

Village of Jackson, Wisconsin



Employee Handbook

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PURPOSE OF HANDBOOK

The general purpose of this employee handbook is to provide information in summary form as a matter of information only regarding the system of personnel administration of the Village of Jackson ("Village") for represented and non-represented employees. Also, in instances where the provisions of this handbook are in conflict with federal, state and/or municipal legal requirements, the handbook's provisions shall be superseded by such legal requirements to whatever extent is necessitated by the applicable law or ordinance. Further, the provisions in this handbook do not supplant union agreements. If there is a conflict between a provision of this handbook and a union agreement, the union agreement will prevail.

The basic purpose of this handbook is to help the Village meet its social, economic, and program needs through the recruitment, selection, development, and maintenance of an effective and responsive workforce. The handbook includes rules, policies, procedures, and benefit plans regarding fair and lawful employee hiring, training, advancement, career development, job classification, salary administration, retirement, fringe benefits, discipline, termination, and other related activities and matters. It is your responsibility to read and become familiar with and to follow the policies, procedures, rules, and regulations contained herein.

Neither this handbook nor any policy statement by the Village, whether verbal or written, is intended to guarantee employment, to guarantee employment on any particular terms, or to present an employment contract or any other kind of contract to any employee or any group of employees. The relationship between the Village and each of its employees is at all times one of at-will employment. In other words, the employment relationship may be ended at any time by either party, for any reason, with or without notice and with or without cause. Regarding appointive officers specifically, the Village Board may remove such employees as outlined in the Wisconsin Statutes.

The at-will feature of the employment relationship is not subject to change, except pursuant to an express written agreement authorized and made by the Village Board and signed by the Village President, and attested to by the Village Clerk/Treasurer of the Village of Jackson. While the at-will nature of the employment relationship is not subject to change (except as described above), other rules, policies, procedures, and benefits referred to in this handbook are subject to change. At the Village's sole discretion, the Village may, from time to time and without prior notice, review, amend, modify, add to, or eliminate any such rules, policies, procedures, and benefits as well as any rules, policies, procedures, and benefit plans not referenced in this handbook. Revisions in this handbook will be distributed periodically, as warranted. If questions arise regarding the application of benefit information in this handbook, reference may be made to the appropriate unabridged benefit policy contained in the Village Clerk/Treasurer's office; in instances where this handbook's provisions and the Village's benefit policies or plan documents including insurance policies may disagree, the policies and plans will always prevail. The final decision on any question regarding interpretation of the Village's rules, policies, procedures, and benefits rests exclusively with the Village.

This handbook overrides, supersedes and replaces any former or existing verbal or written policy statements applicable to Village employees.

EQUAL OPPORTUNITY EMPLOYMENT

The Village of Jackson is committed to a policy of equal opportunity for all employees and applicants. It is the Village's policy to seek and employ the best qualified personnel in all positions and to provide to all employees and applicants equal opportunity regarding employment, without any discrimination based on race, color, creed or religion, age, sex, national origin, handicap, disability, ancestry, sexual orientation, marital status, citizenship status, veteran status, arrest or conviction record, use or non-use of lawful products off Village premises during nonworking hours, membership in the national guard, state defense force or any reserve component of the military forces of the United States or the State of Wisconsin, or any other basis prohibited by state or federal law. This policy shall apply to all aspects of employment including, but not limited to, recruitment, hiring, placement, assignment, formal and informal training, seniority, transfer, promotion, layoff, recall, discipline, termination, or other conditions of employment. Similarly, all salaries, wages, benefit programs, and personnel policies shall be administered in conformity with this policy.

Reasonable accommodations, where available, will be made for qualified individuals with a disability, unless such accommodations would impose an undue hardship on the Village or are otherwise not required under applicable state or federal law. The Village Administrator is responsible for overseeing the Village's equal employment opportunity policy. If an employee believes that an act of discrimination has occurred, the employee may file a claim of discrimination under the complaint procedure outlined under the Harassment and Discrimination Policy. The Village Administrator or designee is responsible for investigating any complaint alleging discrimination.

AMERICANS WITH DISABILITIES ACT (ADA) **WISCONSIN FAIR EMPLOYMENT ACT (WFEA)**

It is the intent of the Village to guarantee persons with disabilities equal opportunity to participate in or enjoy the benefits of Village services, programs, or activities, and to allow them a bias-free work environment. The Village, upon request, will provide reasonable accommodation in compliance with the law.

The Village of Jackson has a commitment to ensure equal opportunities for employees with disabilities. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such a manner as to not discriminate against employees with disabilities.

FAIR LABOR STANDARDS ACT (FLSA)

It is the policy of the Village to comply fully with the provisions of the Fair Labor Standards Act of 1938, as amended, as well as applicable state laws.

- I. Covered Employees.
 - A. An exempt employee is an employee whose position meets the overtime exemption tests established by the Fair Labor Standards Act (FLSA) and State law. These employees are paid on a salary basis and exempt from overtime pay requirements.
 - B. A nonexempt employee is an employee whose position does not meet FLSA and State law overtime exemption tests. Nonexempt employees are paid on an hourly basis and are eligible for overtime pay for hours worked in excess of forty (40) hours in a seven-(7) day workweek. The defined workweek, established by the Village, is from Monday at 12:01 a.m. through Sunday at 11:59 p.m.
- II. Time Worked.
 - A. Time worked includes all time nonexempt employees are required to be on duty at their prescribed work places and all time during which they are permitted to work outside their normal work schedule. The FLSA and State law will govern time worked.
 - B. Nonexempt employees will be compensated at time and one-half their normal base rate pay for all hours worked within the workweek exceeding forty (40) hours for all time they are required or asked to work which supervisors know or have reason to know they are working.
 - C. Nonexempt employees who work without authorization are subject to disciplinary action, up to and including termination.
- III. Time-keeping.
 - A. Nonexempt employees.
 1. A daily attendance record shall be maintained for each nonexempt employee. This record shall reflect on a daily basis, start and end times and all absences, including personal time, sick leave, holidays, vacation, other types of leaves permitted as set forth in this handbook, time missed due to worker's compensation, compensatory time, any unpaid time off, etc.
 2. Attendance records may be maintained utilizing a time clock, or by keeping a daily time sheet on a form approved by the Village Administrator. The particular method for keeping track of attendance shall be discussed between the Department Head and the Deputy Village

Clerk/Treasurer, with final approval for the same made by the Village Administrator.

3. Nonexempt employees must record all time worked. No member of management is allowed to knowingly permit an employee to perform work without recording the time worked. A failure to record actual time worked is a violation of FLSA and Wisconsin wage and hour laws and of Village policy.
- B. Exempt employees: Exempt employees shall keep accurate records of the number of hours taken for vacation, holiday, sick, and personal time.
 - C. Submission of Attendance Records: The Department Head shall be responsible for submission of weekly attendance records. Employee pay is computed from the attendance records. The employee and the Department Head must ensure the accuracy of the records they submit, and each must sign the weekly attendance record certifying its accuracy.
- IV. Meetings/Training.
- A. Time spent by nonexempt employees attending meetings, training, and similar activities must be counted as time worked unless all of the following criteria are met:
 1. The attendance is outside of the nonexempt employee's regular working hours;
 2. The attendance is voluntary;
 3. The meeting, training, or similar activity is not directly related to the nonexempt employee's position; and
 4. The nonexempt employee performs no work related to his/her position while in attendance.
 - B. Lunch breaks at training are not considered time worked for nonexempt employees, provided the employee is free to leave and there is no formal instruction during the lunch period.
- V. Travel.
- A. Normal travel, for a nonexempt employee, from home to work and return to home is not considered work time. This is true whether the nonexempt employee has a fixed workplace or works at different locations.
 - B. Travel to work assignments at sites within reasonable commuting distance of the nonexempt employee's primary work site is considered in the "home to work" category and is not work time. If, however, a nonexempt employee is required to stop by the primary work site for instructions or to pick up materials, the travel from the primary work site to the work assignment will be counted as time worked.

- C. Travel between a nonexempt employee's normal work site and another place of assignment, or travel between one assignment and another during the work day, is considered time worked.
- D. Travel associated with a one day assignment at a different location will be considered time worked to the extent that the travel exceeds the time spent in the non-exempt employee's normal travel between home and work.
- E. Travel associated with a work assignment involving an overnight stay will be considered time worked if it coincides with the employee's regular work hours. This is true even if it falls on a day that is normally a non-working day for the employee (i.e. Saturday or Sunday travel time during regular work hours will be counted as hours worked).
- F. FLSA exempt employees are not entitled to any FLSA compensation for travel time, either outside of, or in addition to, their normal hours of work.

SECTION 1: GENERAL PERSONNEL POLICIES

1.01 Open Door Policy

The Village of Jackson has an open door policy under which all employees have the opportunity to deal directly with their Department Head and other members of the Village Management Team with respect to their employment. Indeed, the Village encourages each employee to communicate his/her concerns. If you have any questions or concerns about the information contained in this handbook or about any aspect of your job, the Village welcomes your inquiry. If you have a concern related to safety or security at the workplace, you have a special responsibility to notify the Village of your concern. If possible, you should first address your concern to your Department Head (or, in the case of a Department Head, to the Village Administrator). If your question remains unanswered, you may further pursue the matter with the Village Administrator. Although the Village may not provide in all cases the particular answer desired by an employee, the Village will attempt to give honest, straightforward, and helpful responses to all questions and comments. Through good communication, we can all better enjoy our work and better serve the people of the Village.

Grievances related to discipline, termination, or workplace safety issues must be processed by employees covered under Section 66.0509, Wis. Stats. (other than police and fire department employees subject to Section 62.13(5), Wis. Stats.), according to the Grievance Procedure set forth in this handbook.

1.02 Policy Development and Administration

The Village Board retains and reserves to itself without limitation, all powers, rights, duties, and responsibilities granted to it by the laws of the State of Wisconsin and of the United States. The Village Board retains the ultimate right of and responsibility for adopting personnel policies or continuing policies, practices, and procedures for the conduct of the operation of the Village and from time to time to change or abolish such policies, practices, and procedures. The Village Administrator will be responsible for the implementation of the policies and procedures adopted by the Village Board.

1.03 Health-Related Privacy Policy

The Village recognizes that an employee's health condition is generally a private and personal matter, and will protect the confidentiality of the situation and any related documentation to the extent permitted by law.

As required by the American's with Disabilities Act (ADA), records relating to disabilities and accommodations must remain confidential. Medical information must be kept in locked medical files, separate from personnel records, with limited access. Medical information may only be related in the following limited circumstances:

1. Supervisors may be told about necessary restrictions and/or accommodations;
2. First aid and safety officials may be told if the disability may require emergency treatment;
3. Government officials investigating compliance with ADA must be provided with requested information.

Unauthorized release of confidential information shall be reported to the Village Administrator, and appropriate disciplinary action may be taken, up to and including termination.

1.04 Drug and Alcohol-Free Workplace

The Village is committed to providing a safe, healthy, and productive workplace where all employees strive to provide excellent service to the community. Since the use of alcohol and/or drugs jeopardizes the safety and productivity of the user, as well as his/her fellow employees, the Village will strive to maintain a drug and alcohol-free workplace. Further, the Village shall comply with the Federal Drug-Free Workplace Act of 1988 (the Act”), which prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (as defined in schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. Section 812, and further defined in 21 CFR 1308.11 through 1308.15) in the workplace. This policy is made in coordination with Section 6 of this Manual; the Village’s Controlled Substances and Alcohol Testing Policy.

In order to protect the health, welfare, and safety of employees, the Village prohibits the unlawful manufacture, distribution, dispensation, possession, being under the influence of and/or use of a controlled substance, alcohol, or drug paraphernalia in the workplace. This includes the misuse or abuse of prescription drugs. This also includes attempting to enter, or being in the workplace with alcohol, drugs, or controlled substances. The workplace is defined as entry upon or presence on Village property or any worksite throughout the Village, including the parking lot, driveway, or any other Village premises or worksite. This includes Village vehicles and any private vehicles parked on Village premises or worksites.

As a condition of employment, the Village requires that employees strictly abide by this policy and the prohibitions and the provisions of the Village’s Controlled Substances and Alcohol Testing Policy. Failure to abide by this policy or the Controlled Substances and Alcohol Testing Policy will cause disciplinary action to be taken, up to and including termination.

An employee must notify the Village within five (5) days of any criminal drug statute conviction for a violation occurring in the workplace. Upon receiving notice of an employee’s criminal drug statute conviction, the Village will, within ten (10) days, notify the agency from which federal funds may have been received. This is required by the Act. Disciplinary action, up to and including termination, will be taken against an employee convicted of a drug violation in the workplace.

To ensure the safety of the workplace, the Village will conduct drug and alcohol testing as set forth in the applicable Controlled Substances and Alcohol Testing Policy.

1.05 Harassment and Discrimination

It is the policy of the Village of Jackson that all employees have the right to work in an environment free of persistent and unwelcome conduct or actions on the basis of race, color, creed or religion, age, sex, national origin, handicap, disability, ancestry, sexual orientation, marital status, citizenship status, veteran status, arrest or conviction record, use or non-use of lawful products off Village premises during nonworking hours, membership in the national guard, state defense force or any reserve component of the military forces of the United States or the State of Wisconsin, or any other basis prohibited by state or federal law.

The Village will not tolerate, condone, or allow harassment by any employee or other non-employee who conducts business with the Village. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, creed or religion, age, sex, national origin, handicap, disability, ancestry, sexual orientation, marital status, citizenship status, veteran status, arrest or conviction record, use or non-use of lawful products off Village premises during nonworking hours, membership in the national guard, state defense force or any reserve component of the military forces of the United States or the State of Wisconsin, or any other basis prohibited by state or federal law. The Village of Jackson considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the Village shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this Village policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

Definitions

I. Verbal Harassment

Unsolicited or unwelcome verbal conduct including but not limited to innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes, unwelcome flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to or submit to unwelcome conduct.

II. Non-Verbal Harassment

Unsolicited or unwelcome non-verbal conduct, including, but not limited to sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, electronic messaging, email, the internet, or other such sources as a means to express or obtain sexual or discriminatory material, printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures, or any material which inappropriately raises the issues of sex or discrimination.

III. Physical Harassment

Physical harassment includes unsolicited or unwelcome physical contact, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.

IV. Unwelcome Harassment

For the purpose of this policy, conduct is unwelcome when the person subjected to the conduct done on the basis of a protected employment category set forth in this Section did not solicit or incite the conduct and regarded the conduct as undesirable or offensive. Conduct may be unwelcome despite participation by the offended employee and despite the fact that the offended employee does not tell the accused the conduct is unwelcome.

Prohibited Activity

I. Sexual Harassment

- A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

II. Harassment

- A. Harassment is any verbal, written, visual, or physical act that creates a hostile, intimidating, or offensive work environment or interferes with an individual's job performance done on the basis of a protected employment category set forth in this Section.

Complaint Procedure

Any employee encountering harassment is encouraged but not required to inform the person that his/her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.

Any employee who believes that he or she is being harassed shall report the incidents as soon as possible to a supervisor, Department Head, or the Village Administrator so that an investigation may be conducted, and if necessary, steps may be taken to protect the employee

from further harassment and so that appropriate remedial action, where appropriate, may be initiated.

The Department Head or designee shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) of occurrence(s), and shall report their findings to the Village Administrator.

The Village Administrator or designee shall be responsible for investigating any complaint alleging harassment or discrimination promptly and thoroughly. In the event that the complaint is substantiated, the Village Administrator will take prompt and effective action to address the problem.

Confidentiality

Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under all the circumstances.

Retaliation

The Village of Jackson will not permit or condone retaliation against an employee who files a harassment or discrimination complaint or assists, testifies, or participates in an investigation. Retaliation is prohibited by the Village and by state and federal statutes and shall be reported immediately. Retaliation against another employee for filing a harassment or discrimination complaint or for assisting, testifying, or participating in an investigation is a form of misconduct and is considered a separate violation of this policy. Complaints for retaliation shall be reported and processed in the same manner as complaints for harassment and discrimination complaints.

1.06 Health and Safety Policy

Health and safety is extremely important both to the Village and to you. The Village therefore expects its employees to use healthy and safe work practices at all times.

