

Tuesday, December 20, 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:

<https://us02web.zoom.us/j/84839774014>

Or by Telephone: +1 (312) 626-6799

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](mailto: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 November 29, 2022 meeting.
4. BUSINESS.
  - a. Discussion and recommendation on creation of a Requests for Information Regarding Current or Former Employees Policy within the Personnel Policy Manual.
  - b. Discussion and recommendation on amendment to Chapter 23, Family and Medical Leave Laws, of the Personnel Policy Manual.
  - c. Discussion and recommendation on amendment to Chapter 24, Unpaid Leaves of Absence, of the Personnel Policy Manual.
  - d. Discussion and recommendation on amendment to Chapter 27, Ethical Standards for Employees, of the Personnel Policy Manual.
5. SCHEDULE NEXT MEETING DATE.

- a. January 10, 2023, 11:30 am
- b. January 31, 2023, 11:30 am
- c. February 21, 2023, 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](mailto: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, November 29, 2022 - 11:30 AM*

**1. CALL TO ORDER, ROLL CALL.**

Trustee Carrie Nelson called the regular meeting of the Personnel Committee to order at 11:33 am in the Community Room.

**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](mailto:village.clerk@mcfarland.wi.us) to be included as part of the meeting.*

No public present.

**3. APPROVAL OF MINUTES.**

- a. *Motion to approve the minutes of the October 18, 2022 meeting.*

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to approve the minutes of the October 18, 2022 meeting. Motion carries 2 - 0 - 0 by acclamation.

**4. BUSINESS.**

- a. *Discussion and recommendation regarding the job description and classification to create the Utility Maintenance worker position within the Public Works Department.*

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to recommend the job description and classification to create the Utility Maintenance worker position within the Public Works Department. Motion carries 2 - 0 - 0 by acclamation.

- b. *Discussion and recommendation on amendment of Chapter 20, Bereavement Leave, of the Personnel Policy Manual.*

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to recommend the amendment of Chapter 20, Bereavement Leave, of the Personnel Policy Manual, with the change to the verbiage regarding the types of activities bereavement leave may be used for. Motion carries 2 - 0 - 0 by acclamation.

- c. *Discussion and recommendation on amendment of Chapter 31, Private Use of Village Property, of the Personnel Policy Manual.*

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to recommend the amendment of Chapter 31, Private Use of Village Property, of the

Personnel Policy Manual. Motion carries 2 - 0 - 0 by acclamation.

- d. Discussion and recommendation on creation of an accommodation policy within the Personnel Policy Manual.

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to recommend the creation of an accommodation policy within the Personnel Policy Manual. Motion carries 2 - 0 - 0 by acclamation.

**5. SCHEDULE NEXT MEETING DATE.**

a. Tuesday, December 20, 2022 at 11:30 am.

b. Tuesday, January 10, 2023 at 11:30 a.m.

c. Tuesday, January 31, 2023 at 11:30 a.m.

**6. ADJOURNMENT.**

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to adjourn at 12:17 pm. Motion carries 2 - 0 - 0 by acclamation.

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,  
Andrea Anderson  
Human Resource Generalist

  
VILLAGE OF  
**McFarland**  
**SUMMARY SHEET**

**MEETING DATE:** Tuesday, December 20, 2022

**SECTION:** Business

**DEPARTMENT:** Administration

**CONTACT:** Cassandra Suettinger, Deputy Administrator/Clerk, Andrea Anderson, HR Generalist

**AGENDA ITEM:** Discussion and recommendation on creation of a Requests for Information Regarding Current or Former Employees Policy within the Personnel Policy Manual.

**PREVIOUS ACTION:**

**ISSUE SUMMARY:**

In moving through the updates to the Personnel Policy Manual, staff asked the Village Labor attorney to review the extent of our policies as a whole, and to provide us with recommendations as to policies that may be missing from our current manual. It was identified that the manual was missing a policy on how the Village handles requests for information about current or former employees. As a result, the Village desires to bring a formal policy forward regarding Requests for Information Regarding Current and Former Employees. Overall, the policy provides for:

- The process and parameters for the Village's response to requests for information about current or former employees by third parties, such as employment verification and reference requests; and,
- The limitation of release of information to position title, final salary and dates of employment, with the exceptions set forth of when additional information could be provided.

