employment with the City is at will and may be terminated by you or the City at any time with or without reason.

No Provision of this code is intended to nor shall be construed to conflict with Wisconsin Statutes or Federal Law including but not limited to Sections 17.12, 62.09 and 62.13, Wis. Stats.

ARTICLE II - DEFINITIONS

Section 24.02

- (1) "City" means the municipality of the City of Mequon, Ozaukee County, Wisconsin.
- (2) "Confidential Employee" means an employee who has access to confidential information relating to labor relations, including information dealing with the employer's strategy or position in bargaining, grievance processing, litigation or other similar matters that is not available to the bargaining representative.
- (3) "Continuous Service" means uninterrupted employment as a full-time employee with the City since date of hire or last date of rehire and does not accrue during any unpaid leave which exceeds thirty (30) calendar days. Authorized leaves of absence granted under the terms of this Personnel Code shall not be deemed an interruption of service.

- (4) "Department" means an established and recognized City Division, staffed by employees which is organized and structured to accomplish a particular type of assigned municipal service.
- (5) "Department Head" means an employee who is responsible for the operation of a City department and includes: City Administrator, Chief of Police, Fire Chief, City Assessor, Director of Community Development, Director of Public Works/City Engineer, Director of Parks and Operations, Director of Finance/Treasurer, Assistant City Administrator and Deputy City Clerk.
- (6) "Employee" means an individual, who is engaged to provide personal services to the City for wages or salary, and the City has the right to control the details of and type of work assigned.
- (7) "Exempt Employee" means an employee whose position is classified as an administrative, supervisory, executive, professional or computer professional position, who is paid on a salary basis and is exempt from state and federal overtime requirements.
- (8) "Full-Time Employee" means an employee who is normally scheduled to work an average of forty (40) hours per week for the City.
- (9) "Part-Time Employee" means an employee who is normally scheduled to work less than forty (40) hours per week for the City but does not include volunteer fire fighters or ambulance and rescue squad personnel.
- (10) "Regular, Full-Time Employee" and "regular, part-time employee" means an employee who is scheduled to work throughout the year and who occupies a regular position established by the Common Council.
- (11) "Represented General Employee" means a nonprotective service, nonexempt employee who is represented by a labor association for the purposes of negotiating any increase to base wages.
- (12) "Temporary or Seasonal Employee" means an employee, either full-time or part-time, who is hired only for a limited period of time and includes all employees hired under State and/or Federal grant programs, regardless of the length of such employee's period of employment.

ARTICLE III - EMPLOYEE COMMITMENT

Section 24.03

All employees of the City agree:

- (1) To cooperate in giving efficient public service and to assist in maintaining efficient public administration.
- (2) To abide by the rules, regulations, policies, resolutions and ordinances established by the City or the City Administrator. Department Heads may adopt such other departmental rules and procedures as may be required for the efficient and effective delivery of public services within their departments provided they are not in conflict with this Personnel Code.

ARTICLE IV - CITY MANAGEMENT RIGHTS

Section 24.04

- (1) Except to the extent abridged by a specific provision of this Code, the City reserves and retains solely and exclusively all of its common law, statutory and inherent rights to manage its own affairs, as such rights existed prior to the passage of this or any other previous Personnel Code or salary ordinances. Such rights include, but are not limited to the following:
 - (a) To determine the general business practice and policies of the City, including the purchase and utilization of equipment, and to utilize personnel, methods and means efficiently and flexibly.
 - (b) To manage and direct the employees of the City, to make assignments of jobs, to determine the size and composition of the work force, to train or retrain employees, to establish standards of job performance, to determine and schedule the work to be performed by the work force and each employee, to determine the competence and qualifications of the employee, to establish and revise job descriptions for any position and to establish the manner and method of selection of new employees.
 - (c) To determine the methods, means and personnel by which and the location where the operations of the City are to be conducted.
 - (d) To take whatever action it deems necessary in situations of emergency.
 - (e) To utilize temporary, provisional, part-time or seasonal employees when and where it deems necessary.
 - (f) To hire, promote, demote, permanently or temporarily transfer, lay off employees and to make promotions and assignments to supervisory positions.
 - (g) To suspend, demote, discipline or discharge employees.

- (h) To establish or alter the number of shifts, hours of work, work schedules, methods or processes. Such alterations shall not be in conflict with, or contradict, the terms of this Personnel Code.
 - (i) To schedule with and assign overtime work when required in the manner most advantageous to the City.
 - (j) To create new positions or departments, to introduce new or improved operations in work practices, to terminate or modify existing positions, departments, operations or work practices and to consolidate existing positions, departments or operations.
 - (k) To make and alter rules and regulations for the conduct of its business and of its employees. Such alterations shall not be in conflict or contradict the terms of this Personnel Code. All employees must follow all other applicable rules, ordinances or resolutions of the City of Mequon as well as any applicable State or Federal laws currently in effect. The City reserves the right to modify or change this Personnel Code at any time.
- (2) Whatever work is to be accomplished by the City of Mequon is not necessarily to be done by employees of the City. The City reserves the right unto itself to contract or subcontract any such work and/or to transfer any such work to employees not covered by this Personnel Code.

ARTICLE V - HOURS OF WORK: ATTENDANCE

Section 24.05

- (1) Positions.
 - (a) Exempt Employees. Employees that meet the exemption criteria as set forth by the Fair Labor Standards Act will be paid on a salary basis without regard to hours worked. Exempt employees are not entitled to overtime compensation or compensatory time off in lieu of overtime compensation.
 - (b) Non-Exempt Employees. Non-exempt employees are eligible for overtime or compensatory time at a rate of time and one-half pay for all hours worked over forty (40) hours per week unless otherwise provided herein and double time for all hours worked over forty (40) hours per week that fall on a Sunday or holiday as defined by the holidays designated by this Code. Compensatory time not used or otherwise addressed by the end of the calendar year will be paid out.
 - (c) Confidential Employees. The assistants to the City Administrator, Police Chief and Assistant City Administrator shall be deemed to be "confidential" employees and excluded from union representation. These employees are non-exempt shall

be paid on an hourly basis. Confidential employees are eligible for overtime or compensatory time at a rate of time and one-half pay for all hours worked over forty (40) hours per week unless otherwise provided herein and double time for all hours worked over forty (40) hours per week that fall on a Sunday or holiday as defined by the holidays designated by this Code. Compensatory time not used or otherwise addressed by the end of the year will be paid out.