Any employee, who experiences, discovers, witnesses, or even suspects any injury, illness, accident, hazard, or unsafe condition in the workplace should do the following:

1. Report the matter to his/her Department Head (or, in the case of a Department Head, the Village Administrator) immediately;
2. Secure any necessary medical attention which can appropriately be administered at the work place;
3. In the event of an illness/injury/accident, complete a report regarding it (regardless of the seriousness of the illness/injury/accident); and
4. If further additional medical attention is needed, obtain an authorization slip before leaving the premises (to the extent that doing so is feasible under the circumstances).

Failure to follow the above sequence of procedures may subject an employee to disciplinary action, except in the event of an emergency or when otherwise reasonably necessary to avoid further harm to health and/or safety. The importance of promptly reporting an injury or illness cannot be overstated. Under some circumstances, failure to report an illness or injury promptly may jeopardize worker's compensation eligibility.

Grievances related to workplace safety issues must be processed by employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats., according to the Grievance Procedure set forth in this handbook.

1.07 Internet and E-mail Policy

The Village provides and maintains electronic communications services and devices including, but not limited to computers, cellular telephones, voicemail, telephones (phone lines, cellular, broadband access, or satellite), email, instant messaging and internet access for employees' use in order to provide a high quality, efficient environment in which to fulfill the Village responsibilities. To that end, these systems and devices are Village property and, except as provided in this policy, should only be used for valid work-related purposes. The Village reserves the right to review, audit, intercept, monitor, access, disclose, copy and/or download any communication created, transmitted or maintained on any of the Village's computers, network, electronic or telecommunication systems or devices, including cell phones, and employees should have no expectation of privacy with regards to such communications. Data that is composed, transmitted, or received via Village systems or devices may be considered an official record of the Village and, as such, may be subject to disclosure to law enforcement officials or other third parties.

Employee communications and use of these systems and devices shall be held to the same standards as all other professional communications, including compliance with anti-discrimination and anti-harassment policies. Employees who use the systems or devices inappropriately can be subject to loss of access privileges and other appropriate discipline, up to and including termination. Inappropriate uses include, but are not limited to:

1. Communications that contain ethnic slurs, inappropriate racial references, sexually explicit, obscene, or harassing messages that would constitute harassment of others.
2. Unauthorized attempts to access, retrieve, read, or listen to another person's communication via computer, email, or voicemail account without prior authorization.
3. Transmission of sensitive, confidential, or proprietary information to unauthorized persons or organizations.
4. Creating, downloading, displaying, or printing distasteful or offensive materials, including without limitation sexual, racist or hateful materials, visual depictions that are obscene, or child pornography.

5. Illegal or unethical activities or other activities that could adversely impact the Village.
6. Use for non-work related activities, including but not limited to computer games, during normal paid work hours.
7. Solicitation or proselytizing for commercial ventures, religious or political cases, outside organizations, or other non-job-related solicitations.
8. Social Networking except when used for a valid work related purpose.

Violations of this policy may warrant discipline, up to and including termination.

Employees may use the computer and internet during lunch periods with supervisory approval. Any personal use shall be subject to the provisions of this policy. The Village reserves the right to deny personal use of the computer and internet at any time.

Nothing in this policy shall restrict Village employees from engaging in any concerted or other activity protected by law.

1.08 Personnel Files

A personnel file is maintained for all employees and shall be retained in the custody of the Village Administrator or designee. Personnel files for employees of the police and fire departments shall be retained in the custody of their respective chiefs. As provided by law, employees are given the right to inspect their personnel files at appropriate times during normal business hours, under the supervision of the Village Administrator or designee, up to two (2) times per year upon seven (7) days written notice to the Village Administrator. The Village Administrator or designee shall have access to personnel files at any time. Personnel files will be considered confidential to the extent required by law.

All employees should promptly notify the Village Administrator or designee of any changes in name, address, telephone number, marital status for benefit plan purposes, number of dependents for withholding purposes, beneficiaries or dependents indicated in his/her insurance, tax withholding information, and person to notify in an emergency.

1.09 Privacy in Locker Rooms Policy

Employees are prohibited from using a recording or surveillance device, including a cellular phone, to capture, record, or transfer an image of a nude or partially nude person in a Village locker room. Employees who violate this policy may be subject to disciplinary action, up to and including termination. Anyone who is aware of the use of a recording or surveillance device, which may be in violation of this policy, should immediately report the use to his/her Department Head.

1.10 Reference and Background Check Policy

The position an individual applies for and the information he/she gives during the interview process will determine what contingencies may apply to an offer of employment.

I. Reference Checks

All applicants for any position with the Village will be subject to reference checks with former employers. Unless required by law, reference checks will not be shared with the potential employee.

II. Driving Records

A review of driving records is required for all positions that involve operation of a motor vehicle. Prior to an offer of employment or promotion to a position that requires driving; the Village may review the records against a specific set of screening criteria to evaluate whether the record is acceptable, questionable, or unacceptable. In addition, the screening may also take into account how much experience is needed, and what types of vehicles and/or equipment the candidate used in the past.

III. Required Qualifications

- A. It is a required qualification for Village employees who operate motor vehicles or equipment to have an acceptable driving record. Based on the Village Motor Vehicle Record (MVR) review, a candidate may not be considered for employment if any of the following have occurred during the last three year period:
1. Conviction of a felony which has nexus to the job position.
 2. Cancellation, declination, or non-renewal of vehicle insurance.
 3. Suspension or revocation of driver's license.

IV. Background Investigations

- A. After an applicant receives a conditional offer of employment, the Village shall have a routine background check using Wisconsin's Public Abstract Request System (PARS). This will be performed before the appointment is made, and a report shall be filed with the Village Administrator. The personal background and criminal and civil forfeiture data will be evaluated in relation to the applicant's ability to perform the duties and responsibilities of the specific position.
- B. All applicants shall be checked for verification of their employment and educational backgrounds.
- C. A background investigation may be completed on volunteers and temporary employees as considered appropriate and depending on the duties.

V. Credit Checks

- A. Village positions that have responsibility for initiating or affecting financial transactions may be required to submit to a credit check. The candidate will be required to consent to a credit report under the terms of the Fair Credit Reporting Act. A candidate's refusal to consent to this credit check will be deemed a rejection of the offer of employment. If adverse information is discovered during the credit check process, and is being used as part of the decision not to hire an applicant; he/she may, within seven business days, challenge the findings prior to the offer being denied.

VI. Record Keeping

- A. Information attained as part of the reference and background checks process will be used as part of the employment process and will be confidential to the extent permitted by the law and will be shared with management individuals on a need-to-know basis.
- B. The Village Administrator or designee will store and maintain the information obtained as part of the reference and background check process. For employees of the police and fire departments, such information will be stored and maintained by their respective chiefs. Any employee who has authority to conduct a reference or background check under this policy should forward all pertinent documentation to the Village Administrator or designee.
- C. All inquiries regarding a current or former Village employee must be referred to the Village Administrator, including telephone and written requests. Information provided over the telephone will be limited to verification of employment dates, position title, and salary. Reference letters are prohibited from being issued on any current or former Village employee, without prior permission from the Village Administrator.
- D. No other data or information regarding any current or former Village employee or his/her employment with the Village will be furnished, unless authorized in writing by the employee. The written authorization also releases the Village from liability in connection with information it furnishes, or is required by law to furnish.

1.11 Employment Eligibility Documents

Federal regulations require the Village to comply with the Immigration Reform and Control Act of 1986. All new employees must complete an I-9 Form and provide proof of their identity and their ability to work in this country. The Village Administrator or designee is responsible for obtaining the I-9 Form and verifying the eligibility to work in the United States. Employees will be expected to complete the I-9 Form during orientation on their first day of work. The Village Administrator or designee will properly complete the Employer Section of the I-9 Form. If a new employee is unable to provide the necessary documentation within three

working days from the date of hire, he/she must provide proof that he/she has applied for the required documents. If this is not provided, the employee will be terminated.

If a supervisor is notified by any governmental agency that it is going to conduct an inspection of the I-9 documents, the supervisor should contact the Village Administrator immediately. These documents shall be stored separately and securely, apart from employee personnel files.

1.12 Social Networking Policy

The role of technology in the 21st century workplace is constantly expanding and now includes social media communication tools that facilitate interactive information sharing, interoperability, and collaboration. Commonly used social media Web sites, such as Facebook®, Twitter®, MySpace™, YouTube®, Flickr®, Blogger, and LinkedIn®, have large, loyal user bases and are, thus, increasingly useful outreach and communication tools for local governments. All Village operated social networking sites shall be operated in conformance with, and be consistent with applicable state, federal, and local laws, regulations, and policies including all information technology security policies. This includes any applicable records retention time periods.

Village operated social networks and personal social networks, must be kept separate at all times. The purpose of this policy is to establish guidelines concerning conduct for Village and personal use of social networking sites.

I. Definitions

- A. Blog – A blog (short for web-log) is a personal outline journal that is frequently updated and intended for general public consumption. Blogs are defined by their format; a series of entries posted to a single page in reverse-chronological order. Blogs generally represent the personality of the author or reflect the purpose of the website that hosts the blogs. Topics sometimes include brief philosophical musings, commentary on Internet, and other social issues, and links to other sites the author favors, especially those that support or reject a point being made on a post.
- B. Chat Room – A way of communicating by sending text messages to people in the same chat room in real-time. The term can mean any technology ranging from real-time online chat over instant messaging and online forums to fully immersive graphical social environments.
- C. Forum – An online discussion group where users can post comments and thoughts, either anonymously or as themselves, usually not in real-time.
- D. Personal Website – Website created or configured by an individual for business, social, or entertainment purposes.
- E. Social Networking Site – A website or service that enables users to create public profiles within that website and form relationships with other users of the same

website who access their profile. Social networking sites can be used to describe community-based websites, online discussions forums, chat rooms, and other social spaces online or by cell phone.

- F. URL – Abbreviation of Uniform Resource Locator, the global address of documents and other resources on the World Wide Web. For example, <http://www.google.com> is the URL for google.com. It is the address where the website for Google may be found.
- G. Website – Any computerized document, file, or menu accessible on the Internet and/or World Wide Web.

II. Acceptable Use

The following guidelines have been established regarding employee use of Village operated social networking sites and personal social networking sites:

- A. Separate Personal and Professional Accounts
 - 1. Employees shall not blur or combine their personal and professional lives when operating a Village operated social networking site.
- B. Personal Use
 - 1. Employees are allowed to have personal social networking sites. These sites must remain personal in nature, and the employee must maintain a distinction between sharing personal and official Village views. In addition, employees should never use their Village e-mail account or password in conjunction with a personal social networking site.
 - a. When operating personal social network sites, an employee should use a disclaimer to ensure that his/her stated views and opinions are understood to be his/her own and not those of the Village. A disclaimer is required when employees:
 - Refer to the work done by the Village;
 - Comment on any Village related or issues; or
 - Provide a link to a Village website.
- C. Professional Use
 - 1. All Village-related communication through Village operated social media outlets should remain professional in nature and should always be conducted in accordance with the organization's communications policies, practices, and expectations. Employees must not use Village operated social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

2. When using Village operated social networking sites, employees are required to:
 - a. Be respectful of all individuals and communities with which employees interact online;
 - b. Be polite and respectful of other opinions, even in times of heated discussion and debate;
 - c. Adhere to the Terms of Use, and seek to conform to the cultural and behavioral norms, of the social media platform being used;
 - d. Respect copyright, privacy, financial disclosure, and other applicable laws when publishing on Village operated social media platforms. Employees should check with their supervisors if uncertain about what an employee can reproduce or disclose on social media platforms.
 - e. Be Clear As To Identity. When creating Village operated social media accounts that require individual identification, Village employees should use their actual name, not pseudonyms.
 - f. Do not assume privacy. Only post information if authorized to disclose said information.
 - g. Use different passwords for different accounts (both social media and existing work accounts). Using the same password for all accounts increases the vulnerability of the accounts being compromised.

Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action. If an account is used for professional use related to the Village, the entire account, regardless of any personal views, is subject to these best practices guidelines, including the records management and preservation provisions.

III. Terms of Service

- A. Employees should be aware of the Terms of Service (TOS) of the particular form of media. Each form of social media has its own unique TOS that regulate how users interact using that particular form of media. Any employee using a form of social media on behalf of the Village should consult the most current TOS in order to avoid violations. If the TOS contradict organization policy, then a decision should be made about whether use of such media is appropriate.

IV. Content of Posts and Comments

- A. Employees using social media to communicate on behalf of the Village should be mindful that any statements made are on behalf of the organization; therefore, employees should use discretion before posting or commenting. Once these comments or posts are made they can be seen by anyone and may not be able

to be “taken back.” Consequently, communication should include no form of profanity, obscenity, or copyright violations. Likewise, confidential or non-public information should not be shared. Employees should always consider whether it is appropriate to post an opinion, commit oneself or the Village’s course of action, or discuss areas outside of one’s expertise. If there is any question or hesitation regarding the content of a potential comment or post, it is better not to post. There should be great care given to screening any social media communication made on behalf of the Village as improper posting and use of social media tools can result in disciplinary action.

V. *Posts, Comments, and Public Records*

- A. Like e-mail, communication via Village operated social networking Web sites may be considered a public record. This means that both the posts of the employee administrator and any feedback by other employees or non-employees, including citizens, may become part of the public record.

VI. *Security*

- A. From a security standpoint, employees should be mindful of how to best prevent fraud or unauthorized access to the Village operated social media site. In almost every case where an attacker accesses a system without authorization, they do so with the intent to cause harm. In order to minimize the possibility of a security breach, each employee must:
 - 1. Ensure that he/she is aware of which information to share, with whom he/she can share it, and what not to share;
 - 2. Ensure that he/she is aware of the Privacy Act of 1974 and its requirements and restrictions.

VII. *Records Management and Preservation*

- A. Communication through local Village operated social media may be considered a public record subject to the required retention period. Employees who receive messages through the private message service offered by some social media sites should encourage users to contact them at a public e-mail address maintained by their organization. For Village-related messages that employees do receive, they should be retained pursuant to the required retention period.

VIII. *Breach of Policy*

- A. Failure to comply with this Policy may result in disciplinary action, up to and including termination of employment.

1.13 Travel Policy

The Village recognizes that business travel is necessary at times to conduct Village business, and to attend out of town professional conferences, training sessions, and meetings to enhance an employee's skill base. The following provisions address the types of reimbursement available to employees, as well as procedures for obtaining travel advances and submitting expenses for reimbursement:

I. Transportation

- A. Utilization of Village vehicles is encouraged for business travel. Any expenses (i.e. gasoline or repairs) attributed to Village vehicles, as well as expenses for tolls, parking fees, and garage charges, will be reimbursed upon submittal of receipts.
- B. Private vehicles may be utilized for business travel when Village vehicles are not available. Prior approval must be obtained by the Department Head. Mileage will be reimbursed per the current rate of the Internal Revenue Code, plus tolls, parking fees, and garage charges, upon submittal of receipts and the signed Mileage Reimbursement Form.

II. Lodging

- A. Employees are expected to stay at mid-priced and economy hotels unless a conference discount or government rate is available at more expensive facilities. Receipts for lodging are required. Personal telephone calls, internet access, movie rentals and other similar charges will not be reimbursed.
- B. Village employees should furnish lodging retailers with a copy of the Wisconsin Sales and Use Tax Exemption Certificate when traveling for Village business.

III. Meal, Entertainment, and Miscellaneous Expenses

- A. Meal Reimbursement Policy
 - 1. The Village shall reimburse the employee for the actual cost of meal expenses up to the amounts listed below, incurred while traveling on authorized Village business. Claims for reimbursement of meal costs including any state and local taxes are expected to represent reasonable and necessary costs and may include a maximum gratuity of twenty (20) percent.
 - 2. Meal Allowance

The current rate of reimbursement for meals shall not exceed the following maximums

 - a. Breakfast \$10.00
 - b. Lunch \$15.00
 - c. Dinner \$31.00 (or see Daily Allowance below)

3. Daily Allowance – \$61.00 (To be eligible for the daily allowance, an employee must be out of town on Village business and meals cannot be included in the conference fee.)
 - a. Alcoholic beverages are not eligible for reimbursement.
 - b. Employees who must begin their travel day prior to 6:00 a.m. and end their day after 6:00 p.m. are eligible for breakfast and dinner reimbursement. No reimbursement shall be claimed for meals that could have reasonably been consumed prior to departure or following return.
 - c. Even if the time requirements are satisfied for Daily Allowance, the reimbursement will NOT be allowable in the following instances
 - i. When the employee is attending training within a forty (40) mile radius from his/her normal work site.
 - ii. When meals are included within the training or conference fees.
 4. If a meal is part of a conference, convention, or instructional program being attended by the Village employee and an amount higher than allowed by the Village is separately charged to each participant, the full amount will be reimbursed with proper documentation.
 5. If the registration fee includes one or more meals, the employee shall not be eligible for reimbursement for such meals in addition to reimbursement for the registration fee. If the lodging accommodations the employee is staying at offer a free breakfast, the cost of the meal is excluded from the daily allowance or breakfast reimbursement submitted by the employee.
 6. If traveling outside of Wisconsin, per diem rates will be paid for your area of travel, minus incidentals. Locate the most recent U.S. General Services Administration (GSA) per diem reimbursement rates at www.gsa.gov or contact the Village Deputy Clerk/Treasurer. The GSA reimbursement rates documentation must be included with the request for reimbursement.
- B. Entertainment, amusement, or recreation expenses for employees will be reimbursed only if the activity is directly related to the conduct of the Village-related business. The business purpose of the entertainment, the names of the persons involved, and the business relationship must be disclosed on the travel reimbursement form.