**FINANCIAL/BUDGET IMPACT:**

None.

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

None.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion.

*Motion to recommend approval of creation of a Requests for Information Regarding Current or Former Employees Policy within the Personnel Policy Manual.*

**ATTACHMENTS:**



1. Requests for Info Regarding Current or Former Employees Policy - Final Draft  
12.20.2022

## **CHAPTER XX - REQUESTS FOR INFORMATION REGARDING CURRENT OR FORMER EMPLOYEES**

### **XX.01 Policy.**

During the course of business, it is common to receive inquiries from third parties requesting various information regarding current or former employees. In the event of such an inquiry, it is generally the Village's policy to limit its response to confirm position title, final salary, and dates of employment. However, there may be circumstances when additional information is released under the following circumstances:

- When the employee has specifically authorized in writing the release of information;
- When the Village is legally obligated to provide the information; and,
- When information is needed by vendors which are or may be providing health benefits to employees and disclosure is in compliance with HIPAA privacy laws.

It is also common for current or former employees to identify current and former supervisors and co-workers as references on applications for employment or to request letters of recommendations. The Village supports current and former employees in their efforts to achieve their career goals and will generally respond to such requests. If the employee being asked to serve as a reference is uncomfortable responding to the request or the feedback regarding the employee is sensitive in nature, please contact the Deputy Village Administrator or Human Resources Designee for additional guidance.

There is certain employment information under the Freedom of Information Act (FOIA) and the Open Records Act that the Village is obligated to release. In the event discipline is released to a third party, the employee will be notified in accordance with the requirements outlined in the relevant statutes.

  
**VILLAGE OF**  
**McFarland**  
**SUMMARY SHEET**

**MEETING DATE:** Tuesday, December 20, 2022

**SECTION:** Business

**DEPARTMENT:** Administration

**CONTACT:** Cassandra Suettinger, Deputy Administrator/Clerk, Andrea Anderson, HR Generalist

**AGENDA ITEM:** Discussion and recommendation on amendment to Chapter 23, Family and Medical Leave Laws, of the Personnel Policy Manual.

**PREVIOUS ACTION:**

**ISSUE SUMMARY:**

In moving through updates to the Personnel Policy Manual, staff and the Village's labor attorney reviewed Chapter 23, Family and Medical Leave Laws, of the Personnel Policy Manual. It is of note that this section of the manual has not been updated in some time. Proposed revisions within this chapter provide updates to the following areas:

- Addition of the Deputy Village Administrator and the HR Generalist positions.
- Revision and addition of language to ensure compliance with current laws and statutes.
- Addition of language to address what happens if an employee doesn't return from leave without notification to the Village.
- Addition of language to further clarify when intermittent leave will be permitted.
- Revision of the language regarding return to work and fitness for duty certification.
- Addition of language regarding health insurance benefits and other benefits, including worker's compensation and light duty, during the leave period.

**FINANCIAL/BUDGET IMPACT:**

None.

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

None.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion

*Motion to recommend approval of amendment to Chapter 23, Family and Medical Leave Laws, of the Personnel Policy Manual*

**ATTACHMENTS:**



1. PPM Chapter 23 - FMLA - FINAL DRAFT 12.20.2022

## CHAPTER 23 - FAMILY AND MEDICAL LEAVE LAWS

The Village will follow the requirements of the Federal Family and Medical Leave Act (“FMLA”) and the Wisconsin FMLA. ~~The Wisconsin and Federal FMLA laws differ, and the Village will comply with the more generous provision as required by law.~~ Leave is available for one or a combination of the following circumstances:

<u>TYPE</u>	<u>ELIGIBILITY</u>	<u>MAXIMUM DURATION FOR STATE WISCONSIN LEAVE</u>	<u>MAXIMUM DURATION FOR FEDERAL LEAVE</u>
Personal serious health condition; inpatient hospitalization, chronic condition or continuing care by a physician	Unable to work because of serious health condition	Up to two (2) <u>work</u> weeks per calendar year	Up to twelve (12) <u>work</u> weeks per rolling 12-month period
Birth, adoption, foster care	Birth of a child, placement of child for adoption or as pre-condition to adoption, or foster care placement	Up to six (6) <u>work</u> weeks per calendar year	Up to twelve (12) <u>work</u> weeks per rolling 12-month period
Family serious health condition, inpatient hospitalization, chronic or continuing care by a physician	Necessary to care for spouse, child or parent with serious health condition	Up to two (2) <u>work</u> weeks per calendar year Also covers care for qualifying domestic partners, <u>parent-in-law and parent of qualifying domestic partner</u>	Up to twelve (12) <u>work</u> weeks per rolling 12-month period

