

**PERSONNEL COMMITTEE AGENDA
VILLAGE OF DEERFIELD**

**FOR A MEETING OF THE PERSONNEL COMMITTEE OF THE VILLAGE OF DEERFIELD TO BE
HELD AT THE DEERFIELD VILLAGE HALL, 4 N. MAIN STREET, DEERFIELD, WISCONSIN ON
OCTOBER 27, 2021 AT 4:30 P.M.**

- I. CALL TO ORDER – NOTING OF ROLL BY CLERK**
- II. CONSENT AGENDA**
 - A. APPROVAL OF MINUTES FROM OCTOBER 19, 2021**
- III. PUBLIC APPEARANCES**
 - A. PUBLIC COMMENTS**
- V. NEW BUSINESS**
 - A. REVIEW & ACTION**
 - 1. DISCUSS/CONSIDER APPROVAL OF FINAL REVISIONS TO PERSONNEL MANUAL**
 - 2. CONSIDER A MOVE TO CLOSED SESSION PURSUANT TO WIS. STAT. §19.85(1)(C) FOR THE CONSIDERATION OF COMPENSATION FOR VILLAGE EMPLOYEES (EMPLOYEE'S 2022 WAGES) AND EMPLOYMENT CONTRACT FOR VILLAGE ADMINISTRATOR, CLERK/TREASURER**
 - 3. CONVIENE IN OPEN SESSION TO PROVIDE UPDATE AND TAKE ACTION, IF ANY, RELATED TO CLOSED SESSION**
- VI. COMMUNICATIONS**
- VII. STAFF REPORTS**
- VIII. ADJOURN**

Notice is hereby given that it is possible that a majority of the Village Board or other governmental body may be present at the above meeting of the VILLAGE PERSONNEL COMMITTEE to gather information about a subject over which they have ultimate decision-making responsibility. If such a majority is present, it will constitute a meeting of the Village Board or other governmental body under Wisconsin's Open Meeting Laws and is hereby being noticed as such, although only the VILLAGE PERSONNEL COMMITTEE will take formal action at the above meeting.

If you require an interpreter, materials in alternate formats, or other accommodations to access this meeting, please contact the Village Clerk at 764-5404 at least 24 hours prior to the meeting.

Elizabeth McCredie, Clerk
Village of Deerfield

Posted 10/22/2021

PERSONNEL COMMITTEE MINUTES VILLAGE OF DEERFIELD

**FOR A MEETING OF THE PERSONNEL COMMITTEE OF THE VILLAGE OF DEERFIELD HELD AT
THE DEERFIELD VILLAGE HALL, 4 N. MAIN STREET, DEERFIELD, WISCONSIN ON
OCTOBER 19, 2021 AT 5:00 P.M.**

CALL TO ORDER – NOTING OF ROLL BY CLERK

The meeting was called to order at 5:00 by President Frutiger. Roll call: Wieczorek, Gullickson and Frutiger present.

CONSENT AGENDA

Motion by Wieczorek and seconded by Frutiger to approve the October 18, 2021 agenda as posted. All ayes, motion carried.

A. APPROVAL OF MINUTES FROM AUGUST 17, 2021

Motion by Frutiger and seconded by Gullickson to approve the minutes from August 17, 2021. All ayes, motion carried.

PUBLIC APPEARANCES

A. PUBLIC COMMENTS - none

NEW BUSINESS

A. REVIEW & ACTION

1. CONSIDER A MOVE TO CLOSED SESSION PURSUANT TO WIS. STAT. §19.85(1)(B) AND (C) TO DISCUSS THE POTENTIAL DISCIPLINE AND/OR THE INVESTIGATION OF CHARGES AGAINST A VILLAGE EMPLOYEE RELATED TO POTENTIAL MISCONDUCT

Motion by Wieczorek and seconded by Frutiger to move to closed session pursuant to Wis. Stat. §19.85(1)(b) and (c) to discuss the potential discipline and/or the investigation of charges against a Village employee related to potential misconduct. Roll call vote: Gullickson aye, Wieczorek aye and Frutiger aye. Motion carried.

Motion by Wieczorek and seconded by Frutiger to move to open session to take action, if any, related to closed session. Roll call vote: Gullickson aye, Wieczorek aye and Frutiger aye. Motion carried.

2. CONVIENE IN OPEN SESSION TO PROVIDE UPDATE AND TAKE ACTION, IF ANY, RELATED TO CLOSED SESSION

No action taken

COMMUNICATIONS

STAFF REPORTS

McCredie asked if a meeting could be scheduled to discuss employee wages, an employment contract and review of the employee manual. The next meeting will be October 27, 2021 at 4:30pm.

ADJOURN

Motion by Gullickson and seconded by Wieczorek to adjourn at 6:15 pm. All ayes, motion carried.

/S/ Elizabeth McCredie
Village Administrator/Clerk/Treasurer

These minutes represent the general subject matter discussed in this meeting but do not reflect a verbatim documentation of the subjects and conversations that took place.

PERSONNEL MANUAL VILLAGE OF DEERFIELD



4.30.19 Draft
10.17.19 draft

**VILLAGE OF DEERFIELD
RESOLUTION R []**

**RESOLUTION ADOPTING VILLAGE OF DEERFIELD
PERSONNEL POLICY**

WHEREAS, the Village of Deerfield, employs personnel, and

WHEREAS, it is necessary that the Board of Trustees establish a Personnel Manual for all Village employees; and

WHEREAS, the Village of Deerfield board has reviewed the matter of a Personnel Policy for employees which is attached.

NOW, THEREFORE BE IT RESOLVED, that the attached Personnel Policy is approved as the Personnel Manual for Village employees.

| Approved by the Village Board this ____ day of ~~April~~ June 2019.

Village President

Attest:

Elizabeth McCredie, Village Clerk

WELCOME TO THE VILLAGE OF DEERFIELD

The Trustees of the Village of Deerfield welcome you to our Village. We are pleased that you have chosen our Village as the place you wish to work.

Every job in this organization is important. Each employee's position -- yours and ours -- plays a vital role in making the Village of Deerfield an outstanding organization.

The Village of Deerfield is devoted to producing the best quality of life for its residents. We need your help to keep the quality of our community at a high standard. Please remember as you read this Manual and as you perform your job at the Village, that you play a very important part in making these things come true. Your work will determine your future and the Village's future.

This Manual has been prepared to assist you in becoming acquainted with your new job. Please take time to read through the Manual. The Village of Deerfield reserves the right to modify, suspend, revoke, terminate or change in whole or in part, any of its policies, procedures, practices or benefits at any time with notice. The language used in the Manual is not intended to create, nor is it to be construed to constitute, a contract between the Village of Deerfield and any one or all of its employees. No representative of the Village of Deerfield other than the Village Board has any authority to enter into any agreement of employment for any specified period of time.

We are confident that you will progress and achieve success at the Village of Deerfield and we hope your experience with us will be satisfying and beneficial both to you and to our Village. If you have any questions, about this Manual or any other aspect of your employment at the Village of Deerfield, please do not hesitate to ask either your Supervisor, the Village Administrator or any member of the Personnel Committee.

Sincerely,

The Village of Deerfield

SECTION 1 GENERAL POLICIES AND PROCEDURES

Section 101 Application

In the event any provision in ~~this Manual conflicts~~this Manual conflict with any collective bargaining agreement, Village ordinance, state or federal law, administrative rule, or rules adopted by the Village of Deerfield ("Village") those terms and conditions prevail. In all other cases, the provisions in this Manual shall apply.

In the event of the amendment of any law, ordinance or rule incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

Disagreements over the interpretation of this manual should attempt to be resolved by the employee's Supervisor, Supervisor, or the Village Administrator. Where a difference of interpretation occurs regarding the Manual, the interpretation of the Personnel Committee shall prevail. No other terms or conditions of employment are herein implied. The Village reserves the right to set any wages, benefits, hours of work and conditions of employment, consistent with applicable law.

The statements or policies outlined in this Manual are not a guarantee of Village employment. This Manual is not, nor is it intended to be construed as, an employment contract.

The Village reserves the right to revise the Handbook at any time. Final interpretation and implementation of any of the policies in the Handbook are vested solely with the Village Administrator, Mayor, the Common Council, and Village employees charged with implementing these policies.

Section 102 Code of Ethics

The Village's Code of Ethics is based on Wis. Stats. §19.59. That Code governs the conduct of employees and all employees are required to comply with it. It includes the following provisions:

- An employee may not use or attempt to use the employee's position to obtain financial gain, anything of value or any advantage, privilege or treatment for the employee or member of the employee's immediate family's private benefit or for an organization with which the employee is associated other than which the employee is entitled arising from Village employment.
- No employee or member of the employee's immediate family may, directly or indirectly, solicit or accept from any person or entity, directly or indirectly, anything of value if it could reasonably be expected to influence the employee's job performance or could reasonably be considered as a reward for the employee's action or inaction.
- No employee may:
 - Take any employment action affecting, directly or indirectly, a matter in which the employee, a member of the employee's immediate family, or an organization with which the employee is associated has a financial or personal interest;
 - Use the employee's position in a way that produces or assists in the production of a benefit, direct or indirect, for the employee, a member of the employee's immediate family either separately or together, or an organization with which the employee or the employee's immediate family member is associated. This does not prohibit an employee from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses; or
 - Grant any privilege, anything of value, special consideration, treatment or advantage to any person beyond that which is available to every other person except as may be specifically provided for by law. "Codes of ethics for local government officials, employees and candidates," Wisconsin Statutes. Essentially, the statute prohibits: taking action that would produce a financial gain to the individual, or his/her immediate family; using their position to benefit the employee, or his/her immediate family.

1.03 Political Activities

Village officials and employees may not, either directly or indirectly, solicit or receive money, property, favors, services, or anything of value on behalf of a candidate for elective office, on behalf of a political party or a committee attempting to influence the outcome of an election during working hours or while on Village property.

Village officials and employees may not engage in political activity on Village property or while engaged in work elsewhere as a Village official or employee. Candidates seeking any elective office may not engage in electioneering while on Village property.

An employee intending to seek political office will be expected to use vacation time, or request an unpaid leave of absence, when the amount of time and effort to conduct a campaign for public office interferes with the performance of duties as a Village employee.

An employee elected to a Village political office will terminate employment with the Village; or, with the approval of the Village Board, take an unpaid leave of absence for a period not to exceed two (2) years.

An employee elected to a political office, other than elective office in the Village, may continue to work for the Village, but may not conduct business related to his or her elective position while on Village property or while engaged in activities as a Village employee.

An employee may seek nomination and appointment as a polling place official, or serve as an appointed observer at a polling place in any election; but, to avoid what may appear to some voters as a possible conflict of interest, the practice is discouraged. Village employees serving as polling place officials or observers will not receive compensation from the Village for scheduled hours not worked as a Village employee.

1.04 Lobbying

Village officials and employees, acting as representatives of the Village, may appear before a legislative body to give testimony on a matter before the body.

Village officials and employees may appear before a legislative body as a private citizen, as a member of an organization not affiliated with the Village, or as a representative of an association seeking to influence the outcome of a matter before the body. In this case, however, Village officials and employees are expected to use vacation or unpaid time for the purpose.

1.05 Whistleblowing and Retaliation

Elected and appointed officials may give information about possible wrongdoing by another employee or Village official to their attorney, the Village Attorney, Village President, or if appropriate, a law enforcement agency. Except in cases where a statute or civil law sets forth a longer maximum prescriptive period, reports of wrongdoing must be reported within three (3) years of the last incident. The Village shall not retaliate against an employee because that employee discloses information concerning possible wrongdoing by another employee or Village official.

1.06 Open Door Policy

Employees are encouraged to share their concerns, seek information, provide input, and resolve problems/issues through their immediate supervisor, and as appropriate, consult with any member of management toward those ends. Managers and supervisors are expected to listen to employee concerns, to encourage their input, and to seek resolution to their problems/issues.

1.07 Employee Input

Employees with suggestions or ideas that would benefit the Village are encouraged to forward them to the Village Administrator. The Village is always looking for suggestions that improve methods, procedures and working conditions, reduce costs or errors, and benefit the Village and its employees.

1.08 Equal Employment Opportunity Policy

The Village provides equal employment opportunities to all individuals regardless of their race, age, sex, creed or religion, color, handicap or disability, marital status, citizenship status, veteran status, membership in the National Guard or reserves, sexual orientation, national origin, ancestry, arrest record, conviction record, or any other characteristic protected by law. This policy applies to all employment decisions including, but not limited to, recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, and other conditions of employment.

Any employee who has a problem or concern in any matter relating to equal employment opportunity should discuss it as soon as possible with your supervisor or the Village Administrator.

1.09 Personnel Records

Each employee's personnel file will contain only such information as is needed by the Village in conducting its business or as required by law. This information normally will include, but is not limited to, an employee's:

- A. Application;
- B. Payroll information;
- C. Performance appraisals;
- D. Medical information; and
- E. Disciplinary records.

The Village Administrator will maintain the Village's personnel files. The personnel records will be maintained in a secure location. The Village maintains a separate employee medical record file for each employee (e.g., reports of medical examinations, psychological profiles, and physician certifications) that will be in a locked location and file access will be limited to the Village Administrator with information provided to the employee's supervisor and/or Supervisor on a "need to know" basis.

Internal access to employee personnel files is on a "need-to-know" basis. External access to employee personnel records is based upon state statute.

Each employee may inspect and retain copies of the employee's personnel records pursuant to Wis. Stat. §103.13. A written request to do so should be directed to the Village Administrator who will schedule a time for inspection. A reasonable charge may be made for any copies of records.