IV. Registration and/or Tuition Fees

- A. Registration and tuition fees for pre-approved professional and technical meetings and conferences are reimbursable, upon submittal of receipts.

V. Travel with Spouse and/or Family

- A. If a spouse and/or other family member travel on an official trip, reimbursement shall be limited to the single rate for the room occupied; and expenses shall be limited to the employee only.

VI. Code of Conduct

- A. While traveling, employees are representing the Village and are expected to conduct themselves in a professional manner that promotes a positive image to instructors, business persons and the general public.
- B. When possible, travel arrangements should be charged or billed directly to the Village.

VII. Expense Report

- A. An expense report should be filled out upon the completion of the business travel, and turned into the Department Head. Itemized receipts must be attached to the report to receive reimbursement for all Village-related business expenses.

1.14 Use of Village Equipment

The Village of Jackson provides supplies, uniforms, equipment, vehicles, and materials necessary for employees to perform their jobs. These items are to be used solely for Village-related business. The Village expects that employees and volunteers will not:

1. Obtain, use, or divert Village property, including records, for personal use and/or benefit.
2. Materially alter or destroy Village property or records without proper authorization.
3. Borrow or use Village property, unless for Village work-related use. Any removal of Village property for personal non-work related use is not permissible.

Employees are expected to exercise care in the use of Village equipment and property and use such property only for authorized purposes. Loss, damages, or theft of Village property should be reported to the supervisor immediately. Negligence in the care and use of Village property may be considered grounds for discipline, up to and including termination.

I. Office Equipment

- A. The Village's equipment (such as postage, facsimile and copier machine), is intended to be used for business purposes. An employee may only use this

equipment for non-business purposes in an emergency and only with a supervisor's permission.

II. Telephone/Cell Phone Use

- A. Due to the fact that a large part of the Village's business is conducted over the telephone, it is essential to project a professional telephone manner at all times. The Village realizes that there are times when an employee may need to use the telephone or cell phone for personal reasons, but it is expected that good judgment will be used in limiting the length and frequency of such calls. Additionally, no long distance personal calls may be made on Village phones without prior approval from the employee's supervisor. The Village reserves the right to monitor the use for financial and business purposes to ensure fiscal responsibility.

III. Computer Use

- A. The use of Village computers and software is limited solely to the appropriate business use, except as otherwise permitted in this handbook. Employees are strictly forbidden from installing software on the system. Further, this policy affirms that the Village's employees have no reasonable expectation of privacy with respect to any computer hardware, software, electronic mail, or other computer or electronic means of communication or storage, whether or not employees have private access or an entry code into the computer system. The Village reserves the right to monitor the use of its computer system.

IV. Vehicle Use

- A. Village vehicles may only be used for authorized Village business. Only employees with an unrestricted, current driver's license and who have adequate insurance coverage may operate Village vehicles or use a personal vehicle to conduct Village business. Adequate proof of insurance must be provided to the Village Administrator or designee annually and upon request. It is the responsibility of an employee to immediately inform his/her supervisor of any restriction, suspension or revocation of driving privileges that would affect his/her ability to operate a vehicle on Village business. Failure to comply with this requirement may result in disciplinary action, up to and including termination.
- B. Any employee operating a Village vehicle or using a personal vehicle to conduct Village business must do so in a safe manner and must follow all traffic and safety rules and regulations, including but not limited to laws requiring the use of seatbelts and laws prohibiting texting while operating a vehicle. Operating a Village vehicle or personal vehicle to conduct Village business under the influence of drugs or alcohol or in an unsafe or negligent manner may be considered grounds for discipline, up to and including termination.

- C. The Village has the right to search any Village vehicle at any time. Therefore, employees have no reasonable expectation of privacy with respect to Village vehicles.

V. *Return of Equipment*

- A. Upon separation of employment, employees must return all Village property, including but not limited to uniforms, equipment, keys, work product, and documents in his/her possession or control.

1.15 Violence in the Workplace Policy

Employees who display intimidating, threatening and/or violent behavior will be held accountable under Village policy and work rules, as well as local, state, and federal law. An employee who threatens, attempts to or inflicts bodily harm to co-workers, representatives of other agencies, or members of the general public is in violation of this policy. All Village employees are responsible for committing to and becoming involved in the prevention of workplace violence and promotion of a safe work environment.

Employees are prohibited from bringing authorized, concealed and/or unconcealed weapons, as defined by state statute (i.e. handgun, knife, bully club or taser) to the worksite, including the storage of weapons with their personal belongings in the workplace. This prohibition does not include firearms stored in an employee's personal vehicle, even while on Village business, and does not apply if the firearm is in a vehicle driven or parked in a parking facility, or to any part of the building, grounds, or lands used as a parking facility, as well as Village parks. (This restriction does not apply to employees who use Village-provided vehicles). Law enforcement officers employed by the Jackson Police Department or other agencies may bring firearms to the worksite if authorized by the Chief of Police.

I. *Prevention Techniques*

- A. Often violence occurs in the workplace after a series of unheeded warning signs. A troubled employee may make overt threats, exhibit personality changes, or show signs of severe depression. If an employee feels these signs are being ignored, they may feel justified in moving to the next level. Prevention starts with these early warning signs and making those in authority aware of employee behavior which could signal a potentially violent act.

1. Early Warning Signs

- a. There is not one single profile that identifies a potentially violent individual. However, based on historical incidents in the United States, the following identifying factors have been recognized:
 - History of violence;
 - Romantic obsession that is ignored or rejected;
 - Chemical dependence;

- Severe depression due to personal problems;
- Pathological blaming of others;
- High frustration with an individual(s) in work or personal environment;
- Fascination with guns or other weapons;
- Fascination with violence or terrorism;
- Substitution of work for family or friends;
- Paranoia or belief that the system is unfair;
- Inability to accept criticism;
- Does not accept responsibility for his/her actions;
- Intimidating, harassing, or threatening behavior;
- Uneven job performance and large mood swings;
- Moral or political intolerance;
- Social isolation to low self-esteem;
- Chronic disputes with co-workers or supervisors.

2. Sequence of Workplace Violence

a. Acts of violence are often preceded by the following sequence of events:

- The perpetrator suffers some type of trauma that creates extreme tension or anxiety. This may result from a single major event (actual or perceived) or a series of cumulative minor events.
- The perpetrator perceives that his/her problems cannot be resolved.
- The perpetrator blames someone else (i.e. supervisor, co-worker, spouse, etc.) for the situation or problem.
- The perpetrator's frame of reference becomes increasingly egocentric.
- Self-preservation and self-protection gradually become the person's sole objective.
- A violent act is perceived as the only way to resolve the situation.
- A violent act is attempted or committed.

II. Responsibilities and Reporting Procedures

A. All Village employees have a responsibility to notify their immediate supervisor as soon as possible, or in the absence of their supervisor, another supervisor, of any intimidating, threatening, or violent behavior that they witness, receive, or have been told that another person has witnessed or received. All suspicious individuals or activities should also be reported to a supervisor as soon as possible. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is

happening. In addition to notifying a supervisor, the authorities should be contacted if appropriate, which include, but are not limited to: the appropriate Village/County police or sheriff's department, fire department, or emergency ambulance services.

- B. The Village will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practicable. In order to maintain workplace safety and the integrity of its investigation, the Village may suspend employees, either with or without pay, pending investigation. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

III. Retaliation

- A. Retaliation against any employee for filing a complaint of workplace violence, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this Village and by federal statutes. The Village encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or other appropriate Village representative before the situation escalates into potential violence. The Village is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

IV. Restraining Orders

- A. Individuals who apply for and obtain a protective or restraining order must provide to their supervisor and/or the Safety Officer:
 1. A copy of the petition and declaration used to seek the order.
 2. A copy of any temporary protective restraining order and/or
 3. A copy of a protective restraining order that is made permanent.
 4. The Village Administrator will assist in the workplace to ensure the safety and well-being of those employees within the same work environment.

1.16 Non-Fraternization

While the Village encourages amicable relationships between members of management and their subordinates, it recognizes that involvement in a romantic relationship may compromise or create a perception that compromises a member of management's ability to perform his/her job. Any involvement of a romantic nature between an administrator, department head, supervisor, or agent of the organization and anyone else he/she supervises, either directly or indirectly, is prohibited. Violation of this policy will lead to corrective action, up to and including termination of the management individual involved in the relationship.

1.17 Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with the Village. All employees will be judged by the same performance standards and will be subject to the Village's scheduling demands, regardless of any existing outside work requirements.

If the Village determines that an employee's outside work interferes with his/her performance, or the ability to meet the requirements of the Village as they are modified from time to time, the employee may be required to terminate the outside employment if he/she wishes to remain with the Village. Outside employment that constitutes a conflict of interest is prohibited.

SECTION 2: EMPLOYMENT POLICIES

2.01 Chain of Command

Operation of any government agency depends on an effective chain of command. The ultimate decision concerning policy in the Village resides by law with the Village Board under the leadership of the Village Administrator. The Village Administrator, as the chief administrative officer of the Village, is the primary professional advisor to the Board and head of the Village Management Team. The Department Heads – Village Clerk/Treasurer, Police Chief, Fire Chief, Director of Public Works, Joint Parks and Recreation Director, and Building Inspector – comprise The Village Management Team and report to the Village Administrator. Superintendents and supervisors subordinate to the Department Heads are a subgroup of the Village Management Team. This management team concept is the process by which a recommendation for Village Board action is developed and the decision implemented. This system represents a means of establishing orderly lines of organization and communication as management personnel unite with the Board to promote effective services for the community.

The overall authority and responsibility for the general day-to-day administration of the personnel program, rests with the Village Administrator for its non-protective service employees, and with the Police Chief and Fire Chief for protective services employees under their respective jurisdictions. Employees have the obligation to further the professional advisement of the Board through the chain of command. The Village Administrator is given the latitude to determine the best method of implementing the policy decisions of the Village Board.

All staff members and supervisors shall be responsible to the Village Board through the Village Administrator. Each shall refer matters requiring administrative attention to his/her supervisor, who shall refer such matters to the next higher authority when necessary, and through the Village Administrator to the Village Board. Each employee is to keep the person that he/she reports to, informed of his/her activities by whatever means the supervisor deems appropriate. It is the responsibility of the employee's supervisor to assign his/her duties.

If an employee has any questions, opinions, or suggestions about the information contained in this handbook or about any other aspect of his/her job, those questions, opinions, or suggestions must be directed through the chain of command.

The Village Administrator and the Department Heads (and their subordinates, if necessary) shall attend Village meetings relevant to their departments, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation as distinct from the deliberation, debate, and voting of Village Board members.

Generally, if an employee has a problem with an individual, the employee is encouraged to approach that person first and attempt to resolve the conflict. If that does not resolve the issue, the employee must address the problem through his/her immediate supervisor and onward through the chain of command. In some cases, the employee's supervisor may decide to refer the problem through the chain of command where it can be addressed by another

supervisor or the Village Administrator. If the employee feels harassed by another person, he/she is directed to follow the harassment reporting policy in this handbook.

2.02 Authority

The Village Administrator is employed by the Village Board and acts as agent of the Board in the selection, employment, and termination of staff in compliance with approved personnel policies, procedures, and Wisconsin State Statutes. In this capacity, the Village Administrator recommends candidates for Department Head positions to the Board for the Board's approval. The Village Administrator also is responsible for creating and implementing an effective organizational plan for all departments. The Village Administrator is responsible for screening and interviewing applicants for Department Head positions and for identifying the best qualified applicant. Following the interview process, the Village Administrator will recommend to the Village Board the best qualified candidate, whose appointment will then be subject to its approval. The appointment is subject to majority approval of the Board.

The Department Head will screen and interview applicants for positions under his/her jurisdiction and review the information with the Village Administrator. After consultation with and approval by the Village Administrator, the Department Head will make the appointment. The Village Administrator will report the selection to the Village Board for its information. Candidates not selected for a position will be notified that the position has been filled.

2.03 Appearance and Dress Code

It is the expectation of the Village that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

1. Employees are expected at all times to present a professional, business-like image to the public. Acceptable personal appearance is an ongoing requirement of employment.
2. Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:

Employees are expected to dress in a manner that is normally acceptable in business establishments. Employees should not wear suggestive attire, spaghetti straps, backless clothing, clothes printed with slogans, jeans, athletic clothing, shorts, T-shirt, baseball hats, and similar attire that do not present a business-like appearance.
3. Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and business-like as working conditions permit.
4. Certain employees may be required by the Village to wear specific clothing depending on the nature of their job. Uniforms will be properly maintained and worn where required by department policy.

5. At the discretion of the Village Administrator or designee, on certain occasions, employees may be allowed to dress in a more casual fashion than normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Violations of this policy also will result in disciplinary action.

2.04 Attendance and Punctuality

Employees are expected to be dedicated to their work and to be at work on time each work day. Any employee who knows or suspects that he/she may, for any reason including but not limited to sickness, be unable to report to work on time or unable to be at work for any part of his/her shift should notify his/her Department Head (or, in the case of a Department Head, the Village Administrator or designee) as soon as possible prior to the employee's starting time and no later than one hour prior to the starting time. This requirement applies for each separate day of absence or tardiness, except for employees who (1) are hospitalized, (2) instructed by an attending physician that absence from work of more than the present day is medically advisable (or required), or (3) have a sickness or condition clearly requiring an absence of more than the present day. Employees need to give notice only at the outset of such an event/circumstance, providing that such notice expressly refers to that event/circumstance as one which is expected to cause an extended absence. Any absence or tardiness must be justified by a sufficient reason. In the case of any claimed sickness, the Village may at its sole discretion require medical certification from a physician and/or other evidence of actual sickness. An employee's failure to give advance notice of an absence or tardiness and/or failure to present a legitimate reason for an absence or tardiness may result in discipline, up to and including suspension or dismissal. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

2.05 Lunch Periods

For employees working eight (8) or more hours in a day, the employee must take one unpaid thirty (30) minute lunch period during the middle of the working day. For employees working from zero (0) to five (5) hours, no lunch period is granted. The precise timing of the lunch periods is at the discretion of the Department Head or other supervisory staff and should not interfere with work duties. Lunch periods may not be foregone in order for employees to leave early at the end of the work day, unless specifically authorized by the employee's supervisor.

2.06 Gifts and Gratuities

Employees are prohibited from accepting any gift, gratuity, favor, loan, or anything of more than nominal value from any person, directly or indirectly, which could reasonably be

expected to influence an employee's action or inaction or could reasonably be considered as a reward for any official action or inaction on the part of the employee. Any questions regarding what is proper and acceptable should be immediately discussed with the employee's supervisor.

Unsolicited gifts of nominal value (total value of \$50.00 or less in any one year from any individual or organization) may be permissible.

2.07 Tobacco Use

This policy is in conformance with Wisconsin State Statute 101.23, which prohibits smoking in public buildings and in other Village property. Accordingly, smoking and/or the use of tobacco products is prohibited in Village buildings, Village vehicles, while operating any equipment, and inside any roofed, permanent structures in Village parks. Smoking will be permitted only outside of Village buildings in designated areas and in accordance with State law.

2.08 Contact with News Media

It has always been the Village's policy to cooperate as fully as possible with news media inquiries and to communicate truthfully with the media on Village matters appropriate for public knowledge. With the exception of the public officials of the Village, to ensure accuracy regarding the organization or its actions, the Village Administrator or designee will serve as the only authorized media spokesperson for the organization. No employees other than the Village Administrator or designee may grant an interview concerning Village business to any form of media without prior written permission from the Village Administrator.

