

**PERSONNEL
COMMITTEE**

Monday, May 6, 2019

6:30 PM

McFarland Municipal Center
Conference Room A

AGENDA

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Discussion and action regarding minutes of the meeting held on April 1, 2019.
4. BUSINESS.
 - a. Discussion and action to make a recommendation to the Village Board regarding revisions to Chapter 29 on Harassment within the Personnel Policy Manual.
5. SCHEDULE NEXT MEETING DATE.
 - a. Monday, June 3, 2019 at 6:30 pm.
6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

VILLAGE OF MCFARLAND
Personnel Committee Minutes

Monday, April 1, 2019 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

President Czebotar called the regular meeting of the Personnel Committee to order at 6:31 PM in Conference Room A of the McFarland Municipal Center.

Members present: Village President Brad Czebotar, Trish Howen, Steve Kilpatrick, and Ken Machtan.

Members not present: Village Trustee Dan Kolk, Peter Morehouse, and Chris Spanos.

Staff Present: Fire and Rescue Chief Chris Dennis, Police Chief Craig Sherven, and Village Administrator Matt Schuenke.

2. PUBLIC APPEARANCES.

None.

3. APPROVAL OF MINUTES.

- a. Discussion and action regarding the minutes of the meeting held on February 4, 2019.
The minutes were carried by unanimous consent.
- b. Discussion and action regarding minutes of the meeting held March 4, 2019.
The minutes were carried by unanimous consent.

4. BUSINESS.

- a. Discussion and action to make a recommendation to the Village Board regarding the job description and approval to fill the vacancy for the Community Development Director position within the Community Development Department.
Following discussion, motion by Czebotar, second by Machtan, for the Personnel Committee to recommend approval to the Village Board regarding the job description and request to fill the vacancy for the Community Development Director position within the Community Development Department with the changes noted in the meeting. Motion carries 4 - 0 - 0 by acclamation.
- b. Discussion and action to make a recommendation to the Village Board regarding the position description, classification, and permission to fill the vacancy for the Administrative Captain position within the the Fire and Rescue Department.
Following discussion, motion by Czebotar, second by Kilpatrick, for the Personnel Committee to recommend approval to the Village Board regarding the position description, classification, and request to fill the vacancy for the Administrative Captain position within the the Fire and Rescue Department with changes to the position description and questionnaire as noted. Motion carries 4 - 0 - 0 by acclamation.

- c. Discussion and action to make a recommendation to the Village Board regarding the position description, classification, and approval to fill the vacancy for the Streets/Utilities Superintendent position within the Public Works Department.

Following discussion, motion by Czebotar, second by Howen, for the Personnel Committee to recommend approval to the Village Board regarding the position description, classification, and request to fill the vacancy for the Streets/Utilities Superintendent position within the Public Works Department with the noted changes. Motion carries 4 - 0 - 0 by acclamation.

- d. Discussion and action to make a recommendation to the Village Board regarding the position description, classification, and approval to fill the vacancy for the Parks Superintendent position within the Public Works Department.

Following discussion, motion by Czebotar, second by Machtan, for the Personnel Committee to recommend approval to the Village Board regarding the position description, classification, and request to fill the vacancy for the Parks Superintendent position within the Public Works Department with the noted changes. Motion carries 4 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

- a. Monday, May 1, 2019 at 6:30 pm.

The next meeting is Monday, May 6, 2019 at 6:30 pm. The agenda as previously presented is incorrect on the date.

6. ADJOURNMENT.

Motion by Czebotar, second by Machtan, for the Personnel Committee to adjourn at 7:55 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Matthew G. Schuenke
Village Administrator



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Monday, May 6, 2019

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Matt Schuenke,
Village Administrator

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding revisions to Chapter 29 on Harassment within the Personnel Policy Manual.

PREVIOUS ACTION:

The Committee has discussed this issue over the course of several meetings since December of 2017.

The Committee also looked at a revised version of this policy at its meeting on March 4, 2019.

ISSUE SUMMARY:

Please find enclosed an updated Chapter 29 of the Personnel Policy Manual on Harassment which includes revisions prepared by the Village's labor attorney. Changes listed in red are from the Attorney and those presented in blue are from the Village Administrator from the last meeting. A short description behind the basis for these changes from the Attorney is also provided. These most current changes build upon the work that we did at our last meeting when this was discussed last. A marked up and clean copy are provided for review. If agreeable, the revised version can be forwarded to the Village Board for consideration as part of the process to grant final approval. Then we can begin the process through our insurance provider to arrange for training as was desired.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

McFarland Personnel Policy Manual

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Presented for discussion and action, if desired, to make a recommendation to the Village Board.



