

Thursday, September 15, 2022

11:30 AM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public is strongly encouraged to watch and participate in these meetings remotely through either the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

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Webinar ID: 848 3977 4014

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
 - a. This is an opportunity for members of the public to address the Personnel Committee. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the Committee may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the Committee for their consideration. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to village.clerk@mcfarland.wi.us to be included as part of the meeting.
3. APPROVAL OF MINUTES.
 - a. Motion to approve the minutes of the August 16, 2022 meeting.
4. BUSINESS.
 - a. Discussion and recommendation of the creation and addition of Chapter 37, Remote Work, to the Personnel Policy Manual.
 - b. Discussion and recommendation on amendment of Chapter 4, Transactions and Records Management, of the Personnel Policy Manual.
 - c. Discussion and recommendation on amendment of Chapter 22, Military Leave, of the Personnel Policy Manual.
 - d. Discussion and recommendation on amendment of Chapter 29, Unlawful Harassment, Discrimination and Retaliation, of the Personnel Policy Manual.
5. SCHEDULE NEXT MEETING DATE.
 - a. Tuesday, September 27, 2022 at 11:30 am.

b. Tuesday, October 18, 2022 at 11:30 am.

c. Tuesday, November 15, 2022 at 11:30 am.

6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

VILLAGE OF MCFARLAND
Personnel Committee Minutes
Tuesday, August 16, 2022 - 11:30 AM

1. CALL TO ORDER, ROLL CALL.

President Carolyn Clow called the meeting to order at 11:38 a.m.

2. PUBLIC APPEARANCES.

- a. *This is an opportunity for members of the public to address the Personnel Committee. Please remember this is a virtual meeting conducted through the Zoom online meeting platform. Zoom meeting attendees wishing to address the Committee may do so using the Question and Answer feature within the Zoom online meeting platform. You may state your name, address, and provide your comments to the Committee for their consideration. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. Members of the public may speak during public appearances or during their selected agenda item as they designate on the public comment form. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to village.clerk@mcfarland.wi.us to be included as part of the meeting.*
None.

3. APPROVAL OF MINUTES.

- a. *Motion to approve the minutes of the June 7, 2022 meeting.*
Motion by President Carolyn Clow, second by Trustee TJ Jerke, to approve the minutes of the June 7, 2022 meeting. Motion carries 2 - 0 - 0 by acclamation.

4. BUSINESS.

- a. *Discussion and recommendation on amending section 14.04 of the Personnel Policy Manual regarding the Village's background check process.*
Clerk/Treasurer Suettinger provided history of the current background process, and rationale for transitioning the background check duties to the HR Generalist. She noted the changes will allow the Village to be more efficient and align with best practices to reduce liability.

Motion by President Carolyn Clow, seconded by Trustee Ed Wreh, to recommend approval to amend section 14.04 of the Personnel Policy Manual regarding the Village's background check process. Motion carries 2 - 0 - 0 by acclamation.
- b. *Discussion and action to make a recommendation to the Village Board regarding changes to the Village Code of Ordinances to create the Deputy Village Administrator position and revise the Village Administrator position.*
Village Administrator Schuenke provided an overview of the proposal to amend the Village Code of Ordinances to add a Deputy Administrator position within the Village as recommended in the 2021 Compensation and Classification study. With the creation of a HR Generalist in the Administration Department, the change aligns the Personnel

Policy Officer duties with the Deputy Administrator and Village Administration Department.

The Committee recommended inclusion of reference in the Village Administrator job description regarding forecasting operating costs.

Motion by President Carolyn Clow, second by Trustee TJ Jerke, to recommend to the Village Board approval regarding changes to the Village Code of Ordinances to create the Deputy Village Administrator position and revise the Village Administrator position. Motion carries 2 - 0 - 0 by acclamation.

- c. Discussion and action to make a recommendation to the Village Board regarding the creation of a job description for the Deputy Administrator/Clerk position and revisions to the existing job description for the Administrator position.

