

The City of Racine Employee Handbook



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ARTICLE I INTRODUCTION

Section 1.01 AUTHORIZATION

The following Employee Handbook was adopted by the City of Racine Common Council pursuant to the authority granted under State Statutes. The Human Resources Department shall be responsible for the day-to-day administration of the Employee Handbook.

Section 1.02 COMPLIANCE WITH POLICIES, RULES, AND STANDARDS OF CONDUCT

The City of Racine has established these policies and its rules of conduct in furtherance of the effective operation of the City and to provide high quality service to all Racine citizens, those persons interacting with the City, and visitors. The City expects all employees to demonstrate professional, competent and reasonable behavior, and to continually serve, both on-duty and off-duty, as positive examples of the high quality personnel affiliated with the City and consistent with the high expectations of the public.

The purpose of these policies is also to reduce misunderstanding, promote uniformity of policy throughout the City, and provide employees with a clear outline of benefits and responsibilities. These policies recognize the value of City employees and outline the duties and responsibilities of employees. They are offered to help employees understand what is expected of them to create a workplace that makes it possible for employees to maximize their potential and achieve professional growth.

Compliance with the policies, rules and general expectations of conduct is important in order to fulfill these objectives. Failure to comply with the policies spelled out herein is taken seriously by the City. Violations of these policies, rules, and general expectations of conduct can subject an employee to discipline, up to and including discharge.

Section 1.03 APPLICABILITY

This handbook applies to all employees of the City of Racine who are not represented by a union. This handbook also applies to all employees of the City of Racine who are represented by a union or who are members of a collective bargaining unit to the extent this handbook is not in conflict with the collective bargaining agreement between the City of Racine and such collective bargaining unit. In some instances, it is explicitly specified that certain sections of this handbook apply only to sworn public safety employees/retirees, in which case this handbook is controlling.

This handbook only applies to employees of the City of Racine. It does not apply to persons employed by the Racine Public Library, the Racine Wastewater Utility, or the Racine Water Utility.

Section 1.04 SCOPE

This handbook sets forth employment policy guidelines, rules of conduct, and guidance regarding general expectations of professional behavior and conduct that employees are expected to follow. This handbook does not cover every conceivable employment situation and the City may make employment-related decisions on a case-by-case basis depending on the facts of the particular situation.

NONE OF THE STATEMENTS, POLICIES, PROCEDURES, RULES, OR REGULATIONS CONTAINED IN THIS HANDBOOK CONSTITUTE A GUARANTEE OF EMPLOYMENT, A GUARANTEE OF ANY RIGHTS OR BENEFITS, DO NOT CREATE OR GRANT COVERED EMPLOYEES WITH A PROPERTY INTEREST IN THEIR EMPLOYMENT OR TENURE RIGHTS OF ANY KIND AND DOES NOT CONSTITUTE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED. UNLESS SPECIFICALLY REQUIRED BY STATUTE, ORDINANCE, OR LAW, THE CITY'S EMPLOYMENT RELATIONSHIP WITH EMPLOYEES IS "AT WILL" AND EMPLOYMENT MAY BE TERMINATED AT ANY TIME FOR ANY REASON, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE AT THE OPTION OF THE CITY OR THE EMPLOYEE. A CONTRACT BETWEEN AN EMPLOYEE OR GROUP OF EMPLOYEES AND THE CITY SHALL NOT EXIST UNLESS A WRITTEN AGREEMENT BETWEEN THE EMPLOYEE OR GROUP OF EMPLOYEES AND THE CITY HAS BEEN APPROVED BY THE CITY OF RACINE COMMON COUNCIL AT A DULY NOTICED MEETING OF THE COMMON COUNCIL.

Notwithstanding anything else contained in this handbook, the City of Racine possesses the sole right to operate the City government, and all management rights repose in it. The rights retained and exercised by the City include, but are not limited to, the following:

- A. To direct all operations of the City government.
- B. To maintain the efficiency of City governmental operations.
- C. To change existing methods or facilities or to introduce new or improved methods or facilities.
- D. To hire, promote, transfer, assign, and retain employees in positions with the City and to suspend, demote, discharge, and take other disciplinary actions against employees.
- E. To lay off or furlough employees or otherwise relieve employees of their duties due to lack of work, lack of funds, budgetary, or other reasons.
- F. To establish work rules and schedules for employees.
- G. To schedule overtime work as appropriate in the manner most advantageous to the City.
- H. To determine the methods, means, facilities, and personnel by which City governmental operations are to be conducted.
- I. To contract out for goods or services.
- J. To take whatever actions are necessary to comply with Federal, State, or local law.
- K. To take whatever actions are necessary to carry out the functions of City governmental operations in emergencies.

Section 1.05 AMENDMENTS

No Employee Handbook can anticipate every circumstance or question about policy. As time goes on, the need may arise to alter, modify, change, or eliminate policies described in this handbook. The City reserves the right to revise, supplement, or rescind any policies or portion of the Employee Handbook from time to time as it deems appropriate, with or without prior notice. Employees will, of course, be notified of such changes as they occur. Supplements to this handbook will be issued to update or revise present rules or policies as deemed necessary.

Section 1.06 CONFLICTING POLICIES

The policies contained in this handbook may cover subjects addressed in other sources, such as collective bargaining agreements, State or Federal laws, City ordinances and resolutions, or Police Commission rules and or policies. Should any provision of this handbook conflict with a valid collective bargaining agreement to which the City is a party, the terms of the collective bargaining agreement shall control to the extent that these policies are in conflict with the terms of the collective bargaining agreement. These policies do not grant any additional benefits over and above or in addition to any employment contract.

Employees should be aware that their Department might have policies that supplement these policies. Employees are expected to follow both the policies in this handbook and their Department's policies. This handbook will control to the extent that the handbook policies are in conflict with Department policies.

Most employee questions should be answered in this handbook. If there are any questions regarding the handbook or matters that are not covered in it, employees are asked to discuss them either with their supervisor, Administrative Manager, or Human Resources Department.

Notwithstanding anything else contained in the Employee Handbook, no person hired on or after January 1, 2021, shall be entitled to any post-retirement benefits other than those provided through the Wisconsin Retirement System or otherwise as required by law.

Section 1.07 DISTRIBUTION

Either a physical or a digital copy of this Employee Handbook should be distributed to every current and future City employee. It is each employee's responsibility to read and become familiar with the information contained in the Employee Handbook. Employees shall be required to individually acknowledge receipt of a copy of this handbook by signing and dating the Acknowledgment of Receipt form. A copy of the Employee Handbook will be posted on the City's Intranet under the Human Resources Department and on the Human Resources Department's public website for Employees and Retirees.

ARTICLE II EMPLOYMENT STATUS

Section 2.01 EMPLOYMENT CLASSIFICATIONS

An employee is defined as a person who works for the City of Racine for compensation in the form of wages and excludes the Mayor, members of the Common Council, members of any Board, Committee, or Commission appointed by the Mayor and confirmed by the Common Council, the Municipal Judge, and Volunteers. For the purposes of this handbook, employees of the City will be classified as follows:

- A. Regular Full-Time – This employee is hired into a regular full-time position and works a normal shift of usually eight hours per day, five days per week. This type of employee is entitled to all the usual and normal City benefits as outlined in this handbook.
- B. Regular Part-Time – This employee is regularly scheduled to work at least 30 hours but fewer than 40 hours per week during a calendar year. Regular Part-Time Employees are eligible for Wisconsin Retirement System (WRS) benefits provided they are scheduled to work a minimum of 1,200 hours per year, or 600 hours per year if hired before July 1, 2011, and are expected to be employed by the City for at least one year (365 consecutive days, 366 in leap year) from date of hire. Other benefits to which regular part-time employees are entitled to as described in this handbook include Holiday Pay, Vacation Leave, Sick Leave, and Health Insurance on a prorated basis, calculated based on the number of hours compensated in a 12-month period divided by 2,080.
- C. Other Part-Time – An employee who works fewer than 30 hours per week on a year-round basis and has consistent weekly hours, working a set schedule. Other Part-Time Employees may be eligible for WRS benefits provided they are scheduled to work a minimum of 1,200 hours per year, or 600 hours per year if hired before July 1, 2011, and are expected to be employed by the City for at least one year (365 consecutive days, 366 in leap year) from date of hire. Other benefits to which Other Part-Time Employees are entitled to as described in this handbook include Sick Leave on a prorated basis, calculated based on the number of hours compensated in a 12-month period divided by 2,080.
- D. Part-Time Seasonal – An employee who works fewer than 30 hours per week or who does not work on a year-round basis or does not have consistent weekly hours, working a set schedule. This includes, but is not limited to, Seasonal Employees, Temporary Employees, Student Employees, Interns, and Limited Term Employees. Part-Time Seasonal Employees are not entitled to the normal City benefits except where eligible under the Wisconsin Retirement System.
- E. Regular Seasonal Employee – Any employee who has been hired on a full-time basis, for a definite period of time during a definite time of the year. This type of employee is not entitled to the normal City benefits except where eligible under the Wisconsin Retirement System and Holiday Pay.

- F. Temporary Employees – Any employee who has been hired on a limited full-time or part-time basis, usually for an indefinite period of time normally extending not more than six months at any one time. This type of employee is not entitled to the normal City benefits except Holiday Pay if the employee regularly works for 30 hours per week or more.
- G. Student Employees – Any employee who has been hired on a limited full-time or part-time basis, usually for an indefinite period of time normally extending not more than four months at any one time. Student employees can only work one four-month period per year. This type of employee is not entitled to the normal City benefits except Holiday Pay if the employee regularly works for 30 hours per week or more.
- H. Interns – Unlike Student Employees, an Intern is a student who can either be in a paid or unpaid status, under the regulations of the Fair Labor Standards (FLSA). Unpaid Interns are not considered employees and are not entitled to benefits. Paid Interns, while considered employees, also are not eligible for normal City benefits. However, Paid Interns may be eligible for WRS benefits provided they are scheduled to work a minimum of 1,200 hours per year, or 600 hours per year if hired before July 1, 2011, and are expected to be employed by the City for at least one year (365 consecutive days, 366 in leap year) from date of hire.
- I. Exempt – An employee whose position meets the overtime exemption tests established by the FLSA and State law. These employees are paid on a salary basis and exempt from overtime pay requirements including compensatory time. This means that exempt employees are not entitled to, and will not receive, overtime pay or compensatory time off. No people who are employed as exempt employees should assume that their work schedules are limited to 40 hours per week.
- J. Non-Exempt – An employee whose position does not meet FLSA and State law overtime exemption tests. Non-exempt employees are paid on an hourly basis and are eligible for overtime pay.
- K. Represented – Individuals who are represented by a labor association and covered under a collective bargaining agreement with the City.
- L. Non-Represented – Individuals who are not represented by a labor association and not covered by a collective bargaining agreement with the City.
- M. Volunteers – Individuals who are not considered City employees and are not entitled to benefits. Volunteers are covered under the City's liability insurance policy and not Chapter 102 of the Worker's Compensation Act, except for emergency management personnel after a declared emergency or during specified training activities. Status as a volunteer must be accepted by the City.
- N. Limited Term Employees – Individuals who work more than 30 hours per week for a specified amount of time. These employees are eligible for WRS benefits provided they

are scheduled to work a minimum of 1,200 hours per year, or 600 hours per year if hired before July 1, 2011, and are expected to be employed by the City for at least one year (365 consecutive days, 366 in leap year) from date of hire.

- O. Public Safety Employee – Any employee who is employed in a position that is classified as a protective occupation participant under any of section 40.02(48)(am)9., 10., or 22., Wis. Stats.
- P. General Employee – An employee who is not a represented public safety or represented transit employee.

An employee may be classified as more than one type of the foregoing categories.

ARTICLE III EMPLOYMENT POLICIES AND PROCEDURES

Section 3.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Racine is an Equal Opportunity/Affirmative Action employer functioning under an Affirmative Action and equity workforce program, to the extent permissible by law. It is and will continue to be the policy of the City that there shall be no illegal discrimination against any employee or applicant for employment because of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, gender identity, sexual orientation, familial status, lawful source of income, or economic status, or any other protected status. This policy includes but is not limited to, the following: recruitment and employment, promotion, demotion, transfer, compensation, selection for training including apprenticeship, layoff, termination, and any other coverage that may apply. This policy is consistent with the requirements and objectives as set forth in City Ordinance Sec. 62-27. Also, it affirms the City's commitment to continue to implement all State and Federal laws, executive orders, rules, regulations, and policies that apply to Equal Employment Opportunity/Affirmative Action, as set out in Title VII of the Civil Rights Act of 1964, as amended, and other applicable law.

Supervisors and managers shall ensure that the provisions of this policy are met. Every employee also must help create a job environment that promotes equal opportunity. Any incident or situation that is believed to violate this policy should be brought to the attention of the City's Affirmative Action Officer. Anyone found to have engaged in any violation of this policy, or to have retaliated against anyone for reporting discrimination or for cooperating with an investigation, will be subject to disciplinary action, up to and including termination.

Section 3.02 ANTI-HARASSMENT & RETALIATION POLICY

It is the policy of the City of Racine that all employees have the right to work in an environment free of all forms of harassment and retaliation. The City of Racine will not tolerate, condone, or allow harassment or retaliation by any employee or non-employee who conducts business with the City. The City of Racine considers harassment, discrimination, and retaliation of others to be a serious form of employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment, discrimination, and retaliation. A violation of this City policy can lead to discipline up to and including termination. This also applies to repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

A. Prohibited Activity and Responsibility:

1. Sexual Harassment – The City prohibits sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct is severe or pervasive enough to create a work environment that a reasonable person would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile, or offensive work environment.
- 2. Harassment – Any form of unwelcome conduct, whether verbal, non-verbal, written, physical, or visual, that is based on a person's protected status, including sex, color, race, ancestry, religion, national origin, age, disability, marital status, sexual orientation, gender identity, or any other protected status or characteristic defined by local, State, or Federal law. Harassment that is based on a person's protected status, as defined in Section 3.01 above, will be considered misconduct subject to disciplinary action by the City.
- 3. Retaliation – Generally, any materially adverse employment action taken against an employee or applicant "because of" protected conduct is prohibited. "Protected conduct" means opposing a practice made unlawful by an applicable employment discrimination statute or filing a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under such applicable statute. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances, but must be considered "materially adverse," thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint. Examples of conduct that may be considered retaliation include:
 - a. Discharge;
 - b. Demotion or not promoting;
 - c. Reduction in pay;
 - d. Reassignment of job duties;
 - e. Significantly diminishing an employee's responsibilities;
 - f. Unwarranted negative performance evaluations;
 - g. Increased scrutiny of an employee's work; or
 - h. Isolating or shunning an employee.

Any employees who believe that they are being retaliated against shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employees. Where it is not practical to do so, employees may instead file a complaint with another supervisor or the Human Resources Department. Retaliatory acts are a form of employee misconduct. Evidence of retaliation is considered a separate violation of this policy and is subject to discipline up to and including termination.

4. Employee Responsibilities – Each employee is responsible for assisting in the prevention of harassment and retaliation by the following acts:
 - a. Refraining from participation in actions that could be perceived as harassment or retaliation;
 - b. Reporting acts of harassment or retaliation to a supervisor or the Human Resources Director or designee; and,
 - c. Encouraging any employees who confide that they are being harassed, discriminated, or retaliated against to report these acts to a supervisor or the Human Resources Director or designee.

Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline.

5. Complaint Procedures – The City of Racine is committed to maintaining a workplace free of illegal discrimination, harassment, and retaliation. The City cannot prevent or stop harassment or retaliation of which it is unaware. Therefore, the following actions are required:
 - a. Any employees encountering harassment or retaliation are encouraged, but not required to, inform the offending persons verbally or in writing that their actions are unwelcome and offensive;
 - b. Any employees who have unsuccessfully attempted to terminate the harassment or retaliation by their own means and believe that they are being harassed or retaliated against shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee(s) from further harassment or retaliation;
 - c. The Human Resources Director or designee to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment or retaliation, any witnesses to the incident(s) and the date(s) on which it occurred;
 - d. The Human Resources Director or designee shall be responsible for investigating any complaint alleging harassment, discrimination, or retaliation;
 - e. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint;
 - f. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Section 3.03 REASONABLE ACCOMMODATION POLICIES

The City of Racine is committed to complying with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA) of 1990, as amended, and other federal, state, and local laws. The City will make reasonable accommodations wherever necessary for all

employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on the City.

A. Title I: In compliance with the Americans With Disabilities Act of 1990, the Rehabilitation Act of 1973, the ADA Amendments Act of 2008, and the Wisconsin Fair Employment Act, the City of Racine prohibits discrimination against qualified individuals with disabilities in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. The City is committed to providing accommodations for eligible employees and applicants in job duties, the work environment, and the application process to enable a person with a permanent or chronic medical restriction to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the City.

1. Job Application Process

- a) All applicants for City positions must have accessibility to all steps in the selection process and are protected from disability-related questions that could potentially screen them out of the application process. Reasonable accommodation will be provided to qualified applicants during the selection process, which may include making an interview room accessible, supplying an interpreter or reader, etc., to ensure that all applicants have accessibility to all phases of the process.
- b) Pre-offer physicals are prohibited by the City, as are inquiries regarding the existence of an applicant's disability or the nature and severity of the disability. After an offer of employment has been extended, it may be conditioned on the results of a medical examination. The information received during a medical exam will be held confidential, but a supervisor may be told of any restrictions and/or necessary accommodations. If the existence of a disability is revealed during the medical exam, an offer of employment may not be withdrawn unless the reason is job-related and consistent with business necessity and no reasonable accommodation can be made or the disability poses a direct threat to the health and safety of the applicant, other employees or the general public, and which cannot be eliminated by reasonable accommodation.
- c) The City is committed to making reasonable accommodations in the application process, job duties, and the work environment to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship on the City.
- d) If an applicant or employee believes he/she/they have been discriminated against in employment on the basis of a disability, he/she/they may file a complaint through the City's harassment complaint procedure.

2. Procedure for Requesting an Accommodation

- a) Any employees who believe that they need a reasonable accommodation to perform an essential function of their jobs should make that request through their direct supervisor, the ADA Coordinator, or the Human Resources Director.
- b) When a request for an accommodation is received by the supervisor or when it is apparent that a reasonable accommodation may enable an individual with a disability to perform the essential functions of the position, the requesting employee will be directed to submit a “Reasonable Accommodation Request Form” with appropriate supporting documentation to his/her/their direct supervisor, the ADA Coordinator, and the Human Resources Director for consideration.
- c) All requests for accommodation shall be responded to in a timely fashion, after the supervisor, in coordination with the ADA Coordinator or Human Resources Director, has engaged in the “interactive process” with the employee requesting the accommodation. Supervisors are encouraged to request assistance from the Human Resources Department, as necessary.
- d) The City reviews all requests for accommodation on a case-by-case basis and may provide a reasonable accommodation that allows the qualified individual with a disability to achieve the same level of job performance as other similarly skilled employees. The City is not obligated to provide an accommodation that causes an undue hardship for the City.
- e) All requests and documentation will be kept confidential and in a separate file.