If, after inspecting the personnel records, an employee believes that certain material is irrelevant, inaccurate, or obsolete, the employee may submit a written request to the Village Administrator to remove the material from the file. If the employee is not satisfied with the Village Administrator response, the employee may place a written statement explaining the employee's position in the file.

All requests for employment references with respect to employees and former employees shall be directed to the Village Administrator for the appropriate response. Requests for references for Police Department employees shall be directed to the Chief or designee. Supervisors may release, without first obtaining Village consent, dates of employment, title of position, wage and salary information and the location of the job, provided that the person receiving this information has provided ~~the Village~~ the Village with a written authorization from the employee or former employee allowing release of this information.

1.10 Harassment Policy

The Village is committed to providing a work environment in which employees are treated with courtesy, respect, and dignity. The Village will not tolerate any form of unlawful harassment with regard to an individual's race, color, religion, age, sex, national origin, disability, ancestry, sexual orientation, marital status, veteran status, arrest or conviction record or any other protected characteristic by any employee, elected official, or third-party.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can take many forms, including inappropriate jokes, innuendoes, comments, conversations, cartoons, pictures, pranks, teasing, intimidation, inappropriate touching and similar behavior. It may even include derogatory statements not directed to the targeted individual.

Unlawful harassment on the basis of protected status occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; and/or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Any employee who becomes aware of an incident of unlawful harassment whether as a victim, witness, or as someone with knowledge must report the incident to a supervisor, Supervisor, Village Administrator or Village Board member.

If an employee is the victim of unlawful harassment, the Village encourages the employee to first communicate directly with the alleged harasser to let that person know his or her behavior is unacceptable, offensive, or inappropriate. However, it is not required that an employee do so.

1. Upon receipt of an allegation of unlawful harassment, the Village will investigate the matter and take appropriate remedial action. Any employee who violates this policy may be subject to disciplinary action, up to and including discharge. Any elected official or third-party who violates this policy will be addressed as appropriate.
2. The Village will conduct its investigations in a discreet manner and proceed with due regard for the privacy of the individuals involved; however, the Village cannot guarantee confidentiality. The Village will not retaliate against an employee who reports a violation of this policy or participates in the investigation of such violation. It is the Village's policy to encourage discussion of such matters to help protect others from being subjected to similar unlawful behavior. If after investigating any complaint of harassment or unlawful discrimination, the Village determines that the complaint is not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

Employees may also file a charge alleging unlawful harassment with the Equal Employment Opportunity Commission (EEOC) or the Equal Rights Division of the Wisconsin Department of Workforce Development within three hundred (300) days of the last act of unlawful harassment.

1.11. Electronic Communications Policy

See Appendix A.

1.12 Drug and Alcohol Policy

See Appendix B

1.12 Cellular Phone/Telephone Use

The Village will supply to all Public Works and Utility Personnel a cellular phone. Employees are required to have in their possession at all times during working hours these phones and they must be on. These phones are available for the purpose of completing village business and are not intended for personal use. Personal use of telephones should be limited and brief. Personal ~~long distance~~~~long-distance~~ calls not billed to the employee may not be made without maintaining accurate records and reimbursing the Village for the cost of the call.

1.13 Smoke Free Workplace

In an effort to provide a safe and healthy work environment for all Village employees and Deerfield residents, there shall be no smoking in Village buildings/vehicles. In addition, the Village prohibits vaping, which is the use of

[electronic nicotine delivery systems or electronic smoking devices \(e.g., e-cigarettes, e-pipes, e-hookahs, and e-cigars\) in any enclosed, indoor area of the Village's buildings and vehicles](#)

1.14 Workplace Violence

The Village is committed to providing a safe, healthful workplace that is free from violence or threats of violence. The Village does not tolerate behavior that:

- Is violent;
- Threatens violence;
- Harasses or intimidates others;
- Interferes with an individual's legal rights of movement or expression; or,
- Disrupts the workplace or the Village's ability to provide service to the public.

Violent or threatening behavior can include: physical acts, oral or written statements, harassing email messages, harassing telephone calls, gestures and expressions, or behaviors such as stalking.

Individuals who engage in violent behavior may be removed from the premises, and may be subject to discipline, up to and including termination. Violence in the workplace includes relationship violence that intrudes into the workplace, endangering a person in the relationship or others in the workplace. Relationship violence is physically, sexually, and /or psychologically abusive behavior that a household member or dating partner uses to establish and maintain control over another person.

Preventing violence is a responsibility all employees and elected officials share. In situations involving violent behavior, or where it appears that violent behavior is likely to take place employees should immediately notify their supervisor.

1.15 Public Appearance and Conduct

Village employees should be groomed and dressed in a manner suitable for the workplace and that reflects well on the Village as an employer. Supervisors will discuss personal appearance with employees if it is felt appearance is not appropriate.

Employees must convey a positive image and provide correct information to the public. Employees should treat all of whom we serve in the manner in which we ourselves would want to be treated. This would include listening carefully, patiently, and treating people with courtesy. Deerfield employees should never become argumentative with the public. If a problem develops and a resident or customer becomes mean or hostile, it is our responsibility, not that of our subordinates, to rectify the situation.

Employees should make it a practice to return telephone calls in a prompt manner. On many occasions, a promptly returned telephone call will build a positive rapport at the outset in dealing with one's concerns. Please be prompt, courteous, and attentive in dealing with the public over the telephone.

1.16 Confidential Information

With the exception of information available to the public in accordance with the Wisconsin Public Records Law, Wis. Stats. § 19.31-19.39, employees are prohibited from disclosing or using any confidential Village information. Only the Village Administrator or designee may produce documents under the Public Records.

1.17 Solicitations and Distributions

Employees may not engage in solicitation of any kind during their working time or during the working time of another Village employee being solicited.

Employees may not distribute literature of any kind or for any purpose other than Village business in work areas or during the working time of either the distributor or the employee to whom the literature is directed. "Working time" does not include authorized breaks or meal periods, and "working areas" does not include break rooms.

~~1.18~~ — 1.18 Use of Village-owned Vehicles

Village-owned vehicles will be used only for official business. With the following exceptions, Village vehicles will be used only to transport Village officials and employees:

- Individuals needing medical treatment as the result of an accident or illness may be transported in a Village vehicle;
- ~~Individuals involved in incidents to which Village law enforcement officers respond or investigate may be transported in a Village vehicle;~~
- Individuals needing to be conveyed in conjunction with Village business may be transported in a Village vehicle; and
- Family members accompanying a Village official or employee to a business meeting or official function may be transported in a Village vehicle;

~~With the exception of certain employees of the Police Departments,~~ Village vehicles will not be taken home overnight or used for travel at mealtime, unless an official or employee is in a location where driving a Village vehicle for such reasons results in less cost and/or fuel than use of his or her personal car.

Village vehicles will be legally operated and parked at all times. Citations issued to the driver of a Village vehicle will be the responsibility of the driver and not the Village.

Seat belts will be used by drivers of Village vehicles, unless an exemption is granted by the Supervisor for medical or physical reasons. It is each driver's responsibility to ensure passengers use seat belts.

Supervisors may establish supplemental policies for the use of vehicles used by their employees.

Except in the case of emergency situations, the Village prohibits the use of laptops, hand-held cell phones and similar devices while driving for work-related purposes. Hands-free headphones for cell phone use are acceptable.

Personal vehicles may be used for Village business with the approval of an employee's Supervisor. Employees using their own vehicles may be reimbursed at the rate established by the Village Board.

All officials and employees whose duties require operation of a Village vehicle, or who operate a privately-owned vehicle while conducting Village business, must possess a valid motor vehicle operator's license issued by the State of Wisconsin.

If a Village employee is charged with three (3) or more moving violations within three (3) years, the employee may be barred from operating a vehicle while performing Village work.

An employee performing work that requires operation of a motor vehicle must inform the employee's supervisor if the employee's operator's license has expired, been suspended or revoked.

If an employee's operator's license has been revoked and the employee's position requires the operation of a motor vehicle, or the Village's insurer denies coverage for that employee, the employee may be terminated from Village employment.

If an employee drives unsafely, a Supervisor may deny authorization to operate a vehicle while performing Village work. If the employee's position requires the operation of a motor vehicle, the employee may be terminated from Village employment.

Officials or employees who operate privately-owned vehicles while conducting official business for the Village must have motor vehicle liability insurance providing coverage for bodily injury or death, destruction of or damage to property that meets or exceeds the minimum requirements established by Wisconsin law.

1.19 Absenteeism

Village employees are responsible for reporting to work on time as scheduled. In the event of non-work-related sickness or injury, an employee must contact the employee's supervisor prior to the start of the employee's scheduled shift. With the exception of emergency situations, the employee (not the employee's spouse or another relation) must communicate with the supervisor directly.

Absences from scheduled work may be cause for disciplinary action. An employee who is absent from work for three (3) consecutive work days without proper notification to the Village, unless prevented from doing so for a reason beyond his/her control, may result in the employee being considered to have voluntarily vacated employment with the Village.

The Village may request that an employee provide medical or other documentation verifying the reasonableness of any absence.

1.20 Safety and Accident Prevention

The Village recognizes the need for safe work practices and workplace safety. While ~~work supervisors and~~ Supervisors must lead the Village's accident prevention initiatives, safety is everyone's responsibility. Village employees must abide by the following rules:

1. Observe safe practices at all times;
2. Promptly report all work-related injuries or illnesses whether the employee is directly involved or simply a witness, regardless of the situation's severity;
3. Correct and immediately report to the employee's ~~supervisor or~~ Supervisor any hazard or potentially unsafe condition;
4. Cooperate with a ~~supervisor or~~ Supervisor that is investigating any accident of which an employee has knowledge;
5. Ask the ~~supervisor or~~ Supervisor if the employee is not sure of the safe procedure;;
6. Keep all work areas clean and free from debris, and tools and equipment in clean and good repair;
7. Ensure that only employees properly trained and qualified may use, adjust and repair certain machines and equipment;
8. Refrain from operating, modifying, adjusting or using equipment in an unauthorized manner or for an unauthorized purpose;
9. Use protective equipment as required in designated areas and while using machinery or tools;
10. Refrain from removing guards or other protective devices from machinery and equipment;
11. Request help when lifting or pushing heavy objects;

12. Know the locations, contents and use of first aid and fire-fighting equipment;
13. Attend safety training programs as requested; and
14. Comply with OSHA standards as instructed.

1.21 Possession of Weapons

No Village official or employee may possess a weapon or ammunition while on duty, on Village property, at a Village job site, or within a Village vehicle. ~~This policy does not apply to Village Police Officers.~~

~~1.22 Rules of Conduct~~

~~The following listed acts or omissions represent some of the kinds of conduct or misconduct that may result in disciplinary action, up to and including termination. The list is not an exclusive list of offenses which may lead to discipline and other conduct may also result in discipline, up to and including termination.~~

- ~~1. Unsatisfactory job performance, sleeping on the job, loafing, loitering, or otherwise wasting time during working hours.~~
- ~~2. Fraudulent requests for time off or fraudulent absence falsely alleging illness; being tardy or absent from work without permission or without properly notifying the Village; excessive absenteeism or tardiness; overstaying a leave of absence or vacation without permission; failure to return to work within three days after recall from layoff.~~
- ~~3. Taking breaks at unauthorized times or places or failing to return to the designated work area at the prescribed time after the lunch or break period without valid excuse.~~
- ~~4. After an employee is released by his or her doctor to return from a worker's compensation leave, it is the employee's obligation to notify the Village of Deerfield that he/she is able to return to work.~~
- ~~6. Leaving or preparing to leave without permission prior to the scheduled quitting time.~~
- ~~7. Poor personal hygiene or causing unsanitary conditions for others; failure to clean workplace at the end of the work shift.~~
- ~~8. Threatening, intimidating, coercing, assaulting, injuring, or interfering with other employees or customers. Participating in a demonstration, or interfering with Village production, output or the work of other employees.~~
- ~~9. Careless or sloppy work resulting in poor quality or unnecessary scrap, or concealing defective work.~~
- ~~10. Smoking or lighting fires in unauthorized areas.~~
- ~~11. Using abusive language toward, or making false or malicious statements about, other employees or customers.~~
- ~~12. Entering or gaining access to unauthorized or restricted areas, property, or records, or removing them from the Village of Deerfield premises; breaking and entering the Village of Deerfield premises; unauthorized presence on the premises.~~
- ~~13. Carelessness in regard to safety to self or others, or failure to properly use safety devices, or tampering with safety equipment; willful and intentional violation of any Village safety procedure, program, or rule.~~

- ~~14. Theft or unauthorized removal of property belonging to others or to the Village of Deerfield.~~
- ~~15. Insubordination or failure to perform duties as instructed.~~
- ~~16. Gross neglect or negligence; carelessness or negligence resulting in injury, property damage, or other dangerous conditions; intentional failure to report an injury sustained on the Village of Deerfield premises.~~
- ~~17. Posting, defacing, or removing notices, signs or writing on or from the bulletin boards or other the Village of Deerfield property at any time without specific authorization from management.~~
- ~~18. Tampering with fire equipment, or other protective equipment making it inoperable and/or ineffective; abuse, damage, or destruction of property belonging to the Village of Deerfield or to others.~~
- ~~19. False or misleading information or omission on the employment application or other Village of Deerfield document; willfully and intentionally making false statements to supervisor or other person in position of authority.~~
- ~~20. Unauthorized use of the Village of Deerfield property or products; unauthorized operation of the Village of Deerfield's machines, tools, or equipment.~~
- ~~21. Running, shoving, pushing, throwing objects and/or any type of horseplay that could jeopardize the safety of self or others.~~
- ~~22. Parking personal vehicle in No Parking areas or in spaces assigned to other employees, customers or visitors.~~

1.223 Job Descriptions

Job descriptions are maintained for each position in the Village and will list the essential functions of each position. Job descriptions should be reviewed on an annual basis by the Supervisor. Recommended changes are to be reviewed and approved by the Personnel Committee and the Village Board.