2.09 Citizen Complaint Policy

It is the Village's policy to accept, investigate, and attempt to resolve all complaints received. In the event an issue cannot be resolved, the complainant shall be notified by the appropriate Village personnel as to why a resolution cannot occur and what decision has been made regarding the complaint.

The following procedures shall be followed by all Village employees upon receipt of a citizen complaint:

1. A complainant should be encouraged to file his or her complaint in person by completing the Citizen Complaint Form, including the complainant's signature.
2. If a complaint is received verbally, over the telephone, or in any other form (i.e. mail, e-mail), the Citizen Complaint Form should be completed by the employee receiving the complaint, with the following information:

- a. Date complaint was received.
- b. (Referral): The department that will address the concern.
- c. (Referred by): The name of the person who received the complaint.
- d. Name of complainant.
- e. Address of complainant.
- f. Telephone/e-mail of complainant.
- g. Nature of complaint, concern, or request, providing as much detail as possible to assist the department that will work to resolve the issue.
- h. The complaint should be forwarded to the Village Clerk/ Treasurer for logging and filing. A copy of the complaint will be forwarded to the appropriate department(s) for resolution.
- i. A letter or email will be sent to the complainant by the Village Clerk/Treasurer to confirm receipt of the complaint and identify which department will be working with the complainant to resolve his/her concern.
- j. The involved department should investigate or review the identified concern and take appropriate action.
- k. The employee who resolves the concern should indicate the resolution on the Citizen Complaint Form, and obtain approval and signature from the Department Head.
- l. A copy of the letter, if applicable, and completed Citizen Complaint Form should be returned to the Village Clerk/Treasurer to log into the computer and documentation file.
- m. A follow-up letter, email, or telephone call should be made by the Village Clerk/Treasurer to the complainant, informing him/her of the action that was taken regarding his/her request or concern.

2.10 Employee Evaluation and Appraisal

It is the goal of the Village that all full-time and part-time employees be evaluated on an annual basis by their Department Head; the Department Heads by the Village Administrator; and the Village Administrator by the Village Board. An employee is evaluated according to how he/she performs activities in his/her job description. Employee evaluations allow an opportunity for both employees and the Village Administrator or Department Head to provide each other feedback regarding work issues, with the exception of issues subject to the Grievance Procedure set forth in this handbook.

2.11 Employment of Relatives, Anti-Nepotism

No employees from the same immediate family will hold jobs which involve supervision of, or being supervised by an immediate relative. "Immediate relative" is defined as the employee's spouse, child, parent, brother, sister, grandparent, grandchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, niece, nephew, or first cousin.

2.12 Employment Status

All employees are either full-time, part-time, paid-on-call firefighters, or temporary/seasonal employees.

A **full-time employee** is one who is regularly scheduled to work at least forty (40) hours per week for fifty-two (52) consecutive weeks (including any vacation or sick leave already earned).

A **part-time employee** is one who works more than 1,200 hours per year, and less than forty (40) hours per week, for fifty-two (52) consecutive weeks (including any vacation or sick leave already earned).

A **paid-on-call firefighter** is one who works in the Jackson Fire Department.

A **temporary or seasonal employee** is ordinarily employed only for a specific period or season and/or work on a specific project until the project is completed. Temporary or seasonal employees are not eligible for any fringe benefits.

For the first six months of employment in any particular position (assuming any employment lasts for six months), an employee is considered an "employee in orientation." The Village may, at its discretion, extend the orientation period beyond six months. Prior to the start of the orientation period, a physical examination may be required of the employee.

Both during and after completion (if any completion occurs) of the six-month orientation period, all employees remain employees-at-will, whose employment may be terminated at any time. Whether an employee is in the orientation period or not, full-time, part-time, paid-on-call firefighter, temporary, or seasonal, he/she remains an employee-at-will. In other words, the employment relationship may be ended at any time by either party, with or without notice for any reason.

2.13 Expectations for Employee Conduct

All Village employees are expected to meet a standard of conduct appropriate to the reputation of the Village. While at work, employees are responsible to be aware of and abide by existing rules and regulations. It is also the responsibility of employees to perform their job duties to the best of their abilities and to the standards set forth in their job descriptions, or as otherwise established.

Employees, while on Village property, while performing their duties throughout the Village or representing the Village elsewhere and in the conduct of their work, are expected to demonstrate proper regard for the standards of the community and to show respect for the law and for the rights of others. The behavior of employees while not at work or representing the Village is for the individual to regulate. However, when illegal and/or inappropriate activity is engaged in which relate to an employee's job duties and/or which raise doubts as to the employee's ability to carry out their duties, the activity will be reviewed and appropriate action may be taken.

I. Expected Conduct

- A. Employees are expected to conduct themselves in a positive manner in order to promote the best interests of the Village. Examples of appropriate employee conduct include the following (this list is **NOT** intended to be all-inclusive):
1. Treating all citizens, visitors and co-workers with respect and in a courteous manner;
 2. Refraining from conduct that is offensive;
 3. Reporting to management suspicious, unethical, or illegal conduct by co-workers, citizens, or business associates of the Village;
 4. Cooperating with any Village investigation;
 5. Complying with all Village safety and security regulations;
 6. Wearing clothing appropriate for the work being performed;
 7. Performing assigned tasks efficiently and in accord with established standards;
 8. Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time;
 9. Giving proper advance notice whenever unable to work or report on time;
 10. Smoking only at times and in places not prohibited by Village rules or local ordinances;
 11. Maintaining cleanliness and order in the workplace and work areas.

II. Attendance

It is expected that all Village employees will arrive at their workplace on time, work all scheduled hours and **authorized** overtime as required by business necessity, and are dependable with regard to attendance. Employees who are frequently away from the premises for business reasons are required to inform their supervisor of their whereabouts during working hours. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including discharge.

Employees who are absent from work for three (3) consecutive days without giving proper notice to the Village will be considered as having abandoned the job and terminated employment.

III. *Drugs and Alcohol in the Workplace*

Failure to abide by the Drug-Free Workplace policy or the Controlled Substances and Alcohol Testing Policy, or a criminal drug statute conviction for a drug violation in the workplace will cause disciplinary action to be taken, up to and including termination.

IV. *Gambling*

Gambling constitutes a threat to the Village's security, and can interfere with employee productivity and morale. Therefore, any gambling on the part of Village employees while at work is strictly prohibited. Gambling includes placing, accepting, recording or registering bets, or otherwise carrying on a game of chance for money, property, or any other item of value. This prohibition includes all gambling operations, even if and where such activities do not constitute illegal activity. Employees involved in gambling while at work will be subject to discipline, up to and including termination.

V. *Insubordination*

Insubordination, defined as an employee's failure or refusal to recognize or submit to the authority of a supervisor, or open defiance of authority or resistance to control (i.e. refusing to obey instructions), is strictly prohibited. Insubordination may result in discipline, up to and including termination.

VI. *Other Prohibited Conduct*

A. ***Any*** conduct that interferes with operations, discredits the Village, or is offensive to citizens or co-workers will not be tolerated. The following are examples of conduct that is strictly prohibited (this list is NOT intended to be all-inclusive). Employees engaged in prohibited conduct will be subject to discipline, up to and including termination. At management's discretion, any violation of Village policy or any conduct considered inappropriate or unsatisfactory may subject an employee to discipline:

1. Possession of firearms or other weapons in violation of the Violence in the Workplace policy;
2. Fighting with or assaulting a co-worker or citizen;
3. Threatening or intimidating co-workers, citizens, business associates, or guests;
4. Engaging in any form of sexual or other harassment;
5. Violating the Drug-Free Workplace policy or the Alcohol and Controlled Substances Testing policy;
6. Disclosing confidential Village information;

7. Falsifying or altering any Village record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
8. Stealing, destroying, defacing, or misusing Village property or another employee's or citizen's property;
9. Misusing Village communications systems, including electronic mail, computers, internet, and telephones;
10. Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
11. Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
12. Smoking where prohibited by local ordinance or Village rules;
13. Using profanity or abusive language;
14. Sleeping on the job without authorization;
15. Engaging in pranks or horseplay;
16. Wearing improper attire or having an inappropriate personal appearance;
17. Accepting tips or gifts of more than nominal value in the course of work;
18. Engaging in outside employment while on an unpaid leave of absence;
19. Claiming sick leave under false pretenses;
20. Working unauthorized overtime;
21. Deliberately restricting work output or encouraging another employee to do so;
22. Engaging in illegal or unethical conduct during the workday or on Village property;
23. Gambling while at work as defined in this policy

Employment with the Village is at-will and of mutual consent of the Village and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

2.14 Grievance Procedure

I. Discipline.

Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is

detrimental to the interests of the Village of Jackson. Disciplinary action may call for any of four steps – verbal warning, written warning, suspension (with or without pay), or termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or termination of employment without going through progressive discipline steps. The Village of Jackson reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

Written grievances may be filed under this policy only for suspension (with or without pay), or termination of employment. Written grievances for verbal or written warnings will not be allowed.

II. *Grievance Procedure.*

This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, the following definitions apply:

- A. "Employee discipline" includes all levels of progressive discipline, but shall not include the following items:
 - 1. Placing an employee on paid administrative leave pending an internal investigation;
 - 2. Counseling, meetings, or other pre-disciplinary action;
 - 3. Actions taken to address work performance, including use of a performance improvement plan or job targets;
 - 4. Demotion, transfer, or change in job assignment;
 - 5. Other personnel actions taken by the employer that are not a form of progressive discipline;
 - 6. Layoffs; or
 - 7. Evaluations.

- B. "Employee termination" shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following personnel actions:
 - 1. Voluntary quit;
 - 2. Layoff or failure to be recalled from layoff at the expiration of the recall period;
 - 3. Retirement;
 - 4. Job abandonment, "no-call, no-show", or other failure to report to work; or
 - 5. Termination of employment due to lack of qualification or license, or other inability to perform job duties.

- C. "Workplace safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

Any written grievance filed under this policy must contain the following information:

1. The name and position of the employee filing it,
2. A statement of the issue involved,
3. A statement of the relief sought,
4. A detailed explanation of the facts supporting the grievance;
5. The date(s) the event(s) giving rise to the grievance took place,
6. The identity of the policy, procedure or rule that is being challenged;
7. The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and
8. The employee's signature and the date.

III. Steps of the Grievance Procedure

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

- A. Step 1 – Written Grievance Filed with the Department Head. The employee must prepare and file a written grievance with the Department Head within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The Department Head or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the Department Head, the employee may initially file the grievance with the Village Administrator, who shall conduct the Step 1 investigation.
- B. Step 2 – Review by Village Administrator. If the grievance is not settled at Step 1, the employee may appeal the grievance to the Village Administrator within five (5) business days of the receipt of the decision of the department head at Step 1. The Village Administrator or his/her designee will review the matter and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance.
- C. Step 3 – Impartial Hearing Officer. If the grievance is not settled at Step 2, the employee may request in writing, within five (5) business days following receipt of the Village Administrator's decision, a request for written review by an impartial hearing officer. The Village shall select the impartial hearing officer. The hearing officer shall not be a Village employee. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the Village acted in an arbitrary and capricious manner.

This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.

- D. Step 4 – Review by the Governing Body. If the grievance is not resolved after Step 3, the employee or the Village Administrator shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Governing Body. For all employees, the appeal shall be filed with the Village Board. The Village Board shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the Village Board’s next regular meeting. The Village Board will inform the employee of its findings and decision in writing within ten (10) business days of the Village Board meeting. The Village Board shall decide the matter by majority vote and this decision shall be final and binding.

An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee must process his/her grievance outside of normal work hours unless the employee elects to use accrued paid time (vacation, compensatory time, etc.) in order to be paid for time spent processing his/her grievance through the various steps of the grievance procedure.

2.15 Restricted/Modified Duty Policy

The Purpose of this policy is to establish a uniform policy and procedure for the administration of a Village-wide restricted/modified duty assignment program for employees who are temporarily disabled from performing the essential duties of their regularly assigned positions due to injury or illness. This program is intended to provide temporary reassignment of an injured employee only until such time as:

1. The employee is medically released to perform the full range of duties of his/her position;
2. The restricted/modified duty assignment is discontinued at the request of the attending physician;
3. The employee is medically determined to be permanently disabled and consideration is given to modification, transfer, termination, or retirement; or
4. The restricted/modified duty assignment is discontinued at the option of the Village.

Restricted/modified duty assignment, if available, is a special short term temporary work assignment provided for employees who have temporary medical restrictions that prevent them from performing some or all of their normal duties. In all cases, a restricted/modified duty assignment is temporary, will have a defined beginning and ending date.

This program shall be administered by the Village Administrator or designee. All employees and departments are required to cooperate fully with the Village Administrator or designee in administration of this program.

The restricted/modified duty assignment will be based on a qualified medical assessment of the employee. It is mandatory for the employee to provide all necessary medical information concerning the extent of his/her work restrictions and the probable duration of his/her restrictions. The employee is also required to submit updated work restrictions to the Village Administrator or designee after every doctor visit.

There is no guarantee of restricted/modified duty assignments. All requests for restricted/modified duty assignments shall be reviewed on a case by case basis. It is at the discretion of the Village Administrator or designee to determine the duty assignment. Such assignments shall depend in part on the medical limitations of the individual, the availability of suitable work, adequate funding, and the needs of the Village. At no time shall a position be created for an employee who has requested and/or accepted a restricted/modified duty assignment. A restricted/modified duty assignment may be altered to comply with any applicable state and/or federal law.

An employee's return to work in a restricted/modified duty assignment shall comply with all applicable state and/or federal laws, including but not necessarily limited to the Family and Medical Leave Act (FMLA), the American's with Disabilities Act (ADA), and the state Worker's Compensation laws. All requests and/or assignments for restricted/modified duty shall be reviewed by the Village Administrator or designee to ensure all requirements are being met.

If the employee is unable to perform the essential functions of his/her job because of a serious health condition, he/she may be qualified for family and medical leave under the Village's FMLA policy rather than accept a restricted/modified duty assignment. If the employee elects to turn down the restricted/modified duty assignment and take leave under the Village's FMLA policy, he/she may no longer be eligible for Worker's Compensation benefits. That determination will be made at the time the employee takes leave under the Village's FMLA policy. If an employee accepts a restricted/modified duty assignment, that time will not be counted against the employee's leave entitlement under the Village's FMLA policy.

I. Definitions

- A. Restricted/modified duty assignment: This is a temporary assignment, which shall have a defined beginning and ending date.

- B. Transitional job tasks: These are job assignments that may or may not normally be performed by the employee but fall within the restrictions as outlined by the employee's physician.

II. Procedure for Policy

- A. The following procedure is set forth to assist employees and supervisors in clearly understanding the requirements of the restricted/modified duty assignment policy. It is important that appropriate communications be established at all times between the employee, his/her supervisor, his/her physician, the Village and the Village's Worker's Compensation insurance carrier.
 - 1. An employee who has a work-related injury/illness must have his/her treating physician complete the Village's "Medical Status Report" form. (This form may be obtained from the employee's supervisor or from the Deputy Village Clerk/Treasurer.) This report provides the Village with the physician's diagnosis and the following information:
 - a. Can the employee return to work with no limitations? If no:
 - b. Can the employee return to work on restricted/modified duty assignment and if so, what are his/her limitations?
 - c. If the employee cannot return to work at this time, when is it expected the employee may be able to return to restricted/modified duty assignment?
 - 2. The completed form is to be returned to the Deputy Treasurer as soon as possible after the employee's doctor's visit. This form along with all other medical information will be held in confidence in accordance with applicable law.
 - 3. The Village Administrator or designee will then make a determination if there are sufficient transitional job tasks available to return the employee to restricted/modified duty assignment. A restricted/modified duty assignment must be in writing and must specify a starting and ending date. Any extension of an original restricted/modified duty assignment must be approved by the Village Administrator and must also be done in writing.
 - 4. The employee is also required to submit updated work restrictions to the Village Administrator or designee after every doctor visit, detailing the extent of their work restrictions and the probable duration of these restrictions. Any modifications to an original restricted/modified duty assignment must also be done in writing.
 - 5. At no time should an employee exceed the medical restrictions of his/her physician or perform transitional job tasks that are outside of the scope of the employee's physician's recommendations. Employees should not

attempt tasks that exceed their restrictions. If an employee has questions about the task(s) at hand and his/her restrictions, he/she should talk to the Village Administrator or designee immediately. Employees must also comply during non-work hours to ensure that restrictions are maintained.