3. Definitions

- a) “Disability” as defined under the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008 means, with respect to an individual: a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
- b) “Individual with a disability” as defined under the Wisconsin Fair Employment Act is an individual who: has a physical or mental impairment that makes achievement unusually difficult or limits the capacity to work; has a record of such impairment; or is perceived as having such an impairment.
- c) Direct Threat to Safety: a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
- d) Essential Job Function: the basic job duties that an employee must be able to perform, with or without reasonable accommodation.
- e) Interactive Process: the process by which an agent of the employer and individual requesting accommodation engage in, to discuss physical or mental

abilities and limitations as they relate to the job's essential functions and to determine possible job accommodations.

- f) Major Life Activities (non-exhaustive list): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working, etc. Major life activities include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. Major bodily functions also include the operation of an individual organ within a body system (i.e., the operation of the kidney, liver, or pancreas).
- g) Qualified Individual with a Disability: a person who meets legitimate skill, experience, or other requirements of the position that the person holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.
- h) Reasonable Accommodation: Any modification or adjustment to a job or the work environment that will enable a "qualified" applicant or employee with a disability to participate in the application process or to perform essential job functions, without causing undue hardship.
- i) Undue Hardship: An action that is excessively costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the City or City department.

B. Title II: It is the policy of the City to ensure that all citizens have an equal opportunity to participate in and receive the benefits of the services, programs, or activities of the City. The City is required to ensure all programs and activities are accessible but is not required to make every facility accessible as long as all programs are readily accessible. There are several means by which the City can make its programs readily accessible to and usable by disabled individuals, including redesigning equipment, reassigning services or programs to alternative, accessible buildings, and altering existing facilities or building new facilities.

Section 3.04 JOB POSTINGS

Any job vacancy may be announced and posted on the City's website and external sources as the Human Resources Department deems appropriate and necessary.

Section 3.05 PHYSICAL EXAMINATIONS

Full-time regular employees may be required to pass a physical examination and a drug test before they can begin their employment with the City, as required by their particular position. The pre-employment physical will be given by a physician of the City's choosing and is intended to measure the individual's physical capabilities in terms of the job to be performed. The City will provide the examination at no expense to the prospective employee.

The City reserves the right to require part-time employees to undergo a pre-employment physical examination to the same extent as required for full-time employees and/or to re-evaluate any employee's physical condition at any time as it relates to their job assignments.

Section 3.06 FITNESS FOR DUTY

An employee's Administrative Manager or the Human Resources Director or designee may request a medical or psychological evaluation when: (1) an employee's conduct creates a reasonable belief that a threat to the health or safety of the employee, co-workers, the public, or to City property, exists; or (2) there is objective evidence that the employee cannot effectively perform the essential job functions of the position. An appointment will be scheduled with a physician/psychologist upon agreement by the employee to attend an evaluation.

Employees who cooperate in attending a "Fitness for Duty Evaluation" will be placed on administrative leave status, until the report of results is received from the physician, recommendations are reviewed and work or leave status is re-evaluated. There will be no cost to the employees for the evaluation or any other evaluations or tests that the physician or psychologist may recommend. Employees will be required to sign a release to grant the physician or psychologist access to the employee's medical records. Results of the exam will be forwarded to the Human Resources Department and will be reviewed with the department in question only as necessary. The information will be treated with the highest degree of confidentiality, and a copy of the report will remain in a confidential medical file within the Human Resources Department. A copy of the report will be made available to the employees upon request to the Human Resources Department. The employees will have the option to present this report to their personal physician(s) for review and rebuttal if the employees do not agree with the opinion.

If an employee chooses not to attend a City authorized "Fitness for Duty Evaluation," the employee will either be placed on sick leave or leave without pay status until the employee provides medical documentation from their personal physician/psychiatrist at their own expense that states that the concerns noted by the employee's department have been reviewed, the essential functions of the employee's position have been reviewed, and that the employee is 'fit for duty' and does not pose a threat to one's self or someone else. The City maintains the right to request a second opinion and have the employee sign a release granting full access to the employee's medical records.

Section 3.07 TESTING

The City reserves the right to establish reasonable testing procedures to be used to determine the ability of the employee or applicant to do the essential duties of the job. If an individual with a disability requires a reasonable accommodation to be made in conjunction with the administration of a test, that individual must notify the City of his/her/their need for an accommodation at least 48 hours before the administration of the test. For internal candidates applying for a promotion, a lateral pay grade job, or lower paying position, they may be required to test for an opening. The City is not required to allow a candidate to re-take any failed test.

Once a candidate begins a test, there is no stopping for any reason, and requests to re-take a test may not be granted.

Section 3.09 CITY OF RACINE RESIDENCY

The City of Racine has no formal residency requirement for employees. However, employees are encouraged to live within the City of Racine and the common council may, from time to time, incentivize living in the City of Racine.

Section 3.10 BACKGROUND CHECKS

Prospective employees of the City of Racine may be subject to a background check. Depending on the nature of the position and the applicants applying for the position, the Human Resources Department will conduct varying levels of background screening to determine whether candidates for employment, promotion, assignment, or transfer are suitable for the position they desire to obtain. Information that may be obtained or requested includes information relating to references, past employment, work habits, education, judgments, liens, criminal background and offenses, character general reputation, and driving records. The City may also obtain information from a consumer reporting agency. Before denying an extension, assignment, promotion, or other benefit of employment, based in whole or in part, on information obtained in the consumer credit report, the City will provide a copy of the report and a description in writing of the applicant's rights under the Fair Credit Reporting Act.

As part of the application process, new applicants seeking employment will be required to electronically sign an employment application that constitutes the employee's full waiver and release of any liability related to the background investigation. The application form also notifies the applicant that any false statements may be grounds for not employing or for dismissing the applicant after beginning employment. Applicants who refuse to sign the employment application will not be considered for employment.

Section 3.11 NEPOTISM POLICY

It is the City's policy that relatives of persons employed by the City may be hired, promoted, assigned, or transferred into positions only if they will not be working for or supervising a relative. This policy will be broadly interpreted in a manner that addresses the issue of inequitable consideration in decisions concerning work assignments, transfer opportunities, performance evaluations, promotions, demotions, disciplinary actions, and discharge. For the purpose of this policy, a relative is defined as a spouse, parent, grandparent, child, brother, sister, brother-in-law, sister-in-law, father-in-law, mother-in-law, stepparent, stepbrother, stepsister, stepchild, aunt, uncle, niece, or nephew. A supervisor is defined under this policy as a person who directs or has authority to direct the activities of or has the authority to effectively recommend the hiring, promotion, transfer, discipline, or discharge of employees under his/her/their purview.

Section 3.12 REHIRING FORMER EMPLOYEES

Former employees may be considered for re-employment on a full-time or part-time basis for approved/budgeted open positions under the following general provisions:

1. Employees who have performed satisfactorily and who have terminated their employment under favorable circumstances with the City may be rehired. However, the City is under no obligation to rehire any former employees who voluntarily resigned from their positions or who were administratively separated due to the end of a temporary or seasonal assignment, unless otherwise provided.
2. The City does not re-employ employees who were terminated for cause or who resign involuntarily. Records of former employees who were terminated involuntarily, however, will be reviewed by Human Resources to determine the circumstances of the termination.
3. The City may refuse to re-employ former employees who resigned without providing a minimum of two weeks' written notice of resignation.
4. Regular full-time employees who are rehired shall not receive credit for previous City service for either promotional or layoff purposes unless otherwise provided within this handbook.
5. Former employees who are being considered for reinstatement will be required to take a pre-employment physical and undergo background and reference checks that are similar to those required for new employees.

Section 3.13 PROMOTIONS AND JOB TRANSFERS

When position vacancies exist above the entrance level, in most cases they shall be posted on the City's website and external sources as the Human Resources Department deems appropriate and necessary. Employees wishing to be considered for a vacancy must apply for the position by submitting an application by the given deadline. In order to be considered qualified for a promotion, the performance evaluation from the employee's most recent evaluation period must indicate that the employee's performance was satisfactory or better.

Notwithstanding anything else contained herein, employees who post or transfer to an equal or lower-paying position may be required to remain in said position for a period of 18 months if awarded said position. It should also be noted that some jobs by their nature may require employees to remain in the job for an extended period of time up to three years before transferring out. No employees who apply to fill a job vacancy and are transferred to such position have a right to return to their former position. Employees must have a completed performance evaluation on file and be in good standing in order to apply for new positions.

Section 3.14 SHORT-TERM TEMPORARY ASSIGNMENTS

An Administrative Manager or his/her/their designee shall have the right to make temporary changes on a day-to-day basis in the assignment of personnel within and between all departments or divisions under the jurisdiction of the Administrative Manager. Employees, upon proper notification when possible, shall immediately report to the reassigned temporary position and thereafter perform the work shift of that division for the duration of the reassignment. In the event an employee is temporarily assigned to a lower pay-rated job, he/she/they shall continue to receive the pay rate of his/her/their regular job. If an employee is temporarily assigned to a higher pay-rated job for eight continuous work hours or more, he/she/they shall receive the rate of pay of the incumbent in the position so assigned or 10% more than his/her/their current rate of pay, whichever is less, except when the employee is being trained. An employee will continue to earn his/her/their current rate of pay until trained and determined to be qualified by the Administrative Manager (or his/her/their designee) at such time he/she/they shall then receive the lesser of the two higher rates.

Section 3.15 PERFORMANCE EVALUATIONS

Annual performance evaluation reports shall be part of any performance evaluation program to assist in assessing work effectiveness, suggest constructive action for improvement, and provide feedback in areas of performance. Performance evaluation reports shall be conducted by an employee's supervisor and a copy shall be placed in the employee's Human Resources personnel file. Performance evaluation reports shall be considered in the decisions affecting placement, employee status, salary adjustments, promotions, demotions, dismissal, re-employment, training, and other job-related actions.

Some of the job factors that are reviewed include accuracy, quality of work, quantity of work, dependability, adaptability, job knowledge, organization, judgment, initiative, cooperation, ability to get along with others, attitude, and attendance. It is the employee's responsibility to improve his/her/their performance. The practices for departments or positions for the evaluation process may vary. Employees receiving a poor performance evaluation shall be put on a Performance Improvement Plan by the employee's supervisor.

Section 3.16 LAYOFF/BUMPING/RECALL

- A. Layoff: The city in its discretion shall determine whether layoffs are necessary. The City may lay off an employee because of shortage of funds, shortage of work, discontinuance of services, changes in organizational unit, or for any other reasons, which do not reflect discredit on the service of the employee. Duties performed by laid-off employees may be reassigned to other employees already working or holding positions in appropriate job classifications.
- B. Bumping: In any situation where an employee is displaced as a result of job elimination, budget reduction, layoff or for any other reason, the affected employee may exercise his/her/their seniority in the following manner:

1. The employee may bump a less senior employee in the employee's immediate department/division if the employee has the minimal objective qualifications to perform the job and the administrator of the department approves the bump.
2. The Administrative Manager shall consider the following factors, in consultation with the Human Resources Director, in making his/her/their determination to approve the bump, in order of their delineation: seniority; the effect of the bump on the operation of the department; previous evaluations of the employees affected, and the employees' respective educational backgrounds. No one factor shall be conclusive. Notwithstanding anything else contained herein, no employee with a poor performance evaluation from the employee's most recent evaluation period shall be qualified to bump. There shall be no appeal from the decision of the Administrative Manager.
3. Successfully completes an examination if any has been established for the position and the exam is determined by the Administrative Manager and the Human Resources Director to be necessary to establish the employee's ability to perform the duties of the new position.
4. The Human Resources Director may request a physical examination from a physician of the City's choosing to evaluate an employee's physical ability to perform the necessary job tasks.
5. For purposes of layoff and bumping only as it relates to this section, departmental seniority shall be defined as that time of continuous service performed under the same administrative manager organizational structure.
6. If at any time the Administrative Manager determines that performance is unsatisfactory, said employee shall be placed on layoff status. The decision by the employer not to retain an employee shall be final, subject to the Grievance Procedure set forth in this handbook. However, such terminated employees shall retain recall privileges.
7. Employees whose positions are being eliminated or employees being displaced shall be given written notice of the action not less than seven calendar days prior to the effective date. Employees shall have forty-eight hours after receiving notice to exercise whatever options may be available to them. If a decision is not made within forty-eight hours, said employee shall be deemed to have been laid off by the City.
8. An employee who is displaced into a position in an equal or lower job classification shall be placed at the salary step that most closely corresponds to but does not exceed the employee's salary at the time of displacement.
9. Administrative Managers and/or Mayoral appointments shall not be displaced by the provisions contained herein.

10. Employees serving on a limited term, temporary, or an initial probationary period, shall be terminated without displacement or recall rights should they be displaced or laid off.

C. Recall Provisions:

1. Employees who are laid off or displaced shall be placed on a recall list for a period equal to their seniority but no more than eighteen months maximum, after which time all recall rights are terminated. Should a vacancy occur in a position authorized to be filled from which an employee was laid off or displaced, said employee shall be recalled in order of their departmental seniority. Should a new position be created from which no employee was laid off, employees on a recall list may apply for the position but the City retains sole discretion in selecting the candidate from either the recall list or outside sources.
2. Employees to be recalled shall be notified by mail addressed to the most recent address appearing on the Human Resources Department's records. Laid off employees shall notify the Human Resources Department of any change of address. Employees so recalled shall notify the City of their acceptance or rejection within seven calendar days of the date of the recall letter and report for work within 10 calendar days from the date of the recall letter. Failure to notify, failure to report, or the refusal of an offer of re-employment shall terminate an employee's right to recall.
3. An employee on layoff status shall not lose credit for seniority accumulated at the time of layoff nor shall continuous service be considered interrupted if the employee is recalled within eighteen months of layoff. An employee recalled within 18 months of layoff shall be credited with sick leave accumulated as of the date of layoff.
4. Employees shall be granted the option of remaining in the group health insurance plan in accordance with the COBRA Act of 1986 from the effective date of layoff (according to policy provisions) provided the employee pays to the City of Racine the full premium. Employees shall be granted the option to remain in the group life insurance plan based on salary for up to 18 months from the effective date of layoff, provided the employee pays the full premium.

Section 3.17 FURLOUGHS

Voluntary or mandatory employee furloughs involve placing employees in temporary non-duty, non-pay status for budgetary reasons as authorized by the Common Council. A furlough differs from a normal layoff in that employees continue to work on a fairly regular basis, with the City or individual departments scheduling employees to have certain days off. For example, a City department may elect to furlough a non-exempt employee by asking or requiring him/her/them to

take off one or more days without pay.

Section 3.18 SEPARATION FROM EMPLOYMENT

A. Categories of Separation:

1. Resignation with Notice is a voluntary permanent separation initiated by the employee. It is required that an employee give a minimum of a two working week written notification of separation to his/her/their supervisor and the Human Resources Department prior to leaving City employment. Employees will be paid all earned compensation up to their final day of employment and any earned compensatory time/overtime as provided by the terms of this handbook. In the event the employee provides the required notice, the City will also pay a prorated amount of any accrued but unused vacation from the current year, excluding any rollover vacation. The prorated amount will be based on the number of full months worked from the previous December 31, which number shall be placed as the numerator in a fraction whose denominator is the number 12. The City reserves the right to terminate the employee before that date.
2. Retirement is separation from employment with the City, either with or without notice, under the provisions of the Wisconsin Retirement System (WRS). Employees who retire from their positions are entitled to all earned compensation up to their final day of employment, any earned compensatory time/overtime as provided by the terms of this handbook, and any accrued but unused vacation, excluding any rollover vacation. As of January 1, 2013, employees who retire with a two working week written notice of retirement or on disability shall be entitled to a sum equal to fifty percent (50%) of their daily wage for each of the first one hundred and forty (140) days of accumulated paid sick leave days to their credit, subject to the following limits:

The payment for those employees retiring between July 1, 2021, and December 31, 2021, shall be no more than \$15,000.

The payment for those employees retiring between January 1, 2022, and December 31, 2022, shall be no more than \$12,500.

The payment for those employees retiring between January 1, 2023, and December 31, 2023, shall be no more than \$10,000.

The payment for those employees retiring between January 1, 2024, and December 31, 2024, shall be no more than \$7,500.

The payment for those employees retiring between January 1, 2025, and December 31, 2025, shall be no more than \$5,000.

The payment for those employees retiring between January 1, 2026, and December 31, 2026, shall be no more than \$2,500.

There shall be no sick leave severance payment for those employees retiring on or after January 1, 2027.

Notwithstanding anything else contained in the Employee Handbook, no person hired on or after January 1, 2021, shall be entitled to any payment for accrued, but unused, sick leave or any other post-retirement benefits except for those provided through the Wisconsin Retirement System or otherwise as required by law.

3. Total disability is separation from employment with the City, due to total physical or mental impairment, under the provisions of the WRS. The City will pay any earned compensatory time/overtime as provided by the terms of this handbook, and any accrued but unused vacation, excluding any rollover vacation. If the employee provides a two working week written notice of retirement due to total disability, the employee will be entitled to pay for accrued but unused sick leave subject to the limits described in Section 3.18.A.2. There shall be no sick leave severance payment for those employees retiring due to total disability on or after January 1, 2027.
4. In case of the death of the employee, the employee's estate may be eligible to receive all earned compensation up to the employee's final day of employment, compensatory time/overtime as provided by the terms of this handbook, earned but unused vacation, excluding any rollover vacation, and sick leave subject to the limits described in Section 3.18.A.2. There shall be no sick leave severance payment for those employees separating due to death on or after January 1, 2027.
5. Resignation without Notice is a voluntary permanent separation initiated by the employee without providing a written two working week notice prior to leaving. The employee will be paid all earned compensation up to his/her/their final day of employment and any earned compensatory time/overtime as provided by the terms of this handbook. However, the employee will not receive pay for any accrued but unused vacation, nor any rollover vacation. The City reserves the right to terminate the employee before that date. An employee who resigns without notice may be refused consideration for future employment opportunities with the City of Racine.
6. Discharge is a permanent separation initiated by the City. An Administrative Manager or supervisor shall not terminate an employment relationship before consulting with the Human Resources Director. The employee will be paid all earned compensation up to his/her/their final day of employment and any earned compensatory time/overtime as provided by the terms of this handbook. However, the employee will not receive pay for any accrued but unused vacation, nor any rollover vacation.