Motion by President Carolyn Clow, second by Trustee TJ Jerke, to recommend to the Village Board regarding the creation of a job description for the Deputy Administrator/Clerk position and revisions to the existing job description for the Administrator position as presented in the packet. Motion carries 2 - 0 - 0 by acclamation.

- d. Discussion and recommendation on creation of a Village wide Organizational Chart.

Motion by President Carolyn Clow, second by Trustee TJ Jerke, to recommend approval on creation of a Village wide Organizational Chart. Motion carries 2 - 0 - 0 by acclamation.

- e. Discussion and recommendation on updates to the Administration Department Organizational Chart.

Motion by President Carolyn Clow, second by Trustee TJ Jerke, to recommend approval on updates to the Administration Department Organizational Chart. Motion carries 2 - 0 - 0 by acclamation.

- f. Discussion and recommendation to the Village Board regarding amendment to Chapter 3 of the Personnel Policy Manual regarding Organization and Administration.

Motion by President Carolyn Clow, second by Trustee TJ Jerke, to recommend to the Village Board approval regarding amendment to Chapter 3 of the Personnel Policy Manual regarding Organization and Administration. Motion carries 2 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

- a. Tuesday, September 6, 2022 at 11:30 am.
- b. Tuesday, September 27, 2022 at 11:30 am.
- c. Tuesday, October 18, 2022 at 11:30 am.

6. ADJOURNMENT.

Motion by Village Trustee Edward Wreh, second by Village Trustee TJ Jerke, to adjourn at 12:54 p.m.

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,
Cassandra Suettinger
Deputy Administrator/Clerk

McFarland
SUMMARY SHEET

MEETING DATE: Thursday, September 15, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Andrea Anderson, HR Generalist

AGENDA ITEM: Discussion and recommendation of the creation and addition of Chapter 37, Remote Work, to the Personnel Policy Manual.

PREVIOUS ACTION:

None.

ISSUE SUMMARY:

As we are all likely aware, the pandemic in 2020 expedited technology in the work force, and forever changed flexibility within the workplace with the expansion of remote work. In 2020, with the uncertainty of the pandemic, the Village began utilizing remote work as a way to stagger staff and preserve essential duties. Additionally, remote work was used as an option to lessen the hardship of the Village's COVID-19 related workplace policy that prohibited individuals with symptoms, and/or who were positive for COVID-19 from being in the workplace. We now face an environment where remote work is a fairly common practice to provide more flexibility to employees in the workplace. As a result, the Village desires to bring a formal policy forward to allow remote work within the Village.

It is important to note, as with remote work in any organization, it is only available to those employees who can utilize it while still performing a majority of their essential job functions. Overall, the policy provides a process for the utilization of remote work in a way that still allows Village operations to continue and Village IT systems and infrastructure to be protected. The Village is excited to bring forward these changes to be responsive to employees and promote the flexibility employees are looking for from employers.

FINANCIAL/BUDGET IMPACT:

The Village has and will continue purchasing laptops/docking stations for positions that can utilize remote work moving forward. These funds are already budgeted through the annual hardware replacement line of the capital budget.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.



BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion and approval.

Motion to recommend approval of the creation of Chapter 37, Remote Work, to the Personnel Policy Manual.

ATTACHMENTS:

1. PPM Chapter 37 - Remote Work - 9-2022

CHAPTER 37 - REMOTE WORK

37.01 Purpose

This chapter sets forth the policies and practices governing remote work for the Village of McFarland. It is recognized that remote work is a benefit offered by the Village and not a right. The Village has created a policy regarding remote work to recognize the potential efficiency and desirability of a flexible work environment in cases where it makes sense, and the majority of essential job responsibilities and supervisory responsibilities can be performed remotely.

