



TOWN OF  
**MIDDLETON**  
*Wisconsin*

# EMPLOYEE HANDBOOK

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## **1.00 PREFACE**

This EMPLOYEE HANDBOOK has been adopted to assist and guide employees to know and perform their duties and responsibilities for the benefit of the employee and the Town of Middleton. This handbook applies to all regular full-time employees, regular part-time employees, limited part-time employees, seasonal employees, casual employees, and limited term employees as defined in Section 1.01; it does not apply to members of the Town Board, commissions, committees, or to election inspectors. This handbook contains an overview of the Town's personnel policies, procedures and benefits currently available. It does not constitute a guarantee of operations, procedures or terms of employment. This handbook is not intended to and does not constitute an employment contract between the Town and any of its employees. No individual Town official has authority to enter into an oral or written promise or contract of employment. Any employment contract must be approved by a majority of the Town Board.

The provisions of this handbook are subject to change from time to time, with or without notice at the discretion of the Town Board. Should you have any questions concerning any of the information contained in this handbook, please contact the Town Administrator or Deputy Treasurer. To the extent that this handbook conflicts with the terms or conditions of an employment contract or State Statute, the employment contract or State Statute prevails.

The Town endeavors to provide all employees with an environment that is conducive to conducting business and that allows individuals to excel, be creative, take initiatives, seek new ways to solve problems, and be accountable for their actions and performance. The Town encourages teamwork in order to best utilize diverse talents and expertise through effective collaboration and cooperation.

### **1.01 EMPLOYEE DEFINED**

Regular full-time:	regularly scheduled to work at least thirty-two (32) hours per week and eligible for participation in the Wisconsin Retirement System (WRS)
Regular part-time:	regularly scheduled to work at least twenty (20) hours per week but less than thirty-two (32) hours per week or eligible for participation in WRS
Limited part-time:	regularly scheduled to work less than twenty (20) hours per week and not eligible for participation in WRS.
Seasonal:	hired to fill a seasonal job
Casual:	hired on an as-needed basis and does not work a regular schedule of hours
Limited Term (LTE):	hired on a temporary basis, not to exceed one year
Non-exempt:	entitled to overtime pay under applicable law
Exempt:	paid on a salaried basis in a position that is exempt from overtime laws

Limited part-time, seasonal, casual, and limited term employees are not eligible for fringe benefits unless expressly provided herein.

### **1.02 AT-WILL EMPLOYMENT**

Unless otherwise provided in an individual employment contract, Town employees are hired for no specific period of employment and all employment is terminable-at-will. The Town may

terminate an employee's employment at any time for any reason or impose discipline as determined in the sole discretion of the Town.

### **1.03 EQUAL OPPORTUNITY STATEMENT**

The Town is an equal opportunity employer. It is the Town's policy to administer all of its employment policies in a non-discriminatory manner without regard to race, color, religion, sex, age, national origin, disability, or any other basis as required by applicable federal, state or local fair employment laws or regulations.

### **1.04 WORK SPACES**

Employees shall have no expectation of privacy with respect to any item or document stored in or on Town-owned property, which includes, but is not limited to, desks, filing cabinets, mailboxes, lockers, tables, shelves, and other storage spaces. Accordingly, the Town may at any time and in its sole discretion conduct a search of such property, regardless of whether the searched areas or items of furniture are locked or unlocked. Items contained within personal property, (e.g. purse, satchel, wallet, coat, backpack, etc.), may be searched in accordance with applicable state and federal law.

### **1.05 PERSONNEL DOCUMENTS**

An employee has the right under Section 103.13 of the Wisconsin Statutes to inspect and receive copies of certain personnel documents, and to submit a statement of disagreement with any personnel document. An employee may not remove any item from any Town file. An employee shall pay the cost of reproduction of any copies received. Any such requests to inspect or receive copies of such personnel documents shall be made in writing and directed to either the Town Administrator or Town Deputy Treasurer.

### **1.06 VOLUNTARY RESIGNATION**

Voluntary resignation is defined as a voluntary termination of employment initiated by the employee. Employees are requested to give the Town Administrator/Treasurer at least two (2) weeks (fourteen (14) days) written notice of resignation. No vacation pay, personal days, or sick leave payout which would otherwise be payable will be paid to any employee who resigns with less than two (2) weeks written notice. No vacation or personal leave may be taken by the employee after he/she gives his/her two (2) week written notice, nor shall any absence due to illness during this time qualify for sick leave.

*Revised by the Town Board on 12/17/18*

### **1.07 AUTOMATIC RESIGNATION**

An unreported and unauthorized absence of three (3) days or more may result in the employee's automatic separation from the payroll as a voluntary resignation. In such cases, no vacation pay, personal days, or sick leave payout will be paid.

### **1.08 RETIREMENT**

The Town and its employees are a part of the Wisconsin Retirement System (WRS) and as such the Town will make the full employer's contribution to the WRS, as approved by the Employee

Trust Fund Board, for regular full-time and regular part-time employees and the employee will pay the full employee's portion. Employees will participate in WRS as required by law, and employees may make additional contributions to WRS to the extent permitted by law.

### **1.09 PERFORMANCE EVALUATIONS**

Employees shall receive an annual performance evaluation conducted by the Town Administrator. Additional performance evaluations may be conducted at the discretion of the Town Administrator.

Although for purposes of this handbook the supervisor of the Town Administrator shall be the Town Chair, the Town Board shall conduct the annual performance evaluation of the Town Administrator, as well as any additional performance evaluations deemed appropriate by the Town Board.

### **1.10 GRIEVANCE PROCEDURE**

The Town has adopted a grievance procedure to resolve grievances by employees concerning discipline, termination and workplace safety. A copy of that policy is contained in Appendix A of this handbook.

### **1.11 LICENSURE / CERTIFICATION**

Each employee who is required to be licensed or certified by law must provide the Town with a copy of the current license or certificate to be maintained in his or her personnel file. Employees are expected to know the expiration date of their license/certification and meet the requirements for re-licensure or certification in a timely manner. All certifications and licensures held at the time of employment, or acquired during the term of employment shall be maintained. Failure to maintain certifications and/or licensures may result in termination from employment.

### **1.12 OUTSIDE EMPLOYMENT**

Employees considering employment with another employer or operating a business while employed by the Town must first discuss the matter with the Town Administrator and obtain approval. No outside employment or enterprise will be approved by the Town if it will create a conflict of interest or the appearance of such a conflict, or if it will interfere with or adversely affect the employee's performance of Town work, or otherwise adversely affect the Town.

Town employees shall not be hired by, employed by, or contract with town residents unless they have received prior approval from the Town Administrator.

### **1.13 PERSONAL RELATIONSHIPS**

Employees involved in personal relationships, including consensual romantic relationships and family relationships or other personal connections which could affect decision-making or create a conflict of interest, shall notify the Town Administrator of such a relationship. The Town Administrator and the Town Board reserve the right to address any such personal relationship that, in their view, creates a conflict of interest, is interfering with either employee's work, or is creating

other disharmony in the workplace. See also Sexual And Other Unlawful Harassment Policy, Section 3.03.

The obligation of employees to notify the Town Administrator of personal relationships extends to employees who have knowledge of a family member seeking employment with the Town.

#### **1.14 NOTIFICATION OF PENDING CRIMINAL CHARGES AND CONVICTIONS**

All employees shall notify his/her immediate supervisor in writing, and as soon as possible, but no more than three (3) calendar days after the employee is subject to a pending criminal charge or has been convicted of any felony, misdemeanor, or other offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a Town vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. The Town may conduct criminal history and background checks on its employees, periodically at the Town's discretion. A pending criminal charge shall not be grounds for termination. However, a pending criminal charge may be grounds for suspension if the circumstances giving rise to the pending criminal charge substantially relates to the circumstances to the particular job or licensed activity. The Town may consider any conviction and consider whether the circumstances of the conviction substantially relate to the circumstances of the particular job or licensed activity.

Nothing herein shall prohibit the Town from placing an employee on administrative leave based upon a pending criminal charge or conviction, pending an investigation into the circumstances of the matter. Nothing herein shall prohibit the Town from conducting its own investigation on whether the employee committed an offense related to a pending criminal charge and basing its employment decision on the results of the investigation.

#### **2.01 HOURS OF WORK**

1. Non-Exempt Employees. Regular full-time non-exempt employees generally work forty (40) hours per week. Non-exempt employees are not permitted to work any hours in addition to their regular schedule without express authorization of the Town Administrator/Treasurer.

Non-exempt employees will be paid overtime at the rate of time and one-half for hours worked beyond forty (40) hours per week. Paid leave time does not count towards hours worked for computing overtime. There shall be no pyramiding of overtime (which is defined as the payment of overtime on already existing overtime (or time and one-half)). No employee shall be entitled to compensatory time off for hours worked in excess of the employee's normal work week or for overtime. However, the Town Administrator/Treasurer, in his/her sole discretion, can modify an employee's schedule so that the employee does not work more than 40 hours per week.

All overtime must be pre-approved by the Town Administrator/Treasurer. Employees who work overtime without pre-approval from the Town Administrator/Treasurer may be subject to discipline, up to and including, termination.

2. Exempt Employees. Exempt employees generally work forty (40) hours per week but are expected to work more than forty (40) hours per week if necessary to complete their work and meet all deadlines. Exempt employees are not eligible for additional pay based on the number of hours worked per week.

*Revised by the Town Board on 12/17/18*

## **2.02 CALL IN TIME**

Some employees may be required to be on call to handle emergency situations, and such employees shall respond to emergency call-in situations outside of their regularly scheduled hours of employment. Such employees are not required to stay at home waiting for a call, but must be reachable by phone and within reasonable proximity. Nonexempt employees who are called in outside of their scheduled work hours and report to work shall be granted a minimum of two (2) hours of pay at their regular rate of pay, unless the call-in occurs at a time when the employee is entitled to one and one-half times the regular rate of pay, in which case the employee will receive pay at one and one-half times his/her regular rate of pay for a minimum of two (2) hours.

