

Tuesday, January 31, 2023

11:30 AM

McFarland Municipal Center  
Conference Room A

## AGENDA

You are invited to this meeting through a Zoom webinar. The public may attend in-person or remotely through 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 for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. 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. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. 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.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the January 10, 2023 meeting.

4. BUSINESS.

- a. Discussion and recommendation regarding the job description and classification to create the Full-Time and Part-Time Custodian positions within the Public Works Department.
- b. Discussion and recommendation on creation of a Vehicle Use policy within the Personnel Policy Manual
- c. Discussion and recommendation on amendment of Chapter 13, Grievance Policy and Procedure, of the Personnel Policy Manual.
- d. Discussion and recommendation on amendment of Chapter 14, General Conditions of Employment, of the Personnel Policy Manual.
- e. Discussion and recommendation on creation of an Equal Employment Opportunity Policy.

f. Discussion and recommendation on creation of a Benefits policy within the Personnel Policy Manual.

5. SCHEDULE NEXT MEETING DATE.

a. February 21, 2023, 11:30 am

b. March 14, 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, January 10, 2023 - 11:30 AM*

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

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

Members present: Carrie Nelson, TJ Jerke, Edward Wreh

Members not present: None

Staff Present: Andrea Anderson, Cassandra Suettinger, Matt Schuenke

**2. PUBLIC APPEARANCES.**

- a. *This is an opportunity for members of the public to address the Personnel Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. 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. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. 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.*

*Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.*

No public present.

**3. APPROVAL OF MINUTES.**

- a. *Motion to approve the minutes of the December 20, 2022 meeting.*  
Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to approve the minutes of the December 20, 2022 meeting. Motion carries 3 - 0 - 0 by acclamation.

**4. BUSINESS.**

- a. *Discussion and recommendation on creation of a Concealed Weapons and Firearms in the Workplace Policy within the Personnel Policy Manual.*  
Motion by Village Trustee Carrie Nelson, second by Village Trustee Edward Wreh, to recommend the creation of a Concealed Weapons and Firearms in the Workplace Policy within the Personnel Policy Manual. Motion carries 3 - 0 - 0 by acclamation.
- b. *Discussion and recommendation on creation of a Meals Policy within the Personnel Policy Manual*  
Motion by Village Trustee Carrie Nelson, second by Village Trustee Edward Wreh, to recommend the creation of a Meals Policy within the Personnel Policy Manual, with the

change to Section XX.01(1)(a) changing maximum gratuity from 18% to 20%. Motion carries 3 - 0 - 0 by acclamation.

c. Discussion and recommendation on creation of a Travel Policy within the Personnel Policy Manual.

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to recommend the creation of a Travel Policy within the Personnel Policy Manual. Motion carries 3 - 0 - 0 by acclamation.

d. Discussion and recommendation on amendment of Chapter 8, Termination of Employment, of the Personnel Policy Manual.

Motion by Village Trustee Carrie Nelson, second by Village Trustee Edward Wreh, to recommend amendment of Chapter 8, Termination of Employment, of the Personnel Policy Manual with the addition of language to Section 8.08, Exit Interviews, regarding identification of discovered issues that would require escalation to leadership. Motion carries 3 - 0 - 0 by acclamation.

e. Discussion and recommendation on amendment of Chapter 12, Employee Conduct and Disciplinary Action, of the Personnel Policy Manual.

Motion by Village Trustee Carrie Nelson, second by Village Trustee Edward Wreh, to recommend amendment of Chapter 12, Employee Conduct and Disciplinary Action, of the Personnel Policy Manual with potential changes to Section 12.03(3). Motion carries 3 - 0 - 0 by acclamation.

f. Discussion and recommendation on amendment and consolidation of Chapter 19, Sick Leave, of the Personnel Policy Manual and Chapter 10, Sick Leave, of the Compensation and Benefits Manual.

Motion by Village Trustee Carrie Nelson, second by Village Trustee TJ Jerke, to recommend amendment and consolidation of Chapter 19, Sick Leave, of the Personnel Policy Manual and Chapter 10, Sick Leave, of the Compensation and Benefits Manual with the discussed changes to Section XX.04(b) regarding the addition of the word "consecutive" to the three days, and the removal of the language regarding the pattern of illness. Motion carries 3 - 0 - 0 by acclamation.

**5. SCHEDULE NEXT MEETING DATE.**

a. January 31, 2023, 11:30 am

b. February 21, 2023, 11:30 am

c. March 14, 2023, 11:30 am

**6. ADJOURNMENT.**

Motion by Village Trustee Carrie Nelson, second by Village Trustee Edward Wreh, to adjourn at 1:39 pm.

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

Respectfully submitted,  
Andrea Anderson

## Human Resource Generalist

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

**MEETING DATE:** Tuesday, January 31, 2023

**SECTION:** Business

**DEPARTMENT:** Administration

**CONTACT:**

**AGENDA ITEM:** Discussion and recommendation regarding the job description and classification to create the Full-Time and Part-Time Custodian positions within the Public Works Department.

**PREVIOUS ACTION:**

**ISSUE SUMMARY:**

A need has been established to create full-time and part-time custodian positions within the Public Works department to take over the custodial duties for the Village due to the following occurrences:

- Public Works part-time cleaning staff resigned their position.
- Contracted cleaning staff is difficult to maintain with the required Police Department clearances.
- Performance by the contracted cleaning staff at the Municipal Center and the Library is not meeting expectations.
- The new cost of the contracted cleaning staff with the addition of the Public Works facility is much higher than the previous contract.

Given the above constraints and performance issues, Administration and Public Works staff feel the Village would have better control over the completion and quality of the work by taking the custodial duties back in-house with the addition of a full-time and part-time custodian. This would also allow for the custodial employees to be available for assistance with special projects and emergency needs.

Therefore, the Village would like to bring forward the addition of one full-time and one part-time custodian positions to be housed within the Public Works Department.

**FINANCIAL/BUDGET IMPACT:**

**VILLAGE PLAN REFERENCE:**

**ORDINANCE REFERENCE:**

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**



**ATTACHMENTS:**

1. Scoring Worksheet - Custodian 01.25.2023
2. FT Custodian 01.25.2023 - FINAL
3. PT Custodian 01.25.2023 - FINAL

Factor 1: Education		Factor 2: Work Experience		Factor 3: Level of Discretion				
1	20	1	25		Minor	Moderate	Serious	Critical
2	40	2	50	Little	10	20	35	55
3	50	3	75	Some	15	25	45	70
4	60	4	100	Often	25	45	55	80
5	80	5	125	High	45	55	75	100
6	90			Very High	50	60	90	115
7	100							
License/ Certificate	+10							

Factor 4: Policy Development	
1	15
2	30
3	40
4	60
5	75
6	85
7*	100

Factor 5: Planning	
1	35
2	50
3	65
4	80
5	95
6*	110

Factor 6: Contact with Others	
1	15
2	30
3	45
4	60
5	75
6	85
7	100

Factor 7: Work of Others	
No Supv	0
1	10
2	25
3	40
4	65
5	80
6	85
7	95
8	105*

Factor 8: Working Conditions		
1	Office work only. Good working conditions with almost complete absence of physically demanding, unpleasant, strenuous, and/or hazardous elements.	15
2	Minimal external work or occasional exposure to physically demanding, unpleasant, strenuous, and/or hazardous situations.	30
3	Frequent exposure to physically demanding, unpleasant, strenuous, and/or hazardous elements.	45
4	Regular exposure to particularly physically demanding, unpleasant, strenuous, and/or hazardous elements, such as, dealing with inclement weather, operating heavy equipment, etc.	60
5	Continuous exposure to life threatening public safety situations which could jeopardize personal safety.	75

Factor 9: Technology	
1	0
2	10
3	30
4	50
5A	65
5B	65
6	75
7	85

**TOTAL - 295**

\* These responses reserved for the highest-level of organization-wide authority, i.e. the Administrator/Manager



**JOB EVALUATION INSTRUMENT**  
**FACTOR 1: EDUCATION**

This factor measures the minimum level of education required by the job that is normally acquired through formal instruction.

<b>Level</b>	<b>Definition</b>	<b>Point Value</b>
<b>1</b>	Level of knowledge that is below what is normally attained through high school graduation.	<b>20</b>
<b>2</b>	High school degree or equivalent (GED).	<b>40</b>
<b>3</b>	High school, plus elementary technical training, acquired on the job or through one year or less of technical or business school.	<b>50</b>
<b>4</b>	Extensive technical or specialized training such as that which would be acquired by an Associates Degree or two years of technical or business school.	<b>60</b>
<b>5</b>	Completion of four-year college degree program.	<b>80</b>
<b>6</b>	Additional professional level of education beyond a four-year college program, such as a CPA or Professional Engineer (P.E.) training.	<b>90</b>
<b>7</b>	Completion of graduate coursework equal to a Master's Degree or higher.	<b>100</b>
<b>Add on to any level as needed</b>	License or certificate required to perform job duties	<b>10</b>

**JOB EVALUATION INSTRUMENT**  
**FACTOR 2: WORK EXPERIENCE**

This factor measures the amount of work experience an employee would need to possess before assuming full responsibility for the position and performing the work effectively.

Level	Definition	Point Value
1	Less than one year experience is required.	25
2	Between one year and three years experience is required.	50
3	Between four to six years experience is required.	75
4	Between seven to ten years experience is required.	100
5	More than ten years experience is required.	125

**JOB EVALUATION INSTRUMENT**  
**FACTOR 3: INDEPENDENT JUDGMENT & DECISION MAKING**

This factor measures the level of discretion or judgment the individual exercises in making decisions and the potential impact of such decisions or judgments on the overall success of the organization and impact on the community.

Level of Discretion	Potential Impact of Erroneous Decisions or Judgment			
	<b>Minor:</b> Some inconvenience and delays but minor costs in terms of time, money, or public/employee good will.	<b>Moderate:</b> Moderate costs in time, money, or public/employee good will would be incurred. Delays in important projects/schedules likely	<b>Serious:</b> Important goals would not be achieved and the financial, employee, or public relations posture of the Organization would be seriously affected	<b>Critical:</b> Critical goals and objectives of the Organization would be adversely and very seriously affected. Error could likely result in critical financial loss, property damage, or bodily harm/loss of life
<b>LITTLE:</b> Little discretion or independent judgment exercised	<b>10</b>	<b>20</b>	<b>35</b>	<b>55</b>
<b>SOME:</b> Some discretion or judgment exercised, but supervisor is normally available	<b>15</b>	<b>25</b>	<b>45</b>	<b>70</b>
<b>OFTEN:</b> Job often requires making decisions in absence of specific policies and/or guidance from supervisors, but some direct guidance is received from supervisors	<b>25</b>	<b>45</b>	<b>55</b>	<b>80</b>
<b>HIGH:</b> High level of discretion with decisions restricted only by Departmental policies and little direct guidance from supervisors	<b>45</b>	<b>55</b>	<b>75</b>	<b>100</b>
<b>VERY HIGH:</b> Very high level of discretion with decisions only restricted by the broadest policies of the Organization	<b>50</b>	<b>60</b>	<b>90</b>	<b>115</b>

**JOB EVALUATION INSTRUMENT**  
**FACTOR 4: RESPONSIBILITY FOR POLICY DEVELOPMENT**

This factor is a measure of the extent to which the position requires the employee to participate in the development of policies and procedures both within the department and between departments in the organization.