37.02 Policy

All employees who engage in remote work for the Village must follow these remote work guidelines. Please note that remote work arrangements may be temporary, intermittent, and subject to approval and change at the discretion of the Department Head(s) and Deputy Administrator. Remote work is a viable, flexible work option when both the employee and the job are suited to such an arrangement. Remote work may be appropriate for some employees and jobs but not for others. Before entering into any remote work arrangement, the employee and Department Head(s), with the assistance of the Human Resources designee, will evaluate the suitability of such an arrangement paying particular attention to the following areas:

- Job Responsibilities – assessing whether the job responsibilities are appropriate for a remote work arrangement. In order to be eligible for remote work, the employee must be able to perform a majority of the essential job functions while working remotely.
- Employee Suitability – individuals requesting remote work arrangements must have and maintain a satisfactory performance record. Satisfactory performance shall be determined by the Department Head(s) and Human Resource designee in their sole discretion.
- Equipment Needs - work space design considerations, wi-fi speed and accessibility, and equipment/materials issues will be identified by Human Resources and IT.

Any remote work arrangement made will be on a trial basis and may be discontinued at will and at any time at the request of either the remote worker or the Village. Every effort will be made to provide two (2) weeks' notice of such change to accommodate issues that may arise from the termination of a remote work arrangement. There may be instances, however, when no notice is possible.

37.03 Village Policies Remain in Effect

Employees who work remotely must abide by the Village's employment policies, including its Anti-Harassment policy, timekeeping policy, Electronic Communication and Information Systems and all other Village policies and procedures. Failure to do so may result in discipline, up to and including termination.

37.04 Performance Expectations and Work Schedules

An employee who works remotely must meet the Village's standards of professionalism in terms

of communication, job responsibilities, work output, and orientation in the public's interest. Engaging in remote work does not lower or change the amount of time an employee is expected to work, and performance expectations will not change due to remote work. Employees who are working remotely will work their approved normal work schedule during the period of the remote agreement unless an alternate schedule is agreed upon in advance. Once the Village has approved a remote work arrangement, the remote work employee is responsible for maintaining regular contact with his or her supervisor to keep the supervisor apprised of all necessary events or information. The supervisor will determine how often and on what schedule such contact will need to occur. Employees working remotely must respond as soon as possible and are expected to respond to communications within the same workday unless circumstances make it impossible. Employees should communicate with supervisors in advance of scheduling conflicts or daily work tasks that may prevent timely responses to communications from their supervisor, Department Head or Human Resources.

A remote work arrangement is not a replacement for appropriate childcare or an opportunity to do activities other than Village work during regular working hours. Unless authorized by the Deputy Village Administrator or Human Resource Designee, employees may not perform remote work on a flex schedule. Village employees working remotely are expected to be working and available during the employee's agreed upon standard work hours. An employee who is working remotely must remain focused on job performance and meeting the needs of the Village and the community. An employee who is considering or seeking a remote work arrangement is encouraged to discuss expectations of remote work with family members prior to entering into a trial period.

37.05 Equipment Needs, Ownership and Maintenance

The Village will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for a remote work arrangement. The Village will maintain and repair equipment supplied by the Village. Employees will be expected to return equipment to Village Municipal Center for maintenance and repair when necessary. Such equipment remains the property of the Village. The employee must maintain any equipment the employee supplies. The Village accepts no responsibility for damage or repairs to employee-owned equipment. The Village reserves the right to make determinations as to appropriate equipment, subject to change at any time. The Village is not responsible for operating costs such as wi-fi service costs, home maintenance, or other costs incurred by employees in the use of their homes as remote work locations.

37.06 Equipment and Information Security

Consistent with the Village of McFarland's expectations of information security for employees working at the office, remote work employees must ensure the protection of confidential Village and personnel private information accessible from their home office. Remote employees are required to take steps to ensure such protection including, but not limited to the use of locked file cabinets and desks, regular password maintenance, the use of multi-factor authentication and any other measures appropriate for the job and the environment.

Equipment supplied by the Village must be used for Village of McFarland work-related purposes only. Only the Village employee to whom Village equipment is assigned, and who is performing

the remote work may access and use such equipment. Employees are prohibited from allowing family members, or any other individuals, to access or use Village property that is being used for remote work. This includes but is not limited to the Village-supplied computer laptop and any related hardware or software, a Village cellular telephone, and Village records.