*Revised by the Town Board on 9/17/18*

## **2.03 MEAL / BREAK PERIODS**

All nonexempt employees who work six (6) or more hours per work day shall be entitled to an unpaid thirty (30) minute meal period, which shall be duty free. Such employees will not be required to take such meal periods during the work day, subject to approval by the employee's supervisor; however, if an employee does not take such a meal period, the employee must accurately report on their time sheet that they worked during that time.

Employees scheduled to work at least six (6) hours per work day shall receive two paid breaks. One fifteen (15)-minute break is scheduled during the first half of the shift, and one fifteen (15)-minute break is scheduled during the second half of the shift.

## **2.04 INCLEMENT WEATHER**

On rare occasions, weather or other conditions may cause interruption of the normal work schedule such that the Town determines that employees should be sent home.

In the event an emergency, weather, or other situation exists at the start of the work day or continues from a previous day, non-exempt employees who do not report for work shall not be paid. However, at the non-exempt employee's request, the day or days may be counted as vacation leave, or personal leave, if available, rather than have their pay reduced because of the missed time. Any non-exempt employee who chooses to go home will not be paid for the balance of the day, but will be given the opportunity to make up the lost hours during the balance of the work week, at the sole discretion of the Town Administrator/Treasurer. The Town Administrator/Treasurer, in his/her sole discretion, can change an employee's schedule so that the employee can make up any worktime missed due to inclement weather.

In the event the Town closes for business due to an emergency, weather, or other situation, exempt employees who are told not to report for work by their supervisor shall still be paid their regular salary for the week.

*Revised by the Town Board on 12/17/18*

## **2.05 TIME SHEETS**

Accurately recording of time worked is the responsibility of every employee. Federal and state laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. Employees shall sign their time sheets to certify the accuracy of all time recorded. Supervisors shall review and initial the time sheets before submitting them to payroll for processing. In addition, if corrections or modifications are made to the time sheet, both the employee and the supervisor must verify the accuracy of the changes by initialing the time sheet.

All employees are required to submit signed time sheets to the Deputy Treasurer no later than 9:00 a.m. on the day following the end of the payroll period.

## **2.06 PAYROLL PROCEDURES**

Payroll payments for all employees shall be biweekly on Fridays. Payroll payments will only be distributed to the employee and will not be distributed early.

If an employee believes that an error has been made regarding his or her compensation, he or she must contact the Clerk/Deputy Administrator immediately. Reports of payroll errors will be promptly investigated. If the Clerk/Deputy Administrator determines that an error has been made and timely reported, the error shall be promptly corrected.

*Revised by the Town Board on 7/16/18*

## **2.07 PAYROLL DEDUCTIONS**

Only deductions required or authorized by law and those authorized in writing by the employee will be deducted from an employee's paycheck.

## **2.08 DIRECT DEPOSIT**

Employees are provided the option of receiving payment through direct deposit to an account at a financial institution of the employee's choice. Employees must elect this option on or before fifteen (15) calendar days prior to the date of the direct deposit. Only two (2) financial institution account numbers may be selected for direct deposit for the employee. Employees will provide the Town with information needed to accomplish the direct deposit payroll process.

Termination of direct deposit or changes to information regarding direct deposit shall be received by the Town at least fifteen (15) calendar days prior to the date of the termination or change. The Town will not be responsible for deposits made to a former account where the request for the termination or change has not been timely provided to the Town.

## **2.09 PERSONNEL STATUS CHANGE**

It is the responsibility of each employee to notify his/her immediate supervisor and the Deputy Treasurer of any change in marital status, number of dependents, address, telephone number, or person to contact in an emergency. This information may have a bearing on benefits to which an employee may be entitled and payroll withholding. It is also needed to contact an employee in case of emergency or schedule change and to reach the employee's emergency contact if the employee becomes ill or injured at work.

### **3.01 WORK RULES**

Proper standards of conduct are necessary to provide for the safe, orderly and efficient performance of work. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following is a non-exhaustive list of examples of the types of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Unauthorized or improper use of Town property for personal reasons, including computer hardware, software, email, and internet access. See Electronic Communications & Information Systems Usage Policy, Section 3.07
- Working under the influence of alcohol or illicit/illegal drugs, unprescribed drugs, or other controlled substances. See Drug and Alcohol Policy, Section 3.02
- Possession, distribution, sale, transfer or use of illicit/illegal drugs, unprescribed drugs, or other controlled substances. See Drug and Alcohol Policy, Section 3.02
- Fighting or threatening violence in the workplace. See Violence Free Workplace, Section 3.04
- Negligence or improper conduct leading to damage of Town's or residents' property
- Disruptive use of profanity
- Insubordination or other disrespectful conduct
- Sexual or other unlawful harassment. See Sexual and Other Unlawful Harassment Policy, Section 3.03
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace. See Violence Free Workplace, Section 3.04
- Excessive absenteeism, tardiness and/or any absence without notice
- Unauthorized disclosure of confidential information
- Unsatisfactory performance or conduct

### **3.02 DRUG AND ALCOHOL POLICY**

The Town prohibits employees from consuming alcohol and from using, consuming, possessing, transferring or selling, illicit/illegal drugs, unprescribed drugs, or other controlled substances on Town premises, in Town vehicles, or at any Town work site, or during working hours, including breaks, meals and overtime, or reporting to work or working while impaired by or under the influence of drugs or alcohol. Off the job use, possession, manufacture, transfer, sale, purchase and/or distribution of illicit/illegal drugs, unprescribed drugs, or other controlled substances, is also prohibited under this policy.

Violation of this policy will result in immediate removal from the work site and appropriate disciplinary action, which may include termination of employment. The Town, in its sole

discretion, may take other disciplinary action as it deems appropriate and/or may offer an employee the opportunity to undergo substance abuse evaluation and to successfully complete treatment, if recommended, in lieu of termination.

This policy's prohibitions regarding alcohol shall not apply to functions on Town premises when an employee is not participating in or at the function as part of his/her official duties.

### **3.03 SEXUAL AND OTHER UNLAWFUL HARASSMENT POLICY**

The Town is committed to providing a work environment that is free from discrimination and physical, psychological and verbal harassment based upon race, religion, color, sex, sexual orientation, creed, national origin, age, marital status, arrest and/or conviction record, military status, disability, or any other legally protected status or characteristic.

The Town will not tolerate any form of unlawful discrimination or harassment of its employees by any Town official, officer, or employee, nor from any vendors or third-parties. Any conduct which constitutes unlawful discrimination or harassment by officers or employees is strictly prohibited and is subject to disciplinary action up to and including termination of employment.

Unlawful harassment is any verbal, written, visual or physical act which creates a hostile, intimidating or offensive work environment or interferes with the employee's job performance when the harassment is done because of, in whole or in part, another's legally protected status or character. Harassment encompasses a broad range of behaviors occurring either as singular events or as patterned behavior, including but not limited to the following:

1. Ethnic, racial, sexual or religious slurs, insults or jokes.
2. Physical or verbal threats directed towards an employee because of the employee's race, sex, religion, disability, or other protected status or characteristic.
3. Unwelcome sexual advances, touching, pinching, or persistent social invitations.
4. Sexual assault.
5. Requests for sexual favors used as a condition of employment, promotion, compensation, or other terms and conditions of employment.
6. Racially or ethnically offensive or obscene pictures or drawings.

Sexual harassment deserves special mention. Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. The Town is committed to maintaining a work environment free from sexual harassment.

Sexual harassment includes any of the following:

1. Unwelcome sexual advances, requests for sexual favors, sexual contact, or verbal or physical conduct of a sexual nature. "Verbal or physical conduct of a sexual nature" includes, but is not limited to, the repeated making of unsolicited gestures or comments of a sexual nature; deliberate, repeated display of offensive sexually graphic materials that is not necessary for business purposes; or deliberate verbal

or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or create an intimidating, hostile or offensive work environment.

2. Making or permitting submission to such conduct a term or condition of employment.
3. Making or permitting submission to or rejection of such conduct to be used as a basis for adverse employment decisions.
4. Permitting such conduct to have the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile, or offensive work environment.
5. Engaging in harassment that consists of any other kind of unwelcome verbal or physical conduct when the conduct is directed at another individual because of his or her sex, but only if the conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

It does not matter for the purposes of determining whether sexual harassment has occurred whether the person engaging in such conduct is the same or of a different gender than the person subject to such conduct. Stated another way, simply because one person sexually harasses another person of the same sex does not make the conduct any less unlawful.

#### Procedure for Reporting Harassment

All Town officials, officers and employees are responsible for helping to assure a harassment-free work environment. If you feel that you have experienced any kind of unlawful harassment, sexual or otherwise, you should immediately take the following steps:

1. React to the offensive behavior. While not required to do so, you are encouraged to tell the alleged harasser in a professional manner that the conduct is offensive and unwelcome and must stop immediately. If this resolves the matter, nothing further need be done. If the conduct continues, if you feel physically threatened by the alleged harasser, or if you simply wish to report the harassment, proceed to the next step.
2. Report the offensive behavior. Employees should report the alleged harassment to the Town Administrator, unless he or she is the alleged harasser or the employee for any reason is uncomfortable reporting the alleged conduct to the Town Administrator, in which case the behavior should be reported to the Deputy Treasurer.

Be sure to inform the person to whom you make your report of any discussions you may have had with the alleged harasser and the results of those discussions. The person to whom you make your report will make written notes of and/or a memorandum regarding your complaint.

3. After Step 2, a discrete and thorough investigation into the alleged conduct will be conducted. Investigation will include, but is not limited to, separate interviews with both the alleged harasser and the alleged victim. After the investigation, appropriate action will be taken. Detailed notes and/or memoranda regarding any complaint and resulting investigation and resolution process will be created and kept in a file designated for that purpose.

