



PERSONNEL COMMITTEE MEETING AGENDA

Tuesday, March 18, 2025 at 10:00 A.M.

Sister Bay Liberty Grove Fire Department – 2258 Mill Road – Small Conference Room

For additional information check: www.sisterbaywi.gov and click Meetings

AGENDA

1. Call to Order
2. Roll Call
3. Approve Agenda
4. Approve Meeting Minutes: March 3, 2025
5. Comments, Correspondence and Concerns from the Public
6. Discussion/Action Items
 - a) Discussion Regarding Employee Contracts
 - b) Review and Finalize 2025 Employee Handbook
7. Matters to be Placed on a Future Agenda or Referred to a Committee, Official or Employee
8. Next Meeting Date: To Be Determined
9. Adjourn

Public Notice

Questions regarding the nature of the Agenda items or more detail on the items listed can be directed to Julie Schmelzer, Village Administrator, at julie.schmelzer@sisterbaywi.gov. It is possible that members of and possibly a quorum of members of other governmental bodies may attend the meeting to gather information; no action will be taken by any governmental body other than the body specifically referred to above. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid or accommodation at no cost to the individual. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administration Office at 854-4118, (FAX) 854-9637, or by writing to the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours (8 a.m. – 4 p.m. weekdays). The Village of Sister Bay is an Equal Opportunity Provider and Employer.

1 **PERSONNEL COMMITTEE MEETING MINUTES**

2 **Monday, March 3, 2025**

3 **(Approval Pending)**

4
5 **Agenda Item No. 1. Call to Order**

6 The March 3, 2025 meeting of the Personnel Committee was called to order by Chair Louise
7 Howson at 10:00 A.M.

8
9 **Agenda Item No. 2. Roll Call**

10 Present: Chairperson Howson and member Nate Bell. Lilly Orozco was excused.

11
12 Staff: Village Administrator Julie Schmelzer and Clerk Heidi Teich

13
14 **Agenda Item No. 3. Approval of the Agenda**

15 *A motion was made by Bell, seconded by Howson that the Agenda for the March 3, 2025 meeting of the*
16 *Personnel Committee be approved as amended to move item C to the front. Motion carried – All ayes.*

17
18 **Agenda Item No. 4. Approval of Minutes**

19 *A motion was made by Bell, seconded by Howson to approve the minutes of the February 5, 2025 and*
20 *February 19, 2025 meetings of the Personnel Committee as presented. Motion carried – all ayes.*

21
22 **Agenda Item No. 5. Comments, correspondence, and concerns from the public**

23 Bell shared correspondence received from Nick Deviley, 10438 Orchard Dr, in which he
24 requested that Personnel meetings be recorded. No additional comments were shared.

25
26 **Agenda Item No. 6. Discussion/Action Items**

27 **c) Discuss Contracts for Employees**

28 Howson stated the purpose of this discussion is to arrive at a consensus that the committee
29 would like to move forward with the development of employment contracts for staff. In doing
30 so, they need to make it clear to the Village Board why employee contracts are necessary and
31 which employee positions, besides the village administrator, should be offered a contract.

32
33 Bell articulated that a contract offers employees certainty in their positions and lessens the
34 pressure they may feel to act for fear of losing their position. It also provides continuity of
35 government. He added that the contracts should spell out the terms that would cause someone
36 to lose their position and provide for a severance package.

37
38 Howson read from a statement that an employment contract cannot replace the “at-will”
39 condition of employment for a municipality. The committee will pursue a legal interpretation
40 of this statement.

41
42 The committee discussed various terms that could be included in a contract, such as
43 commitment of time in the position if the employee received specialized training, varying
44 timelines for providing notice when someone leaves a position, and the possibility of a
45 departing employee to provide training for their replacement.

46
47 Bell suggested that each contract contain general language outlining the terms of a severance

1 package and suggested that it be a multiplier of the time notice is provided. For example, a 90-
2 day notice would result in a 6-month severance, a 60-day notice would result in a 4-month
3 severance, or a 30-day notice would result in a 2-month severance.

4
5 Schmelzer suggested that the contracts contain language that prevents a departing employee
6 from speaking disparagingly of the village after leaving. It was noted the Employee Handbook
7 contains many expectations of employee behavior so that should be clearly referenced in the
8 contract.

9
10 The length of a contract was debated, with options to offer a set number of years or leave it
11 without an end date entirely. The contract could auto-renew or simply continue if no action is
12 taken by either the village or the employee. Either party can give notice of non-renewal of the
13 contract by providing a minimum of 90- or 120-days' notice.

14
15 The committee will seek examples of employee contracts from neighboring municipalities and
16 use those to draft a contract for their use. They will also seek assistance from the municipal
17 attorney's office to ensure that a contract is legal and enforceable. In the meantime, the
18 committee recommended a general discussion with the village board at its meeting in March.
19 In addition to explaining to the board how a contract would provide security for staff and
20 continuity for the village government, the committee would like to explore if there are
21 employee incentives to offer along with it. The contracts would be offered to staff in
22 supervisory or managerial positions, or holding a state-mandated position. The committee will
23 consult with the village's counsel to see if contracts can be offered retroactively to current staff.

24
25 **a) Review Personnel Handbook Updates**

26 A proposed draft of the Sister Bay Employee Handbook was included in the meeting packet.
27 Howson asked if this discussion could be delayed until Orozco is able to participate and Bell
28 agreed. Schmelzer did request that staff revise the document in such a manner to replace
29 personal pronouns with more general references such as "the village" and "employee" as
30 applicable before it is formally addressed by the committee. Howson and Bell concurred. It
31 was noted that going forward this document will be referred to as the Employee Handbook.

32
33 **b) Review Personnel Committee Bylaws**

34 The committee has been working over the past couple months to revise the description of the
35 Personal Committee as appears in the Rules of Order & Organization for Sister Bay
36 Committee/Commissions. A final draft was included in the meeting packet. After a brief
37 discussion, it was the consensus of the committee that the following changes be made to the
38 description presented:

39
40 **Personnel Committee*** (A Standing Committee)

41 *The Personnel Committee shall consist of three trustees. The Personnel Committee shall:*

- 42 (a) *Consider and review all matters relating to wages, hours, fringe benefits and conditions of*
43 *employment for Village employees, including discipline, promotion and job descriptions;*
44 (b) *Act on grievances submitted by employees and be the arbitrator between the employees and the*
45 *Village Board;*
46 (c) *Review requests for new positions from committees; and,*
47 (d) *Prepare an annual budget and submit it to the Finance Director to present to the Finance*

Committee.

The committee shall also:

1. Approve, implement, and maintain a mechanism for the performance evaluation of employees *as outlined in the Employee Handbook.*
2. Review and establish employee recruiting, hiring and retention procedures, including review of resumes, observation of interviews of department heads by a member of the committee (typically the Chair) or their designee, and participating in all Department Head Exit Interviews.
3. Recommend compensation schedules to the Finance Committee.
4. Develop, approve and ~~annually~~-update personnel policies in the ~~Personnel~~-Employee Handbook *as needed.*
5. Consider recommendations from the Village Administrator for the organizational structure and staffing levels of Village departments.
6. Review departmental requests for creation, deletion, reallocation, and changes in position (not an individual).
7. Periodically review employment application forms and hiring guidelines.
8. Responsible for recruitment and hiring of the Village Administrator.
9. Conduct an annual performance evaluation of the Administrator and make recommendations to the Board *as outlined in the Employee Handbook.*

During the discussion, it was noted that additional details of the role of the Personnel Committee beyond this description should be included in the Employee Handbook to prevent the possibility of future discrepancies between the two documents.

This description will be forwarded to the village board for final approval.

Agenda Item No. 7. Matters to be placed on a future agenda or referred to a committee, official or employee.

It was the consensus of the committee that the following items be addressed at a future meeting:

- Continued discussion on employee contracts
- Review of the revised Employee Handbook
- Review drafts of revised staff evaluation templates

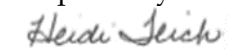
Agenda Item No. 8. Next Meeting Date

The next regular meeting of the Personnel Committee has yet to be determined.

Agenda Item No. 9. Adjourn

A motion was made by Bell, seconded by Howson to adjourn the March 3, 2025 meeting of the Personnel Committee at 10:54 A.M. Motion carried – all ayes.

Respectfully submitted,



Heidi Teich
Village Clerk



**VILLAGE OF SISTER BAY
EMPLOYEE HANDBOOK**

Adopted: _____ 2025

WELCOME

The Village of Sister Bay is a friendly, thriving community where residents and visitors alike enjoy the natural beauty of its surroundings enhanced by well-maintained parks, quality services and the natural environment. The unique charm of the Village's waterfront, library and businesses are enjoyed and utilized by all. As Northern Door County's year-round village, it balances the needs of a growing retirement community while attracting and supporting its younger population with a viable economy.

Purpose/Important Facts About This Handbook

The Village of Sister Bay is pleased to present this Employee Handbook containing information in summary form about our workplace, the major benefits available to the employee and the employee's obligations. This handbook is for informational purposes only. Nothing in it constitutes a guarantee of employment or of any right or benefit, nor is it a contract of employment, expressed or implied, and it does not eliminate or change the employment-at-will status of the relationship between the employee and the Village of Sister Bay.

The Village of Sister Bay reserves the right to alter, change, delete, deviate from, suspend or discontinue any part or parts of the policies in this handbook, including but not limited to any employee benefit without prior notice. It is to the employee's advantage to follow the Personnel Committee and Board of Trustee meeting agendas and minutes to be aware of potential changes being discussed. No one other than the Village of Sister Bay Board of Trustees may alter or change any of the policies in this handbook. Any alteration or modification by the Board of Trustees must be in writing. No statement or promise by an elected official, administrator, supervisor, agent or other representative may be interpreted as a change in policy, nor will any such statement or promise constitute an agreement with any employee.

Should any provision of this handbook conflict with any statute, law, ordinance, regulation, or lawful provisions of a valid collective bargaining agreement to which the Village of Sister Bay is a party, the statute, law, ordinance, regulation or collective bargaining agreement (if any) shall control. Nothing in this handbook shall restrict employees from engaging in any concerted or other activity protected by Wisconsin or federal law.