Level	Definition	Point Value
1	Position involves only the execution of policies or existing standard operating procedures.	15
2	May provide some input to supervisor when policies or standard operating procedures are updated.	30
3	Position involves some development of policies/procedures for the Department and/or the interpretation or explanation of departmental policies for others in the organization or residents.	40
4	Position involves significant or primary responsibility for the development of policies and procedures for a division or organizational component of a department, as well as the interpretation, execution and recommendation of changes to department policies.	60
5	Position involves significant or primary responsibility for the development of policies and procedures for an entire department, plus occasional participation in the development of policies which affect other departments in the organization.	75
6	Position involves the primary responsibility for the development of departmental policies and procedures and regular participation in the development of policies that affect other departments and occasionally involves participation in the development of organization-wide policies.	85
7	Position involves primary responsibility for the overall development of organization-wide policies.	100

**JOB EVALUATION INSTRUMENT**  
**FACTOR 5: PLANNING**

This factor measures the degree to which the incumbent plans, either their own daily work or for the use of resources (manpower, equipment, supplies, etc.) in the attainment of departmental objectives and organization-wide goals.

Level	Definition	Point Value
1	Position requires that my daily work load and activities are assigned to me by my supervisor.	35
2	Position requires that I plan my own daily work load and work independently according to established procedures or standards.	50
3	Position requires that I plan my own daily work load and those of others in the department (first-level supervision).	65
4	Position requires an above average ability to analyze data and develop departmental plans, including plans where a number of difficult, technical and/or administrative problems must be addressed (Manager/Division level planning).	80
5	Position requires a high level of analytical ability to develop plans for a department or complex situation, including plans that involve integrating/involving/impacting other departments (Department Head level planning).	95
6	An extremely high level of planning and analysis is required for the entire organization. Work at this level often includes strategic planning for the organization, long range (five years or more) plans, etc (City Manager/Administrator level).	110

**JOB EVALUATION INSTRUMENT**  
**FACTOR 6: CONTACT WITH OTHERS**

This factor considers the extent to which the employee requires meeting and dealing with the public and influencing other persons, as well as the level of authority the employee has to make commitments on behalf of the organization.

<b>Level</b>	<b>Definition</b>	<b>Point Value</b>
<b>1</b>	Position involves interaction with fellow workers on routine matters with relatively little public contact.	<b>15</b>
<b>2</b>	Position involves frequent internal and external contact, but generally on routine matters such as furnishing or obtaining information.	<b>30</b>
<b>3</b>	Position involves frequent internal contact and regular contact with outsiders generally on routine matters, including contacts with irate outsiders which require some public relations skill for taking complaints for others to follow up upon.	<b>45</b>
<b>4</b>	Position involves frequent internal and external contacts which require public relations skills in handling complaints. Contacts involve non-routine problems and require in-depth discussion and/or persuasion in order to resolve the problem. Handles more difficult contacts that are referred by front line employees.	<b>60</b>
<b>5</b>	Position involves frequent internal and external contacts which require skill in dealing with, and influencing others, and initiating changes in policy/procedures to address the issue so as to avoid having to deal with the issue again in the future.	<b>75</b>
<b>6</b>	Position involves frequent internal and external contacts in which position acts as the spokesperson for the department and is authorized to make commitments of significant resources on behalf of the department.	<b>85</b>
<b>7</b>	Position involves frequent internal and external contacts where position represents the entire organization and is authorized to make commitments in matters of broad or critical interest to the entire organization.	<b>100</b>

**JOB EVALUATION INSTRUMENT**  
**FACTOR 7: WORK OF OTHERS**

This factor measures the extent to which the employee is responsible for determining work levels and work content for other employees.

Level	Size of Group	Point Value
0	No responsibility for the work of others.	0
1	Responsible for assigning work to an employee or employees, without acting in a supervisory role.	10
2	Responsible for the supervision of one full time or several part time employees.	25
3	Responsible for the supervision of two to five full time (or full time equivalent) employees.	40
4	Responsible for the supervision of six to 15 full time (or full time equivalent) employees.	65
5	Responsible for direct and/or indirect supervision of 16 to 29 full time (or full time equivalent) employees.	80
6	Responsible for direct and/or indirect supervision of 30 to 50 full time (or full time equivalent) employees.	85
7	Responsible for direct and/or indirect supervision of more than 51 full time (or full time equivalent) employees.	95
8	Responsible for direct and indirect supervision of the entire organization.	105

**JOB EVALUATION INSTRUMENT**  
**FACTOR 8: WORKING CONDITIONS**

This factor considers the physical conditions surrounding the job that are beyond the employee's control, but which may be physically demanding, unpleasant, strenuous, and/or hazardous, and may impact the employee's physical well-being.

Level	Definition	Point Value
1	Office work only. Good working conditions with almost complete absence of physically demanding, unpleasant, strenuous, and/or hazardous elements.	15
2	Minimal external work or occasional exposure to physically demanding, unpleasant, strenuous, and/or hazardous situations.	30
3	Frequent exposure to physically demanding, unpleasant, strenuous, and/or hazardous elements.	45
4	Regular exposure to particularly physically demanding, unpleasant, strenuous, and/or hazardous elements such as dealing with inclement weather, operating heavy equipment, etc.	60
5	Continuous exposure to life threatening public safety situations which could jeopardize personal safety.	75

**JOB EVALUATION INSTRUMENT**  
**FACTOR 9: USE OF TECHNOLOGY/SPECIALIZED EQUIPMENT**

This factor considers the extent to which the employee utilizes and supports technology, enhancing the efficiency and communication on behalf of the organization.

<b>Level</b>	<b>Definition</b>	<b>Point Value</b>
<b>1</b>	Position has no responsibility for, or use of, technology.	<b>0</b>
<b>2</b>	Position has some basic use of computers for data entry, and some use of the telephone, copier, etc.	<b>10</b>
<b>3</b>	Position has daily use of computers for data entry and use of the telephone, radios, fax machine, copier, etc. Position has daily use of light equipment such as push mowers, weed whackers, pole saws, custodial equipment, etc.	<b>30</b>
<b>4</b>	Position has daily use of computers, the Internet, Smartphones, etc. to create databases, spreadsheets, or reports. Position designs and creates customized reports, presentations, and/or documents using advanced software skills.	<b>50</b>
<b>5A</b>	Position provides routine consultation and technology support for everyday computer programming and/or software requests/questions to others in the organization; is an applications super user; or uses specialized software such as GIS, SCADA or telecommunications software.	<b>65</b>
<b>5B</b>	Position uses, repairs, and/or troubleshoots specialized equipment such as HVAC, lighting, gas flares, blowers, engines, heavy equipment, diagnostic equipment, large vehicles (vacuum trucks, street sweepers, fire apparatus) and/or medical or public safety equipment.	<b>65</b>
<b>6</b>	Position is responsible for advanced computer programming, system security, maintenance, training, and purchasing of items such as computers, printers, scanners, etc., for the computer system for the organization (IT personnel).	<b>75</b>
<b>7</b>	Position is responsible for the overall direction and supervision of the staff that are responsible for the computer and technology needs of the organization, including responsibility for developing technology policies for the organization (IT personnel).	<b>85</b>

JOB OVERVIEW	
<b>Job Title</b>	Custodian
<b>Department</b>	Public Works
<b>Grade</b>	3
<b>Employment Status</b>	<input checked="" type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Limited Term Employment (LTE)
<b>FLSA Status</b>	<input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Non-exempt

### Our Commitment to Diversity, Equity, and Inclusion (DEI)

Diversity, equity, and inclusion form the basis of our work in the Village of McFarland, WI. We recognize having a diverse and inclusive organization allows us to benefit from a variety of perspectives and strengthens our ability to achieve our mission to best serve the residents of the Village. To promote equity in our community, we must first do the work to ensure our organization is diverse, equitable, and inclusive.

SCOPE OF WORK	
This position is responsible for performing custodial duties and general maintenance within the facilities and buildings owned by the Village of McFarland. Position will ensure clean, attractive, and well-maintained facilities and report required repairs and maintenance needs to their supervisor. They will also make recommendations and possibly assist in greater deep cleaning projects.	
SUPERVISION	
<b>Received</b>	Performs under the direct supervision of the Streets & Utilities Superintendent.
<b>Exercised</b>	None.

ESSENTIAL JOB FUNCTIONS	
<ul style="list-style-type: none"> <li>• Performs general safety and cleanliness inspections and corrects problems or refers major repair problems and safety concerns to Streets and Utilities Superintendent or Public Works Director.</li> <li>• Responds to building emergencies.</li> <li>• May perform emergency repairs to equipment such as broken light switches, furniture, HVAC, electrical outlets, cleaning equipment, tools, locks, and plumbing.</li> <li>• Sweeps and mops floors, dusts surfaces, removes trash and recyclables, washes windows, strips and waxes floors, cleans whiteboards, light switches, and doors, replaces paper towels and toilet paper, cleans restroom fixtures, and vacuums carpets.</li> <li>• Manages custodial supplies and materials as budgeted.</li> <li>• Restocks supplies where necessary.</li> <li>• Stores equipment and supplies in an orderly and safe manner.</li> <li>• Maintains building custodial records.</li> <li>• Performs minor repair work such as replacing light bulbs, unplugging drains and toilets, and cleaning spills.</li> <li>• On occasion, may help with set up of events, meetings or elections.</li> </ul>	

- Assists with snow removal from entry areas, as assigned.
- Assists with outdoor maintenance activities when needed.
- Attends and participates in Department meetings.
- Provides effective and efficient customer service and promotes and maintains responsive community relations.
- Follows safe work practices.

### OTHER JOB FUNCTIONS

- Performs related duties as assigned.

### REQUIREMENTS OF WORK

- 1-2 years of related experience in custodial work; or,
- Any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.