The Town encourages employees to utilize this procedure. No one shall be threatened, coerced, intimidated, discriminated, or otherwise retaliated against for making any kind of complaint about allegedly harassing conduct, participating in an investigation or other proceeding regarding alleged harassment. Any person engaging in such retaliatory action will be subject to discipline, up to and including termination of employment.

All information disclosed during the complaint and investigation procedures will be held in confidence to the greatest extent possible. Although confidentiality will be protected during the investigative process as fully as possible, absolute confidentiality is not possible and would drastically hinder any investigation or remedial efforts.

Any supervisor or official of the Town who becomes aware of possible unlawful harassment of an employee should promptly advise the Town Administrator; provided, however, that possible unlawful harassment by the Town Administrator shall be reported to the Town Chair.

### **3.04 VIOLENCE-FREE WORKPLACE**

The Town strives to maintain a workplace for employees free from any form of violence. The Town is committed to preventing workplace violence and to maintain a safe work environment. Engaging in any workplace violence or threats of violence may result in immediate termination of employment.

It is up to each employee to help make the Town a safe workplace for all employees. The expectation is that each employee will treat all other employees, as well as the general public with dignity and respect. Employees can and should expect management to care about their safety and to provide as safe a working environment as possible by having preventive measures in place and, if necessary, by dealing immediately with threatening or potentially violent situations which occur.

Prohibited conduct includes, but is not limited to:

1. Injuring another person physically;
2. Engaging in behavior that creates a reasonable fear of injury to another person;
3. Engaging in behavior that subjects another individual to extreme emotional distress;
4. Possessing, brandishing, or using a weapon of any kind during work hours except for storage in a vehicle consistent with Wisconsin law;
5. Intentionally damaging property;
6. Threatening to injure an individual or to damage property
7. Committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
8. Retaliating against any employee who, in good faith, reports a violation of this policy.

All threats of or actual acts of violence either direct or indirect, should be reported as soon as possible to an employee's immediate department head or supervisor, unless the department head or the supervisor is the person allegedly violating this provision or the employee for any reason is uncomfortable reporting the alleged conduct to the department head or supervisor, in which case the behavior should be reported to the Town Administrator or Deputy Treasurer. This includes threats by employees as well as threats by domestic partners, citizens, vendors, solicitors, or any other member of the public. When reporting a threat or actual acts of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to the department head. An employee should not place him or herself in real or perceived danger. If an employee sees or hears a commotion or disturbance near their workstation, the employee shall not attempt to intercede. The department head or supervisor should be contacted, and, if appropriate, 911 called.

The department head or designee will promptly investigate all reports of threats or actual acts of violence and suspicious individuals or activities. The identity of the individual making the report will be kept confidential to the extent possible. In order to maintain workplace safety and maintain the integrity of the investigation, the Town may suspend employees, either with or without pay, pending the outcome of the investigation.

Employees found to be responsible for threats of, or actual acts of violence or other conduct that is in violation of this policy will be subject to immediate disciplinary action, up to, and including termination of employment.

### **3.05 TOBACCO**

The use of tobacco products is not allowed in Town buildings, facilities or vehicles.

### **3.06 POLITICAL ACTIVITIES**

Employees may participate in political activities, but only to the extent that such activities do not interfere with the employee's job duties or use (or create the appearance that the employee is using) Town employment for political purposes.

Permitted Political Activities. The following types of political activities by Town employees are permitted:

1. Membership in a political party.
2. Participation in political party or campaign activities during non-working hours.
3. Making voluntary contributions for political purposes.
4. Management of a political campaign for a candidate during non-working hours.
5. Display of political signs or other campaign materials at the employee's home.
6. Running for a non-partisan office, if the holding of such office would not be incompatible with the employee's status as a Town employee.

Prohibited Political Activities. The following types of political activity by Town employees are prohibited, and shall constitute violations of work rules and may be grounds for disciplinary action:

1. Using the employee's authority, influence or status as a Town employee to interfere with or affect a nomination or election.
2. Using the employee's authority, influence or status as a Town employee to intimidate, threaten or coerce any person to vote contrary to his/her free choice.
3. Using the employee's authority, influence or status as a Town employee to directly or indirectly intimidate, threaten or coerce any person to pay, lend or contribute anything of value, including services to any political party, organization or candidate for political purposes.
4. Using the employee's authority, influence or status as a Town employee to threaten or to confer benefits or effect reprisals to secure desired political action or inaction.
5. Engaging in political activities while engaged in Town employment duties, such as wearing political identification or campaign materials while on duty, parking a vehicle with a car-top political advertisement on Town-owned property, passing out campaign materials on Town time, placing political stickers or advertising on Town vehicles, or similar activities in which the employee's political activities are intertwined with the duties of the employee's Town employment.
6. Running for full-time partisan political office while employed by the Town. The filing of nomination papers shall constitute running for such an office. Immediately upon such filing, an employee shall take an unpaid leave of absence from the employee's Town employment, which shall last until the day after the election in which the employee is a candidate. An employee may use any of the employee's unused vacation time during the period of leave of absence, but may not use sick days during such leave. Failure by an employee to take such a leave of absence shall constitute grounds for termination of the employee's employment by the Town.
7. Participating in the solicitation of funds to be used in any manner for a political campaign or political purpose while on duty as a Town employee.

### **3.07 ELECTRONIC COMMUNICATIONS & INFORMATION SYSTEMS USAGE**

#### Purpose

The purpose of the Electronic Communication and Information Systems Usage Policy is to express the Town's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the Town's intent to ensure the electronic communication and information systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the Town.

This policy applies to any form of electronic communication and information systems, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line service, the Internet, text messaging, and the World Wide Web. The policy applies to all electronic communication and

information systems that are accessed on or from Town premises, accessed using Town equipment or via Town-paid access methods, or used in a manner that identifies the individual as acting for or on behalf of the Town; or in any way identifies the Town.

Electronic communication and information systems provided by the Town are Town property. The use of the electronic communication and information systems is a privilege and not a right. No expectation of privacy in regard to use of the Town's electronic communications and information systems should be expected by the employee in any respect related to accessing, transmitting, sorting or communicating information via the system. The Town reserves the right to hold users accountable for misuse of the electronic communication and information systems in violation of this policy.

### Guidelines

The following guidelines govern staff use of electronic communications and information systems:

1. **Personal Use.** The Town expects the majority of interaction using electronic communications to be for Town business and any personal use to be incidental; not interfering with productivity of the staff.
2. **Prohibited Communications.** Users shall abide by the rules of network etiquette. These include using appropriate language, respecting the privacy of others and not disrupting the use of any electronic communications or information systems. The Town expressly prohibits electronic communications and information systems access for illegal, immoral and inappropriate purposes including but not limited to:
  - a. Intentional accessing or transmitting materials that are obscene, sexually explicit or child pornography.
  - b. Intentional transmission of any material in violation of any federal or state regulation. This includes, but is not limited to, copyrighted material, hate mail, harassment, discriminatory or defamatory remarks and threatening material.
3. **Use of Electronic Communications or information systems to support a personal business venture is prohibited.**
4. **Security / Access / Appropriate Use.** The Town Administrator/Treasurer shall determine which employees have access to various electronic communications and information systems and have the authority to communicate on behalf of the Town. Authorized users will be issued passwords or other identification to access the system. Attempts to gain unauthorized access to electronic communications or information systems, including software applications, passwords or electronic devices, are prohibited as are sharing of passwords and Internet access with non-Town personnel.
  - a. Any malicious attempt to harm, modify or destroy data of another user is prohibited.
  - b. Installing of new software from any source needs to be reviewed with and approved by the Town Administrator/Treasurer.

- c. Employees obtaining access to other organizations' or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.
  - d. On electronic communications or information systems where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled, or otherwise inactivated.
5. Access to Employee Communications. The Town reserves the right to access and monitor Town electronic communications or information systems. The employee's signature on the Acknowledgement of Receipt of Employee Handbook shall constitute an acknowledgement of the Town's right to access and monitor Town electronic communications or information systems and shall serve as the employee's consent to such access and monitoring, including but not limited to, web site access, newsgroup activities and e-mail content – including both public and private materials accessed or sent from Town electronic communications or information systems. All such monitoring and accessing shall observe any and all confidentiality regulations under federal and state laws.
  6. Encryption. Electronic Communications are not encrypted or otherwise protected and therefore privacy cannot be guaranteed. E-mail should not be used to communicate confidential information unless security measures are in place to protect the privacy of such information.

#### Public Records and Record Retention

Town staff should understand the transparency required of employees in the public sector and the limitations of Town electronic communications and information system capabilities.

1. Electronic communications sent or received by staff related to Town business may be considered public records and subject to inspection, disclosure and retention in accordance with provisions of the state public records law and applicable Town policies and procedures.
2. Electronic communications should be saved and should be indexed so that a complete record can be accessed when needed.

#### Policy Violations

Policy violations may result in restriction of access to Town Internet resources, appropriate disciplinary action in accordance with applicable Town policies and procedures and/or legal action, up to and including termination of employment.

*Revised by the Town Board on 9/17/18*

### **3.08 ATTENDANCE/PUNCTUALITY AND EXCESSIVE ABSENCE/TARDINESS**

The Town expects prompt and regular attendance from all employees. This means that all employees must be at their appointed work stations on time and fully ready and able to work at their starting time. Proper attendance and punctuality are important in order to maintain a good performance record.