It is the employee's responsibility to read and become familiar with the information in the handbook and to follow the policies and procedures contained herein. If there are questions regarding the handbook or matters that are not covered in it, please discuss them with the Human Resources Manager, if employed by the Village; Benefits Coordinator contracted or employed by the Village; the managing supervisor or the Village Administrator.

EMPLOYMENT STATUS

Nature of Employment

Except as specified in a valid collective bargaining agreement or an individual employment contract, or as otherwise provided by law, employment with the Village of Sister Bay is not governed by any written or oral contract and is considered an “at will” arrangement. This means that the employee or the Village of Sister Bay can end the employment relationship at any time for any reason.

Employee Classifications

The Village defines an employee as a person who works for the Village of Sister Bay for compensation in the form of wages and excludes unpaid volunteers, independent contractors, elected officials and persons appointed to serve on boards, commissions, or committees. The following classifications are used to determine employee benefits and eligibility for overtime.

1. Benefited Full-Time – an employee who is regularly scheduled to work more than 32 hours per week on a regularly scheduled basis for the calendar year. A benefited full-time employee is eligible for those benefits described in this handbook as well as any that are required by law.
2. Non-benefited Part-Time - an employee who is generally scheduled to work less than 30 hours per week throughout the year. Non-benefited part-time employees are only eligible for benefits required by law.
3. Temporary/Seasonal/Casual - an employee who works full-time or part-time hours on a temporary, sporadic, varying, seasonal, or as-needed basis. These employees are only eligible for benefits required by law.
4. Exempt - an employee whose position meets the overtime exemption requirements established by the Fair Labor Standards Act (FLSA). These employees must be paid on a salary basis and are exempt from overtime pay requirements.
5. Non-Exempt – an employee whose position does not meet FLSA overtime exemption requirements. Non-exempt employees are paid on an hourly basis and are eligible for overtime pay.

CODE OF ETHICS

Employees are expected to use good judgment, adhere to high ethical standards, and avoid situations that create an actual or perceived conflict between personal interests and those of the organization. The Village expects that the transactions employees take part in are ethical and within the law, both in letter and in spirit.

There is no way to develop a comprehensive detailed set of rules to cover every employment situation. The Village requires employees to act ethically when performing their duties so that their actions will reflect positively on the employee and the Village. The employee must comply with all local, state, and federal laws.

Our policy and state law prohibit employees from engaging in the following conduct:

1. Soliciting or receiving from any person or acting as a mediator for any fee, gift, or other thing of value in the course of their work, when such fee, gift, or other thing of value is given in the hope or expectation of receiving a favor or better treatment than that accorded any other person.
2. Threatening or attempting to use or using political influence or giving or being in any way involved in giving any money or any other thing of value in return for appointment, promotion, transfer, leave of absence, change in pay or other tangible employment benefit.
3. Engaging in political activity by making use of their position to further the candidacy of any person or engaging in political work during regular work hours. Nothing in this section shall be construed to interfere with the employee's rights outside of normal work hours to become a member of a political club, to attend political meetings, to express opinions on political subjects, and to enjoy freedom from all interference in casting votes.
4. Accepting anything of value from any person, business, or organization, if it may be viewed as a reward for any official action or inaction taken by the employee. State law also prohibits any local public official or public employee from accepting anything of value if it could reasonably be expected to influence official actions or independent judgment. Speak with the supervisor or the Administrator regarding questions, concerns or issues addressed in or related to this policy.

EQUAL OPPORTUNITY, DISCRIMINATION, AND ACCOMMODATIONS

Equal Opportunity and Non-Discrimination

The Village of Sister Bay is an equal opportunity employer. All employment decisions, including but not limited to, recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, discipline, and involuntary termination are made without regard to an individual's age, arrest/conviction record, ancestry, color, national origin, race, religion, disability, marital status, military service, pregnancy, childbirth, sex, sexual orientation, off-duty use or nonuse of lawful products, or any other characteristic protected by federal, state, or local law.

1. Supervisors will see that the provisions of this section are met. It is also the duty of every employee to help create a work environment that promotes equal opportunity. Employees must report any incident or situation that they believe violates this policy to the supervisor (or in the event the incident or situation is in regard to the supervisor, report to the Village Administrator (see the *GRIEVANCE PROCEDURE* section).
2. Anyone who engages in unlawful discrimination will be subject to disciplinary action or involuntary termination. The Village will not tolerate retaliation against another person for filing a complaint, reporting alleged discrimination, or participating in an investigation. Anyone who engages in retaliation will be subject to disciplinary action or involuntary termination.

Reasonable Accommodations for Disabilities

The Village of Sister Bay is committed to full compliance with applicable federal and state disability laws (specifically, those outlined in the Americans with Disabilities Act). An employee who is a qualified individual as defined by state or federal law will be provided a reasonable accommodation if one exists that allows the employee to perform the functions of the employee's job unless such accommodation creates an undue burden or poses a direct threat to the safety of the employee or others. The employee should submit a request for workplace accommodations to their supervisor. Any supervisor who receives a request for a workplace accommodation must forward it to the Administrator immediately. After receipt of the request, the supervisor or the Administrator will meet with the employee to discuss all of the facts and circumstances necessary to make an accommodation determination.

HARRASSMENT POLICY

Overview

The Village is committed to providing a professional work environment that maintains employee equality, dignity and respect. The Village strictly prohibits and will not tolerate discriminatory practices or harassment against its employees based on their protected class status by anyone, including elected officials, supervisors, co-workers, visitors, vendors, citizens or any other persons. Similarly, employees are prohibited from harassing or discriminating against any other persons based on their protected class status.

1. Any protected class harassment is unacceptable and will not be tolerated. Anyone who violates this policy will be subject to disciplinary action or involuntary termination.
2. Harassment includes any conduct, whether verbal, physical, or visual, that is based on a person's protected status, including age, arrest/conviction record, ancestry, color, national origin, race, religion, disability, marital status, military service, pregnancy, childbirth, sex, sexual orientation, off duty use or nonuse of lawful products, or any other characteristic protected by federal, state, or local law. Conduct need not be directed at a particular individual to be considered a violation of this policy. Harassment can take many forms and may include, but is not limited to:
 - epithets, slurs, or negative stereotyping.
 - threatening, intimidating or hostile acts.
 - denigrating jokes.
 - verbal abuse.
 - written or graphic material that denigrates or is hostile toward a protected class.
 - nonverbal conduct, such as staring or making denigrating gestures.
 - physical conduct, such as stalking, assault, unwanted touching.

Sexual Harassment

This policy protects all gender employees from sexual harassment. This policy prohibits all conduct, whether physical, verbal, written, or visual that is based on gender, including but not limited to:

- unwelcome sexual flirtations, compliments, advances, requests, or propositions.
- unwelcome touching, patting, pinching, brushing against another's body, attention to an individual's body, or physical assault.
- any statements or referencing one's sexuality, gender, or sexual experience, sexual gestures, innuendoes, suggestions, "kidding," "teasing" or jokes.
- the display of sexually related or suggestive pictures or objects including emails or other computer images.

DISCRIMINATION AND/OR HARRASSMENT COMPLAINT PROCEDURE

Overview

The Village is committed to maintaining a workplace free of discrimination and harassment and take seriously all complaints or reports of harassing or discriminatory conduct by or against any of our employees, supervisors, elected officials, visitors, vendors, citizens, or any other party. The timely reporting and prompt effective resolution of complaints is crucial to preventing and ending prohibited conduct; therefore, the following procedures are in place to address prohibited conduct:

- If the employee believes that they have experienced or witnessed conduct that violates this policy, it must be reported as soon as possible to the supervisor or the Administrator.
- Do not bring the complaint to the immediate supervisor first if the supervisor is the subject of the complaint, or if the employee feels more comfortable bringing the matter to the attention of one of the other designated representatives identified above.
- Please see the *GRIEVANCE PROCEDURE* section for more information.

Investigations and Remedial Action:

- All complaints will be promptly and thoroughly investigated. If necessary, the Village will contract with a third party to conduct the investigation.
- The Village will take corrective action designed to end any harassment or discrimination in the workplace and prevent it from recurring.
- Corrective and preventive action may include the imposition of discipline or involuntary termination, training, referral to counseling, monitoring, demotion or reassignment, or any other action deemed appropriate under the circumstances. The Village will make follow-up inquiries to ensure that the harassment or discrimination has not resumed.

The Village recognizes that false allegations of harassment or discrimination may have a serious impact on innocent individuals, and will take appropriate action against anyone who makes a false claim of harassment or discrimination.

Confidentiality

The Village understand that matters of harassment or discrimination can be sensitive, and when possible, will keep complaints and related information in confidence. Disclosure will occur only when necessary to investigate and resolve the matter and when required by law.

Retaliation

Any employee who reports harassment or discrimination, files a complaint, or takes part in an investigation, is protected from any retaliatory action. No reprisal or adverse action will be taken against the employee for coming forward or participating in the investigatory process. If the employee believes they the subject of retaliation, even if the behavior is subtle or the employee is unsure that the conduct is retaliation, report it immediately to the supervisor or the Administrator. Anyone who violates this retaliation prohibition will be disciplined or terminated.

EMPLOYEE BEHAVIOR AND CONDUCT

To ensure orderly operations and provide the best work environment, the Village expects the employee to conduct themselves at all times in a manner that is respectful and will protect the interests and safety of all employees and the organization. This handbook cannot address every conceivable circumstance that may arise. The Village considers all of its employees to be professionals, and employees are expected to exercise responsible judgment.

The Village reserves sole discretion to determine when certain behaviors, conduct, decisions, etc. are inappropriate, even if they are not expressly prohibited or addressed in this handbook. The consequences for any infraction will depend on all relevant circumstances and may include discipline or involuntary termination as we determine appropriate.

Appearance and Demeanor

The Village expects their employees to represent the Village in a professional manner while performing their duties. All Village employees have contact with people in the community who are either residents or visitors and will create lasting impressions with them by their interactions and by the observations of their work performance. All Village employees are encouraged to present a positive image and demonstrate an interest in their work. All employees are expected to be neat and clean in appearance and to dress in a manner appropriate to the nature of their position. Utilities Department and Parks and Streets Department employees will wear designated clothing and items provided by the Village during their on-duty hours. Uniform clothing and dress are described in detail in the *Clothing Allowances and Expectations* section of this handbook.