6. Upon full release to return to work without restrictions, the employee must submit the proper return to work authorization from his/her treating physician.

2.16 Physical Examinations for Employment Candidates

The Village will pay the cost of any required physical examination. In accordance with the Americans with Disabilities Act, all physical examinations will occur after a conditional offer of employment. The Village will determine which examining physician shall be used for any such required examination. Candidates should understand that passing a required physical examination is a part of the employment process. In the event that the candidate does not successfully pass a required physical examination, the offer of employment will be revoked.

2.17 Employee Medical Examinations

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at the Village's expense. Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know. Prior to any fitness for duty examination, the Village Administrator will consult with legal counsel to ensure compliance relating to all applicable laws.

2.18 Termination of Employment

I. Resignation Notice

The Village requests that any employee who intends to resign his/her employment give written notice thereof to the Department Head at least two (2) weeks prior to the resignation date; thirty (30) days in the case of a Department Head, who should give written notice to the Village Administrator. An employee who resigns and gives the appropriate prior written notice will be paid his/her remaining accrued but unused vacation and personal time in accord with the Village's policy on payouts for vacation and personal time. The Village also requests that an employee who is resigning, discuss with the employee's Department Head (or the Village Administrator) the employee's reasons for resigning.

An employee who voluntarily terminates employment without giving two (2) weeks prior notice automatically waives his/her right to payout of any accrued leave.

Employees wishing to resign in good standing shall give written notice to the Department Head not less than two (2) weeks before such resignation shall be effective. Department Heads, Superintendents, and Supervisors shall give not less than three (3) weeks written resignation notice. The time specified for written notice of resignation shall not include paid time not worked, such as vacation or sick leave benefits. Unauthorized absence of an employee for three (3) consecutive workdays may be considered by the Village as a resignation of such employee. The Department Head shall notify the Village Administrator of any resignation in the department when the resignation is received. From time to time, it may be mutually beneficial for both the Village and employee to waive these notification requirements to allow the employee to depart expeditiously, yet under good standing.

II. Notification of Termination

The Department Head shall notify the Village Administrator as soon as he/she learns that an employee is leaving. Employees may be abruptly terminated for gross misconduct, serious violation of safety or work rules, failure to follow instructions, or any other reason, or no reason. Except for contractual and employees under labor agreements, employment is considered “at will”.

2.19 Reductions in Workforce

On occasion, areas may be forced to reduce staff. Some business reasons for this may be economic need, consolidation of facilities, restructuring of operations, combining of departments or functions, and streamlining or elimination of departments, functions, or jobs. If a reduction in staff is deemed necessary, the Department Head of the area to be affected will work with the Village Administrator to document the business reason and process for the restructuring. This may include an analysis of business needs to determine the appropriate criteria to use, development of a communication plan, job re-evaluations, salary administration, and/or outplacement services.

In selecting the employees who will remain with the organization, only job-related criteria will be used. The criteria used will be determined based on the reason for the reduction in force and the determination of the business area’s needs. Job-related criteria may include the employee’s current performance, competencies, skills, responsibilities, experience, leadership, education and training, personal commitment, and length of service with the Village.

SECTION 3: CLASSIFICATION AND COMPENSATION

3.01 At-Will Employment Policy

Village employees are at-will employees and, accordingly, are free to resign at any time without reason. The Village also retains the right to terminate an employee's employment at any time with or without reason or notice, as long as it is not an illegal reason. Nothing contained in any Village policy, handbook, rule, document, communication, or practice is intended to be, create, imply, or guarantee that employment or any Village benefit will be provided for any period of time. The promise of certain benefits now and in the future does not change the fundamental employment-at-will relationship.

Compensation figures provided in annual or monthly terms to employees are stated as such for convenience or to aid in salary comparison, and are not intended to create an employment contract for a specific period of time.

3.02 Classification of Positions

The Village classifies all positions based on a number of factors, including but not limited to, the degree of responsibility, level or training required, complexity of relationship, supervisory responsibility, and necessity for exercising independent judgment. A job description exists for each position and sets forth duties, responsibilities, and authority of that position. All Village positions will be classified according to the guidelines of the Department of Labor.

3.03 Compensation Policy

It is the policy of the Village of Jackson to compensate its employees in a manner which it deems equitable and commensurate with the degree of responsibility corresponding to the position. The Village will periodically review wages and salaries and in doing so will undertake and consider the employee's performance, level of responsibility and studies comparing wages and salaries for similar positions in communities of a similar size and nature. Any adjustment to wages and salaries will be based primarily upon the Village's financial situation and ability to pay.

3.04 Elimination, Change, and Creation of Positions

If a Department Head desires that the duties corresponding to a departmental position be eliminated, decreased, increased, or otherwise changed, or if a Department Head desires the establishment of a new position, the Department Head should consult with the Village Administrator. The Village Administrator will investigate the matter and report his/her findings to the Village Board, which will take whatever action (if any) it may consider appropriate regarding the position.

3.05 Pay Period

The payroll period is every two (2) workweeks, with the exception of the Fire Department paid-on-call firefighters who are paid monthly, and Village Board members who are paid semi-annually. The defined workweek, established by the Village, is from Monday at 12:01 a.m. through Sunday at 11:59 p.m. Employees will receive their pay every other Monday, unless a holiday falls on a Monday. Then they will receive their pay on the next regular work day. There are no salary advance provisions for any employee. Employees should notify their immediate supervisor and the Village Deputy Clerk/Treasurer if they believe there are errors in their paychecks.

3.06 Payroll Deductions

The Village will make mandatory deductions from paychecks in accordance with federal and state laws and regulations. Voluntary deductions may be made upon written authorization of the employee and approval of the Village Administrator or designee.

3.07 Working Hours

For all full-time general administrative employees, a regular workweek shall consist of forty (40) hours per week, Monday through Friday. For general administrative employees, normal working hours shall be from 8:00 a.m. to 4:30 p.m., with one thirty (30) minute unpaid lunch period during the middle of the work day. For non-represented employees of the Police and Fire Departments, working hours will be established by their respective Chiefs. For all employees of the Water Utility, Wastewater Utility, and Public Works Department, working hours will be established by the Department Head(s).

3.08 Overtime Pay

Overtime is any time worked by a nonexempt employee in excess of forty (40) hours per week. Overtime shall be compensated at a rate of one and one-half times the employee's base rate of pay. All overtime must be expressly authorized by the employee's Department Head. The Village may require employees to work overtime in order to ensure efficient operations. Refusal to work required overtime or to work any non-overtime assignment may result in disciplinary action.

3.09 Pay for Holidays Worked

Employees called in to work on holidays shall be compensated at a rate of one and one-half times the employee's base rate of pay; even if the employee has not exceeded forty (40) hours within the workweek.

3.10 Weekend and Holiday Rotation Pay

All full-time Water and Wastewater Utilities operations specialists and Public Works employees shall be required to be available to provide weekend and holiday rotation duty on a rotating basis. The employee on rotation for the weekend and/or holiday shall be compensated at a rate of one and one-half times the employee's base rate of pay; even if the employee has not exceeded forty (40) hours within the workweek. Weekend is defined as the forty-eight hour timeframe from 12:01 a.m. Saturday through 11:59 p.m. Sunday.

3.11 Emergency Closings

At times, emergencies such as severe weather, fires, power failures, or earthquakes can disrupt Village operations. In extreme cases, these circumstances may require the closing of a Village facility. When operations are officially closed due to emergency conditions, the time off from scheduled work will not be paid, except that employees are allowed to substitute accrued vacation, compensatory time, or personal time to receive time off with pay, consistent with department policy.

Employees in essential operations may be asked to work on a day when operations are officially closed.

SECTION 4: LEAVE POLICIES

4.01 Bereavement Leave

Each full-time employee of the Village shall have the right upon a death in the family to be granted leave of absence as follows:

1. In case of a death of an immediate family member (father, father-in-law, mother, mother-in-law, spouse, child or step child, brother, sister, brother-in-law, sister-in-law, grandparent or grandchild); not to exceed three (3) days;

Exceptions to the length of leave shall depend upon the circumstances and shall be subject to the approval of the Department Head. In no event will an employee be required to work on the day of the funeral of a family member, as defined herein. If additional time is needed beyond the allowable leave, the employee may use accrued sick leave, vacation, or personal days, to a maximum of two (2) additional days; or request leave without pay to grieve or make funeral arrangements.

4.02 Family and Medical Leave (FMLA) Policy

This family and medical leave policy ("FMLA Policy") applies to any employee who requests or takes family and/or medical leave. The Village administers this FMLA policy on a calendar year basis. Both Wisconsin and Federal family and medical leave will run concurrently with each other and concurrently with any other leave which is available to the employee under the Village's policies or collective bargaining agreements, as well as under Federal and Wisconsin law. All or a portion of the period of family and medical leave may be paid in certain instances. Leave taken under this FMLA Policy will not be used against an employee in any employment decision, including in the determination of wage increases, promotions, or disciplinary action.

I. Eligibility for Leave.

It is the Village's policy to provide employees with Wisconsin family or medical leave if they have worked for at least fifty-two (52) consecutive weeks and have worked at least 1,000 hours in employment in the twelve (12) month period prior to the time leave begins. Employees will be eligible for Federal family and medical leave if they have worked for at least twelve (12) months and have worked 1,250 hours in employment in the twelve (12) month period immediately prior to the time leave begins. Employees will only be eligible for the period of leave taken under this Policy which will count toward the leave to which an employee may be entitled under Federal and/or Wisconsin law.

II. Amount of Leave Available.

Employees are generally entitled to unpaid leave for any one or combination of the following reasons:

III. Birth or Placement for Adoption or Foster Care of a Child.

Unpaid leave of up to twelve (12) weeks under Federal law and six (6) weeks of unpaid leave under Wisconsin law, as applicable, may be taken by an eligible employee, upon the birth or placement for adoption or foster care (Federal only) of a child with the employee. Leave may be taken in a block of time or intermittently as permitted by law. In no event, however, may leave be taken on an intermittent basis after sixteen (16) weeks from the birth or adoption. A statement of the anticipated date of birth or date of placement for adoption or foster care must be provided to the Village within fifteen (15) calendar days of requesting leave. Any accrued paid time that the employee may have at the time his/her leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid leave. The paid time used will not be available later. Extensions of FMLA leave will not be permitted, except as provided by the Village's policies or as required by law.

IV. Serious Health Condition of Employee.

Unpaid leave up to twelve (12) weeks under Federal law and two (2) weeks under Wisconsin law may be taken by an employee in the event he or she experiences a "serious health condition." These periods of leave will run concurrently. A serious health condition will generally occur when the employee receives inpatient care at a hospital, hospice or nursing home or receives outpatient care which requires a schedule of continuing treatment by a health care provider and renders the employee incapable of performing the functions of his/her position. Medical leave may be taken all at once or in smaller increments as is medically necessary. If leave is taken in smaller increments, the employee may be temporarily transferred to another job in the Village.

The employee must provide the Village, within fifteen (15) calendar days of requesting leave, with a Health Care Provider Certification which is completed by the employee's treating health care provider.

Compensatory time which the employee has accrued at the time his/her medical leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid FMLA leave period. If the leave arises due to a work-related injury, worker's compensation leave will run concurrently with the leave an employee is entitled to under the FMLA, to the extent permitted by law. Any paid leave used will not be available later. Extensions of FMLA leave will not be allowed except as provided by the Village's policies or as required by law.

V. *Serious Health Condition of a Child, Parent, or Spouse, Domestic Partner, or Parent of Domestic Partner.*

Unpaid leave of up to twelve (12) weeks under Federal law may be taken by an employee to care for a child, spouse, or parent with a “serious health condition” and two (2) weeks of under Wisconsin law may be taken by an employee to care for a child, spouse, parent, domestic partner, or parent of a domestic partner with a “serious health condition” (see preceding paragraphs for definition of “serious health condition”). These periods of leave will run concurrently.

A domestic partner is (1) a partner who is registered with the County Register of Deeds (registration is limited to same gender partners); (2) partners (not necessarily of the same gender) who meet the following criteria: (a) Each individual is at least eighteen (18) years old and otherwise competent to enter into a contract; (b) Neither individual is married to or in a domestic partnership with another individual; (c) The two individuals share a common residence; (d) The two individuals are not related by blood in any way that would prohibit marriage under the Wisconsin Code; (e) The two individuals consider themselves to be members of each other’s immediate family; (f) The two individuals agree to be responsible for each other’s basic living expenses.

The employee must provide the Village, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person.

Compensatory time which the employee has accrued at the time his/her leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid time. Any paid leave used will not be available later. Extensions of FMLA leave will not be allowed except as provided by the Village’s policies or as required by law.

The employee must provide the Village, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person.

VI. *Service Member Family Leave.*

An eligible employee who is the spouse, son, daughter, parent, or next of kin (closest blood relation) of a covered service member shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period to care for the service member. The leave described in this paragraph shall only be available during a single twelve (12)-month period.

During the single twelve (12)-month period, an eligible employee shall be entitled to a combined total of twenty-six (26) workweeks of leave for all purposes identified under the federal FMLA.

The employee must provide the Village, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person.

Compensatory time or vacation which the employee has accrued at the time his/her leave begins may be substituted, or may be required to be substituted, for all or a portion of the otherwise unpaid time. Any paid leave used will not be available later. Extensions of FMLA leave will not be allowed except as provided by the Village's policies or as required by law.

VII. *Military Exigency Leave*

Employees may take FMLA leave for a qualifying exigency related to the employee's spouse, son, daughter, or parent (the "covered military member") being on active duty or call to active duty status in support of a contingency operation. A member of the Regular Armed Forces is not eligible to take leave because of a qualifying exigency. "Qualifying exigencies" include:

Up to seven days of leave to deal with issues arising from a covered military member's short notice deployment, (which is a deployment with seven or fewer days of notice);

Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;

Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member; making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust;

Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;

Rest and recuperation leave of up to five days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment;

Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration

briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member; and

Any other additional activities that the employer and employee agree is a qualifying exigency which arose out of the covered military member's active duty or call to active duty status.

VIII. *Notifying the Village of Your Need for Family or Medical Leave.*

In the event an employee will need time off from work under this FMLA policy for a foreseeable event, the Village must be notified, in writing, at least thirty (30) calendar days before the date on which leave is to begin. In the event of an emergency, notice must be provided as soon as practicable but no later than two (2) business days after the FMLA leave begins. The Village has a Request for Leave Form which must be completed to request family or medical leave.

Employees must comply with policies regarding notification of absences. The failure to timely notify the Village of the need for leave may result in the delaying or denial of leave until proper notice is received.

IX. *Health Insurance and other Insurance Benefits.*

The employee may continue to receive health insurance and other insurance benefits while on a family or medical leave. An employee must continue to pay his/her share of all insurance premiums through payroll deduction or by direct payment on the first of the month. Failure to make timely payment may result in loss of insurance. Other employment benefits may also be continued during the family and/or medical leave. An employee must notify the Village of his/her intent to continue insurance coverage while on leave. If an employee fails to return to work or fails to remain at work for a period provided under the law, the Village may recover its portion of the premiums paid for coverage during the leave.

X. *Intermittent Leave.*

Intermittent leave is leave which is taken in multiple blocks of time due to a single illness or injury, rather than in one continuous period of time (i.e., leave taken an hour at a time for a doctor's appointment or leave taken several days at a time over a period of months for chemotherapy treatments).

FMLA leave may be taken intermittently or on a reduced leave schedule under the following circumstances: (a) FMLA leave based on the birth or placement of a child for adoption may generally only be taken intermittently or on a reduced leave schedule within the sixteen (16) weeks before or sixteen (16) weeks after the birth or adoption, unless consent is otherwise obtained from the Village; and/or (b) FMLA leave based on the serious health condition of an employee or an employee's child, spouse or parent, or a service member medical leave, may be taken intermittently or on a reduced leave schedule when medically necessary.

If leave is taken intermittently, the employee may be temporarily transferred to another position in the Village.

XI. *Additional Medical Certifications.*

The Village may request that a patient submit to an independent examination by a health care provider chosen and paid for by the Village. Review by a third health care provider may be required by the Village and paid for by the Village, in the event of differing conclusions from the original and second health care provider certifications. The Village may also request that an employee recertify as to the continuation of the serious health condition at various points in time.