7. Layoff can be a temporary or permanent severance of the employee's position with the City due to a reduction in the workforce. Laid-off employees shall receive all earned compensation up to the employee's final day of employment, compensatory time/overtime as provided by the terms of this handbook, and, as a severance, pay equal to the amount of remaining vacation time they would be entitled to in the calendar year, excluding any accrued but unused rollover vacation. If recalled in that same year, the employee would not be eligible for vacation for that year. Employees recalled subsequent to the calendar year they are laid-off would receive prorated vacation based on their years of service and the number of full months worked in such subsequent year. Accrued sick leave will be retained, but no further accumulation will be allowed during the period of layoff.
8. A furlough is not a severance of the employee's position or a separation from employment.

B. Final Paycheck:

Every effort will be made to send employees who resign or are terminated their final paycheck on their next regularly scheduled payday. Retirees expecting a payout of sick leave and/or accrued vacation upon retirement should anticipate receiving their payout by their second regularly scheduled payday after retirement.

C. Return of Property, etc.:

Upon separation, the employee must return all property and records, and complete required forms prior to receiving payment for any accrued vacation or sick leave as may be permitted by this handbook. When an employee separates employment from the City of Racine, the owning department supervisor shall complete an "Employee Separation Worksheet" at the time notice of separation is received. The completed worksheet shall be forwarded in its electronic format to the email address listed on the "Employee Separation Worksheet" form. The employee should return all City property (including keys, cell phones, other electronic devices, P-cards, etc.) no later than the last day worked. The employee's network access, security, and accounts shall be terminated on the last day of work.

D. Use of Accrued Vacation and Sick Leave Upon Termination:

Employees who terminate their employment with the City of Racine and still have unused, accrued vacation and sick leave will not be allowed to extend their time on the payroll in an attempt to use up the remaining, unused vacation and sick leave. Employees are expected to work every day during the last two weeks after giving two working weeks' written notice. Employees who terminate their employment with the City will not receive pay for any paid holidays taken off if such holidays fall within the last two weeks of their employment.

Section 3.19 PERSONNEL RECORDS

A. Maintenance of Records:

The Human Resources Director shall be responsible for the maintenance of the official personnel files for all City employees. These files shall be confidential and contain the complete employment history of each employee during employment with the City. The personnel files shall contain, but are not limited to, the following information: employment applications, medical records, dates and records of injuries, commendations, education and special training received, reprimands, performance evaluations, wage data, promotions, and other relevant personnel documents. The privacy of employee personnel files will be governed and administered in accordance with federal, state, and local law.

B. Employee Rights:

In accordance with, and subject to, applicable state law, employees are permitted to inspect any material that is contained in their personnel file, provided that they submit a written request to the Human Resources Department.

C. Modifying Personnel File Information:

If factual information is demonstrated to be incorrect by the employee, it will be corrected. If an employee disagrees with certain items in his/her/their file, the employee may submit a concise statement of disagreement for inclusion in his/her/their personnel file.

Section 3.20 UNION ACTIVITY

A. Union Business:

No employee covered in this handbook will be discriminated against because of membership in or activity in connection with any union. The City will not discourage membership in a union. Unions shall provide written notification to the Human Resources Department within 10 business days following the election or selection of union officers or representatives.

No union activities, other than collective bargaining, shall ordinarily be permitted on City time. All other union business shall be transacted outside normal working hours, unless pre-approved, in writing, by an employee's Administrative Manager.

B. Bulletin Boards:

The City agrees to provide bulletin board space for the unions' use. The bulletin boards are to be used by the unions for notices only of the following: union meetings, union elections, union appointments, union recreational and social events, unemployment compensation information, and other materials of a non-political nature.

Upon written demand from the City, unions shall promptly remove from such bulletin boards any material that is in any way a violation of this section. The City will retain ownership of the bulletin boards. In the event a union fails to remove materials in violation of this section, the City reserves the right to remove said materials.

ARTICLE IV WAGE AND SALARY POLICIES AND PROCEDURES

Section 4.01 WORK SCHEDULES

Work schedules for City employees, due to the special nature of City departmental operations, vary throughout the City. The Administrative Manager for each department shall schedule the workweek (including regularly scheduled Saturday and Sunday work) for all shift employees, regular, seasonal, and temporary employees. Generally, the regular workweek for full-time City employees will be 40 hours of actual work, excluding all meal periods. Administrative Managers may vary hours of work or meal periods for employees but must explain working hours, lunch periods, and work breaks upon hire and thereafter as they may change from time to time. Payroll and Human Resources must be notified of any ongoing variation in an employee's hours that would affect the employee's classification.

No person who is employed as an exempt employee, defined in Section 2.01, should assume that his/her/their work schedule is limited to 40 hours per week.

Section 4.015 ALTERNATIVE WORK ARRANGEMENTS

I. Purpose

The City recognizes the importance of its employees having a proper work-life balance. It is understood that allowing employees to have a degree of control over their work schedules may make it easier for them to manage non-job-related responsibilities and to be more efficient and productive at work. However, the vast majority of City jobs are public facing, requiring employees to be in the office or otherwise in-person within the City.

The City supports alternative work arrangements that include alternative work schedules and remote work; provided that such work arrangement is beneficial to the organization and the employee and continues to satisfy the needs and objectives of the City. The Administrative Managers and the Human Resources Department are responsible for ensuring the fair, non-discriminatory, and equitable administration of this policy to employees.

II. Criteria for Alternative Work Arrangements

1. All alternative work arrangements must comply with this policy, and, in the case of alternative work schedules and formal remote work arrangements, the terms and conditions set forth in the Alternative Work Arrangement Form.
2. Alternative work arrangements will not be granted if they would result in a change in the City's or a department's hours of operation.

3. Each Administrative Manager is responsible for ensuring that all services of the department are available to internal and external customers during regular hours of operation and that the efficiency and effectiveness of the department's operations will not be interrupted or negatively impacted.
4. Alternative work arrangements are not appropriate for all employees, all positions, all departments, or all situations.
5. Working in an alternative work arrangement is a privilege, not an employee's right. Alternative work arrangements are not part of an employee's benefits package and in no way does an alternative work arrangement change the terms and conditions of employment with the City.
6. Employees do not have a property or vested right to an Alternative Work Arrangement and employees do not acquire such a right by being provided the opportunity to have an Alternative Work Arrangement for any period of time.
7. Employees must maintain an acceptable attendance record and maintain satisfactory work performance. The employee must have performed satisfactorily or better on the employee's last performance evaluation to be eligible for an alternative work arrangement.
8. If an employee's attendance, performance, or productivity declines to an unsatisfactory level due in whole or in part to an alternative work arrangement, the employee's Administrative Manager, with the approval of the Human Resources Department, may modify or revoke the alternative work arrangement on a temporary or permanent basis.
9. Employees who are granted alternative work arrangements must regularly demonstrate the ability to work independently, communicate effectively with the employee's supervisor(s) and other employees, and meet the performance expectations of the employee's position.
10. Certain in-person meetings and trainings may be mandatory, and employees are expected to attend unless otherwise excused by their supervisor/Administrative Manager. Supervisors will attempt to give reasonable notice, if possible, of upcoming meetings and trainings.
11. The alternative work arrangement will not cause overtime. All overtime must have approval from the Administrative Manager prior to incurring the overtime.
12. Employees with alternative work arrangements must notify their supervisor at least 30 minutes in advance of their scheduled start time if they need to alter their work hours on any given day.
13. In the event of a schedule conflict or if other in-person staffing needs arise, departmental requirements take precedence over any alternative work arrangements. Management will provide the employee with advance notice, if possible, when

flextime schedules or remote work must be changed or revoked on a temporary or permanent basis.

14. Any alternative work arrangement may be discontinued at will and at any time at the request of the Administrative Manager with approval from Human Resources. Every effort will be made to provide reasonable notice of such discontinuation to accommodate commuting, childcare, and other issues that may arise from the termination of the alternative work arrangement. There may be instances, however, when no notice is possible.
15. There shall be no presumption that alternative work arrangements are a reasonable accommodation under the Americans with Disabilities Act (ADA). Any requests for alternative work arrangements as a potential ADA accommodation must be submitted to the Human Resources Department along with ADA request documentation.
16. There shall be no presumption that alternative work arrangements are available to an employee when taking leave under the Family and Medical Leave Act (FMLA). Any requests for alternative work arrangements during FMLA leave must be submitted to the Human Resources Department along with FMLA request documentation.

III. Process

1. All requests for alternative work arrangements, except flexible scheduling and informal remote work requests, must be made in writing using the Alternative Work Arrangement Form, completed by the employee in consultation with the employee's supervisor and Administrative Manager. Once completed, the employee must submit this form to the employee's supervisor and Administrative Manager for their approval and signatures. The Administrative Manager must then submit the Alternative Work Arrangement Form to Human Resources for final approval. Once an alternative work arrangement receives final approval, Human Resources will provide the employee with a copy of the fully signed Alternative Work Arrangement Form.
2. Approval or denial of such requests must be in writing and provided to the employee.
3. Once an alternative work arrangement is approved, it cannot change without the prior written permission of the supervisor, Administrative Manager, and Human Resources.
4. All completed and approved requests, and denials, will be placed in the employee's personnel file.

IV. Alternative Work Arrangements Relating to Work Schedules

1. **Alternative Work Schedules:** Alternative work schedules allow employees to have a regular work schedule that differs from the department's hours of operation. Alternative work schedules may be offered to employees whose positions can accommodate such a schedule. Alternative work schedules must have prior approval from the employee's supervisor, Administrative Manager, and Human Resources and

will not disrupt the level of service or the smooth operation of the department. Any long-term change in the regular work schedule must be approved using the Alternative Work Arrangement Form.

2. **Flexible Scheduling:** An employee's regular work schedule may be flexed occasionally if the employee obtains the prior approval of an employee's supervisor and the request is not disruptive to the operational needs of that department. This includes coming in late, taking a longer lunch, leaving early, or being gone from work for a set period during the day. Employees must get the permission of their supervisor if they wish to make up for lost time by coming in early, working through lunch, or staying late. No flextime will be approved that will result in unauthorized overtime or compensation for greater than 40 hours of work in a workweek for non-exempt employees. Occasional use of flexible scheduling does not require an employee to submit an Alternative Work Arrangement Form. However, if an employee needs to flex their schedule on a regular basis, he/she/they should follow the procedures for alternative work schedules outlined above, which include the submission of an Alternative Work Arrangement Form.

V. Alternative Work Arrangements Relating to Remote Work

1. **Remote Work:** Remote work allows employees to work at home, on the road, or in a satellite location. The City considers remote working to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Remote working may be appropriate for some employees and jobs but not for others. There are two types of remote work options: informal and formal:
 - a. Informal Remote Work: Informal remote work generally means working remotely for a temporary time period (less than one month). Informal remote work arrangements may be approved for circumstances such as inclement weather, special projects, off-site meetings, conferences, or business travel, and may be full or partial days. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. These arrangements should be made with an advance request to the employee's supervisor/Administrative Manager. Informal remote work requests may be made via phone, email, etc., and do not require an employee to submit an Alternative Work Arrangement Form.
 - b. Formal Remote Work: Formal remote work is an arrangement that must be approved by an employee's supervisor, Administrative Manager, and the Human Resources Department, whereby an employee regularly works remotely for some portion of their regular work schedule. Formal remote work requests must be submitted in writing using an Alternative Work Arrangement Form, in accordance with the process set forth in the Alternative Work Arrangement Policy. Employees who are interested in such an arrangement should discuss with their supervisor/Administrative Manager the availability of such an option.

Generally, to be considered for a formal remote work arrangement, employees must have performed satisfactorily or better on their most recent performance evaluation and continue to maintain satisfactory performance as determined by their department's Administrative Manager and the Human Resources Department. The decision to approve a remote work arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the organization.

2. **Terms and Conditions of Remote Work:** All employees who work remotely must adhere to the following terms and conditions, as well as all terms and conditions set forth in the Alternative Work Arrangement Form, if applicable. Employees are reminded during working hours they must also comply with all existing policies in the City of Racine Employee Handbook, regardless of their work location.
 - a. Equipment: On a case-by-case basis, the City will determine, with information supplied by the employee and the Administrative Manager, the appropriate equipment needs (including hardware, software, and other office equipment) for each remote work arrangement. The Management Information Systems (MIS) department will serve as a resource in this matter. The remote worker must list all City property received in the employee's Alternative Work Arrangement Form and agree to take appropriate action to protect the items from damage or theft. Equipment supplied by the City will be maintained by the City. Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment no longer used by an employee must be returned on the employee's next day in the office. Upon termination of employment or alternative work arrangement, all City property must be returned to the City, unless other arrangements have been made.

Equipment supplied by the City is to be used for City business purposes only. Employees may not use City equipment for unlawful purposes, to perform work for other employers, for personal reasons, or allow others to use it.

When using City equipment or software, the remote worker must follow all software-licensing provisions agreed to by the City. Software used by an employee is subject to the same restrictions on duplication and unauthorized use as software used in the office. Employees are responsible for running all necessary software updates to City-owned devices in a timely manner.

The City reserves the right to pursue recovery from the employee for any City property deliberately or negligently damaged or destroyed while in the employee's care, custody, and control.

- b. Expenses: Unless specifically stated otherwise by the City of Racine, employees will not be reimbursed for any home office expenses, such as

office supplies not approved by the department, furniture, personal printers or printer ink, internet, phone, electricity, rent/mortgage, and/or heating and cooling costs.

- c. Work Environment: The employee will establish an appropriate work environment within his/her/their home for work purposes. A high-speed internet connection is required for remote work. The City will not be responsible for costs associated with the setup of the employee's home office, such as internet, remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.
- d. Security and Confidentiality: Consistent with the City's expectations of information security for employees working at the office, employees working remotely will be expected to ensure the protection of confidential information accessible from their home office. Steps may include taking only minimally necessary confidential information out of the office, the use of locked file cabinets and desks, regular password maintenance, preventing inadvertent disclosure, and any other protective measures appropriate for the job and the environment. Breaches of information security while working remotely, whether by accident or design, may be cause to revoke the alternative work arrangement.
- e. Public Records and Records Retention: Employees who engage in either informal or formal remote work must comply with all of the City's record retention requirements and fully cooperate in the production of requested records in response to a public records request or a subpoena. All physical records belonging to the City or otherwise related to City business that are created or kept in an employee's remote workplace shall be returned to the City as soon as practicable, but no later than the conclusion of the employee's remote work arrangement and/or the employee's final day of employment with the City.
- f. Safety: Employees are responsible for maintaining their home workspace in a safe manner, free from safety hazards, similar to what is provided in the City's physical work environment. Employees must ensure their work area is kept clean and walkways are clear to prevent tripping or other injuries. All extension cords must include surge protectors and be plugged into grounded outlets. If an employee is working from home, said home must be equipped with working smoke detectors and an easily accessible portable fire extinguisher. Employees with formal remote work arrangements must complete the Remote Work Safety and Ergonomic Checklist as part of their Alternative Work Arrangement Form.

A designated workspace shall be maintained by the employee at the alternate work location. Any potential Worker's Compensation liability will be limited to work-related injuries at this workspace as opposed to applying to all areas of the home. Injuries sustained by the employee in a designated workspace location and in conjunction with the employee's regular work duties may be covered by the City's workers' compensation policy. The City reserves the right to physically inspect all home workspaces in the event a work-related injury is incurred in the home environment. Remote employees are responsible for immediately notifying their supervisor of such injuries. A First Report of Injury form should be completed before the end of the work shift on the day of injury.

- g. Hours of Work: The employee and supervisor/Administrative Manager will agree on the number of days of remote work allowed each week, the work schedule the employee will customarily maintain, and the manner and frequency of communication. This will be memorialized in writing by completing an Alternative Work Arrangement Form. The employee agrees to be accessible by phone or computer within a reasonable time-period during the agreed upon work schedule. The agreed upon work schedule shall comply with state and federal wage and hour regulations.

Employees working remotely are not exempt from the overtime requirements of the Fair Labor Standards Act and will be required to accurately record all hours worked. Overtime requires the advance approval of the department's Administrative Manager. Failure to comply with this requirement may result in the immediate termination of the remote work arrangement.

- h. Technical Support: MIS will assist with remote connectivity issues during regular business hours. If an employee is unable to connect remotely or their computer needs to be serviced in person, the employee may be required to report to a City facility to complete their workday. If an employee is unable to report to a City facility upon request, the employee may be required to use paid time off such as vacation, floating holidays, or comp time to fulfill hours.
- i. Domestic Caregiving / Distractions while Working Remotely: While working remotely, an employee must be able to work in an environment with minimal distractions. Employees must demonstrate that they can perform a full day's work from their remote location in order to be eligible to work remotely on a regular basis. If childcare, other domestic caregiving responsibilities, or other distractions regularly interfere with an employee's ability to fulfill their work requirements, remote work may not be permitted in the future for that employee. Remote work is not intended to be a replacement for appropriate childcare, eldercare, or other domestic caregiving responsibilities during an

employee's remote work hours. Similarly, pets and other distractions may not impede the employee's ability to effectively perform job duties.

VI. Discipline

Employees who are approved for alternative work arrangements are required to adhere to the terms and conditions of this policy as well as all policies in the City of Racine Employee Handbook. If an employee is required to submit an Alternative Work Arrangement Form, the employee must also adhere to the terms and conditions set forth therein. Failure to adhere to the aforementioned terms and conditions may result in the revocation of an employee's alternative work arrangement and discipline, up to and including termination.

An employee may not grieve the decision of the employee's supervisor, Administrative Manager, or the Human Resources Department to deny, modify, discontinue, or terminate the employee's request for or approval of an Alternative Work Arrangement for any reason.

Section 4.02 TIME KEEPING

Except for members of the Fire Department and Police Department, all other City employees' attendance will be maintained by utilizing the Time Management System (TMS), either by individually entering data into the system or by clocking in/out of the system using a clock-swipe card, which supervisors will be responsible for reviewing records, editing them, or entering missing time records. As applicable based upon the employee's exempt or non-exempt status, records in the system shall reflect days and hours worked, overtime hours worked, all absences, including personal time, sick leave, holidays, vacation time, compensatory time, and other types of leaves permitted as set forth in this handbook.

Section 4.03 PAY POLICY

Employees shall be compensated at the rate established by the Common Council and shall be paid on a bi-weekly basis. Payday is the Friday following the completion of the two-week pay period. When the normal Friday payday is a designated non-work day, employees will be paid on the work day preceding the regular payday.

Section 4.04 DIRECT DEPOSIT

All employees shall be paid by direct deposit to their financial institution on the day of a regular pay date at no cost to them.

Section 4.05 PAY FOR NON-EXEMPT FULL-TIME EMPLOYEES

A non-exempt full-time employee shall be paid his/her/their hourly rate times the number of hours worked. Time earned shall be calculated to the nearest tenth of an hour.

Section 4.06 PAY FOR NON-EXEMPT PART-TIME EMPLOYEES

A non-exempt part-time employee shall be paid his/her/their hourly rate times the number of hours worked. Fringe benefits, however, are paid on a prorated basis. Time earned shall be calculated to the nearest quarter hour.