### KNOWLEDGE, ABILITY, AND SKILL

In addition to requirements of work, the individual should also have the following knowledge, abilities, and skills:

<b>Knowledge of</b>	<ul style="list-style-type: none"> <li>• Custodial requirements and methods.</li> <li>• Custodial equipment operations.</li> <li>• Building security standards.</li> <li>• Basic principles of building mechanical, electrical, and plumbing system operation.</li> <li>• The operation of construction equipment and power tools.</li> <li>• Occupational hazards and standard safety precautions common to this field of work.</li> <li>• The cultural context of interactions with individuals of diverse backgrounds that includes sex, race, religion, creed, color, national origin, age, disability, sexual orientation, ancestry, marital status, arrest or conviction record, military service, or any other legally protected status.</li> </ul>
<b>Ability to</b>	<ul style="list-style-type: none"> <li>• Operate a wide variety of custodial equipment and tools</li> <li>• Communicate effectively with a variety of individuals.</li> <li>• Add, subtract, multiply and divide.</li> <li>• Recognize equipment malfunctions</li> <li>• Maintain accurate records and complete required reports.</li> <li>• Establish and maintain effective working relationships with those contacted in the course of work.</li> </ul>
<b>Skill in</b>	<ul style="list-style-type: none"> <li>• Oral and written communications.</li> <li>• Trouble shooting and problem solving.</li> <li>• The safe operation of assigned equipment.</li> <li>• Performing preventative maintenance and basic repairs on equipment, buildings and facilities.</li> </ul>

### NECESSARY SPECIAL REQUIREMENTS

- Must possess or be able to obtain a valid Wisconsin drivers' license.

## PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The employee is regularly required to use hands and fingers to handle, feel or operate tools, equipment, and controls.
- The employee is frequently required to stand, talk, walk, sit, climb, or balance, stoop, kneel, crouch or crawl, bend, and smell.
- The employee must frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 100 pounds.
- Specific vision abilities required by this job include, close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.
- The employee is occasionally exposed to wet and slippery surfaces and humid conditions, fumes, or airborne particles, toxic or caustic chemicals and elements, noise, and vibrations.
- The employee occasionally works near moving mechanical parts or in precarious places.
- The use of Personal Protective Equipment is required.

### Notes:

The above statements are intended to describe the general nature and level of work being performed by people assigned to do this job. The above is not intended to be an exhaustive list of all responsibilities and duties required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

\*External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act (ADA), must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case-by-case basis.

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

The Village is a Pay Equity/Equal Opportunity/Americans with Disabilities Act Employer.

Employee signature below indicates the employee's understanding of the requirements, essential functions and duties of the position.

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

Date \_\_\_\_\_

Print Name \_\_\_\_\_

**JOB OVERVIEW**

<b>Job Title</b>	Custodian		
<b>Department</b>	Public Works		
<b>Grade</b>	3		
<b>Employment Status</b>	<input type="checkbox"/> Full-time	<input checked="" type="checkbox"/> Part-time	<input type="checkbox"/> Limited Term Employment (LTE)
<b>FLSA Status</b>	<input type="checkbox"/> Exempt	<input checked="" type="checkbox"/> Non-exempt	

**Our Commitment to Diversity, Equity, and Inclusion (DEI)**

Diversity, equity, and inclusion form the basis of our work in the Village of McFarland, WI. We recognize having a diverse and inclusive organization allows us to benefit from a variety of perspectives and strengthens our ability to achieve our mission to best serve the residents of the Village. To promote equity in our community, we must first do the work to ensure our organization is diverse, equitable, and inclusive.

**SCOPE OF WORK**

This position is responsible for performing custodial duties and general maintenance within the facilities and buildings owned by the Village of McFarland. Position will ensure clean, attractive, and well-maintained facilities and report required repairs and maintenance needs to their supervisor. They will also make recommendations and possibly assist in greater deep cleaning projects.

**SUPERVISION**

<b>Received</b>	Performs under the direct supervision of the Streets & Utilities Superintendent.
<b>Exercised</b>	None.

**ESSENTIAL JOB FUNCTIONS**

- Performs general safety and cleanliness inspections and corrects problems or refers major repair problems and safety concerns to Streets and Utilities Superintendent or Public Works Director.
- Responds to building emergencies.
- May perform emergency repairs to equipment such as broken light switches, furniture, HVAC, electrical outlets, cleaning equipment, tools, locks, and plumbing.
- Sweeps and mops floors, dusts surfaces, removes trash and recyclables, washes windows, strips and waxes floors, cleans whiteboards, light switches, and doors, replaces paper towels and toilet paper, cleans restroom fixtures, and vacuums carpets.
- Manages custodial supplies and materials as budgeted.
- Restocks supplies where necessary.
- Stores equipment and supplies in an orderly and safe manner.
- Maintains building custodial records.
- Performs minor repair work such as replacing light bulbs, unplugging drains and toilets, and cleaning spills.
- On occasion, may help with set up of events, meetings or elections.

- Assists with snow removal from entry areas, as assigned.
- Assists with outdoor maintenance activities when needed.
- Attends and participates in Department meetings.
- Provides effective and efficient customer service and promotes and maintains responsive community relations.
- Follows safe work practices.

### OTHER JOB FUNCTIONS

- Performs related duties as assigned.

### REQUIREMENTS OF WORK

- 1-2 years of related experience in custodial work; or,
- Any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.

### KNOWLEDGE, ABILITY, AND SKILL

In addition to requirements of work, the individual should also have the following knowledge, abilities, and skills:

<b>Knowledge of</b>	<ul style="list-style-type: none"> <li>• Custodial requirements and methods.</li> <li>• Custodial equipment operations.</li> <li>• Building security standards.</li> <li>• Basic principles of building mechanical, electrical, and plumbing system operation.</li> <li>• The operation of construction equipment and power tools.</li> <li>• Occupational hazards and standard safety precautions common to this field of work.</li> <li>• The cultural context of interactions with individuals of diverse backgrounds that includes sex, race, religion, creed, color, national origin, age, disability, sexual orientation, ancestry, marital status, arrest or conviction record, military service, or any other legally protected status.</li> </ul>
<b>Ability to</b>	<ul style="list-style-type: none"> <li>• Operate a wide variety of custodial equipment and tools</li> <li>• Communicate effectively with a variety of individuals.</li> <li>• Add, subtract, multiply and divide.</li> <li>• Recognize equipment malfunctions</li> <li>• Maintain accurate records and complete required reports.</li> <li>• Establish and maintain effective working relationships with those contacted in the course of work.</li> </ul>
<b>Skill in</b>	<ul style="list-style-type: none"> <li>• Oral and written communications.</li> <li>• Trouble shooting and problem solving.</li> <li>• The safe operation of assigned equipment.</li> <li>• Performing preventative maintenance and basic repairs on equipment, buildings and facilities.</li> </ul>

### NECESSARY SPECIAL REQUIREMENTS

- Must possess or be able to obtain a valid Wisconsin drivers' license.

## PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- The employee is regularly required to use hands and fingers to handle, feel or operate tools, equipment, and controls.
- The employee is frequently required to stand, talk, walk, sit, climb, or balance, stoop, kneel, crouch or crawl, bend, and smell.
- The employee must frequently lift and/or move up to 50 pounds and occasionally lift and/or move up to 100 pounds.
- Specific vision abilities required by this job include, close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.
- The employee is occasionally exposed to wet and slippery surfaces and humid conditions, fumes, or airborne particles, toxic or caustic chemicals and elements, noise, and vibrations.
- The employee occasionally works near moving mechanical parts or in precarious places.
- The use of Personal Protective Equipment is required.

### Notes:

The above statements are intended to describe the general nature and level of work being performed by people assigned to do this job. The above is not intended to be an exhaustive list of all responsibilities and duties required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

\*External and internal applicants, as well as position incumbents who become disabled as defined under the Americans with Disabilities Act (ADA), must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation to be determined by management on a case-by-case basis.

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

The Village is a Pay Equity/Equal Opportunity/Americans with Disabilities Act Employer.

Employee signature below indicates the employee's understanding of the requirements, essential functions and duties of the position.

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

Date \_\_\_\_\_

Print Name \_\_\_\_\_

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

**MEETING DATE:** Tuesday, January 31, 2023

**SECTION:** Business

**DEPARTMENT:** Administration

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

**AGENDA ITEM:** Discussion and recommendation on creation of a Vehicle Use 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 employee vehicle use. As a result, the Village desires to bring a formal policy forward regarding Vehicle Use. The policy applies to employee operation of Village vehicles, personal vehicles and rental vehicles while on Village business. Overall, the policy provides for:

- The employee's ability and authorization to drive any vehicle on Village business;
- The process for employees informing the Village of any changes to the status of their driver's license or their continued insurability;
- The responsibilities and expectations for employees when driving any vehicle on Village business, including safe driving precautions; and,
- The parameters for the use of Village vehicles, and associated policies for take-home Village vehicles.

**FINANCIAL/BUDGET IMPACT:**

N/A

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

N/A

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion and approval.

*Motion to recommend approval of creation of a Vehicle Use Policy within the Personnel Policy Manual.*

**ATTACHMENTS:**



1. Vehicle Use Policy - Final Draft 01.26.2023

## CHAPTER XX - VEHICLE USE

### **XX.01 Purpose.**

This policy applies to employee operation of Village vehicles, personal vehicles and rental vehicles while on Village business. Additional policies set out below apply to each type of vehicle operated.

### **XX.02 Policy.**

Generally, Village employees may not drive any vehicle on Village business without prior authorization. Before being approved to operate a vehicle on Village business, an employee must provide consent to the Village's review of the employee's driving records. The Village will obtain motor vehicle records and conduct a review and evaluation of driving records for all employees authorized to drive on Village business upon hire or prior to being authorized to drive on Village business; and post-accident when the accident involved bodily injury to the driver, another passenger or a third party, or when there was significant damage to vehicles or property. In addition, the Village may monitor driving records for these employees intermittently or on an annual basis as they deem necessary. Employees authorized to drive on Village business are required to inform the Village of any changes that may affect either their ability to drive, including any changes to the status of their driver's license or their continued insurability.

If an employee's driver's license is suspended or revoked, the employee must notify their Department Head and Human Resources Designee within 48 hours or immediately upon reporting to work from the loss of driving privileges whichever is sooner. Employees who lose driving privileges are prohibited from operating any vehicle on Village business. If an employee fails to provide proper notification to Village, they may be subject to disciplinary action up to and including termination. While an employee's driver's privileges are lost, the employee is responsible for coordination of all of their own transportation needs.