Any significant unexcused absence or excessive tardiness may result in discipline or discharge. “Significant” may mean the number of instances, may mean one instance of unexcused absence at a crucial time, or in an overt manner. “Excessive” means a pattern of later arrivals to work over a period of time. Employees may also be denied Unemployment Compensation benefits if they are discharged for (1) absenteeism occurring on more than two occasions within 120 days before the date of termination or (2) excessive tardiness, if the employee fails to provide a notice and a valid reason for the absences or excessive tardiness. Also, three (3) days in a row of absence without notice will be seen as a resignation, which may result in denial of Unemployment Compensation benefits.

#### **4.01 VACATION LEAVE**

All regular full-time and regular part-time employees shall be eligible for vacation leave. Regular part-time employees shall receive vacation leave on a prorated basis.

Through December 31, 2018, vacation leave will be allocated on the employee’s anniversary date of employment. Vacation leave shall be allocated as follows:

- One (1) week of vacation after completing 1 full year of employment
- Two (2) weeks of vacation after completing 2 full years of employment
- Three (3) weeks of vacation after completing 5 full years of employment
- Four (4) weeks of vacation after completing 10 full years of employment

Effective January 1, 2019, employees will accrue vacation leave per payroll during the calendar year. Employees will not lose vacation leave already accrued, but will accrue no more vacation leave on their anniversary date of employment.

Employees with less than 2 full years of employment on January 1 will accrue 3.077 vacation leave hours per pay period during that calendar year. This works out to 2 weeks of vacation leave per calendar year based on a 40-hour workweek. Employees cannot take vacation leave during the first six months of their employment with the Town.

Employees with 5 full years of employment, but less than 10 full years of employment, on January 1 will accrue 4.615 vacation leave hours per pay period during that calendar year. This works out to 3 weeks of vacation leave per calendar year based on a 40-hour workweek.

Employees with 10 or more full years of employment on January 1 will accrue 6.15 vacation leave hours per pay period during that calendar year. This works out to 4 weeks of vacation leave per calendar year based on a 40-hour workweek.

Employees must take vacation leave in 4-hour increments, unless otherwise authorized by the Town Administrator/Treasurer in his/her sole discretion.

Employees must request vacation leave from the Town Administrator/Treasurer no less than the equal amount of time off requested by the employee. For example, an employee who is requesting

two (2) days of vacation leave must make the request at least two (2) days in advance of the requested leave.

After an employee's first six (6) months of employment with the Town, at the Town Administrator/Treasurer's sole discretion, the Town Administrator/Treasurer can permit an employee to use vacation leave that has not yet accrued, up to the maximum amount of vacation leave the employee is eligible for the calendar year. However, if at the time an employee separates from employment from the Town for any reason, the employee has used more vacation leave than the employee has accrued at the time of his/her separation from employment, the value of the vacation leave used but not yet accrued by the employee will be deducted from the employee's final paycheck, and the employee will have to pay the Town for any remaining amount if the employee's final paycheck cannot accommodate full repayment.

Employees may carry over up to five (5) days (40 hours) of unused vacation leave (prorated for regular part-time employees) each calendar year; any remaining unused vacation shall be forfeited. Subject to Sections 1.06 and 1.07, upon separation from employment for any reason, unused vacation leave shall be paid to the employee at the employee's hourly rate of pay for eight (8) hours (prorated for regular part-time employees) or calculated as 1/260 of the employee's annual salary, as applicable.

No vacation leave may be taken by an employee after he/she gives his/her two (2) week written notice of resignation.

*Revised by the Town Board on 12/17/18*

#### **4.02 HOLIDAYS**

All regular full-time and regular part-time employees shall receive the following paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Friday After Thanksgiving, Christmas Eve, and Christmas Day. Regular part-time employees shall receive holiday pay on a prorated basis.

If a paid holiday falls on a Saturday, the Town will observe the holiday on the preceding Friday. If a paid holiday falls on a Sunday, the Town will observe the holiday on the following Monday.

Non-exempt employees who are required to work on a paid holiday shall be paid at time and one-half for all work performed on that holiday. Additionally, such employees will also receive holiday pay.

*Revised by the Town Board on 12/17/18*

#### **4.03 DAYS OFF FOR RELIGIOUS OBSERVANCES**

The Town respects the right of each employee to worship as his/her faith dictates. Any employee wishing to observe a religious holiday that falls on a work day may use vacation or personal leave, or request unpaid time off.

*Revised by the Town Board on 12/17/18*

#### **4.04 SICK LEAVE**

Through December 31, 2018, regular full-time employees shall earn sick leave at the rate of twelve (12) days per anniversary year. Regular part-time employees shall earn sick leave on a prorated basis.

Effective January 1, 2019, employees will accrue sick leave per payroll during the calendar year. Employees will not lose sick leave already accrued, but will accrue no more sick leave on their anniversary date of employment. Employees will accrue 3.69 sick leave hours per pay period. Employees that have already accrued at least four (4) weeks (160 hours) of sick leave, will not accrue any additional sick leave until they have less than four (4) weeks (160 hours) of accrued sick leave.

Employees may use sick leave as it is accrued. The minimum increment of sick leave that may be used is one-half (1/2) hour. Unused sick leave balances will be carried over from calendar year to calendar year up to a total of four (4) weeks (160 hours) of sick leave. Employees that have more than four (4) weeks (160 hours) of sick leave on January 1, 2019 will be able to continue to roll over the full amount of their sick leave until such time as they have less than four (4) weeks (160 hours). Thereafter, these employees will only be permitted to roll over up to four (4) weeks (160 hours) of sick leave, and beginning on January 1, these employees will begin to accrue additional sick leave up to the maximum of four (4) weeks (160 hours).

Employees may use sick leave for the following purposes: employee illness, employee or any family member medical or dental appointments that cannot be scheduled during non-work hours, and funerals for which bereavement leave is not available. Sick leave may not be used for vacation or personal business. An employee who uses sick leave in excess of three consecutive days may be required to provide a physician's verification at the discretion of the Town Administrator/Treasurer. No absence due to illness shall qualify for sick leave after an employee gives his/her two (2) week written notice of resignation.

If an employee is sick and will not be reporting for work, he or she must notify the Town Administrator/Treasurer at least 1/2 hour before the start of his or her shift. If the Town Administrator/Treasurer is unavailable, the employee must leave a message on the Town's voicemail system.

Upon termination for reasons other than misconduct, an employee will have his/her unused sick leave paid out at the rate of 1/520 of the employee's annual salary at the time of termination (or in the case of non-exempt employees at the rate of 1/520 of the amount of wages earned in the twelve (12) months immediately preceding the time of termination) per each unused day of sick leave. If the employee has worked for the Town for at least ten (10) consecutive years of employment and is at least fifty-five (55) years of age, unused sick leave may be used for the payment of health insurance premiums upon retirement (value of each day calculated as 1/260 of annual salary at the time of retirement or in the case of non-exempt employees, at the rate of 1/260 of the amount earned in the twelve (12) months immediately preceding the time of retirement). This paragraph is subject to Sections 1.06 and 1.07.

*Revised by the Town Board on 2/19/20*

#### **4.05 BEREAVEMENT LEAVE**

In the event of a death of a family member in the below-mentioned categories, regular full-time and regular part-time employees will be granted paid leave in the amount provided below at the discretion of the Town Administrator:

3 days: death of an employee's spouse/partner, children, step-children, parents, step-parents, and siblings

2 days: death of an employee's in-laws, grandparents, and grandchildren

1 day: death of an employee's aunts, uncles, nieces, nephews, and cousins

Regular part-time employees shall receive bereavement leave pay on a prorated basis.

Regular full-time and regular part-time employees may use one (1) day of sick leave to attend the funeral of a friend or family member who is not in the above-mentioned categories.

#### **4.06 PERSONAL LEAVE**

All regular full-time and regular part-time employees shall be eligible for two (2) days of personal leave per calendar year. Regular part-time employees shall receive such personal leave on a prorated basis. Personal leave will be allocated each calendar year on January 1.

Employees must request personal leave from the Town Administrator/Treasurer no less than the equal amount of time off requested by the employee. For example, an employee who is requesting two (2) days of personal leave must make the request at least two (2) days in advance of the requested leave. No personal leave may be taken by the employee after he/she gives his/her two (2) week written notice of resignation.

Any personal leave that an employee has accrued but not used by December 31, 2018 can be rolled over into 2019. However, beginning January 1, 2019, no personal leave can be rolled over from calendar year to calendar year; any remaining unused personal days shall be forfeited.

*Revised by the Town Board on 12/17/18*

#### **4.07 MILITARY LEAVE**

The Town shall administer Military Service Leave consistent with the Military Service Leave Policy and state and federal law. A copy of this policy is included in Appendix B of this handbook. The policy outlines in further detail the following important aspects of Military Service Leave:

- Employee's Obligation to Provide Notice of Leave
- Employee's Eligibility for Leave
- Employee's Compensation During Leave
- Employee's Ability to Continue Benefits During Leave
- Employee's Reemployment Rights
- Employee's Seniority Rights, Position, and Benefits After Reemployment
- Prohibition on Discrimination and Retaliation for Military Service Leave

*Revised by the Town Board on 7/16/18*

#### **4.08 UNPAID LEAVE**

Employees must request unpaid leave from their immediate supervisor no less than the equal amount of time off requested by the employee. For example, an employee who is requesting two (2) consecutive unpaid days off must make the request at least two (2) days in advance of the requested leave. The supervisor may grant or deny the request.

#### **4.09 JURY DUTY**

All employees shall receive time off to serve on jury duty. Employees must notify the Town Administrator and the Deputy Treasurer as soon as they receive notice to serve jury duty. Employees must attach a copy of the notice to serve jury duty to their timesheets.

In order for the employee to receive his or her regular pay from the Town, the employee shall reimburse the Town for the full amount of any jury duty pay received by the employee minus any expense allowance. Any employee released from jury duty shall immediately report back to work unless excused by his or her immediate supervisor.