Employees' access and connection to the Village's electronic network(s) may be monitored and an employee should have no expectation of privacy in the use of any Village equipment or network(s).

37.07 Remote Work Location and Safety

An employee's remote work location shall be the location that the Village has on file as employee's home address. If an employee wishes to work at an alternate location other than his or her home address, the employee must make an advance request to do so to the employee's supervisor and Human Resources and secure their permission before using the alternate location. Employees are required to maintain their home, or any alternate, workspace free from safety hazards and to follow Village safety policies while working remotely. Injuries sustained by the employee while working in the employee's remote work location, and that are incurred while the employee is conducting regular work duties, are usually covered by the Village's workers' compensation policy. Remote employees are responsible for immediately notifying Human Resources of any injury incurred in the course of employment in accordance with Village worker's compensation procedures. In such an instance, the employee must provide full cooperation, including remote workplace access, to the Village or its insurer in its investigation of any such incident. The Village bears no responsibility or liability for any injuries or damages sustained by visitors to the remote work worksite. The Village also assumes no responsibility for any activity, damage, or injury that is not directly associated with, or resulting from, the remote worker's performance of standard job duties.

37.08 Time Worked

Non-exempt employees working remotely, will be required to accurately record all hours worked using the Village's time-keeping system. Non-exempt remote workers are prohibited from working hours in excess of those scheduled per day, and per workweek, without the advance written approval of the remote worker's supervisor. Failure to comply with this requirement may result in the immediate termination of the remote work agreement or discipline. . Exempt employees will be expected to adhere to the approved schedule from their supervisor for remote work. Failure to do so may result in discipline, up to and including termination.

37.09 Continuity of Village Operations

Village Departments shall be expected to have minimum staffing levels required to provide in-person customer service during all business hours. Unless otherwise approved by the Deputy Administrator or Village Administrator, all departments shall be staffed and able to respond to in-person inquiries Monday through Friday between 8:00 a.m. and 4:30 p.m. each day. Approval of remote work shall not be allowed if minimum staffing and continuity of operations cannot be maintained.

37.10 Applicability of Exemptions for Work After Hours

The following situations shall be exempt from the requirement to obtain approval for remote work:

- 1) Employees attending Village Board, Committee, Authority or Commission meetings outside of normal working hours.
- 2) For exempt employees, this policy shall only be applicable to requests for remote work during the employee's normal work schedule. Work done remotely, after normal working hours, or work taken home with the employee, shall not be subject to this policy and do not require prior approval.

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Thursday, September 15, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Andrea Anderson,
HR Generalist

AGENDA ITEM: Discussion and recommendation on amendment of Chapter 4,
Transactions and Records Management, of the Personnel Policy
Manual.

PREVIOUS ACTION:

ISSUE SUMMARY:

In moving through updates to the Personnel Policy Manual, the staff reviewed Chapter 4, Transactions and Records Management, of the Personnel Policy Manual. It is of note that sections of the manual such as Chapter 4 have not been updated for some time. Over the years, the requirements for records management, Village procedures, and Village personnel structure have all changed. Proposed revisions target these areas and propose to stream line the Chapter to be more concise and aligned with current laws and ordinances.

The proposed modified version of Chapter 4 provided in your packet shows recommended revisions from staff and the Village's labor attorney. It provides the following updates:

- Addition of the Deputy Village Administrator and the HR Generalist positions.
- Revisions from the attorney to address areas that were not needed or required, and proposed straight deletions.
- Elimination of areas of the Chapter related to payroll that are duplicated in other areas.
- Section 4.02(2) was also expanded on to provide more context for what employee requirements are in regards to notification of changes in status or personal information.
- Additional language accounting for requirements for sworn Police staff regarding items required to be retained by the Chief of Police and also reference to new state law requirements that necessitate the sharing of certain personnel related documents.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:



None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion and approval.

Motion to recommend amendment of Chapter 4, Transaction and Records Management, of the Personnel Policy Manual.