Personal Appearance

As a Village of Sister Bay employee, personal appearance reflects on the village. The Village expects employees to present themselves for work in a professional, presentable, modest, well-groomed manner at all times. Employees are required to adhere to the guidelines of the Safety Policy to the extent they apply to your position. Depending on considerations of individual departments certain employees may have to meet special dress, grooming, and hygiene standards that may be required for health or safety reasons, customer and public contact, or other professional/service considerations.

Inappropriate Behavior

It is not possible to list all the behavior that is unacceptable. The list below is illustrative and not intended to be all-inclusive. These are examples of infractions that may result in disciplinary action or involuntary termination:

1. Harassment, discrimination, or any violation of federal civil rights laws.
2. Any form of theft, dishonesty or inappropriate removal, use or possession of property. Theft includes the purposeful falsification of time reporting, misuse of PTO, use of Village property for personal use, or other misuse of taxpayer funded time or equipment for a use not intended.
3. Falsification of records or documents.
4. Any form of violence.
5. Verbal or physical abuse; discourteous, disrespectful, insulting or inflammatory language or

conduct, or any other form of behavior that could be deemed “bullying” towards another person.

6. Negligence or improper care or conduct leading to ill-maintenance or damage of Village-owned property or property belonging to others, or injury to another person.
7. Insubordination or other failure to follow directives or instructions.
8. Violation of safety rules and policies or health rules.
9. Smoking in prohibited areas or village-owned buildings, equipment or vehicles.
10. Possession of dangerous or unauthorized materials, such as explosives or firearms.
11. Unacceptable attendance record, including habitual tardiness and absenteeism.
12. Unauthorized use or misuse of telephones, mail system, computers, social media or other village-owned equipment.
13. Unsatisfactory or inappropriate performance or conduct.
14. Disclosure of statutory or confidential information.
15. Being disrespectful to others while on duty.
16. Sleeping on the job.
17. Sloth, or performing not at the level expected or paid.
18. Gambling or creating a lottery with Village equipment or while being paid with taxpayer dollars.
19. Procuring legal favors.
20. Violation of any other policies/rules in this handbook.

Conduct

On or off-duty conduct which may result in an employee being disciplined may include the following:

1. Unbecoming conduct.
2. Conduct that adversely affects the morale or efficiency of the department.
3. Behavior that adversely affects the employee’s job performance or the willingness of other employees to work with the employee.
4. Conduct that destroys public respect or confidence in the employee, department or provision of and operation of municipal services.
5. Where the conduct substantially relates to job performance or job duties.

Gifts and Gratuities

Marina and Shuttle Bus gratuities shall only be accepted if unsolicited and as allowed by law.

No other fulltime, parttime, seasonal or casual employee shall solicit or accept any gift, campaign contribution, gratuity, service, promise of work, entertainment, loan, or other item of monetary value from a person or entity who has or is seeking activities or service from, or which are regulated by, the Village. Employees will need to determine whether the provider expects a service in return for the gift. Holiday gifts sent to departments from contractors can be accepted, provided the contractor annually sends the gift to similar departments as a ‘thank you’ for work performed throughout the year, provided the anticipated value does not exceed \$50. Employees attending meetings, seminars and conferences while representing the Village will be allowed to accept items that are given away to attendees and offered to all participants at the event, provided the item secured does not exceed an estimated value of \$25; if the item exceeds \$25, it shall be rejected, returned, or given to a non-profit serving Sister Bay.

Failure to Obey Medical Orders

An employee may be disciplined or terminated for a failure to follow the medical orders issued by their medical practitioner. Failure to abide by the orders could put the employee, other employees, or the public at risk and will not be tolerated.

1. Employees shall obey their medical practitioner's orders and shall promptly notify their supervisor of any restrictions or instructions by their medical practitioner, or prescribed medications that could affect their ability to perform their assigned tasks.
2. The supervisor shall have the right to require an employee who has a physical or mental incapacity to submit a report from a licensed medical practitioner verifying that the employee can perform the essential functions of his/her assigned duties without limitations. The supervisor does not have the right to confidential information about the employee's diagnosis or treatment.
3. The Village may require a medical examination for an employee by a medical practitioner selected and paid for by the Village whenever the Village shall deem it necessary for the safety and welfare of the residents of the Village and the maintenance of standards within the Department. If the results of the examination would affect the employee's ability to work, then the employee may have a second opinion at his/her expense by a medical practitioner of his/her choice. If there is a difference of opinion by the first two medical practitioners, the employee may be examined by a medical practitioner mutually agreeable to the Village and the employee paid for by the Village.
Samm is this legal? Samm: There are some issues that you can run into as this is pretty broad. From an ACA compliance perspective there are only two times that you can require medical examination and that is after an offer has been made and if there is some requirement to perform an essential part of the job. I would suggest removing the language that says "Whenever the Village shall deem it necessary for the safety and welfare of the residents". This again is quite broad. I would suggest stating that it is only warranted if there is a legitimate concern that the employees' health could impact job performance or safety.

Suggested language - The Village may require a medical examination when there is a concern that an employee's health may affect their ability to perform essential job functions or create a safety risk. The Village will keep all medical information confidential and the employees' privacy will be protected.

Confidential Information

Employees may have access to confidential Sister Bay, resident, personnel or other sensitive information as a part of their job duties. The protection of confidential information is vital to the Village's interests, and to the interests of its employees and citizens. Employees shall not disclose any confidential information to any Village of Sister Bay personnel who does not have a legitimate business need to know such information, or to any persons outside the Village of Sister Bay organization, without the authorization of the Administrator. If the employee receives a request for information that their know or should know is confidential, whether they are on or off duty, the employee will direct the person asking for the information to the Village Clerk. No confidential information concerning any citizen may be released to an unauthorized person or agency without the signed consent of the citizen. This section does not apply to individuals filing complaints about a property for which the village provides service to, such as a property regulated by Ch. 66 of the Municipal Code, Zoning.

DRUG AND ALCOHOL-FREE WORKPLACE

The Village maintains a drug-free and alcohol-free workplace. Accidents, injuries, absenteeism, decreased productivity and property damage can result if under the influence of drugs, alcohol or other substances at work. Employees may be disciplined or fired if under the influence of alcohol, drugs, or other substances which can impair performance and judgment, even if residual.

Conduct and Discipline

Employees must report to work free of drugs, intoxicants, alcohol, narcotics, or any other controlled substance. Employees may be disciplined, up to and including involuntary termination, for possession, consumption, not being free of, being under the influence of, or use of any drugs, drug paraphernalia, intoxicants, alcohol, narcotics, or any other controlled substance, on or about Village premises at any time.

Any medication that affects an employee's judgment or could affect an employee's performance should be brought to the supervisor's attention. Such prescription drugs are tolerated in the workplace only if given under medical supervision and does not interfere with the performance of job duties.

Under certain circumstances, the Village may require an employee to undergo a drug and/or alcohol test when the Village has a reasonable suspicion that the employee is violating this rule. The employee will be referred to a certified testing laboratory for completion of the test. Depending on the seriousness and circumstances of the offense, and at the Village's sole discretion, an employee who tests positive for drugs and/or alcohol may be referred to counseling, rehabilitation or an employee assistance program. Refusal to cooperate may result in discipline, up to and including termination. This shall not restrict employees from having alcohol in sealed containers in their private vehicles.

A violation of the following rules may result in disciplinary action or involuntary termination:

1. Employees are prohibited from using, possessing, manufacturing, selling, distributing, purchasing or dispensing alcohol or controlled substances/illegal drugs or drug paraphernalia on Village of Sister Bay property, while performing their job duties, or while engaged in a Village sponsored activity, or while representing the Village.
2. Employees are prohibited from reporting for or remaining on duty or performing assigned job duties while under the influence of alcohol or a controlled substance/illegal drug or having the prohibited level of alcohol or an illegal drug/controlled substance in your system to legally operate a vehicle.
3. Employees may not bring or consume prescription drugs that are not prescribed for them, or that impair their ability to do your job in the workplace. Employees must notify their supervisor or administrator before engaging in any work if the prescription medication could affect job performance and/or safety.
4. Criminal convictions for manufacturing, distributing, dispensing, possessing or using controlled substances/illegal drugs in the workplace must be reported in writing to the supervisor or the Administrator no later than 5 calendar days after such conviction.
5. Employees may not use any alcohol within 8 hours following an on-duty accident.
6. Employees must comply with requirements for treatment, after care, and return to duty, if applicable.
7. The Village may request employees voluntarily take a blood test to verify the presence or absence

of alcohol or drugs in their bloodstream.

8. The Village reserves the right to perform routine, random drug and alcohol testing to ensure Village-owned vehicles, equipment and property are not being operated by employees under the influence of alcohol, illicit drugs, or non-prescribed controlled substance. Said test shall be administered at the Door County Medical Center and paid for by the Village, at a date and time selected by the Village. Any employee refusing to submit to a drug and/or alcohol test when directed to do so, under circumstances consistent with this policy, will immediately be placed on suspension pending investigation. Employees may not engage in any conduct that prevents completion of a test, or provide false information when tested, or attempt to falsify a test result.

Employee Assistance Program (EAP)

Employees are encouraged to voluntarily seek professional, confidential assistance for alcohol and drug issues. Contact and other information for the EAP provider is located at the Village Administration Office, by contacting the Benefits Administrator, or by reviewing the benefits information provided at time of hire. Employees are also encouraged to utilize any programs offered by the Village's insurance programs.

Testing

The Village of Sister Bay may require drug and/or alcohol testing under the following circumstances:

1. Pre-Employment: As part of the evaluative procedure for new or returning employees, including seasonal employees, whether full-time or part-time, or employees transferring between departments. Said testing may be conducted upon a conditional offer of employment.
2. Reasonable Suspicion: "Reasonable suspicion" means observations of objective facts sufficient to lead a prudent person to conclude that the employee may be under the influence or have a prohibited substance in their system. Unless restricted by state or local law, the Village also requires drug and breath alcohol tests for any employee who appears to be impaired or working under the influence of chemical substances. This could occur at any time determined necessary by management due to observed employee actions such as abnormal coordination, appearance, behavior, slurred speech, odor, excessive tardiness, absenteeism, or as a result of other credible information. Any member of management who is concerned about the behavior or appearance of an employee will attempt to have these observations confirmed by another member of management. If observation by management is not possible, a drug and alcohol test may still be requested for the employee in question. If impairment is suspected, the employee will be transported by a member of the management team or by the use of a transportation service paid for by the Village. Before any test is administered, employees will be notified in a private setting of the reason for the supervisor's concern and will be given an opportunity to explain their unusual actions, behavior, or appearance. Testing shall occur at a provider selected by the Village.
3. Post-Accident/Work Related Incident: The Village may require drug or alcohol testing following a work-related incident/accident.
4. Random: Drug testing may be required on a random, routine basis for those in any safety sensitive positions.
5. Return-to-Duty: Any employee found to have violated this policy and who is allowed to return to work may be required to test prior to returning to duty, and then randomly thereafter, for a one-year period. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable laws.