XII. *Return to Employment at End of Leave.*

At the end of an employee's family or medical leave, the employee will be returned to the position held at the commencement of leave or, if the position is no longer available, to equivalent employment with the Village. The return to work entitlement will be no greater than if the employee had continued in employment without the taking of leave. If an employee wants to return to work before leave is scheduled to end, and work is available, the employee must notify the Village at least two (2) working days prior to the desired return date. If the reason for leave was due to the serious health condition of the employee, a Fitness for Duty statement signed by the employee's treating physician must be provided to the Village before the employee returns to work. If a Fitness for Duty statement is not received, the employee's return to work will be delayed until it is received.

XIII. *Failure to Meet Policy Requirements.*

If an individual fails to meet the requirements of this FMLA Policy, his/her request for family or medical leave may be denied or delayed until the requirements are met and the employee may be subject to disciplinary action.

Forms required under this FMLA policy are available at the Village Hall.

4.03 Healthcare Appointments

Employees should make every effort to avoid scheduling personal appointments, including medical and dental appointments, during working hours. If it is absolutely necessary to do so, prior approval for leave time must be obtained from the employee's Department Head (or, in the case of a Department Head, the Village Administrator).

4.04 Holidays

No work will be regularly scheduled on the following holidays. Full-time employees with more than one (1) month of employment will receive payment for such holidays on the basis of their regular rate of pay and hours worked:

- | | |
|-----------------------------|-----------------------------------|
| 1. New Years Day | 6. Thanksgiving Day |
| 2. The Friday before Easter | 7. The Day after Thanksgiving Day |
| 3. Memorial Day | 8. The Day before Christmas |
| 4. Independence Day | 9. Christmas Day |
| 5. Labor Day | 10. The Day before New Year's Day |

Holidays falling on a Saturday will be observed on the preceding work day. Holidays falling on a Sunday will be observed on the following workday.

In addition to the holidays indicated above, full-time Village employees with more than one (1) month of service will receive two (2) personal days of his/her own choosing subject to the express approval of the employee's Department Head (or, in the case of a Department Head, the Village Administrator). Generally, no more than one employee will be permitted to take a personal holiday on the same day.

The Village reserves the right to schedule work on any holiday. However, the Village will endeavor to do so only when necessary to protect or promote the interests of the Village and the public.

4.05 Jury Duty

If a full-time employee receives notification to serve on a jury, the employee must notify his/her Department Head (or, in the case of a Department Head, the Village Administrator), as soon as possible. The Village will grant jury leave, as required by law. On any day when jury duty dismisses prior to the end of the employee's shift, the employee must return to work. An employee who serves on jury duty may be required to provide the Village Administrator proof of the days and times of service.

A full-time employee, who has completed his/her orientation period is eligible for jury duty pay at his/her regular rate of pay for a period not to exceed ten (10) workdays, provided that the employee remits to the Village any and all jury service per diem paid to the employee. Any employee who is eligible for jury duty pay may be required to provide proof of the amount of per diem paid.

4.06 Military Leave

The Village will abide by all the provisions of the Uniformed Services Employment and Re-Employment Rights Act (USERRA) and all other applicable federal and state laws and will grant military leave to all eligible full-time and part-time employees. Military leave may be

granted to full-time and part-time employees for a period of four years plus a one-year voluntary extension of active duty (five years total) if this is at the request and for the convenience of the United States government.

As with any leave of absence, employees must provide advance notice to their supervisor of their intent to take a military leave and must provide appropriate documentation unless giving such notice is impossible, unreasonable, or precluded by military necessity.

An employee's salary will not continue during a military leave unless required by law. However, employees may request to use any vacation accrued during military leave. Benefit coverage will continue for thirty-one (31) days as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than thirty-one (31) days, employees will be eligible to continue health benefits under COBRA and will be required to pay the total cost of their health benefits if they wish to continue benefits.

Upon return from military leave, employees will be reinstated with the same seniority, pay, status, and benefit rights that they would have had if they had worked continuously. Employees must apply for employment within ninety (90) days of discharge from the military. Employees who fail to report for work within the prescribed time after completion of military service will be considered to have voluntarily terminated their employment. If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training. Such time off will not be considered vacation time. However, employees may elect to have their reserve duty period be considered as vacation time to the extent they have such time available.

4.07 Sick Leave

Full-time employees are eligible for a total of eight (8) hours of sick leave from work without loss of pay for each full month of employment. Such employees will be credited with sick leave at this rate even if they are absent from work during any given month, but only if the absence (or absences): (1) is an absence (or are absences) for which sick leave is payable and paid; or (2) is (or are) due to an injury or illness which occurred in the course of employment; or (3) for leave covered under the Village's FMLA Policy.

To receive sick pay, the day of absence must be a regularly scheduled workday. To the extent an employee is eligible for sick leave, sick leave is payable for any absence from work due to (1) a non-work-related illness or injury to the employee (work-related illness and injuries generally being subject to the Village's worker's compensation policy) or (2) medical appointments of the employee which cannot be scheduled during non-working hours or (3) sick leave may be taken for an absence covered under the Village's FMLA policy. In other words, sick leave is not intended to be used as an adjunct to vacation, compensatory time, or for "personal days," except as otherwise required by law.

I. Evidence and Notice of Sickness.

Sick leave may not be paid unless the employee who is eligible for such pay has given his/her Department Head prior notice of absence as required under the Village's attendance and punctuality policy. In addition, sick pay will not be paid unless the employee satisfactorily complies with any request by the Village for medical certification of the sickness by a physician and/or other evidence of actual sickness. Regarding any absence exceeding two (2) consecutive days, such proof of sickness will be required before any payment of sick leave is made to the employee; however, in the event abuse of the sick leave policy is suspected, proof of sickness may be required regarding any absence exceeding one (1) day before any payment of sick leave is made to the employee. A pattern of taking sick leave, indicating that sick leave is being used for an impermissible purpose, may result in disciplinary action, up to and including termination. Other provisions of this paragraph aside, sick leave will be paid whenever required by law.

II. Maximum Sick Leave Eligibility and Sick Pay upon Retirement.

Full-time employees may accumulate unused sick leave up to a maximum of 960 hours. Upon retirement from Village employment, in accordance with any provisions of the Wisconsin State Retirement Fund, fifty (50) percent of the value of the accrued sick leave hours, to a maximum of 480 hours based on the last hourly base rate, shall be placed into an account to be used by the retiree or his spouse for medical insurance premiums.

4.08 Vacation Time Policy

Full-time employees will be granted vacation time with pay. The amount of paid vacation time employees receive each anniversary year increases with the length of their employment, according to the following schedule:

1 - 4 years of service:	Ten (10) days of vacation
5 - 9 years of service:	Fifteen (15) days of vacation
10 - 19 years of service:	Twenty (20) days of vacation
20 + years of service:	Twenty-five (25) days of vacation

An employee will begin to earn vacation time immediately upon employment. The vacation time will be earned during the anniversary year – the date of hire to the anniversary of the date of hire. The days/hours of earned time will be available for use during the course of the subsequent anniversary year.

There may be unusual or extenuating circumstances that will not permit an employee to exhaust all of his/her vacation time by the end of his/her anniversary year. In those circumstances, a request to carry over a maximum of five (5) days of earned but unused vacation must have written authorization by the Department Head (or, in the case of a Department Head, the Village Administrator). The vacation time carried over to the succeeding anniversary year must be used within the first ninety (90) days of that anniversary year.

The Village will not permit the “borrowing” of future vacation time. The time allotted for use in any given anniversary year is based on time worked and vacation time earned in the preceding anniversary year. Vacation will not be allowed in increments of less than four (4) hours.

A vacation period for which an employee is eligible must be requested in writing as soon as possible in advance of the requested vacation period. The written request should be submitted to the Department Head (or, in the case of a Department Head, the Village Administrator), who will approve or deny the specific period requested based on the Village's anticipated operational and staffing needs for that period. After a vacation period is approved, approval may be withdrawn under extraordinary circumstances.

An employee who is eligible for more than two weeks of vacation may not take more than two weeks of vacation consecutively, except with the express approval of the Department Head (or, in the case of a Department head, the Village Administrator.)

The employee may be required to substitute earned vacation time for unpaid leave covered under the Village's FMLA policy. For circumstances not covered under the FMLA policy, eligible vacation time may, with the approval of the Village Administrator, be utilized as sick leave with pay, following the point at which the employee became eligible for the vacation time, or as otherwise provided by law.

4.09 Compensatory Time for Nonexempt Employees

Nonexempt employees shall be allowed to utilize accrued compensatory time off, subject to approval of the Department Head, provided the employee gives advance notice of two (2) working days. The choice of compensatory time credit or pay must be made by the employee when the overtime is worked. Compensatory time off will be allowed to accumulate until the employee has accrued a total of forty (40) hours in a regenerated account. Accumulated compensatory time off must be used in the calendar year in which it is earned, except that compensatory time off earned in November and December in a given year may be used on or before March 1st of the following year. In the event that accumulated compensatory time off is not used by the dates set forth above, employees will be paid on the first pay period in January of the next year for the unused time unless extenuating medical or operational reasons exist. Exempt employees are not eligible for compensatory time off.

4.10 Leave without Pay

The Village provides leave without pay (LWOP) to eligible employees who wish to take time off from work duties to fulfill personal obligations. Regular full-time employees are eligible to request LWOP as described in this policy.

As soon as eligible employees become aware of the need for a LWOP absence, they should request a leave from the Village Administrator. Up to sixty (60) days of personal leave may be granted at the sole discretion of the Village Administrator. Any personal leave

requested beyond sixty (60) days must be approved by the Village Board. Requests for LWOP will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the Village will continue to provide health insurance benefits for the full period of the approved personal leave up to sixty (60) days. Employees granted personal leave beyond sixty (60) days by the Village Board will be responsible for their own health insurance. Vacation, sick leave, and holiday benefits, will continue to accrue during the approved personal leave period.

When a LWOP ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the Village cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of an approved LWOP, the Village will assume the employee has resigned.

SECTION 5: EMPLOYEE BENEFITS

5.01 Clothing Allowance/Additional Expenses

The Village may reimburse employees of the Department of Public Works for work-related clothing. The Village may reimburse employees for clothing only if they are directed by the Department Head, to purchase a specific type of clothing necessary to the job duty.

The Village may, at its discretion, reimburse an employee for other expenses, but will reimburse expenses only to the extent that such expenses: (1) have been incurred by the employee in the performance of necessary Village business; (2) have, prior to being incurred, been submitted in itemized, written form by the employee to the employee's Department Head or as projected costs; (3) have, prior to being incurred, been expressly approved by the Department Head.

5.02 COBRA Policy

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health and dental insurance coverage under the Village's plans when a "qualifying event" would normally result in the loss of eligibility. Under COBRA, the employee or beneficiary pays the full cost of coverage at the Village's group rates. Written notice of COBRA rights and obligations is provided to employees.

5.03 Flexible Benefits Plan

Employees enrolled in the Village health plan have deductions taken through payroll on a pre-tax basis. In addition, the Village offers a flexible spending account plan providing pre-tax spending accounts. Two accounts are available:

1. Health Care Account – Employees decide how many payroll dollars for the plan year will be directed on a pre-tax basis to this account to pay for reimbursement of health care expenses that would otherwise be paid out of pocket on an after-tax basis. This money may be used during the year for deductibles and co-insurance, prescription drugs, prescription eyeglasses or contact lenses, and other approved medical expenses.
2. Dependent Day Care Account – Employees decide how many payroll dollars will go into this account on a pre-tax basis to pay day care expenses while the employee is at work.

The funds designated for these two accounts are exempt from Federal, State, and FICA taxes. The employee pays no tax on the funds deposited to the account, nor does the employee owe tax when they are paid to the employee. Employees must enroll in these accounts on or about December 1 for the entire year (January 1 – December 31). Under Federal law, money remaining in the account at the end of the year is forfeited (not returned to the employee) to

the Village to offset medical plan costs. Please contact the Deputy Village Clerk/Treasurer for further information.

5.04 Health Insurance

The Village provides eligible full-time employees with a health insurance plan. The Village currently pays an amount equal to eighty-eight (88) percent of the premium for the lowest cost health insurance plan offered by the Wisconsin Department of Employee Trust Funds (ETF) for the Southeast Region of Wisconsin. The employee pays twelve (12) percent of the premium through a payroll deduction. The Village Board may revisit the percentage of employer contribution on an annual basis and reserves the right to adjust the amount from time to time.

An employer paid contribution to health insurance will be offered to part-time employees under the following circumstances.

1. If the part-time employee has worked sufficient hours to meet the requirements of the Wisconsin Retirement System and currently has a WRS contribution made by the Village, the Village will pay:
2. 25% of the premium of the lowest priced plan available in the Southeast Region of Wisconsin if the part-time employee works less than 1,044 hours in a rolling twelve (12) month period.
3. 50% of the premium of the lowest priced plan available in the Southeast Region of Wisconsin if the part-time employee works more than 1,044 hours in a rolling twelve (12) month period.
4. Part-time employees hired after January 1st of 2012 will be limited to no more than 1,000 hours of work in a twelve (12) month rolling period.
5. No health insurance premium contribution will be offered to part-time employees who are not in the WRS system.

The Village may, in its sole discretion, change insurers. If the Village changes insurers, the Village will make every reasonable effort to ensure that there will be no period when coverage is not provided and to ensure that the new insurer will waive all rights to contest coverage because of a pre-existing condition. To the extent feasible, the Village will provide employees with thirty (30) days prior notice of any change in insurers.

Employees whose current employment with the Village ceases or who otherwise experience a "qualifying event" generally will, as provided by law, become eligible to continue insurance. The individual employee is responsible for all premium costs.

Employees must notify the Deputy Village Clerk/Treasurer of any status changes, address changes, etc. More information on insurance and insurance continuation may be obtained from the Deputy Village Clerk/Treasurer.

5.05 Income Continuation Insurance

The Village of Jackson will offer full-time employees the Wisconsin Public Employers Income Continuation Insurance Program authorized by Wis. Stats. § 40.61. The Village will pay the total premium for the policy with the one hundred eighty day (180) waiting period. If an employee wishes to have a shorter waiting period, he/she must pay the additional premium required.

5.06 Life Insurance

The Village of Jackson will provide basic group life insurance coverage for full-time employees under the State Plan administered by the State Group Insurance Board and the Village.

5.07 Retirement Contributions

The Village participates in the Wisconsin Retirement System (WRS), which provides retirement benefits for eligible employees. The eligibility requirements for participation in the Wisconsin Retirement System are determined by state law. All eligible employees will be covered under the WRS. The Village shall pay only that portion of the Wisconsin Retirement System contribution that it is legally required to pay by statute and each employee shall pay the remainder of that employee's contributions to the WRS. Said contributions shall be made by a reduction in salary and, for tax purposes, shall be considered employer contributions under the Internal Revenue Code Section 414(h)(2).

Regarding part-time employees, effective July 1st, 2011, the Village will contribute to the WRS on behalf of newly hired part-time employees only after the employee has met the eligibility requirements of the WRS. These requirements are currently set at 1,200 hours worked during a rolling twelve (12) month period. For those part-time employees currently in the WRS system, the Village will pay the employer's portion of the retirement contribution and the employee will pay the employee contribution through a payroll deduction.

5.08 Vacation Pay Upon Termination

Vacations are deemed earned in one anniversary year for use in the subsequent anniversary year. In case of termination (except for policy or rule violation) with proper notice of resignation, an employee who has completed at least one year of service will be paid for accrued vacation time on the last anniversary date based on the ratio of the number of months worked in the subsequent anniversary year up to twelve (12).

5.09 Work-Related Injury or Illness

If a full-time Village employee sustains an injury or illness covered by Wisconsin's Worker's Compensation Act (generally, an injury or illness which occurred while the employee was performing his/her job and which arose out of the job), then the Village, for a maximum of six (6) months, will grant the employee full pay for each full work day missed because of such an injury or illness. Pay will be granted only to the extent that the employee promptly endorses and delivers to the Deputy Village Clerk/Treasurer, each check issued to the employee under the Worker's Compensation Act. After six months, the employee may be entitled to use any sick leave pay for which the employee is eligible, to the extent necessary to allow the employee (who may also be receiving worker's compensation pay) to reach full pay for each full work day missed. For example, if an employee's worker's compensation payment for a given day is equal to one-half of a regular day's pay, an employee may receive one-half day's sick pay for that day, to the extent the employee is and remains eligible for sick pay.

In the event an employee suffers an injury or illness that prevents him/her from doing his/her pre-injury/illness job duty, the Village employee may be eligible for temporary reassignment pursuant to the Village's Restricted/Modified Duty Policy.