Non-employees and non-business passengers (i.e. family members and friends) are prohibited from riding in or driving vehicles being operated for business purposes without prior approval of the Department Head or Deputy Administrator.

Employees must report any theft or damage involving a vehicle being driven on Village business, regardless of the extent of the damage, to their Department Head and Deputy Administrator or Human Resources Designee immediately after the incident or damage is discovered.

Employees are also responsible for and required to pay any citations or fines incurred while operating a vehicle for Village business purposes. If an employee fails to do so, resulting in a charge to Village related to the same, the employee will be subject to discipline up to and including discharge. Village is not responsible for any traffic violations, parking tickets, or any other citations incurred by an employee while operating a Village vehicle or a vehicle on Village business.

### **XX.03 Village Vehicles.**

Employees are required to report any needed repairs and maintenance of Village vehicles to the appropriate members of Village management. Employees with assigned vehicles are expected to keep vehicles clean and neat, and to ensure oil changes and servicing of the vehicle are kept current.

- (1) **Take-Home Vehicle Policy.** With Department Head or Deputy Administrator approval, there may be occasions where a situation warrants an employee taking a Village vehicle home prior to leaving for an out-of-town work event or attending a late evening or early morning meeting, which would require a return to the workplace after normal work hours. For some positions, employees may be approved to regularly take a Village vehicle home overnight on a regular or continuous basis. Such employees who are approved to take a Village vehicle home overnight must lock and secure the vehicle within close proximity to the employee's residence.
- (2) **Use of Village Vehicles.** Employees may use Village vehicles only for travel necessary to accomplish official Village business. For employees who have Village Vehicles that regularly take such vehicle home overnight or employees who are required to remain on duty during break periods, a limited amount of incidental personal use may be allowed when necessary to maintain work efficiency. Incidental personal use of village vehicles for uses outside of the Village of McFarland require prior approval of the Village Administrator or Deputy Village Administrator.

Employees are prohibited from having passengers (other than employees) in Village vehicles unless the presence of a passenger is specifically required by job function, duties, or circumstances that were beyond the driver's control, or as otherwise approved by the Department Head or Deputy Administrator.

#### **XX.04 Personal Vehicles Operated on Village Business.**

Employees who drive a personal vehicle on Village business must make sure that the vehicle meets any legal standards for insurance, maintenance, and drivability.

All employees are required to carry automobile liability insurance coverage on personal vehicles used in conducting Village business. Proof of this insurance may be asked for periodically. If an employee who is using the employee's personal vehicle for Village purposes is involved in an accident, the *employee's insurance is primary*. Village insurance does not replace the employee's own insurance, even during work time.

Any damages, repair costs, and/or maintenance costs incurred by an employee in the use of their privately-owned vehicle in conjunction with Village business is the sole responsibility of the employee. The Village will reimburse employees for business use of personal vehicles at the approved Village mileage rate.

#### **XX.05 Driving While on Village Business.**

Driver inattention is a factor in motor vehicle accidents. We are not only concerned about your welfare as a Village employee, but also the welfare of others who could be put in harm's way by inattentive driving. Employees who drive a vehicle on Village business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents

As a driver, your first responsibility is to pay attention to the road. In addition, employees must operate all vehicles driven on Village business, safely and in accordance with applicable federal, state and local laws. When driving on Village business or on behalf of the Village in any other manner, the following additional rules apply.

- (1) **Cellular Phone Use.** Employees are prohibited from using cell phones while driving in any way that violates federal, state or local laws. Moreover, the use of cell phones while driving on Village business is strongly discouraged. Do not accept or place calls unless

it is an emergency, meaning the call cannot wait until you safely pull off the road or arrive at your destination.

Hands free equipment which allows both hands to stay on the wheel should be used for incoming calls wherever possible. All conversations should be suspended during heavy vehicular or pedestrian traffic, severe weather, or any condition that may compromise safety.. If the communication device has a radio mode, it may be used in this mode while driving. Employees must never attempt to take notes, flip through address books, answer emails, or otherwise divert their attention from driving. The hands-free device should be kept in an easy-to-reach location within the vehicle.

(2) **Texting Ban.** Employees are prohibited from texting while driving a Village vehicle or while driving on Village business. The State ban on text messaging while driving specifically prohibits the writing and transmitting of messages while the vehicle is in motion. The only exception allowed under State law is texting via the use of a voice-operated or hands-free device. Violation can result in fines combined with point assessments against the driver's license.

(3) **Physical or Mental Impairment.** Employees are not permitted, under any circumstances, to operate a vehicle on Village business when the employee is suffering from a physical or mental impairment that causes the employee to be unable to drive safely. Additionally, employees shall not operate any Village vehicle at any time, or operate a vehicle while on Village business, while under the influence of alcohol, illegal drugs, or taking prescription medications that affect their ability to drive safely. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication or intoxication.

If an employee is arrested for driving while intoxicated while they are operating a Village vehicle, the employee could be subject to disciplinary action up to and including termination pending the outcome of an investigation by the Village.

(4) **Other Safe Driving Precautions.**

- a. **Seatbelts must be worn at all times.**
- b. Use extra caution when road conditions are poor
- c. Avoid distractions such as eating, paying too much attention to the radio, or other distracting behavior.
- d. Do not drive if your ability to drive safely is impaired.
- e. If using a vehicle not your own (rental or otherwise), be sure to properly adjust the mirrors and familiarize yourself with the vehicle's controls before operating.

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

**MEETING DATE:** Tuesday, January 31, 2023

**SECTION:** Business

**DEPARTMENT:** Administration

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

**AGENDA ITEM:** Discussion and recommendation on amendment of Chapter 13, Grievance Policy and Procedure, 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 13, Grievance Policy and Procedure, 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 are mostly minor in nature, with the only significant revision being the redefinition of the term "discipline" for purposes of this chapter per the attorney's recommendations.

Per the Personnel Committee's request from the January 10, 2023 meeting, the proposed redlined draft of Chapter 12, Employee Conduct and Disciplinary Action, of the Personnel Policy Manual has also been attached for reference.

**FINANCIAL/BUDGET IMPACT:**

N/A

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

N/A

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion and approval.

*Motion to recommend approval of amendment to Chapter 13, Grievance Policy and Procedure, of the Personnel Policy Manual.*

**ATTACHMENTS:**

1. PPM Chapter 13 - Grievance Policy Procedure- Final Draft 01.25.2023
2. PPM Chapter 12 - Employee Discipline - Final Draft 01.04.2023

## CHAPTER 13 - GRIEVANCE POLICY AND PROCEDURE

### 13.01 Policy Statement

The Village has established this Grievance Policy and Procedure for an employee to utilize for situations concerning discipline, discharge or workplace safety. It is the policy of the Village to treat employees fairly and equitably and to provide employees with an opportunity to seek local administrative redress for alleged violations, misinterpretations or inequitable applications of the Village's policies, rule and expectations of conduct relative to employee discipline, discharge or workplace safety. The filing of a grievance by an employee will not reflect unfavorably on an employee's standing and will be without fear of reprisal.

### 13.02 Procedure Definitions

(1) "Days" means regular business days, Monday through Friday, other than weekends and legal holidays as defined in § 995.20, Wis. Stat., regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy will be computed by excluding the first day and including the last day. A grievance or request for an appeal is considered timely if received by the Village Clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.

(2) ~~For purposes of this provision, "discipline" means any employment action that results resulting in written disciplinary reprimands disciplinary suspension with or without pay, disciplinary termination or disciplinary demotion disciplinary reduction in pay or other benefits, disciplinary demotions and discharges. "Discipline" does not include written or oral notices, reprimands or reminders. Verbal discipline will be documented but not subject to grievance procedure. "Discipline" also excludes voluntary termination, layoff or workforce reduction activities; non-disciplinary or voluntary/mutual demotion or reduction in rank; actions taken to address job performance such as establishment of a corrective or performance improvement plan or job targets; performance evaluations or reviews; documentation of employee acts and/or omissions in a personnel file; non-disciplinary administrative leave or suspension with or without pay; non-disciplinary wage, benefit or salary adjustments; action taken pursuant to ordinance created; change in work assignments/duties; or any other non-material employment action. The term "discipline" does not include verbal notices or reminders; performance evaluations; documentation of employee acts and/or omissions in an employment file; non-disciplinary demotions or adjustments to compensation or benefits; actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.~~

(3) "Employee" will not include employees subject to a valid collective bargaining agreement addressing employee discipline or discharge, temporary employees, statutorily appointed individuals identified specifically in a statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors.

(4) “Hearing Officer” means the impartial hearing officer required pursuant to § 66.0509 (1m)(d)2, Wis. Stat.

(5) “Discharge” means a termination from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term “discharge” does not include: a voluntary quit; completion of seasonal employment; completion of temporary assignment; completion of contract; layoff or failure to be recalled from layoff at the expiration of the recall period; retirement; job abandonment (“no call, no show” or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary discharge.

(6) “Workplace safety” means those conditions related to physical health and safety of employees enforceable under federal or state law, or Village rule related to: safety of the physical work environment; the safe operation of workplace equipment and tools; provision of protective equipment; training and warning requirements; workplace violence; and accident risk. Workplace safety will be narrowly construed to apply to issues of concern over the safety of a person (no personal possessions) and is not intended to include basic conditions of employment unrelated to an employee’s physical health and safety, including but not limited to: hours; overtime; work schedules; breaks; sick, family or medical leave; vacation; layoffs; performance reviews; and compensation.

### **13.03 Grievance Requirements**

(1) The grievance must be filed by the affected employee(s) [i.e., an employee may not file on behalf of another].

(2) The employee(s) filing the grievance must propose a specific remedy and the proposed remedy must be under the reasonable control of the Village.

(3) The grievance must be in writing using the forms attached to this policy and must contain the following information:

- (a) The name and position of the employee(s) filing the grievance;
- (b) The date the incident occurred or the date the alleged workplace safety concern was discovered;
- (c) The specific section of the Personnel Policy Manual violated by the act of discipline or discharge or workplace safety rule alleged to have been violated;
- (d) A clear and concise statement of the pertinent facts surrounding the circumstances of the grievance;
- (e) A description of the steps taken to informally resolve ~~informally~~ the grievance;
- (f) The specific remedy requested;

- (g) The signature of the employee(s) filing the grievance and the date.