#### **4.10 EMERGENCY VOLUNTEERS**

Employees may request approval from the Town Administrator for volunteer emergency service. If so approved, and upon notice to the employee's immediate supervisor, employees who are called to perform volunteer emergency service during their normal work hours shall receive their regular pay from the Town for such hours; provided, however, such employees immediately report back to work upon completion of such volunteer emergency service unless excused by his or her immediate supervisor.

#### **5.01 WORKER'S COMPENSATION**

The Town provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation provides benefits after a short waiting period as specified by the Wisconsin Department of Industry, Labor and Human Relations.

Employees who sustain work-related injuries or illnesses should inform the Deputy Treasurer immediately. No matter how minor an on-the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the Town nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Town.

#### **5.02 HEALTH INSURANCE**

The Town will provide a group health insurance plan for regular full-time and regular part-time employees who meet the health insurer's eligibility requirements. The Town will contribute eighty- eight percent (88%) towards the single premium of the lowest cost health plan for regular

full-time employees. The Town will contribute a prorated amount towards the single premium for regular part-time employees. The Town will contribute eighty-three percent (83%) towards the family coverage premium of the lowest cost health plan for regular full-time employees. The Town will contribute a prorated amount towards the family coverage premium for regular part-time employees. The Town reserves the right to change the health insurance carrier, health insurance plan, and health insurance benefits at its discretion. There shall be no alternative compensation for those not wishing to participate. This benefit is subject to all the terms and conditions established by the insurance carrier through the relevant benefit plan documents and the Town's contract with the insurance carrier.

*Revised by the Town Board on 12/17/18*

### **5.03 DENTAL INSURANCE**

The Town will provide a group dental insurance plan for regular full-time and regular part-time employees who meet the dental insurer's eligibility requirements. The Town will contribute eighty percent (80%) towards the single premium of the lowest cost dental insurance plan for regular full-time employees. The Town will contribute a prorated amount towards the single premium for regular part-time employees. The Town will contribute sixty-one percent (61%) towards the family coverage premium of the lowest cost dental insurance plan for regular full-time employees. The Town will contribute a prorated amount towards the family coverage premium for regular part-time employees. The Town reserves the right to change the dental insurance carrier, dental insurance plan, and dental insurance benefits at its discretion. This benefit is subject to all the terms and conditions established by the insurance carrier through the relevant benefit plan documents and the Town's contract with the insurance carrier.

*Revised by the Town Board on 12/17/18*

### **5.04 LIFE INSURANCE**

The Town will provide a life insurance policy for all regular full-time and regular part-time employees who meet the life insurance carrier's eligibility requirements. The Town shall pay the full premium amount for a life insurance benefit equivalent to the annual salary of the employee. The employee may purchase additional coverage at his/her own expense through payroll deduction. The Town may change the life insurance carrier, life insurance plan, and life insurance benefits at its discretion. This benefit is subject to all the terms and conditions established by the insurance carrier through the relevant benefit plan documents and the Town's contract with the insurance carrier.

*Revised by the Town Board on 12/17/18*

### **6.01 SAFETY**

The Town attempts to balance Town-wide control of some safety and risk management functions with departmental responsibility for the implementation of most functions. Each and every employee should be involved in contributing to a safe environment. Continual emphasis on safety and loss prevention techniques and the refinement of work procedures have been shown to significantly reduce injuries, property damage, and work interruptions. The Town has designated the Town Inspector as Safety Director and all employees are required to follow direction given by him/her in the area of Risk Management or safety issues. The Safety Director, or designee, will

also keep and maintain incidence logs and keep adequate records as required by the state or federal government.

As a condition of employment, all employees are expected to adopt a concept that the safe way to perform a task is the most efficient and the only acceptable way to perform that task. Supervisors have been charged with the responsibility of maintaining a safe work environment and establishing safety rules and adequate training for all under their jurisdiction. Employees are responsible for following the safety rules, wearing the required protective equipment, promptly reporting all unsafe actions, practices and conditions that they observe, reporting all accidents and injuries occurring within the course of their employment, and cooperating and assisting in the investigation of accidents to identify causes and corrective measures to prevent their occurrence. Employees found not to be wearing required protective equipment will be required to leave the job site until properly attired without pay for the first offense, second offense will be a day off without pay. Subsequent offenses will be subject to further discipline, up to and including, termination.

## **6.02 TOOLS AND EQUIPMENT**

Town employees shall take pride in their work and in the supplies and equipment that they use in their work. The Town makes a large investment in the equipment and supplies necessary for employees to do their jobs. The Town must pre-approve the purchase of any equipment or furniture. The Town will replace equipment that becomes worn or defective through normal use. Replaced equipment must be returned to the Town. For any employee who is required to wear safety glasses based on their position with the Town, the Town will pay up to one hundred dollars (\$100.00) toward the cost of safety glasses every two (2) years; such payment will only be made after a valid receipt from the employee showing payment for such glasses, subject to Section 6.07.

The Town shall furnish all necessary gloves, belts, hand tools, and all other necessary safety equipment for the protection of employees. Employees shall wear and/or utilize all safety equipment that is provided by the Town. The Town will be responsible for cost of cleaning and maintaining the provided equipment, however, employees are responsible for the care necessary to ensure the longest possible life of the issued equipment.

Town employees shall not use Town tools, equipment or facilities for personal use, including Town vehicles. Supervisors must be notified within one working day if any equipment, machines, tools, or vehicles appear to be missing, damaged, defective, or in need of repair.

*Revised by the Town Board on 9/17/18*

## **6.03 APPROVED TRAINING/TRAVEL**

The Town may require or authorize employees to receive training and/or to travel in performance of their duties. All training and related travel expenses must be pre-approved by the employee's supervisor. In addition, all anticipated expenditures associated with training and travel associated with the employee's job must comply with Section 6.07. Employees shall make a good faith effort to incur only reasonable costs; expenses deemed to be unreasonable by the Town Administrator/Treasurer (or by the Town Chair in the case of expenses incurred by the Town Administrator/Treasurer) shall be the responsibility of the employee. Expenses for a single event/session of training and related travel shall be viewed as one purchase even though it may be

expenses across multiple vendors. Reimbursement of approved expenses pursuant to this section shall require submission of receipts for such expenses.

*Revised by the Town Board on 9/17/18*

#### **6.04 MILEAGE REIMBURSEMENT**

Employees who are required to use their own vehicles for business purposes will be reimbursed for mileage at the Internal Revenue Service rate. Commuting to and from an employee's residence to an employee's regular job location on a given work day is not reimbursable under this Section. An employee called back to work after departing the employee's regular job location following the completion of the employee's regular workday is not eligible for mileage reimbursement for travel back to the employee's regular job location.

All mileage reimbursement requests shall include the date, destination, reason for travel, and mileage. Requests shall to be turned in to the Town Administrator/Treasurer at least monthly. Mileage incurred more than six (6) weeks prior to being submitted shall not be paid.

*Revised by the Town Board on 12/17/18*

#### **6.05 USE OF TOWN CREDIT CARD**

Employees in the following positions shall be issued a credit card in the name of the Town to be used exclusively for Town purposes and for authorized expenditures:

- Administrator//Treasurer
- Clerk/Deputy Administrator
- Deputy Treasurer
- Field Operations Manager
- Town Building Inspector

No one other than the employees in the above authorized positions shall be allowed to use a credit card issued to and in the name of the Town.

The use of a credit card issued to and in the name of the Town requires adherence to all Town policies and procedures applicable to purchases, including Section 6.07. When using a credit card issued to and in the name of the Town, employees must submit the receipt for the items charged, or the charge will become the responsibility of the employee.

No employee may use the Town-issued credit card to make personal purchases, even if the employee reimburses the Town for those purchases.

Any employee using a credit card issued to and in the name of the Town shall use the Town's tax-exempt status whenever applicable to ensure that no unnecessary charges are incurred through the use of the credit card.

Any employee who uses a credit card issued to and in the name of the Town in an unauthorized manner may be subject to disciplinary action, up to and including immediate discharge.

*Revised by the Town Board on 9/17/18*

## **6.06 LOANS**

The Town shall not make any loan(s) to employees.

## **6.07 PURCHASING POLICY AND PROCEDURES**

- 1) The purchase of materials and supplies, the anticipated cost of which is under \$500, may be made by the clerk, the office manager, and the treasurer without the approval of the chairperson or any other town board members. “Materials and supplies” include copy paper, stationery, postage, office supplies, cleaning products, bathroom supplies, maintenance materials, equipment repairs and other like and similar items. Such purchases shall be approved by the town clerk for fund/budget availability prior to the purchase.
- 2) The purchase of materials and supplies, permanent personal property and services, the anticipated cost of which is between \$500 and \$2,000, shall be authorized in advance by the chairperson and purchases over \$2,000 shall be approved in advance by the town board. Such purchases shall be approved by the town clerk for the fund/budget availability prior to the purchase.
  - a. “Permanent personal property” includes furniture, furnishings, computers, calculating equipment, small machines, parts, tools and equipment or any other property which customarily has a use life of more than one year.
  - b. Purchases under this subsection may be made on the open market and directly from a dealer or supplier without obtaining sealed quotes, but such purchases shall be made, when possible, after multiple quotations or proposals have been obtained.
- c. All other purchases must be approved by the town board in advance of the purchase.

*Adopted by the Town Board on 9/17/18*

## APPENDIX A

### Employee Grievance Procedure Town of Middleton, Dane County, Wisconsin

**Purpose:** This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

#### **Definitions for terms used in this document:**

**"Days"**: means calendar days, excluding holidays, e.g., New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Friday After Thanksgiving, Christmas Eve, and Christmas Day.

**"Discipline"**: means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, or disciplinary demotions. The term "discipline" does not include verbal notices or reminders, verbal or written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid administrative leave pending an internal investigation, or other personnel actions taken by the employer for non-disciplinary reasons.