SECTION 6: CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY

6.01 Purpose

This policy is made in coordination with Section 1.04 setting forth the Village's intent to provide a Drug and Alcohol-Free Workplace. The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by employees of the Village of Jackson. This policy is intended to be consistent with and in compliance with the U.S. Department of Transportation Federal Highway Administration's (FHWA) controlled substances and alcohol testing rules, regulations, and procedures contained in Title 49 CFR and any other applicable federal and state regulations, but goes beyond those regulations in that it is intended to be applicable to all employees of the Village of Jackson, except as provided otherwise in this policy. Nothing herein shall preclude the Village from establishing rules, regulations, policies and/or procedures governing the misuse of alcohol and/or the use of controlled substances, consistent with the Village's rights and obligations.

Whenever a trained shift officer has a reasonable suspicion to believe that a Village employee has violated the alcohol and/or controlled substances prohibitions of this policy, he/she will complete a Reasonable Suspicion Checklist (found in Appendix E – Sample Forms.) If reasonable suspicion is determined, the procedure will be followed using 6.03 XVII and 6.06 IV.

6.02 Applicability

This policy applies to every employee of the Village of Jackson, except as provided otherwise in this policy. Specific information about what categories of employees are subject to alcohol and controlled substances testing is contained in Appendix C.

Employees who do not hold a Commercial Driver's License (CDL) may also be subject to reasonable suspicion testing.

This policy is not intended to and shall not supersede, replace, or override any other Village policy on any subject, including, but not limited to, controlled substances and alcohol policies already in existence.

6.03 Definitions

I. Alcohol

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

II. *Alcohol Concentration (or content)*

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

III. *Alcohol Test*

An alcohol test is a test conducted by a Breath Alcohol Technician, using an Evidential Breath Testing Device to measure the amount of alcohol concentration in a volume of breath, or any other test used to detect the presence of alcohol that is approved by the Federal Highway Administration.

IV. *Alcohol Use*

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

V. *Breath Alcohol Technician (BAT)*

A Breath Alcohol Technician is a person who instructs and assists employees in the alcohol testing process and who operates the evidential breath testing device.

VI. *Village-Designated Representative*

Village Department Heads serve as Village-Designated Representatives and are the primary contact persons for departments under their authority, designated to receive all communications and test results from the Medical Review Officer, the Breath Alcohol Technician, the Substance Abuse Professional, and the laboratories, and are authorized to take immediate action to remove employees under their authority from safety-sensitive duties and to make required decisions in the testing and evaluation process. The Village Administrator is the designated contact person for Village employee inquiries regarding this policy.

VII. *Confirmation Test*

A. For alcohol testing, a confirmation test means a second test following a screening test with a result of 0.0 or greater. Confirmation of the screening test must be by an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL), and must be capable of printing out each test result; sequentially numbering each test; distinguishing alcohol from acetone at the 0.0 alcohol concentration level; performing an external

calibration check; testing an air blank; and printing the manufacturer's name for the device, its serial number, and the time of the test.

- B. For controlled substances testing, a confirmation test means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

VIII. *Controlled Substance*

Controlled substances include cocaine metabolites, marijuana metabolites, opiate metabolites, amphetamines, and phencyclidine, and any other substance determined by the Department of Transportation to be a controlled substance.

IX. *Controlled Substance Test*

A method of determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR 40.5

X. *Evidential Breath Testing Device (EBT)*

An evidential breath testing device is a device for the evidential testing of breath at the .02 and .04 alcohol concentrations, approved by the National Highway Traffic Safety Administration (NHTSA) and placed on the NHTSA's Conforming Products List for "Evidential Breath Measurement Devices" and identified on the Conforming Products List as conforming with the model specifications available from NHTSA's Traffic Safety Program.

XI. *Essential Job Functions*

Any and all duties performed by the Village employee consistent with their duties under relevant job description, law or policy, or as otherwise assigned by the Village. Essential job functions include, but are not limited to, safety-sensitive functions.

XII. *Follow-up Test*

A follow-up test is an alcohol and/or controlled substances test administered to a Village employee who has violated the prohibitions of this policy and who has

been permitted to return to duty after passing a return-to-duty alcohol and/or controlled substances test.

XIII. *Medical Review Officer (MRO)*

A Medical Review Officer is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving and reviewing laboratory results generated by the Village's drug testing program and evaluating medical explanations for certain drug test results.

XIV. *Post-Accident Test*

A post-accident test is an alcohol and/or controlled substances test administered to a Village employee following an accident.

- A. The alcohol test shall take place within eight (8) hours and the controlled substances test shall take place within thirty-two (32) hours in order to be admissible.

XV. *Pre-employment Test*

A pre-employment test is an alcohol and /or controlled substances test administered to an operator of commercial motor vehicle prior to the first time said individual performs a safety-sensitive function for the Village.

XVI. *Random Test*

A random test is an alcohol and/or controlled substances test administered to a Village employee who has been randomly selected by a scientifically valid method from among the pool of Village employees subject to such tests.

XVII. *Reasonable Suspicion Test*

A reasonable suspicion test is an alcohol and/or controlled substances test administered to a Village employee as a result of a Trained Shift Officer's reasonable suspicion that the Village employee has violated the alcohol or controlled substances prohibitions of this policy. A reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the Village employee. With regard to the observations for reasonable suspicion to require a Village employee to undergo a controlled substances test, they may include indication of a chronic condition and withdrawal effects of controlled substances.

XVIII. Refusal to Submit

(To an alcohol or controlled substances test) means any of the following:

- A. A Village employee fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Village of Jackson, consistent with DOT agency regulations, after being directed to do so by the Village of Jackson. This includes the failure of an employee to appear for a test when called;
- B. A Village employee fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences, a pre-employment test is not deemed to have refused to test;
- C. A Village employee fails to provide a urine specimen for any drug test required under this policy. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- D. In the case of a directly observed or monitored collection in a drug test, a Village employee fails to permit the observation of monitoring of the employee's provision of the specimen;
- E. A Village employee fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- F. A Village employee fails to or declines to take a second test the employer or collector has directed the employee to take;
- G. A Village employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Village-Designated Representative. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- H. A Village employee fails to cooperate with any part of the testing process;
or
- I. A Village employee is reported by the MRO as having a verified adulterated or substituted test result.

XIX. Safety-Sensitive Function

All time from the time a Village driver (driver means an operator of a commercial motor vehicle) begins to work or is required to be in readiness to work, until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- A. All time at a Village facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Village;
- B. All time inspecting equipment as required by 49 CFR 392 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- C. All time spent at the driving controls of a commercial motor vehicle in operation;
- D. All time, other than driving time, in or upon any commercial motor vehicle;
- E. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

XX. Return to Duty Test

A return-to-duty test is an alcohol and/or controlled substances test administered to a Village employee who has violated the prohibitions in this policy prior to the Village employee being permitted to return to duty.

XXI. Screening Test (also known as an initial test)

- A. In alcohol testing, a screening test means an analytical procedure to determine whether or not a Village employee may have a prohibited concentration of alcohol in a breath or saliva specimen.
- B. In controlled substances testing, a screening test means a test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

XXII. Substance Abuse Professional (SAP):

A substance abuse professional is a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission; or by the International Certification Reciprocity Consortium/Alcohol and Other

Drug Abuse; or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor) who meets the requirements of 49 CFR 40.281.

XXIII. Suspension

An employee temporarily relieved of duty and sent home for a specific length of time with or without pay.

XXIV. Trained Shift Officer

A trained shift officer is any Village of Jackson Department Head or supervisor who has received a minimum of sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on controlled substances use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

6.04 Prohibitions

I. Alcohol and Controlled Substances

- A. A Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions while the Village employee has an alcohol concentration of 0.0 or greater.
- B. A Village employee is prohibited from performing essential job functions within four (4) hours after using alcohol.
- C. A Village employee is prohibited from possessing an open container of alcohol on Village of Jackson premises or equipment.
- D. A Village employee is prohibited from using alcohol while on duty.
- E. A Village employee required to take a post-accident alcohol test is prohibited from using alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- F. A Village employee is prohibited from refusing to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test.
- G. A Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions when the Employee uses any controlled substance, except when the use is

pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the employee's ability to safely perform essential job functions.

- H. A Village employee is prohibited from reporting for duty, remaining on duty, or performing an essential job function, if the employee tests positive or has adulterated or substituted a test specimen for controlled substances.
- I. A Village employee is prohibited from refusing to submit to a return-to-duty test required under this policy.

II. Prescription Drugs

Before performing work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication or therapeutic drug containing a controlled substance, or are taking any non-prescription medication or drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication. A written report of this notification is to be filed by the employee with the Village-Designated Representative. It is the responsibility of the employee to inform his/her physician of the type of essential job functions that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of Village equipment. However, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol will be removed from his/her position as required by the Federal Regulations and as provided in this policy, even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol or drugs. However, if the employee has notified his/her supervisor and also the testing agent/collection site of the legally prescribed medication or drug, and as a sole result, a "false positive" test occurs, such employee shall not be subject to a loss of compensation for such incident.

A legally prescribed drug is one where the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing Village business is prohibited by Village policy.

III. Other Prohibitions

Other prohibited conduct is specified in Appendices A and B attached hereto.

6.05 Notice

Before performing an alcohol or controlled substances test under the requirements of the DOT rules and regulations, Village employees being tested shall be notified that the alcohol and/or controlled substances test is required by Department Rules and Regulations, and meets one of the identified reasons in Section 6.06 requiring such test.

6.06 Circumstances for Controlled Substances and Alcohol Testing

All alcohol and controlled substances testing will comply with the procedures of Title 49 CFR Part 40 and any other applicable state and federal regulations.

I. General

Controlled substances and alcohol tests required to be administered to Village employees, may be administered during normal working hours. In the event there is reasonable suspicion that a Village employee is using drugs or alcohol at any time the employee is working for the Village, controlled substances and alcohol tests may be administered at any time. Post-accident tests may be administered at any time in accordance with the procedures set forth herein.

II. Pre-Employment Testing

Prior to the first time an operator of a commercial motor vehicle performs a safety-sensitive function for the Village, the individual shall submit to testing for alcohol and controlled substances, as a condition prior to being used to perform safety-sensitive functions. This may include newly hired employees and transferred employees to a position where a safety-sensitive function will be performed and includes employees who are later required to perform safety-sensitive functions.

III. Random Testing

- A. Every Village employee who is required to maintain a commercial motor vehicle license and/or to perform a safety-sensitive function shall submit to random alcohol and controlled substances testing.
- B. No fewer than 10% (or the minimum annual percentage rate proscribed by the Federal Motor Carrier Safety Administration (FMCSA) Administrator's decision at the time of the testing, if different than 10%) of the average number of Village employees which are part of the pool

established by the Village-Designated Representative (which pool shall include Village employees subject to random testing) shall undergo random alcohol testing in each calendar year.

- C. No fewer than 50% (or the minimum annual percentage rate proscribed by the FMCSA Administrator's decision at the time of the testing, if different than 50%) of the average of the average number of Village employees which are part of the pool established by the Village-Designated Representative (which pool shall include Village employees subject to random testing) shall undergo random controlled substances testing in each calendar year.
- D. The selection of Village employees for random alcohol and controlled substances testing, the timing and frequency of random tests, and the number of Village employees to be tested on any given day shall be determined by a medical facility contracted with by the Village in accordance with the DOT rules and regulations. The selection of Village employees for random testing shall be made by a scientifically valid method determined by the Village's Designated Representative. Each Village employee shall have an equal chance of being selected for testing each time selections are made. Each Village employee selected for testing shall be tested during the selection period.
- E. Random controlled substances tests shall be unannounced and shall be spread reasonably throughout the year.
- F. Village employees who are notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately as instructed. However, if the Village employee is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of the notification, the employee shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.
- G. A Village employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

IV. Reasonable Suspicion Testing

- A. Whenever a trained shift officer has a reasonable suspicion to believe that a Village employee has violated the alcohol and/or controlled substances prohibitions of this policy, the Village employee shall

promptly submit to the required alcohol and/or controlled substances test.

- B. Alcohol testing is authorized under this section only if the observations required of the reasonable suspicion determination are made during, just preceding, or just after the period of the work day that the Village employee is required to be in compliance with this policy.
- C. An employee shall be subject to reasonable suspicion alcohol testing following the determination that reasonable suspicion exists to require the Village employee to undergo such test.
- D. A trained shift officer who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the Village employee.
- E. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, a Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions while under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, until: i) an alcohol test is administered and the employee's alcohol concentration measures less than 0.0; or ii) twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this policy concerning the use of alcohol.
- F. A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test and shall be signed by the trained shift officer who made the observations within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

V. *Post-Accident Testing*

- A. Any Village employee who was operating a vehicle who is involved in an accident shall be subject to post-accident alcohol and controlled substance testing as soon as practicable following the accident.
- B. A Village employee subject to post-accident testing shall be subject to a breath alcohol test no later than eight hours following the accident and to a controlled substances test no later than thirty-two (32) hours following the accident.

- C. A Village employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit the Village employee from leaving the scene of the accident for the period of time necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care
- D. If, in the sole discretion of the Village-Designated Representative it is necessary to assure the fairness and appropriateness of the investigation, an outside law enforcement agency may be called in to assist in any necessary investigation.

VI. *Return to Duty Testing*

If a Village employee has an alcohol test result indicating an alcohol concentration of greater than 0.0, the Village employee shall be sent home for the remainder of the shift without pay, the Village employee shall be prohibited from performing his/her essential job functions for a minimum of twenty-four (24) hours following administration of the test and until the employee presents proof and retest resulting in a reading of 0.0. A Village employee who has undergone an alcohol test with a result of greater than 0.0, or who has tested 'confirmed positive' for controlled substances, shall not be permitted to perform essential job functions unless:

- A. The Village employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the Village employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
- B. Following a determination by a substance abuse professional that the Village employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the Village employee has complied and remains in compliance with any and all prescribed or recommended education and/or treatment programs.
- C. The Village employee has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of greater than 0.0 before returning to duty if the Village employee has violated the alcohol prohibitions; and
- D. The Village employee has undergone a return-to-duty controlled substances test with a result indicating a verified negative result for

controlled substances use if the Village employee has violated the controlled substances prohibitions.

- E. The cost of return-to-duty testing shall be the responsibility of the employee. The employee shall not receive pay for time spent with return-to-duty testing. Return-to-duty testing must be done before an employee can return to work.

VII. Follow-up Testing

A Village employee who has undergone an alcohol test with a result of greater than 0.0 or who has tested “confirmed positive” for controlled substances, who is subject to, and has complied with, the return-to-duty testing provisions above, and who has been permitted to return to work shall be subject to the following:

- A. The Village employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the Village employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
- B. The Village employee shall be subject to unannounced follow-up testing.
- C. The number and frequency of the tests are to be determined by the substance abuse professional, but must consist of at least six (6) tests during the first twelve (12) months following the employee’s return to work. Follow-up testing may be done for up to sixty (60) months. The substance abuse professional may terminate such tests at any time after the first year of testing if he or she determines the tests are no longer necessary.
- D. The Village Employee shall be subject to such follow-up testing for both alcohol misuse and use of controlled substances if the substance abuse professional determines testing for both alcohol and controlled substances is recommended.
- E. The cost of follow-up testing shall be the responsibility of the employee.
- F. Controlled substances testing shall be conducted by a DHHS-certified laboratory and in accordance with procedures set out in Appendix B.
- G. The cost of return-to-duty testing shall be the responsibility of the employee. The employee shall not receive pay for time spent with return-to-duty testing.
- H. A substance abuse professional service (SAP) is available through each of the health care programs offered by the Village. It will be the

responsibility of the employee to schedule appointment(s) with the SAP as part of the follow-up testing procedure. Each health care program has cost and/or time limits for coverage. The employee will be responsible for all costs associated with treatment services of the substance abuse professional above and beyond benefits covered under his/her health plan.

6.07 Consequences for Village Employees in Violation of These Rules

1. A Village employee shall not be permitted to perform essential job functions if the Village employee has engaged in conduct prohibited by this policy until or unless the employee successfully completes the return-to-duty process, including any follow-up testing requirements as provided above.
2. A Village employee tested under this policy who is found to have an alcohol concentration of greater than 0.0 shall not be permitted to perform or continue to perform essential job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test, and until they present proof and retest resulting in a reading of 0.0.
3. A Village employee who violates any of the requirements of this policy shall be subject to the penalty provisions in the Federal Regulations and the provisions of Appendix D.
4. Any Village employee who refuses to submit to a required alcohol or controlled substances test shall be relieved of duty and subject to disciplinary action.
5. Discipline guidelines are included in Appendix D.