<p>Leave to care for a seriously ill or injured military service member or covered veteran within five years of discharge (other than dishonorable) who is a spouse, son or daughter, parent, or next of kin.</p>	<p>Spouse, son, daughter, parent, or next of kin service member or covered veteran has been injured on active duty or aggravated an existing injury by service in the line of duty on active duty, and service member is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness</p>	<p>None</p>	<p>Up to twenty-six (26) weeks per rolling 12-month period <u>beginning on first date of leave</u>, per service member, per injury.</p>
<p>“Qualifying exigency” leave due to employee’s spouse, son, daughter or parent being on or called up for covered active duty in the Armed Forces.</p>	<p>Short-notice deployment to a foreign country, military events and related activities, childcare and school activities, parental care financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities where the employer and employee agree to the leave.</p>	<p>None</p>	<p>Up to 12 weeks per rolling 12-month period, which includes up to 15 days used to spend time with a military member on Rest and Recuperation leave.</p>

1. Eligibility. An employee who has been on the Village payroll for 52 consecutive weeks and who has been paid for 1,000 hours during the ~~preceding~~ calendar year immediately preceding the start of the FMLA leave is eligible for Wisconsin FMLA. An employee who has been employed for 12 months and who has actually worked 1,250 hours during the 12 months before immediately preceding the start of the FMLA leave ~~is requested~~ is eligible for Federal FMLA.
  
2. Method of Calculating Leave Entitlement. The Village uses a rolling 12-month period, measured backward from the date an employee uses any FMLA leave when calculating federal FMLA entitlement. Pursuant to Wisconsin law, entitlement to State FMLA leave will be calculated based on the calendar year. Unless leave is taken on an intermittent or reduced schedule, as set forth below, leave will be taken on a continuous basis. Leave qualifying for both Wisconsin and Federal FMLA leave will count against the employee’s entitlement under both laws and will run concurrently. Federal and Wisconsin FMLA run concurrently, not consecutively. When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee’s entitlements under the Wisconsin and Federal FMLA. When the reason(s) for qualified leave differ, it is possible that the leave might not run concurrently. This type of leave occurrence will be evaluated and reviewed with the employee at the time of the leave request or the leave. In other words, FMLA and worker’s compensation leave will run concurrently to the extent permitted by law. Qualified leave taken under workers

compensation law will also run concurrently with Wisconsin and Federal FMLA.

3. Employee Responsibilities — The Requesting for Family or Medical Leave FMLA Leave. Except in situations where the employee is unable to provide a written request because of the need for emergency health care, the employee must provide ~~his or her supervisor~~ the Human Resources Designee with a written application for FMLA leave prior to the requested commencement of the leave on the “Family and Medical Leave Request Form.” The request ~~shall imustadicate identify the start and end dates of the leave. the date the employee is expected to return to work.~~ In cases where the need for the leave is foreseeable, the request must be made at least 30 days prior to the anticipated leave. If the employee gives less than 30 days notice of the need for leave, the Village may require the employee to explain why it was not practicable to give the 30 days notice. The Village may delay the taking of a requested leave until at least 30 days after the date the employee provides notice when the employee fails to provide proper advance notice, unless the employee was unable to comply because of the need for emergency health care or other reasonable excuse.

In cases of emergency, verbal notice of the need for leave should be given as soon as possible and in accordance with the Village’s applicable absence policy, but in no case later than ~~threetwo~~ working days after the need for FMLA leave has become apparent. Calling in sick, without providing additional information, is not sufficient notice of the need for ~~F~~ federal FMLA leave.

If an employee has been out for three or more days in a row, or if the Village has information that the employee is out for an FMLA-qualifying reason but has not requested FMLA leave, the Village may require the employee to complete an FMLA Request Form and Medical Certification so the leave may be properly designated. Alternatively, if the Village has reliable information indicating that the employee is out for an FMLA-qualifying reason, -and has not requested leave, the Village may designate the lease as FMLA and will notify the employee of the same.