Section 4.07 PAY FOR EXEMPT FULL AND PART- TIME EMPLOYEES

Exempt employees are paid on a “salary basis,” meaning an employee is paid a proportionate amount of his/her/their annual salary based on the number of paydays in the calendar year (usually 26 pay periods per calendar year), which cannot be reduced because of variations in the quality or quantity of the employee’s work. By law, a salaried employee’s pay can only be reduced in the following circumstances:

1. Unpaid family and medical leave for FMLA time greater than one day where the employee elects not to substitute any accrued leave time;
2. Any workweek or full workday in which no work is performed (unless the employer cannot supply any work to do), and no deductions from an accrued leave bank occur;
3. Disciplinary suspensions for workplace conduct (which does not include performance or attendance issues) pursuant to a written policy applicable to all employees; and,
4. As otherwise permitted by law.

Section 4.08 COMPENSATION FOR INTERIM APPOINTMENTS

Appointment of personnel to a higher pay rate on an interim basis occurs when it is necessary to either fill a vacancy or add additional duties to an employee’s job for an extended period of time. Any such assignment must be approved by the City Administrator before it can be put into place. The amount of pay for the assignment shall be at the rate of pay of the position so assigned or 10% above the employee’s current rate of pay, whichever is less.

Section 4.085 INTERIM RAISES FOR CITY ADMINISTRATOR

Any interim raises pertaining specifically to the City Administrator shall be approved by the common council.

Section 4.09 OVERTIME

Overtime for non-exempt employees shall only be worked by an employee at the direction of, and with the prior authorization of, the Administrative Manager, supervisor, or designee. Any employee working overtime hours without such pre-authorization will be subject to discipline, up to and including termination. It shall be the responsibility of every Administrative Manager to assign overtime work only when emergencies or other compelling circumstances prevent the

reasonable accommodation of additional work through the reassignment of work priorities or the rescheduling of hours within the same workweek.

- A. Non-Exempt Employees: Non-exempt employees shall be compensated for actual time worked to a maximum of a 40-hour work week, after which time full-time regular employees required to work additional hours over 40 hours per week shall be paid overtime compensation, either in wages or compensatory time off, depending upon the position and as determined by the employee's Administrative Manager and subject to the provisions of the Fair Labor Standards Act. For purposes of computing overtime within a given work week:
- i. Sick time shall not be considered hours worked.
 - ii. Vacation, Compensatory Time, and Floating Holidays shall be considered as hours worked for overtime purposes, provided the time off was scheduled prior to the beginning of the employee's work week.
 - iii. Holidays shall be considered as hours worked for purposes of computing overtime.

The hourly pay rate for authorized overtime worked by any non-exempt employee shall be one and one-half times the regular hourly wage rate.

- B. Non-Exempt Employees – Holidays and Sundays: Except for non-exempt, non-represented employees who work rotating shifts, overtime for work on an actual holiday, as designated in Section 5.03 of this Handbook, and overtime for work on a Sunday will be paid at double the employee's regular base rate.
- C. Construction Inspectors: Due to variability in working hours for this position, should a construction contractor elect to perform project work in excess of eight hours in a particular day, then the construction inspector working on said project shall be eligible for overtime pay at a rate of time and one-half for those hours worked in excess of eight hours per day of occurrence. Should a construction contractor elect to perform project work on a holiday, as designated in Section 5.03 of this Handbook, then the construction inspector working on said project shall be eligible for overtime pay for those hours worked on the holiday at a rate of one and one-half times the employee's regular base rate.
- D. Exempt Employees: Exempt employees shall not earn overtime pay or be entitled to compensatory time off.
- E. Lead Worker Pay: Lead worker pay is an hourly increase in pay, of \$1.50, which is assigned by an Administrative Manager or supervisor to an employee who schedules and controls the daily working arrangements for a specified group of employees.

Section 4.10 COMPENSATORY TIME

- A. Non-Exempt Employees: Non-exempt, non-represented full-time employees may elect compensatory time off instead of overtime pay, subject to Administrative Manager approval. Compensatory time-off shall be granted at the rate of one-and-one-half hours for each one hour of overtime worked. At the discretion of each department, eligible employees may accumulate and use up to 24 hours of compensatory time each calendar year.

Employees must seek permission to use compensatory time from their Administrative Manager. Employees who have requested the use of compensatory time will be permitted to use such time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the department. Likewise, each employee who has accrued compensatory time off may be required to use the compensatory time within a reasonable period after receiving notice to do so. Compensatory time does not carry over from one year to the next. Non-exempt, non-represented employees shall be paid for any compensatory time not used by December 31 of each calendar year.

- B. Exempt Employees: Employees who are defined as exempt employees shall not receive additional compensation for time worked beyond eight hours per day or 40 hours per week. It is understood that exempt employees may be required to work in excess of eight hours per day or 40 hours per week to perform the duties of their positions. As such, no hour-for-hour accounting of compensatory time for exempt employees will be kept. However, additional time off may occasionally be granted to exempt employees by their Administrative Manager to provide some measure of recognition for those hours worked in excess of 40 hours per week. However, some work beyond eight hours per day or 40 hours per week is expected to be performed by exempt employees without the expectation of additional compensation or time off.

Section 4.11 PAYROLL DEDUCTIONS

Automatic payroll deductions shall be made as required by applicable State and Federal laws. The following items are among the deductions that may be made from an employee's gross pay, although not all are applicable to every employee and some are paid by the City: Federal income taxes, State income taxes, FICA (Social Security), Medicare, charity deductions, deferred compensation program deductions, wage assignments, health insurance deductions, life insurance deductions, and deposits to credit unions or other financial institutions. Other payroll deductions may be made if an employee has agreed to such deductions in writing and/or when such deductions are ordered by a court. When payroll errors are discovered, the City will correct them and either reimburse or deduct from the employee's next check. Consideration will be given for alternative payment options when necessary, provided that the employee and the Payroll Department can agree to the terms of the alternative payment plan.

Section 4.12 FINAL PAY

Upon the death, disablement, or retirement (under WRS) of an employee, the employee, the employee's surviving spouse, or the employee's estate, shall be paid either by direct deposit or check, at the rate of pay in effect upon termination, for an employee's earned but unused vacation, earned wages, sick leave (subject to the limits described in Section 3.18.A.2.), and any compensatory time (non-exempt only). Employees terminated by the City and employees who resign from their position with less than two weeks' written notification of separation shall be paid either by direct deposit or check, at the rate of pay in effect upon termination, for an employee's earned wages and any compensatory time (non-exempt only). Employees who resign from their position with a minimum of a two working week written notification of separation shall be paid either by direct deposit or check, at the rate of pay in effect upon termination, for an employee's earned wages, any compensatory time (non-exempt only), and any earned but unused vacation, excluding rollover vacation.

ARTICLE V EMPLOYEE BENEFITS

Section 5.01 FEDERAL AND STATE TAX IMPLICATIONS

Employees should be aware that certain benefits, like tuition reimbursement or cell phone reimbursement, may be subject to State and/or Federal tax. The City assumes no responsibility as to items taxed or as to the amount of such taxes.

Section 5.02 REST PERIODS

Employees may be permitted to take two 15-minute work breaks in an eight-hour shift, one during the first four hours, and the second during the final four hours, as designated by the Administrative Manager, supervisor, or designee. Work breaks not taken are lost. Work breaks cannot be accumulated or used to extend lunch periods or to shorten the work day. Lunch periods also may not be used to shorten the work day. The Administrative Manager may refuse to permit a work break due to a heavy departmental workload, although Administrative Managers shall not as a matter of routine refuse to permit an employee or employees to take work breaks.

Section 5.03 HOLIDAYS

A. Schedule:

The following twelve days are designated as paid holidays for full-time employees:

1. New Year's Day
2. Dr. Martin Luther King Jr. Day
3. Spring Break
4. Memorial Day
5. Juneteenth Day
6. Independence Day
7. Labor Day
8. Thanksgiving Day
9. Thanksgiving Friday
10. Christmas Eve Day
11. Christmas Day Observance
12. New Year's Eve

In addition to the above-listed holidays, regular full-time employees will be entitled to an additional floating holiday. Said holiday can be taken in an 8-hour increment only, and with advance permission from the employee's supervisor. The City reserves the right to determine how many employees may be allowed off on the floating holiday at any one time.

Employees who are not regular full-time employees should refer to Section 2.01 to determine their status regarding holiday pay.

- B. Work Before and After Holiday: Employees shall be paid at their regular base rate of pay for the above-mentioned holidays, provided, however, to be entitled to such pay, the employee must work the full workday preceding and the full workday following the particular holiday unless on an excused absence, Military leave, an FMLA absence, or an ADA-related leave of absence.
- C. If a holiday falls on a Saturday, then the preceding Friday shall be observed as a holiday. If a holiday falls on a Sunday, then the following Monday shall be observed as a holiday.
- D. Work on Holidays: In the event an emergency should make it necessary for an employee to work overtime during a holiday, the employee will be paid at double the employee's regular base rate and in addition receive his/her/their holiday pay.
- E. 5-2/5-3 Employees: The provisions set forth above do not apply to non-represented employees working on a 5-2/5-3 work schedule since their schedules are designed to include the holidays designated in this Article. They shall be entitled to the floating holiday as noted above.

Section 5.04 VACATION LEAVE

Qualified City employees shall be entitled to paid vacation days in accordance with the following:

- A. First-Year Employees: During the first calendar year of employment, new employees shall earn vacation on a prorated basis based on the new employee's start date.
- B. Other Employees: After their first calendar year of employment, current employees' total annual paid vacation allotment will become available to them on January 1 of each year. Time in service on or before December 31 of each year shall be used as the basis for computing the length of vacation to which each employee is entitled. (Example of computing the 15 workdays entitlement, prior to December 31, 2023: An employee who starts work on February 20, 2006, and is on the payroll as of December 31, 2012, would be entitled as of January 1, 2013, to an allotment of 15 vacation days even though the employee has yet to reach his/her seven-year anniversary date. The same concept shall be applied when computing vacation entitlement on or after January 1, 2024.)
 - 1. Effective through December 31, 2023, paid vacation shall be allocated as follows:
 - a) Ten workdays after one year of continuous employment;
 - b) Fifteen workdays after seven years of continuous employment;
 - c) Eighteen workdays after fourteen years of continuous employment;

- d) Twenty workdays after eighteen years of continuous employment;
and
- e) Twenty-five workdays after twenty-three years of continuous employment.

2. Effective as of January 1, 2024, paid vacation shall be allocated as follows:

Total Annual Hours	Maximum Vacation Balance Hours	Years of Continuous Service
96	176	Less than 4 years
136	216	At least 4 years but less than 9 years
176	256	At least 9 years but less than 14 years
216	296	At least 14 but less than 21 years
256	336	At least 21 years

- C. **Maximum Vacation Balance:** The Maximum Vacation Balance is the maximum amount of vacation hours that employees may maintain in their vacation account. The maximum vacation balance is based upon an employee's total annual vacation accrual amount plus 80 hours. Once an employee reaches the maximum amount of vacation that can be banked, no additional vacation will be added to the account until some vacation has been used. Employees are allowed to carry over up to 80 hours of vacation time from one year to the next, but they cannot exceed the maximum vacation balance hours allowed.
- D. **Departmental Authority and Responsibility:** Administrative Managers will determine when vacation periods will be granted and how vacation may be selected, considering the efficient operation of their department and the convenience of the employees. Administrative Managers shall communicate the process for scheduling or picking vacation periods.
- E. **Resignation with the Requisite Notice:** Employees who resign from their employment during the calendar year are entitled to a prorated amount of their current year's accrued but unused vacation balance (excluding any unused rolled over vacation), provided they submit a minimum of two working weeks' written notice of separation. The prorated amount will be based on the number of full months worked from the previous December 31, which number shall be placed as the numerator in a fraction whose denominator is the number 12.
- F. **Resignation without the Requisite Notice:** Failure to provide two working weeks' written notification of separation shall result in not being eligible for payout of any rolled over or otherwise accrued vacation time.
- G. **Termination:** Employees who are terminated by the City will not be eligible for payout of rolled over or otherwise accrued vacation time.

- H. Retirement/Disability: Employees who retire under the Wisconsin Retirement System (WRS) prior to December 31, or employees who are unable to work due to a disability, shall be entitled to any unused vacation (excluding any unused rolled over vacation) not taken during the calendar year of retirement or disability.
- I. Death: The surviving spouse or the estate of an employee who dies prior to December 31 shall be entitled to any unused earned vacation (excluding any unused rolled over vacation) not taken by the employee during the calendar year of death.

Section 5.05 SICK LEAVE

- A. Paid Sick Leave: All Regular Full-Time employees, and, on a prorated basis, all Regular Part-Time employees and “Other Part-Time” employees, as defined in Handbook Section 2.01.B. and C., are eligible to earn sick leave to use for personal or immediate family illness, or a qualified Family Medical Leave event. For Regular Full-Time employees, sick leave accumulates at the rate of one day per full calendar month of employment (maximum of 12 days per year) up to a total cumulative maximum of 150 days in the leave account, except as described in Section 5.05.E. Regular Part-Time employees and “Other Part-Time” employees, as defined in Handbook Section 2.01.B. and C., accumulate sick leave on a prorated basis, calculated based on the number of hours compensated in a 12-month period divided by 2,080. All other types of part-time employees, as defined in Handbook Section 2.01, are not entitled to sick leave under any other circumstances.
- B. Usage: Employees shall make every reasonable effort to schedule medical appointments at the least disruptive time in accordance with departmental needs, so as not to conflict with the work schedule of the day. Those employees utilizing their sick leave due to personal or immediate family illness must call their department no later than 30 minutes before the start of business in the morning or afternoon. If sick leave becomes exhausted due to severe illness, injury, or other physical incapacity, the employee shall charge further absenteeism to compensation time, casual days, or vacation, before using leave without pay.
- C. Notification: Employees who are absent due to illness for three consecutive working days or more are required to furnish a certificate of illness signed by a licensed physician upon request, and a release to return to work signed by a licensed physician in some cases before they can return to work. Additionally, at the discretion of the Administrative Manager, the employee may be required to submit a physician’s certificate to confirm that an employee was ill and be eligible for sick pay for leave taken immediately before or after a holiday, weekend, or vacation for periods of fewer than three days. If such a certificate is not forthcoming, any pay granted for such leave may be deducted from the next paycheck.

At the discretion of each department’s Administrative Manager, any employee who fails to call supervision within one hour after the start of the employee’s work shift to inform supervision that the employee will be late for work, the employee may not be allowed to

work for the rest of the day and may be subject to an additional one-day unpaid suspension.

- D. Eligibility: Eligibility to use sick leave shall begin once sick leave has accrued after the start of eligible employment.
- E. Sick Leave Banks: Employees hired on or after January 1, 2016, may accumulate up to 30 days of sick leave in an ordinary sick leave bank, and up to 150 days of sick leave in an extended sick leave bank.
- F. Severance Benefit: Upon death, retirement on WRS pension, or total disability, the employee or survivor shall be paid a sum equal to 50 percent of the regular daily wage of the first 140 days of accumulated sick days, subject to the following limits:

The payment for those employees retiring between July 1, 2021, and December 31, 2021, shall be no more than \$15,000.

The payment for those employees retiring between January 1, 2022, and December 31, 2022, shall be no more than \$12,500.

The payment for those employees retiring between January 1, 2023, and December 31, 2023, shall be no more than \$10,000.

The payment for those employees retiring between January 1, 2024, and December 31, 2024, shall be no more than \$7,500.

The payment for those employees retiring between January 1, 2025, and December 31, 2025, shall be no more than \$5,000.

The payment for those employees retiring between January 1, 2026, and December 31, 2026, shall be no more than \$2,500.

There shall be no sick leave severance payment for those employees retiring on or after January 1, 2027.

Notwithstanding anything else contained herein, no person hired on or after January 1, 2021, shall be entitled to any payment for accrued, but unused, sick leave.

Employees who are resigning may not use sick leave after submitting their resignation notice except if on a Family Medical Leave or in cases of disability.

- G. Donating Sick Leave: Employees may not donate sick leave days to another employee of the City who is absent due to a severe illness, injury, or other physical incapacity, and who has exhausted his/her/their accumulated sick days, vacation days, holidays, and compensatory time.

- H. Abuse of Sick Leave: Abuse of sick leave shall result in disciplinary action, including discharge in the event of continued abuse.

Section 5.055 SHORT TERM DISABILITY

All full-time, non-represented employees and represented Police and Fire employees working at least 30 hours per week will be automatically enrolled in a short-term disability insurance policy to financially assist employees who are out of work for a continuous, extended period of time due to the employee's own non-work related injury or illness. This benefit will become available to non-represented employees on February 1, 2022, and this benefit will become available to represented Police and Fire employees on January 1, 2023, and will continue thereafter subject to the approval of the common council. For eligible employees hired after said dates, such insurance shall become effective on the first day of the calendar month following the date of hire. In order to be eligible for this benefit, full-time, non-represented employees must meet all the criteria set forth by the short-term disability insurance provider. Short-term disability benefits may be payable for a limited number of weeks, for a set percentage of an employee's income, and capped at a maximum weekly amount. Additional details about this benefit are set forth in the Certificate of Coverage document available from the Human Resources Department. Employees are not eligible to receive short-term disability benefits if they are receiving worker's compensation benefits.

Section 5.06 CASUAL DAYS

Casual days will be granted as follows: Non-represented employees are eligible for up to four casual days per year as determined by the amount of accumulated sick leave in their account on January 1 of the current year. An employee who has accumulated 320 hours (40 days) is entitled to one casual day, 480 hours (60 days) is entitled to two casual days, 640 hours (80 days) is entitled to three casual days, and 800 hours (100 days) is entitled to four casual days.

Employees are also eligible for one casual day if the employee uses 16 hours of sick leave or less in the preceding calendar year. This one casual day will be made available to eligible employees on January 1 of the following year. Employees are not eligible to earn this one casual day during their first calendar year of employment.

Casual days must be taken during the calendar year in which they are issued, cannot be accumulated or carried forward to the next year, and will not be considered for severance pay purposes. The scheduling of casual days shall be mutually agreed upon by the employee and the Administrative Manager or supervisor. Casual days may be added onto the beginning or the end of a vacation period, provided it is done at the same time vacation is selected. Otherwise, casual days shall be taken in conformance with the provisions of this section and one week's approval from the Administrative Manager or supervisor before any can be taken. Such approval shall not be unreasonably withheld.

Section 5.07 FAMILY MEDICAL LEAVE

The State and Federal Family and Medical Leave Acts (FMLA) provide eligible employees with up to 12 work weeks of protected leave each year for specified family and medical reasons. The FMLA seeks to accomplish these purposes in a manner that accommodates the legitimate interests of employers and minimizes the potential for employment discrimination.