6.08 Confidentiality

1. All records required to be maintained under the FHWA Rules and Regulations shall be maintained in a secure location with controlled access.
2. Upon written request, a Village employee is entitled to copies of any records pertaining to the Village employee's use of controlled substances or alcohol, including any records pertaining to his/her alcohol or controlled substances tests.
3. Records shall be made available to a Village employee's subsequent employer upon receipt of a written request from a Village employee subject to the express terms of the Village employee's request.

4. The Village may disclose information pertaining to a Village employee that is required to be maintained under the FHWA Rules and Regulations to the decision maker in a lawsuit, grievance, or other proceeding initiated by, or on behalf of, the Village employee, and including but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the Village employee, and arising from a positive alcohol and/or controlled substances test or a refusal to test (including, but not limited to, adulterated or substituted test results) administered in accordance with the FHWA Rules and Regulations, or from the Village's determination that the Village employee engaged in conduct prohibited by Village Rules and Regulations and/or the FHWA Rules and Regulations.
5. The Village will release information regarding a Village employee's records as directed by the specific written consent of the Village employee authorizing release of the information to an identified person.

APPENDIX A

Testing Procedures for Alcohol

1. Village employees directed to undergo alcohol testing shall proceed immediately to the designated test site as instructed.

Random testing will be conducted on site.

After-hours testing and reasonable suspicion testing will be conducted at a medical facility contracted with by the Village.
2. Village employees shall follow all procedures and instructions given by the Breath Alcohol Technician (BAT) including completing, signing, initialing, and/or dating any required forms or log books. Failure to do so shall be considered a refusal to test.
3. The testing site shall provide visual and aural privacy to the Village employee, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel, and materials for the collection and analysis of breath and/or saliva samples shall be provided at the location where the testing is conducted, along with a suitable clean surface for writing.
4. No unauthorized persons shall be permitted access to the testing site and no one other than BATs or other employees have the site shall have access to the site when the EBT remains unsecured. No one other than the BAT, the employee, or a DOT agency representative may witness the testing process.
5. In unusual circumstances where a testing site fully meeting all the visual and aural privacy requirements of Paragraph 3 is not readily available (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the visual and aural privacy requirements of Paragraph 3, above. In such cases, the Village employee shall be provided visual and aural privacy to the greatest extent practicable.
6. The BAT shall supervise only one alcohol test for only one Village employee at a time and shall not leave the alcohol testing location while the testing procedure for a given Village employee is in progress, except to notify a supervisor or contact a Village-Designated Representative for assistance in case an employee or other person obstructs, interferes with, or unnecessarily delays the testing process.
7. Upon entering the test site, the Village employee shall be required to provide the BAT with positive identification. Positive identification may take the form of a photo I.D. card issued by the Village, or a federal, state, or local government, or identification by a supervisor or Village official. On request of the Village employee, the BAT shall provide positive identification to the Village employee.

8. If a screening test of a Village employee indicates a breath alcohol concentration of 0.0, no further alcohol testing of that Village employee shall be conducted during this testing event.
9. If the result of a screening test of a Village employee indicates a breath alcohol concentration of 0.0, the BAT shall transmit this result to the Village in a confidential manner, and the Village shall receive and store the information so as to ensure that confidentiality is maintained.
10. If the result of a screening test of a Village employee indicates a breath alcohol concentration of greater than 0.0, the Village employee shall be required to undergo a confirmation test.
11. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the Breath Alcohol Testing Form and log book entry. The BAT shall provide the Village employee with Copy 2 of this form.
12. If a BAT, other than the one who conducted the screening test, is conducting the confirmation test, the Village employee shall be required to provide positive identification in accordance with Paragraph 7 above, to the new BAT, and the Village employee may request positive identification of the new BAT.
13. The Village employee shall not eat, drink, put any object or substance into his/her mouth, and to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screening test, and shall not be less than fifteen (15) minutes.
14. The confirmation test shall be conducted within thirty (30) minutes of the completion of the screening test.
15. If a BAT, other than the one who conducted the screening test, is conducting the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The Village employee shall then complete Step 2 on the form, signing the certification. Refusal of the Village employee to sign the certification shall be deemed a refusal to test.
16. Refusal by the Village employee to complete and sign the Breath Alcohol Testing form, to provide an adequate amount of breath (subject to the steps set forth in Paragraph 18), or otherwise to fail to cooperate with the testing process in a way that prevents the completion of the test, shall be deemed a refusal to test, and shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify the Village-Designated Representative.
17. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or

confirmation test, as applicable, using a new Breath Alcohol Testing form with a new sequential test number.

18. If Village employee is unable, or alleges that he or she is unable, to provide an amount of breath sufficient to permit a valid breath test, the BAT shall again instruct the Village employee to attempt to provide an adequate amount of breath.
 - a. If the Village employee refuses to make the attempt, the BAT shall immediately inform the Village-Designated Representative and note the fact on the Remarks line. This is a refusal to test.
 - b. If the Village employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol form and immediately inform the Village-Designated Representative.
 - c. If the Village employee attempts and fails to provide an adequate amount of breath, the Village shall direct the Village employee to obtain within five (5) days, an evaluation from a licensed physician who is acceptable to the Village, and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen, regarding the Village employee's medical inability to provide an adequate amount of breath.
 - d. If the licensed physician determines, in his/her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the Village employee from providing an adequate amount of breath, then the test is cancelled. The physician shall provide to the Village a written statement of the basis for his/her conclusion.
 - e. If the licensed physician, in his/her reasonable medical judgment, is unable to determine that a medical condition has, or with a high degree of probability, could have, precluded the Village employee from providing an adequate amount of breath, the Village employee's failure to provide an adequate amount of breath shall be deemed a refusal to take a test. The physician shall provide to the Village a written statement of the basis for his/her conclusion.

APPENDIX B

Testing Procedures for Controlled Substances

1. Village employees directed to undergo a controlled substance test shall proceed immediately to the designated collection site as instructed.
2. Village employees shall follow all procedures and instructions given by the collection site person. Failure to do so shall be considered a refusal to test.
3. The collection site person shall collect a urine sample from the Village employee in accordance with the Department of Health and Human Services- (DHHS) approved procedures.
4. Village employees shall provide at least forty-five (45) ml of urine for testing. Village employees who fail to provide at least forty-five (45) ml of urine shall be subject to the provisions of paragraph 18, below.
5. The collection site person shall divide the specimen into two containers. One container shall contain at least thirty (30) ml of urine and shall be the primary specimen. The other container shall contain at least fifteen (15) ml of urine and shall be the split specimen.
6. Both containers shall be secured in a plastic bag with Copy 1 of the chain of custody form and shipped in a single shipping container to the laboratory.
7. The laboratory shall log in the split specimen with the split specimen seal remaining intact. The laboratory shall store the split specimen securely in accordance with approved procedures.
8. The primary specimen shall undergo a screening test for the presence of controlled substances. If the screening test detects the presence of controlled substances, the primary specimen shall undergo a confirmation test.
9. If the result of the test of the primary specimen is “negative”, the laboratory may discard the split specimen.
10. The MRO shall review all primary specimen results. If the result of the test of the primary specimen is confirmed `positive' for the presence of controlled substances, the MRO shall notify the Village employee that he/she has seventy-two (72) hours in which to request a test of the split specimen.
11. If the primary specimen tests confirmed positive for the presence of controlled substances, the Village employee may request verbally or in writing that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) or drug metabolite(s) for which a positive test result was obtained in the test of the primary specimen. The MRO shall honor such request if it is made within seventy-two (72) hours of the Village employee having been notified of a verified positive test result. The Village employee shall be responsible for any and all costs associated with having the split specimen tested. Provided however, that in the event the split specimen

test fails to reconfirm the original test, the Village shall assume any and all costs associated with having the split specimen tested.

12. If the Village employee has not contacted the MRO within seventy-two (72) hours, the Village employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified "positive" test, or other circumstances, unavoidably prevented the Village employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the Village employee's failure to contact the MRO within seventy-two (72) hours, the MRO shall direct analysis of the split specimen, as applicable, to be performed.
13. If the result of the test of the primary specimen is positive, the laboratory shall retain the split specimen in frozen storage for the same period of time that it is required to retain the primary specimen, which is a minimum of one year or longer if the MRO, the Village employee, the Village, or a DOT agency requests in writing within the one-year period that the laboratory retain the specimen for an additional period of time.
14. If the MRO directs the first laboratory in writing to forward the split specimen to a second DHHS-certified laboratory, the second laboratory shall analyze the split specimen by Gas Chromatography/Mass Spectrometry (GC/MS) to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen. Such GC/MS confirmation shall be conducted without regard to the cutoff levels established by DHHS. The split sample shall be retained in long-term storage for a minimum of one year or longer if the MRO, the Village employee, the Village, or a DOT agency requests in writing within the one-year period that the laboratory retain the specimen for an additional period of time.
15. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.
16. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is invalid, the MRO shall cancel the test and report the cancellation to the Village-Designated Representative and the Village employee.
17. A Village employee whose primary specimen tests "confirmed positive" for the presence of controlled substances and who requests, in accordance with Paragraph 11 above, that the split specimen be tested, shall not be permitted to perform essential job functions pending the outcome of such test, but shall be suspended without pay and subject to further disciplinary action. However, if the test of the split specimen does not reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the Village employee shall be paid his/her straight time salary for all regularly scheduled shifts he or she would have worked had the suspension not occurred.
18. a. If the Village employee is unable to provide the required forty-five (45) ml of urine, the Village employee shall be instructed to drink not more than forty (40) ounces of fluids and, after a period of up to three (3) hours, again attempt to provide a complete sample using a fresh collection container. The original

insufficient specimen shall be discarded, except where the insufficient specimen was out of temperature range or showed evidence of adulteration or tampering.

- b. If the Village employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the laboratory shall notify the Village-Designated Representative of the Village employee's inability to provide an adequate sample.
- c. The Village-Designated Representative must, after consulting with the MRO, direct the employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. Upon completion of the examination of the referral physician's recommendations, the MRO shall report his/her determination as to whether the employee has a medical condition that has, or with a high degree of probability, could have precluded the employee from providing a sufficient amount of urine, to the Village Designated Representative in writing.
- d. If the MRO determines that there is no adequate medical explanation for the failure to provide an adequate sample, the Village employee shall be deemed to have refused to test.

APPENDIX C

Employees Covered by This Policy

Any full-time, part-time, paid-on-call firefighter, temporary or seasonal employee; or volunteer of the Village is required to comply with the provisions of the Village of Jackson Controlled Substances and Alcohol Testing Policy, except as provided otherwise in this policy.

The Period of Day Which Village Employees are Required to Comply

A Village employee is required to be in compliance from the time the Village employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Contacts – Information and Assistance

Village-Designated Representatives – Village Department Heads

Designated Contact Person – Village Administrator

Substance Abuse Professional (SAP) – Aurora Healthcare, West Bend, WI

APPENDIX D

Addendum to Drugs and Alcohol Policy

I. Pay Status

All time spent undergoing required alcohol or controlled substance testing, including travel time, shall be paid in accordance with applicable provisions of a pay policy of the Village, except that an alcohol test as described in Paragraph 1, below must be done on an employee's own time, prior to the start of his/her regular shift.

II. Discipline

Consistent with this policy, the employer may take disciplinary action based on non-compliance with this policy by an employee and specifically for actions as follows:

A. Minor Infraction

If an employee tests positive for alcohol of greater than 0.0, the employee will at a minimum be placed on leave without pay for a minimum of twenty-four (24) hours following the administration of the test. The employee will also be subject to discipline as determined by the Village. Employees who are retained after the review of their employment status will be permitted to return to work as determined by the Village but not less than twenty-four (24) hours following administration of the test, provided they present proof and retest resulting in a reading of 0.0. This retest must be conducted at the Village's selected testing site and employees must make their own arrangements and pay for the retest. Failure to obtain the necessary negative test result by the next regularly scheduled shift shall be considered a refusal to test and will result in disciplinary action.

B. Major Infraction

1. If a Medical Review Officer (MRO) verifies that a urine drug test is positive, the employee shall be subject to disciplinary action, up to and including discharge.
2. If a BAT reports that a breath test is equal to or exceeds 0.0, that employee shall be subject to disciplinary action, up to and including discharge.
3. Any employee who refuses to submit to a urine drug and/or breath alcohol test shall be subject to discharge.

SPLIT SAMPLE TESTING FORM

Date _____

Donor's Name _____

Donor's Firm _____

Address _____

Department/State/Zip _____

Phone Number _____

Fax Number (if known) _____

Dear Dr. _____

I request that the original specimen provided by me and tested for drugs at _____ be retested at the laboratory below:

(Name of Laboratory)

Lab Name _____

Address _____

Department/State/Zip _____

I understand that I am responsible for the shipping fees, lab retest fees and the Medical Review Officer's fees.

I have enclosed a (money order) (cashier's check) in the amount of \$_____.

Very truly yours,

Signature of Donor

Print Name of Donor

Social Security Number

Date of Original Collection

Specimen Number

Donor Phone Number

Donor Address: _____

APPENDIX E – SAMPLE FORMS



Reasonable Suspicion Checklist

Employee Name: _____

- 1. Walking: Stumbling Staggering Falling Swaying
 Unsteady Unable to walk Holding-on
- 2. Standing: Swaying Rigid Staggering Unable to Stand
 Sagging Feet wide apart
- 3. Speech: Slurred Incoherent Rambling Slow
- 4. Appearance: Disheveled Dirty Clothes have an unpleasant odor
 Only partially dressed Obvious/excessive stains
- 5. Smell: Odor of alcohol Unusual or pungent Excessive use of cologne
- 6. Demeanor: Hostile Paranoid Drowsy Crying
 Fighting Apologetic Grandiose Easily agitated
- 7. Face: Flushed Pale Sweaty Sagging
- 8. Eyes: Bloodshot Dilated Glassy Drooping

Time of witnessed behavior: _____ : _____ a.m. p.m.

Location: _____

Other observations: _____

Manager's Signature: _____

Date: _____

Second Observer: _____

Time: _____ : _____ a.m. p.m.

Date: _____

Job Title: _____

Time: _____ : _____ a.m. p.m.

Village of Jackson
Travel Authorization Request

NOTE: This form may be used for multiple travelers if they have the same official duty station and travel itinerary. If more space is needed, attach an additional sheet with the travelers' names and social security number. Fill in this form as completely and accurately as possible, estimating high when unsure of exact amounts. Amending authorizations after a trip can delay travel reimbursements.

Request Type:	Authorization #:	Travel Dates:
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Reason for Travel:

Name:	Social Security #:
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Address:

City:	State:	Zip Code:
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Trip Itinerary

		<i>Per Diem Rates</i>		
<u>From: City, State</u>	<u>To: City, State</u>	<u>Lodging</u>	<u>Meals</u>	<u># of Days</u>

SUPERVISOR APPROVAL REQUIRED FOR TRAVEL
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Supervisor's Name:	Signature:	Date of Approval:
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EMPLOYEE ACKNOWLEDGEMENT

I, _____, hereby acknowledge receipt of the Village of Jackson Employee Handbook (“Handbook”), which incorporates by reference all Appendices, on _____. I understand that the Handbook has been developed for the general guidance of employees and that it is my responsibility to read and acquire an understanding of the information contained in the Handbook and to comply with the policies contained in the Handbook. I have been advised that the Village Administrator is available to answer any questions I may have concerning the Handbook or any Village policies, benefits and/or procedures. Furthermore, I acknowledge that none of the statements, policies, procedures, rules or regulations contained herein constitutes a guarantee of employment, a guarantee of any other right or benefit, or a contract of employment, express or implied. I have entered into my employment relationship with the Village voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Village can terminate the relationship at-will, with or without cause, at any time with or without notice, so long as there is no violation of an employment agreement or applicable federal or state law.

Since the information, policies, and benefits described herein are necessarily subject to unilateral change by the Village, I acknowledge that revisions to this handbook may occur, except to the Village’s policy of employment at-will.

Further, these policies do not supplant State or Federal law, Village ordinances, Civil Service procedures, or union agreements. If there is a conflict, the State or Federal law, Village ordinance, Civil Service procedures, or collective bargaining agreements will prevail.

I recognize that the Handbook, although assigned to me, is considered the property of the Village and I will return it upon separation from the Village.

Employee Signature

Date