### 13.04 Grievance Procedure Steps

(1) *Step 1 – Informal Resolution:* An earnest effort should be made by supervisors and employees to resolve any questions, problems or misunderstanding that have arisen. Accordingly, employees should first discuss complaints or questions related to discipline or discharge with their department head or his/her designee within five (5) days of the discipline or actual or responsible knowledge of the alleged workplace safety issue. If an employee is not comfortable talking with their department head about the situation they may proceed directly to Step 2. An employee who has been notified of discharge may process the grievance commencing at Step 3.

(2) *Step 2 – Written Grievance:* If the problem cannot be resolved with the employee's department head, a written grievance may be filed by the employee with the Village Administrator or his/her designee, no later than ten (10) days from the date of the discipline or from the date that the employee had actual or reasonable knowledge of the alleged workplace safety issue.

The Village Administrator may schedule a meeting to review the matter within ten (10) days of receiving the written grievance. The Village Administrator will provide a written response within ten (10) days of receiving the grievance or within ten (10) days of the meeting, whichever is later. In the event the grievance involves a ~~decision discharge or discipline decision~~ by the Village Administrator, the written grievance ~~will~~ must be filed with the Village President who will refer it to the Personnel Committee.

If ~~a dismissal the~~ decision at Step 2 is based ~~on in whole or in part on the basis of~~ timeliness, scope of the grievance process, or other failure of the grievant to properly follow the process, the grievant will be allowed to appeal the matter to the Village Board in accord with the process set out in Step 4. the matter will be referred directly to the Village Board who will determine whether the matter should be processed further.

(3) *Step 3 – Appeal to Impartial Hearing Officer:* If the Step 2 decision is based on the merits of the grievance only, the written decision will be final unless the employee files a written request with the Village Clerk no later than five (5) days of the date of the response under Step 2, for a hearing before an impartial hearing officer.

The Village Board will appoint an impartial hearing officer who will not be an employee. Any costs incurred or charged by the hearing officer will be borne equally by the Village and the grievant. The hearing will be conducted as soon as practicable and may or may not be transcribed, subject to the hearing officer's discretion. Witnesses may also present information but only in person and written documents may be submitted, subject to the hearing officer's discretion. No factual conclusions may be based solely on hearsay evidence. The hearing officer may request oral or written closing arguments and replies.

Within thirty (30) days of the hearing, the hearing officer will issue a written decision which addresses the following questions:

- (a) Did the Village or its agent consistently follow the Village's policies?
- (b) Is there a factual basis for the action taken by the Village or its agent?
- (c) Was the action taken by the Village or its agent reasonable considering all factors including but not limited to the grievant's grievant's disciplinary history, precedent, the nature and extent of the policy violation?
- (d) Is the grievance sustained or denied, with the rationale for that decision?

In all cases, the grievant will have the burden of proof to support the grievance. The hearing officer will have no authority to direct, but may recommend, the expenditure of Village funds to remedy an issue. The hearing officer will not substitute his/her judgment for that of the Village or its agent.

(4) Step 4 – Appeal to Village Board Level: The decision of the impartial hearing officer will be final unless either the employee or the department head files with the Village Clerk an appeal for the decision to be reviewed by the Board no later than ten (10) days ~~from~~ the date of the decision issued by the impartial hearing officer.

The Village Board will, within thirty (30) days after submission of the appeal request, schedule a review of the hearing officer's decision. The review will be conducted by the Board during a closed session meeting unless an open session is requested by the ~~employee~~ employee(s) who filed the grievance. The Board may consider only those facts and issues originally raised before the hearing officer. Only the issues raised before the hearing officer may be appealed and those issues may not be modified in the appeal process. The Board will examine any records produced at the hearing before the impartial hearing officer and determine whether a rational basis exists for the written decision. The Board will not conduct a *de novo* (new) hearing or take new testimony, but simply review the existing record. A simple majority vote of the Board membership will decide the appeal and it will be final and not subject to further review. The Board's written decision must ~~contain a decision as to specify whether that~~ the decision of the impartial hearing officer ~~will be~~ approved, reversed or modified, and will be binding on all parties.

### 13.05 Grievance Timelines

The time limits set forth in this grievance procedure will be considered substantive. The number of days indicated at each step of the procedure should be considered a maximum. If the grievant fails to file Failure to process his or her their grievance or appeal by the grievant within the time limits set out in this policy, or within an agreed-upon extensions, that will constitute waiver of the grievance. The grievance then and will be considered resolved on the basis of the Village's last answer. Failure of a management representative to meet the time limits will cause the grievance to move automatically to the next step in the procedure. ~~To encourage that grievances are addressed in a prompt manner~~ The time limits set by this procedure are intended to be strictly observed and may not be extended except upon the express written consent of the Village Administrator or Deputy Administrator and the employee.

### **13.06 Grievance Representation and Costs**

Both the employee and the Village may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process. Any expense incurred by an employee in investigating, preparing, or presenting a grievance will be the sole responsibility of the employee. Each party (employee and employer) will bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. Grievance meetings/hearings held during the employee's off-duty work hours will not be compensated.

### **13.07 Consolidation of Grievances**

The Village and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists due to similarity of type or fact situations.

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

### **13.08 Limitations**

- (1) A grievance that is subject to the jurisdiction of a governmental body or specific procedure by other Wisconsin Statutes will be governed by those statutes and not the Grievance Procedure.
- (2) A grievance that is subject to any other Policy or Ordinance or collective bargaining agreement, for formal or information investigation or dispute resolution procedures may not be brought forth under this Grievance Procedure.
- (3) This Grievance Procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this Grievance Procedure will prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the Grievance Procedure that are raised by employees will be considered by administration which has the final authority, subject to any applicable Board policy or directive, to resolve the matter.
- (4) The Grievance Procedure has been established to provide an organized method by which employees can discuss concerns and problems with the administration. It is expected that this process will be used as outlined above. Any employee who does not first attempt to resolve a grievance in accordance with this section may be subject to disciplinary action.

**APPENDIX A - GRIEVANCE INITIATION FORM**

Complete the original and two copies. Please print or type. Submit the original to the Village Administrator.

Keep one copy for your records.

EMPLOYEE'S NAME: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

GRIEVANT SUBJECT    Workplace Safety                       Discipline                       Discharge

1.      On what date did the above action or situation occur?

\_\_\_\_\_

2.      What provision of the Personnel Policy Manual do you allege was violated by the act of discipline or discharge or what workplace safety rule do you allege has been violated?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3.      What is the action or situation about which you have a grievance? (Be specific as to names and locations.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. What informal steps have you taken to resolve your grievance with your department head?

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5. What is the specific remedy that you seek to resolve your grievance?

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6. What other person do you want notified regarding this grievance?

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Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Describe that person's role in this grievance: \_\_\_\_\_

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

Date \_\_\_\_\_



Employee Signature \_\_\_\_\_ Date

\_\_\_\_\_

## CHAPTER 12 - EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

### 12.01 Purpose

The activities of the various Village departments contribute toward the accomplishment of Village goals and the fulfillment of the Village's mission. This requires teamwork, efficiency, productivity, and a harmonious workplace. To ensure orderly operations and provide for the best possible work environment, the Village will create and communicate reasonable rules and standards for employee conduct. Disciplinary action may be taken for the purpose of modifying or eliminating unacceptable conduct on the part of an employee.

This chapter sets forth the general standards of conduct expected of all employees. It also outlines the general disciplinary policy of the Village and the procedures to be followed in the administration of discipline, and identifies aspects of behavior that may constitute just cause for disciplinary action.

NOTE: Discipline of sworn police employees and of non-clerical Fire Department employees is administered by the Police and Fire Commission. Discipline of Library employees is administered by the Library Board.

### 12.02 Policy

It is the policy of the Village to apply consistently certain minimum rules and standards of employee conduct across the entire organization. The Village will use disciplinary action whenever the behavior of an employee is such that it interferes with or adversely affects the efficient or effective operations of the department or that of the Village organization as outlined in section 12.06 below. It is the ~~obligation~~ responsibility of each supervisor or Department Head to enforce the standards of conduct outlined in Section ~~12.03~~ among their employees, and if appropriate, to take disciplinary measures when other actions are effective in producing desired results.

Disciplinary action will be taken only when just cause exists and such actions taken are to be applied fairly and are to be commensurate with the severity of behavioral problems giving rise to such actions. Disciplinary actions, including verbal warnings, taken for repeated behavioral problems will generally be progressive in nature, however, progressive discipline as a process will not necessarily be followed in all cases. Serious offenses, such as insubordination, theft, etc., may be handled at advanced steps, eliminating the other steps. Written documentation must occur regardless of the entry point into the discipline process.

### 12.03 Standards of Employee Conduct

The Village expects all of its employees to work earnestly in promoting and protecting the interests of their employer and the public they serve. The following general principles of behavior are established to guide the conduct of employees in the workplace. In addition to these general

standards, each work group may have its own set of work rules to further guide employee conduct in each department.

(1) Employees are expected to: listen to others; keep each other informed and communicate in a way that ensures mutual understanding; treat others with dignity and their property with respect; treat information as responsibility, not power; respect confidential information; and.

(2) Employees are also expected to: perform diligently and productively in providing the highest quality of service to the public; give direct feedback; work as a team; value and protect the safety of co-workers and citizens; be open to change; contribute to each other's success; and.

(3) Employees are also expected to: hold the public trust in highest regard and provide services impartially; avoid creating an actual or apparent conflict of interest between their activities and the unbiased performance of their duties; follow established policies and procedures; do things correctly the first time; encourage individual and team accountability and decision making; and behave in ways which support the organization's values; and.

(4) Employees are also expected to: timely and thoroughly report a violation of policy, rule, or law, gross mismanagement or a misuse of funds; abuse of authority, or a substantial and specific danger of public health or safety, to employee's supervisor, or if the violation is by the supervisor, then to the supervisor's supervisor. If the violation is by the Administrator, then such report must be made to the Village Board President.

#### 12.04 Employee Rights

Just as the employer has the right to expect certain types of conduct and work effort from the employee, ~~so has~~ the employee has the right to expect fair and impartial treatment in the administration of discipline. For this reason, each employee, ~~who is not on probation,~~ will be entitled to recourse under the Village's grievance procedure (see Chapter 143) in the event that the employee feels such disciplinary action to be unfair, unwarranted, or unduly harsh in terms of the infraction cited.

No such right of grievance will reduce any employee's obligation to continue performing work in accordance with department standards, to maintain internal harmony within the ~~work~~ place workplace, and to promote and protect the interests of the Village.

#### 12.05 Forms of Disciplinary Action

The forms of disciplinary action that may be taken include: ~~one or more~~ verbal warnings or written reprimands; suspension with or without pay; transfer or demotion in classification; and discharge.