The job description for each position which shall include:

- Job title;
- To whom the position reports;
- FLSA status;
- A brief description of the position, including the level and type of supervision required;
- Minimum qualifications an individual must have to be considered for employment in the position;
- Knowledge, skills, and abilities considered essential to perform functions and duties assigned to the position;
- The position's essential functions and duties;
- Other functions or duties that, while not necessarily essential, may be performed by an individual in the position;
- The physical and other requirements of the position; and
- The physical environment in which a person in the position usually works, as well as special environmental or physical conditions the person may encounter.

Employees are expected to perform their duties as defined in the job description efficiently and effectively, as well as any additional duties that may be assigned by the immediate Supervisor.

1.243 Vacancies

The selection of any applicant to fill a job vacancy shall be made on the basis relative ability, experience and qualification. The Village Board must approve the filling of a new position. Village Board approval is not required for the transfer of an employee to another position. The Village reserves all rights to establish job requirements, to determine an applicant's qualifications, and to select an applicant based on who the Village determines to be the best qualified applicant for employment. The Village may temporarily fill a position while processing the permanent vacancy or publicly soliciting employment applications from non-employees.

1.245 Nepotism Policy

Members of an employee's immediate family will be considered for employment solely on the basis of qualifications and pursuant to the hiring processes applicable to all potential applicants for a Village job. Immediate family members of current employees may not be hired if that employment would:

1. Create a supervisor/subordinate relationship with a family member;
2. Create the potential for an adverse impact on work performance; or,
3. Create either an actual conflict of interest or the appearance of a conflict of interest.

This policy also applies to assigning, transferring, or promoting an employee.

No employee may use the employee's position to bring about the employment or promotion of a member of the employee's family.

No employee may participate in any final decision in any employment matter involving an employee who is a family member.

For purposes of this policy, family members are defined as: spouse; child by blood or adoption; spouse's child; sibling; parent or parent-in-law; brother- or sister-in-law; uncle, aunt, niece, nephew, or spouse thereof; grandparent or grandparent-in-law; and fiancé or fiancée.

This policy does not apply to the hiring of temporary or seasonal employees.

1.265 Residency

All employees are encouraged to live within the Village. Employees who by the nature of their job are required to respond to Village emergencies must be able to respond with one-half hour of notification of the emergency.

1.276 Outside Employment

Employees may engage in outside employment or work so long as, in the judgment of the Village Administrator, the outside work or employment would not affect the quality or quantity of the employee's work for the Village, prevent the employee from the accomplishment of the employee's work for the Village, or tend to create a conflict, or the appearance of a conflict, between the private interest of the employee and the employee's official responsibility to the Village. Employees are prohibited from entering into any arrangement which involves the performance of services while on Village time or while using Village equipment. No employee shall receive compensation other than from the Village for the performance of services while on Village time.

1.28 Trial Period

New employees must undergo a six (6) month trial period in the position to which they are assigned. During this trial period, an employee will be eligible to receive all available medical, disability, group life insurance or other benefits offered by the Village within the terms of each specific insurance policy.

~~Regular employees transferred or promoted to a new position shall serve a six (6) month trial period. Employees whose performance is deemed not to be satisfactory in the new position may be returned to their former position or a different position at any time during or after the trial period.~~

~~The use of these trial periods does not alter an employee's at will status or imply that continued employment or placement in a particular position is guaranteed during or after the completion of the trial period.~~

1.297 Orientation Program

Employees will be provided with an orientation program upon hire. Supervisors will answer questions which employees may have about material contained in the Manual, and review other applicable rules, regulations, and practices. During the orientation process, the Village Administrator will meet with newly hired employees for the purpose of providing detailed information on each of the benefits offered by the Village.

1.3028 Bulletin Boards

The Village provides bulletin boards to communicate important information such as safety rules, job postings and management memos. Each employee has the responsibility to read the information that is posted. The bulletin boards are located at the Public Works Garage, the Village Hall and the Public Library. These are not to be used for other communications without the authorization of the Village Administrator.

SECTION 2 COMPENSATION AND HOURS OF WORK

2.01 Salary and Wages

Salaries and wages are determined annually by the Village Board. Employees are encouraged to review their pay and benefit information carefully. If you find a discrepancy or have any questions, report it to the Village Administrator or Payroll Clerk immediately.

2.02 Pay Period

For all employees the standard pay period is bi-weekly, with the exception of Village President and Judge who will be paid on a monthly basis and Village Board members who will be paid annually. ~~All employee compensation will be conducted by direct deposit or if not available, by paper checks on Thursday.~~

~~Until direct deposit is available paper Payroll~~ checks will be distributed on Thursday. If a pay day happens to fall on a holiday, employees are paid on the last regularly scheduled work day prior to the holiday.

2.03 Payroll Deductions

Your earnings and payroll deductions are shown on a voucher with your check. Any questions about your paycheck should be directed to your Supervisor. The Village also offers its employees certain payroll deduction plans for employee contributions for fringe benefits, which allows employee contributions before tax deductions.

2.04 Hours of Work

The normal work week for full-time Village employees, ~~with the exception of certain Police Department positions,~~ is forty (40) hours during the seven (7) day period beginning 12:01 a.m. each Monday and ending at midnight the following Sunday. ~~The Police Department hours of work will be established by the Village Board.~~

Normal hours of operation for Village departments and offices may be set and, as necessary, changed by the Village Board. Work hours, including lunch periods, will be established by Supervisors to meet the Village's needs

In cases of inclement weather, in most instances the Village will remain open for business to those employees that can make it to work. On days that have been declared as inclement weather, disasters or emergency situations employees, other than essential, shall report to work at their discretion.

When the Village Administrator or Village President determines that employee should leave work after arriving shall be paid for the balance of the day. If the Village Administrator or Village President determines that employees should not report to work, or when employees are unable to report to work as the result of inclement weather, disasters or emergency situations, employees may use vacation, a personal day, or unpaid leave for the inclement weather day.

2.05 Rest Periods

Full-time employees may take two (2) rest periods during an eight (8) hour work day not to exceed ten (10) minutes each. One break may be taken during the first four hours of the day, and the other may be taken during the second four hours.

Part-time employees are also allowed one (1) or two (2) rest periods not to exceed ten (10) minutes each during the work day depending upon the number of consecutive hours worked. A part-time employee working less than six (6) consecutive hours will be entitled to one rest period. A part-time employee working more than six hours will be entitled to two (2) rest breaks. The first break may be taken during the first four hours of work and the other may be taken remainder of the work day.

Rest periods must be taken in the immediate area of work. Employees may not travel to another work site or Village building to take break time.

Employees who are allowed to leave their work site during the meal period and who are not required to be readily available to return to work shall be granted one (1) unpaid meal period during the work day. This meal period shall not be less than thirty (30) minutes nor more than sixty (60) minutes. Any request for changes in the length of meal periods must be made and evaluated in the same manner as alternate work schedules.

The time at which these rest periods are to be taken shall be determined by the ~~Supervisor or~~ Supervisor. Situations may require that rest periods be rescheduled. Employees electing not to take their required break periods will not be additionally compensated.

Rest periods shall start with the cessation of work, and work shall resume after the time allotted for the rest period has elapsed. As mentioned above, paid rest periods have a purpose in ensuring a break from routine tasks, and Supervisors should encourage their employees to use paid rest periods.

2.06 Reporting Hours

Employees shall report hours worked and hours charged to various forms of leave as required by the Village, including overtime and compensatory time, vacation, and sick leave. It is an employee's and supervisor's responsibility to accurately report the number of regular hours worked, overtime hours worked, and hours charged to vacation, sick leave or other forms of leave. Employee's should review their paychecks and time records for errors and shall report any mistakes prior to the next payroll period.

No employee is allowed to record time on another employee's time sheet. Violation of these rules may result in disciplinary action up to and including discharge.

FLSA-exempt employees need to record their time to reflect the use of earned benefits.

2.07 Overtime

There may be times when it will be necessary for employees to work overtime. At such times, a supervisor will notify employees as early as possible regarding the Village's overtime needs. Employees shall work overtime when requested to do so by the Village.

There may be times when an employee believes the employee needs to work overtime to complete Village work assigned to the employee. In that case, the overtime must be approved in advance by the employee's supervisor. Overtime should be kept to a minimum and shall be utilized to relieve specific, occasional peaks in workloads or emergencies.

Only nonexempt employees as defined by the Fair Labor Standards Act are eligible for overtime pay. Nonexempt employees must receive advance authorization from the supervisor or manager to work beyond the standard workday. Nonexempt employees will be compensated at a rate of one and one-half times their normal hourly rate for all time actually worked, ~~not paid~~ in excess of 40 hours in a workweek. "Time worked" includes time paid during a week for approved vacation and sick leave. Hours worked on Holidays as listed in section 3.033, other than personal days, will be compensated at a rate of two times the normal hourly rate for all authorized work.

2.08 Compensatory Time

Compensatory time off may be used by full-time non-exempt employees in order to provide an alternate form of compensation for overtime hours worked. The following provisions for the use of compensatory time off shall apply:

1. An employee may elect to accumulate compensatory time rather than be paid overtime. Compensatory time shall be earned at the rate of one and one-half (1.5) hours for every hour of overtime worked. For example, four hours of overtime work will result in six hours of compensatory time.
2. A maximum of ~~[-]twenty-six (26)~~ hours of compensatory time may be accumulated and used in a calendar year and may not be carried over, unless approved by Village Administrator.
3. An employee who elects to accumulate compensatory time rather than be paid overtime must make an election to designate overtime hours as compensatory time on the employee's weekly time sheet. Once the time sheet is submitted, the designation cannot be changed.
4. Use of compensatory time off by support staff shall be approved by the employee's Supervisor. Use of compensatory time off cannot be disruptive to the delivery of services to the public, or to the smooth functioning of the organization. Compensatory time off should not be used in those instances where the employee's absence would pose an additional work load burden on fellow employees.
5. ~~Supervisors or~~ Supervisors will be responsible for maintaining records on the accumulation and use of compensatory time off for their employees, and will be required to submit an annual report to the Village Administrator by December 1st of the calendar year, detailing the accumulation and use of compensatory time off by their employees for the calendar year. Compensatory time cannot be carried over into the succeeding year. Any accumulated compensatory time that is not used or scheduled by December 15 will be paid out in the last paycheck of the year.
6. Exempt employees under the Fair Labor Standards Act are not eligible for overtime. In recognition for time worked necessitated by circumstances above and beyond expectation of the job or for time worked which is unusually more than normal, exempt employees may request time off from the Village President. This time off is not intended to be accumulated, paid out or used to supplement vacation or sick leave.

2.09 ~~Pager~~ Pager/Standby Compensation

An employee shall be on a Stand-by/Emergency status if the employee is instructed verbally or in writing by his or her supervisor to be continuously available to report to work during an off-duty period. An employee who is instructed to be on Stand-by status must be:

1. Continuously available to be contacted by the Village through either a telephone or electronic signaling device.
2. Able to report to work immediately, but in no event later than thirty minutes of receiving a request from the appropriate Village personnel.
3. Able to report in a condition which allows the efficient performance of the employee's job classification.
4. Be in a condition related to the use of alcohol or drugs as if working a regular shift.

An employee who is placed in a Stand-by/Emergency Status will be eligible for compensation as established by the Village Board. Stand-by Status shall have the following four distinct time periods for which the Village Board will determine the appropriate rate of compensation:

- 1 Weekend Stand-by: begins at the completion of the normal scheduled workday on Friday, and ends the following Monday at the start of the scheduled workday.
- 2 Schedules Mid-week Holiday: begins at the completion of the employee's scheduled workday preceding the scheduled holiday, and ends the following workday when the employee is scheduled to report back to work.
- 3 Scheduled Weekend Holiday: begins at the completion of the employee's scheduled workday preceding the weekend and/or scheduled holiday and ends the following workday when the employee is scheduled to report back to work.
- 4 Full Workweek Standby: begins at 7:00 A.M. Monday and continues until the following Monday at 6:59 A.M.

If an employee is required to report to work during Stand-by, the employee will receive a minimum of two (2) hour's compensation. Each Supervisor shall determine the need for the Stand-by status in the operation of their Department. In the absence of the Supervisor, the Village Administrator will determine the need for Stand-by status.

Weekend duties for the Public Works Department are not considered stand-by and will be compensated a minimum of two (2) hours per day worked, at the overtime rate of pay. Once duties are completed, the employee is released from work. The Public Works employee on duty for weekend duties is required to carry the cell phone only for the time they are on duty.

2.10 Call-In Time

Employees called in to work on other than a regularly scheduled time shall be entitled to at least two (2) hours work, or pay therefore, at the appropriate overtime rates of pay regardless of the length of time less than two (2) hours, which they may work. The Village reserves the right to have the employee work the full two (2) hours. In the event the employee is released during the two (2) hours period and called back within the same two (2) hour period, any extension over the two (2) hour period shall be paid at the appropriate overtime rate of pay based upon the actual time worked. An employee shall not be entitled to the two (2) hour minimum when he or she reports early for a particular shift or remains after the end of his or her shift.

Employees scheduled to work on Saturdays, Sundays and Holidays shall be entitled to at least two (2) hours of work, or pay therefore, at the appropriate rates of pay regardless of the length of time less the two (2) hours they may work.

2.11 Clothing Allowance

The Village will reimburse/purchase for each regular full-time employee of the Public Works Department up to ~~\$250200~~.00 per year for clothing and boots. Public Works employees are required to wear identifying upper garments when at work.