- (2) Department Heads are expected to conform to the normal business hours (Monday through Friday, 8:00 a.m. to 4:30 p.m.) of their department, however, they are afforded flexibility in the application of their time to the responsibility involved in managing their department. Subject to the prior approval of the City Administrator, Department Heads are afforded flexibility in terms of the application of the time of those employed within their department consistent with the requirements of this ordinance. Police and Fire Departments need approval from the Mayor before changing their normal business hours.
- (3) Hours of Work. Except for Police and Fire, the normal work week for full-time employees is eight (8) hours per day (not including lunch breaks), forty (40) hours per week, Monday through Friday. Work hours and days shall conform to the established hours of City business. However, this conformity shall not interfere with special time tables as required in the operation of the City or prohibit or prevent the establishment of rotated, staggered or shortened work periods, multiple shifts or part-time hours as well as attendance at City Meetings and hearings which may be needed and as approved by the City Administrator.
- (4) The normal work week for Dispatchers is four (4) days on duty followed by two (2) days off duty, then repeating the cycle. The normal work day shall be eight and one quarter (8.25) hours. Such normal work day will include a thirty (30) minute paid lunch period, during which the employees are on call, and two (2) fifteen (15) minute breaks each day. Although paid, the lunch period will not count towards total hours worked in the work week. Adjustments to this normal work week for Dispatchers are at the discretion of the Chief of Police and the City Administrator.
- (5) The City provides five personal days (40 hours) per year to exempt employees and two personal days (16 hours) to represented general employees in Dispatch required to cover 24/7 operations. Personal days will be paid out when the employee terminates employment or retires from the City of Mequon. All personal days must be taken within the calendar year for active employees or they shall be considered lost, unless they are deferred at the request of the employee's Department Head and approved by the City Administrator. Employees are allowed to use these personal days in a minimum of four (4) hour increments. All use of personal days is subject to prior approval by the employee's Supervisor.
- (6) Attendance. Anticipated absences shall be reported to the employee's supervisor in advance. When it is not possible to report an absence until the date of absence, the employee must notify their Supervisor within an hour of their scheduled starting time. If

they must leave work due to illness or family emergency, their Supervisor or the City Administrator should be notified. Leaving work for illness or family emergency not approved by Supervisor is considered "unauthorized". Unauthorized absence in excess of two (2) consecutive workdays is considered a resignation of employment. Employees with unauthorized absences, excessive absences or lateness may be subject to disciplinary action up to and including discharge.

- (7) Pay Period. All wages shall be paid every two (2) weeks.
- (8) Jury/Witness Duty. When an employee is unable to work, as a result of being summoned to jury duty or subpoenaed as a witness related to City business, the City shall pay the employee their normal wages and the employee shall endorse the jury duty or witness service check over to the City. Employees shall return to work on those days that they are called for jury duty or witness service as soon as circumstances reasonably allow.
- (9) Outside Employment. Employees may pursue part-time employment provided the part-time work does not interfere with the performance of the employee's regular work with the City and there is no conflict of interest between the regular and part-time jobs. No part-time outside employment will be allowed if it involves any licensure granted by the City or any inspection provided by the City. All employees must get prior approval for any outside employment from the City Administrator or his/her designee. An employee may not work for another employer while on leave of absence or while absent for illness.

ARTICLE VI – ORIENTATION PERIOD

Section 24.06

- (1) Department Heads. Unless otherwise provided for by State Statute or City Ordinance, new Department Heads shall be appointed initially as an acting Department Head for a period of one (1) year. Within thirty (30) days after the expiration of the one (1) year period, the City Administrator or their acting designee shall take action to either appoint such person as the Department Head or terminate such person.
- (2) Other Employees. All other new employees will be subject to an orientation period not to exceed one (1) year of employment.
- (3) Employees who are promoted or transferred to other positions within the City shall serve a one (1) year orientation period.
- (4) The City Administrator reserves the right to extend the orientation period of any employee.
- (5) During the orientation period as during the entire time employed by the City, the employee may be terminated at any time, with or without cause.

ARTICLE VII - SALARY RATES

Section 24.07

- (1) Appointment of new employees shall be at a rate of pay within the position's salary range as determined by the Mayor, Common Council, City Administrator and/or Department Head.
- (2) Appointment, promotion, transfer or demotion of an employee to a new or different position shall be at a rate of pay within the position's salary range as determined by the Mayor, Common Council, City Administrator and/or Department Head.
- (3) Salary ranges and rates of employees shall be as set forth or approved by the Common Council. Unless stated otherwise in this Code, compensation including fringe benefits for part-time, seasonal and temporary employees will be established by resolution or the annual City budget.
- (4) For all other hours of work in excess of forty (40) hours per work in a week, all full-time, non-exempt employees shall be paid time and one-half (1-1/2) of their regular straight time rate of pay. Such hours worked on Sundays and holidays shall be paid for at double their regular straight time rate of pay. All overtime and double time is assigned by Department Heads or the City Administrator.
- (5) For all other hours of work in excess of forty (40) hours per work in a week, all full-time, non-exempt employees shall be eligible for overtime pay or compensatory time off. Compensatory time off is calculated at time and one-half (1-1/2) hours for all hours of work in excess of forty (40). Such hours worked on Sundays and holidays shall be paid for at double their regular straight time rate of pay. Compensatory time is subject to a maximum carry-over of forty (40) hours at the end of a fiscal year. All overtime and double time are assigned by Department Heads or the City Administrator.
- (6) All part-time employees are eligible for overtime pay or compensatory time off as outlined for full-time, non-exempt employees for hours worked outside of their normal work week as assigned and approved by their Department Head.