ATTACHMENTS:

1. McFarland PPM - Chapter 29 Harassment 03182019 jph REDLINE
2. McFarland PPM - Chapter 29 Harassment 03182019 jph CLEAN
3. Email from Labor Attorney 03182019

CHAPTER 29 – UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION

29.01 Harassment Policy Purpose

The Village is committed to providing a professional work environment. This means that the Village will not tolerate any form of unlawful harassment, discrimination, or retaliation, including conduct as defined in this policy directed at an employee or applicant for employment because of his or her sex (including sexual orientation, gender identity, transgender status, and pregnancy), race, color, national origin, age, ancestry, disability/handicap, religion, creed, ancestry, genetic information or history, marital status, participation in the military reserve and veteran status, arrest and conviction record, or any other legally protected characteristic.

The purpose of this policy is to provide procedures for reporting, investigating and resolving complaints of unlawful harassment, discrimination and retaliation. The Village will not tolerate unlawful harassment, discrimination or retaliation by any employee, elected or appointed officeholder, or non-employees who conduct business with the Village. The Village considers harassment, discrimination and retaliation of others to be forms of serious misconduct worthy of discipline up to and including termination or removal, and other remedial response designed to end the prohibited behavior.

This means that the Village will not tolerate any form of harassment as defined in this policy directed at an employee, customer, visitor, or vendor because of his or her sex, race, color, national origin, age, ancestry, disability/handicap, religion, sexual orientation, or any other legally protected characteristic(s) as prescribed under State and Federal law. Individuals protected under this policy include all employees and applicants. Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) will be investigated in accordance with this policy under the authority of the Village Board.

29.02 Discrimination

Discrimination may include, but is not limited to, any negative conduct or action: (1) directed toward or about any employee; or (2) taken with respect to any employee because of that employee's race, color, religion, age, sex, national origin, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law.

29.03 Sexual Harassment

Sexual harassment may include, but is not limited to, any unwelcome or unwanted sexual advances, requests for sexual favors, or other acts of a sexual or sex-based nature between members of the same or opposite sex where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Commented [JPH1]: Matt, I have restored or provided some different recommended language below. We strongly recommend against taking a limited approach to harassment prevention that fails to actively address retaliation and discrimination. This policy provides guidance but is also a defense. More robust and explicit policies are now expected and looked for by agencies and courts. It is understood that more explicit training is planned to be addressed but a clear statement of principle and practice is also a necessary deterrent. While I understand that the Committee is favoring very limited language, the defense a more robust policy offers is highly recommended. So, I cannot recommend the limited language you offered.

Commented [MS2]: How does this chapter apply to those individuals covered under the Police and Fire Commission? Same question for Library Employees.

Commented [JPH3R2]: Matt,- We will want this policy to apply to police and fire and also library employees. The library may have its own policy but because ultimately, the liability is the Village's you will want all employees of the Village to fall under this policy. It is within the reasonable rulemaking of the Village.

Sexual harassment is not limited to sexual advances or expressions of sexual desire. It may also include expressions of hostility or dislike or other inappropriate conduct toward another based on that individual's sex or gender. The offender or victim of sexual harassment may be of any gender and sexual harassment can occur between persons of the same or opposite gender.

29.04 Discriminatory Harassment

Discriminatory harassment may include, but is not limited to, any conduct relating to an individual's race, color, religion, age, national origin, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law, where the conduct: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Examples of inappropriate or offensive conduct, prohibited harassment or discrimination include, but are not limited to:

- Unwanted sexual advances, flirtations, innuendo, explicit sexual propositions or demands for sexual favors in exchange for favorable treatment or continued employment.
- Threats or insinuations that the individual's employment, wages, promotional opportunities, job or shift assignments or other conditions of employment may be adversely affected by not submitting to sexual advances.
- Sexually oriented kidding, teasing, practical jokes or horseplay, jokes about gender specific traits, sexually suggestive or obscene body language or gestures.
- Display of sexually suggestive, obscene or offensive printed or visual material including viewing or displaying such material on a computer via the Internet, e-mail or other electronic means.
- Physical contact, such as touching, patting, pinching or brushing against another's body.
- Teasing or jokes referring to race, national origin, ethnicity, age, or any other protected characteristic.
- Vulgar, obscene or other inappropriate language.
- Referring to an individual's race, age, physical or mental condition, particularly when making decisions affecting the individual in the workplace or which affect the individual's ability to perform his or her job.