I had Janal research this matter. We found out DCMC no longer does public sector testing. Blood testing

is not allowed unless the employee is suspected of driving drunk or there is a court order. Blood tests are not available in Door County and we'd have to find a lab in Green Bay. Breathalyzer tests are not performed locally (due to previous allegations the technicians were not performing the test accurately). Prevea Occupational Health does urinalysis, hair follicle testing and saliva analysis. For a rapid urinalysis, if the test detects any illegal substances, the samples are then sent to a lab in Green Bay for further testing. Per Prevea, the saliva analysis is the preferred test for measuring alcohol. They also said few employers do pre-employment testing anymore, and employers do random testing with no advance notice to avoid claims of discrimination (which we discussed previously).

DRIVING REQUIREMENTS AND PRACTICES

The following policies cover operation of all Village of Sister Bay vehicles and personal vehicles used while performing the employee's job duties. The Village reserves the right to make specific decisions regarding an employee's ability to drive based on the particular circumstances of the situation.

1. Employees assigned Village of Sister Bay-owned vehicles are to use those vehicles for official business only; the Village do not permit personal use of Village property.
2. Any employee using a Village-owned vehicle, or equipment that can be driven on a public road, shall follow safe driving practices and will comply with all federal, state and local laws governing operation of motor vehicles and rules of the road. This includes taking all steps to ensure their total concentration and safe operation of vehicles.
3. Smoking and vaping is prohibited in any Village of Sister Bay vehicle; there are no exceptions.
4. Employees will not manipulate radios, telephones, tablets, or other equipment while the vehicle is moving. Employees will not talk on cell phones while the vehicle is moving, unless using a hands-free device or an emergency renders the use of such device impractical.
5. Employees will not take their eyes off the road while the vehicle is moving.
6. Employees will not operate a vehicle when their ability to react is impaired.
7. Employees will not text in any manner on a cell phone, smart phone, tablet, or other device.
8. Employees must keep headlights and seat belts on at all times.
9. Employees must abide by all provisions of the Drug-Free and Alcohol-Free Policy in this handbook, meaning if alcohol or substances are still in their bloodstream from the previous evening, the employee may be legally impaired and may not be able to legally operate the vehicle or equipment.
10. Employees must maintain an acceptable driving record to drive for their job. Employees must report all infractions or violations incurred while driving, whether during work time or personal time, to the supervisor. The Village may check driving abstracts through the Department of Motor Vehicles.
11. If the employees uses their personal vehicle to perform their job duties, they must carry insurance coverage as required by Wisconsin law.
12. The employee must notify a supervisor immediately when a Village of Sister Bay vehicle is inoperable, unsafe, or damaged.
13. Employees are responsible for the cleanliness of all Village of Sister Bay vehicles that they operate.
14. Employees shall not permit any non-employee to drive Village vehicles or equipment, nor can any unauthorized person ride in the vehicle.
15. If an employee is involved in an accident, they must:
 - a. Stay at the scene and turn on the four-way flashers.
 - b. Immediately contact law enforcement and the supervisor, or the Administrator if the supervisor is unavailable.

- c. When requested, provide their name, address, Village of Sister Bay affiliation and show their driver's license and proof of insurance to the other party and law enforcement personnel. It is the supervisor's responsibility to ensure proof of insurance is maintained in the vehicle at all times.
- d. Upon return to work, obtain and complete all necessary workers' compensation and incident report forms required by the village. See the supervisor for the required paperwork that needs to be completed, return it to the supervisor, and the supervisor will file it with the Administration Office.

HOURS OF WORK, ATTENDANCE AND PAY POLICIES

Work Hours

For most full-time staff, the regular work week will be 40 hours, excluding meal periods, performed in five, eight-hour workdays Monday through Friday. Specific hours of work shall be decided by your supervisor. A supervisor may set a rotational schedule for Utilities Department and Parks and Streets Department employees to ensure routine weekend work is addressed, such as cleaning restrooms in the parks; said rotation schedule may result in overtime hours worked beyond the normal 40-hour work week, but time worked shall be the minimum required to perform the rotational duties to minimize overtime. Rotational hours are considered anticipated routine work to be performed and may require an employee to be called back to work, if needed.

- Supervisors may authorize variations in your work schedule to accommodate their departmental needs, or to eliminate or reduce overtime.
- Hourly employees cannot perform any work during their unpaid lunch period without specific authorization from your supervisor; if work is authorized, then the entire lunch period must be included as hours worked on their timecard. Unless for official business, employees may not leave the workplace (i.e. return to their homes) except during their unpaid lunch period and may not use a municipal vehicle. Unpaid time begins when the employee leaves the worksite.
- Exempt Employees. The Village expects exempt employees to work a normal full-time, 40-hour work week and any additional hours required by your workload, which can include special and regular meetings and events outside of normal hours. In return, the employee may occasionally take time off without using time from their accrued leave banks when the workload of the office permits, provided the employee informs the supervisor. This flexibility is not an accrued benefit, nor does it constitute compensatory time; use of personal time on an hour-for-hour basis for time worked in excess of a 40-hour work week is not permitted by exempt employees.

On Call/Call Back

All employees are always on call; that is, when emergencies require it, any and all of them may be recalled to work at hours during which they are normally off duty. "On Call" will refer to the order in which employees are contacted, when the need for unforeseen work or an emergency arises. The order in which employees are contacted will rotate according to a schedule set by the supervisor. If a Parks & Streets employee or Utilities Department employee is scheduled to work on a rotational basis, the days they work on that rotational schedule will also be the days they are considered "On Call" and will be compensated \$25 as explained below.

The term "On Call" does not imply the need to remain constantly available for contact by phone, or the

need to remain in close proximity to the workplace. Compensation for calls to work during periods when the employee is at the head of the "On Call" rotation will be normal overtime, assuming the normal 40 hours for the week have actually been worked, but no \$25 per day compensation will be paid in wages or compensatory time for "On Call" periods during which no calls to work are made except for Parks & Streets employees and Utilities Department employees. In recognition of the impact that "On Call" status has upon Parks & Streets employees and Utilities employees, the Village will pay \$25 per day for an employee "On Call" for Saturday, Sunday and on holidays. This shall be in addition to any call-in overtime actually worked, which is paid in accordance with standard overtime pay policies identified herein.

If the employee at head of the rotation schedule is unable to come back to work for an emergency, the employee that is actually called back shall be entitled to the \$25 per day "On Call" pay.

Time-Keeping for Non-Exempt Employees, Including Part-time, Seasonal and Casual Employees

Non-exempt staff shall maintain a daily attendance record in the format provided by the Village. This record shall reflect the employee's daily start and end times, including start and end times of their lunch period, overtime hours worked, "On Call" time, and all absences for vacation, illness, holidays, use of compensatory time, etc.

Employees must keep an accurate record of their time. If manual time-keeping is required, employees must certify the accuracy of their time report by signing it and submitting the documentation to the supervisor, or by forwarding it by email for approval to the supervisor; the supervisor must sign the completed time reporting form to verify the hours claimed. If an electronic time-keeping process is implemented, employees must accurately input their time; any errors or deviations from the time reported shall be discussed with the supervisor, and if warranted, the supervisor may make changes to the electronic report. If any corrections or modifications are to be made, both the employee and the supervisor must verify the accuracy of the changes by initialing the record at the time or by email to verify that the employee is aware a change has been made.

- Reportable hours include any work performed in or out of the office, or outside of normal work hours, including but not limited to, texting necessary in the employees' duties, checking email or doing other job-related computer work or phone calls. Supervisors are not to knowingly permit employees to perform work without recording the time. Failure to record time worked violates wage and hour laws and the Village's policies and could lead to disciplinary action. Improper time reporting may be viewed as the dishonest reporting of time and the individual may face disciplinary action or involuntary termination; gross inaccurate reporting may be viewed as theft of taxpayer dollars and appropriate action may be pursued.
- However, employees must get permission from the supervisor before working in excess of any scheduled hours or overtime. Failure to obtain advanced approval in excess of the scheduled hours or overtime may result in disciplinary action.
- Accrued paid leave, if applicable to the employee, must be used if they are absent from work during their normal work hours. Employees may only take time off unpaid with approval from the supervisor; employees will not be allowed an unpaid absence for the purpose of avoiding the use of accrued paid leave.
- Altering, falsifying, or tampering with time records, or recording time on behalf of another without authorization from a supervisor, is prohibited and will lead to disciplinary action.

Time-Keeping for Exempt Employees

Exempt employees must report use of accrued and personal time taken using an exception report form

or by utilizing an electronic time-keeping process, if implemented. If an electronic time-keeping process has not been implemented, such time must be reported in paper format and signed by the employee and approved by the Administrator.

Attendance

The Village requires regular attendance of all employees. Excessive absenteeism and tardiness interfere with the delivery of services and is prohibited.

- Reporting Absences/Tardiness. If an employee will be absent from or late for work, they must notify the supervisor prior to the normal start of the work day. The employee must indicate a reason and an expected return to work. If the return to work date changes, the employee must notify the supervisor of the new date as soon as possible.
- Whenever the supervisor believes that a work release from your doctor is needed to ensure the employee's ability to safely return to their job, or if the employee's return will include certain restrictions that may require accommodation, the employee will be asked to provide a doctor's report. The Village may also request a doctor's report or fitness for duty certification in cases of suspected sick leave abuse or to determine fitness for duty when needed.
- Leaving During Work Hours. Employees must get permission from the supervisor prior to leaving during work hours, unless there is an emergency.
- Seniority and the employment relationship shall be ended if employees:
 - Are absent from work without notification to the supervisor or other member of management (unless the employee cannot notify the Village for a valid reason).
 - Fail to report for work at the termination of an authorized leave of absence.