The form of disciplinary action taken, and the severity of penalty assigned will be at the discretion of the supervisor or Department Head, in consultation with the Deputy Village Administrator or Human Resource Designee, based upon the seriousness of the infraction and the prior disciplinary record of the employee. ~~The level of discipline applied should be the least severe form believed necessary to correct the problem.~~

When in doubt regarding the appropriate form of discipline or type of penalty to be taken, the supervisor will first consult with the Department Head and/or Human Resource Designee~~the Village Administrator~~.

~~The supervisor or Department Head must report All any disciplinary actions taken should be reported to the Human Resource Designee, including providing accompanied by written documentation of such action, by the supervisor or Department Head in a timely manner, within 48 hours of such discipline.~~

~~Suspensions~~discipline. Suspensions, demotions, and discharges must be ~~discussed~~ approved by the ~~with the~~ Village Deputy Administrator before such action is taken.

## **12.076 Potential Grounds for Disciplinary Action**

The following constitutes a partial list of the most common grounds for disciplinary action. Other circumstances may also warrant disciplinary action and will be treated on a case-by-case basis.

### **(1) Official Capacity**

- (a) Accepting or expressing a willingness to accept, either directly or indirectly, anything of value that could influence an employee's conduct, including decisions made in their capacity as public officials or employees.
- (b) Asking for or accepting any special privilege from a public entity.
- (c) Intentionally soliciting or accepting anything of value for performing a service or duty that is part of an official's office or an employee's responsibilities.
- (d) Intentionally failing or refusing to perform any lawful duty that is assigned or one that is required by law, administrative rule, policy or ordinance.
- (e) Intentionally acting in excess of the authority an official or employee is entitled to exercise.
- ~~(f) Bidding for, negotiating or entering into a contract that involves an expenditure of \$5,000 a year or more and in which the official or employee has a personal interest or may realize a personal gain.~~
- (g) Giving anything of value to another person for the purpose of securing the passage or defeat of a measure before the State Legislature or Village Board.
- (h) Violating any other ethical standards or requirements set forth in state statutes or Village ordinances. (Village ethics code is attached as Appendix A)

**(2) Attendance**

- (a) Failing to be present at the time an employee is scheduled to begin work or leaving without permission before the scheduled quitting time.
- (b) Failing to notify a supervisor, Department Head or another responsible party when an employee expects to be late in reporting for work.
- (c) Failing to observe the time limits set for rest breaks and meals.
- (d) Absence without authorized leave or misrepresenting the purpose of an authorized leave.
- (e) Unavailability for work because of such circumstances as incarceration or loss of driving privileges for those positions requiring a driver's license as a minimum requirement.

**(3) Conduct on the Job**

- (a) Refusing to carry out reasonable instructions given by an authorized supervisor or delaying without good reason the performance of an assigned task.
- (b) Being insolent, talking back, ~~or verbally abusing~~ speaking disrespectfully, or threatening a supervisor, co-worker, or member of the general public.
- (c) Negligence in performing assigned tasks.
- (d) Loafing, sleeping or engaging in personal business while on the job except during times set aside for rest breaks and meals.
- (e) Dishonesty or falsification of records.
- (f) Unauthorized disclosure of information or records.
- (g) Failing to give accurate, complete information, when authorized to do so on behalf of the Village, to individuals and groups served by the Village or to other governmental agencies.
- (h) Failing to comply with health, safety and sanitation rules set for Village employees.
- (i) Recklessness or endangering others.
- (j) Unauthorized or improper use of Village property.
- (k) Unauthorized possession, removal or sale of Village property or the property of another Village employee.

- (l) Unauthorized use, loan, borrowing or duplication of keys providing access to Village property and equipment.
- (m) Unauthorized entry to or on Village property, including unauthorized entry outside of assigned work hours, or to restricted areas in which the employee or the public is not authorized ~~entry without permission.~~
- (n) Unauthorized removal of official notices or signs from Village property, equipment or bulletin boards.
- (o) Failing to comply with established department work rules.
- (p) Engaging in work stoppages such as strikes or slow-downs.
- (q) Failing to immediately report a personal injury suffered on the job to the employee's immediate supervisor.
- (r) Engaging in any retaliatory conduct against an employee who reports in good faith any violation of policy, rule or law.

**(4) Personal Behavior**

- (a) Using intoxicants, illegal drugs, or controlled substances while on duty or being under the influence of intoxicants, illegal drugs, or controlled substances while on duty.
- (b) Failing to inform a supervisor or Department Head when called in for emergency duty that the employee has recently used intoxicants, illegal drugs, or controlled substances that might impair the employee's ability to perform the job.
- (c) Failing to inform a supervisor of any potential ill effects from over the counter or prescribed medication that may impair the employee's ability to perform the job.
- (d) Possessing illegal drugs on Village property, in Village vehicles, or while performing Village business.
- (e) Fighting or creating a disturbance among co-workers resulting in an adverse effect upon morale, productivity, ~~of maintenance~~ or proper order.
- (f) Disorderly, illegal, or immoral conduct which ~~brings disrepute upon the individual or which~~ reflects adversely upon or brings discredit to, the Village ~~as an employer.~~
- (g) Knowingly making false or malicious statements with the intent to harm or destroy the reputation, authority or official standing of individuals or organizations.

- (h) Engaging in discriminatory or abusive conduct toward any employee.
- (i) ~~Violation of any Village policies including but not limited to the unlawful harassment, non-discrimination and non-retaliation policies, the concealed carry policy, workplace violence policy, ethics code, drug and alcohol policy, and the vehicle policy. Making sexual advances, gestures or comments; making or attempting to make physical contact of a sexual nature; engaging in the deliberate and repeated display of sexually graphic materials unrelated to Village purposes while on or in Village property; or engaging in any form of sexual harassment. Violating the Village's unlawful harassment policy.~~
- (j) ~~Village employees are prohibited from carrying a concealed weapon on their person or in any Village owned vehicle in the course of employment, or during any part of the course of employment, with the exception of sworn police personnel so authorized by the Police Chief. Violating the Village's concealed carry policy.~~
- (k) Unauthorized or improper use of uniforms, badges, identification cards or permits.
- (l) Gambling on Village property, in Village vehicles, or while performing Village business.
- (m) Failing to report a conviction for a moving violation under the requirements of the Commercial Motor Vehicle Safety Act (applies to employees with a Commercial Driver's License that is required for their position with the Village).

## 12.067 Disciplinary Procedures

### (1) Investigation/Fact Finding

- (a) In the event the supervisor or Department Head ~~lacks firsthand knowledge of~~ the becomes aware of an incident or conduct ~~leading to the being~~ potential grounds for disciplinary action, he or she will report the matter to the Human Resource Designee to first verify the circumstances surrounding the incident or conduct by talking to witnesses and/or employee and gathering other factual information.
- (b) ~~Prior to a final determination, any Department Head has the right to immediately place an employee on administrative leave if the continued presence of the employee at the work site threatens the health or safety of self or co-workers, threatens to disrupt ongoing operations, or is in the best interest of the Village.~~
- (c) ~~The Human Resource Designee and supervisor will review the results of the investigation and make a determination as to whether a violation of work rules or policies has likely occurred, and disciplinary action may be warranted.~~

**(32) Notification**

- (a) The employee will be notified in writing of the reason or reasons considered to be just cause for taking disciplinary action and of the specific action to be taken their fair opportunity to respond to the charges.

**(34) Timing**

- (a) Generally speaking, disciplinary action should be issued as soon as reasonably possible after the incident or knowledge of the incident is received. Delays in issuance may be warranted in situations requiring more extensive investigation and consultation or where the Village does not have immediate knowledge that the incident occurred.

**(42) ~~Pre~~-Disciplinary Meeting**

- (a) ~~If as a result of the investigation the supervisor or Department Head determines that a violation of work rules or policies has likely occurred and disciplinary action is perhaps warranted, The Supervisor and Human Resource Designee he or she will meet with the employee and give that employee a fair opportunity to hear and respond to each charge which might give rise to disciplinary action to discuss the grounds for discipline and provide the employee a fair opportunity to respond to the charges.~~

**(5) Disposition of Disciplinary Charges**

(a) Based on the investigation and information provided from the employee regarding the violations of policy and grounds for the discipline, the Village reserves the discretion to take action on the disciplinary charges in the manner in the best interest of the Village including during the disciplinary meeting or at a later time.

- ~~(b) During this discussion of the charge(s), including the intent to potentially impose discipline, the employee is entitled to have a personal representative of their choice present at the meeting.~~

- ~~(b) Prior to a final determination any Department Head has the right to immediately place an employee on administrative leave if the continued presence of the employee at the work site threatens the health or safety of self or co-workers, threatens to disrupt ongoing operations, or follows a previously issued disciplinary action.~~

## **12.08 Record Keeping**

- (a) Copies of written documentation of disciplinary proceedings including but not limited to written reprimands, suspensions, demotions, and discharges will be ~~provided to the Department Head and Village Administrator and~~ kept in the employee's personnel file.

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

**MEETING DATE:** Tuesday, January 31, 2023

**SECTION:** Business

**DEPARTMENT:** Administration

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

**AGENDA ITEM:** Discussion and recommendation on amendment of Chapter 14, General Conditions of Employment, 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 14, General Conditions of Employment, of the Personnel Policy Manual. It is of note that this section of the manual has not been updated in some time, with the exception of Section 14.04, Background Check, which was updated in August 2022. Proposed revisions within this chapter provide updates to the following areas:

- Addition of a section defining an orientation period for new employees.
- Revisions to the Employment of Minors section to reflect updated practices and to ensure compliance with laws and regulations.
- Removal of Section 14.07, Personal Status, per the attorney's recommendation.
- Revisions to provisions and requirements for secondary or outside employment or activities.
- Removal of Section 14.09, Liability and Representation, per the attorney's recommendation.

**FINANCIAL/BUDGET IMPACT:**

N/A

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

N/A

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion and approval.