The Village will purchase each regular full-time employee of the Village Hall up to ~~\$7550~~.00 per year for clothing with Village Logo. These purchases will be made through the Village.

2.12 Travel Expense Policy

Employees traveling at Village expense are expected to exercise good judgment when incurring travel costs. An employee shall be reimbursed for reasonable and necessary travel expenses actually incurred in the performance of official duties in accordance with the provision provided herein.

The Village encourages all employees, whenever possible, to plan and conduct business maximizing the use of the telephone and postal services. Whenever this is not possible, employees are encouraged to plan all travel utilizing sound fiscal practices. All out-of-state travel must be approved by the Village Administrator.

The Village will not authorize or reimburse travel expenses for spouses of employees. With respect to lodging, the amount reimbursable will be equal to the rate for a single room.

Deviations from standards and procedures contained herein can only be allowed when prior authorization by the Village Administrator is obtained and supported with evidence that such deviation is necessary, unavoidable, and in the best interests of the Village.

A. Travel Expense Reimbursement

1) Air Travel

Reimbursement for commercial air travel shall be limited to the fare for the lowest class available. No reimbursement will be made for first class travel. Employees are encouraged to seek competitive air fares, including the purchase of the airline ticket in advance for maximum discount.

2) Ground Transportation

Village Owned Vehicles - Employees are encouraged to use Village owned vehicles whenever the conduct of official Village business requires travel by automobile. Emergency repairs to Village vehicles while out of town will be reimbursed upon presentation of receipts. All attempts should be made, however, to return the Village vehicle to the Village of Deerfield for repairs. Costs incurred for traffic citations and parking tickets are the responsibility of the vehicle operator.

Privately Owned Vehicles - Privately owned vehicles may be used when Village vehicles are not available. Employees shall be reimbursed at a per mile rate approved by the Internal Revenue Service, subject to the limits below. Charges for repairs, tow services, maintenance, traffic citations, and parking tickets are not reimbursable.

Rental Vehicles - Employees who are authorized attendance at national conferences are encouraged to use airport shuttle, complimentary conference transportation, or mass transportation as means of ground travel when attending national conferences. Only when it is demonstrated that these transportation facilities do not exist will rental of motor vehicles be approved.

Tolls and Parking – Employees will be reimbursed for all tolls and parking fees, while on official business, upon presentation of receipts.

Reimbursable Limits - For travel between points convenient to be reached by railroad, bus, or commercial airline without reasonable loss of time, the allowance for the use of a personal automobile shall not exceed the lowest cost of the most practical means of mass transportation between such points.

B. Meals and Lodging Expense Reimbursement

1) Meals Expense

All claims for reimbursement for meals, while traveling on official business, must represent actual, reasonable and necessary expenses. No reimbursement will be made for alcoholic beverages. Receipts are required for all meal expenses greater than \$5.00 for which the employee claims reimbursement, unless the cost of a meal is associated with a conference registration.

2) Lodging Expense

All lodging expenses must be supported by the original machine printed receipt, furnished by most hotels or motels. When registering in hotels or motels, Village employees shall use their business address and identification, and request the available government discount.

C. Corporate Credit Cards

The Village Administrator shall have authorization to distribute Village "Corporate Credit Cards" to employees attending conferences. The rules stated above regarding meals and lodging remains in effect. Any deviation from such shall result in employee reimbursement of the Village upon proper audit of travel expenses.

2.13 Fire/EMS Volunteers

The Village encourages all employees to volunteer to be members of the local Fire Department and /or the local EMS. Fire Department and EMS volunteers will be allowed to leave work to respond to emergency calls and continue to receive their pay for regular scheduled hours with no over time. Any monetary compensation received by an employee from the Fire Department or EMS will be the employees to keep.

SECTION 3 LEAVE POLICIES

3.01 Sick Leave

~~3.01.1 Accrual~~ 3.01.1 Accrual

Sick leave shall be accrued at the rate of one (1) normal workday, as defined, for each month of service. An employee shall be eligible for sick leave compensation only to the extent that he or she has accrued sick leave. Sick leave can be accrued up to 1200 hours for those hired prior to 1/1/06 and 960 hours for those hired after 1/1/06. Part time employees will receive prorated sick leave based upon hours worked. [An employee cannot earn sick leave while on an unpaid leave of absence or is on Worker's Compensation leave.](#)

3.01.2 Use

Employees shall be eligible to use sick leave for either personal illness or disability, or family illness or disability. Employees who are suffering from any non-service related illness or disability which renders them unable to perform the duties of their position shall be eligible to receive paid sick leave. In addition, employees shall be eligible to receive paid sick leave when there is an illness or disability involving a member of the immediate family, provided that requiring the employee to report to work would cause a serious hardship on the person who is ill.

3.01.3 Procedure for Use

It is the responsibility of each employee requesting paid sick leave to properly notify the ~~Supervisor or~~ Supervisor, at the start of the work day or shift. Supervisors who wish to make use of paid sick leave shall also provide notification to the Village Administrator's office. All paid sick leave requests must be recorded on the employee's bi-weekly payroll time sheet.

3.01.3 Payment upon Retirement or Death

Unused sick time, not to exceed 1200 hours, (or 960 hours for employees hired after 01/01/06) shall be used towards health insurance for employees that have worked for the Village for at least 10 consecutive years. Employees hired after 1/1/06 must be at least 55 years of age to be eligible and have at least 10 consecutive years of service. No cash payment is made in lieu of health insurance, or upon termination or resignation, however, the calculated cash value will be held in account (non-interest bearing) until the employee needs to use the benefit. Any unused benefit reverts back to the Village.

Upon the death of the employee all unexpended funds revert to the Village and any interest earned shall accrue to the Village. The calculated cash value shall be based on the current rate of pay at termination or resignation. When an Employee has obtained 1200 hours (or 960 hours for employees hired after 01/01/06) of accrued sick days the Village will pay the employee \$30.00 for every 8 hours of the unused accrued sick days that is over 1200 hours or 960 hours for employees hired after 01/01/06. This payment will be on the first pay period in January.

3.02 Vacation

3.02.1 Accrual

The Village shall grant permanent full-time/part-time employees, working at least 1000 hours per year, vacation with pay based on their standard or non-standard workweek.

All eligible employees begin accruing vacation time from his/her hire date at the rate of one-twelfth (1/12) the employee's annual accrual which will be credited after each completed month of service and, may start being used after six (6) months of employment. For example, an eligible staff employee accrues two (2) standard workweeks (eighty hours) of vacation per year. $80/12 = 6.66$ hours a month.

Employees hired before January 1, 2008 shall earn vacation pursuant to the following schedule:

- | | | |
|------------------------------------|----------------------------|-------------|
| • 1-4 years of full-time service: | 2 weeks per year. | (10 days) |
| • 5-10 years of full-time service: | 3 weeks per year. | (15 days) |
| • 11 years of full-time service: | 3 weeks + 1 days per year. | (16 days) |
| • 12 years of full-time service: | 3 weeks + 2 days per year. | (17 days) |
| • 13 years of full-time service: | 3 weeks + 3 days per year. | (18 days) |
| • 14 years of full-time service: | 3 weeks + 4 days per year. | (19 days) |
| • 15 years of full-time service: | 4 weeks per year. | (20 days) |
| • 16 years of full-time service: | +4 hours per year. | (20.5 days) |

• 17 years of full-time service:	+4 hours per year.	(21 days)
• 18 years of full-time service:	+4 hours per year.	(21.5 days)
• 19 years of full-time service:	+4 hours per year.	(22 days)
• 20 years of full-time service:	+4 hours per year.	(22.5 days)
• 21 years of full-time service:	+4 hours per year.	(23 days)
• 22 years of full-time service:	+4 hours per year.	(23.5 days)
• 23 years of full-time service:	+4 hours per year.	(24 days)
• 24 years of full-time service:	+4 hours per year.	(24.5 days)
• 25 years of full-time service:	+4 hours per year.	(25 days)

Vacation time earned will max out at 25 days and 25 years of ~~full-time~~full-time service. All vacation is prorated, based on a forty (40) hour work week and is calculated from January 1st.

Employees hired after January 1, 2008 shall earn vacation pursuant to the following schedule:

Paid vacations will be provided to all employees who work an average of twenty (20) hours or more, per week. Vacations will be prorated according to hours worked. Vacation time will be credited as earned.

• Year 1	1 Week*
• Years 2-5	2 Weeks
• Years 6-15	3 Weeks
• Years 16-20	4 Weeks
• Years 21 and forward	5 Weeks

*Granted after 6 months. For employees hired after January 1, 2008.

An eligible employee will not accrue vacation during any month for which he/she is in an out-of-pay status (i.e., voluntary/involuntary leave of absence or falling below the 20 hour per week average).

Pay for vacation time shall be at the eligible employee's regular base rate of pay when vacation time is used.

If an authorized holiday falls within an employee's vacation period, and the employee is eligible for paid holiday allowance for that particular day, it shall be counted as a holiday rather than a vacation day.

[An employee shall not earn vacation while on unpaid leave or Worker's Compensation leave.](#)

3.02.2 Use

It is intended that each eligible employee take the annual vacation to which he/she is entitled each year. An employee may be reimbursed in lieu of vacation time with the approval of the Personnel Committee.

Vacation may be taken in quarter-hour (15 minute) increments.

Vacation schedules are to be determined by the Supervisor. While due consideration may be given to the employee's convenience, the needs of the Village in scheduling work shall be the controlling criterions. Preference in scheduling vacations for non-management employees shall be based upon seniority

Employees will be allowed to carry over ~~one year~~one-year worth of eligible vacation time. Time above this amount must be approved by the Administrator and a deadline for use of the excess time will be established.

At an eligible employee's request, and upon the exhaustion of all sick leaves, absence due to non-work-related illness or injury may be taken as vacation time.

3.02.3 Pay Out Upon Separation from Employment

Upon termination of employment, an eligible employee is to be paid for any accrued and unused vacation.

3.03 Holidays

Permanent full-time and part-time employees working at least 20 hours per week are eligible for holiday pay.

The following paid holidays will be observed:

New Year's Day	Memorial Day
½ Spring Holiday (Friday proceeding Easter)	Thanksgiving Day
Labor Day	Day after Thanksgiving Day
Independence Day	Christmas Eve
	Christmas Day
	3½ Personal Days

Employees may not elect financial compensation in lieu of taking time off for a holiday.

Employees who do not report to work on the day prior to, or the day immediately following the holiday, without prior approval, will not be paid for the holiday.

If a holiday falls on a weekend, the holiday will be observed on the closest Friday or Monday, or on the customary day (check with your supervisor).

3.04 Leaves of Absence

3.04.1 Personal Leave

The Village, in its sole discretion, may grant a regular full-time or part-time employee a leave of absence without pay upon a written request outlining the basis for such leave.

Unless specified by law, all unpaid leave for medical reasons shall be granted only after all available accrued sick leave credits, paid vacation and/or other compensatory time have been utilized. ~~Any leave provided by this policy shall run concurrently with leave provided under the Wisconsin and federal Family and Medical Leave Acts~~

An employee will be required to submit evidence supporting a request for leave provided under this policy. Upon completion of leave for medical reasons, a certificate from a health care provider may be required to demonstrate that the employee or elected official is fit to return to work without physical limitations which prevent him or her from performing the essential functions of his or her job. The Village may require that an employee or elected official undergo an appropriate examination to determine fitness to return to work. If the examination cannot be provided under the current group health care plan, the Village will assume the cost.

Except as provided by the Wisconsin Family and Medical Leave Act, Section 103.10(3) Wisconsin Statute or the Federal Family and Medical Leave Act, an employee or elected official granted medical leave may continue to receive health insurance coverage under the Village's existing plan by submitting to the Village Administrator, not later than the first day of each month, payment equal to the employee's total monthly premium contribution.

Holidays and other non-work days occurring during an unpaid leave of absence will be considered part of the approved period of absence and the employee will not be entitled to compensation for holidays during the period.

1. An employee on an unpaid leave of absence will not earn vacation or sick leave credits during the period of absence.

2. With the appropriate Supervisor's approval, an employee may return to work before the time set for an unpaid leave of absence expires.

~~3.4.2~~ Family and Medical Leave of Absence

~~The Village is covered by both the Federal and State Family/Medical Leave Laws. See Appendix C for the FMLA policy.~~

3.4.32 Military Leave of Absence

The Village complies with all federal and state laws regarding the rights of employees and elected officials who enter active duty.

3.4.43 Jury Duty Leave of Absence

Full-time employees that are requested to serve on jury duty or to answer a Court Order as a witness will be paid full salary up to a maximum of ten (10) working days. Employees who exercise this benefit shall be required to provide their Supervisor with a copy of the Court Order as soon as possible after it has been served. Proof of Court service and compensation will be required, so employees should be encouraged to retain all receipts which verify their Court appearance. All compensation received, excluding mileage, for Court duty by full-time employees is to be turned over to the Village. Part-time employees may be rescheduled in order to accommodate scheduled jury dates and will not be compensated by the Village. Part-time employees however, are able to retain all compensation received for appearance at jury duty. In the event that an employee is excused from jury duty prior to 12:00pm, the employee is required to report to work as soon as possible.

3.4.45 Witness Duty Leave of Absence

The Village ~~of Deerfield~~ is aware that employees may be subpoenaed to appear as witnesses in trials. In these cases the Village will grant time off without pay; time off with pay will be granted when the testimony is Village-related.