This list describing discrimination, harassment and inappropriate conduct is not exhaustive. Because inappropriate conduct is not on this list does not mean the conduct is not harassing, discriminatory or inappropriate. The Village retains the right in all situations to discipline an employee we find has engaged in harassing, discriminatory, retaliatory or other inappropriate conduct regardless of whether the conduct is specifically described above.

29.05 Retaliation

Retaliation against any employee for filing a harassment, discrimination or retaliation complaint, or for assisting, testifying or participating in the investigation of such a complaint, is prohibited by the Village and may be prohibited by state and federal law.

Retaliation is a form of misconduct. Employees who are found to have retaliated against a complainant or witness will be subject to discipline separate from, and in addition to, any discipline determined to be appropriate as a result of the Village's findings on the initial complaint. Because of the Village's commitment to prohibiting retaliatory behavior, employees should expect that consequences for retaliation will likely result in discipline up to and including discharge.

29.02 Sexual Harassment

~~(1) Unwelcome conduct of a sexual nature constitutes sexual harassment if any of the following apply:~~

- ~~(a) Submission to such conduct is explicitly or implicitly made a term or condition of employment; or~~
- ~~(b) Submission to or rejection of such conduct affects decisions affecting employment; or~~
- ~~(c) Such conduct has the purpose or effect of creating a sexually hostile work environment.~~

~~(2) The following are examples of unwelcome conduct that could violate this policy:~~

- ~~(a) Sexual advances or requests for sexual favors;~~
- ~~(b) Verbal conduct of a sexual nature, e.g., comments about an individual's body, physical attributes, sexual activities, etc.;~~
- ~~(c) Displays of a sexual nature, e.g., calendars, photographs, magazines, etc.;~~
- ~~(d) Offensive sexual jokes.~~

29.03 Other Kinds of Harassment that are Prohibited

The Village's policy is to provide an atmosphere free from discrimination, intimidation, ridicule and insult, based on sex, race, color, national origin, age, ancestry, disability/handicap, religion, sexual orientation, or any other legally protected characteristic(s). For example, unwelcome jokes concerning an individual's age are unacceptable. The use of racial or ethnic epithets, or derogatory slurs, or unwelcome jokes concerning an individual's sex, race, color, national origin, age, ancestry, disability/handicap, religion, sexual orientation, or any other legally protected characteristic(s) are likewise unacceptable.

29.064 Reporting Procedures

(1) Whenever an employee perceives conduct to be harassing or discriminatory, several options are available to address the problem.

- (a) Any employee experiencing or observing harassment, discrimination, or retaliation is encouraged, but not required, to inform the person that his or her actions are unwelcome and offensive and that the person should stop such behavior. This initial contact can be either verbal or in writing. The employee should document all incidents in order to provide the fullest basis for investigation if needed. In circumstances where it will not jeopardize personal safety or welfare, the employee may choose to resolve the matter independently by bringing the offending behavior to the attention of the individual in question and requesting that the offensive behavior be stopped.
- (b) The employee may file a complaint by promptly reporting the conduct to your Supervisor, another Supervisor, Human Resources or any executive officer of the Village. Any employee who believes that he or she is being harassed, discriminated, or retaliated against, or who witnesses such conduct is expected to report the incident as soon as possible to their immediate Supervisor. This is so that necessary preventive steps can be considered and taken to end any prohibited harassment, discrimination, or retaliation, and so that appropriate investigation and correction may be started. Supervisors receiving reported incidents of harassment shall notify their immediate Supervisor and the Village Administrator.
- (c) Any employee who believes that he or she is being harassed, discriminated, or retaliated against or who witnesses such conduct, and has reported this conduct to their immediate Supervisor, may also report the incident as soon as possible to the following individuals if no or unsatisfactory action was taken by the Supervisor to address the harassment alleged:
 - 1. Village Administrator;
 - 2. Village Clerk/Treasurer;
 - 3. Village Chief of Police;
 - 3. Village Board President or Village Administrator, if such conduct is engaged in by an elected or appointed officeholder of the Village; and/or
 - 4. Village Board President or Chief of Police, if such conduct is engaged in by the Village Administrator.