ARTICLE VIII- STANDBY PAY

Section 24.08

- (1) Stand-by compensation will be provided to selected Sewer Division employees and selected Highway Division employees for all of or a portion of the year as follows:

5 hour's pay for a holiday
4 hour's pay for a Sunday
4 hour's pay for a Saturday

2 hour's pay for a weekday overnight

- (2) Such pay will be paid to the employee that makes himself/herself available for twenty-four (24) hours a day during the required period as set by the Director of Public Works/City Engineer. Assignments may be made by the Director of Public Works/City Engineer or a Department of Public Works Superintendent. The pay referenced in this section is the employee's regular straight-time rate of pay. Employees may be assigned a city vehicle during the required period of stand-by service, which may be driven to and parked at the employee's residence only during the required period of stand-by service.

ARTICLE IX- CALL IN PAY

Section 24.09

- (1) Employees in the Department of Public Works called in for emergency work which is not consecutively prior to, or subsequent to their scheduled work hours, will receive a minimum of one (1) hour's pay at time and one-half (1-1/2) of their regular straight-time rate for such call in.
- (2) Dispatchers called in for coverage consecutively prior to, or subsequent to their scheduled work hours will receive pay at time and one-half (1-1/2) of their regular straight-time rate for actual hours worked.

ARTICLE X - SHIFT DIFFERENTIAL

Section 24.10

The City may establish shifts that fall outside of the regular hours of operation of the City and will provide an additional twenty-five cents per hour for all hours worked in a worked in such a shift. The shift identified as qualifying for shift differential are determined by the Department Head or City Administrator.

ARTICLE XI - FIELD TRAINING DISPATCHERS

Section 24.11

The City will assign a Field Training Dispatcher for the purposes of training new dispatchers. In the event of a new dispatcher being trained, it will be the goal, whenever possible, to have a Field Training Dispatcher on each shift with the new dispatcher. Field Training Dispatchers or their designee may receive one (1) hour of compensatory time off or one (1) hour of pay in addition to their regular pay for an eight (8) hour shift during which they serve as a Field Training Dispatcher.

ARTICLE XII - LEAVE OF ABSENCES

Section 24.12

- (1) Employees may be granted subject to the approval of the City (unless such leave is required by State or Federal law), a leave of absence up to three (3) months, provided that the employee makes prior application therefore. A leave of absence shall not be granted for the purpose of seeking other employment. All requests for leaves of absence shall be made in writing to the City Administrator.
- (2) In the event an employee would like to take family or medical leave, the City must be notified at least thirty (30) days before the date on which leave is to begin, except in the case of an emergency. The request form is available from Human Resources. The failure to timely notify the City may result in the delaying of leave until proper notice is received.

ARTICLE XIII- PAID HOLIDAYS

Section 24.13

- (1) Regular employees will be granted time off with pay for the following designated holidays:

New Year's Day*
Memorial Day
Independence Day*
Labor Day
Thanksgiving Day
Day after Thanksgiving
December 24*
Christmas Day*
December 31st* (half day)
One Floating Holiday**

* In the event a holiday falls on a Saturday, the immediate preceding Friday shall be recognized as the holiday. In the event a holiday falls on a Sunday, the immediate following Monday shall be recognized as the holiday. In the event December 24th or December 31st falls on a Friday, the immediate following Monday shall be recognized as a holiday. In the event these two (2) days fall on a Sunday, the immediate preceding Friday shall be recognized as the holiday.

** The floating holiday must be taken during the calendar year at a time mutually agreed upon between the employee and their Supervisor.

Police Captains shall be paid an additional wage of eight (8) hours times their regular hourly rate for each full day holiday designated as holiday compensation. Such payments

are to be paid on the first pay period of December. The provisions of this Section shall be the exclusive holiday provision for Police Captains covered under this Code and such employees shall work if scheduled on any day observed as a holiday without additional compensation or time off.

- (2) To qualify for paid holidays:
 - (a) Employees must be actively at work the last scheduled workday prior to the next scheduled workday immediately following the holiday.
 - (d) An employee may be off from work on one or both qualifying days for one of the following reasons and still qualify for holiday pay: vacation, paid non-occupational illness/injury leave, occupational illness or injury, jury or witness duty, funeral leave, supervisor's permission in advance or one day of special leave as provided under Section 24.15 (3) (a) of this Personnel Code.
 - (c) Regular part-time employees shall receive holiday pay based upon the budgeted full time equivalent calculation of their position.
- (3) In the event a holiday falls within a vacation period, such day shall not count as a vacation day taken.
- (3) The City will endeavor to make reasonable accommodation for employees required observance due to conscientious religious beliefs. The Supervisor and/or Department Head must be consulted in advance of such a religious observance in order to ensure the employee's duties are covered. Any such day taken will be charged as a vacation day, floating holiday or compensatory time off.

ARTICLE XIV – PAID TIME OFF

Section 24.14

- (1) Paid Time Off (PTO) is an all-inclusive program that is designed to provide salary continuation for time away from work as allowed by this policy. PTO is intended to be used for a variety of traditional types of time away from work, including vacation, personal illness, personal business, doctor appointments, family time and personal voluntary community service; however, an employee does not have to designate the reason for the scheduled absences being requested.
- (2) Whenever the provisions of this policy are in conflict with federal or state laws or regulations, the provision of the laws or regulations shall prevail.
- (3) Regular, full-time employees are eligible for the following paid time off benefits:

Eighteen (18) workdays after one (1) year of service.

Twenty three (23) workdays after seven (7) years of service.
Twenty eight (28) workdays after thirteen (13) years of service.