ATTACHMENTS:

1. PPM Chapter 4 - Transaction and Records Management - Redlined Version 9-2022

CHAPTER 4 - ~~TRANSACTIONS AND PERSONNEL~~ RECORDS MANAGEMENT

4.01 Purpose

~~This chapter sets forth the basic personnel record keeping requirements and identifies procedures governing accessibility to such records.~~

~~4.02~~ 4.01 Policy

~~It is the policy of the Village to maintain original personnel records in a centralized location at the _____ in the Administration Office for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with Government record keep and reporting requirements. Wisconsin law governing management of personnel records for police and/or fire department employees shall take precedence over this policy.~~

~~The Village Administrator and Village Clerk will Deputy Administrator will develop and maintain an effective personnel transaction procedure and personnel records management system. All appointments, separations, and other personnel transactions will be implemented using forms designated by the Village Deputy Administrator or Human Resource designee. The primary purpose of these systems and procedures will be to:~~

- ~~(1) Establish and maintain clear lines of authority for the processing of personnel transactions and management of personnel records;~~
- ~~(2) Establish and maintain uniform, easily accessible and complete employment records of all Village employees and employee transactions;~~
- ~~(3) Maintain factual data regarding the employment history of all personnel;~~
- ~~(4) Meet a variety of legal requirements.~~

~~4.03~~ 4.02 Responsibility and Authority

- ~~(1) Village Administrator and Village Clerk~~ Deputy Administrator

~~The Village Administrator Deputy Administrator and Village Clerk Human Resource will Designee will:~~

- (a) Establish, maintain and coordinate personnel transactions and records management for all Village employees and positions.
- (b) Establish and maintain a personnel file for each Village employee.
- (c) Advise and assist Department Heads and supervisory personnel in all Village personnel transactions and records management systems and procedures.

- (d) Notify payroll ~~department personnel~~ of all relevant changes.

~~(2) Department Heads~~

~~Department Heads and Supervisory Personnel will:~~

~~Initiate and process personnel transactions affecting their employees using forms provided by the Village Clerk.~~

~~(ab) Submit and approve a time sheet for each employee showing vacation time, sick leave and other forms of leave, overtime, and compensatory time accruals and usage for each pay period and report this information to the Village Clerk within the Village's payroll system.~~

- ~~(c) Notify the Village Clerk of all changes in permanent personnel records including changes in address, insurance coverage, and other relevant information.~~

~~(32) Employee~~

~~Employees will be responsible for notifying the Deputy Administrator or HR Designee in writing of any changes that affect their personal status, status including but not limited to the following changes: changes in~~

- ~~a. Name~~
- ~~b. Address, name, insurance coverage,~~
- ~~c. Marital status (for benefits and tax withholding purposes only)~~
- ~~d. Number of dependents (for benefits and tax withholding purposes only)~~
- ~~e. Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only)~~
- ~~f. Beneficiary designations for any of the Village's insurance, disability or pension~~
- ~~g. Persons to be notified in case of emergency.~~
 - ~~a) qualifying life event changes and other relevant information. Each employee will be responsible for notifying their Department Head of any changes that affect their personal status.~~

43.0403 Personnel Files

(1) A personnel file will be maintained for each person employed by the Village. These files will be maintained by the Deputy Administrator and/or Human Resource Designee ~~Village Clerk unless otherwise required by a Federal or State agency such as the Department of Justice.~~ The active files will consist of the individual files of all persons currently on the Village payroll and those of employees in active employment status. ~~The inactive files will consist of the individual files of all persons formerly employed by the Village.~~

(2) At a minimum, the personnel files of all current employees will contain the following information:

- (a) The full name, date of birth, current address, telephone number and Social Security number of the employee.
- (b) The title of all past and present Village positions held.
- (c) The employee's initial starting date.
- (d) The current salary and salary history of the employee.
- (e) Changes in status.
- (f) The person's original application/resume for employment.
- (g) Any required payroll deduction or withholding authorization forms.
- (h) ~~Payroll records indicating the total number of hours worked per day and per week.~~
- (i) All appropriate fringe benefit enrollment and waiver forms.
- (j) All personnel action forms and official correspondence relative to the person's employment with the Village.
- (k) Any other pertinent information as may be necessary for effective personnel administration and for compliance with Federal law and state statutes.