(2) ~~If a Village employee who becomes is you are aware of that another employee or customer who they you believe is being harassed in violation of this policy, the employee shall promptly report their those your concerns as described in the immediately preceding paragraph. All employees, whether victims of harassment or not, are expected to bring violation of this policy to the attention of the Village by informing one of the individuals described above.~~

(3) Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) should also be reported.

~~If a customer or customer's employee treats you or another employee in a manner that might violate this policy, promptly report the concerns as if a Village employee or agent did the harassment.~~

The Village will determine the appropriate course of action to promptly and thoroughly address the complaint, including any immediate remediation of the behavior. The Village may initiate an investigation or have the victim and the accused engage in conciliatory efforts to resolve the matter if acceptable to the victim.

29.0507 The Conciliation Process

(1) The conciliation process is a means to address potentially ~~EEO-related~~ complaints and concerns under this policy quickly and in an informal manner. This process is not appropriate for all situations and will not resolve all issues. It may be initiated before or after the employee has filed an internal complaint. The conciliation process is voluntary, and may be used only when agreed upon by the parties directly concerned: the complainant(s), management, and the accused respondent(s).

(2) Conciliation seeks to resolve problems by allowing the affected parties to present their issues and then assisting them in arriving at effective, reasonable solutions agreeable to all. When solutions have been identified, management will follow up to ensure that the implementation has been carried out and is effective

29.0608 Internal Investigation of Harassment Complaint and Investigation Process

(1) ~~Any Village employee may file a complaint either verbally or in writing. Employees are not required to discuss their complaints with their direct supervisors. This internal informal complaint process is not meant to be a substitute for an employee's right to file a formal complaint with either the Equal Rights Division or the Equal Employment Opportunity Commission.~~

(2) If it is determined that an investigation is required, the investigation will be conducted promptly, thoroughly and impartially. The investigation of harassment complaints will normally be conducted by the Village Administrator and /or the Village's labor attorney or a designee.

~~The confidentiality of complaints will be maintained to the extent possible under the circumstances and consistent with the need to conduct an adequate investigation.~~ (3) The confidentiality of the investigation, the identity of the individual who submits a report, witnesses

Commented [MS4]: Would you advise we create a form for people to use to file written complaints? Or maybe we have a form for those taking the complaint to fill out in order to collect necessary information, like an intake report or something.

Commented [JPH5R4]: One of the issues about a form is that supervisors will tend to limit the information they get to the form and may not get all the information needed. So, if you have one, it should basically be very open ended.

and the target of the complaint will be maintained throughout the investigatory process to the extent consistent with a thorough and impartial investigation.

Employees who participate in the investigation will be directed to keep such information in confidence.

(4) Private interviews will be conducted with the person filing the complaint, the alleged victim of the behavior (if different), the accused employee(s), and any witnesses.

(5) Findings will be documented and maintained in a secure location. Such records will not become part of a personnel file unless discipline is administered or an employee's status is changed as a result of the complaint being filed.

(6) When the investigation is complete, to the extent appropriate, the person filing the report, the alleged victim (if different), and the person alleged to have committed the harassment will be informed of the findings.

(7) The Village will take immediate and proportional corrective action designed to end any prohibited behavior occurring, which may include appropriate disciplinary action, up to and including termination.

(8) The complainant or employees accused of harassment may file an appeal with the Village Administrator or the Village Board President if they disagree with the investigation or disposition.

29.079 External Formal Complaint Procedures

The internal complaint process is not meant to be a substitute for an employee's right to file a formal complaint with either the Equal Rights Division or the Equal Employment Opportunity Commission. However, the filing of a complaint with one of these external agencies does not relieve the employee of the responsibility to also file an internal complaint pursuant to the Village's anti-harassment policy. The Village has a responsibility under the law to investigate claims of harassment and to take appropriate remedial measures, and is unable to do so unless the matter is brought to our attention through our own, internal complaint procedure.

Additional procedures for reporting complaints of harassment are available to employees through:

The Equal Rights Division, Department of Workforce Development, 201 East Washington Avenue, P.O. Box 8928, Madison, WI 53708, Telephone: (608)266-6860. will accept formal complaints based on race, color, age (over 40 with no upper age limit), gender, disability, national origin or ancestry, and religious beliefs or convictions. This agency is the only one to accept complaints regarding different treatment based on sexual orientation, arrest or conviction record, marital status, political affiliation or military service. File within 300 days of the last violation.