- (4) Employees that have reached twenty five (25) years of service as of January 1, 2013 will be provided with thirty three (33) workdays of paid time off annually.
- (5) Paid time off for regular full-time employees shall be paid at the employee's regular straight-time rate listed in the Salary Schedule up to a maximum of eight (8) hours per day. If an employee is working under a modified regular schedule as determined by the Department Head, paid time off shall be paid at the employee's regular straight-time rate listed in the Salary Schedule up to a maximum of the employee's regularly scheduled hours of work per day under the modified schedule.
- (6) An employee will be allowed to take paid time off prior to his/her anniversary date, but will have to pay back any unaccrued portion used by the employee if the employee terminates employment with the City prior to his/her anniversary date. All paid time off hours must be taken within the calendar year of full accrual or they shall be considered lost, unless such paid time off is deferred according to this policy or is deferred at the request of the employee's Department Head and approved by the City Administrator.
- (7) Paid time off schedules shall be approved by the employee's Supervisor.
- (8) Department Heads who give at least four (4) weeks notice and other employees who give at least two (2) weeks notice of resignation shall be entitled to pay for all unused paid time off accrued as of the employee's last anniversary date to the date of termination with the exception of the accruals in the employee's Medical Leave Bank.
- (9) Regular part-time employees shall be granted paid time off on the above basis pro-rated on the part-time employee's full time equivalent.
- (10) Employees will be allowed to carry over a maximum of forty (40) hours of paid time off from one fiscal year to the next.
- (11) Scheduled Leave and Requests for and Usage of Paid Time Off
 - (a) The scheduling of time off is dependent upon the judgment and discretion of the employee's Department Head or his/her designee. This includes scheduled surgery or medical conditions covered by the FMLA policy, vacations, personal days, etc.
 - (b) PTO can be requested to be taken in 15 minute increments, 30 minute increments, hourly increments, or daily increments as deemed necessary and desirable by the employee with the agreement of the department Head or designee.

- (c) An employee will continue to accrue PTO during a leave of absence as long as the leave is with pay. An employee in an unpaid leave status shall not accrue PTO.
- (d) If an employee's accrued PTO days have been exhausted, additional time off, if granted and as allowed by the Family and Medical Leave (FMLA) act, will be unpaid. Negative balances are not permitted. Any employee who has exhausted PTO and is not eligible for FMLA may be subject to disciplinary action up to and including termination for any further absences.

(12) **Unscheduled Leave**

- (a) Unscheduled leave/absences are defined as unscheduled time off that is unapproved in advance by the Department Head or designee. If less than three (3) working days' notice is given for any requested time off, the absence is considered unscheduled.
- (b) When unscheduled leave is necessary, employees shall notify their Department Head or designee prior to the beginning of their scheduled reporting time within the time period designated by the Department Head, and shall inform their Department Head or designee of an anticipated date of return.
- (c) When unscheduled PTO extends beyond three consecutive working days, a statement from the attending physician or other qualified medical professional, certifying to the nature and seriousness of the illness or injury shall be furnished to the Supervisor and/or Department Head. Employees who use such leave will be required, upon return to work, to file a written report on a form furnished by the City, stating length of absence and nature and effect of the employee's illness or injury.
- (d) A Department Head or designee may grant approval of a request by an employee to use PTO with less than three (3) days' notice if the employee's absence does not negatively affect departmental workload, project completion, and sufficient staffing levels exist.

(13) **Medical Leave Bank**

- (a) The City will provide the option of a Medical Leave Bank for employees. The purpose of the Bank is to address the long term medical needs for an employee's personal illness or the personal illness of an eligible family member. The medical needs must be for qualifying events as described in the Family and Medical Leave Act for personal or family medically related reasons.
- (b) The unused balance of PTO shall be accumulated to the employee's credit, provided that the total accumulation credited to an employee at the end of the calendar year shall not exceed one hundred eighty (180) working days. Once the

employee's Bank reaches the maximum, no more hours will be credited to the employee's Bank until the accumulated hours fall below the maximum.

- (c) In the event that the Medical Leave Bank is exhausted for a qualifying event, employees may use PTO. Negative balances are not permitted.
- (d) The City reserves the right to require satisfactory proof of illness, which may include a physician's statement or other evidence. Unauthorized use of an employee's medical leave Bank may result in loss of pay for the duration of the absence and may be considered grounds for disciplinary action.
- (e) The City may require the employee to provide a certificate of recovery before the employee returns to work from a qualified health care provider as named either by the employee or the City.
- (f) Employee sick leave accruals as of January 1, 2013 will be converted to the Medical Leave Bank hour for hour not to exceed the one hundred and eighty (180) day maximum as established by this policy.

(14) Upon retirement or termination, unless otherwise directed, all accumulated paid illness/injury leave under this policy will be canceled. It will not be treated as vacation or other paid time due to be paid to the employee.

ARTICLE XV- PAID FUNERAL AND SPECIAL LEAVE

Section 24.15

- (1) Regular employees may receive up to three (3) days paid funeral leave not to extend beyond one (1) day after burial. Funeral leave will apply in case of each death on the immediate family which is defined as spouse, children, brother, sister, parents, grandparents or grandchildren of an employee, or of their spouse.
- (2) Regular employees will receive one (1) day of funeral leave in the event of the death of an aunt or uncle of either the employee or the employee's spouse.
- (4) Special leave.
 - (a) In the event a regular employee must attend a funeral other than for a member of their immediate family listed in Section 24.15 (1) or (2) of this Personnel Code because their attendance is required to serve as a pallbearer, they shall be allowed to use one (1) day of accumulated paid non-occupational illness/injury leave. Special leaves for this purpose will be limited to one (1) day per occurrence.
 - (b) The City will pay all regular employees located in City Hall their regular straight time wages for any day during which, for emergency reasons, City Hall is

officially closed during normal work hours and an employee's Supervisor does not require the individual's assistance in dealing with the emergency situation or maintaining the building or grounds in proper order.

ARTICLE XVI - WISCONSIN RETIREMENT FUND

Section 24.16

The City shall make the required contribution to the Wisconsin Retirement Fund as established from time to time in Wis. Stat. 40.05. Eligibility requirements and pension benefits shall be provided by Statutes and the rules and regulations of the Wisconsin Retirement Fund.

ARTICLE XVII - RETIREMENT/DEATH BENEFIT

Section 24.17

For employees hired prior to January 1, 2012, upon retirement under the Wisconsin Retirement System, death, or if an employee retires due to injuries or illness which prevent the employee from physically or mentally performing his/her duties (or comparable duties with any other public or private sector employer), a regular, full-time employee shall receive two (2) full working days of pay for each year of continuous service with the City as of January 1, 2012. The rate of pay shall be determined by the employee's regular rate as of January 1, 2012. No additional days shall be accumulated after thirty (30) years of service.