**"Hearing Officer"**: means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer shall be selected by the Town Board.

**"Termination"**: means an involuntary termination for any reason or no reason, including but not limited to discharge from employment for rule violations, poor performance, acts detrimental to the employer, or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period, retirement, job abandonment under Section 1.07 of the Employee Handbook, or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

**"Workplace Safety"**: means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

#### **Process and Timelines:**

1. The employee must file a written grievance with the Town Administrator/Treasurer within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the employee must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. The Town Administrator/Treasurer shall inform the employee's immediate supervisor about receipt of the written grievance as soon as practicable. If the Town Administrator/Treasurer is the grievant, he/she shall file a written grievance, as provided by this policy, with the Town Board Chair.

2. The employee's immediate supervisor will meet with the employee within 10 days of receipt of the written grievance. The supervisor will provide the employee with a written response within 10 days of the meeting. However, if there is an ongoing investigation related to the subject matter of the grievance, the supervisor shall have until ten (10) days after completion of the investigation to respond to the grievance. A copy of the supervisor's response shall be filed with the Town Administrator/Treasurer. If no one has been designated the employee's immediate supervisor, the employee will meet with the Town Administrator/Treasurer who shall then provide the written response. If the grievant is the Town Administrator/Treasurer, any response to the grievance shall be provided by the Town Board.
3. The employee may request an appeal to the hearing officer by filing a written request with the Town Administrator/Treasurer within 10 days of receiving the written response or if no response is provided within 10 days of the deadline for the response. The Town Administrator/Treasurer shall notify the Town Chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The Town will work with the hearing officer and employee to schedule a mutually agreeable hearing date. If the grievant is the Town Administrator/Treasurer, the Town Administrator/Treasurer shall request an appeal to the hearing officer by filing a written request, as provided by this policy, with the Town Board Chair.
4. The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the Town Administrator/Treasurer with a copy of the decision for filing within the Town.
5. The non-prevailing party may file a written request with the Town Administrator/Treasurer for an appeal to the Town Board within 10 days of receipt of the hearing officer's decision. The Town Administrator/Treasurer shall notify the Town Chair about the request as soon as possible. The Town Board shall decide the matter and issue a written decision within 45 days of the hearing of the appeal. The Town Board may sustain, deny, or modify the recommendation of the impartial hearing officer. The decision of the Town Board shall be final and binding. A copy of the Town Board's decision shall be provided to the employee and filed with the Town.

The Town Board shall review the grievance on the record established by the hearing officer. Each party may make a brief oral presentation to the Town Board to summarize the party's position as to whether the hearing officer decision should be sustained, modified or reversed. No factual evidence or argument not presented to the hearing officer for consideration shall be presented to the Town Board for review. If the Town Board determines more information is necessary to make a decision, it may remand the matter to the hearing officer for further proceedings.

The Town Board will apply the same standard as the hearing officer and shall uphold the Town's decision if it was not arbitrary or capricious. An arbitrary or capricious decision is one that is either so unreasonable as to be without a rational basis, or one that is a result of an unconsidered, willful, or irrational choice of conduct – a decision that has abandoned the sifting and winnowing process so essential to reasoned and reasonable decision making. A decision will not have been arbitrary or capricious if it was made in the best interest of

the Town. Procedural errors which do not have a substantial effect on the rights of the parties shall not be grounds for reversal of any decision.

All Board actions throughout this process shall comply with requirements of Wisconsin's Open Meetings Law.

6. All timelines may be extended by mutual written agreement of the Town Board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
7. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday, or legal holiday. A grievance or request for an appeal is considered timely if received by the Town Administrator/Treasurer during normal business hours or if postmarked by 11:59 p.m. on the due date.
8. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
9. The employee and Town Board may mutually agree in writing to waive a step or multiple steps within the procedure.
10. Granting the requested or agreed upon remedy resolves the grievance.

**Grievance Requirements:** The written grievance must contain:

1. A statement of the pertinent facts surrounding the nature of the grievance, including a description of the workplace safety rule alleged to have been violated, if applicable;
2. The date the discipline or termination occurred or the date the alleged workplace safety concern was discovered;
3. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion;
4. The contractual, legal, or policy provision, if any, allegedly violated by the Town;
5. Any other rationale forming the basis for the grievance; and
6. The specific remedy requested.

**Supervisor's Response:** The supervisor's written response to the employee's written grievance must contain:

1. A statement of the date the meeting between the employee and supervisor was held.
2. A decision as to whether the grievance is sustained or denied.

**Procedure Before the Hearing Officer:**

The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The review of a Board or administrative decision

shall require deference to the Board or administrative decision. The hearing officer will determine whether the Town's decision was arbitrary or capricious. An arbitrary or capricious decision is one that is either so unreasonable as to be without a rational basis, or one that is a result of an unconsidered, willful, or irrational choice of conduct – a decision that has abandoned the sifting and winnowing process so essential to reasoned and reasonable decision making. A decision will not have been arbitrary or capricious if it was made in the best interest of the Town. In all cases, the employee shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. The hearing officer shall ensure the hearing is recorded. The hearing officer shall consider whether to engage a court reporter in lieu of recording the hearing.

The hearing officer may require the employee and Town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or reverse the decision of the Town. The hearing officer is not given authority to modify the decision made by the Town. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the grievance is sustained in whole or in part, the hearing officer shall determine the appropriate remedy, provided, however, that the hearing officer may not award attorney's fees or litigation expenses against the Town at any time. The hearing officer has no authority to make any decision which requires the commission of an act prohibited by law

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

**Hearing Officer's Decision:**

The hearing officer's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the employee's supervisor's decision is sustained or reversed, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

**Representation:** Both the employee and the Town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

**Consolidation:** The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

**Costs:** Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and Town) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be paid by the Town.

*Revised by the Town Board on 12/17/18*

## **APPENDIX B**

### **Military Service Leave Policy**

#### **Town of Middleton, Dane County, Wisconsin**

##### **Procedures**

If you need to take military service leave, you or an authorized military service officer must provide notice to the Clerk/Deputy Administrator. When possible, you should give at least 30 days' notice to the Clerk/Deputy Administrator of your request for leave. If 30 days' notice is not possible because of military necessity or for other reasons, you should give as much advance notice to the Clerk/Deputy Administrator as possible.

Written notice is preferred, but not required. Where possible, please submit a copy of your military orders, training notice, or order to active duty, along with a Request for Time Off Form, to the Clerk/Deputy Administrator.

The Town has the right to request documentation regarding an employee's military service leave, when available, for purposes of administering this policy and complying with the law.

##### **Eligibility Requirements**

**Eligible Employees.** All employees are eligible for military service leave if they are absent from work because of eligible military service.

**Eligible Military Service.** For purposes of this policy, eligible military service means certain types of service (listed below) in the following:

- Armed Forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), including the Reserves.
- National Guard, including the Army National Guard and Air National Guard, when the employee is engaged under federal authority in active duty for training, inactive duty training, or full-time National Guard duty.
- Commissioned corps of the Public Health Service.
- Any other category of persons designated by the President in time of war or national emergency.
- For active state service in the National Guard, active service in the state defense force, and active state service during a public health emergency ("State Service").

Eligible employees may take leave under this policy for the following types of military service:

- Active duty.
- Active duty for training.
- Initial active duty for training.
- Inactive duty training.
- Full-time National Guard duty.

- Submitting to an examination to determine your fitness for any of these services.
- Funeral honors duty performed by National Guard or Reserve members.
- Duty performed by intermittent disaster response personnel for the Public Health Service and approved training to prepare for this service.
- Service as an intermittent disaster response appointee of the National Disaster Medical System when employees are:
  - activated under federal authority; or
  - attending authorized training in support of a federal mission.
- State Service

### **Compensation During Leave**

During military service leave, employees will be paid the difference (if any) between their Town pay and their military base pay (“Differential Pay”). To receive any Differential Pay, if possible, employees must submit proof of their military base pay to the Clerk/Deputy Administrator prior to taking leave. If employees cannot submit proof of their military base pay prior to taking leave, employees must submit such proof to the Clerk/Deputy Administrator as soon as possible. The Town will not provide Differential Pay until such proof is provided.

Employees also may use any or all of their accrued but unused vacation or personal leave during their military service leave. The employee must notify the Clerk/Deputy Administrator prior to the military service leave if the employee is using vacation or personal leave to receive full pay for certain days of military service leave.

Employees shall also receive paid holidays while they are on military service leave.

### **Benefits During Leave**

During military service leave, all benefits provided under an employee benefit plan are governed by the terms and conditions of the applicable employee benefit plan documents in accordance with applicable law.

#### **Health Insurance**

If the employee does not wish to continue his/her Town-provided health insurance while he/she is on military service leave, the employee must notify the Clerk/Deputy Administrator, in writing, prior to the commencement of his/her military service leave. In such a situation, upon return to work with the Town, the employee is entitled to reinstate his/her Town-provided health insurance upon completion of an application for coverage.

When an employee is on military service leave for 30 days or less, the employee is entitled to continue his/her Town-provided health insurance, provided the employee pays his/her normal share of health insurance premiums to the Town.

When an employee is on military service leave for 31 days or more, the employee is entitled to continue his/her Town-provided health insurance, provided the employee pays the entirety of the health insurance premiums to the Town. If the employee’s monthly Differential Pay (if any) is not

sufficient to cover the cost of the employee's health insurance premiums, the employee must remit payment to the Town within 30 days of the last day of the coverage month. Failure to remit timely payment will result in the cancelation of the employee's Town-provided health insurance. In such a situation, upon return to work with the Town, the employee is entitled to reinstate his/her Town-provided health insurance upon completion of an application for coverage.

### Dental Insurance

If the employee does not wish to continue his/her Town-provided dental insurance while he/she is on military service leave, the employee must notify the Clerk/Deputy Administrator, in writing, prior to the commencement of his/her military service leave. In such a situation, upon return to work with the Town, the employee is entitled to reinstate his/her Town-provided dental insurance upon completion of an application for coverage.