3.4.65 Bereavement Leave of Absence

Full-time employees will be allowed time-off with pay in the event of the death of a relative and step relationships for purposes of traveling to and attended the funeral of the stated relationships as outline below:

Four Days:	Parents, spouse, step, adopted or natural child and grandchild
Two Days:	a) Siblings and Grandparents b) In-laws including Mother, Father, Brother, Sister, Grandmother and Grandfather
One Day:	Aunts and Uncles

Part-time employees will be allowed time-off in accordance with time-off granted to full-time employees, however, it would be on a prorated basis (based on a 40-hour workweek), in accordance with the number of hours they work per week on a regular basis.

Example: A part-time employee with a regularly scheduled 30 hours per week would receive $30/40 \times 4$ days (full time rate for parents, spouse, child, grandchild) = 3 days or 24 hours.

3.4.7 Worker's Compensation

All elected officials and employees are covered by the Wisconsin Worker's Compensation Act. The Act provides benefits if a worker, while performing work-related duties or travel, becomes temporarily or permanently disabled, or dies as the result of a work-related injury or disease.

Employees must report any injured incurred during work hours to the employee's Supervisor, regardless of how minor the injury may be

SECTION 4 BENEFITS

4.01 General Conditions

The benefits set below and employee eligibility for them are subject to and conditioned upon the terms of the respective plans.

The benefits set forth in Section 4 are available to all eligible full-time Village employees. All non-seasonal or temporary part-time employees who are regularly scheduled to work an average of 20 hours or more each week shall be eligible to receive a straight prorated share of the fringe benefits. The proration of benefits shall be calculated on the basis of the number of hours worked during the previous calendar year divided by 2,080. All other part-time employees shall not be eligible for benefits in Section 4.

4.02 Health Insurance

The Village will offer health insurance to its employees. The terms and conditions of this benefit are subject to the requirements of state and federal laws and the discretion of the Village Board. The Village Board annually will establish the premium sharing and deductible amounts for employees.

4.03 Life Insurance

The Village will provide employees an optional group term life insurance policy. The Village will pay 100% for coverage of one times the annual salary, rounded to the next higher \$1,000, or multiple thereof. Employees may elect to have additional coverage at their expense.

4.04 Section 457(b) Deferred Compensation Savings Program

The Village will make available the opportunity to participate in a Tax Deferred Annuity Plan. The Village is not obligated to make any contributions to such annuity plan on behalf of any employee. However, the Village will allow employees to make their own contributions to the deferred annuity plan of their choice through the payroll deduction method.

4.05 Flexible Benefit Plan

The Village shall provide a Flexible Benefit Plan to employees and their spouses and dependents.

4.06 Other Health Related Insurance

The Village shall allow employees to participate in other Cancer Insurance/Health Insurance/Long Term Care Plans. The Village is not obligated to make any contributions to such plans or pay any cost on behalf of any employee. However, the Village will allow employees to make their own payments of their choice through the payroll deduction method.

4.07 Wisconsin Retirement System (WRS)

The Village participates in the Wisconsin Retirement System (WRS). The eligibility, terms, premiums, and conditions are subject to applicable state laws and regulations.

4.08 Liability Insurance

The Village provides Public Official's Errors and Omissions Liability Insurance for all employees, elected officials, and appointed officials. The Village Board will determine the amount of such coverage, and the manner in which it is provided.

In the event of any civil suit against any Village employee, elected official, or appointed official, arising from the performance of the employee's or the official's duties, and provided that such duties were performed in conformance with applicable laws, Village policies and departmental procedures, the Village shall designate an attorney to represent the employee or the official, with the cost of such legal assistance to be paid by the Village. Upon being served with a summons and complaint or other legal process or document, employees must provide immediate notice to the Village Administrator, together with a copy of the legal document.

4.09 Income Continuation

The Village provides a ~~long-term~~long-term disability insurance policy for employees that become disabled outside of the workplace. The benefit is based upon the employee's current salary and is payable after 180 calendar days. Employees may choose a shorter period, but are responsible for payment of the difference in premium rates.

Section 5 DISCIPLINE AND SEPARATION FROM EMPLOYMENT

5.01 Employment At-Will

Unless otherwise set forth in statute, Village employment is at-will. An employee or the Village may terminate the employment relationship at any time, with or without notice, for any reason so long as not illegal.

In order to receive earned and unused vacation pay upon separation from employment, an employee must give at least two weeks written notice to the employee's supervisor unless the circumstances surrounding the separation are such that such notice is not possible.

5.02 Reassignment

The Village may assign employees in its discretion upon the terms and conditions determined by the Village.

5.03 Separation from Employment

All separations from Village service shall be designated as one of the following: resignation, retirement, layoff, disability or dismissal. The termination date is recognized as the employee's last day on the payroll.

A. Resignation/Retirement

Resignations or retirements are voluntary, permanent separations initiated by employees. It is expected that employees will give as much notice as possible in order to facilitate recruitment and orientation of new staff members. Employees are asked to submit their resignation in writing at least two (2) weeks in advance of their planned departure, unless the situation does not permit such notice. An employee who does not give this notice shall not be entitled to payout of the employee's earned and unused vacation time. Employees contemplating retirement and receipt of an annuity from the Wisconsin Retirement System, the Social Security Administration, or another source should notify the Village Administrator of their intent a minimum of three (3) months before the month during which they wish to retire.

B. Layoff

A layoff is the termination of employment due to a shortage or stoppage of work or funds, functional reorganization, abolishment of a position, or other reasons. When the Village determines that a layoff will occur, the Village will determine who to layoff giving consideration to ability, experience, operational needs, and qualifications. Re-hiring employees that have been laid off shall be accomplished by the Village under the same considerations.

C. Disability

An employee may be separated from Village service if the employee is unable to perform required duties due to physical or mental condition, with or without a reasonable accommodation, if such accommodation provides an undue hardship, or if the employee poses a direct threat to the employee or others.

D. Termination

Village employees are at-will employees and may be dismissed for any reason at any time, including violation of any of the provisions of this Manual.

5.04 Commercial Driver's License (CDL)

If a Village employee is required to possess a Commercial Driver's License (CDL) and that CDL is revoked or suspended, the employee may be terminated by the Village.

5.05 Discipline

Depending on the circumstances involved, discipline may involve a verbal warning, written warning, suspension without pay, demotion, or discharge. The Village may determine what level of discipline is most appropriate under the circumstances, including immediate termination. Suspensions, demotions and terminations must be approved by the [Personnel Committee](#). [insert].

5.06 Grievance Policy

5.06.1 General

The Village as established this Grievance [SystemPolicy](#) ("[SystemPolicy](#)") for employees to utilize for matters concerning discipline, termination, or workplace safety. The Village prefers that employees and management interact in a reasonable manner for purposes of resolving employment issues prior to engaging this [PolicySystem](#).

This [Policy System](#) is intended to comply with § 66.0509, Wis. Stats., and does not apply to sworn law enforcement officers, fire fighters and employees whose wages, hours and terms and conditions of employment are governed by a collective bargaining agreement under the Municipal Employment Relations Act or by Wis. Stat. § 62.13(5). In addition, employment disputes that are covered by state or federal statutes and administrative enforcement mechanisms are not covered by this [PolicySystem](#).

If the Village Administrator is the grievant set forth below, the Personnel Committee will undertake the duties outlined for the Village Administrator.

This [Policy procedure](#) does not create a contract of employment. Village employees are employed at-will and may resign or may be terminated with or without reason, subject to applicable law.

5.06.2 Definitions

"Termination" means a separation from employment by the Village for disciplinary or quality of performance reasons. "Termination" does not include layoff, failure to be recalled from layoff, furlough or reduction in workforce, job transfer, non-disciplinary demotion, reduction or position elimination based on failure to meet qualifications, resignation, voluntary quit, abandonment, retirement, nonrenewal of contract, death,

separation as a result of physical or mental inability to perform the essential functions of the job, action taken pursuant to an ordinance created under § 19.59(1m), Stats., or the end or completion of temporary employment, seasonal employment, contract employment, or assignment.

“Employee discipline” means an employment action which results in disciplinary suspension, without pay, disciplinary termination, or disciplinary demotion. “Employee discipline” does not include oral reprimands or warnings, written reprimands or warnings, performance improvement plans, performance evaluations or reviews, documentation of employee acts or omissions, administrative leave or suspension with pay, non-disciplinary wage, benefit or salary adjustments, changes in assignment, action taken pursuant to an ordinance created under § 19.59(1m), Stats., or other non-material employment actions.

“Employee” shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, independent contractors, and those employees or officials whose employment status is regulated by the charter ordinance or individual contract.

“Workplace safety” shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety. “Workplace Safety” means conditions of employment related to the physical health and safety of employees, as long as such conditions are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. “Workplace safety” does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

5.06.3 Process

1. Written Grievance Submission. The employee must file a Grievance within seven (7) calendar days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue. The Grievance must be in writing and must be filed with the Village Administrator. The Grievance shall contain:
 - a. a clear and concise statement of the relevant facts and dates;
 - b. the identities of people with material knowledge;
 - c. relevant documentation;
 - d. steps taken to informally resolve the dispute and the results of those discussions;
 - e. rationale supporting the Grievance; and,
 - f. the remedy that should be issued.

A Grievance alleging a workplace safety issue shall also identify the workplace rules allegedly violated, if applicable.
2. Administrative Response. The Village Administrator shall review the grievance and provide Grievant with a written response within fourteen (14) calendar days of receipt of the written Grievance. The written response shall contain a statement of the basis for the decision to sustain or deny the Grievance, and, if denied, the deadline for the Grievant to appeal the Grievance to an Impartial Hearing Officer.
3. Impartial Hearing. The Village Administrator’s decision shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing Officer. The written appeal shall be filed with the Village Administrator within seven (7) calendar days of receipt of the Administrative Response. The hearing shall take place within a reasonable time, but in no case more than twenty-eight (28) calendar days from the filing of the written appeal. The Impartial Hearing Officer shall file a written decision within fourteen (14) calendar days of the close of the hearing.

4. Appeal for Review. The non-prevailing party may file a written request for review by the Common Council within seven (7) calendar days of receipt of the Impartial Hearing Officer's written response.
5. Decision of the Governmental Body. The Common Council shall issue its written decision on the Grievance within twenty-eight (28) calendar days of receipt of the appeal.
6. Time Deadlines. No grievance shall be advanced if not filed or appealed within the System's time deadlines. The parties may mutually agree to extend any time deadline, which extension shall not be precedential.
7. Meetings/Hearings. Any meeting or hearing held under this System shall be during off-duty hours unless specifically agreed to by the Village.

5.06.4 Hearing

1. Selection of Hearing Officer. Following receipt of the Appeal for Review, the Village shall select an Impartial Hearing Officer, who shall not be a Village employee.
2. Representation. The Grievant shall have the right to representation during the Grievance Procedure at the Grievant's expense. The representative shall not be a material witness to the dispute.
3. Nature of the Hearing. The Impartial Hearing Examiner will determine the scope of the hearing based upon the nature of the Grievance so as to provide the Grievant with an appropriate level of procedural due process. Thus:
 - a. The hearing may consist of testimony (not under oath) from witnesses with the opportunity for questioning by all parties and the Impartial Hearing Examiner, informal presentation by the Village and the Grievant, or submission on paper record. The Impartial Hearing Examiner shall advise the parties of the manner in which the hearing will be held within seven (7) calendar days of appointment;
 - b. The Grievant shall have the burden of proof;
 - c. The hearing shall not be subject to the rules of evidence; however, depending on the nature of the hearing, a material fact may not be supported solely by hearsay evidence;
 - d. The parties are not entitled to discovery; and,
 - e. The Impartial Hearing Examiner may compel witnesses as permitted under §788.06(2), Stats.
4. Record of Proceedings. The Impartial Hearing Officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the Village Administrator for preservation for a period of at least seven (7) years. The record shall consist of the Grievance, the Administrative Response, a recording (written or audio) of any testimony or statements from the parties and witnesses, and any documents received into the record by the Impartial Hearing Examiner.
5. Hearing Costs. Costs involved in the hearing, included any fees charged by the Impartial Hearing Examiner, shall be borne by the Village with the exception that the Village is not responsible for any costs incurred by the Grievant for representation or consultation and production of evidence at the Impartial Hearing (including fees to compel witnesses and photocopying expenses).
6. Written Decision. After the close of the hearing, the Impartial Hearing Officer shall issue a writing decision. The Impartial Hearing Office shall uphold the Administrative Decision unless the Grievant

has proven that the Administrative Decision was arbitrary or capricious, which shall be defined as an action which is so unreasonable as to be without rational basis.

7. Powers of the Hearing Officer. The Impartial Hearing Officer shall have the power to issue a Written Response to the Grievance as set forth on Paragraph 6. The Impartial Hearing Officer shall have no power to issue any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the Common Council, and shall be addressed by the Common Council in the event the Grievance is sustained.

5.06.5 Appeal

1. Written Appeal. The Notice of Appeal shall be in writing and contain a statement explaining the reasons for the appeal and a copy of the Grievance, the Village's response to the Grievance, the record of the hearing as defined in paragraph 4(4), above, and the Impartial Hearing Officer's Written Decision. The Notice of Appeal may not include information that was not presented at the hearing. The request shall be filed with the Village Administrator and with a copy to the prevailing party.
2. Review. The Village Board shall review the materials submitted under paragraph 5(1) and the Impartial Hearing Officer's decision may be reversed or modified if the decision was:
 1. In excess of the Village's statutory authority or jurisdiction;
 2. Based upon improper application or interpretation of Village policies or handbook provisions;
 3. Unsupported by relevant evidence to support the conclusion or is otherwise erroneous;
 4. Arbitrary and capricious;
 5. The result of an inappropriate application of the standard of review by the Impartial Hearing Officer; or,
 6. In contravention of public policy considerations.

In the event the Village Board sustains the Grievance, the Village Board shall determine an appropriate remedy for the Grievant.