If the Fire Chief, Police Chief or a Police Captain hired prior to January 1, 2012 retires due to injuries or illness which prevent the employee from physically or mentally performing his duties, the employee shall receive three (3) full working days for each year of continuous service on the department. The rate of pay shall be determined by the employee's regular rate upon January 1, 2012. No additional days shall be accumulated after thirty (30) years of service.

ARTICLE XVIII - GROUP HEALTH INSURANCE

Section 24.18

- (1) Coverage.
 - (a) City officials will enter into Health Contracts with carriers as determined by the City.
 - (b) Coverage provided by the contracts is contained in the Group Health Booklet published by the carriers, which will be distributed to covered employees.
 - (c) The Group Health master contract controls coverage limits and the carrier has final control of eligible benefits.

- (d) It shall be the employee's responsibility to notify the City of any change in status for health insurance coverage. This shall include, but not be limited to, changing from family to single coverage or from single to family coverage. Such notification shall take place within thirty (30) days of the change in status. Failure to notify the City shall result in the employee assuming responsibility for the additional cost until corrected.
 - (e) The City reserves the right to change health insurance, or self-fund coverage, at any time for current employees or retirees.
 - (f) Upon retirement, the employee will be permitted to participate in the City's Medical Insurance Plan subject to the employee paying the full cost of his/her insurance.
 - (g) No employee shall make any claim against the City for additional compensation in lieu of or in addition to the City's contribution.
- (2) Premium contribution.
- (a) All employees eligible for and participating in Health Program(s) will pay an amount to be determined annually. Health insurance premium payments by the City are subject to the minimum and maximum payments as certified by the State plan. However, it is understood that based on compliance with the provisions of the Employee Trust Fund 40.10 Wisconsin Administrative Code, employees may be required to make higher contributions towards the cost of their selected health insurance plan.
 1. Increases in the cost of such coverage shall be reviewed annually by the Common Council.
 2. For regular, part-time employees who are regularly scheduled to work at least twenty (20) hours per week, the City will pay, on the same basis as offered to full-time employees, one-half of the cost of single plan Health Insurance coverage, three-fourths of the cost of single plan Health Insurance coverage after the employee complete three (3) years of service, and full single plan coverage after the employee completes five (5) years of service. The one-half-three-fourths and full single plan coverage will be based on the amount that the City would pay for single plan coverage if the part-time employee were a full-time employee. All employee payments for Group Health Insurance will be made by the means of payroll deductions.
 - (b) The City's contribution will continue during any approved absence with pay or any leave covered by Federal or State law. Employees on an unpaid leave of absence

that is not covered by Federal or State law may continue to maintain their Group Health Insurance coverage provided they pay the full premium by the tenth of the month.

- (c) Upon retirement under the Wisconsin Retirement System, such employees and/or their spouses may continue to maintain their Group Health Insurance coverage. The employer will make a monthly contribution toward the premium in the amount of the Group Health Insurance coverage for the City of Mequon Plan in effect on January 1, 2013, for a period of time not to exceed one (1) month for each ten (10) days of accumulated, unused Medical Leave (amended to use the correct term). The City will deduct the cost of the employee's contribution from their final paycheck.
- (d) Upon the death of an employee, the employee's spouse and/or dependent children may continue to maintain the Group Health Insurance coverage as provided for under COBRA. The Employer will make a monthly contribution toward the premium in the amounts specified in Section 24.19 (2) (a) of the Personnel Code for a period of time not to exceed one (1) month for each ten (10) days of accumulated, unused paid illness/injury leave at the time of death.

ARTICLE XIX- GROUP DENTAL INSURANCE

Section 24.19

- (1) Coverage.
 - (a) Officers of the City will enter into a Dental Insurance Contract with a carrier selected by the City. The City reserves the right to change the dental insurance or self-fund coverage for any covered individuals.
 - (b) Coverage provided by the Contract is contained in the Group Dental Insurance booklet published by the carrier, which will be distributed to covered employees.
 - (c) The Dental Insurance master contract controls coverage limits and the carrier has final control of eligible benefits.
- (2) Premium contributions.
 - (a) The City will contribute seventy five percent (75.0%) of the family or single monthly premium for full-time employees and thirty seven and one half percent (37.5%) of the monthly premium for regular part-time employees. Any premium cost over and above the amount to be paid by the City is to be paid by the employee on the basis of a payroll deduction. The City reserves the right to make adjustments to the employer paid premium contributions as a part of the annual budget process.

- (b) The City's contribution will continue during any approved absence with pay or any leave covered by Federal or State law. Employees on an unpaid leave of absence that is not covered by Federal or State law may continue to maintain their Group Dental Insurance coverage provided they pay the entire premium by the tenth of the month.

ARTICLE XX - GROUP LONG-TERM DISABILITY COVERAGE

Section 24.20

- (1) Coverage.
 - (a) The City will maintain a Group Long-term Disability Insurance contract to provide protection for the City's regular, full-time employees.
 - (b) Officers of the City will enter into a Long-term Disability Insurance Contract with a carrier selected by the Employer.
 - (c) Coverage provided by the contract is contained in a certificate published by the carrier, which will be distributed to covered employees. Briefly, the coverage will include: A monthly benefit of sixty percent (60%) of monthly salary not to exceed five thousand dollars (\$5,000.00), coordinated with payments from Worker's Compensation or Social Security, employees will be eligible for this coverage on the first of the month following thirty (30) days of service. There is a waiting period of ninety (90) consecutive calendar days or until the expiration of all but ten (10) days of benefits under the City's paid illness/injury leave provided for in Section 24.14 of the Personnel Code, whichever is greater, and benefits are payable for up to two (2) years for disabilities due to sickness and up to age sixty five (65) for accidental disabilities. A three (3) month survivor benefit, which is an amount equal to three (3) non-integrated monthly benefit payments, is paid in a lump sum to the covered employee's spouse, children or parents, respectively.
 - (d) The Long-term Disability Insurance master contract controls coverage limits and the carrier has final control over eligibility benefits.
- (2) The City shall pay one hundred percent (100%) of the premium for all regular full-time employees enrolled in the long-term disability insurance plan.