Commented [JPH6]: This can be requested but not required. So, due to agency approach to this, it is not recommended.

Commented [JPH7]: State law does not limit the definition of personnel file to disciplinary action. If employment status is affected, the documents may be part of the personnel file.

The U.S. Equal Employment Opportunity Commission, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203, Telephone: (414)297-1111. ~~_will accept complaints based on race, color, age (40-70), gender, disability, national origin or ancestry, religious beliefs or convictions.~~ File within 300 days of the last violation.

~~If an employee exercises the option of reporting to either of the above external agencies, a copy of their complaint must be filed with the Village Clerk within 24 hours of the filing with an external agency.~~

~~29.08 No Retaliation~~

~~There will be no retaliation against anyone who, in good faith, makes a report of a violation of this policy or who assists in the investigation of such a complaint. Any Village employee who retaliates against another employee for making a complaint under this policy will be subject to appropriate disciplinary action.~~

~~29.09 Violation of This Policy~~

~~Appropriate action will be taken against any employee found to have violated this policy. Such actions can range from warning, suspension, reduction in pay, demotion, to termination of employment. In the case of customer harassment, the Village will act promptly to remedy the harassment and prevent further occurrences.~~

CHAPTER 29 – UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION

29.01 Purpose

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The purpose of this policy is to provide procedures for reporting, investigating and resolving complaints of unlawful harassment, discrimination and retaliation. The Village will not tolerate unlawful harassment, discrimination or retaliation by any employee, elected or appointed officeholder, or non-employees who conduct business with the Village. The Village considers harassment, discrimination and retaliation of others to be forms of serious misconduct worthy of discipline up to and including termination or removal, and other remedial response designed to end the prohibited behavior.

Individuals protected under this policy include all employees and applicants. Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) will be investigated in accordance with this policy under the authority of the Village Board.

29.02 Discrimination

Discrimination may include, but is not limited to, any negative conduct or action: (1) directed toward or about any employee; or (2) taken with respect to any employee because of that employee's race, color, religion, age, sex, national origin, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law.

29.03 Sexual Harassment

Sexual harassment may include, but is not limited to, any unwelcome or unwanted sexual advances, requests for sexual favors, or other acts of a sexual or sex-based nature between members of the same or opposite sex where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

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Examples of inappropriate or offensive conduct, prohibited harassment or discrimination include, but are not limited to:

- Unwanted sexual advances, flirtations, innuendo, explicit sexual propositions or demands for sexual favors in exchange for favorable treatment or continued employment.
- Threats or insinuations that the individual's employment, wages, promotional opportunities, job or shift assignments or other conditions of employment may be adversely affected by not submitting to sexual advances.
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- Display of sexually suggestive, obscene or offensive printed or visual material including viewing or displaying such material on a computer via the Internet, e-mail or other electronic means.
- Physical contact, such as touching, patting, pinching or brushing against another's body.
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Retaliation is a form of misconduct. Employees who are found to have retaliated against a complainant or witness will be subject to discipline separate from, and in addition to, any discipline determined to be appropriate as a result of the Village's findings on the initial complaint. Because of the Village's commitment to prohibiting retaliatory behavior, employees should expect that consequences for retaliation will likely result in discipline up to and including discharge.

29.06 Reporting Procedures

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- (b) Any employee who believes that he or she is being harassed, discriminated, or retaliated against, or who witnesses such conduct is expected to report the incident as soon as possible to their immediate Supervisor. This is so that necessary preventive steps can be considered and taken to end any prohibited harassment, discrimination, or retaliation, and so that appropriate investigation and correction may be started. Supervisors receiving reported incidents of harassment shall notify their immediate Supervisor and the Village Administrator.
- (c) Any employee who believes that he or she is being harassed, discriminated, or retaliated against or who witnesses such conduct, and has reported this conduct to their immediate Supervisor, may also report the incident as soon as possible to the following individuals if no or unsatisfactory action was taken by the Supervisor to address the harassment alleged:
 - 1. Village Administrator;
 - 2. Village Clerk/Treasurer;
 - 3. Village Board President or Village Administrator, if such conduct is engaged in by an elected or appointed officeholder of the Village; and/or
 - 4. Village Board President or Chief of Police, if such conduct is engaged in by the Village Administrator.