*Motion to recommend amendment of Chapter 14, General Conditions of Employment, of the Personnel Policy Manual.*

**ATTACHMENTS:**

1. PPM Chapter 14 - General Conditions of Employment - Final Draft 01.20.2023

## CHAPTER 14 - GENERAL CONDITIONS OF EMPLOYMENT

### **14.01—Purpose**

~~This chapter sets forth a definition of the relationship that exists between the Village and its employees. This chapter also defines other basic conditions of employment not set forth elsewhere in this manual.~~

### **14.02—Public Service Mission**

~~Each employee of the Village is expected to deal with the public at all times in a prompt, polite, and helpful manner. Fulfillment of this requirement may mean occasional personal inconvenience.~~

### **14.01 Introductory Orientation Period**

~~Unless specified differently by collective bargaining agreements, the Police and Fire Commission, the Library Board, or the Village Board, Aall employees will work on an introductory basis during their initial employment with the Village. The introductory orientation period is three (3) months for all employees employees.~~

~~The introductory orientation period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether they are able toir position meets their expectationsmeet expectations. The Village uses this period to evaluate an Employee's work habits and overall performance. It also allows an employee to gain an understanding of particular job duties, performance standards, expectations, and mutual responsibilities. The new employee should use this time to learn why this particular role is important, how errors or inefficiencies can affect internal and external customers, and exactly how the employee's role contributes to s-results.~~

~~During the introductoryorientation period, an employee is expected to discuss his or her progress with their supervisor and to ask questions about the duties he or shethey are-is performing. Either the employee or the Village may end the employment relationship at any time during the introductory period or at any time thereafter.~~

~~If the designated orientationintroductory period does not allow sufficient time to evaluate an Employee's performance or for any other reason, the introductory orientation period may be extended in the Village's sole discretion. Any significant absence will automatically extend an introductory period by the length of the absence.~~

~~Employees who are promoted or transferred within the Village may be required to complete additional introductory period(s).~~

### **14.03 Medical Examinations**

(1) Applicants for Village positions may be required to undergo a pre-employment medical examination, including a drug screen, and/or a psychological examination. In designated

positions, an annual medical examination may be required. Such exams will measure the individual's physical capabilities in terms of the job to be performed and will be consistent with the provisions of the Americans with Disabilities Act of 1990, as amended.

(2) The Village shall dictate the medical provider of such testing and will pay the cost of any medical examination that it requires of an applicant or employee.

(3) Any Village ordered examination should be conducted only to confirm the employee's ability to comply with the standards of physical fitness and general health that directly relates to the tasks they are required to perform as part of their job responsibilities. The purpose of these examinations is not to identify or penalize employees who can perform their assigned duties with or without reasonable accommodation.

— a. The standards of physical fitness and general health requirements for each position in the Village will be documented within the individual position description.

#### **14.04 Background Check**

The Village of McFarland requires applicants and employees to satisfactorily complete a background check. The Village will consider the job duties, among other factors, in determining what is necessary for and constitutes satisfactory completion of the background check. The background check will include a criminal background check. Depending upon the position sought, it may also include a driving record review, drug testing, psychological evaluation and credit check. All information obtained as a result of a background check will be used solely for employment purposes.

When the Village uses a consumer reporting agency to obtain background check information or make an employment decision based on that information, it complies with relevant requirements under the Fair Credit and Reporting Act (FCRA).

When a background check is required, the candidate or employee must complete the Village's authorization form. Failure to timely complete an authorization may result in termination of consideration for employment. Falsification or omission of information may result in denial of employment or discipline, up to and including termination.

Village employees who are moving to a position within the organization through transfer, promotion, or otherwise, will not be subject to a criminal background check unless the new position involves increased access to vulnerable populations, increased fiduciary responsibilities, or other factors in the sole discretion of the Village.

All background check information will be kept confidential. The Village of McFarland complies with all applicable federal, state, and local laws regarding background checks.

The Human Resources Generalist is responsible for the administration of this policy.

#### **14.05 Verification of Employment Eligibility**~~Authorized Employment Status~~

~~(1) As an employer, the Village will conform to the federal law that requires new employees with the Federal Immigration and Control Act in its hiring procedures.~~

~~(2) Federal law requires that, within three (3) days following the start of employment, new employees to provide evidence of their identity and of their eligibility to be employed in the United States. Such evidence may be established by providing one or more acceptable documents from the list prescribed by Federal law.~~

#### **14.06 Work Permit**~~Hiring Employees Under Age 18~~Employment of Minors

~~As a general policy, the Village shall may employ minors who are age 16 and older. Exceptions to this policy may be approved by the Deputy Village Administrator and/or Human Resources designee.~~

~~An application must be approved and work permit issued before anyone more under 16 years of age may begin work as a Village employee.~~

~~The offer letter for the hiring of a minor shall include the position title and work schedule. ÷~~

Position Title

Schedule:

~~Minors are not permitted to work more than 6 consecutive hours without a 30-minute duty free meal break. Meal periods shall be near the usual times of 6 a.m., 12 p.m. 6 p.m. and 12 a.m.~~

~~Description of the duties that will be performed:~~

~~Wisconsin State Law prohibits the use of minors to in performing hazardous work. Supervisors/Department Heads shall review the complete list of hazardous work as defined by the State of Wisconsin and found in Wis. Admin. Code DWD 270.12-270.13 to ensure all proposed duties conform to applicable laws and regulations.~~

~~(1) Part-time or seasonal employees who have not reached their 18<sup>th</sup> birthday are required to have a work permit issued by the State of Wisconsin before any work is performed. The form used to apply for a work permit is available from any public high school. Each work permit covers only the position or specific kind of work for which it is issued.~~

~~(2) A Department Head intending to employ an individual less than 18 years of age, or another official acting on behalf of the Village, will need to provide the prospective employee with a letter stating the Village's intention to employ the minor, the title of the position in which the minor will be hired, and a description of the duties that will be performed in the position. An application must be approved and a work permit issued (if the minor is under 16 years old) before a minor may begin work as a Village employee.~~

#### **14.07 Personal Status**

~~Employees are required to keep the Department Head and Village Clerk informed Human Resources Designee informed of their current residence address, home telephone number, and emergency contact information at all times. Any changes in status should be reported to the Village Clerk Human Resources Designee without delay so appropriate adjustments, if any, can be made in insurance benefits.~~

#### **14.08 Secondary Outside or Incompatible Employment or Activity**

~~(1) —The Village requires that employees not engage in work activities and conduct away from their Village job that competes, or conflict with, or compromises Village interests, or adversely affects the employee’s job performance and ability to fulfill all responsibilities to the Village. Accordingly, No employee may regularly engage in other paid remunerative employment or activity without prior approval of the Department Head and Village Administrator. Initial requests are to be made on an Outside Employment Approval Request form and must be renewed annually that creates any such impact on their work or the Village. Should outside employment or service prove to be incompatible with an employee’s proper discharge of their duties, the Village may require the employee to choose between continuing in their current position and the secondary employment or activity. Outside employment shall require the approval of the Village Administrator. The Department Head and Village Administrator may approve outside employment or activity if it is found to not interfere or conflict with the ability of the employee to perform their duties in an efficient and unbiased manner. Violations of this provision may be grounds for discharge.~~

~~(2) No employee will engage in or accept other employment or render service for any person or entity, when such employment or service is incompatible with the proper discharge of their official duties or would tend to impair such employee’s independence of judgment or action in the performance of their official duties, unless otherwise permitted by law and unless disclosure is made and approval granted by the Village Administrator as provided above.~~

~~(3) No person will hold more than one full or part-time Village position at the same time without the consent of the Village Board. This prohibition will not apply to volunteer positions as long as the volunteer position is in a different department than that to which the regular employment position is assigned.~~

~~(4) —All fees, gratuities, honorarium or any other form of compensation for outside services performed during normal Village working hours or while being paid by the Village will be turned over to the Village and any such activities for which such compensation is paid will be reported to the Village Administrator. This subsection will not be construed to apply to activities performed after regular work hours, while an employee is on a bona fide vacation or floating holiday, or to part-time employees except during those times when they are actually performing services for the Village, nor will it apply to the reimbursement of actual and necessary expenses occurring under such circumstances. Failure to comply with these conditions will subject the employee to disciplinary action.~~

#### **14.09 Liability and Representation**

~~(1) — Public employees may be held liable for acts they perform or fail to perform in their official capacity. The Village carries professional "errors and omissions" liability insurance on its employees and officers. Generally speaking, if an employee is found liable and required to pay damages, the costs will be paid by the insurer.~~

~~(2) — There are instances, however, in which a court may require a public employee to pay damages, fines or forfeitures for which the individual may not claim reimbursement from either the employer or the insurer. Violations of the Wisconsin Open Meetings Law and the Public Records Law are two such instances.~~

~~(3) — Most legal actions claiming liability on the part of a Village employee will usually be handled by the Village Attorney, although in some instances special counsel may be hired to represent the Village. Any Village employee has the right, however, to seek representation by legal counsel of the employee's choice if the employee is willing to bear the expense.~~

#### **14.10 Employee Assistance Program??**

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

**MEETING DATE:** Tuesday, January 31, 2023

**SECTION:** Business

**DEPARTMENT:** Administration

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

**AGENDA ITEM:** Discussion and recommendation on creation of an Equal Employment Opportunity Policy.

**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 equal employment opportunity. As a result, the Village desires to bring a formal policy forward regarding Equal Employment Opportunity. Overall, the policy provides for:

- The Village's commitment to a policy of equal employment opportunity (EEO) and non-discrimination for all employees.
- The Village's policy to seek and employ the most appropriately qualified personnel in all positions; to provide equal opportunity for employment and advancement to all employees and applicants in hire, transfer, promotion, compensation, benefits, training and development; and all other terms and conditions of employment.
- The proper dissemination and implementation of the policy by each supervisor and Department Head, and the duty of every employee to help create a job environment which is conducive to the EEO policy.
- The procedures for administering this EEO policy fairly and consistently.
- The remedies for violations of this policy.

**FINANCIAL/BUDGET IMPACT:**

N/A

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

N/A

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion and approval.



*Motion to recommend approval of the creation of an Equal Employment Opportunity Policy to the Personnel Policy Manual.*

**ATTACHMENTS:**

1. Chapter XX - EEO Policy - Final Draft 1-20-2023

## **Chapter XX - Equal Employment Opportunity Policy**

### **XX.01 Purpose**

The Village is committed to a policy of equal employment opportunity (EEO) and non-discrimination for all employees. The personal development and success of individuals results from enhancing and utilizing the abilities of all individuals to the fullest extent that is practical within the working environment.

It is Village policy to seek and employ the most appropriately qualified personnel in all positions; to provide equal opportunity for employment and advancement to all employees and applicants, in hire, transfer, promotion, compensation, benefits, training and development; and all other terms and conditions of employment. It is the policy of the Village to administer these activities in a manner which will not discriminate against any person because of race, color, religion, age, sex, national origin, disability or handicap, gender preference or orientation, pregnancy, genetic information, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law.