The Village may also retroactively designate FMLA leave when it later learns that certain leave was FMLA-qualifying. The employee is to advise the supervisor if his or her return date changes. If an employee is unable to return to work on the date originally authorized, then the employee may submit a written request for an extension of the leave in advance of its expiration. If, after three (3) full consecutive work days of the date following the expiration of the leave of absence, the employee has not requested an extension or returned to work, then this will be considered job abandonment by the employee and their employment with the Village will be terminated. The Village recognizes that there are limited instances where an employee may be unable to communicate with the Village regarding an unauthorized absence from work, such as in an emergency medical situation. In these events, the Village will give due consideration to those particular circumstances.

~~The employee who overstays a leave of absence will be considered to have voluntarily terminated unless the employee was unable, due to a health care emergency, to notify the employer.~~

Leave may only be used for its intended purpose as permitted by law. Misuse of FMLA leave

is disruptive, inefficient, detrimental to the interests of the Village and others, and may subject an employee to discipline up to and including discharge when the Village has ~~even an honest~~ reasonable suspicion that FMLA is not used for its intended purpose.

4. Intermittent or Partial Leave. If an employee requires intermittent leave, then the employee must discuss this request with ~~the Village Administrator~~ Human Resources Designee or the Deputy Village Administrator. Employees generally are permitted to take leave on an intermittent (blocks of time) or reduced work schedule:
- a. When it is medically necessary to care for a family member with a serious health condition or because of the employee's serious health condition.
  - b. When it is necessary to care for a family member or next of kin who suffered an injury or illness while on active duty.
  - c. To care for a newborn, adopted or foster child. Federal FMLA leave for the birth or placement of a child for adoption or foster care may not be taken in non-continuous increments unless approved by the Village. Under the Wisconsin FMLA, the last increment of leave for the birth or placement of a child for adoption must begin within 16 weeks of that birth or placement.

Medical or family caretaking leave should be planned so as not to unduly disrupt Village operations. Employees requesting non-continuous Federal FMLA leave that is foreseeable based on planned medical treatment for purposes of providing care to a child, spouse or parent with a serious health condition, or for the employee's own serious health condition, may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the regular employment position of the employee. An employee temporarily transferred will receive the same pay and benefits, but may be assigned different duties.

The Village generally allows for intermittent leave to be taken in no less than one hour increments. The employee may not take, or be required to take, more leave than medically necessary to address the circumstances that caused the need for the leave.

- 4.5. Medical Certification. When an employee requests medical leave for his or her own health condition, or leave to care for a family member, the employee must provide medical certification from an appropriate health care provider on a form ~~provided~~ approved by the Village. This certification ~~should~~ can be furnished at the time the leave is requested ~~but must~~ and be provided to the Human Resources Designee at most no later than 15 days from the date such medical certification is requested. In the case of unforeseen leave, the certification should be furnished as soon as practical ~~and possible~~. Failure to provide the requested medical certification may result in delay or denial of the leave. This means the absence may then be counted against the employee for purposes of discipline for attendance. Where medical leave is involved, the Village may, at its expense, require the employee or a family member to obtain the opinion of a second health care provider chosen by the Village. If a dispute exists, then a third opinion may be secured. The Village may also request re-certifications on a periodic basis as permitted by law.

6. Return to Work and Fitness for Duty Certification. Any employee returning from FMLA for their own serious health condition must provide a "Fitness for Duty" statement signed by their treating physician. Upon return from FMLA leave, an employee shall be restored to his or her original position or, if the position is not vacant, to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee will not be restored to their original or equivalent position if they are unable to perform the functions of their job because of a mental or physical condition.

~~If leave is due to your serious health condition, you may be required to present certification of fitness for duty upon returning to work.~~

7. Payments on FMLA Leave. In general, both Wisconsin and Federal FMLA leaves are unpaid. The Village requires employees to substitute paid leave for which they are eligible (such as vacation days, personal leave, compensatory time, or sick leave) for unpaid leave available under the Federal FMLA law. The Village will require that any leave provided by a Village collective bargaining agreement be substituted for Federal FMLA leave.

7. When an employee is using Wisconsin FMLA, the employee has the option to substitute any accrued paid leave or unpaid leave during the period of that leave.