Overtime

The Village does not permit overtime without prior authorization from the supervisor. If an employee works overtime hours without pre-authorization, they will be subject to disciplinary action. Supervisors shall assign overtime work only as necessary and when circumstances prevent the accommodation of additional work through reassignment of work priorities or the rescheduling of hours within the same work week. In an effort to reduce overtime, should weekend work be required, the supervisor may adjust the employee's normal work schedule to accommodate the weekend work.

Non-exempt employees shall receive overtime pay for any hours worked over 40 hours in a work week. The Village's work week begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday. The Village uses only hours worked in calculating overtime and does not calculate time spent travelling to perform the duties required for rotational work. Time spent traveling for call back work or work-related activities (attending training sessions, conferences, etc.) count towards hours worked. Paid time off does not count towards hours worked. Overtime will be calculated separately in each work week of the pay period. The Village pays overtime at 1.5 times the employee's regular rate of pay.

Compensatory Time

Non-exempt full-time employees may elect compensatory time instead of overtime pay subject to the provisions of this section. This selection must be made within the week in which the time is earned.

- Employees will receive compensatory time at the rate of 1.5 hours for each 1 hour of overtime worked. No more than 80 hours of compensatory time, herein referred to as the "Maximum Accumulation Cap", may be accumulated in the employee's bank per calendar year. Any overtime hours worked beyond the maximum will be paid as overtime compensation. Unused compensatory time will be paid out at the end of the calendar year at the rate at which it was

earned; compensatory time does not carry forward to the subsequent year.

- Employees must seek permission to use compensatory time from the supervisor. Employees may use such time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the department. Likewise, supervisors may require employees to use compensatory time within a reasonable period after receiving notice to do so.
- An employee who has accrued compensatory time off shall, upon voluntary or involuntary termination of employment, be paid for the unused compensatory time at the wage rate in effect during the year in which the compensatory time was earned.

Resignation/Retirement/Final Pay

- Notice and Return of Property. Should an employee decide to leave employment, please provide the supervisor with at least 2 weeks' notice prior to the employee's last day on the job. If the employee is retiring, please notify your supervisor at least 30 days prior to retirement or as far in advance as possible. Employees who provide the requested notice will be considered to have resigned in good standing.
- The village requests all employees meet with the Administrator to complete an Exit Interview. Said interview information shall be kept confidential, if requested by the employee. Confidential information may be generalized and entered into a summary of all information obtained in exit interviews to address concerns raised by the employee. Information obtained from the interview is used to review operations and policies and make adjustments as needed.
- The employee must turn in all Village of Sister Bay property prior to their last day on the job.
- Pay at Termination (whether voluntary or involuntary). The Village will pay the employee all earned wages, earned compensatory time, and earned vacation time when they leave employment.

TIME OFF AND LEAVE OF ABSENCE POLICIES

Holidays

The following paid holidays will be granted to all full-time benefited employees, and the Village of Sister Bay offices will be closed on these days.

1. New Year's Day
 2. Memorial Day
 3. Independence Day
 4. Labor Day
 5. Thanksgiving Day
 6. Day after Thanksgiving
 7. Christmas Day
- Whenever one of the above-designated holidays occurs on a Saturday, the Friday immediately preceding shall become the official holiday. Whenever a designated holiday occurs on a Sunday, the Monday immediately following shall become the official holiday.
 - Whenever it is necessary, as determined by the supervisor or Administrator for a non-exempt employee to work on a holiday, as part of their rotational schedule to continue essential services, compensation for the actual hours worked shall be at the rate of 2 times the employee's regular rate of pay.

Paid Time Off (PTO)/Sick-Time

PTO is available to all full-time employees. PTO includes vacation, sick leave, personal time, emergency or bereavement leave, and time off to care for dependents. Paid Time Off (PTO) is earned bi-weekly on the following basis:

Completed Years of Service	Accrual Rate	Max Accumulation
0-4.99 years	20 days (6.15 hours/pay period)	40 days
5-14.99 years	26 days (8 hours/pay period)	40 days
15+ years	31 days (9.53 hours/pay period)	41 days

Employees continuously employed full-time by the Village of Sister Bay beginning prior to 2015 earn PTO on the following basis*:

Completed Years of Service	Accrual Rate	Max Accumulation
8-14.99 years	29 days (8.92 hours/pay period)	40 days
15+ years	34 days (10.46 hours/pay period)	44 days

*Sick leave balances will be put into an account to be used to fund the Long-Term Disability elimination period (or as allowed by the Village-paid Long-Term Disability Policy) or for up to 5 days of emergency leave. Upon termination, up to 30 days of remaining sick leave may be converted to cash at 50% of the hourly rate in effect in December 2014 by full-time employees who have completed 20 or more years of service.

Time off must be scheduled in advance in increments of at least one hour and approved by the supervisor except for illness and emergencies. Approval of PTO requests will be based on seniority, staffing needs, and workload.

A supervisor may require a doctor's note from the employee for leaves due to illness that last for more than 3 days.

Long-term disability must be applied for when illness is expected to last more than seven days. PTO may be used to fund the elimination period (or as allowed by the Village-paid Long Term Disability Policy). Upon termination, 10 days of PTO will be deducted if two weeks' notice is not given. Any remaining balance earned, but unused, up to the maximum accumulation will be paid out upon termination or retirement.

Personal Days

Annually, all full-time employees shall be provided 24 hours of personal time to use at their discretion. Personal time shall be scheduled and approved by the supervisor. Any personal time not used by December 31st of the year shall be paid to the employee in the subsequent pay period or as accounting practices dictate.

Military Leave

The Village supports the military obligations of employees and grant leave for uniformed service under applicable state and federal laws. If an employee needs time off for uniformed service, immediately notify the supervisor who will provide details regarding the leave. If the employee cannot provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible. Upon return from military service, the Village will grant you seniority, pay, and benefits as required by applicable state and federal laws. The Village will consider failure to report for work within the prescribed time periods a voluntary termination of employment.

Jury or Witness Duty

If an employee is directed by a court of law, or compelled by subpoena, to perform jury duty or to appear as a witness in a legal proceeding on a scheduled workday, they shall be granted time off without loss of pay to cover their regular work hours. The Village will consider the employee to be a witness only where they are not a party and are compelled to attend by subpoena. The employee's status for the purpose of determining seniority, status, responsibility, and salary shall be unaffected by jury duty or witness leave.

- Should an employee be required by subpoena to appear as a witness in any legal proceeding that arose out of, or is related to, their job duties with the Village, they will be paid for such time, even if that time is outside of their normal work hours.
- The employee must submit any stipends they receive for attendance at jury or witness duty to the Finance Director/Village Treasurer's office. The employee may keep reimbursements they receive for parking or mileage.
- Employees are to indicate jury, court, or deposition hours on their timecards.

Voting Leave

If an employee is eligible to vote, they may take up to 3 consecutive hours of leave on Election Day for the purpose of voting. They can use vacation, holiday or compensatory time, or choose to take the time unpaid. They must notify the supervisor when they intend to vote prior to Election Day.

Bone Marrow and Organ Donation Leave

The Village has opted to offer leave consistent with the Wisconsin Bone Marrow and Organ Donation

Leave Act which allows an employee to substitute paid or unpaid leave consistent with FMLA for an employee serving as a bone marrow or organ donor. The employee is allowed up to 6 weeks leave in a 12-month period, provided the employee provides their supervisor with written verification they are to serve as a bone marrow or organ donor. Leave may be taken only for the time period to undergo the donation procedure and associated recovery time. For more information refer to the Wisconsin Department of Workforce Development, Civil Rights section.

Family and Medical Leave

Wisconsin's Family and Medical Leave Act (FMLA) provides unpaid leave for an employee's serious health condition, the serious health condition of a parent, child or spouse, or for the birth or adoption of a child. A serious health condition is defined as a disabling physical or mental illness, injury, impairment or condition involving inpatient care or outpatient care that requires continuing treatment or supervision by a health care provider. The Village permits an employee to take up to two weeks of leave for their own serious health condition in a *calendar* year, up to 2 weeks for the serious health condition of a parent, child or spouse, and up to 6 weeks for the birth or adoption of a child. The leave may be taken as needed in blocks or intermittently as needed by the employee. During the leave period, the employee's health insurance remains in effect as it existed prior to the leave. The employee is not paid during the leave but may use accrued PTO. When the employee returns from leave, they are guaranteed their same position or an equivalent position. The village does require the employee to provide a medical certification of the need for the leave; the employee shall make all reasonable attempts to notify their supervisor, in writing, of the request for the planned leave in advance or as reasonably and practical as possible. More information is available from the Wisconsin Department of Workforce Development, Civil Rights.

The Federal Family and Medical Leave Act (FMLA) is slightly different and provides for 12 weeks of leave in a *12 month period* for the birth of a child and to care for the newborn child within one year of birth; adoption or foster care for a newly placed child within one year of placement; care for the employee's spouse, child or parent with a serious health condition; serious health condition that makes the employee unable to perform the essential duties of the job; or any qualifying event under the Federal FMLA Act. Also covered is 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent or next of kin (considered military caregiver leave). In order to qualify for federal FMLA the employee must have actually worked 1250 hours during the 12 months prior to the start of leave. More information is available from the U.S. Department of Labor, Wage and Hour Division.

Be educated about FMLA and what it covers – it may cover anxiety, depression, postpartum depression, and other conditions, if they meet the definition of a "serious health condition".

Wisconsin and Federal FMLA coverage runs concurrently with the employee entitled to the protections provided by the law which affords them the most favorable terms.

All paid PTO or other leave offered by the village runs concurrently with the FMLA leave. If an employee on FMLA leave exhausts all their leave balances, other Village employees can donate up to 24 hours of PTO each in a calendar year to the person on leave.

EMPLOYEE BENEFITS & RIGHTS

In an effort to attract and retain employees, the Village offers an attractive benefits package to eligible employees (eligibility is determined by each program). An employee can enroll for the benefits at time of hire, and effective date of the benefit varies by program. Annually the village offers an open enrollment period when an employee can change their coverage. A qualifying event, such as a marriage, divorce, etc. would make an employee eligible to change their coverage outside of the open enrollment period. The Village contracts with an HR Consultant to administer the Village's benefits; for questions about benefits ask the Village Administrator, who in turn will connect the employee with the Benefits Administrator.