When an employee is on military service leave for 30 days or less, the employee is entitled to continue his/her Town-provided dental insurance, provided the employee pays his/her normal share of dental insurance premiums to the Town.

When an employee is on military service leave for 31 days or more, the employee is entitled to continue his/her Town-provided dental insurance, provided the employee pays the entirety of the dental insurance premiums to the Town. If the employee's monthly Differential Pay (if any) is not sufficient to cover the cost of the employee's dental insurance premiums, the employee must remit payment to the Town within 30 days of the last day of the coverage month. Failure to remit timely payment will result in the cancelation of the employee's Town-provided dental insurance. In such a situation, upon return to work with the Town, the employee is entitled to reinstate his/her Town-provided dental insurance upon completion of an application for coverage.

### Other Non-seniority Benefits

For all other non-seniority benefits, if any, an employee on military service leave will receive the same rights and benefits as employees on a comparable leave of absence.

### Reemployment

Employees may be eligible for reemployment after their military service leave. Any employees who would like to return to work must report to work or submit an application for reemployment to the Clerk/Deputy Administrator, including their military discharge documentation, if available, as follows:

For federal military service:

- If their military service was for less than 31 days, they must report to work on the first regularly scheduled workday that is at least eight hours after they return home from military service.
- If their military service was for 31 to 89 days, they must apply for reemployment within 14 days following completion of military service.
- If their military service was for 90 days or more, they must apply for reemployment within 90 days following completion of military service.

- If they suffered a service-connected injury or illness and they are hospitalized or convalescing, they have up to two years following completion of military service to return to their jobs or apply for reemployment, depending on the length of recovery time required.

For State Service:

- If their service was for less than 31 days, they must report to work on the first regularly scheduled workday that is at least eight hours after they return home from State Service.
- If their service was for 31 to 180 days, they must apply for reemployment within 14 days following completion of State Service.
- If their service was for 181 days or more, they must apply for reemployment within 90 days following completion of State Service.
- If they suffered a service-connected injury or illness and they are hospitalized or convalescing, they have up to two years following completion of the service to return to their jobs or apply for reemployment, depending on the length of recovery time required.

If any employees are unable to comply with this reporting schedule through no fault of their own or if they are injured or recovering from an injury and need an accommodation for specific circumstances beyond their control, they should speak with the Clerk/Deputy Administrator as soon as possible to determine if they are eligible for a reasonable accommodation or additional time to apply for reemployment. Employees who do not report to work or apply for reemployment within the applicable timeframe will be subject to the Town’s policies on unexcused absences.

An employee is only eligible for reemployment with the Town upon completion of military service leave if:

- The Town received notice of the military service, as provided above.
- The employee's cumulative military service does not exceed five years (calculated in accordance with applicable law) during the course of the employee's employment with the Town.
- The employee returns to work or submits an application for reemployment in a timely manner.
- The employee was not separated from the uniformed services for a disqualifying reason under the law.

Additionally, as provided by law, an employee might not be eligible for reemployment with the Town upon completion of military service leave if the Town experiences changed circumstances, or reemployment would cause undue hardship, or if the employee held the position vacated before military service for only a brief time and there was no reasonable expectation that employment would continue indefinitely or for a significant time period.

**Seniority Rights, Position, and Benefits After Reemployment**

Employees who are eligible for reemployment will be reemployed with the same seniority, and all rights and benefits based on that seniority, that they would have attained if they had not taken military service leave (“Escalator Position”), as provided below. Seniority rights include pay and benefits that accrue or are determined based on their length of service.

The exact position in which an employee shall be reemployed after a military service leave shall be as follows:

For a military service leave of 90 days or less:

- In the employee's Escalator Position, unless the employee is unqualified for that job and cannot become qualified for that job after reasonable retraining efforts by the Town.
- Otherwise, in the job the employee held at the time military service leave began.

For a military service leave of more than 90 days:

- In the Escalator Position, or in a position with equivalent seniority, status, and pay, unless the employee is unqualified for any of these jobs and cannot become qualified for these jobs after reasonable retraining efforts by the Town.
- Otherwise, in the job the employee held at the time military service leave began or in a job of similar seniority, status, and pay.

#### WRS Benefits

WRS contributions by the employee and the employer must be made based on the employee's Differential Pay (if any).

An employee's eligibility to make up WRS contributions upon return from military service leave is determined by ETF. The employee and the Town shall follow ETF policies and procedures in making such contributions, if an employee is eligible.

#### **Prohibition on Discrimination and Retaliation**

The Town prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's membership in or obligation to perform service for any branch of the US military. Specifically, no one will be denied employment, reemployment, promotion, or any other benefit of employment, or be subjected to any adverse employment action based on that person's membership in or service for any branch of the US military. In addition, no one will be disciplined, intimidated, or otherwise retaliated against because that person exercised rights under this policy or applicable law.

*Approved by the Town Board on 9/17/18*

## **APPENDIX C**

### **Phone Policy**

#### **Town of Middleton, Dane County, Wisconsin**

The following Town of Middleton (“Town”) Employee positions include duties that make a smartphone (“phone”) a necessity: Administrator/Treasurer, Clerk/Deputy Administrator, Field Operations Manager, Building Inspector, and Crew.

The Town requires the above employees to abide by the following when using a phone under this policy:

**1) Employees shall:**

- a. Put in place secure access measures, including but not limited to a password, pattern, or fingerprint lock. Password protect the phone through the use of strong passwords consistent with the Town's current password policies and procedures.
- b. Maintain the phone's settings such that the phone locks itself and requires a secure access measure if it is idle for five minutes.
- c. Maintain the phone's operating system and keep it current with security patches and updates.
- d. Not alter the security settings of the phone without the Town's consent, including by “jailbreaking” or “rooting” the phone.
- e. Prohibit use of the phone by anyone not authorized by the Town, including but not limited to family, friends, and business associates.
- f. Allow the Town to inspect the phone upon request to ensure it complies with the Town's requirements under this policy.
- g. Not take pictures or make recordings that would be considered an invasion of privacy, or use the phone for sexual or other harassment (as defined by Section 3.03 of the Town Employee Handbook) purposes.
- h. Not text, e-mail, or otherwise use the phone in a manner which requires the use of hands while operating a Town vehicle, while operating a personal vehicle on Town business, or while using the phone to conduct Town business while operating any vehicle.
- i. Use a speakerphone or other hands-free phone, if employees find it necessary to use a phone while operating a vehicle. Employees should be aware that the use of phones while driving may be illegal in certain jurisdictions. The Town is not responsible for accidents or fines stemming from employees' phone use while operating a vehicle.
- j. Engage in safe usage practices as may be recommended by the phone's manufacturer or service provider.
- k. Keep personal use of phones incidental during working hours and not interfere with productivity of the staff.
- l. Comply with Section 3.07 of the Town Employee Handbook.
- m. Preserve phone data upon request by the Town Administrator in order to comply with the Town's legal obligations, including but not limited to record retention laws, public records requests, court orders, and misconduct investigations.

- 2) Employees whose phones are lost or stolen shall immediately report the incident to the Town Administrator in order for security protocols to be implemented. The Town reserves the right to install software to locate lost or stolen phones and protect or wipe any lost or stolen phones' data.
- 3) **No Expectation of Privacy.** Employees should have no expectation of privacy concerning the use of their phone. All data, communications, and information created on, received on, stored on, received from, or recorded on the phone for Town business or on behalf of the Town is the property of the Town, including but not limited to e-mail, voice mail recordings, instant messages, and social media postings and activities, regardless of who owns the phone used. The Town reserves the right to monitor, intercept, and review all content on the phone, and the right to copy, erase, or remotely wipe the entire phone, including any personal content on the phone, in the sole discretion of the Town without further notice.

This might include, without limitation, the monitoring, interception, accessing, recording, disclosing, inspecting, reviewing, retrieving and printing of transactions, messages, communications, postings, log-ins, recordings and other uses of the phone, whether the phone is in the employee's possession or the Town's possession. Therefore, employees should have no expectation of privacy whatsoever in any content created on, transmitted to, received or printed from, or stored or recorded on the phone for Town business or on behalf of the Town.

This policy is not intended to restrict communications or actions protected or required by state or federal law.

It is the Town's preference to issue a phone owned by the Town to employees that need phones for their work. Alternatively, these employees may request to receive an allowance from the Town to cover some of the cost of their personal phone. Regardless of whether the phone is owned by the Town or by the employee, employees must acknowledge the conditions and responsibilities as to the use of these phones.

### **Town-owned phones**

- 1) The Town Administrator will select an appropriate service plan and phone model for employee use.
- 2) Personal use of Town-owned phones should be incidental. It is important to note that these phones are subject to public records requests, and pursuant to those requests, personal data on the phone may be made public.
- 3) The Town will provide employees with related equipment including chargers (both in-car and traditional outlet units), holsters for ease of carrying phones, Bluetooth headsets, and cases and screen protectors, when appropriate. The Town Administrator shall evaluate the needs and requests of those employees who wish to use Town-owned phones and assist them in selection of appropriate phones and related equipment. If the Town Administrator does not believe certain related equipment is needed by the employee, the employee shall

be free to purchase and provide their own related equipment at their own cost, without reimbursement.

**4) Loss or Damage of Town-owned phones**

- a. In the event any phone or related equipment is damaged, the employee shall notify his or her supervisor for direction as to contacting the vendor for repair or replacement. Lost or stolen phones and related equipment shall be immediately reported to the employee's supervisor so the service may be cancelled and the phone's data wiped.
- b. The Town Administrator must authorize the repair or replacement request and provide an account to which the repair or replacement will be charged. The Town will generally authorize repair or replacement when a phone is damaged in the course of business, under reasonable circumstances. However, employees may be financially responsible for the replacement if, due to the employee's negligence, a phone or related equipment is lost or damaged while in the care of the employee or if a phone or related equipment is not returned by an employee in good working order when requested.