Note: *The eligibility and entitlements are defined differently under Federal and State law. This policy generally reflects Federal law; however, if an employee is eligible for provisions in the State law, these will be discussed with each individual separately. Federal and State law will run concurrently. An employee must qualify under Federal law to be entitled to the 12 weeks of leave. The employee must qualify under Wisconsin law to be eligible for the Wisconsin leave entitlement. Satisfaction of one law's eligibility requirements does not necessarily mean the employee has satisfied the requirements of the other. If an employee qualifies for Federal family and medical leave as well as family and medical leave under State law, any family and medical leave used counts against the employee's entitlement under both laws. If an employee is entitled to leave under only one law, his/her/their leave used counts against the entitlement under that law. Notwithstanding anything else contained herein, if there are any conflicts between this section and Federal or State law, the provisions of Federal and/or State law will be controlling.*

A. Eligibility:

For Federal FMLA purposes, employees are entitled to FMLA benefits if they:

1. Have been employed by the City of Racine for at least 12 months; and
2. Have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave.

For State FMLA purposes, employees are entitled to FMLA benefits if they:

1. Have been employed by the City of Racine for at least 52 weeks; and
2. Have worked at least 1,000 hours during the 52 consecutive weeks prior to the start of the FMLA leave.

B. FMLA Qualifying Events and Amount of Leave:

Eligible employees may take up to a total of 12 work weeks of FMLA leave in a calendar year for the following qualifying events:

1. The birth of a child and to care for the newborn child;
2. The placement with the employee of a child for adoption or foster care and to care for the newly placed child;
3. To care for the employee's spouse, child, or parent with a serious health condition
(**Note:** *Under Wisconsin FMLA, an employee may take up to two work weeks for a parent-in-law, a domestic partner, a domestic partner's child, or a domestic*

partner's parents. In order to be eligible for Wisconsin FMLA for a domestic partner, a domestic partner's child, or a domestic partner's parents, the employee's domestic partnership must have been entered into pursuant to Wisconsin Statutes Chapter 40 prior to September 22, 2017, or Wisconsin Statutes Chapter 770 prior to April 1, 2018.);

4. For a qualifying exigency arising out of the fact that an employee's spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty as a member of the Armed Forces (including a member of the National Guard or reserves) and being deployed to a foreign country;
5. For the employee's own serious health condition that renders the employee unable to perform his/her/their job.
6. Twelve weeks of family leave can be utilized by an employee whose spouse, child, or parent has been called to active duty to make arrangements for child care, make financial and legal arrangements, attend counseling, attend official ceremonies or programs where the military requests participation of the family member, to attend to farewell or arrival arrangements, or to attend to affairs caused by the missing status or death of a service member.

Eligible employees may take up to a total of 26 work weeks of FMLA leave in a calendar year to care for a spouse, child, parent, or next of kin who is a member of the Armed Forces who suffered an injury or illness while on active duty that renders the person unable to perform the duties of the member's office, grade, rank, or rating. FMLA may also be used to care for a family member who was a member of the Armed Forces any time during the period of five years preceding the date on which the veteran undergoes treatment, recuperation, or therapy.

If an employee takes paid sick leave for a condition that progresses into a serious health condition, the City may designate all or some portion of the related leave as taken under this policy to the extent that the earlier leave meets the necessary qualifications.

Leave qualifying for both Wisconsin and Federal FMLA leave count against an employee's entitlement under both laws and will run concurrently. Qualified leave taken under Worker's Compensation will also run concurrently with Wisconsin and Federal FMLA leave.

C. Leave Duration:

An eligible employee can take up to 12 work weeks of leave during a twelve-month period. The City will calculate the twelve-month period using the calendar year. Each time an employee takes a leave, the City will compute the amount of leave the employee has taken under the policy and subtract it from the 12 weeks of leave available, and the balance remaining is the amount the employee is entitled to take at that time.

D. Married Couple:

If a married couple both work for the City and each partner wishes to take a leave for the birth, adoption, or placement of a child, or to care for a parent or child with a serious health condition, the married couple, combined, may only take a total of 12 weeks of leave.

E. Non-continuous or Intermittent Leave:

Employees are permitted to take leave on an intermittent (blocks of time) or reduced work schedule:

1. When it is medically necessary to care for a family member with a serious health condition or because of the employee's own serious health condition;
2. When it is necessary to care for a family member or next of kin who suffered an injury or illness while on active duty;
3. To care for a newborn, adopted, or foster child. Federal FMLA leave for the birth or placement of a child for adoption or foster care may not be taken in non-continuous increments unless approved by the City. Under the Wisconsin FMLA, the last increment of leave for the birth or adoption of a child must begin within 16 weeks of that birth or placement.

Medical or family caretaking leave should be planned so as not to unduly disrupt the City's operations.

The City allows for intermittent leave to be taken in no less than one-hour increments or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks in a calendar year.

When requesting an intermittent leave or reduced work schedule, the Administrative Manager and the employee must mutually agree to the schedule before the leave begins. If this is not possible, the employee must prove the use of the leave is medically necessary.

F. Requesting a Leave:

An employee requesting leave under this policy must complete a *Family and Medical Leave of Absence Request Form* and forward it to the Human Resources Department.

The employee must request the leave at least 30 days in advance. If it is not possible to give 30 days' notice, the employee must give as much notice as practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the commencement of the leave may be delayed or denied until at least 30 days from the date the City receives the notice. Failure to provide timely notice allows the City to count any absences during the delay as non-FMLA absences and apply the attendance policy.

While on leave, employees are required to report periodically to their supervisor regarding the status of their medical condition and their intent to return to work.

Calling in "sick" is not enough to trigger the FMLA requirements. When an employee seeks leave due to a particular FMLA-qualifying condition for which the City has previously provided FMLA leave to the employee, the employee must specifically reference either the qualifying reason for the leave or the need for "FMLA leave."

G. Certification of the Serious Health Condition:

If the requested leave is for a family member's or the employee's serious health condition, the employee must submit medical certification from the employee's or the family member's health care provider. The employee must respond to this requirement within 15 days or provide a reasonable explanation for the delay.

Certification of the serious health condition shall include the date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For leave for an employee's own serious health condition, the certification must include a statement that the employee is unable to perform work of any kind or is available for light duty (list restrictions and recommend accommodations). (**Note:** *The Human Resources Department has a City of Racine Family and Medical Leave Health Care Provider Certification form which may be attached to the response for FMLA for completion by the health care provider.*)

If the medical certification is insufficient or incomplete, the employee will be provided with a list of what information is still needed and will have seven days in which to provide the information. If the employee does not provide the information within seven days, the leave can be denied.

The city also reserves the right, once the leave begins, to ask for the attending physician to complete a *City of Racine Family and Medical Leave Health Care Provider Certification* form periodically regarding the employee's status and intent to return to work. Recertification may be requested no more often than every 30 days in most cases. However, recertification may be required at any time if an extension to a leave is requested, circumstances described in the last certification have changed (such as a pattern of absences around an employee's scheduled days off), or the City receives information casting doubt on the employee's stated reason for an absence or the continuing validity of the last certification (such as an employee observed engaging in activities that are inconsistent with a need for time off due to the certified condition).

If the employee plans to take intermittent leave or work a reduced work schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking an intermittent leave or working a reduced schedule.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second physician, which the City will select.

If necessary to resolve a conflict between the original physician and a second opinion, the City will require the opinion of a third physician. The City and employee will jointly select the physician and the City will pay for the opinion. This third opinion will be considered as binding and final.

H. Use of Paid or Unpaid Leave:

Under Wisconsin law, an employee has the option to substitute accrued, but unused vacation, comp time, or sick leave to remain in a paid status. However, under Federal law, the city may require substitution of vacation, comp time, or sick leave.

The city will allow an employee to take up to two weeks (10 days) of unpaid leave. For the remainder of the leave, the city will require the substitution of available accrued vacation, comp time, and/or sick time.

Note: *Police and Fire personnel – where holidays are an accrued benefit, may substitute holiday pay during an FMLA leave or holiday substitution may be required.*

I. Employment Status & Benefits During the Leave:

While the employee is on leave, the City will continue the employee's benefits as set forth in this employee handbook.

Other benefit deduction(s): While on paid leave, benefit deductions will continue through payroll deductions. While on an unpaid leave, the employee is responsible for the payment of other benefit premiums when required by making arrangements with the Payroll Department for timely payment. If payments are not made, the City will discontinue these benefits during the leave or will recover the payments at the end of the leave period.

J. Employment Status After the Leave:

An employee who takes leave under this policy will be able to return to the same job or to a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility, and authority (provided the employee is physically capable of performing the job).

K. Return to Work:

An employee returning from FMLA for their own serious health condition must provide a fitness for duty certification/physician's statement releasing the employee back to full or restricted duty. If returning to restricted duty, the return to work slip should indicate the limitations and suggested accommodations, as well as the duration of the restrictions. You may be asked to have your physician complete an *Attending Physician Report Form* which allows your physician to be specific on the restrictions.

L. Definitions:

1. *Child* – Biological, adopted, or foster child, stepchild, legal ward or, under the Federal FMLA, the child of a person having day-to-day care of the child, or a child of a person standing “in loco parentis,” who is under 18 years of age or 18 years of age and older and incapable of self-care because of a serious health condition, or, under the Wisconsin FMLA, a domestic partner's child.
2. *Spouse* – Husband and wife (does not include unmarried partners).
3. *Domestic Partner* – Covered under Wisconsin FMLA, includes a legally registered domestic partnership is a same-sex or opposite-sex domestic partnership that has filed an Affidavit of Domestic Partnership with ETF under Chapter 40 prior to September 22, 2017, or a same-sex domestic partnership declaration that has been issued by a county clerk pursuant to Chapter 770 prior to April 1, 2018.
4. *Immediate Family Member* – The employee's child, spouse, or parent (does not include brothers or sisters, and, under Federal law, does not include parents-in-law).
5. *Covered Service Member* - (a) A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient treatment status, or is otherwise on the temporary disability retired list, for a serious injury or illness; (b) or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.
6. *Next of Kin* – Used with respect to an individual, means the nearest blood relative of that individual.

7. *Parent* – Biological parent, foster parent, adoptive parent, stepparent or legal guardian of an employee, or, under the Wisconsin FMLA, a parent-in-law or domestic partner's parent.
8. *Qualifying Exigency under Military Leave* – A non-medical activity that is directly related to the covered military member's active duty or call to active duty status. For an activity to qualify as an exigency, it must fall within one of seven categories of activity: short-notice deployment (leave permitted up to seven days if the military member receives seven or less days' notice of a call to active duty), military events and related activities, certain temporary childcare arrangements and school activities (but not ongoing childcare), financial and legal arrangements, counseling, rest and recuperation (leave permitted up to five days when the military member is on temporary rest and recuperation leave), and post-deployment military activities.
9. *Incapable of Self-Care* - The individual requires assistance or supervision to provide self-care in three or more of the *activities of daily living* (i.e., grooming, hygiene, bathing, dressing, eating) or *instrumental activities of daily living* (i.e., cooking, cleaning, shopping, utilizing public transportation, paying bills, maintaining a residence, using telephones and directories, and using a post office).
10. *Serious Health Condition* – An illness, injury, impairment, or physical or mental condition that involves:
 - a) Inpatient care in a hospital, hospice, or residential medical care facility; or
 - b) A period of incapacity of more than three consecutive calendar days including any subsequent treatment or period of incapacity relating to the same condition that requires in-person treatment by a health care provider at least once within seven days of the first date of incapacity and requires either a regimen or continuing treatment under the supervision of a health care provider or a second in-person visit to the health care provider for treatment within 30 days of the first day of incapacity;
 - c) Any period of incapacity due to pregnancy or prenatal care;
 - d) Chronic conditions requiring treatment by a health care provider at least twice per year that continue over an extended period of time and may cause episodic incapacity rather than a continuing period of incapacity (i.e., asthma, diabetes, epilepsy, etc.).
 - e) Permanent or long-term conditions requiring supervision for which treatment may not be effective (i.e., Alzheimer's, severe stroke, or the terminal stages of a disease);

- f) Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy), severe arthritis (physical therapy), or kidney disease (dialysis).
- g) In the case of a member of the Armed Forces (including a member of the National Guard or reserves), means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. In the case of a veteran who was a member of the Armed Forces at any time during the period of five years preceding the date on which the veteran undergoes treatment, this means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty and that manifested itself before or after the member became a veteran.

M. Steps for Applying for a Leave:

1. The employee should discuss the situation with his/her/their immediate supervisor and the Human Resources Department.
 - a) If the precipitating event is foreseeable, the employee shall notify the City at least 30 days prior to the leave.
 - b) If the precipitating event was unanticipated, the employee shall notify the City as soon as practicable.
2. Complete the Family and Medical Leave of Absence Request form and forward it to his/her/their immediate supervisor, who will then sign it and have the employee send the copy to the Human Resources Department.
 - a) All requests must include an anticipated start and ending date.
3. The Human Resources Department will provide a Response to Request for Family and Medical Leave confirming the approval/denial of the leave, as well as salary and benefit information.
4. The employee is responsible for notifying his/her/their immediate supervisor AND Human Resources of any changes in his/her/their leave status.

5. The employee is responsible for providing recertification of status or leave reports as specified in the Response to Request for Family and Medical Leave form or when otherwise requested.
6. The employee is responsible for providing evidence of fitness for duty to certify the employee is capable of returning to work with restrictions or full duty. Delays in turning in this certification may result in delays in returning the employee to duty and pay status.

Section 5.075 PAID PARENTAL LEAVE FOR BIRTH, ADOPTION, OR PLACEMENT OF CHILD

I. Purpose

The purpose of this Parental Leave Policy is to give parents of all genders additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations. The City of Racine believes that providing flexibility and family-friendly policies are essential to cultivating an atmosphere where employees can thrive professionally without sacrificing essential family obligations.

II. Policy

All non-represented employees and represented Police and Fire employees who are eligible for and using Family and Medical Leave, as authorized by Section 5.07 of the City of Racine Employee Handbook, for the birth of a child or for the placement with the employee of a child for adoption or foster care, shall be granted 320 hours' pay, at the employee's then-regular hourly pay rate to be used during the period of Family and Medical Leave. Payment granted under Section 5.075 shall be used before the employee uses any vacation leave, sick leave, compensatory time, or other accumulated leave. The last increment of parental leave must begin within 16 weeks of the qualifying life event. Notwithstanding anything else contained herein, eligibility for and use of Family and Medical Leave shall be as required by Section 5.07 and the State and Federal Family and Medical Leave Acts. The City may require additional supporting documents that establish the qualifying event for eligibility.

III. Violations

Violations or misuse of the paid parental leave policy may result in disciplinary action, up to and including termination.

Section 5.076 REASONABLE ACCOMMODATIONS FOR PREGNANT WORKERS

I. Purpose

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of Racine will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City's operations.

II. Policy

An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to the Human Resources Department. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed, and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, the Human Resources Department will contact the employee or applicant to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

The City of Racine prohibits any retaliation, harassment or adverse action due to an individual's request for an accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

Section 5.077 LACTATION/BREASTFEEDING BREAKS

The City of Racine supports breastfeeding employees by accommodating employees who need to express breast milk during the workday.

For up to one year after the child's birth, any employee who is breastfeeding will be provided reasonable break times to express breast milk.

Employees who need to express milk during the workday must keep their supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the City.

Employees are entitled to express breast milk in a private, sanitary location (that is not a restroom), which has an electrical outlet and is shielded from view and free from intrusion from coworkers and the public. If employees have their own private office, they may close their office door and any window blinds while expressing milk. If an employee without a private office needs to express milk at work, the employee should notify the Human Resources Department, who will work with the employee's supervisor to designate a private room (that is not a restroom), which will be made available when the employee needs to express milk. Expressed milk can be stored in the refrigerator in an employee's department and/or in an employee's personal cooler.

Employees will be paid for any reasonable break time taken during the workday to express milk. However, if FLSA non-exempt employees take time to express milk during their unpaid lunch break when they are otherwise relieved from duty, they will not be paid for that break time.

Section 5.08 EXTENDED SICK LEAVE OF ABSENCE

Employees who are absent from work due to illness or injury (not job related), and who have exhausted any sick leave accumulation, vacation, holiday and/or casual time they may have accrued, and are not entitled to Family Medical Leave, may be eligible for an extended sick leave of absence during which the employee would no longer be paid or earn accrued benefits, but would continue to receive health and other insurance coverage while on medical leave on the same terms as if the employee continued to work. An employee must pay his/her/their share of the premium(s) through payroll deduction or by direct payment on the first of the month. Exceptions to this requirement may be made on a case-by-case basis if mutually agreed upon by the employee, the employee's supervisor, and the Human Resources Department. Specifically, the City would continue to pay all applicable insurances (such as health and life insurance) until the employee returned to work. Except where a leave of absence is approved as a reasonable accommodation under the ADA, employees on extended sick leaves of absence will not be compensated for any holidays or accrue additional sick days that may occur during the time of leave.

The extent of, and circumstances surrounding, an extended sick leave of absence must be reviewed and approved by the Human Resources Department. Each case of an extended sick leave of absence shall be decided and judged on its individual merits and no case shall be deemed as setting a precedent for any other case. Extended sick leaves of absence will be periodically reviewed and evaluated, but in all instances will continue no longer than one year. In order to return to work, an employee must have a valid "Fitness for Duty" statement signed by a treating physician. If this statement is not received the employee's return to work will be delayed until it is received. An employee who does not return to work from leave at the designated time will be considered to have voluntarily terminated his/her/their employment.

Section 5.09 PERSONAL LEAVES OF ABSENCE

Only serious compelling reasons shall be considered for granting a request for leave of absence (i.e., verifiable severe family or personal problems, employer approved educational leaves, etc.). Request for leave must be submitted to the employee's immediate supervisor at least 30 calendar days before the commencement of the leave unless a dire emergency prevents this procedure from being followed. Employees shall make arrangements with the Human Resources Department to pay fully for health and other insurance premiums if their leave will extend more than five working days. Except where a leave of absence is approved as a reasonable accommodation under the ADA, employees on personal leaves of absence will not be compensated for any holidays or accrue additional sick days that may occur during the time of leave. All other fringe benefits shall be suspended for the duration of the leave except the employee's seniority date. An employee who does not return to work from personal leave at the conclusion of such leave, which shall be granted for no longer than (12) months, will be considered to have voluntarily terminated his/her/their employment.

Section 5.10 MILITARY LEAVES OF ABSENCE

Employees requiring leave due to voluntary or involuntary service in the uniformed services shall be granted time off, reinstatement, and health insurance continuation and any other rights or benefits that are available to employees on nonmilitary leaves of absence, whether paid or unpaid, in accordance with applicable State law and the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Section 5.11 FUNERAL LEAVE

The Employer shall grant employees pay for lost time up to three days in case of death in the immediate family, defined as mother, father, sister, brother, husband, wife, son, or daughter. In case of death of a mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandmother, grandfather, or grandchildren, one day will be allowed. These funeral leave days shall be limited to work days falling within the 10 consecutive calendar day period that begins on the day of death or the day of the funeral.