There are also well-known civil rights laws incorporated into this Handbook, such as anti-discrimination laws, equal opportunity laws, harassment laws and laws for Americans with disabilities, but there are laws the Village wants to share with their employees to guarantee employees are treated fairly and given the greatest environment for success; those rights are included below with the list of benefits offered to employees. The list below is not exhaustive and subject to change at any time based on business needs and associated costs.

COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue insurance coverage under the Village's plans when a "qualifying event" results in the loss of coverage. Under COBRA, the employee or their dependents pay the full cost of coverage at the group rates, plus an administration fee.

The employee who has had their hours reduced or employment terminated for any reason other than gross misconduct may continue their group coverage up to 18 months; during this period any spouse or dependent previously covered remains covered. A spouse and the dependents may opt to continue coverage up to 36 months upon the death of the employee, divorce or loss of dependent status due to age or the employee's eligibility for Medicare. For more information contact the Wisconsin Office of the Commissioner of Insurance, or the Wisconsin Department of Employee Trust Funds, who oversees many benefits for employees and our retirees.

Deferred Compensation

The Village offers the Wisconsin State Deferred Compensation Program to supplement the employee's retirement income. Participation in the program is voluntary and 100% funded by the employee through payroll deduction in the amount the employee authorizes.

Employee Assistance Program (EAP)

The EAP is offered to all employees at no cost to them. It is a completely confidential counseling program that offers support through short-term counseling issues.

Health, Dental and Vision Insurance

The Village provides group health, dental and vision insurance to eligible employees. Insurance is effective

on the first day of the calendar month following the employee's start date. Plan details are set forth in separate plan documents issued when the employee becomes eligible to participate. The Village reserves the sole discretion to determine what insurance and level of benefits to offer. The employee may be required to contribute toward the cost of the monthly premiums as established by the Personnel Committee and contributions will be deducted through payroll.

Health Savings Account (HSA)

A Health Savings Account (HSA) is type of savings account that lets an employee set aside money on a pre-tax basis to pay for qualified medical expenses. By using untaxed dollars in a HSA to pay for deductibles, copayments, coinsurance, and some other expenses, the employee may be able to lower their overall health care costs. For employees who choose the HSA-compatible health insurance plan, the Village will contribute 100% of the in-network deductible (pro-rata if joining mid-year) for a Single Plan HSA, and a portion of a Family Plan based on annual IRS contribution limits. The employee, based on plan type, is able to deduct additional pre-tax money from their paycheck to add to their HSA up to the annual IRS maximum. An HSA is a savings account and rolls over from year to year; there is no "use it or lose it" requirement.

Life Insurance

The Village covers the cost of basic life insurance through the State Life Insurance pool. This benefit covers 1 times the employee's annual earnings. Employees can purchase additional life insurance up to 5 times their salary. Smaller benefits can also be purchased for spouses and children. For more information refer to the Wisconsin Department of Employee Trust Funds, who oversees many benefits for employees and our retirees.

Long-term Disability Insurance

This benefit is fully paid by the Village. Claimed benefits continue if the employee is disabled until their normal retirement age. The benefit covers 60% of annual earnings up to a monthly maximum of \$6,000 after a 60-day elimination period.

Payment in Lieu of Benefits

Employees have the option to elect to not participate in the health, dental or vision insurance programs. Selection of this option must occur upon initial employment or annually during open enrollment. Changes cannot be made outside of those times unless the employee has a qualifying life event, and the change must be made within 30 days of that qualifying life event.

Employees will receive 50% of the savings from the waiver of benefits. Payments will be included with the employee's regular payroll. While payments will be taxable, payments will not be included for the computation of wages including, but not limited to, WRS-eligible wages, COLA, overtime or other pay.

This benefit will expire December 31, 2025.

Pregnant Workers Fairness Act (PWFA) & Pregnancy Discrimination Act (PDA)

PWFA protects pregnant employees or eligible individuals and provides for the right to unpaid leave as a

reasonable accommodation, unless such leave would create an undue hardship for the Village. It also prohibits the Village from treating employees affected by pregnancy or related conditions differently from other employees similar in their ability or inability to work.

PDA prohibits the Village from treating employees affected by pregnancy or related conditions differently from other employees similar in their ability or inability to work. Postpartum depression is a condition related to pregnancy under the PDA. The Village cannot treat an employee with postpartum depression differently from other employees.

Under the nationwide Americans with Disabilities Act (ADA), an employee may have the right to reasonable accommodations at work, such as a modified work schedule, transfer to a less stressful position, or work from home, for postpartum depression.

More information about employee rights under the PWFA is available from the U.S. Equal Employment Opportunity Commission.

PUMP Act

The Federal Consolidated Appropriations Act of 2023, signed into law in December of 2022, introduced the Nursing Mothers Act, also known as the PUMP Act. This Act expands Pumping at Work rights for nursing employees. The employee is to be provided a reasonable break time in a private space (not a restroom) to pump at work for up to one year after their child's birth. Any employee needing time and space for pumping is to notify their supervisor.

Retirement

Eligible employees shall be covered under the State of Wisconsin Retirement System (WRS). The Village will pay its contribution as set by the Department of Employee Trust Funds (ETF), and employees shall pay their contributions as set by ETF via payroll deduction. Contributions vary by year and are beyond the control of the Village – they are based on investment earnings and an actuarial analysis. Information regarding the WRS plan is available from the Wisconsin Department of Employee Trust Funds, who oversees many benefits for employees and Village retirees.

Supplemental Insurance

If the employee chooses to have additional insurance coverage, they can participate in Aflac insurance and the Village will facilitate payment of the premium with paycheck deductions.

Unemployment Compensation Insurance

Wisconsin administers an Unemployment Compensation Insurance program. If an employee is laid off and meet certain program qualifications, they may be entitled to weekly benefits. If the employee voluntarily resigns or is terminated "for cause" by the Village, ordinarily the employee will not be eligible for the benefit. For more information contact the local Employment Security Commission Office, which in Wisconsin is the Department of Workforce Development.

Worker's Compensation

All Village employees are covered by Wisconsin's Compensation Insurance (WC). WC covers those injuries sustained by employees on the job or on Village property. This program is administered by the State of Wisconsin and basically consists of the following types of benefits:

1. Medical and Hospital care
2. Disability benefits
3. Death benefits

To qualify for WC, an employee who is injured on the job must strictly follow the Village's accident reporting procedures, including immediate notification to a supervisor or the Village Administrator that an accident has occurred. All legal requirements established by the State and Federal Governments must be followed. The time lost from work for a worker's compensation accident shall not be charged against an employee's accrued sick time.

The Village will attempt to provide an employee with light duty work if the employee is able to return to work but unable to perform their regular assignment.

The Village's first and foremost objective is to do all that can be done to prevent injury by providing safety awareness, specific safety related skill training, and by continually encouraging each employee's active participation in the mutual quest for a safe workplace.

EMPLOYEE EXPENSES

Clothing Allowances and Expectations (Applicable to Utilities Department and Parks and Streets Department Employees)

- A. This policy is established for all the employees of the Parks and Streets Department and the Utilities Department. Each department shall annually budget \$400 per department *position* to provide a clothing allowance for workplace clothing for all staff employed throughout the year to fill those department positions. The budgeted amount shall be divided equally amongst full-time department staff and set aside in the annual budget for work-related clothing. The amount to be budgeted shall not exceed \$400 *per position*. Each employee is expected to manage their purchases to cover their needs for the entire year. If an employee elects to use a clothing service then the cost of that service shall count towards the total annual allocation. Part-time employees may receive an allocation, as budgeted by their supervisor, provided the allocation does not exceed 50% of the allowance made for a full-time employee. To plan for resignations and new hires, it is recommended the supervisor restrict purchases in increments to maintain an adequate balance for new employees and their anticipated clothing needs.
- B. Employees must purchase clothing through the Village Administration office to avoid paying sales tax. The supervisor shall review the balance in each positions 'account' twice a year with the employee hired to perform the duties of that position to ensure purchases do not exceed the allocated amount.
- C. The supervisor shall approve all purchases, including sizes, brands, colors and materials. Only shirts and outerwear that are ANSI Class III compliant shall be worn. Hats shall bear the Village logo, with the logo provided by the Village. Employees must wear or carry business or identification cards identifying themselves as being Village Employees. Each employee is expected to dress appropriately for work each day in clean clothing that is free from rips and stains.
- C. The following items are eligible for purchase under this program:
 - Long sleeve and short sleeve shirts
 - Pants and shorts (shorts to only be worn while performing approved activities)
 - Sweatshirts, coats and related items
 - Winter Hats
- D. The following items are eligible for reimbursement subject to the restrictions as follows:
 - Safety shoes subject to reimbursement up to \$200 per year
 - Shoes other than safety shoes may only be worn while performing approved activities
 - Prescription safety glasses subject to reimbursement up to \$150 every *other* year
- E. The Village will provide baseball hats with logos and logos for clothing. The Village will also provide the following items beyond the allocation above, said items to be considered Village property and to remain with the Village upon the employee's termination so they can be used by other employees, as needed:
 - Work gloves
 - Coveralls
 - Hard hats and other safety gear
 - Boots and rain gear for working in wet environments
- F. The employee is responsible for the regular cleaning of all items. If an employee has used all of their position's allocation for work clothing and items are damaged or worn-out, they shall be replaced at the employee's expense. It shall be at the discretion of the supervisor to replace, at Village expense, any approved clothing item that is damaged by an accident, not normal wear or tear while the employee is working.

Job-Related Training

Employees may be permitted to attend, with pay, work-related meetings, conferences, trainings, institutes, and seminars, and appropriate State of Wisconsin courses or examinations for continued certification related to their position and approved by the supervisor, provided the costs are included in the approved budget. The Village will pay the employee for this time under applicable state and federal laws.

Mileage

When an employee must use their personal vehicle to travel as part of their duties from the workplace to a destination other than home or place of employment, they will be reimbursed for authorized travel at the current rate established by the Internal Revenue Service (IRS). Reimbursement requests must be submitted to the supervisor along with the record of time worked. Reimbursement requests made outside the pay period in which they were made shall not be reimbursed prior to approval of the oversight committee.