(4) The Chief of Police shall be responsible for maintaining an additional personnel file containing all items required by the ~~WIDOF~~ Wisconsin Department of Justice and applicable state and federal requirements laws.-

(53) Individual records relating to employee grievances, records of training, and job performance will be maintained for all employees. Any such records, including individual files, will be considered confidential in order to prevent the invasion of privacy and will be made available to:

- (a) The employee;
- (b) An authorized representative of the employee as provided for in 4.05 below;
- (c) The Village President;
- (d) The Village Administrator;
- (e) The ~~Village Clerk~~ Deputy Administrator;

(f) The Human Resource Designee

(fg) The Department Head and immediate supervisor(s) of the employee;

(gh) ~~Authorized Federal and State representatives who have cause to review such records for official reasons. Any other representatives or agencies who have cause and legal authority to review such records.~~

4.05 Employee Access to Personnel Files Access

(1) Employees throughout Wisconsin are governed by State laws guaranteeing their right to inspect and have copies of ~~most~~ personnel records held by their employer. Records open to employees for inspection include any personnel documents which are used, or which have been used in determining that employee's qualifications for employment, promotion, including records used in determining matters like additional transfer, additional compensation, termination or other disciplinary actions and medical records, except when the employer believes that disclosure of an employee's medical records would have a detrimental effect on the employee. In that instance, the Village may choose to release the records through the employee's physician.

As exceptions to this general rule, employees are not entitled to inspect records relating to:

- a) investigations of possible criminal investigations which involve them offenses committed by that employee;
- b) letters of reference, written on their behalf;
- c) any portion of test documents (except cumulative score); used by the employer,
- d) materials used by the employer in planning future actions such as individual salary increases or job assignments information used by the employer for staff management planning purposes;
- e) information of a personal nature about another person; or,
- f) records relating to any pending claim between the employee and employer.
- a) ~~or information of a personal nature about another person. While employees are entitled to inspect their medical records, the employer may choose to release the records through the employee's physician.~~

b) ~~—~~

~~No documents may be removed from individual personnel files without the expressed written permission of the Village Administrator. Copies of documents contained within an individual's personnel file will be provided to the individual or designated authorized representative upon request.~~

(2) ~~— A copy of any material placed in an employee's file that may affect their job performance evaluation will be presented to the employee involved within two (2) days. Receipt or review of such material will be acknowledged by the signature of the employee.~~

(3) ~~Under State law all e~~Employees have a right to inspect and photocopy their personnel records twice during ~~the a~~ calendar year. Inspection must be requested in writing to the Deputy Administrator or HR Designee. An employee may also designate a personal representative to

inspect personnel records on their behalf. The Village ~~will respond to the request, as an employer, is required to provide access to records~~ within seven (7) working days ~~of receipt of the request and schedule the inspection after a request is received from one of its employees, at a time and place that are mutually convenient~~ at a location within the McFarland Municipal Center that is mutually convenient. Such inspection of personnel records will be done in the presence of a designated representative of the Village. The Village reserves the right to assess a reasonable fee for the cost of reproducing any such documents requested.

(4) If an employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the Village and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The Village will attach the employee's statement to the disputed portion of the personnel record. The employee's statement will be included whenever that disputed portion of the personnel record is released to a 3rd party as long as the disputed record is a part of the file.

4.06 Law Enforcement Agency Access

The Village Police Department complies with the procedural requirements of Wisconsin law regarding record sharing of law enforcement candidate personnel files between interviewing and employing agencies.

Other Records

(1) The ~~Village Administrator and Village Clerk~~ Deputy Administrator will be responsible for the generation and maintenance of all Village payroll and leave records including records indicating the total number of hours worked per day and per week by all employees.

(2) All required employer records such as those relating to group occupational safety and equal employment opportunity will be maintained by the ~~Village Administrator and Village Clerk~~ Deputy Administrator and/or Human Resource Designee.