In order to receive credit for the paid days off, whether one day or three days, an employee must provide documentation which establishes that the deceased is related to the employee, and a signed document showing that the employee attended the funeral services. Acceptable documentation usually comes in the form of an obituary column from a newspaper and a form signed by a funeral director or a funeral officiant verifying attendance at the funeral parlor and/or funeral or memorial services. Funeral leave days shall be limited to the work days falling within the 10 consecutive calendar day period that begins on the day of death or the day of the funeral, for example, three days off should be taken contiguously and include the day when the employee attended the funeral services or the day of death. Funeral leave shall not be permitted simply to allow an employee time off for personal reasons or to attend to other matters related to the decedent's death. Variations to this policy will be dealt with on a case by case basis. In no case will funeral leave be granted at any time other than immediate to the decedent's death and funeral.

Supervisors shall liberally permit vacation time, or unpaid time off, to permit employees to attend funerals of immediate, or other-than-immediate, family members in cases where an employee is not entitled to funeral leave.

Section 5.12 JURY DUTY

Employees shall be granted time off with pay for reporting for jury duty upon presentation of satisfactory evidence of such duty or service; on condition, however, that they endorse their jury duty check less travel allowance over to the City Treasurer's Office. Employees shall be required to report to work if excused from jury duty in the regular workday or forfeit pay provided in this paragraph. Leave will not be paid for days when benefited employees are not scheduled to work. Employees shall report for work on days during which they have been advised that they need not report for jury duty and shall, in any case, notify their supervisor as far in advance as possible of their need for jury duty leave.

Section 5.13 WITNESS/SUBPOENA POLICY

It is recognized that an employee may be called upon to testify in a court or other legal proceeding concerning an incident or occurrence in which the employee was a direct participant or as a bystander/witness arising out of their scope of employment with the City. It is also recognized that an employee may be called upon to provide specialized information or based on specialized training or experience, referred to as an "Expert Opinion," in an official capacity as a representative or authority of the City.

Testifying is defined as 1) providing a statement, whether written or oral, in response to in-court or deposition testimony; and 2) research and/or document review, preparation, creation, or collection in response to in-court or deposition testimony.

Any requests and/or subpoenas for testimony received by an employee will be disclosed by the employee to their Supervisor and/or Administrative Manager immediately upon receipt. Any such request or subpoena believed to arise or be based on the employee's scope of employment requires notice to the City Attorney's Office immediately. (Exception: Sworn Police Officers under subpoena from the District Attorney, Public Defender, or Municipal Court shall comply with Department operating policy.)

A. Compensation:

This policy sets forth the conditions upon which an employee WILL or WILL NOT receive wages/compensation for "testifying."

1. An employee WILL NOT be compensated for testifying in any action or proceeding against the City unless the employee has been directed by City management to testify.
 - a. An employee may choose to use eligible paid time off to testify in such situation if the time off is approved by their supervisor pursuant to the paid time off policy in effect for the particular shift, division or department.
2. An employee required and/or directed by their Administrative Manager or the City Attorney's Office to testify on behalf of the City in any action or proceeding WILL be compensated.
3. An employee required to testify on a day or during a time period that does not occur within the normal working day or shift WILL be considered "on the clock" and in all other ways considered to be acting within the scope of their employment, unless such testimony is not qualified for compensation under paragraph 1, above.
4. An employee must provide an independently verifiable account of the time spent testifying or waiting at the location of any court or legal proceeding before

testifying. Failure to provide this account within 15 days of the date upon which the testifying occurred may result in the loss of eligibility for compensation. A written statement from the employee's Administrative Manager shall be considered sufficient.

Section 5.14 EMERGENCY WEATHER CLOSINGS

It is the general policy of the City of Racine that all City facilities remain open despite unfavorable weather conditions. Employees who are permitted to leave work, or are unable to come to work due to weather related conditions while the City facilities are open, shall have the option of using vacation, casual time, compensatory time, or leave without pay, depending on the options available to the particular employee.

Only the Mayor shall have the right to close down non-emergency operations, in which instance, employees would be paid for time not worked. The Mayor may delegate this responsibility to the City Administrator.

Section 5.15 HEALTH INSURANCE

A. Medical Coverage Effective January 1, 2021:

The City will provide group health insurance to represented public safety and non-represented regular full-time employees, and to regular part-time employees who work more than 30 hours per week on a prorated basis. Such health insurance shall become effective on the first day of the calendar month following the date of hire. General employees will pay via payroll deduction the premium-equivalent percentage as may from time-to-time be determined by resolution of the common council for the coverage type (single or family) and option selected by the employee. Applicable benefits including deductibles and coinsurance are as set forth in the Summary Plan Description available from the Human Resources Department.

An eligible employee may elect to waive health insurance coverage and will receive a monthly payment of \$50 via payroll for the period of time that the employee does not receive the benefit. An employee who does opt out may elect to receive coverage during an open enrollment period each year.

B. Prescription Drugs:

The City will provide a prescription drug coverage plan, as approved by the Common Council, which will be available to employees who are enrolled in the City's group health insurance program. Applicable coverage and plan information is available from the Human Resources Department.

C. Wellness Incentive:

Employees, employees' spouses, retirees and retirees' spouses covered by the City health insurance plan who complete the wellness program requirements will be eligible to

receive an incentive payment. An employee or retired employee shall be eligible for a \$200 wellness incentive payment. Employees' spouses and retirees' spouses shall be eligible for a \$100 wellness incentive payment. Employees and retirees will be eligible for no more than two payments per family per year. Wellness program requirements and incentives may be modified, by policy, at the City's discretion. Such payment shall be made by check and is taxable income subject to normal payroll deductions.

D. Fitness Center Reimbursement:

The city will reimburse full-time employees and retirees who are covered by the City's health insurance plan for 50% of the annual membership fee for a fitness center up to a maximum of \$200 per employee or retiree. Such payment shall be made by check and is taxable income subject to normal payroll deductions.

E. Health Insurance for Retired Employees Who were Not Sworn Public Safety Employees:

Notwithstanding anything else contained herein, no person hired on or after January 1, 2021, shall be entitled to remain on the City's health insurance program post-retirement.

Retired employees, other than sworn public safety employees, who retire under the provisions of the Wisconsin Retirement System may remain in the City's health plan post-retirement, subject to the following eligibility requirements:

1. Eligibility: Employees hired on or before December 31, 2020, who retire under the provisions of the Wisconsin Retirement System may remain in the City's health plan post-retirement, subject to the following eligibility requirements:
 - a. Rule of 75: An employee hired on or before December 31, 2020, who has attained the age of 55 years and has the combination of age and full years of service totaling 75 at time of retirement and who retires on or before June 30, 2021, may remain in the City's health plan post-retirement.
 - b. Rule of 77: An employee hired on or before December 31, 2020, who has attained the age of 55 years and has the combination of age and full years of service totaling 77 at time of retirement and who retires between July 1, 2021, and December 31, 2021, inclusive, may remain in the City's health plan post-retirement.
 - c. Rule of 79: An employee hired on or before December 31, 2020, who has attained the age of 55 years and has the combination of age and full years of service totaling 79 at time of retirement and who retires between January 1, 2022, and December 31, 2022, inclusive, may remain in the City's health plan post-retirement.
 - d. Rule of 81: An employee hired on or before December 31, 2020, who has attained the age of 55 years and has the combination of age and full years of

service totaling 81 at time of retirement and who retires between January 1, 2023, and December 31, 2023, inclusive, may remain in the City's health plan post-retirement.

- e. Rule of 83: An employee hired on or before December 31, 2020, who has attained the age of 55 years and has the combination of age and full years of service totaling 83 at time of retirement and who retires between January 1, 2024, and December 31, 2024, inclusive, may remain in the City's health plan post-retirement.
 - f. Rule of 85: An employee hired on or before December 31, 2020, who has attained the age of 55 years and has the combination of age and full years of service totaling 85 at time of retirement and who retires on or after January 1, 2025, may remain in the City's health plan post-retirement.
 - g. Retired employees, and the spouses of retired employees, who were hired on or after January 1, 2007, are not permitted to remain in the City's health plan upon reaching the age of Medicare eligibility.
 - h. Notwithstanding anything else contained in the Employee Handbook, no person hired on or after January 1, 2021, shall be entitled to any post-retirement benefits other than those provided through the Wisconsin Retirement System or otherwise as required by law.
- 2. Retired employees who are eligible to remain in the City's health plan post-retirement shall pay the same premium-equivalent percentage as may from time-to-time be determined by resolution of the common council for active employees. The actual dollar amount for retired employees may differ from the dollar amount paid for active employees based upon differing actuarial calculations.
 - 3. Retired employees who are eligible to remain in the City's health plan post-retirement will receive the same insurance benefits as active employees and will be subject to the same plan changes as active employees. Upon reaching Medicare eligibility, retired employees who are eligible for continued health insurance coverage will be subject to placement in a Medicare Advantage plan chosen by the City that provides substantially the same insurance benefits as active employees and consistent with the law respecting Medicare. Upon the death of the retired employee, the retired employee's surviving spouse and dependents may remain in the City's health plan, receiving the same insurance benefits as active employees, and must continue to make the premium contribution. This privilege shall not exist for persons with eligibility for health insurance pursuant to their own employment. The privilege for surviving spouses and dependents to remain in the City's health plan shall terminate if the surviving spouse remarries, obtains other health insurance coverage, or becomes eligible for Medicaid or Medicare, whichever event occurs first. The privilege for dependent survivors to remain in

the City's health plan shall terminate when they no longer meet the age and eligibility requirements for coverage under the City's health plan.

4. Medicare B

- a. Retired employees who were hired on or before December 31, 2020, must enroll in Medicare upon their earliest eligibility under the law.
- b. For retired employees who are eligible to remain in the City's health plan post-retirement and were hired on or before December 31, 2006, the City will continue to provide health insurance secondary to Medicare. The City will reimburse the retired employee's Medicare B premium, subject to a maximum of \$135.50 per month. For employees retiring on or after January 1, 2021, the City will not reimburse any portion of the Medicare B premium for a retired employee's spouse.
- c. Retired employees who were hired on or after January 1, 2007, are not permitted to remain in the in the City's health plan upon reaching the age of Medicare eligibility. Retired employees who were hired on or after January 1, 2007, are not eligible for Medicare B premium reimbursement.

5. Retiring Under Disability. The following applies to regular full-time employees not eligible to retire under the Wisconsin Retirement System.

- a. Any regular full-time employee who retires prior to age 65 due to physical or mental disability, and who has at least 14 years of continuous service immediately preceding the date of retirement, upon due proof of such disability, may upon request continue in the City's health plan.
- b. For employees who are forced to retire under such disability and who have 25 years or more of continuous service and have reached 55 years of age, such retired employee shall be required to pay the same premium-equivalent percentage as may from time-to-time be determined by resolution of the common council for active employees. The actual dollar amount for retired employees may differ than the dollar amount paid for active employees based up differing actuarial calculations.
- c. For employees who are forced to retire under such disability and who do not have 25 years or more of continuous service and/or have not reached 55 years of age, the employee shall be required to pay the entire premium equivalent for a period of one year. This benefit will be extended again during the continuance of such disability for successive periods of one year each, provided written proof of such continuance is submitted to the City of Racine Human Resources Department within three months immediately preceding the beginning of each such year.

- d. Upon the death of an active or disability-retired full-time employee, the surviving spouse and dependents may remain in the group policy under the conditions set forth above that were in effect at the time of the employee's death or disability retirement. This privilege will terminate if the surviving spouse remarries, becomes eligible for insurance through his/her/their own employment, or is eligible for Medicaid or Medicare. This privilege shall also terminate for the dependent survivors when they no longer meet the age and eligibility requirements for coverage under the policy.
- e. The above disability provisions shall not apply if the disability is incurred due to performing services while working for another employer.

6. Miscellaneous Retired Employee Conditions

- a. Notwithstanding anything else contained herein, retirees, and the surviving spouses and dependents of retired or deceased employees, are not eligible to remain in the City's health plan during any period as they are eligible for health insurance coverage under their own then-current employment. Retirees, and the surviving spouses and dependents of deceased retired employees, annually shall be required to certify to the City's Human Resources Department whether they are eligible for health insurance coverage under their own current employment. The retired employee, or surviving spouse and dependents, shall be reinstated under the City's plan upon notice that employment with such subsequent employer has been terminated.
 - b. If an employee retires with a single health insurance policy, such retiree will not be allowed to add any spouse or children after retirement. An employee who retires with a family policy will be allowed to add a new spouse or children after retirement.
7. City employees, otherwise eligible for the City's health plan, who are spouses of retired City employees are not eligible to remain on the City's health plan based upon the eligibility of the retired employee.
8. Retired employees, spouses of retired employees, or other dependents of retired employees may not remain on the City's health plan if they are eligible for health insurance based upon their own employment. Annually, retired employees, spouses of retired employees, or other dependents of retired employees will be required to certify to the Human Resources Department whether they are eligible for health insurance based upon their own employment.

F. COBRA:

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified spouses and dependents the opportunity to continue health insurance coverage under the City's plan when a "qualifying life event" would normally result in

the loss of eligibility. Under COBRA, the employee or dependent pays the full cost of coverage. Written notice of COBRA rights and obligations is provided to employees and dependents.

A “qualifying life event” generally includes but is not limited to: marriage, divorce, new child, death of the insured employee, job loss, or loss of eligibility for state funded health care.

Section 5.16 ELIGIBILITY REQUIREMENTS FOR POST-RETIREMENT HEALTH INSURANCE FOR SWORN PUBLIC SAFETY EMPLOYEES

Sworn Public Safety employees who retire under the provisions of the Wisconsin Retirement System may remain in the City’s health plan post-retirement, subject to the following eligibility requirements:

I. Sworn Fire Department Employees

A. Sworn Fire Department Employees Hired Prior to 1/1/2007:

- i. A sworn Fire Department employee hired prior to January 1, 2007, who retires under the provisions of the Wisconsin Retirement System at age 52 or over with 20 years or more of continuous service immediately preceding retirement may remain in the City’s health plan post-retirement.
- ii. For retired sworn Fire Department employees hired prior to January 1, 2007, the Employer will continue to pay Medicare B and provide City health insurance and retirees will be required to enroll in Medicare B.

B. Sworn Fire Department Employees Hired On or After 1/1/2007:

- i. A sworn Fire Department employee hired on or after January 1, 2007, who retires under the provisions of the Wisconsin Retirement System at age 53 or over and has the combination of age and full years of continuous service totaling 78 may remain in the City’s health plan post-retirement.
- ii. Any retired sworn Fire Department employees hired on or after January 1, 2007, and their spouses, are not eligible to remain in the City’s health plan upon reaching the age of Medicare eligibility.
- iii. Retired sworn Fire Department employees who were hired on or after January 1, 2007, are not eligible to receive Medicare B premium payments from the City.

II. Sworn Police Department Employees

A. Sworn Police Department Employees Hired Prior to 1/1/2010:

- i. A sworn Police Department employee hired prior to January 1, 2010, who retires under the provisions of the Wisconsin Retirement System at age 50 or over with 20 years or more of continuous service immediately preceding retirement may remain in the City's health plan post-retirement.
- ii. For retired sworn Police Department employees hired prior to January 1, 2010, the Employer will continue to pay Medicare B and provide City health insurance and retirees will be required to enroll in Medicare B.

B. Sworn Police Department Employees Hired On or After 1/1/2010:

- i. A sworn Police Department employee hired on or after January 1, 2010, who retires under the provisions of the Wisconsin Retirement System at age 53 or over and has the combination of age and full years of continuous service totaling 78 may remain in the City's health plan post-retirement.
- ii. Any retired sworn Police Department employees hired on or after January 1, 2010, and their spouses, are not eligible to remain in the City's health plan upon reaching the age of Medicare eligibility.
- iii. Retired sworn Police Department employees who were hired on or after January 1, 2010, are not eligible to receive Medicare B premium payments from the City.

III. All Sworn Public Safety Employees

- A. Any sworn Public Safety employee who is forced to retire by virtue of duty incurred injury or disease may remain in the City's health plan post-retirement upon the City's receipt of a disability approval notice from the Wisconsin Department of Employee Trust Funds.
- B. Any sworn Public Safety employee who is forced to retire by virtue of non-duty related injury or disease and has at least 15 years of continuous service with the Department may remain in the City's health plan post-retirement upon the City's receipt of a disability approval notice from Wisconsin Department of Employee Trust Funds. This provision shall not apply if the disability is incurred due to performing services while working for another employer.
- C. In the event that a sworn Public Safety employee or retiree who is enrolled in family health insurance benefits dies leaving a surviving spouse and/or dependents, the surviving spouse and/or dependents may remain in the City's health plan under the conditions set forth herein. This privilege will terminate if the surviving spouse of the

deceased remarries, obtains other health insurance coverage, or becomes eligible for Medicaid or Medicare, whichever event occurs first. This privilege shall also terminate for the dependent survivors when they no longer meet the age and eligibility requirements for coverage under the policy.

- D. Any sworn Public Safety employee who has met the eligibility requirements to continue on the City's health insurance upon retirement shall be subject to placement within the insurance program established for active bargaining unit employees or, if the retiree is eligible for continued coverage upon reaching the age of Medicare eligibility, the retiree will be placed in the Medicare Advantage plan selected by the City. This does not apply to retired sworn Public Safety employees who are on the Base Major Medical or 4A plans.
- E. Retired sworn Public Safety employees and surviving spouses/dependents shall pay the same premium-equivalent percentage as may from time-to-time be determined by resolution of the common council for active employees. The actual dollar amount for retired sworn Public Safety employees and surviving spouses/dependents may differ from the dollar amount paid by active employees based upon differing actuarial calculations.
- F. All retired sworn Public Safety employees, their spouses, and surviving spouses of deceased sworn Public Safety employees must enroll in Medicare upon their earliest eligibility under the law.
- G. If a sworn Public Safety employee retires with a single health insurance policy, this retiree will not be allowed to add a spouse or children after retirement. A sworn Public Safety employee who retires with a family policy will be allowed to add a new spouse or children after retirement.
- H. Notwithstanding anything else contained herein, retired sworn Public Safety employees and surviving spouses/dependents are not eligible to remain in the City's health plan during any period as they are eligible for health insurance coverage under their own then-current employment. Retired employees and surviving spouses/dependents annually shall be required to certify to the City's Human Resources Department whether they are eligible for health insurance coverage under their own then-current employment. Eligible retired employees and surviving spouses/dependents shall be reinstated under the City's plan upon the City's receipt of notice that their subsequent employment, and any associated health insurance coverage, have been terminated. Any such notice should be directed to the City's Human Resources Department.
- I. To the extent that this policy conflicts with other subjects addressed in the Employee Handbook, this policy controls. This policy does not grant any additional benefits over and above or in addition to any employment contract.
- J. Violations of this policy may result in the termination of health insurance coverage as would otherwise be provided under this policy.