Travel Reimbursements

Meals and Lodging. If required to travel outside the Village of Sister Bay, the Village will reimburse employees for meals and necessary overnight lodging. Reimbursements are paid after submission of a Travel Expense Form along with receipts for meals and lodging and any out-of-pocket expenditures. Failure to submit a reimbursement request outside the pay period in which they were made shall not be reimbursed prior to approval of the oversight committee and may cause denial of the reimbursement.

- Lodging reimbursement is limited to the rate for a single room/single person at a licensed hotel or motel. When possible, the employee must make advance reservations. It is the employee's responsibility to make sure charges reflect proper tax exemption.
- Reimbursement for meals is set at the levels used by the State of Wisconsin. Employees must submit an itemized copy of their meal bill(s). A credit card receipt is insufficient. Alcoholic beverages will not be reimbursed. Reimbursable meal expenses are for employees only.

Other Travel Expenses and Requirements

Other expenditures that qualify for travel reimbursement include parking, tolls, baggage handling, and necessary equipment rental. Receipts for fees must be attached to the Travel Expense Form. Tickets for driving infractions, unauthorized parking or other violations will not be paid or reimbursed.

Out-of-State Travel

Travel outside the State of Wisconsin shall only be made and any expenses reimbursed only if budgeted and approved by the respective oversight committee.

GENERAL INFORMATION

Bulletin Boards

The Village uses bulletin boards to inform employees of important developments and legal rights. They are used only for official notices or announcements. Employees must familiarize themselves with the information communicated on the bulletin boards.

Emergency Closings

When an emergency, such as severe weather, fires, power failures, etc., requires the closing of a Village of Sister Bay facility, employees may elect to use accrued leave time to cover lost hours. If employees choose not to use accrued leave time, or if they do not have any accrued time, the hours missed will be unpaid. If an employee cannot report to work due to weather, they may substitute accrued time to compensate for hours not worked, otherwise, the time off will be unpaid. Employees in essential service functions may be required to work when operations are closed. If they are unable to come to the office or facility stationed, the supervisor may assign work that can be completed remotely.

Employee Information

It is important that employees notify the Administrator of any change in their personal information, including any changes in name, mailing or email address, phone number, marital status, dependents, beneficiary designations, and emergency contact information.

Employment of Family Members or Close Friends

Departments can hire relatives, domestic partners, and close friends of employees, but not if they would be in a direct supervisory relationship, or where such employment would otherwise create potential problems, safety or security concerns, or where a potential conflict of interest is deemed by the Village not to be in the best interest of the department or the Village of Sister Bay.

Medical Privacy Policy

The Village strives to protect personal and medical information of its employees and has adopted the following practices:

- Employee medical information is kept in the employee's Personnel File in a locked file cabinet devoted only to confidential information.
- Only Administration maintains employee personnel information, including medical records.
- Medical record access is limited to the Administrator and Finance Director/Treasurer.
- Medical records are not to be kept in any other location and are not to be kept by individual supervisors. All medical documentation is to be sent to the Administrator, and no copies are to be retained in paper or electronic formats by any other person or department.
- Disclosure is limited to legitimate business purposes, such as administration of benefits, reasonable accommodation decisions, and medical leave determinations, and any other purpose mandated by law.
- The Village limit's disclosure of medical information to supervisors on a need-to know basis when necessary to disclose a staff member's need for time off, work restrictions or needed

accommodations.

- Under Wisconsin Statutes § 103.13, employees can request to see their medical records in accordance with the provisions outlined in that section.

Personnel Records and Employment References

Personnel records are the property of the Village of Sister Bay and access is restricted in accordance with Wisconsin Statutes. Access to an employee's personnel records is governed by Wisconsin Statutes 103.13. Should an employee want to review their record under Wis. Stats. 103.13, they must contact the Administrator. All requests from sources outside the Village of Sister Bay for personnel information or employment references concerning applicants, current employees, and former employees shall be forwarded to the Administrator and will be addressed in accordance with Wis. Stats. 19.36 (10)(10).

Performance Assessments

Performance evaluations will be conducted on an annual basis, coordinated with the Village budgeting process. These are an important opportunity to let employees know how they are performing, how performance can improve, and for the Village to receive input from the employee concerning training, supervision, job difficulties and other valuable feedback. In addition, performance directly relates to our annual compensation decisions; a successful evaluation results in advancing to the next step in the Village's compensation schedule (aka wage schedule). For employees that have completed one year of employment with the village, annual step increases occur the first paycheck of the year.

For non-exempt employees, performance evaluations shall be made by the immediate supervisor; exempt employees are evaluated by the Village Administrator. In the case of the Village Administrator, the Board of Trustees shall complete the performance evaluation. Each supervisor shall utilize the Village Performance Review Form, often referred to as the Personnel Evaluation Form.

Municipal Property

Personal use of the Village of Sister Bay resources, such as equipment, tools, physical spaces or buildings, and other items for personal reasons is prohibited. If an employee is contemplating the personal use of a Village of Sister Bay resource for a reason that an employee believes is justified, they must get the written permission of the Administrator prior to using the resource.

Open Door Policy

Employee opinions, suggestions and questions are important to the Village. Employees should speak with their immediate supervisor about issues at work that concern them or conflicts that they are having with a co-worker. The Village will attempt to provide straightforward responses to their questions and comments. If the employee and supervisor cannot resolve those issues, please contact the Administrator.

Outside Employment

The Village expects all regular employees to place the responsibilities and obligations of their positions with the Village first. Employees may engage in outside, non-Sister Bay employment, subject to the following conditions:

1. There is no conflict of interest between the employee's secondary employment and their work

with the Village and/or the work done by the Village.

2. The Village may request employees cease any outside work or end their employment in the event of a refusal to surrender the secondary employment, if such work is affecting the efficiency, quality, and effectiveness of the employee's work with the Village or a potential conflict of interest develops.
3. There shall be no professional consulting work or side job by employees within the Village of Sister Bay limits where such work would pose a conflict of interest with their job duties or the work of the Village.
4. No outside employment or consulting work shall be carried on during the employees work hours with the Village, nor shall our vehicles, equipment, supplies, machines, or other property be used for the employees secondary work.
5. The Village will require employees to provide them with a list of the employee's outside employment annually on the proper form.

Personal Communications and Internet Usage

Personal communications including calls and texts using village resources (village resources includes paid time and/or village owned equipment such as a phone or computer), and internet searches for non-work websites and the browsing on that site, in general, are not allowed during work hours or on village-owned equipment. The Village does realize, however, for efficiency purposes, an employee must make a personal phone call or use village equipment, and must do so while working, but such usage shall be kept to a minimum and be only on rare occasions. Personal phone calls, texts and web browsing should occur during lunch hours and breaks.

Employees in the Parks & Streets Department, the Utilities Department, the Code Compliance Officer, and some employees in the Marina Department, may be assigned a cellular phone to perform their job duties. With limited exceptions listed elsewhere in this handbook, this phone is to be used for work purposes only. A password or PIN will be assigned to the phone and a copy of the password or PIN will be kept in the employee's personnel file. Upon termination, the employee is to return the phone to their supervisor. Upon the employee's termination, the Village will take all steps necessary to ensure the employee's information and search history is not transferred to a new user. Therefore, the subscriber identity module (SIM) card, or the embedded SIM (eSIM) built into the phone, will be removed or cleared and any data retained in the employee's personnel file, when possible. A new SIM card will be installed (for phones using a card) and the phone reassigned to a new employee.

Personal Property

The Village reserves the right to conduct searches and inspections of employees, their personal items, and Village of Sister Bay provided property when a business need, probable cause or reasonable suspicion exists in the Village's opinion. The Village may conduct searches and inspections without notice.

Public Records/Media Contact

Only the Village's designated records custodian(s) may respond to a public record request. Should any employee receive a request, please forward it to the Village Clerk, who is the custodian. Only the Administrator or their designee will serve as the authorized media spokesperson for the organization. Any requests for comment or interviews regarding official business must be directed to the Administrator.

Safety

Job safety is very important to all. The Village requires safe work practices of all employees and expects them to conduct themselves carefully and safely at all times. Employees are expected to observe all safety procedures and rules, and use required personal protective equipment (PPE) as outlined in their department's Safety Handbook.

All work areas must be kept clean and free from debris and clutter. Tools and equipment must be kept clean and in good repair. Any accident, hazard, or unsafe condition or equipment is to be corrected and reported to a supervisor. If an employee is involved in or witnesses an accident while working, they must report it immediately to a supervisor. Supervisors must maintain a safe work environment, enforce safety rules, and train staff.

A copy of each department's Safety Handbook is distributed separately from this handbook to each employee. Employees must familiarize themselves with these rules and abide by them. If there is a question about one or more of the rules, contact the supervisor.

Social Media

The Village encourages the use of social media to further the goals and the mission of Village departments. Departments may use social media to conduct departmental business, provided they follow the policies outlined below.

1. Social media sites must be approved by the Administrator prior to implementation. Unless approved otherwise, departmental use of social media will be for one-way communication only.
2. Social media sites are subject to the State of Wisconsin public records laws. Any content maintained in social media format that is related to Village business, including a list of subscribers and posted communications, is a public record. Social media sites shall clearly indicate that any articles and other content posted or submitted for posting are subject to public disclosure.
3. The Village website and citizen portal shall remain the Village of Sister Bay's primary and predominant internet presence. Social media is used to disseminate time-sensitive information as quickly as possible, and to increase the Village's ability to communicate with the widest audience. Where possible, content posted to social media sites will be posted to the Village website/citizen portal.
4. Social media sites shall comply with all other applicable policies and standards, including but not limited to the technology policy, ethics policy, and anti-harassment and discrimination policy contained herein this Handbook.
5. Personal use of social media sites is prohibited during work hours. Employees should have no expectation of privacy in the use of social media accessed during work hours and/or via Village-owned technology resources. The Village of Sister Bay may monitor employees' social media activities during work hours and/or on Village-owned resources.

The Village of Sister Bay respects employee privacy and wants employees to be aware of their rights as an employee. In accordance with state law,

1. The Village may access information, such as a password or PIN, on any electronic device provided to the employee by the village.
2. The Village may not request the employee's access information for the employee's personal internet account.
3. The Village may discipline or terminate employment if the employee transfers proprietary,

confidential or financial data to their personal internet account.