(3) The Deputy Administrator and/or Human Resource Designee will be responsible for the maintenance of all records and documents obtained through the background check process.

4.07 Public Inspection

The public inspection of personnel records will be governed by Wisconsin Statutes and Village Ordinances.

4.08 Destruction of Records

~~Employment records relating to employee hire dates will be kept permanently. Payroll records will be kept for five (5) years. Retention of all Village records shall be in accordance with Village Ordinance Chapter 2, Article IX – Public Records. Applications and examinations may be destroyed in accordance with law.~~

4.09 Medical Records

The Village will maintain all employee medical records, including FMLA, disability accommodation and short-term disability records, -in locked file cabinets, separate from personnel records. Medical records will be maintained by the ~~Village Clerk~~Deputy Village Administrator and/or Human Resource Designee, and kept confidential as dictated by law.

4.10 Reports

The Village Administrator and Deputy Village Administrator will provide the Village Board with appropriate reports and information relating to personnel actions.

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Thursday, September 15, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Andrea Anderson,
HR Generalist

AGENDA ITEM: Discussion and recommendation on amendment of Chapter 22,
Military Leave, of the Personnel Policy Manual.

PREVIOUS ACTION:

ISSUE SUMMARY:

Chapter 22, Military Leave, of the Personnel Policy Manual has not been updated for some time, and is in need of updates.

The proposed modified version of Chapter 22 provided in your packet shows recommended revisions from the Village's labor attorney to bring our policy into compliance with current statutory requirements.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion and approval.

Motion to recommend approval of amendment of Chapter 22, Military Leave, of the Personnel Policy Manual.

ATTACHMENTS:

1. PPM Chapter 22 - Military Leave - Redlined Version 09-2022

CHAPTER 22 - MILITARY LEAVE

22.01 ~~General~~Regular Military Leave

~~(1) (1) —~~ The Village ~~will comply with the~~adheres to all requirements of the ~~Selective Service Act, as amended, and the~~ Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) ~~as they apply to its~~), and consistent with that Act will grant military leave to all eligible full-time and part-time employees.

~~(2) An~~ To be eligible for military leave, an employee ~~intending to use military leave is expected~~must provide advance notice of service obligations to give the Department Head ~~reasonable advance notice of the period during which military duty will be performed and a copy of the~~ and Human Resources designee, ~~unless prevented from providing such notice by~~ military order ~~requiring such duty.~~

22.02 ~~Regular Military Leave~~

~~(1) —~~ A full time ~~necessity, or it is otherwise impossible or unreasonable for the~~ employee ~~who leaves the service of the Village to join the~~ provide such notice.

~~(3) —~~ During an employee's absence for military ~~forces of the United States will be granted a~~ leave, length of service accumulates, and benefits continue as required by applicable law. ~~Provided the employee's absence for military leave without pay. This leave will extend for ninety (90) days beyond the date~~ does not exceed applicable statutory limitations and the employee is relieved from such service. Copies of induction and release papers must be filed on a timely basis with notifies the Village Administrator.

~~(2) —~~ Such ~~of intention to return, the~~ employee will ~~be restored to the position vacated or to a comparable position with full~~ retain reemployment rights ~~without loss of and accrue~~ seniority ~~or and~~ benefits ~~provided that:~~

~~(a) —~~ The employee ~~makes an application in accordance with applicable federal and state laws. Employees who fail to the Village Administrator report for work within ninety (90) days~~ the prescribed time after the date of honorable discharge or fifteen (15) days after rejection for service;

~~(b) —~~ The employee is ~~physically and mentally capable of performing the work of the position with or without reasonable accommodation; and~~

~~(c) —~~ The ~~length~~ completion of military service ~~did not exceed four (4) years unless extended by law.~~

~~(3) —~~ Failure by an employee to notify the Village of their intention to return to work within the ~~allotted time period will be considered as grounds for discharge from to have voluntarily terminated their~~ employment.