ARTICLE XIX- GROUP LIFE INSURANCE

Section 24.21

- (1) All regular, full-time employees under this Code shall receive term life insurance in the amount equal to their gross annual salary, rounded off to the next one thousand

(\$1,000.00) dollars. Any premiums for additional life insurance shall be paid by the employee through payroll deduction.

- (2) The City shall pay the full premium for such insurance for regular employees that qualify under WRS.
- (3) Eligibility requirements and benefits shall be as provided by Statutes and the rules and regulations established by the Group Insurance Board of the State of Wisconsin. All insurance policies within this Code (Group Health, Group Dental, Group Long-term Disability and Group Life) are subject to the underlying terms and conditions of the insurance policies and may be changed at the discretion of the Employer.

ARTICLE XXII - EDUCATIONAL INCENTIVE PROGRAM

Section 24.22

- (1) Regular, full-time employees who have completed one (1) year of satisfactory employment are eligible to participate in this program.
- (2) Employees, subject to approval of the City Administrator, shall be eligible for reimbursement under this program, provided however, that any courses approved must be job-related and offered by an accredited college, university, business or vocational school. Employees must apply and receive approval from the Human Resources Department and City Administrator prior to beginning the course. Approval is subject to availability of monetary funds.
- (3) Time spent in preparation for classes, and attendance of classes, shall be considered off time not compensated by the City. Only tuition costs may be reimbursed under this program, if not compensated for by any other agency. Employees will be reimbursed on a sliding scale based upon the grade: 50 percent (50%) for “C”, 75 percent (75%) for “B”, and 100 percent (100%) for “A”. Reimbursement for tuition will be limited to the lower of the actual tuition for the course or the resident tuition charge for a course of the same number of credits charged by the University of Wisconsin-Milwaukee for the same semester. The City will reimburse an employee up to a maximum of \$1,500 per calendar year.
- (4) This Section applies only to courses pursued by employees on their own and does not cover conferences and meetings that employees attend at the direction of their Supervisors.
- (5) Reimbursement will not be made to an employee who terminates employment with the City prior to completion of the course.

ARTICLE XXIII - HEALTH EXAMINATION

Section 24.23

- (1) Employees shall be required to submit to health examinations and physical examinations as may be deemed necessary for the specific positions being appointed to and as may from time to time be required by the City Administrator, subject to exceptions provided in State Statutes relating to religious beliefs. Such examinations will be by a physician selected by and paid for by the City. If the employee requests that his own physician perform the examination, the cost of such examination will be paid for by the employee.
- (2) Employees who have been off work because of illness or injury will be required to submit medical verification that the employee is able to return to work with or without limitations and if the former, to specify the limitations before being allowed to return to work.
- (3) In addition to a medical examination, the City shall require an individual to take and pass a drug screen after an offer of employment has been made and prior to the employee commencing work for the City. The City shall also have the right to request that current employees submit to said drug screen when there is a reasonable cause to believe that the employee may be at work under the influence of alcohol or other drugs.

ARTICLE XXIV - UNIFORM/CLOTHING ALLOWANCE

Section 24.24

- (1) Employees who are required to wear a department specified uniform established by the City will be paid a uniform/clothing allowance of three hundred forty five dollars (\$345) subject to all applicable state and federal withholding taxes. New employees and employees who terminate during the year will receive a pro-rated allowance based on the employee's full time equivalent.
- (3) The Chief of Police, Fire Chief and Police Captains shall be entitled to a uniform allowance to be determined on an annual basis by the City.
- (4) Full time employees in the Fleet Maintenance Division will receive an annual one hundred fifty dollar (\$150) tool allowance. Administration and control of this benefit shall be under the Director of Public Works/City Engineer. New employees will receive a pro-rated allowance based on the number of months worked during the year.
- (5) All regular, full-time non-represented employees whose work at any time requires the wearing of safety glasses or goggles will be supplied with such equipment by the Employer. In the case of those employees who require prescription safety glasses, the

Employer will pay up to a maximum of \$175.00 for replacement of prescription safety glasses if such glasses are broken on the job and proof of payment is submitted.

- (6) All uniform allowances are subject to annual proration. Such payment is to be made on the first pay period in December.

ARTICLE XXV- CAR AND EXPENSE ALLOWANCE

Section 24.25

Employees using their personal cars on authorized City business shall be reimbursed per the applicable IRS rate.

ARTICLE XXVI - DEFERRED COMPENSATION

Section 24.26

An employee may elect, pursuant to Section 40.81(2), Wisconsin Statutes, to defer from each paycheck a specified amount by having the City deduct such amount from the employee's paycheck. The amount so deducted from an employee's paycheck shall be transferred by the City to one of the Employer-approved deferred compensation providers as selected by the employee. An employee participating in the deferred compensation plan may change the amount of the deduction or eliminate the deduction by informing the Human Resources Department. Only the provider (not the Employer) is responsible for the administration of the deferred compensation plan, including the investment of the employees' funds.

ARTICLE XXVII – GRIEVANCE PROCEDURE

Section 24.27

- (1) Should an employee have a grievance regarding employee termination, employee discipline or workplace safety they shall follow the provisions of the Grievance Procedure as adopted by the City of Mequon.
 - (a) “Employee Termination” as used in this policy section, shall not include: Layoffs; Workforce reduction activities; Job transfers or demotions; Voluntary termination including, without limitation, quitting or resignation; Job abandonment; End of employment due to disability, lack of qualification or licensure or other inability to perform job duties; End of employment and/or completion of assignment of temporary, contract or part time employees; Retirement; Death; or Any other cessation of employment not involving involuntary termination.
 - (b) “Employee Discipline” as used in this policy shall include any employment action that results in disciplinary action, which typically involves any one of four (4)

actions: verbal reprimand, written reprimand, suspension with or without pay, and termination of employment. “Employee Discipline” as used in this policy, shall not include: Plans of correction or performance improvement; Performance evaluations or reviews; Documentation of employee acts and/or omissions in an employment file; Administrative suspension with pay pending investigation of alleged misconduct or nonperformance; Non-disciplinary wage, benefit or salary adjustments; Other non-material employment actions; Counseling meetings or discussions or other pre-disciplinary action; or Demotion for reasons other than discipline, transfer or change in assignment.