- K. This policy is effective as of March 7, 2023 for all retired sworn Public Safety employees and surviving spouses/dependents. This policy is effective as of July 1, 2023 for sworn Public Safety active employees.

Section 5.17 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a program designed to provide professional counseling services to City employees and their immediate family members. The services provided are confidential and up to four visits are free of charge. The City is not notified that employees have used the service.

Section 5.18 DENTAL & VISION INSURANCE

Full time and regular part time employees shall be entitled to the benefits of group dental coverage which provides for full or partial payment of employee and family dental care. Full time and regular part time employees shall be entitled to the benefits of group dental coverage which provides for full or partial payment of employee and family dental care via a Basic Plan and an Advanced Plan. Those employees who are enrolled in the City's health insurance will automatically be enrolled in the City's Basic Plan, which provides coverage only for the employee. At the employee's option for an additional fee, coverage can be upgraded to include family members and/or being switched to the Advanced Plan. Dental coverage shall become effective on the first day of the calendar month following the successful completion of one full calendar month of employment. Employees may change their coverage selection or enroll in or cancel coverage during an annual open enrollment period. Applicable benefits are as set forth in the Summary Plan Description available from the Human Resources Department.

Full-time and regular part-time employees are also entitled to participate in a voluntary vision plan. Employees shall pay via payroll deduction the full amount for the premium. A plan description is available for review in the Human Resources Department.

Section 5.19 FLEXIBLE BENEFITS/SECTION 125 PLAN/HEALTH SAVINGS ACCOUNT (HSA)

Eligible employees can elect to participate in the Flexible Spending Account and Dependent Care Account or HSA account. These plans allow employees to pay for health care and dependent care expenses with pre-tax dollars. There are rules governing maximum amounts of payroll deductions and reimbursement procedures. A form must be completed each year during the open enrollment period for enrollment in the plans.

Section 5.20 LIFE INSURANCE

Eligible full time and part time employees will be provided with Basic Life Insurance under the Wisconsin Public Employers Group Life Insurance Program administered by the Department of Employee Trust Funds. The City shall pay 100% of the premium for the basic coverage. The

amount of insurance in force is equal to the amount of earnings reported to the Wisconsin Retirement System in the previous calendar year rounded up to the next higher thousand. Additional insurance is available and shall be paid for by the employee via payroll deduction.

Spouse and dependent coverage is available to employees covered by the Basic plan and provides term insurance for an employee's spouse, and/or dependent(s). Coverage is at the employee's option and shall be paid for by the employee via payroll deduction.

Section 5.21 WISCONSIN RETIREMENT FUND

Employees hired prior to July 1, 2011 and who were expected to work a full year and at least 600 hours were automatically enrolled in the Wisconsin Retirement System (WRS), the City's pension program, effective on the date of hire.

Employees hired on or after July 1, 2011 and who are expected to work a full year and at least 1200 hours shall automatically be enrolled in the Wisconsin Retirement System effective on the date of hire.

Once enrolled in the WRS, an employee must remain in the system while employed and be subject to its rules and regulations even if his/her/their hours fall below 600 or 1,200 hours per year.

Employees (except Police and Fire by law, though Police and Fire hired on or after July 1, 2011 are non-exempted, and Non-Represented Police and Fire employees may voluntarily pay their WRS share) shall contribute a percentage of earnings on a pre-tax basis to the Wisconsin Retirement System. The contribution rates can change from year to year as established by the WRS.

The City will also contribute to the Wisconsin Retirement System for each employee enrolled in the fund, based on figures supplied by the WRS.

Additional information regarding the Wisconsin Retirement System is available from the Department of Employment Trust Funds (ETF).

Section 5.22 DEFERRED COMPENSATION

Employees may elect to defer a specified amount from each paycheck into a Deferred Compensation plan. The amount deducted from each paycheck shall be deposited by the City into the account of the employee for accumulation and earning under the deferred compensation plan provided by the agency selected by the employee. Deferred compensation is fully funded by the employee; the City makes no contributions. Annual contribution limits for deferred compensation plans are established by the Internal Revenue Service (IRS).

The City will periodically allow recognized deferred compensation program agencies to meet with employees to assist them in determining their voluntary participation, by facilitating any predetermined payroll deduction, and by keeping records of such deductions.

Section 5.23 STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM

All full-time and regular part-time, non-represented employees and represented Police and Fire employees who have been employed for at least 30 days are eligible for the Student Loan Repayment Assistance Program. Employees residing within the limits of the city of Racine are eligible for up to \$2,400 per year in payments to the institution servicing the employee's student loan; employees not residing within the limits of the city of Racine are eligible for up to \$1,200 per year in payments. Payments are made on the 1st of each month. If an employee enrolls in this program mid-year, or is hired mid-year, this benefit will be prorated on a monthly basis. This benefit will become available to non-represented employees on February 1, 2022, and to Police and Fire employees on January 1, 2023, and will continue thereafter subject to the approval of the common council.

Section 5.24 EMPLOYEE TRAVEL EXPENSE REIMBURSEMENT POLICY

All employees, elected officials, and members of commissions and committees who are directed or authorized to travel beyond the borders of the City, and the community in which they live, on behalf or in the service of the City shall be entitled to reimbursement for lodging, meals, transportation, communications and miscellaneous expenses upon submission of such expenses on an Expense Report along with receipts. Expenses incurred by employees will be reimbursed if they are necessary, reasonable, and of standard quality, reported and supported in proper detail, and approved by the employee's supervisor.

A. Normally Allowable Items:

1. Lodging (receipt required);
2. Meals – Employees will be allotted a per diem based off of the U.S. General Services Administration standards;
3. Transportation Costs – Shall include cost of air, rail, bus, taxi, auto rental, mileage, parking and tolls;
4. Miscellaneous – Tips, etc.

B. Items Not Allowable:

1. Personal entertainment;
2. Personal clothing, toiletries or barbershop/salon;
3. Personal travel accident and auto insurance;
4. Spousal travel;

5. Excessive expenditures in any category;
6. Alcohol; and,
7. Reimbursement for cellular phone calls.

C. Employee Expense Reporting:

1. Expense Reporting –
 - a. The Weekly Expense Report is to be completed in all pertinent detail for each week's expenses. It should be submitted at the end of the trip, and no later than five days after return along with a Request for Payment Form.
 - b. There must be a written explanation of any irregular or unusually large expenditure.
 - c. Receipts are required for lodging, auto rental, any items exceeding \$10.00, transportation and other items when available.
 - d. Indicate appropriate department and account to be charged.
 - e. The Weekly Expense Report, along with a Request for Payment Form, shall be signed by the employee prior to its approval by his/her/their department supervisor, and then sent to the Finance Department for final approval and payment.

Section 5.25 MILEAGE REIMBURSEMENT POLICY

Employees are encouraged to use City owned vehicles when traveling on City business if vehicles are available. When City owned vehicles are not available, the following rules will apply:

1. Except as set forth below, mileage for the use of an employee's personal vehicle on official City business shall be reimbursed at the allowable IRS rate (see the Finance Department for the current rate).
2. Employees who utilize their personal vehicles on travel assignments are responsible to carry liability insurance on said vehicle of no less than \$100,000 bodily injury per person, \$300,000 bodily injury per occurrence, \$50,000 property damage, and \$100,000 per person and \$300,000 per accident uninsured motorist protection. The City's insurance coverage will be secondary to the employee's insurance coverage. Proof of Insurance will be on file in the Human Resources Department and will be updated annually.
3. The mileage reimbursement for attending authorized functions shall begin and end at City Hall.

4. Elected Officials and employees will not be reimbursed for mileage incurred to attend scheduled Council meetings.
5. Employees will not be reimbursed for mileage incurred driving to or from City Hall for work.
6. All mileage shall be documented showing date, destination, and mileage.
7. Except as set forth below, no auto allowances other than mileage shall be paid as of January 1, 2013.

In order to perform their daily duties, employees in the following positions are required to have their personal vehicles available, properly registered, in good working condition, and properly insured:

Health Department
Director of Environmental Health
Sanitarians
Environmental Health Coordinator

Department of City Development
City Assessor
Assessor II
Housing Technician
Code Enforcement Inspectors
Building Inspector
Plumbing Inspector
Electrical Inspector
Neighborhood Enhancement Division Manager

Such employees shall be paid a monthly sum, to be determined on an annual basis by the City Administrator in consultation with the Finance Director, for all personal vehicle usage within the geographic area necessary for the employee to perform his/her/their ordinary duties. Such employees shall not be required to track their mileage, unless otherwise required for internal, departmental purposes, and shall not otherwise be reimbursed for miles traveled. Notwithstanding anything else set forth herein, such employees shall be reimbursed at the IRS rate for all miles travelled outside the geographic area necessary for the employee to perform his/her/their ordinary duties and for all miles travelled outside Racine County on City business.

Section 5.26 TUITION REIMBURSEMENT POLICY

The City of Racine has instituted an Employee Tuition Reimbursement Program to assist in the professional growth and development of City employees. This tuition reimbursement program will not be a total solution to the City's future needs; however, if we look especially to our

leadership, this will give us one more weapon in our arsenal in attempting to secure qualified individuals for our leadership and other positions. This program, along with departmental specific training and on-the-job experience will assist in propelling us forward.

A. Definitions:

1. *Qualifying Program* means a Certification Program, a collegiate degree program, Associate Degree or higher, or a formal Graduate-level certificate program. Reimbursement shall not be made for any purely religious program of study, including but not limited to, a program leading to ordination in any religion. However, if individual classes regarding or involving religion are part of an overall non-religious course of study or program, reimbursement may be made for such classes.
2. *Accredited Institution* means a college or university that is formally recognized by an appropriate accrediting body or agency as having met a predetermined standard or criterion.
3. *Degree* means a title awarded by an accredited institution following successful completion of a course of study or period of research.
4. *Graduate-level Certificate Program* means a course of study, in a post-Baccalaureate setting, leading to the award of a graduate certificate, or equivalent, in a specialized program awarded by an accredited institution.
5. *Certification Program* means a course which is a part of a certification program directly related to an employee's job responsibility. In order to be eligible under this program, the school or course must be accredited.

B. Applicability:

To qualify for a tuition reimbursement, an employee must be regularly employed, either part-time or full-time, by the City of Racine 30 days prior to the beginning of a semester or the commencement of a course and must remain so employed until 30 days after the employee receives the final grade report for the course or courses.

To qualify for a tuition reimbursement, an employee must be enrolled in a qualifying program leading to a degree, a Graduate-level certificate program, or a Certification Program from an accredited institution.

Maximum reimbursement is to equal \$4,000.00 per year, or 80% of the employee's total tuition cost, whichever is lower.

Regular full-time employees may receive the full reimbursable amount.

Regular part-time employees may receive prorated reimbursements based upon the average hours worked per week in the year prior to the reimbursement.

Reimbursement is made for tuition only. It does not apply to books or other fees or costs.

In order to qualify, the student must achieve a final grade of “B” or better.

Notice that an employee intends to participate in the Employee Tuition Reimbursement Program shall be submitted to the Human Resources Department 30 days prior to the beginning of a semester or the commencement of a course. If unavoidable circumstances prevent such advance notice, requests shall be submitted as soon as practicable, but in no case after the commencement of a class for which reimbursement shall be requested.

An employee is required to provide proof of enrollment in the form of official notification signed by the selected institution’s registrar or other similar proof, including computer registration verification. The employee must also provide adequate verification that the program in which the employee is enrolled leads to a degree, Certification, or to a Graduate-level Certificate Program.

An employee is required to pay his/her/their tuition as required by the accredited institution. Within 30 days after the employee receives the final grade report for the course or courses, the employee shall submit the final grade report and receipt indicating that the employee has paid the tuition in full to the Human Resources Department. The reimbursable portion shall then be paid to the employee as soon as practicable.

The City has a right to recover any, all, and/or a part of such tuition reimbursement amounts from the employee in the event the employee, for any reason, voluntarily terminates employment with the City within one (1) year of the tuition reimbursement date.

C. Administration:

The tuition reimbursement program is administered by the Human Resources Department. All documentation and information shall be forwarded by the employee to the Human Resources Department so that a determination can be made (a) whether the employee is enrolled in an accredited institution and qualifying program and (b) whether tuition reimbursement is payable. Any employee who disagrees with the Human Resources Department’s determination may appeal through the employee’s Administrative Manager to the City Administrator. The Administrative Manager shall make a recommendation as to disposition, and the City Administrator shall make a decision. The City Administrator’s decision is final.

Section 5.27 WORKER'S COMPENSATION

All who work for the City of Racine are covered by Worker's Compensation if they sustain a work-related injury. The City is self-insured for Worker's Compensation. Employees who lose time from work because of occupational injury or disease will receive timely Worker's Compensation payments from the City in accordance with Wis. Stat. § 102.43. The City reserves the right to terminate employment based on reasonable considerations involving the employee's ability to perform the essential duties of his/her/their job and medical prognosis.

When an employee is injured on the job, the following procedure is to be followed:

1. One copy of the First Report of Injury Form WC-12 and the City Employee First Report of Injury Form RWC-03 must be sent to the Human Resources Department. These initial reports should be received as soon as practicable, but no more than 7 days after the injury. This rule does not apply if the employee was unaware of the injury within 30 days. A copy of each should be retained in the employee's department. The Human Resources Department will send a copy to the third-party administrator and to the Department of Industry, Labor and Human Relations if required.
2. If the employee requires medical attention, the employee must submit to the medical provider City Form RWC-04, which authorizes treatment, release of medical records and provides for proper billing. This form must be signed by the employee and witnessed by a supervisor. If medical treatment is delayed beyond the day of injury, a copy of the RWC-04 must be sent to the Human Resources Department.
3. It is the supervisor's responsibility to notify the Human Resources Department if an employee misses time off the job beyond the day of injury. Further, it is City policy to provide light duty whenever possible when it is consistent with medical restrictions. The Human Resources Department must be kept informed of light duty and notified when the employee returns to work.

Section 5.28 UNEMPLOYMENT INSURANCE

City employment is covered by Wisconsin Unemployment Insurance laws.

Section 5.29 PRESCRIPTION SAFETY GLASSES

The City will pay one-half the cost of an initial pair of prescription safety glasses (safety lenses and safety frames only) for employees who by the nature of their job are required to wear them. The City will contribute one-half the cost of replacement prescription safety glasses (safety lenses and safety frames only) due to job related breakage to a maximum of one pair every three years. An employee must present a receipt that clearly shows the description and cost of safety lenses and safety frames submitted for reimbursement.

Section 5.30 STEEL TOED SAFETY SHOES

For those City employees (excluding Police and Fire) who by the nature of their job are required by their supervisor to wear steel toed safety shoes, the City shall reimburse employees for half the cost of one pair of City approved steel toed safety shoes purchased for each year. Reimbursement is dependent upon submission to their department of an original receipt of purchase for each pair.

Section 5.31 EMPLOYEE HOMEOWNERSHIP INCENTIVE LOANS

City employees who purchase a home within the limits of the city of Racine to use as their primary residence may be eligible for a loan, in an amount up to \$10,000, which is forgivable over seven years. These loans will remain available to employees until the funding approved by the Common Council is exhausted. Interested employees should contact the Department of City Development for more information about qualifying and applying for these loans and the terms and conditions thereof.

ARTICLE VI EMPLOYMENT PRACTICES

Section 6.01 RULES OF CONDUCT

The City of Racine has established a certain number of rules, which it has and shall add to over time, to govern conduct while at work. Any employee who violates any City policy, procedure, rule, or regulation, whether written or unwritten, shall be subject to disciplinary action which may include verbal warnings, written warnings, suspension with or without pay, work restrictions, termination, or any other form of discipline deemed necessary. The nature of the discipline will depend upon the nature and severity of the violation and the surrounding circumstances.

The following are rules of conduct employees of the City of Racine are expected to adhere to in the course of their employment. Individual departments may have work rules that differ from these and employees are expected to know and follow those policies as well.

Section 6.02 ATTENDANCE/TARDINESS POLICY

Regular attendance, reporting for work on time, and working to the end of the work period is expected of each employee. Unsatisfactory attendance, including reporting late, or quitting early, may be cause for disciplinary action up to and including discharge.

1. **Reporting Absences/Tardiness:** An employee who is absent from work must call his/her/their immediate supervisor or the Administrative Manager as possible, but no later than one-half (1/2) hour before the established starting time. The employee must indicate an anticipated return to work date at that time. If the return to work date changes, the employee must immediately notify his/her/their supervisor or Administrative Manager of the new date. Employees must personally call in each day they are absent unless previous arrangements are made with their supervisor to cover such situations such as surgery, hospitalization, long recuperation, or similar circumstances. Employees who fail to notify their supervisor or Administrative Manager of an absence or tardiness may result in discipline. Employees who miss work due to tardiness will not be paid for lost time nor will they be allowed to make the time up.
2. **Leaving During Working Hours:** Other than Administrative Managers and supervisors, all other employees must obtain permission from their supervisor or Administrative Manager prior to leaving during work hours, unless the need to leave is due to an emergency. Failure to notify a supervisor/Administrative Manager in a nonemergency situation may result in disciplinary action.
3. Employees who are absent from work due to illness or injury for three consecutive work days will be required to submit a certificate of illness signed by a licensed physician upon request, and a release to return to work signed by a licensed physician in some cases prior

to being permitted to return to work. If the employee's time off was a covered FMLA absence, then return to work provisions under the FMLA policy will apply.

4. In the case of suspected abuse of sick leave, or to determine fitness for duty, the City may request a doctor's excuse or fitness for duty certification at any time.
5. The employment relationship shall be broken and considered a resignation if an employee:
 - a. Is absent from work for three (3) consecutive workdays without notification;
 - b. Fails to report to work within ten (10) days after having been recalled from layoff;
or
 - c. Fails to report for work at the termination of an authorized leave of absence.
6. FMLA absences are considered approved time off and not counted against an employee for disciplinary purposes.

Section 6.03 PROHIBITED ACTIVITY

Rules of conduct are not for the purpose of restricting the rights and activities of employees but are intended to help employees by defining and protecting the rights and safety of all persons. Employees of the City of Racine are expected to conduct themselves in a courteous and efficient manner toward the public and their fellow employees. The following is a partial list of prohibited activity which may result in disciplinary action ranging from oral or written reprimands to immediate discharge, depending upon the specific form of conduct and/or number of infractions:

1. Threaten, intimidate, interfere, or abuse (physically or verbally) others.
2. Sexually harass or intimidate others.
3. Lie, cheat, steal, or give false or incomplete information; or otherwise misrepresent his/her/their authority in the performance of assigned tasks.
4. Insubordination, including disobedience or failure to carry out assignments or instructions.
5. Unauthorized use, possession, or removal of City property and/or equipment.
6. Excessive absenteeism or tardiness.
7. Inattention to duties including sleeping, loafing, or wasting time during working hours.
8. Restricting production or interfering in the work of others.