(2) An employee who becomes aware that another employee is being harassed, shall promptly report those concerns as described in the immediately preceding paragraph. All employees, whether victims of harassment or not, are expected to bring violation of this policy to the attention of the Village by informing one of the individuals described above.

(3) Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) should also be reported.

The Village will determine the appropriate course of action to promptly and thoroughly address the complaint, including any immediate remediation of the behavior. The Village may initiate an investigation or have the victim and the accused engage in conciliatory efforts to resolve the matter if acceptable to the victim.

29.07 The Conciliation Process

(1) The conciliation process is a means to address potentially complaints and concerns under this policy quickly and in an informal manner. This process is not appropriate for all situations and will not resolve all issues. It may be initiated before or after the employee has filed an internal complaint. The conciliation process is voluntary, and may be used only when agreed upon by the parties directly concerned: the complainant(s), management, and the accused.

(2) Conciliation seeks to resolve problems by allowing the affected parties to present their issues and then assisting them in arriving at effective, reasonable solutions agreeable to all. When solutions have been identified, management will follow up to ensure that the implementation has been carried out and is effective

29.08 Harassment Complaint and Investigation Process

(1) A Village employee may file a complaint either verbally or in writing. Employees are not required to discuss their complaints with their direct supervisors.

(2) If it is determined that an investigation is required, the investigation will be conducted promptly, thoroughly and impartially. The investigation of harassment complaints will normally be conducted by the Village Administrator and /or the Village's labor attorney or a designee.

(3) The confidentiality of the investigation, the identity of the individual who submits a report, witnesses and the target of the complaint will be maintained throughout the investigatory process to the extent consistent with a thorough and impartial investigation.

(4) Private interviews will be conducted with the person filing the complaint, the alleged victim of the behavior (if different), the accused employee(s), and any witnesses.

(5) Findings will be documented and maintained in a secure location. Such records will not become part of a personnel file unless discipline is administered or an employee's status is changed as a result of the complaint being filed.

(6) When the investigation is complete, to the extent appropriate, the person filing the report, the alleged victim (if different), and the person alleged to have committed the harassment will be informed of the findings.

(7) The Village will take immediate and proportional corrective action designed to end any prohibited behavior occurring, which may include appropriate disciplinary action, up to and including termination.

(8) The complainant or employees accused of harassment may file an appeal with the Village Administrator or the Village Board President if they disagree with the investigation or disposition.

29.09 External Complaint Procedures

The internal complaint process is not meant to be a substitute for an employee's right to file a formal complaint with either the Equal Rights Division or the Equal Employment Opportunity Commission. However, the filing of a complaint with an external agency does not relieve the employee of the responsibility to also file an internal complaint pursuant to the Village's anti-harassment policy. The Village has a responsibility under the law to investigate claims of harassment and to take appropriate remedial measures, and is unable to do so unless the matter is brought to our attention through our own, internal complaint procedure.

Additional procedures for reporting complaints of harassment are available to employees through:

The Equal Rights Division, Department of Workforce Development, 201 East Washington Avenue, P.O. Box 8928, Madison, WI 53708, Telephone: (608)266-6860. File within 300 days of the last violation.

The U.S. Equal Employment Opportunity Commission, 310 West Wisconsin Avenue, Suite 800, Milwaukee, WI 53203, Telephone: (414)297-1111. File within 300 days of the last violation.

From: [Jill Pedigo Hall](#)
To: [Matt Schuenke](#)
Date: Monday, March 18, 2019 12:38:01 PM
Attachments: [McFarland PPM - Chapter 29 Harassment 03082019 \(JPh suggested revisions\).DOCX](#)

Matt,

I attach the track change version of the policy. Because I moved provisions, it will seem that more has been changed than is reflected. As I indicated, I did make additions back into the policy. As I indicated in my earlier email, a more robust policy is now needed for defense. Notably, the agencies, and especially the EEOC looks for some basics in policies, including a statement of no tolerance for such conduct, sufficient examples, assurances of prompt action, greater assurances of confidentiality to the extent possible. I believe it is important to highlight retaliation and bring it up front instead of at the end because, as I said, it is claimed in significant volume at the agencies. Please see that attached. You may also want to view it with no tracking to better view it.

Please let me know when you would like to discuss this. I am also including the link to the EEOC Study on Harassment that forms their basis for reviewing policies and anti-harassment programs now. (See Appendix B but also the discussion in the report on policies.)

https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm#_Toc453686309

Best regards,

Jill

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