- (c) “Workplace Safety” as used in this section means any alleged violation of any standard established under state law or rule of federal law or regulation relating to workplace safety.

ARTICLE XXVIII – DISCIPLINE PROCEDURE

Section 24.28

- (1) Expectations of Conduct.

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. Department Heads and Supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives. Whenever conduct of an employee falls below a desirable standard, Supervisors shall point out the deficiencies at the time they are observed. Corrections and suggestions should be made in a constructive and helpful manner in an effort to elicit the cooperation of the employee.

Law enforcement officers suspension and removal procedures shall be governed by Section 62.13 Wis. Stats. Statutory and appointed officers of the City of Mequon, including the Treasurer, Clerk, Engineer, Assessor, Police and Fire Chief [or such other appointive officers as have been created by the City] shall be governed by the provisions of Section 17.12 – 17.16, Wis. Stats.

Any action that reflects discredit upon the municipal service or is a direct hindrance to the operations of the City may warrant disciplinary action. Circumstances constituting disciplinary action include but are not limited to the following:

- (a) The on duty use or illegal handling of alcoholic beverages or controlled substances.
- (b) Conviction of a crime which is job-related in nature.
- (c) Offensive attitude, conduct or language toward the public, city officials or employees.

- (d) Negligence, inefficiency, failure or inability to perform job duties.
 - (e) Intentional damage or negligence in the care and handling of City property.
 - (f) Violation of any lawful and reasonable official regulation, departmental rule or a supervisor's directive.
 - (g) Commission or omissions of acts unbecoming an incumbent of the particular office or position held.
 - (h) Willful violation of any City ordinances or administrative regulations.
 - (i) Unauthorized absences from work.
 - (j) Excessive use of the City equipment including, but not limited to telephones and electronic media, for the conduct of personal business (including unauthorized long distance calls).
 - (k) Claiming sick leave under false pretenses.
 - (l) Use or attempted use of political influence or bribery to secure advantage in a promotion, departmental appropriation or for personal benefit.
 - (m) Failure to maintain satisfactory job attendance.
 - (n) Perpetuating any acts of workplace violence, including, but not limited to, abusive language, threats or acts of aggression.
 - (o) Failure to uphold and enforce the City's harassment policy.
 - (p) Violation of the City's Ethics Code.
- (2) Disciplinary Actions may include any of the following:
- (a) Oral reprimand. A verbal warning to the employee that if the actions continues, a written reprimand will be issued.
 - (b) Written reprimand. A written warning outlining the specific actions and corrective action to be taken.
 - (c) Suspension. Temporary removal from duty status for a specified or indefinite period. An employee may be suspended for an indefinite period. When an employee has acted or is alleged to have acted in a manner that would be cause for dismissal, the employee may be suspended while such charges are investigated.

- (d) Demotion. An employee may be moved to a lower position.
- (e) Dismissal. An employee may be removed from their position.

A decision as to whether or not to take disciplinary action and the type of disciplinary action to be taken is within the sole discretion of the City based on the facts and circumstances of the specific incident. The Department Head, City Administrator or designee determines when such action is necessary and in the best interest of the City.

It is the City's policy to communicate openly and candidly with employees regarding employment issues. Issues can most easily be resolved when they are fresh in the minds of all parties and addressed timely. In most cases the employee's Supervisor is in the best position to assist him/her in a timely manner. If the Supervisor is unavailable, the employee should approach their Department Head.

ARTICLE XXIX - SEVERABILITY

Section 24.29

The provisions of this Personnel Code shall be severable and if any of the provisions shall be held in contravention of the Constitution and laws of the State of Wisconsin or of the United States by a court of competent jurisdiction, the validity of the rest of the Code shall not be affected. It is hereby declared to be the intent of this Code that the same would have been adopted and such unconstitutional or unlawful provisions, if any, not been included herein. This ordinance replaces all prior Ordinances/Personnel Codes which are in conflict with this new Personnel Code.

ARTICLE XXX - RESIDENCY REQUIREMENTS

Section 24.30

- (1) The City Administrator is required to become a resident of the City within twelve (12) months of the date of their appointment, unless granted an extension of time by the Common Council. Failure to comply with this requirement shall constitute cause for dismissal.
- (2) The Director of Public Works/City Engineer, the Police Chief and the Fire Chief are required to either become residents of the City, or live within such a distance to his/her place of work that they are able to reach work as rapidly as if they lived within the City, within six (6) months of the date of their appointment, unless granted an extension of time by the Common Council, in order to be readily accessible in emergencies and to more efficiently carry out their assigned responsibilities for City business. Failure to comply with this requirement shall constitute cause for dismissal.

ARTICLE XXXI - COMMERCIAL DRIVERS LICENSE REQUIREMENT

Section 24.31

- (1) Department of Public Works employees as identified by the Director of Public Works/City Engineer and City Administrator are required to have a valid commercial drivers license (CDL) issued by the State of Wisconsin.
- (2) Such employees are required to advise the City immediately if their license is suspended, revoked or cancelled, or they are disqualified from operating a commercial vehicle. This must be done the first business day after notification is received. Employees must report all traffic convictions including any received while on duty or off duty to the Director of Public Works/City Engineer within thirty (30) days. This includes convictions in a private vehicle as well as a commercial vehicle. The lack of a Commercial Driver's License or other occupational permit that does not allow an employee to drive may be grounds for termination.