In the event the Village Board does not sustain the Impartial Hearing Officer's decision, the Village Board may render a new decision and remedy or request the Impartial Hearing Officer to take further evidence and issue a revised decision and recommendation.

Any review by the Village Board shall be subject to Wisconsin's Open Meetings Law, in particular its review and deliberation shall be in closed session pursuant to § 19.85(1)(a), Stats. The Village Board's vote on the grievance shall be in open session.

3. Decision. All decisions of the Village Board involving the Grievance shall be by simple majority vote of those members present and voting, reduced to writing and filed with the Village Administrator within seven (7) calendar days of the date of the final decision. A copy of the final decision shall be delivered to the Grievant. The Village Board's decision is final and is not subject to appeal.

RECEIPT

I acknowledge that I have received and read the Village of Deerfield Employee Manual and understand the provisions contained therein. I understand that the terms described in the Manual may be altered, modified, changed, or eliminated by the Village at any time. All modifications will be posted on department bulletin boards.

I further understand that the Manual and any other provisions contained therein do not constitute a guarantee of employment or an employment contract, express or implied. I understand that my employment with the Village of Deerfield is an "at-will" relationship.

Date: _____

Employee Signature

APPENDIX A

ELECTRONIC COMMUNICATIONS POLICY

This policy governs the use of the Village's computers and information systems ("computer networks") by its employees.

1.11.1 Privacy.

Any use of the Village's computer networks by an employee constitutes a waiver of any right to privacy concerning such use. This includes personal communications. The Village reserves the right and may exercise the right to review, audit, intercept, and disclose all communications on Village networks at any time without prior notice to employees.

1.11.2. Software.

The Village has the exclusive right to install all software used on the Village computer networks. The installation of any software on the Village's computer networks and workstations during work time or personal time without the Village's express approval is prohibited. The Village will remove all unauthorized software from its servers or workstations. All software downloaded must be registered to and becomes Village property. Any software or files downloaded via the Internet into the Village network becomes Village property.

1.11.3. Data.

All data, whether on a server or on a workstation, is Village property. Employees shall not purposefully delete or modify the work product of another Village employee or customer without the Village's consent.

Some data in the Village computer networks is confidential, including, but not limited to, the Village's voter records, the Village's customer's information and the Village's electric consumption data of the Village's members' retail customers and related analyses. The release of such Village data to third parties shall be governed by applicable law and Village policies concerning the release of retail customer electric consumption data and related analyses, and the release of data from its data base.

1.11.4. Security and Remote Access.

The Village will provide each employee with a unique password to gain access to the Village computer networks. Village employees will be responsible for maintaining their passwords. Village employees shall change their passwords as directed and notify the Village if they believe that unauthorized users have obtained password information to gain access to their user area or the Village's networks.

If the Village believes that the security of the Village computer networks has been compromised by an unauthorized user or otherwise, the Village shall take appropriate action to disable the passwords of users, workstations, or other access points to the system that may be involved.

The Village shall revoke an employee's password to the Village computer networks upon termination of Village employment or at any time based on information indicating the employee has engaged in conduct that could disrupt, interfere, or expose the networks to damage or to unauthorized use.

The Village may install filters to block access to inappropriate Internet sites. However, the fact that access to a particular site is not blocked does not necessarily mean that it is an appropriate site.

1.11.6 Monitoring Communications and Software Use.

All communications and data on the Village computer networks may be public records subject to disclosure under the state open records law, with certain exceptions. All communications on and uses of the Village's networks or applications of any licensed software program installed in a workstation or server during work or personal time may

be monitored from time-to-time. Village employees should be aware that any such communications and other uses of the networks are not private and that the Village reserves the right and may exercise the right to access and disclose all messages on the Village's networks at any time with or without prior notice to the employee.

1.11.7. Data Storage.

The Village shall be responsible for organizing all data on the Village computer networks in a manner that will allow users to readily access files and other information on the networks.

The Village shall further establish procedures or protocols governing the deletion and retention of all data on the networks, including the development of record retention schedules.

While the Village's responsible for disaster recovery and backup of all data on Village servers, Village authorized users on the computer networks are responsible for protecting data or information maintained locally at their workstation. This includes backing up data on individual workstations to ensure that data saved on individual workstations conforms to established record retention schedules and that such data is available to authorized users during the appropriate retention periods.

1.11.8. E-Mail.

The content and maintenance of the Village's electronic mail and shared file storage areas are the user's responsibility. Authorized users should follow standard business etiquette in using this medium.

Like all other communications on the Village computer networks, Village employees should be aware that electronic mail messages sent within the Village networks or on the Internet using the Village's computer equipment are not private communications and that all e-mail messages are the property of the Village. The Village reserves the right to access, review, and disclose all e-mail messages. Village employees should regard all e-mail messages as non-private communications that may be viewed by others.

Any employee assigned a Village-mail address must use that address when receiving or sending any electronic communication dealing with Village business.

1.11.9. Internet Access.

The Internet provides access to a wide variety of resources that can assist Village employees in the performance of their jobs. The Village may monitor Internet usage at workstations and remote sites and maintain a record of employee time on the Internet and sites accessed.

Only those Village employees or officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the Village may communicate representing the Village to others using Internet or e-mail facilities. When using Village equipment or networks, other employees may participate in newsgroups or other electronic forums in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participant is identified as a Village employee or agent using Village equipment or networks, or is acting in the scope of the employee's Village duties, the employee must refrain from any unauthorized political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the Village. Only those employees and Village officials who are authorized to speak to the media, to analysts, or in public gatherings on behalf of the Village, may grant such authority to newsgroup participants.

Employees shall not reveal confidential Village information, customer data, or any other materials covered by existing Village confidentiality policies and procedures in internet public forums. Employees releasing protected information via the Internet or e-mail, whether or not the release is inadvertent, may be subject to disciplinary action.

1.11.10. Personal Use of Networks and Computers.

The Village recognizes that employee computer use and the information resources available on the Village computer networks can enhance employee knowledge of electronic information resources and can sharpen their information

technology skills. Personal use of computers during non-working hours is permitted in order to enhance those skills so long as such use does not interfere with the employee's job responsibilities, the work of other Village employees or members, or is used to the benefit of third parties.

At no time, however, shall the Village's computer networks, workstations, or laptops be used by employees for non-Village business related purposes by an employee or on behalf of a third-party. The Village also reserves the right to limit personal use on a case-by-case basis, where more than incidental personal use or abuse becomes apparent to the Village.

Personal use of Internet access and e-mail services is permitted during personal time provided that the accessed sites are at no cost to the Village and as long as the employee agrees that any messages received or sent may be accessed, reviewed, and disclosed by the Village at its discretion. An employee using Village equipment on personal time must follow all guidelines set forth in this policy.

Personal time includes breaks, lunchtime, and time outside of established work hours. Employees using the resources to fulfill job responsibilities always shall have a priority over those desiring access for personal use.

All costs associated with personal use of the Village's computer networks for printing information must be paid for by the employee. Employees shall reimburse the Village for such costs by submitting a Personal Use form to the Village Administrator.

The use of storage space on servers for personal data is prohibited. Personal data may be stored on an employee's hard drive at individual workstations provided that space is available.

1.11.11 Social Networking

The Village recognizes that employees may access and use internet or other social media sites.

The Village recognizes that there may be legitimate business reasons to access and use social networks for work purposes. If an employee has a legitimate business need to use social networks during working time, the employee should obtain advanced approval from the employee's supervisor. Whether or not such usage is approved by the Village, the following standards apply to employees' use of social networks:

- A. The Village reserves the right to monitor social network use whether during work time, and outside of work hours if such use negatively impacts the Village;
- B. Any social networking performed on Village property or using Village networks is Village property and employees do not have any expectation of privacy with respect to any communications utilizing them. The Village reserves the right to access and review such usage at any time;
- C. Employees shall not use social networks to disclose trade secrets and the Village's confidential information or engage in unauthorized disclosure of Village activities through such usage;
- D. Use of social networks during working time is prohibited except with supervisory approval. Social networks may be used for personal purposes during non-working time (breaks or lunch) and then only in such a fashion as to not impact any employee's performance of Village duties and in a manner not prohibited by this policy;
- E. Employees shall not use Village's email address for registration on social networking sites;
- F. Employees shall not post false or defamatory information regarding the Village or any of its employees on social networks;
- G. Employees shall not use social networking sites in a manner which violates the Village's harassment policy or other portions of this Electronic Communications policy;

- H. If an employee participates in social networking activities in such a manner that the employee's affiliation with the Village is evident, the employee shall designate that the views expressed by the employee are the employee's private views and not the Village's;
- I. An employee shall not represent, either expressly or implicitly, that the employee is a spokesperson for the Village, unless authorized to do so by the Village;
- K. If an employee expresses an opinion about the Village's product or services or those of a Village's client, the employee shall disclose that the employee is employed by the Village; and
- L. Non-exempt employees may not use social networking sites for approved work-related tasks during non-working hours.

Any violations of these provisions may be grounds for discipline, up to and including termination.

1.11.12. Prohibited Activities.

Village employees shall not interfere with or disrupt the Village's computer networks, other networks users, services, programs, software, or equipment. Interference or disruption with the Village networks, other network users, services, software, or equipment may include, but are not limited to, the following:

- A. the use of the Village system and/or networks to gain unauthorized access to remote systems;
- B. the use of the Village system to copy unauthorized system files or copyrighted material, such as third-party software;
- C. intentional attempts to "crash" the Village network systems or programs;
- D. attempting to secure unauthorized higher level privileges on the networked systems;
- E. attempting to disable, defeat or circumvent any Village firewalls, proxies, Internet address screening programs or other security systems used by the Village to assure the safety and security of the Village's networks;
- F. the willful or negligent introduction of computer viruses or destructive programs that could adversely affect the Village networks;
- G. sharing password and password information with any other person. If a Village employee does share the employee's password with another person, the employee shall be solely responsible for the actions that other person has appropriated;
- H. deleting, examining, or modifying files or work product belonging to other users without their prior consent; and,
- I. using the network or any of its authorized software for personal gain or solicitation, to harass or threaten others, to send junk mail or "for-profit" messages.

It is also against Village policy for an employee to engage in the following conduct on the Village networks:

- A. to access sites or display items that may be regarded as offensive, indecent, or obscene by other employees or visitors. If an employee is unintentionally connected to a site that contains sexually explicit or other offensive material, the employee must disconnect from that site immediately and report the incident to the employee's supervisor;
- B. to use abusive or obscene language in any messages transmitted on the networks, including any internal or external e-mail messages and Internet communications;

- C. to engage in behavior on the networks that is prohibited by the Village's policy on harassment;
- D. to engage in any other conduct that could cause congestion and disruption of the Village's networks and systems;
- E. to disseminate political advocacy information;
- F. to engage in use that interferes with the employee's or another employee's performance of the employee's duties or which otherwise disrupts the Village's operations;
- G. to post commercial notices or other solicitations;
- H. to engage in use which is illegal, including the violation of copyright, gambling and pornography laws; or
- I. to engage in unauthorized accessing or attempting to access confidential information, including personnel records, medical records and financial information pertaining to the Village or any of its employees.

1.11.13. Compliance with Laws.

Village employees will be responsible for adhering to local, state, and federal laws in conducting their work on the Village's computer networks. Any attempt to break those laws through the use of the networks may result in litigation against the offender by the proper authorities. If such an event should occur, the Village will fully cooperate with the appropriate authorities to provide any information necessary to assist the relevant law enforcement authorities during the investigation process.

Copyrighted materials belonging to entities other than the Village may not be transmitted by employees on the Village's Internet or e-mail system. All employees obtaining access to other companies or individuals' materials must respect all copyrights and license agreements and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy for reference only. The Village retains the copyright to any material created by employees in the course of their official duties, including materials posted to any forum, newsgroup or World Wide Web page by any employee in the course of the employee's duties.

APPENDIX B

DRUG FREE WORKPLACE POLICY

I. STATEMENT OF POLICY

- A. The Village recognizes that the use/and or abuse of alcohol or controlled substances by employees of the Village presents a serious threat to the safety and health of the employee, the employee's family, and the general public. It is the Village's policy that its employees are free of drugs and alcohol in the workplace, on Village time, or while representing the Village.

To further this purpose and to come into compliance with the Omnibus Transportation Employee Testing Act of 1991, the Village has joined the Drug Free Workplace (DFWP) Network. A drug and alcohol testing program has been implemented:

- To help reduce and avoid accidents and injuries to our employees and the public;
- To discourage substance abuse; and
- To reduce absenteeism, health care costs, and other drug and alcohol related problems.

- B. The Department of Transportation (DOT) requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license ("CDL"). These regulations include detailed procedures for using drug testing and breath alcohol testing of employees in safety-sensitive positions (employees with CDL licenses).

- C. The purpose of this policy is to establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of these substances by employees of the Village. Therefore, the Village has established the following alcohol misuse prevention program and anti-drug program as well as the subsequent enforcement of violations for its employees conducting safety-sensitive job functions and for all other employees as well.

- D. For the purposes of this policy, the Village and the DOT strictly prohibit the use, or residual effects, or presence in one's system of alcohol and/or controlled substances in the workplace by its employees, including those who are regularly or occasionally operating a commercial motor vehicle, including mechanics and supervisors who are required to have a CDL license.

II. PROHIBITED CONDUCT

- A. The Village prohibits:
1. The use of alcoholic beverages or illegal controlled substances on Village property, except at events covered by the appropriate permits or licenses;
 2. Using, possessing, dispensing, distributing, selling, receiving or being under the influence of alcohol and/or illegal controlled substances while on duty. For purposes of this policy, "under the influence" is defined as prohibited substances in one's system as determined positive by a certified laboratory and/or the DOT's alcohol level;
 3. Reporting for work or remaining at work while being under the influence of alcohol and/or illegal controlled substances;
 4. Deliberately misusing this policy in regard to subordinates; or,
 5. Providing false information in connection with a test or falsifying test results through tampering, contamination, adulteration, or substitution.