~~The Village has a more detailed policy available for employees to review when Employees have questions about leave or if the need for leave arises. Employees must contact Human Resources to review this policy.~~

8. Health Insurance Benefits. Group health insurance coverage will be maintained for employees while they are on FMLA leave, on the same terms as if the employee continued to work. If applicable, the employee will be required to pay his/her regular portion of health insurance premium payments on a schedule determined by the Village.

The Village may recover its share of health insurance premiums paid during a period of unpaid FMLA leave from an employee if the employee fails to return to work (for a minimum of 30 calendar days) after the expiration of the leave. The Village may not collect the premiums if the reason the employee does not return is due to continuation, recurrence or onset of a serious health condition that would entitle the employee to leave under FMLA, or other circumstances beyond the employee's control.

Employees having questions regarding FMLA leave should contact the Deputy Administrator or Human Resources Designee.

The Village may discontinue health insurance benefits if the employee fails to make a premium payment within 30 days of the due date after providing written notice to the employee of the cancellation of coverage for non-payment.

## 9. Other Benefits

Benefits that accumulate based upon hours worked shall not accumulate during the period of FMLA leave. Qualified FMLA leave will not be counted as an absence under the Village attendance policy.

Other Village benefits (dental insurance, mutual funds, income continuation, etc.) may be continued during periods of unpaid FMLA leave, and arrangements should be made for employee's portion of the payments with the Human Resources Designee.

#### **10. Worker's Compensation and Light Duty**

Federal and Wisconsin FMLA will run concurrent with worker's compensation provided that the injury meets the criteria for a "serious health condition", as defined by law. Substitution of accrued paid leave is not allowed for Worker's Compensation absences unless an applicable labor agreement provides otherwise.

If an employee accepts a light duty assignment while on worker's compensation, that time may not count against the employee's family or medical leave entitlement. If the light duty position is declined and the employee elects to stay on FMLA leave, the employee may give up their worker's compensation benefits.

  
**VILLAGE OF**  
**McFarland**  
**SUMMARY SHEET**

**MEETING DATE:** Tuesday, December 20, 2022

**SECTION:** Business

**DEPARTMENT:** Administration

**CONTACT:** Cassandra Suettinger, Deputy Administrator/Clerk, Andrea Anderson, HR Generalist

**AGENDA ITEM:** Discussion and recommendation on amendment to Chapter 24, Unpaid Leaves of Absence, of the Personnel Policy Manual.

**PREVIOUS ACTION:**

**ISSUE SUMMARY:**

In moving through updates to the Personnel Policy Manual, staff and the Village's labor attorney reviewed Chapter 24, Unpaid Leaves of Absence, of the Personnel Policy Manual. It is of note that this section of the manual has not been updated in some time. The Employee Engagement Committee did review this policy and offered feedback on behalf of their department in regards to potential revisions. Proposed revisions within this chapter provide updates to the following areas:

- Addition of the Deputy Village Administrator and the HR Generalist positions.
- Revision and addition of language to ensure compliance with current laws and statutes.
- Revisions to the language regarding granting authority for unpaid leaves of absence that are not required by law or are discretionary in nature.
- Addition of language to address what happens if an employee doesn't return from leave without notification to the Village.
- Revisions to the language regarding benefit status during unpaid leaves of absence.

**FINANCIAL/BUDGET IMPACT:**

None.

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

None.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion

*Motion to recommend approval of amendment to Chapter 24, Unpaid Leaves of Absence, of the Personnel Policy Manual.*

**ATTACHMENTS:**

1. PPM Chapter 24 - Unpaid Leaves of Absence - FINAL DRAFT 12.20.2022



## CHAPTER 24 - UNPAID LEAVES OF ABSENCE

### 24.01 Policy

(1) It is the policy of the Village to grant unpaid leaves of absence ~~of when defined duration when required to do so~~ by law.

(2) ~~Other u~~Unpaid leaves of absence ~~that do not qualify as legally mandated leave – such as FMLA or military leave - are considered a privileged~~ discretionary with the Village, and will be granted only when it is in the best interest of the Village to do so and ~~when if~~ the employee's absence is not likely to impair the ability of the Village to meet its responsibilities.

(3) Unless otherwise specified, the provisions that follow in this policy apply only to discretionary, non-legally mandated unpaid leaves of absence.