22.03 Reserve Military Annual Training Leave

~~(1) — An employee, who by reason of membership is a reservist in the a branch of the Armed Forces or member of the National Guard or any recognized branch of the United States Military Reserve, is ordered by the appropriate authorities to attend a training session or encampment under the supervision of the United States Armed Forces, will be granted a leave of absence from the employee's position without loss of pay for a period not to exceed time off for required military training. Such training time will be paid time off, for up to ten (10) working days in any per calendar year.~~

~~(1) (2) — If, either by the employee's base pay (Village adding compensation to bring the military pay grade and years of service) as a member of the Armed Forces is less than training pay up to the current employee's rate of compensation as a Village employee with the Village, or by the Village providing full regular pay for the training time, whichever is less. To receive any pay for the period, the employee is entitled to receive added compensation from the Village in an amount equal to the difference between the two rates of compensation for the period of time the employee is absent from work. A must provide the Department Head with a copy of the military pay voucher will be used to substantiate base pay earned as a member of the Armed Forces for the training.~~

~~(32) An employee on military leave The Village will not be compensated by the Village pay for only that travel time needed to accommodate the employee's personal preference for a mode of travel when travel time exceeds the amount of time authorized for travel in the military orders order issued to the individual and employee or as reflected on the military pay voucher. Such additional Excess travel time away from work will be charged to vacation, compensatory time or leave without pay.~~

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Thursday, September 15, 2022

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer, Andrea Anderson,
HR Generalist

AGENDA ITEM: Discussion and recommendation on amendment of Chapter 29,
Unlawful Harassment, Discrimination and Retaliation, of the
Personnel Policy Manual.

PREVIOUS ACTION:

ISSUE SUMMARY:

Chapter 29, Unlawful Harassment, Discrimination and Retaliation, of the Personnel Policy Manual was revised and updated quite extensively in the last few years

The proposed modified version of Chapter 29 provided in your packet shows recommended revisions from staff and the Village's labor attorney. The updates account for the addition of the Human Resources Generalist position and provide for the direct reporting of any harassment or discrimination complaints to the Human Resources Generalist instead of the supervisor. This was recommended by the attorney, and supported by staff, to reduce the amount of initial reporting required and to allow for a consistent and confidential reporting structure.

FINANCIAL/BUDGET IMPACT:

None.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion and approval.

Motion to recommend amendment of Chapter 29, Unlawful Harassment, Discrimination and Retaliation of the Personnel Policy Manual.

ATTACHMENTS:

1. Chapter 29 - Unlawful Harassment Discrimination and Retaliation - Redlined Version 09-2022



CHAPTER 29 – UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION

29.01 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.

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.

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 that has been found to have 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.

29.06 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.
- (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 and the Human Resources Generalist.~~ 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 according to Section 29.08. ~~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 and the Human Resources Generalist,~~ may also report the incident as soon as possible to the following individuals if no, or unsatisfactory, action ~~has been~~was taken by ~~the Supervisor~~the Village to address the harassment alleged:

1. ~~Village Administrator;~~

21.. ~~Village Clerk/Treasurer~~Deputy Village Administrator;

32.. Village Board President or Village Administrator, if the allegations regard such conduct ~~is~~ engaged in by an elected or appointed office holder of the Village; and/or

43.. Village Board President, if the allegations regard such conduct ~~is~~ engaged in by the Village Administrator.

(d) An employee who believes he or she is being harassed, discriminated, or retaliated against by an immediate Supervisor, may report the matter to ~~any~~ of the individuals identified in subsection (c).

(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 potential 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 report a complaint either verbally or in writing. Employees are encouraged to follow the process of first reporting their complaints to their ~~Supervisor and Human Resources Generalist, however it is recognized that in some instances, including if their complaint is regarding their supervisor, they may feel the need to report elsewhere solely to Human Resources. In that instance, Employees may be asked for their reasons in choosing to report differently. No Employee will be penalized in any way for making that choice.~~

- (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 Deputy Village Administrator or ~~a designee.~~Human Resources Generalist.
- (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.

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 its attention through the 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.