ARTICLE XXXII – NEPOTISM POLICY

Section 24.32

For the protection of the City's assets and development and maintenance of an equitable working environment, the City limits the hiring, promotion and transfer rights of persons who have an immediate family member employed by the City. For purposes of this code immediate family members include anyone in a direct relationship by blood or marriage up to and including first cousin. Included are spouse, parent, child, sibling, grandparent, grandchild and first cousin of the employee or the employee's spouse or any person residing in the employee's household.

No immediate family member of a current employee will be hired, transferred or promoted where such personnel action would result in (1) a direct or indirect reporting relationship between family members; (2) immediate family members would be working in the same department or unit and one would be responsible for auditing, controlling or reviewing the work of the other(s); or (3) any situation where the employment of two family members would result in the possibility for fraud or a conflict of interest.

ARTICLE XXXIII – MEDIA RELATIONS

Section 24.33

The City Administrator shall be the primary spokesman for the City. Department Heads may confer with representatives of the news media on matters related to their departments. Other employees are to have no contact with the media stating official City policy unless instructed to

do so by the City Administrator and their Department Head. Further information can be found in the City's Communications Policy.

ARTICLE XXXIV – TRAINING/TRAVEL

Section 24.34

- (1) Overview. When employees and elected officials of the City are required to travel on official business, the City shall pay reasonable amounts for transportation, meals, lodging and miscellaneous approved expenses. An employee or official is expected to show good judgment and an appreciation for economy when incurring travel expenses.
- (2) Approval. Department Heads must authorize all out-of-town travel. The City Administrator must approve all travel requests for training, conferences, meetings or other official functions, which require overnight accommodations. The Department Head shall determine the most cost-effective mode of travel and authorize local area training.
- (3) Transportation. Employees required to travel by air shall travel economy class whenever available. Due to the high-risk of liability exposure and the absence of insurance coverage, it is prohibited to use any private aircraft for official City business. An employee must obtain permission from their Department Head or the City Administrator to use City vehicles. Gasoline must be obtained at the City's pumps prior to departure. When an employee is authorized by the Department Head or the City Administrator to use a personal vehicle for official travel outside of the City, the employee shall be compensated at the current mileage rate as established by the U.S. Internal Revenue Service. The IRS rate will be published by the Finance Director at the beginning of each calendar year.
- (4) Lodging. Employee's lodging expenses shall be covered while traveling on City business. Employees are expected to make lodging reservations in advance whenever possible and to take other actions to ensure that lodging is secured at the most reasonable rate possible.
- (5) Meals. Employees traveling on City business shall be reimbursed for their own meals if the employee pays for their meal. The City will not pay for alcoholic beverages. Claims for meals shall represent actual, reasonable and necessary expenses. Tips are limited to fifteen percent (15%). The University of Wisconsin System Administration Travel Regulations (<http://www.uwsa.edu/fadmin/travel.htm>) daily meal limit shall apply. When an employee is entitled to two (2) or more consecutive meals in a day (this includes meals included in a registration fee, a lodging rate or served aboard plane), he/she may exceed the maximum on one (1) or more meal claims as desired, as long as the total allowable for the consecutive meals per day is not exceeded. Each day is considered separately for application of this policy. If meal maximums are not reached on one (1) day, the savings do not accrue and cannot be applied to expenses claimed on another day or for other costs such as lodging. The Department Head shall determine what meals shall be allowed based upon the times and dates of travel. Where conference registration or training tuition

fees include one (1) or more meals, only those meals not covered by such fees shall be reimbursed by the City. Where a conference offers meals in conjunction with the conference program, but does not include those meals in the registration fee, the City shall pay for those meals selected by the employee.

- (6) **Miscellaneous.** Miscellaneous expenses, such as parking fees, taxi fares, fax transmissions and other bona fide miscellaneous expenses, shall be reimbursed upon presentation of receipts or other suitable documentation. Tips for meals, baggage handling, etc., will be reimbursed up to a maximum of fifteen percent (15%) of the bill. The cost of long distance telephone calls to the City will be reimbursed.
- (7) **Advances and Prepaid Fees.** The City will pay registration, lodging and transportation (air, train, bus, rental car) to the vendor, provided a supervisor approved Travel and Training Expense Report with back-up documentation is presented to the Finance department within fifteen (15) days of the travel date. An advance for seventy five percent (75%) of the estimated out of pocket travel expenses may be made to an employee.
- (8) **Responsibilities.** A Travel and Training Expense Report must be submitted to the authorizing supervisor prior to travel. It is the responsibility of the employee incurring the expense to fill out a travel authorization form before traveling and obtain the necessary approvals within their department. The employee is also responsible for completion of a Travel and Training report when they return, obtain the necessary approvals and file it with the Finance Department. A fully itemized Travel and Training Expense Report, including original receipts, along with any unexpended portion of the advance, must be submitted to the Finance Department within ten (10) business days of the close of the authorized travel period for which expenses have been advanced.
- (9) **Documentation.** Claims for reimbursement must be accompanied by an original vendor receipt or bank charge slip showing the amount paid and items/services received. Reimbursement will not be paid for expenses for spouses, guests or other persons not authorized to receive reimbursement under this policy or state regulations. One person may claim reimbursement for several employees or officials dining together, as long as all the names are listed on the reimbursement claim.

ARTICLE XXXV – PARTICIPATION IN POLITICAL ACTIVITIES

Section 24.35

- (1) Employees are prohibited from bringing their political affiliations to bear on their official duties. Political activities of employees that are prohibited during working hours include, but are not limited to:
 - (a) Campaigning, fund raising or other partisan political activities on City premises while in the performance of duties and responsibilities as an employee of the City.

- (b) Use of official work time or unauthorized use of City resources for political activity.
 - (c) Promising any employment, work, compensation or other benefits as consideration, favor or reward for political activity.
 - (d) Performing political activities at the direction of a Supervisor, Department Head or other City official.
 - (e) Using status or position as a City employee in an endorsement or solicitation of votes in an election.
 - (f) Wearing or displaying any button, badge or sticker relevant to any political issue or candidate during working hours.
- (2) City employees engaged in political activities while off duty should clearly act as private individuals and not convey the impression that they are acting in their official capacity as City employees.