- B. Federal law prohibits employees whose work duties require a CDL from engaging in the following conduct:
1. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater;
 2. Being on duty or operating a commercial motor vehicle while possessing alcohol, or using alcohol while performing safety-sensitive functions;
- NOTE: Federal Regulations include non-prescription and prescription medications containing alcohol in the substances banned from use or possession in the workplace. Employees should not report for duty while using or possessing prescription medication if such medication contains any measurable amount of alcohol.
3. Performing safety-sensitive functions within four (4) hours after using alcohol;
 4. Using alcohol within eight (8) hours following an accident, if the employee was required to be tested, unless an earlier test results in a reading of less than 0.02;
 5. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when using any controlled substance, unless the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
 6. Reporting for duty, remaining on duty or performing a safety-sensitive function if the employee tests positive for controlled substances; or
 7. Refusing to submit to any alcohol or drug testing required by this Policy.
- C. "Safety-sensitive function" means any of the following on-duty functions:
1. All time waiting to be dispatched;
 2. All time inspecting, servicing or conditioning any commercial motor vehicle;
 3. All driving time, i.e., all time spent at the driving controls of a commercial motor vehicle in operation;
 4. All time, other than driving time, in or upon any commercial motor vehicle;
 5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; or
 6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III. EMPLOYEE ASSISTANCE AND REHABILITATION

The goals of this policy are prevention and rehabilitation whenever possible, rather than discipline or termination. The Village provides access to drug and alcohol counseling and rehabilitation for all full time employees through programs offered by their various insurance carriers, if the employee chooses to be enrolled in the insurance program. The Village will not be responsible for payment of any recommended counseling or rehabilitation other than through its insurance carriers. The Village treats drug and alcohol addiction the same as other illnesses and provides for a leave of absence if required by law for treatment of drug-related or alcohol-related illnesses.

The Village recognizes drug and alcohol abuse as a potential health and safety problem. Employees are encouraged to seek help in dealing with these problems. Conscientious efforts to seek help will not jeopardize any employee's job. Employees seeking help may work through their Supervisor or the Director of Administration.

IV. SCOPE

1. For the purposes of this Policy, individuals subject to the Policy shall be those Village employees who are covered under the Village's Workers Compensation Insurance.
2. Prohibited substances are any unlawful controlled substances. A five-panel screen will be used by the Village to test for the most common drugs: marijuana, cocaine, opiates (heroin, codeine, morphine, etc.), amphetamines and phencyclidine (PCP).
3. Alcohol will be tested for post-accident and for reasonable cause circumstances. Employees may submit to a Breathalyzer test or be judged solely on the basis of the subjective observations of their Supervisor and at least one other witness.

V. TESTING CIRCUMSTANCES

TESTING REQUIRED	CDL EMPLOYEES	NON CDL EMPL
A. Pre-Employment	Yes	Yes
B. Reasonable Suspicion	Yes	Yes
C. Post-Accident/Injury	Yes	Yes
D. Random Testing	Yes	No
E. Return to Work	Yes	Yes

Refusal to take a required test will result in removal of that employee from the employee's assignment(s), which, in turn, may result in discipline up to and including discharge.

Testing may be conducted in the following situations:

- A. Pre-employment - Any individual not currently employed by the Village may be required to undergo drug and alcohol testing after a conditional offer of employment has been made. A positive test or refusal to undergo the testing will result in disqualification from further consideration for employment.
- B. Reasonable Suspicion Testing - Required when a Supervisor or other trained Village representative has reasonable cause to believe that the actions, appearance, or conduct of an employee maybe indicative of the use of a controlled substance. These observations are only valid if made just before, just after, or during working hours. The following applies to reasonable suspicion testing:
 1. Whenever reasonably possible, the Supervisor should seek a corroborating opinion from another trained supervisor or manager prior to immediately removing the employee from the job and sending the employee for drug and alcohol testing.
 2. As soon as practicable, the employee will be escorted to the collection site for drug and/or alcohol testing. The Supervisor will wait at the clinic or law enforcement center with the employee until the breath test has been completed or the urine or blood test has been taken. After the Reasonable Suspicion Determination is made, the alcohol test must be completed within eight (8) hours and the drug test must be conducted within twenty-four (24) hours or the Supervisor must complete a report explaining why.
 3. Once the alcohol testing has been completed and a positive test result has been achieved (0.02 percent or above), the employee will not be permitted to drive his/her own vehicle home. The employee must make alternative transportation arrangements in order to leave the collection site or employment site. The Supervisor may, but is neither required nor encouraged to drive the employee home under this policy.

4. If a blood alcohol or urine test has been administered, the employee will be placed on administrative leave without pay pending receipt of the test results. The employee may use accumulated vacation or sick days in place of the administrative leave. In the event of a negative test, the employee will be credited with the amount of vacation or sick days used. Police Officers will be placed on administrative leave with pay pending a hearing. To process these tests usually takes twenty-four (24) to forty-eight (48) hours. The Village Administrator (or Village President in case of the Village Administrator) will contact the employee or employer once the results are known.
5. Once the test has been completed and the employee has been sent home, the supervisor must submit a written report to the Village Administrator outlining, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report must be done within twenty-four (24) hours of the testing. This report will assist the Supervisor or Supervisor and the Village Administrator in assessing the appropriate discipline to be considered.
6. The test results will be sent directly to the Village Administrator. The Village Administrator will then meet with the employee's supervisor and/or Supervisor to determine the appropriate course of action to be taken in accordance with the progressive discipline outlined in this policy. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not discuss the suspected reason for a referral or discipline action with anyone who does not need to know.

NOTE: In the event that the employee undergoing the testing is the Village Administrator, all reports and test results will be submitted to the Village President..

- C. Post-Accident/Injury - Employees subject to post-accident testing shall remain readily available for such testing or may be deemed by the Village as having refused to submit to testing. The alcohol breath test must be administered as soon as possible, but no later than eight (8) hours following the accident. The drug test must be administered within thirty-two (32) hours of the accident. If these criteria are not met, the Supervisor will complete a report explaining why and submit it to the Village Administrator.

As soon as practicable following an accident involving a Village vehicle, the Village shall test the employee driver for alcohol and controlled substances in the following situations:

1. The accident involved the loss of human life; or
2. The employee received a citation for a moving traffic violation, and
 - (a) Bodily injury is incurred requiring a person to immediately receive medical attention away from the scene of the accident; or
 - (b) One or more motor vehicles incur disabling damage as a result of the accident and have to be towed away from the scene.

As soon as practicable following any accident involving lost time from work or requiring medical treatment away from the scene of the accident, the Village shall test the employee for alcohol and/or controlled substances.

- D. Random Testing – This is required by DOT of any employee holding a CDL license. Random alcohol and drug testing will be conducted just before, during, or just after an employee's performance of safety sensitive duties. The employee will be randomly selected for testing from the "pool" of employees subject to testing. The testing dates and times are unannounced and will occur with unpredictable frequency throughout the year.

Fifty percent (50%) of the average number of safety sensitive positions shall be tested on an annual basis. The Village reserves the right to increase or decrease the minimum annual percentage for random testing based on the Federal Regulations implementing drug and alcohol testing in the transportation industry.

The random selection of employees shall be arranged by the Drug Free Workplace Network. Under this selection process, each employee will have an equal chance of being tested each time selections are made. As a result, some employees may be tested more than once each year, while other employees may not be tested at all.

- E. Return to Work/Follow-up Testing - Employees who have tested positive and have been placed on administrative leave will undergo Return to Work alcohol and/or controlled substance testing. The result must be an alcohol concentration of less than 0.02 and a verified negative result for controlled substance use. The employee will also have to be evaluated by the Village's Employee Assistance Program provided through the Drug Free Workplace Network to determine the Employee's fitness for duty.

Following a determination by a substance abuse professional that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the employee will be given at least six (6) unannounced random tests during the twelve (12) month period after returning to duty. There will also be the possibility of follow-up testing for up to sixty (60) months after the employee returns to duty.

VI. TESTING PROCEDURES

- A. Alcohol Testing - Employees will be required to submit to breath testing using an approved evidential breath testing (EBT) device. A state-certified breath alcohol technician (BAT) will administer an initial screening test. If the employee tests positive for alcohol, then the BAT will conduct a confirmation test. The Village will take action based only upon the positive results of the confirmation test, 0.02 percent or greater. All procedures and steps used in conducting both the initial and confirmation tests will be performed in conformance with the federal law and federal regulations.
- B. Testing for Controlled Substances - The Village has established its anti-drug program through its Drug Free Workplace Policy which strictly prohibits the unlawful manufacture, distribution, dispensing, possession, unauthorized use or being under the influence of a controlled substance in the workplace. Any abnormal conduct that may create a reasonable suspicion that an employee is under the influence of a controlled substance is addressed in the "Reasonable Suspicion Testing" section described previously in this Policy.

- 1. For purposes of this Policy and the Federal Regulations, the Village will utilize a 5-panel drug screen consisting of the following drugs:

- Tetrahydrocannabinol (Marijuana Drug)
- Cocaine
- Amphetamines
- Opiates (including Heroin)
- Phencyclidine

In instances where there is reason to believe an employee is abusing a substance other than the five drugs listed above, the Village reserves the right to test for additional drugs under the Village's own authority using standard laboratory testing protocols.

- 2. Results of a Positive Test - Any employee who tests positive for controlled substances is subject to discipline, up to and including discharge. As with an alcohol misuse violation, the Village is required to act upon a positive drug test result in the following manner:
 - a) Remove the employee from the workplace. This removal will only take place after the employee has been allowed to meet or speak with a Medical Review Officer

(when necessary) in order to determine that the positive drug test did not result from the authorized use of a controlled substance;

- b) Refer the employee for assessment of a drug problem and a determination of whether participation in a treatment program is necessary;
- c) Obtain verification from a substance abuse professional or a Medical Review Officer that the employee has complied with any required rehabilitation or treatment program and is fit to return to work; and
- d) The Employee must have a negative result on a return-to-work drug test. Follow-up periodic, unannounced testing to monitor the employee's continued abstinence from drug use will be required if the employee is determined as needing rehabilitation as specified by a substance abuse professional. The employee will subsequently be given at least six (6) periodic, unannounced tests during the next year with the possibility of follow-up testing for up to sixty (60) months.

VII. PRESCRIPTION DRUGS

Before performing work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication, therapeutic drug, or any non-prescription drug.

It is the responsibility of the employee to inform the employee's physician of the type of work the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of Village equipment. The employee must provide the Village with documentation from a physician pursuant to the above indicating that the employee can safely perform the job duties while taking the prescribed medication.

As required by the Federal law, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol while on duty will be removed from the employee's position and will be subject to the provisions of this policy even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol.

A legally prescribed drug is one where the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.

VIII. CONFIDENTIALITY OF RECORDS

The Village respects the confidentiality and privacy rights of all of its employees. The results of any test administered under this policy and the identity of any employee participating in the Village's Employee Assistance Program through the Drug Free Workplace Network or other assessment or treatment program will not be revealed to anyone except as required by law and within the organization only on a need-to-know basis. The Village will release an employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the Village will advise any lab or agency used to conduct testing under this Policy to maintain the confidentiality of employee test records, except that:

- The Medical Review Officer will disclose information related to a positive drug or alcohol test of an employee to the Village;
- The Village may disclose this information to the employee or to the decision-maker in a lawsuit, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test;

- The Village may disclose the information as required by law including court orders and subpoenas and Wisconsin open records procedure; or
- The Village may disclose the information upon the written consent and authorization of the tested employee.

All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file. These records will be stored in a file in a locked Village cabinet. Access will only be allowed to those Village employees on a need-to-know basis.

Any employee having questions with respect to the scope of this policy and its contents may contact the Village Administrator.

IX. DRUG FREE WORKPLACE ACT OF 1988 COMPLIANCE

It is the Village's policy to provide a drug-free workplace for all of its employees. The Village requires that employees neither use, nor be under the influence of, drugs, intoxicants, alcohol, narcotics or any other controlled substance(s) and that a zero tolerance standard shall prevail in the workplace. The Village recognizes the importance of maintaining a safe, efficient and healthful workplace, as well as the social responsibility to provide assistance to its employees to the extent possible. Therefore, employees are expected to report to work free from any alcohol or controlled substances that could inhibit their ability to perform their duties.

X. REPORTING OF DRUG CONVICTION

As required by the Drug Free Workplace Act, Public Law 100-690, Title V, Subtitle D, all Village employees are put on notice that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, alcohol or drug paraphernalia is strictly prohibited in the workplace. Furthermore, this law makes it a condition of employment that all Village employees abide by the Drug and Alcohol Free Workplace Policy and notify the Village (the immediate supervisor or the Village Administrator) of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Within ten (10) days of receiving such notice of conviction, the Village will notify any appropriate federal contracting or granting agency as required by law. Within thirty (30) days of notice of a workplace drug conviction, the Village will, at its discretion, take the following action: (1) require the employee to satisfactorily participate in a Drug of Alcohol Assistance or Rehabilitation Program that is approved by the Village; or (2) take appropriate personnel action.

An employee's failure to abide by the terms of the above paragraph will result in disciplinary action up to and including termination of employment. The actual action taken will be based upon the seriousness of the offense, the employee's past employment record, and the employee's willingness to participate in drug or alcohol abuse assistance or rehabilitation.