### 24.02 General Provisions for Discretionary Leaves of Absence Under this Policy

(1) ~~The n~~Need for and duration of leave is determined on a case-by-case basis. Except as required by law, unpaid leaves of absence will generally not exceed one year in duration.

(2) The employee is expected to fully cooperate and thoroughly communicate with the Village during the leave request process, during the leave, and during the transition at the end of the leave.

(3) Any request for an unpaid leave of absence must be submitted in writing ~~by the requesting employee to~~ the Deputy Village Administrator and HR Designee, as far in advance of the anticipated leave dates as possible. The written request must specify the reason(s) the leave is being requested and the anticipated dates of ~~return~~ leave. Except in unavoidable situations, no unpaid leave of absence will be granted retroactively.

(4) No unpaid leave of absence will be granted unless the employee has first used all available ~~paid time off~~ vacation, personal holiday, sick leave (if appropriate) and compensatory time. ~~except for qualifying military leave and leaves under the Wisconsin or Federal Family and Medical Leave laws,~~

(5) No unpaid leave of absence will extend beyond the amount of time actually needed for the purpose requested.

~~(6) An employee granted an unpaid leave of absence will may not be employed elsewhere during the leave period, except that this provision will not apply to military service or when not applicable by law.~~

(7) If the leave is for medical reasons not qualifying for FMLA protection, then the employee may be required to periodically furnish medical reports from the physician to justify the need for continuing leave. An employee returning from an extended medical leave must furnish a

physician's statement indicating that the employee is able to return to work and to fully resume all essential job duties, with or without reasonable accommodations.

### 24.03 Granting Authority

(1) Unpaid leaves of absence that are not required by law ~~and are thirty (30) consecutive calendar days or less~~ require the approval of the Department Head and the ~~Village Deputy Administrator~~ or Village Administrator, and by the Board if the request for leave is from the Village Administrator.

~~(2) Unpaid leaves of absence that are not required by law and are in excess of thirty (30) consecutive calendar days require the approval of the Village Board in addition to the approval of the Department Head and Village Administrator.~~

(3) Discretionary Unpaid leaves of absences ~~as required by law~~ require the approval of the ~~Village Administrator, and by the~~ Village Board if the request is by the Administrator.

### 24.04 Return to Work from Unpaid Leave of Absence

(1) An employee on an authorized leave of absence may return to the position held at the time the leave of absence begins if the employee remains qualified for the position, or to a similar or lesser position if the position previously held is no longer available.

The Department Head, working with the Human Resource Designees, is responsible ~~to~~ for determine-determining whether a position is available for the employee returning from leave. At the time the employee returns, the returning employee will be given first consideration in filling any other similar or lesser vacant position for which the employee is qualified. If no such position exists at the time the employee returns, then the layoff procedure will apply.

The position of an absent employee will generally not be filled on a permanent basis but can, at the Department Head's discretion, be filled on a temporary basis providing that the compensation paid to a temporary employee does not exceed the amount that would ordinarily be earned by the absent employee. Exceptions to the compensation rule may be granted by the Village Board in extenuating circumstances. ~~The Village Board, after consultation with and agreement by the Deputy Administrator, may authorize filling the position on a permanent basis.~~

(2) With the approval of the Department Head and the ~~Village Deputy Administrator~~ or HR Designee, an employee may elect to return to work before the intended expiration of an unpaid leave of absence. Early return from an extended leave of absence for medical reasons will require supporting information from the employee's medical provider.

(3) If an employee is unable to return to work on the date originally authorized, then the employee may submit a written request for an extension of the leave in advance of its expiration. If, within three (3) ~~calendar~~ full consecutive work days of the date following the expiration of the leave of absence, ~~an~~ the employee has not requested an extension ~~is not requested and granted and or the employee has not~~ returned to work, then this will be considered job abandonment by the

employee and their employment with the Village will be terminated. The Village recognizes that there are limited instances where an employee may be unable to communicate with the Village regarding an unauthorized absence from work, such as in an emergency medical situation. In these events, the Village will give due consideration to those particular circumstances.~~the employee will be considered to have resigned from Village employment.~~

(4) Employees who are on a leave of absence are expected to make reasonable efforts to maintain the level of skills, proficiency, certifications, licenses, and fitness necessary to do the assigned job. Employees must request authorization from the Human Resource Designee~~their Department Head~~ before incurring any costs for maintaining any certifications or licenses.