The Village is further committed to providing a work environment in which employees are treated with courtesy, respect and dignity. As part of this commitment, the Village will not tolerate any form of harassment, verbal or physical, with regard to an individual's race, color, religion, age, sex, national origin, gender orientation or preference, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected

### **XX.02 Scope**

The policy of equal employment opportunity (EEO) and anti-discrimination applies to all aspects of the relationship between the Village and its employees, including:

- Recruitment.
- Employment.
- Promotion.
- Transfer.
- Training.
- Working conditions.
- Wages and salary administration.
- Employee benefits and application of policies.

The policies and principles of EEO also apply to the selection and treatment of independent contractors, personnel working on our premises who are employed by temporary agencies and any other persons or firms doing business for or with Village.

### **XX.03 Dissemination and Implementation of Policy**

Each supervisor is responsible to give this policy full support through leadership and personal example. It is also the duty of every employee to help create a job environment which is conducive to this Equal Employment Opportunity Policy.

Department Heads and supervisors will be responsible for the dissemination of this policy as well as implementing equal employment practices within each department. The Deputy Village Administrator is responsible for overall compliance and will maintain personnel records in compliance with applicable laws and regulations.

### **XX.04 Procedures**

The Village administers our EEO policy fairly and consistently by:

- Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees.
- Advertising for job openings with the statement "*We are an equal employment opportunity employer, and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other characteristic protected by law.*"
- Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.
- Encouraging employees to bring any concerns or complaints in this regard to the attention of management, by contacting their supervisor, a member of Village management or the Human Resources Designee.
- All complaints of harassment of any kind will be investigated promptly and, where necessary, immediate and appropriate action will be taken to stop and remedy any such conduct. Employees with EEO-related questions or concerns are encouraged to bring those issues to the attention of management or by speaking directly with the Human Resources designee. Refer to the Village Unlawful Harassment, Discrimination and Retaliation Policy for more information.

#### **XX.05 Remedies**

Violations of this policy, regardless of whether an actual law has been violated, will not be tolerated. The Village will promptly, thoroughly and fairly investigate every issue that is brought to its attention in this area and will take disciplinary action, when appropriate, up to and including termination of employment.

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

**MEETING DATE:** Tuesday, January 31, 2023

**SECTION:** Business

**DEPARTMENT:** Administration

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

**AGENDA ITEM:** Discussion and recommendation on creation of a Benefits policy within the Personnel Policy Manual.

**PREVIOUS ACTION:**

**ISSUE SUMMARY:**

In an effort to move to one comprehensive manual from two separate manuals (the Personnel Policy Manual and the Compensation and Benefits Manual), it is required that a new chapter is created to account for the benefits information that is currently contained in the Compensation and Benefits Manual. As a result, the Village desires to bring forward the creation of this Benefits Policy for inclusion in the Personnel Policy Manual. Overall, the policy provides for:

- The policy, eligibility and individual benefit components of the Wisconsin Retirement System (WRS) benefits, which include health insurance, payment in-lieu of health insurance, group life insurance, income continuation insurance, and Wisconsin Deferred Compensation.
- The policy, eligibility and benefits offered by the Village separate from the WRS benefits, which include dental insurance, flexible spending account plans, VEBA healthcare reimbursement account, and other supplemental coverages.
- The policy, eligibility, and information regarding the employee assistance program offered by the Village to all employees.

**FINANCIAL/BUDGET IMPACT:**

N/A.

**VILLAGE PLAN REFERENCE:**

None.

**ORDINANCE REFERENCE:**

N/A

**BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:**

Recommended for discussion and approval.

*Motion to recommend approval of creation of a Benefits Policy within the Personnel Policy*



*Manual.*

**ATTACHMENTS:**

1. Chapter XX - Benefits Policy - Final Draft 01.26.2023

## Benefits Manual

### **Chapter 1 - WISCONSIN RETIREMENT SYSTEM BENEFITS**

#### **1.01 Policy**

(1) The Village participates in the Wisconsin Retirement System and applicable benefits offered by the plan. All eligible employees shall be enrolled.

#### **1.02 Eligibility**

(1) Eligibility for Wisconsin Retirement System benefits including but not limited health, life insurance, income continuation insurance shall be in accordance with State Law and applicable plan requirements.

A. Employees expected to work 1,200 hours or more a year, shall be eligible for WRS Benefits.

B. Employees employed prior to, or with creditable service prior to July 1, 2011, who are expected to work 600 hours or more a year shall be eligible for WRS Benefits.

#### **1.03 Health Insurance**

##### **a. Cost Share for Full-Time Employees**

(1) Full-time employees in classified positions may be eligible for health insurance coverage at the time determined by the Village and the plan provider.

(2) An employee who is budgeted to work 36 or more hours per week may be eligible to receive a health insurance premium contribution on the same basis as a full-time employee.

(3) The Village shall pay 88% of the monthly premium of the lowest cost option based on an average of the rates of the health care providers offered by the Village in the Dane County service area. Employees will be responsible for any remainder of the premium cost.

##### **b. Cost Share Part-Time Employees**

(1) For WRS eligible part-time employees who are budgeted to work 20-35 hours per week, the Village will pay 50% of the lowest qualified health plan in the Dane County service area. Employees will be responsible for the remainder of the premium cost.

(2) For WRS eligible part-time employees who are budgeted to work 14-19 hours per week, the Village will pay 25% of the lowest qualified health plan in the Dane County service area. Employees will be responsible for the remainder of the premium cost.

##### **c. Payment of Employee Share of Premiums**

1) Any health insurance premiums owed by the employee will be deducted through the employee's paycheck.

#### **12.05 Eligibility of Seasonal Employees**

~~Seasonal employees will be eligible for health insurance coverage only if required by the Village's Health Insurance Plan.~~

#### ~~12.06 — Eligibility of Temporary Employees~~

~~Temporary employees will not be eligible for health insurance coverage~~

#### 1.04 Payment In-Lieu of Health Insurance

- 1) Eligible full-time employees who are not enrolled in a health insurance plan offered by the Village will receive an amount equal to fifty percent (50%) of the employer's share of the cost of the lowest cost single plan offered for that month's premium.
- 2) Part-time employees, who are eligible for health insurance benefits as established by the plan provider, who are not enrolled in the health insurance plan offered by the Village will receive a prorated amount of fifty percent (50%) of the employer's share of the cost of the lowest single plan for that month's premium offered based on the amount of hours budgeted.
- 3) If an employee chooses not to participate in said health insurance plan, the Village will notify the employee of the potential risks of such a decision and the employee will be required to sign a waiver acknowledging the potential risks of the decision.
- 4) Employees who transition from WRS eligible full-time or part-time employment to paid on call status, are not eligible for payment in-lieu of health insurance.

#### 1.05. GROUP LIFE INSURANCE

##### a. Coverages

- 1) Eligible employees may receive basic life insurance and accidental death and dismemberment coverages in an amount equal to their annual wages as reported to the Wisconsin Retirement System.
- 2) Supplemental and additional life insurance coverage for employees, their spouses, and their dependents may also be available as an option to employees at employee expense.

##### b. Village Contribution

- (1) The Village may pay up to the full premium cost of basic life insurance coverage for eligible employees.
- (2) If an employee desires to purchase supplemental life insurance coverage for themselves under the plan, the Village may pay up to 20% of the additional premium cost of such supplemental insurance and the employee must pay the balance on a payroll deduction basis.
- (3) The employee must pay 100% of the additional premium cost of any coverage for spouse or dependents.
- (4) The employee must pay 100% of the additional premium for any additional units of coverage.

## **1.06 INCOME CONTINUATION INSURANCE**

- (1) The Village may pay up to the full premium cost of income continuation insurance coverage for eligible employees based on a 180-day waiting period.
- (2) If an employee wishes to purchase a plan which has a shorter waiting period, then the full amount of the additional premium cost above the base premium will be paid by the employee.
- (3) Employees electing a shorter waiting period must authorize the Village to deduct their portion of the premium from their paycheck.

## **1.07 WISCONSIN DEFERRED COMPENSATION**

(1) The Wisconsin Deferred Compensation Program (WDC) is a supplemental retirement savings program administered by the Wisconsin Department of Employee Trust Funds (ETF). Employees under the age of 50 may contribute up to \$17,500/year of their taxable income toward their retirement account. Employees over 50 may contribute an additional \$5,500/year. Costs for this program vary dependent on the amount of money the employee has being managed by the WDC.

## **Chapter 2 - OTHER BENEFITS OFFERED BY THE VILLAGE**

### **2.01 Policy**

The Village shall offer a variety of additional benefits to employees. The village retains the right to amend the benefits offered at any time. The Village retains the right to amend the terms and conditions of its benefit program at any time.

### **2.02 Eligibility**

(1) All eligible employees shall be entitled to the full benefit package offered by the Village as enumerated in this policy.

(2) Eligibility for participation in all other Village offered benefits shall be as enumerated below and in accordance with eligibility requirements of each benefit.

### **2.03 Dental Insurance**

The Village offers access to dental insurance for full-time and regular part-time employees. Current plans and employee contribution information can be obtained from the Human Resource Designee.

### **2.04 Flex System**

Regular full-time and regular part-time employees may elect to participate, through payroll deductions, in a flexible spending account plan for medical and daycare reimbursements. Employees shall be eligible to deduct for the medical reimbursements or daycare reimbursements based on IRS guidelines.

## **2.05 VEBA Healthcare Reimbursement Account**

The Village may participate on behalf of employees in a healthcare reimbursement account program (HRA) established as a VEBA trust under Section 501(c)(a) of the Internal Revenue Code. For qualifying employees, the Village may make tax-free contributions to employees' individual VEBA accounts.

## **2.06 Supplemental Coverages**

The Village offers supplemental insurance through ~~Aflac and Global Life~~ additional providers for those employees interested in the various options provided. The Village does not contribute to the premium costs for the insurance options provided but will allow for individual employees to deduct the amount of their premium from their individual paychecks. For more information about supplemental Insurance options, please contact Human Resources.

## **Chapter 3 - Employee Assistance Program**

### **3.01 Policy**

The Village offers confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital, relationship, and family difficulties, financial or legal troubles, and emotional distress. The EAP offers problem assessment, short-term counseling and referrals to appropriate community and private services. This service is provided by ~~HealthyMinds LLC~~ an external third-party provider.

### **3.02 Eligibility**

All full-time, part-time, paid on call volunteer, active employees are eligible.

### **3.03 Procedures**

(1) The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Information given to the EAP counselor may be released to the Village only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. ~~Healthyminds LLC~~. The third-party provider does not release to the Village who participates in the program or services.

(2) There is no cost for an employee to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will assist the employee in providing a referral based on the employee's healthcare coverage. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.