**5) Employee Responsibilities**

Employees using a Town-owned phone shall:

- a. Review their Town phone bill on a monthly basis and reimburse the Town for any charges due to purely personal usage. Use of a Town-owned phone for personal purposes may subject an employee to income taxes for such use. Under no circumstances will the Town reimburse employees for such taxes.
  - b. Allow the Town access to the phone and allow installation of all applications and software as deemed necessary by the Town.
  - c. Not install any application or software that has not been approved by the Town Administrator.
  - d. Carry the phone on their person as needed for their job and respond when called for Town business.
  - e. Return the phone to their supervisor immediately upon separation from employment with the Town.
- 6) Use of the phone in any manner contrary to local, state, or federal laws, or Town policies will constitute misuse, and will result in the employee having to immediately surrender the Town-owned phone to the Town, as well as other disciplinary consequences, up to and including termination, as appropriate.**

**Employee-owned phones used for work-related purposes**

- 1) Use of employee-owned phones for work-related purposes subjects the phones to public records requests, and pursuant to these requests, personal data on the phone may be made public.**
- 2) Allowance**

- a. Amount. As of January 1, 2017, the monthly phone allowance amount shall be \$7.50 per week (\$15 per pay period.) The allowance is meant to offset business-related costs on employees' personal phones. The amount to be given as an allowance will be reviewed annually by the Town Administrator and adjusted as needed. The allowance will be based on the approximate marginal cost for the Town to add one phone to its account including reasonable data usage. No further reimbursement for phone costs will be given. Employees must pay for their own phone costs under this policy, including but not limited to voice and data usage charges and all costs for phone acquisition and repair, including any related equipment. Employees alone are responsible for all costs associated with their employee-owned phones, and business usage of employee-owned phones may increase the amount due under employees' voice plan, data plan, or both.
- b. Payment. The approved phone allowance will be paid as part of the employee's paycheck and will be subject to all applicable payroll taxes. This allowance does **not** constitute an increase to base pay, and will **not** be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.

### 3) Employee Responsibilities

Employees using their personal phone for Town business shall:

- a. Retain an active phone contract or a pay-as-you-go phone as long as their Job Description indicates one is necessary for their Job Title.
  - b. Allow the Town access and allow installation of all applications and software as deemed necessary by the Town.
  - c. At the Town's discretion, allow the Town to uninstall all applications and software provided by the Town and remove any data gathered as part of employment from the phone.
  - d. Not install any application or software that interferes with Town-installed applications and software.
  - e. Provide the Town with one or more email addresses that the phone accesses and the phone's current number.
  - f. Immediately notify their supervisor if the email address or phone number changes.
  - g. Carry the phone on their person as needed for their job and respond when called for Town business.
  - h. Be responsible for any repairs, maintenance or replacement costs, and services. The Town does not provide technological support for employee-owned phones.
  - i. Upon separation from employment, permit the Town to verify that Town data, applications and software have been wiped from the employee-owned phone.
- 4) Employees may choose the cellular service provider and plan design of their choice, provided the provider and plan are sufficient for the employees to perform their required job duties.

- 5) The Town requires that an employee-owned phone used for work-related purposes meet the Town's technical specifications for encryption and other technical specifications necessary to ensure the security of Town data and the functionality of the phone for Town business.
- 6) The Town reserves the right to limit which applications may be downloaded and installed on the phone, other than those applications downloaded from the official application store for that brand of phone.
- 7) Employees will bear the cost of any fees associated with a change or cancellation to their phone contract. If an employee's status with the Town changes and therefore the employee no longer wishes to retain their current phone contract, any change or cancellation charges will be the employee's responsibility.
- 8) Because the employee owns the phone, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed.
- 9) Use of the phone in any manner contrary to local, state, or federal laws or Town policies will constitute misuse, and will result in immediate termination of the phone allowance, as well as other disciplinary consequences, up to and including termination, as appropriate.
- 10) Employees are permitted to carry employee-owned phones used for work purposes while at work for the Town of Middleton. Usage of employee-owned phones for non-business purposes should be incidental and not interfere with productivity of the staff during working hours.

I, as an employee of the Town of Middleton, have read, understood, and hereby agree to abide by the policy above.

I hereby select the option of: \_\_\_\_\_ using a Town-owned phone.

\_\_\_\_\_ using my personal phone for work-related purposes.

I understand that I may, with 30 days' advanced notice and the approval of the Town Administrator, change my selection, provided I comply with applicable policies above.

\_\_\_\_\_  
Employee's Name (please print)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

*Approved by the Town Board on 9/17/18*

## **Appendix D to Employee Handbook Public Health Emergency Leave**

The Town expects employees to exercise good professional judgment, and the Town and its employees shall follow applicable guidance from the Centers for Disease Control and state and local governmental authorities with respect to travel and having contact with others during the current COVID-19 public health emergency.

All employees should inform the Town Administrator of any out-of-state travel or future plans for out-of-state travel. Going forward, the Town Administrator in consultation with the Town Chair shall have the discretion to require employees to report intra-state travel to any location identified by the Town Administrator in consultation with the Town Chair.

In the event an employee reasonably believes that he or she has come into contact with a person infected with the COVID-19 virus, or has visited a location that the employee believes puts the employee at increased risk of having been exposed to the COVID-19 virus, the employee shall immediately inform the Town Administrator or designee of the circumstances giving rise to such belief. The Town Administrator or designee shall consult with the Town Chair regarding this information.

Based on the above information, or based on information the Town Administrator, his/her designee, or the Town Chair receives through other means, including information that the employee visited a location that the Town Administrator or designee in consultation with the Town Chair believes put the employee at increased risk of being exposed to the COVID-19 virus, the Town Administrator or designee in consultation with the Town Chair may order an employee to self-quarantine for a period of time that the Town Administrator or designee in consultation with the Town Chair believes appropriate under the circumstances and may request that the employee obtain a test as soon as possible to determine if he or she is infected by the COVID-19 virus. The Town Administrator or designee in consultation with the Town Chair may order such an employee to perform work for the Town remotely during this period of self-quarantine.

Additionally, the Town Administrator or designee in consultation with the Town Chair may order an employee to either work remotely or not to perform any services for the Town for specified periods of time that the Town Administrator or designee in consultation with the Town Chair believes appropriate under the current circumstances.

During any period for which the employee is not performing services for the Town under this policy, including via remote work, the employee shall be entitled to paid public health emergency leave in an amount equal to the hours for which the employee would have been regularly scheduled to work.

However, if the employee is determined to be sick with an illness other than the COVID-19 virus, if the employee refuses to take a COVID-19 test, or if the employee fails to take the test as soon as possible, the employee must use applicable accrued leave or must request unpaid time off.

If an employee is obtaining a medical diagnosis because the employee is experiencing the symptoms of the COVID-19 virus or if the employee self-isolates at the advice of a health care provider due to diagnosis or other concerns related to the COVID-19 virus, the employee shall not be entitled to paid public health emergency leave under this policy during any period when an employee is eligible for paid leave under the federal Families First Coronavirus Response Act. However, following the expiration of an employee's paid leave under that law, the Town Administrator or designee in consultation with the Town Chair may offer the employee paid public health emergency leave under this policy, until such a time as the employee's health care provider authorizes the employee to return to work, as documented in a manner sufficient to the Town Administrator.

This policy shall be interpreted in a manner consistent with the leave requirements of the federal Families First Coronavirus Response Act. Where an employee qualifies for leave under that law, but does not qualify for leave under this policy, the employee shall be provided with leave as required by that law.

The Town Administrator can request documentation from an employee, in a manner sufficient to the Town Administrator, to determine whether the employee is qualified for paid public health emergency leave under this policy.

Any employee who provides fraudulent or misleading information to the Town is subject to discipline up to and including termination.

Public health emergency leave does not accrue and will not be paid out to employees upon their separation from employment.

This policy shall remain in full force and effect until the earliest of the following:

- a. The World Health Organization declares an end to or cancellation of the pandemic status of COVID-19; or
- b. The Governor of the State of Wisconsin ends or cancels of the State's current public health emergency related to COVID-19 as declared by the Governor on March 12, 2020; or
- c. The Town Board decides to end the policy

*Approved by the Town Board on 4/2/20*

TOWN OF MIDDLETON

ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK

I acknowledge that I have received and reviewed a copy of the Town of Middleton Employee Handbook (handbook) in effect as of the date accompanying my signature, below. I understand that it is my responsibility to read it thoroughly. If there are any policies or provisions provided to me that I do not understand, I will seek clarification from my immediate supervisor. I understand that this handbook contains an overview of the Town of Middleton's policies, procedures, and benefits in effect on the date of publication. I also understand that these policies, procedures, and benefits are continually evaluated and may be amended, modified or terminated at any time, with or without prior notice. In addition, by my signature below, I hereby consent to the access and monitoring of my electronic communications and activities on Town information systems, including but not limited to, web sites access, newsgroup activities, and email content – including both public and private materials accessed or sent from Town electronic communications or information systems.

I further understand that nothing contained in the handbook may be construed as creating a guarantee of future employment, future benefits or a binding contract with the Town of Middleton for employment or benefits or for any other purpose. I understand that nothing contained in the handbook may be construed as changing my employment status. I understand that except as may be provided by a contrary provision in an individual written employment agreement approved by the Town Board, or a policy contained herein, my employment is at will and my employment may be terminated at any time for any reason, with or without cause and with or without notice, at the option of the Town or at my option.

I understand that I must sign and date a copy of this receipt and return it to the Town Administrator and failure to do so may result in my immediate termination.

Employee Signature: \_\_\_\_\_

Print Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_