#### **24.05 Benefit Status During Unpaid Leave of Absence**

(1) Except as noted below, all paid benefits will continue in full force for the first ten (10) businesswork days of an unpaid leave of absence.

(2) After the first ten (10) working days of ~~an a discretionary~~ unpaid leave of absence, the employee will cease to earn vacation and sick leave credits and all other benefits, unless required by law. Employees who want to retain health insurance benefits during an unpaid leave of absence that exceeds ten (10) businesswork days in duration may do so if the employee ~~elects health insurance continuation benefits and~~ assumes the full cost of any premiums due during the leave. Premium payments must be made as required by the insurer.

(3) Holidays and other non-work days occurring during an unpaid leave of absence will be considered as days that are part of the approved period of absence. The absent employee will not be entitled to compensation for holidays that occur during the leave period.

(4) An approved unpaid leave of absence of twelve (12) weeks or less will not be considered a break in service for purposes of determining the level of future vacation eligibility~~F~~.

#### **24.06 Unauthorized Absence**

The effective operation of the Village necessitates that employees cooperate and communicate with the Village when the need for leave arises. An employee who fails to cooperate and communicate with the Village, or is absent from duty without authorization, may be subject to disciplinary action up to and including discharge and will receive no pay for the duration of the absence. The Village is cognizant that limited extenuating circumstances may prevent an employee from timely communicating with the employer, thereby causing an unauthorized absence. Due consideration may be given in such a case.

  
VILLAGE OF  
**McFarland**  
**SUMMARY SHEET**

**MEETING DATE:** Tuesday, December 20, 2022

**SECTION:** Business

**DEPARTMENT:** Administration

**CONTACT:** Cassandra Suettinger, Deputy Administrator/Clerk, Andrea Anderson, HR Generalist

**AGENDA ITEM:** Discussion and recommendation on amendment to Chapter 27, Ethical Standards for Employees, of the Personnel Policy Manual.

**PREVIOUS ACTION:**

**ISSUE SUMMARY:**

In continuing to move through the updates of the Personnel Policy Manual, staff and the Village's labor attorney reviewed Chapter 27, Ethical Standards for Employees, of the Personnel Policy manual. Suggested revisions are fairly minor in nature. The only notable change within this section is the verbiage change from "Code of Ethics" to the "Ethics Code." Otherwise, the proposed revisions are minor and do not alter the content of the policy.

**FINANCIAL/BUDGET IMPACT:**

None.

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

None.

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion.

*Motion to recommend approval of amendment to Chapter 27, Ethical Standards for Employees, of the Personnel Policy Manual.*

**ATTACHMENTS:**

1. PPM Chapter 27 - Ethical Standards for Employees - Final Draft 12.20.2022

## CHAPTER 27 - ETHICAL STANDARDS FOR EMPLOYEES

### 27.01 Purpose

(1) The proper operation of democratic government requires that public officials and public employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure, that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, the Village has established an Ethics Code ~~Code of Ethics~~ for all Village public officials and public employees, whether elected or appointed, paid or unpaid, including members of authorities, boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.

(2) The purpose of the Ethics Code ~~of Ethics is generally is~~ to establish guidelines for ethical standards of conduct for all such public officials and public employees by setting forth those acts or actions that are incompatible with the best interests of the Village and by directing disclosure by such public officials and public employees of private associational, financial, personal or other interests in matters affecting the Village. The Ethics Code ~~of Ethics~~, which is for the guidance of elected and appointed public officials and public employees, is intended to help them avoid conflicts between their personal interests and their public responsibilities, improve standards of public service, and promote and strengthen the faith and confidence of the citizens of the Village in their elected and appointed public officials and public employees. Each elected and appointed Village public official and public employee holds such position as a public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust.

### 27.02 Applicability

All employees are subject to and expected to comply fully with the entirety of Chapter 2, Article VIII – Ethics Code located in ~~of~~ the McFarland Code of Ordinances, ~~the full text of which can be found in the Code of Ordinances.~~ Employees who violate the any provision of the Code ~~of~~ Ethics Code will be subject to the potential sanctions outlined therein.