XI. PREVENTION AND REHABILITATION

Employees needing help in dealing with alcohol or drug issues are encouraged to use the Employee Assistance Program and health insurance plans as appropriate. Employees may contact the Village Administrator for additional information. Conscientious efforts to seek such help will not jeopardize any employee's job and contacts with the EAP initiated only by the employee will not be known nor noted in any personnel record as long as commenced prior to a drug test.

XII. LEAVE OF ABSENCE PRIOR TO TESTING

An employee may be permitted to take a leave of absence for the purpose of undergoing treatment pursuant to a Drug and Alcohol Assistance or Rehabilitation Program approved by the Village for drug and alcohol addiction. The leave of absence must be requested prior to the commission of any act subject to disciplinary action.

APPENDIX C

FMLA POLICY

The Village will comply with all applicable state and federal laws concerning family and medical leave (collectively referred to as “FMLA”). This policy describes the state and federal FMLA laws and addresses certain differences between the two laws. When both laws apply, the leaves under state and federal law will run concurrently and the provisions more beneficial to the employee will apply. Medical leaves that qualify under the FMLA will also run concurrently with leaves under worker's compensation, short term disability and other laws, as applicable and as allowed by law.

To qualify for federal FMLA leave, employees must be employed by the Village for a total of at least twelve (12) months and have at least 1,250 actual hours worked in the preceding 12-month period. To qualify for Wisconsin FMLA (“WFMLA”), employees must have been employed for more than 52 consecutive weeks and have worked or been paid at least 1,000 hours in the preceding 52 weeks.

Employees on FMLA leave may not engage in any other employment that is inconsistent with the reason for the employee's FMLA leave.

The Village will not use the taking of FMLA leave in compliance with the law as a basis for any adverse employment decision. Employees should direct any questions regarding FMLA leave to the Village Administrator.

GENERAL LEAVE RIGHTS

Federal FMLA. Under the federal FMLA, eligible employees are allowed up to 12 work weeks of unpaid leave per 12-month period for the following reasons (see also Military family leave below):

- The employee’s own serious health condition that makes the employee unable to perform the functions of his or her position
- To care for the employee's spouse, child, or parent with a serious health condition
- For the birth of the employee's child, or placement of a child for adoption or foster care with the employee
- For incapacity due to pregnancy, prenatal medical care, or child birth

Wisconsin FMLA. The Wisconsin FMLA permits eligible employees to take unpaid leave for the following reasons:

- 2 weeks for the employee's own serious health condition
- 2 weeks to care for the employee's spouse, child, domestic partner, parent, or parent of a spouse or domestic partner with a serious health condition
- 6 weeks to care for the employee's child after birth or adoption

The Village will calculate the federal FMLA 12-month period as **[Select one: the calendar year; a fiscal year from ____ to ____; a rolling 12-month period measured backward from the date an employee uses any leave under this policy; a 12-month period measured forward from the first date an employee takes FMLA]**. Under federal FMLA, leave for birth, adoption, or foster care placement must be concluded within 12 months of the birth or placement for adoption or foster care. If both parents work for the Village, the employees will share one 12 week leave for the birth or placement of a child.

The Wisconsin FMLA entitlement will run on a calendar year basis. Any leave for the birth or adoption of a child taken under WFMLA must start within 16 weeks of the birth or adoption of the child.

Military Family Leave. The federal FMLA provides for military family leave. Several provisions of this FMLA policy (including employee notice provisions and certification requirements) apply to military family leave as well.

There are two types of military family leave:

Qualifying Exigency Leave. Eligible employees with a spouse, son, daughter, or parent on covered active duty or called to covered active duty status may use their 12-week FMLA entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare or parental care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The 12 weeks of leave afforded for a qualifying exigency is not in addition to the general 12 weeks afforded under the federal FMLA. An employee is entitled to no more than 12 total weeks of leave for any combination of personal, family or qualifying exigency military FMLA.

Service member Care Leave. Eligible employees may take up to 26 weeks of leave during a single 12-month period to care for an ill or injured service member who is the employee's spouse, parent, child, or "next of kin" who is a covered service member. A covered service member is a current member of the Armed Forces (including National Guard or Reserves) or a covered veteran who is undergoing medical treatment, recuperation, or therapy (or, for current members, is otherwise in outpatient status or on the temporary disability retired list) for a serious injury or illness. In the case of a current member, a "serious injury or illness" means an injury or illness that was incurred in the line of duty on active duty in the Armed forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty and that may render the service member medically unfit to perform his or her duties. In the case of a covered veteran, a "serious injury or illness" is the same as for a current member except that it must also meet any one of the following requirements: it must be (1) an injury that forms the basis for the veteran's enrollment in the VA's program of Comprehensive Assistance for Family Caregivers, (2) a physical or mental condition that substantially impairs the veteran's ability to work because of disability or disabilities related to military service, or would do so absent treatment, (3) a physical or mental condition for which the veteran has received a VASRD of 50 percent or greater, and the need for military caregiver leave is related to that condition; or (4) a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating. The 26 weeks of leave afforded for service member care is not in addition to the general 12 weeks afforded under the federal FMLA.

Married Employees. Married employees who both work for the Village are limited to no more than an aggregate of 26 weeks of leave between them for military family leave.

DEFINITIONS OF "CHILD" AND "PARENT"

Under both state and federal FMLA laws, "child" means a biological, adopted or foster child, step child, or legal ward. Under federal FMLA law, "child" also includes a child for whom the employee provides day to day care and financial support. Under both state and federal FMLA laws, a "child" must either be under age 18, or be 18 years or older and unable to care for him/herself because of a mental or physical disability (federal FMLA) or serious health condition (Wisconsin FMLA). Under both state and federal laws, "parent" means biological parent, foster parent, adoptive parent, or step parent. Under federal FMLA law, "parent" includes an individual who was responsible for the day-to-day care and financial support of the employee when the employee was a child, but does not include parents of an employee's spouse or domestic partner. Under state FMLA law, "parent" includes parents of an employee's spouse or domestic partner.

SERIOUS HEALTH CONDITION

A serious health condition is an injury, illness, impairment or physical or mental condition that involves:

- Inpatient care in a medical care facility; or
- Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents a qualified family member from participating in school or other daily activities. Continuing treatment by a health care provider includes:
 - (1) A period of incapacity of more than three (3) consecutive full calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen or continuing treatment under the supervision of a health care provider (time limits apply to health care provider visits) (Under the Wisconsin FMLA, the requirement for more than three (3) consecutive calendar days of incapacity does not apply.);

- (2) Any period of incapacity due to pregnancy or prenatal care;
- (3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
- (4) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
- (5) Any period of absence to receive multiple treatments by a health care provider or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

NOTIFICATION AND CERTIFICATION

Whenever possible, employees must give at least 30 days' written notice of the need for FMLA leave. When 30 days' notice is not possible, employees are expected to give as much written notice as is practical. Please see Human Resources for FMLA request forms. Normal call-in procedures must also be followed for all FMLA absences.

When requesting FMLA, employees must give sufficient information to allow the Village to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the Village if the requested leave is for a reason for which FMLA leave was previously taken or certified.

The Village may require an employee who is requesting FMLA leave to provide medical certification for the leave. Employees will have 15 days in which to provide the completed certification, except in extenuating circumstances. If an employee fails to provide adequate certification in a timely manner, the employee's leave request or continuation of leave may be delayed or denied altogether. The Village may directly contact the employee's health care provider for authentication or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The Village may also require clarification of an incomplete or insufficient certification. Before the Village makes direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification as required by law.

The Village may require a second medical opinion at its expense regarding a serious health condition from a health care provider of its choice. If the first two opinions differ, the Village may obtain a third opinion at its expense from a mutually agreed upon health care provider. The third opinion shall be binding on the parties. The Village may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. Recertification and periodic reports regarding the employee's status and intent to return to work may also be required as allowed by law.

The Village will inform employees who have requested leave whether they are eligible for leave, specify any additional information needed, and inform the employee of his/her rights and responsibilities. If the employee is not eligible for leave, the Village will provide a reason for the ineligibility. The Village will also inform eligible employees whether requested leave will or will not be designated as FMLA leave and the amount of leave that will be counted against the employee's leave entitlement.

Recertification. The Village may request recertification for the serious health condition of the employee or the employee's family member as allowed by law. In seeking recertification, the Village may provide the employee's health care provider with the employee's attendance records and to confirm whether the employee's absences are consistent with the employee's serious health condition.

INTERMITTENT LEAVE

An employee may take any leave covered by WFMLA as intermittent leave, provided the employee provides notice as required by the law. The last increment of intermittent leave for the birth or adoption of a child under WFMLA must begin within 16 weeks after the birth or placement for adoption of the child.

For leaves covered only by federal FMLA, an employee may take “intermittent” or “reduced schedule” leave, if medically necessary, for the employee's own serious health condition to care for a spouse, parent, son, or daughter with a serious health condition, and to care for a covered service member with a serious injury or illness. Employees must make reasonable efforts to schedule leave for planned medical treatment so as to not unduly disrupt the Village's operations. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work. For medically necessary intermittent or reduced schedule leave that is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Village may temporarily transfer an employee taking such leave to a position with equivalent pay and benefits if the new position better accommodates the leave. Military leave due to qualifying exigencies may also be taken on an intermittent basis. Employees may not take intermittent FMLA leave for the birth, adoption, or foster placement of a child during the federal-only portion of their FMLA leave.

SUBSTITUTING PAID TIME OFF

Use of Paid Leave.

FMLA leave is unpaid leave. However, employees have the right or employers may require in certain cases, that the employee use accrued paid leave during FMLA leave. During any portion of leave covered by the WFMLA, the employee may elect to or not to use paid leave. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA leave, and those benefits will not be available to the employee later. When paid benefits are substituted, the employee may be required to satisfy any procedural requirements of the Village's paid leave policy (for example, advance notice to use paid leave, use of paid leave in established increments, etc.). If an employee does not meet qualifications to use paid leave that will not affect the employee's ability to use FMLA leave if the leave qualifies as FMLA leave.

During any portion of leave that is covered by the federal FMLA only, the Village may restrict the use of paid time as allowed by law.

In cases where substitution of a paid benefit is not possible, the employee will generally receive reduced compensation consistent with the number of hours the person actually works.

BENEFITS DURING LEAVE

An employee's coverage under group health plans (i.e., group health and dental coverage) will be maintained during the period of an FMLA leave as required by the Wisconsin and federal FMLA laws and in accordance with the applicable terms of the plans.

Employees who normally pay a portion of the premium for insurance coverage must continue to do so during the period of FMLA leave. If paid leave is substituted for unpaid leave, the employee's portion of the premium will be deducted from the employee's paycheck. For those employees on unpaid leave, payment arrangements must be made prior to the start of the leave, or as soon as practicable. Premium payments must be received by the 30th of each month. A 30-day grace period will apply to premium payments. If payment is not made, the employee's group health/dental insurance may be terminated retroactive to the date coverage was last paid for. The Village will provide 15 days' notification prior to the employee's loss of coverage.

If the Village maintains an employee's insurance during an FMLA leave, and the employee does not return from FMLA leave, under certain circumstances the Village will have the right to recover the total cost of the insurance premiums paid during the employee's leave, as allowed by law.

Benefit Accruals.

If an employee substitutes accrued paid leave for unpaid FMLA leave in order to remain fully compensated, the employee will continue to accrue paid time off at the rate at which the employee accrued such time prior to leave. If the leave is partially paid, the employee will accrue paid time off at a prorated rate. Once the employee stops receiving pay, the employee will no longer accrue paid time off during an FMLA leave. Use of FMLA cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Other benefit accruals may be suspended during the period of the leave and will resume upon return to active employment. Check with Human Resources regarding other benefit continuation provisions.

Worker's Compensation Absences.

When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee's allotment of FMLA leave under federal law. In other words, the employee is using federal FMLA leave concurrently with the worker's compensation absence.

Early Return from Leave.

An employee who wishes to return to work earlier than originally anticipated should provide at least two days' notice of such request. A fitness for duty certification may be required.

RETURNING TO WORK AT THE END OF LEAVE

Employees who return to work from FMLA leave within the timeframes protected by the FMLA laws will be returned to their former position or, if that position is no longer available, then to an equivalent position with equivalent pay, benefits and other employment terms. If an employee wishes to return to work before his/her leave is to end, and work is available, the employee must notify Human Resources at least 2 days prior to the desired return date. If an employee took FMLA leave for his/her own serious health condition, a fitness for duty certification will be required before the employee may return to work. In such cases, an employee's return will be delayed until such a certification is received.

FAILURE TO RETURN TO WORK AT END OF FMLA-PROTECTED LEAVE

If an employee fails to return to work after the expiration of an FMLA-protected leave, the employee's rights under state and federal FMLA laws will no longer be in effect and the employee will be subject to immediate termination. If the employee's inability to return to work is due to the continuation, recurrence or onset of the employee's own serious health condition, or of the serious health condition of the employee's spouse, child or parent, the Village will consider a request for a further unpaid leave. However, the employee must submit a written request for consideration of a further leave as soon as the employee realizes that he/she will not be able to return at the expiration of the FMLA-protected leave period. The Village will consider each such request on a case by case basis. There is no guarantee that a further leave will be granted.

FAILURE TO MEET POLICY REQUIREMENTS

If the employee fails to meet the requirements of this policy for family or medical leave, the request for leave will be denied until the requirements are met.

Extension of Leave

You may submit requests for additional unpaid extensions of leave to Human Resources. The Village reserves the right to accept or deny these requests as well as the right to request a doctor's certificate prior to granting any extension.

“Key Employees”

Certain “key employees” as defined by law may not be eligible for reinstatement to their jobs or equivalent positions following a leave if reinstatement would cause the Village hardship.