4. The Village may restrict access to certain websites while using the village's equipment or network.
5. The Village may view, access or use the employee's personal internet account if it is available in the public domain.
6. The Village may request or require the employee to provide their personal email address.

Tobacco Usage

Smoking, including electronic cigarettes, and use of tobacco products, is prohibited in any Village of Sister Bay buildings, vehicles, while operating any equipment, or inside any roofed, permanent structures in Sister Bay parks. Smoking will be permitted only outside of Village of Sister Bay buildings and vehicles/equipment in designated areas, during designated work break times, and in accordance with Wisconsin law.

Weapons

The Village intends to promote a safe environment for employees and other individuals who interact with its employees.

1. A "weapon" is any device designed as or intended to be a weapon and capable of producing death or harm to another person including, but not limited to, firearms, handguns and explosive devices.
2. The Village strictly prohibits the possession, control, use, or threatening the use of a weapon in the course of employment whether on or off our premises. This prohibition does not apply to law enforcement officers performing their official duties.
3. Weapons stored in an employee's personal vehicle while the vehicle is on Village property or while the vehicle is being used in the course of employment must be in accordance with Wisconsin law and kept and secured in the vehicle.

Workplace Violence

The Village will not tolerate any threatening or abusive conduct or acts of violence by an employee, or against an employee, supervisor, committee member, trustee or the public, in the course and scope of employment or at function that the Village sponsors. Employees must report to any member of management any threats or violence that they have suffered or witnessed. Even without a specific threat, employees should report any behavior they have witnessed that could be perceived as threatening or violent or that could endanger the health and safety of another person. The Village will take steps to protect employees from retaliation or intimidation for making a report or participating in an investigation.

Any reported act or threat of violence will be taken seriously and investigated promptly. To the extent possible, the Village will keep any such report confidential; however, the Village cannot guarantee absolute confidentiality. Any person reported to have made threats, exhibited threatening behavior or engaged in violent behavior will be removed from the premises as quickly as safety permits and shall remain off Village property pending the outcome of an investigation.

Any violation of this policy by an employee may result in disciplinary action or involuntary termination. The Village reserves the right to take any legal steps needed to protect its employees and third parties, including involving law enforcement.

Personal Injury/Incident/Accident Reporting

The employee is responsible for reporting any injury, or incident or accident they may have been a party to, whether damage actually occurred or not. The Village expects employees to notify their supervisor as soon as possible when they have been injured or when there has been an accident involving village equipment or property; the employee, or persons or their personal property. Incident and accident reporting forms are available from the supervisor. Once completed, return the completed form to the supervisor along with any supporting documentation. The supervisor will then complete the form and submit it to the Administrator, who may file the incident report with the village's insurance carrier.

GRIEVANCE PROCEDURE

This policy is not intended to create a legally binding contract or change the at-will nature of employment.

1. This grievance procedure applies to employees; since this handbook is for employees, it does not apply to elected officials or persons appointed to serve on boards, commissions or committees.
2. This grievance procedure applies only to issues concerning workplace safety, discipline, and involuntary termination.
 - a. For purposes of this policy, “workplace safety” means conditions of employment affecting physical health or safety, safe operation of workplace equipment and tools, personal protective equipment, and workplace violence. “Workplace safety” does not include general working conditions unrelated to physical health and safety, such as hours, overtime, leaves of absence, work schedules, breaks, vacation, performance reviews, compensation, etc.
 - b. For purposes of this policy, “involuntary termination” does not include layoffs, workforce reductions, voluntary terminations including resignations and retirements, job abandonment, end of employment because of disability, lack of qualifications or licensure or other inability to perform job duties, and any other cessation of employment not involving involuntary termination.
 - c. For purposes of this policy, “employee discipline” shall include any employment action that results in an unpaid disciplinary suspension, disciplinary reduction in pay or benefits, or disciplinary demotion; it includes verbal and written warnings. It shall not include plans of correction or performance improvement, performance evaluations or reviews, documentation of employee acts and/or omissions, counseling, coaching, meetings, or other pre-disciplinary action, administrative suspension with pay, administrative suspension without pay pending investigation of alleged misconduct or nonperformance, non-disciplinary wage, benefit or salary adjustments, or any other action taken for non-disciplinary reasons.
3. Every reasonable effort should be made by supervisors and employees to resolve questions, problems, and complaints together. Thus, employees should first discuss any issues concerning the subjects covered by this grievance procedure with their immediate supervisor.
4. If the complaint is not resolved by the immediate supervisor, or is about the supervisor, the employee may file a written grievance with the Administrator no later than 7 workdays from the date that the employee first knew, or should have known, of the condition or circumstance giving rise to the grievance. If the grievance is about the Administrator, the grievance shall be filed with the Chairperson of the Personnel Committee. It is not uncommon for a series of grievances to go unreported until they have accumulated to a point of intolerance – in such case the 7 workday filing may not be possible, and a special exception may be made by the Administrator, or Personnel Committee Chair, if the Administrator has referred the matter to the Chair.

The written grievance must include the employee’s name, job title, a statement of the grievance, the date of the event or circumstances giving rise to the grievance, identification of the policy/procedure/rule that is being challenged, the employee’s signature and date; grievance forms are available from Administration.

Upon receipt of the grievance, the Administrator may determine a third party is necessary to investigate the grievance. If such is the case, the employee will be notified the matter has been referred to a third-party investigator.

5. If the matter has not been referred to a third-party investigator, the supervisor or Administrator may schedule a meeting with the employee and other relevant parties, but this meeting must occur within 10 workdays of the supervisor or Administrator’s receipt of the grievance. The supervisor or

Administrator will provide a written response within 10 workdays of receiving the grievance or within 10 workdays of the meeting. The written decision of the supervisor shall be final unless the employee files a written request for review with the administrator no later than 5 workdays of the date of the written decision. The Administrator may schedule a meeting with the employee and other relevant parties, but this meeting must occur within 10 workdays of receiving the request for review. The Administrator will provide a written response within 10 workdays of either receipt of the request for review or the date of the meeting, whichever is later. If the administrator has already reviewed the matter as set forth above, the provisions of this paragraph do not apply and the next step is before an impartial hearing officer.

6. The written decision of the supervisor, Administrator or third-party investigator shall be final unless the employee files a written request with the Personnel Committee no later than 5 workdays after the date of the written decision, requesting a hearing before an impartial hearing officer (IHO) selected by the Village. The IHO shall not be a Village of Sister Bay employee. The hearing shall be held as soon as practicable.
 - a. The hearing shall be transcribed only if one or both parties agree to bear the cost. Witnesses may provide oral information if they are present, but written witness statements in lieu of a personal appearance are prohibited. Written documents may be submitted.
 - b. The IHO will determine which witnesses may speak and which documents will be accepted. The hearing is to be informal and the rules of evidence do not apply; however, no factual finding can be based solely on hearsay. There shall be no discovery. The IHO may request oral or written arguments. The IHO may also decide that a hearing is not necessary, and that they can make a decision solely on submission of written documents.
 - c. The sole question to be answered by the IHO is whether the Village's decision was arbitrary and capricious. The grievant shall bear the burden of proof. The IHO must sustain or deny the Village's decision; the IHO does not have the authority to modify the decision, nor to grant, in whole or part, the specific request of the grievant. The IHO shall provide a written decision within 30 calendar days of the hearing date or final submission of written documents.
7. The decision of the IHO shall be final unless the grievant or the Village of Sister Bay files with the Clerk's office a written request for review by the Village Board no later than 5 workdays of the date of the IHO's written decision. The Village Board shall review the matter as soon as practicable. Only the issues raised before the IHO may be appealed and considered by the Board. The Board shall not hear from any witnesses or take any additional documents or any other evidence, but rather will limit its review based on the written record before the IHO. The Board is not to substitute its judgment for that of the IHO, but rather will limit its determination to whether a rational basis exists for the IHO's decision. A simple majority vote of the Board shall decide the appeal. The Board decision shall be final and not subject to any further review.
8. Failure of the grievant to process a grievance within the time limits, or pursuant to agreed-upon written extensions, shall constitute a termination of the grievance; it shall not be processed any further and cannot be re-filed. Our failure to meet the timelines shall cause the grievance to automatically move to the next step.
9. All expenses incurred by either party in investigating, preparing, presenting or responding to a grievance shall be borne by the party incurring the expense. The cost of the IHO shall be borne by the Village.

DISCIPLINE

To ensure compliance with this Handbook, the Village may terminate an employee; however, in most cases, the Village prefers to follow a discipline process. The severity of the infraction will determine whether the employee receives discipline or is terminated.

Corrective Action Plan/Self-Improvement Plans

The purpose of corrective action plans, often referred to as self-improvement plans, are to eliminate inappropriate conduct, violation of policies, improper behavior or performance problems. Corrective action plans are not considered a form of discipline, rather they are a means to improve behavior or correct a deficiency.

Disciplinary Action

If there are violations of this Handbook, the employee may face discipline. Discipline may include, but is not limited to, oral or written warnings, suspensions without pay, work restrictions, job transfers, involuntary termination or any other form of discipline, counseling or correction deemed necessary under the circumstances. The specific measures taken will depend upon the nature and severity of the conduct and the surrounding circumstances.

INVOLUNTARY TERMINATION

The decision to terminate an employee's employment with the Village of Sister Bay shall be made by the supervisor, after consultation with the Village Administrator. After consultation with the Chair of the Personnel Committee, the Administrator has the authority to terminate the employment of a supervisor. The Administrator may be terminated by a majority of the Village Board, or as their contract prescribes.

ACKNOWLEDGEMENT

I have received the Employee Handbook. I understand that it is my responsibility to read and to comply with the policies contained in it and any revisions made to it. I also understand that if I have any questions about the content of the Handbook, I can speak with the Administrator for answers to my questions.

I understand the Village of Sister Bay has the right to change any provision in this Handbook at any time and that I will be bound by any such change. Every attempt will be made by the Village to alert employees to revisions to this Handbook.

I acknowledge that nothing in the Employee Handbook constitutes a guarantee of employment or an employment contract of any kind. I understand that my employment is "at-will" unless otherwise provided by Civil Service, applicable law or ordinances, or a collective bargaining agreement, if one exists. Where employment is "at-will," I understand that it can be terminated at any time for any reason, with or without cause or notice.

Name: _____
(Please Print)

Signature: _____

Date: _____