9. Failure to perform duties at a reasonable level of productivity.
10. Fighting, gambling, horseplay, practical jokes, or indulging in other activities which create a disturbance or hazard.
11. The use of profane, obscene, or abusive language or actions.
12. Reporting for work while under the influence of alcoholic beverages or non-prescribed drugs.
13. Possession or consumption of alcoholic beverages or non-prescribed drugs during working hours or on City property.
14. Unauthorized possession of concealed weapons as prohibited by law.
15. Negligence in performing assigned tasks.
16. Performing personal work on City time including receiving or making personal telephone calls of a non-emergency nature during working hours.
17. Absence from employee's department without supervisor's permission; entering other departments without permission unless such action is in performing of work duties or in accordance with procedures for handling of grievances.
18. Leaving the job without permission during regularly assigned working hours including before specified quitting time.
19. Theft or attempt to steal City of Racine property or money, sabotage or destruction of equipment or property, fraud or embezzlement, will be subject to immediate and appropriate disciplinary action including termination. The City shall be the sole judge of sufficiency of evidence. The foregoing includes the submission of fraudulent claims for reimbursement under the City's mileage reimbursement policy.
20. Falsification or misrepresentation of personnel records or any other City records.
21. Failure to immediately notify supervision or the Human Resources Department of a change in address or telephone.
22. Failure to comply with health, safety, and sanitation rules and regulations.
23. Falsification of another employee's time and attendance record.
24. Violation of any other commonly accepted rule of conduct normally associated in an employer-employee relationship.
25. Off-duty misconduct of a serious/criminal nature where a nexus exists between the off-

duty conduct and the employee's job.

Section 6.04 WORKPLACE VIOLENCE AND WEAPONS PROHIBITION

The purpose of this policy is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

A. Policy:

1. The City of Racine is committed to providing a safe workplace for its employees and a safe environment for the citizens of the community, and has a zero tolerance policy toward any threats, threatening behavior, acts of violence or any related conduct which disrupts another's work performance or the organization's ability to execute its mission.
2. Any person who carries unauthorized concealed or unconcealed weapons or who makes threats, exhibits threatening behavior, or engages in violent acts on City owned or leased property may be removed pending an investigation. Off-site threats toward City employees or citizens carrying out official City business, which can include threats made via phone, fax, electronic or conventional mail, or any other communication medium, is also a violation of the City's policy.
3. Employees are prohibited from carrying or possessing concealed and/or unconcealed weapons to the worksite, while on duty, or in any City-owned vehicle, and at any time. On duty includes any authorized or unauthorized breaks or meal periods and while performing any services or duties on behalf of the City of Racine. Exceptions to this policy would be:
 - a. Firearms stored in an employee's personal vehicle, even while on City business, and do not apply if the firearm is in an employee's personal vehicle driven or parked in a parking facility;
 - b. Concealed and/or unconcealed weapons which are authorized by the Chief of Police to be carried by any City of Racine police officer while on duty, or work tools or implements authorized to be used by an employee in the performance of their duties that could fall under the definition of a weapon.
 - c. City law enforcement officers or other law enforcement agencies may bring firearms to the worksite if authorized by the Chief of Police.
4. Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution.

5. Employees are responsible for notifying their supervisor or Human Resources of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when that behavior is job related or might be carried out on City owned or leased property.
6. Each employee who receives a protective or restraining order which lists City owned or leased premises as a protected area is required to provide their agency designee with a copy of such order.

B. Definitions:

1. Workplace Violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by City employees, clients, customers, relatives, acquaintances or strangers against City employees in the workplace.
2. Intimidation is engaging in actions that includes but is not limited to stalking or behavior intended to frighten, coerce, or induce duress.
3. Threat is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
4. Physical Attack is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
5. Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, lived together or dated. Property damage is intentional damage to property and includes property owned by the City of Racine, employees, visitors or vendors.
6. Weapon is anything included in section 939.22(10), Wis. Stats., which is capable of producing death or great bodily harm.

C. Coverage:

This policy applies to all employees. This policy applies to the conduct of an employee while functioning in the course and scope of employment as well as off-duty violent conduct that has a potential adverse impact on a City of Racine employee's ability to perform the assigned duties and responsibilities.

D. Prohibited Actions and Sanctions:

1. It is a violation of this policy to:
 - a. Engage in workplace violence as defined by the policy;
 - b. Use, possess, or threaten to use an unauthorized weapon during a time covered by this policy, and
 - c. Misuse authority vested to any employee of the City in such a way that it violates this policy.
2. A violation of this policy shall be considered unacceptable personal conduct as provided in Employee Handbook Sections 6.01 and 6.03. Acts of violence, as defined herein, may be grounds for disciplinary action, up to and including dismissal. An act of off-duty violent conduct may also be grounds for disciplinary action, up to and including dismissal.

E. Authorized Exceptions to the Policy:

An employee may possess a weapon if possession is:

1. In compliance with Wisconsin City, State or Federal law,
2. Used by an employee who is a certified law enforcement officer,
3. Required as a part of the employee's job duties, and
4. Connected with training received by the employee in order to perform the responsibilities of their job.

F. Support and Protections:

The City of Racine shall make efforts to protect victims of workplace violence by offering reasonable security measures. The City shall accommodate, whenever possible and appropriate, victims of violence who need adjustments to their work schedule, location or working conditions in order to enhance their safety. Management is expected to offer support to victims of workplace and domestic violence, which should include encouragement to use the services of the City's Employee Assistance Program (EAP). In addition, management shall use their discretion to grant a victim leave time for medical, court, or counseling appointments related to trauma and/or victimization, with such options as flex scheduling, vacation leave, sick leave, and leave without pay.

G. Reporting Responsibilities and Retaliation:

1. All City employees have a responsibility to notify the police department of the presence of a concealed or unconcealed weapon in all places where such weapons are prohibited.
2. All City employees have a responsibility to notify their immediate supervisor of any intimidating, threatening behavior, or acts of violence that they witness on the part of employees, former employees, customers and strangers, or have been told that another person has witnessed or received.
3. All reports of violence and threats of violence will be handled in a confidential manner, with information released only on a need-to-know basis. Management shall be sensitive and responsive to the reporting employee's fear of reprisal.
4. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

H. Responsibilities of the City of Racine:

The City of Racine shall create and maintain a workplace designed to Prevent and manage workplace violence. This shall be done by developing a comprehensive workplace violence prevention and management program. The City shall provide training for supervisors and managers so that they will be able to recognize signs of potential workplace violence, be able to communicate a procedure for reporting policy violations, offer support for victims as well as provide consequences to perpetrators of workplace violence, and understand their legal obligation to act.

I. Inspections:

In order to pursue its investigation of incidents of workplace violence, the City reserves the right to enter or inspect employee work areas including, but not limited to, desks and computer storage media, with or without notice. Under conditions approved by management, telephone conversations may be monitored, voice mail messages may be retrieved, and email messages checked.

Section 6.05 DRUG FREE WORKPLACE POLICY

It is the policy of the City of Racine to provide a drug-free workplace for all of its employees. The City requires that employees neither use nor be under the influence of drugs, intoxicants, alcohol, narcotics or any other controlled substance(s) and that a zero tolerance standard shall prevail in the workplace. The City recognizes the importance of maintaining a safe, efficient and healthful workplace, as well as the social responsibility to provide assistance to its employees to

the extent possible. Therefore, employees are expected to report to work free from any alcohol or controlled substances that could inhibit their ability to perform their duties.

A. Reporting of Drug Conviction:

As required by the Drug Free Workplace Act, Public Law 100-690, Title V, Subtitle D, 41 U.S.C. 701 et seq., all City employees are hereby notified that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, alcohol or drug paraphernalia is strictly prohibited in the workplace. Furthermore, this law makes it a condition of employment that all City employees abide by the Drug and Alcohol Free Workplace Policy. The employee must notify the City (your immediate supervisor or the Human Resources Director) of any drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction. Within ten (10) days of receiving such notice of conviction, the City will notify the appropriate federal contracting or granting agency as required. The federal law requires this action.

An employee's failure to abide by the terms of the above paragraph will result in disciplinary action up to and including termination of employment. The actual action taken will be based upon the seriousness of the offense, the employee's past employment record, and the employee's willingness to participate in drug or alcohol abuse assistance or rehabilitation program.

Section 6.06 CITY DRUG AND ALCOHOL POLICY

The City recognizes that the use and/or abuse of illegal drugs and/or alcohol, as well as the abuse of prescribed medications, can have a significant impact on the workplace in terms of safety, worker's compensation claims, sick pay benefits, absenteeism and productivity. The City also recognizes the legal duty to provide a safe workplace. Moreover, the City is concerned about the health and well-being of those employees who use and/or abuse drugs and/or alcohol.

A. Policy Statement:

It is the City's policy that employee use, manufacture, distribution, possession or sale of illegal drugs at any time, and on the job use of or impairment by drugs and/or alcohol is prohibited. The City will subject its employees to drug and/or alcohol testing as set forth in this policy.

This policy supplements the City's D.O.T. (Department of Transportation) drug and alcohol testing policy covering employees who have a CDL (Commercial Driver's License) and are regularly or occasionally operating a commercial motor vehicle as defined by D.O.T. regulations and will apply to situations not covered under that policy. For employees covered under the D.O.T. drug and alcohol testing policy, in the event a more restrictive provision applies under the already existing policies, the more restrictive provision will apply.

B. Types of Testing:

1. Pre-Employment Testing – Applicants for employment with the City may be required to undergo and pass a drug test before they may commence employment with the City. All applicants for safety sensitive positions or in positions requiring the performance of safety sensitive functions must undergo and pass a drug test before they may commence employment with the City. Job applicants will be advised that a drug test will be required as a part of a pre-placement examination and that any job offer is contingent upon successful passage of that test. Refusal to test may lead to disqualification for employment.
2. Reasonable Suspicion Testing – If at any time the City determines there is reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the employee will be required to submit to a drug and/or alcohol test. Reasonable suspicion will be determined by two supervisors, if available. However, one supervisor may determine whether there is reasonable suspicion if no other supervisor is immediately available or the supervisor determines circumstances dictate the determination by one supervisor. Reasonable suspicion will be based upon observable actions, alone or in conjunction with other factors including, but not limited to:
 - a. Dangerous or accident-prone conduct;
 - b. Decreased job performance which is unexplained;
 - c. Unexplained increased absenteeism;
 - d. Complaints from coworkers and other problems with interpersonal relations;
 - e. Drug-related signs such as paraphernalia;
 - f. Reduced short-term memory; and/or
 - g. Physical symptoms such as bloodshot eyes, dilated pupils, stuffy or runny nose, anxiety, breath and body odor from alcohol, and/or inability to concentrate.
3. Post-Accident Testing – If an employee is involved in an accident while on duty, the City may require post-accident testing. The City will require testing if any of the following have occurred:
 - a. The employee was performing a safety- sensitive function as defined under the City's D.O.T Drug and Alcohol Policy;

- b. An accident involving bodily injury or fatality;
 - c. An accident involving significant property damage; or
 - d. A citation is issued to the employee under State or Local law for a moving traffic violation arising from the accident.
4. Random Testing – Pursuant to the Omnibus Transportation Employee Testing Act of 1991, all employees required to hold commercial driver’s licenses shall be required to participate in random drug and alcohol testing. Testing shall be conducted in accordance with City policy.
 5. Return-To-Duty Testing – Any employee found to have violated this policy will be required to test prior to returning to duty, and then randomly thereafter, for a one-year period.

C. Disciplinary Procedures:

Any employee who tests positive for any illegal drugs or controlled substances, except medication taken as prescribed, will be subject to discipline up to and including discharge. No employee who tests positive for any illegal drugs or controlled substances, except medication taken as prescribed, will be allowed to work until that individual has successfully completed assessment and/or treatment as described below and has been certified by a qualified physician as free from the use of drugs, or in the case of a positive suspicion test for prescribed drugs, that there is no impairment. In the event of a reasonable suspicion test for alcohol, an employee will be subject to discipline up to and including discharge if the result of a positive test for alcohol reveals a blood alcohol content of .04 or greater. Where more restrictive standards are already established under the City’s D.O.T Drug and Alcohol Testing Policy, those standards will apply for purposes of discipline.

D. Employee Consent to Testing:

Each employee or applicant directed for testing will be required to submit to testing. If the employee or applicant refuses to complete and sign the chain of custody form at the collection site or if the employee/applicant refuses to provide the specimen for testing, such refusal will constitute grounds for termination. Providing an adulterated sample will result in immediate termination.

E. Supervisor’s Role/Responsibilities:

1. The supervisor or supervisor representative is to transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours after having determined that there is reasonable suspicion to believe that the employee is using or is under the influence of alcohol or drugs. If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours after the

supervisor makes such reasonable suspicion determination, the supervisor will complete a report explaining the reason for the delay in conducting the drug or alcohol test. The supervisor or his/her/their representative is to wait at the clinic with the employee until the breath test has been completed or the urine sample has been taken, and then return the employee back to the employment site.

2. Once the alcohol testing has been completed and a positive confirmatory test result has been received, the employee will not be permitted to drive his/her/their own vehicle home at that time. The employee must make alternative transportation arrangements in order to leave the employment site.
3. The employee is to be advised not to report for work as he/she/they will be placed on administrative leave without pay. If the urine test has been administered, the City will contact the employee once the test results are known and a decision has been made as to the employee's status.
4. The results of the drug or alcohol testing will be sent directly to the Human Resources Department. When the results are obtained, the employee's supervisor and Administrative Manager will meet with the Human Resources Director to determine the appropriate course of action to be taken. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not discuss the suspected reason for a referral or discipline action with anyone who does not need to know.
5. Once the test has been completed and the employee has been sent or taken home, the supervisor must submit a written report to the Human Resources Director outlining, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report must be done within 24 hours of the testing. This information will assist the Human Resources Department in assessing the appropriate discipline to be considered.

F. Collection of Specimens:

Specimens to be tested will be urine in the case of a drug test and breath in the case of a test for alcohol where there is reasonable suspicion of alcohol use or impairment on the job. The City respects its applicants and employees and therefore subscribes to the collection protocol set forth by the Department of Health and Human Services (DHHS) which protects the privacy and confidentiality of the donor. This protocol allows for the submission of the specimen under closely structured conditions but behind either a closed door or privacy partition.

G. Custody and Control Form:

All specimens will be processed and monitored by way of an approved Custody and Control form which is used to track the specimen from point of submission to point of destruction. Employees will be required to sign the chain of custody form. Failure to do so will result in discipline up to and including discharge.

H. Laboratory Aspects of Drug Testing:

In order to assure our applicants and employees the greatest accuracy and confidentiality, all drug testing is to be conducted by a laboratory certified by DHHS and will be conducted in two parts: a) screening for five classes of drugs by EMIT testing procedures (amphetamines, benzoylecognine – cocaine, opiates, PCP, THC-marijuana, and (2) confirmation by GC/MS. However, the City reserves the right to perform tests for other illegal substances as well. No specimen will be considered “positive” until it has been confirmed at the cut-off levels established by DHHS. In the event that no such levels have been established for that drug, the City will rely on the laboratory and its consultants to establish a forensically accepted level.

I. Reporting Results:

All positive drug test results will be first reported to the Medical Review Officer (MRO). If the specimen is positive, the MRO will attempt to contact the employee at the daytime number provided at the time of the urine submission for the purpose of discussing the test results. Should the MRO fail to make contact on that attempt, he/she/they may contact the City to ask for assistance in reaching the employee. If the MRO does not make contact within an additional maximum of five days or if the result appears to create immediate safety concerns, the MRO may disclose the results to the City prior to speaking with the employee. The City reserves the right to immediately remove that employee from active duty until such time as the MRO is able to make contact and provide a final result. If the employee is able to provide substantiation of legitimate use when reached by the MRO, the positive result will be reported to the City as negative. If no legitimate reason for the positive result is found, that positive result will be provided to the City.

J. Prescription Medications:

Nothing in this policy prohibits the appropriate use of prescription medication legally prescribed by a licensed physician. However, it is the employee’s duty to discuss any effects which that medication may have on one’s ability to safely perform his/her/their job and to inform the City of any adverse effects. Failure to do so may result in discipline up to and including discharge.

K. Employee Assistance:

1. In the Event of a Positive Test -

The City has a primary interest in the safety, health, and well-being of its employees as well as the public and support those who make a commitment to resolving their substance abuse problems. In the event of a positive test, the City may offer the employee an opportunity to enter a treatment program in lieu of termination. If the City determines that a treatment option will be offered, the City will provide a list of Substance Abuse Professionals (SAP) available to the employee for assessment and/or treatment. Although such assessment and/or treatment is conducted at the sole expense of the employee or his/her/their insurance carrier, the City requires that certified SAPS actively involved in the substance abuse field be utilized.

An employee who is allowed and selects treatment will comply with all requirements of that program to completion before he/she/they will be allowed to return to work. Failure to do so or failure to make every effort at rehabilitation will constitute grounds for termination. The City will request updates from the treating professional to assure the ongoing compliance with the recommended treatment. Further, as a condition of return, the employee will be required to submit, on demand, a urine sample for analysis for a period of up to sixty (60) months. The number and frequency of such specimens is determined by the City at its sole discretion. A positive test during or following the monitoring period will result in immediate termination without further consideration of future employment. The City may, at its sole discretion, elect to offer special consideration to any individual who comes forth voluntarily as opposed to those who are detected through the regular testing process. Reinstatement after a positive test, if permitted at all, will be permitted only one time. Reinstatement, if permitted, will be conditioned upon the individual signing an agreement acknowledging that he/she/they will be terminated upon a subsequent violation of this policy.

2. Voluntary Treatment – Employee Assistance Program –

Consistent with the City's philosophy that its employees are its most valuable resource, the City is willing to recognize and provide assistance to those employees whose use of alcohol or controlled substances may be the result of a problem such as alcohol or chemical dependency. Accordingly, the City encourages all employees who may have a problem with alcohol or substance abuse to voluntarily come forward and work with the City in resolving the problem. To accomplish this goal, the City offers an Employee Assistance Program (EAP) which employees may use for referral, counseling, and consultation. Employees who voluntarily come forward and admit to a substance abuse problem will be referred to the EAP for the purpose of undergoing an assessment and the development of an appropriate treatment and rehabilitation

program. However, participation in the City's EAP does not protect the employee from discipline for violations of this policy, including the right to determine the appropriate level of discipline to impose.

3. Confidentiality –

Results of all drug/alcohol tests will be kept separate from personnel files and treated as confidential information and access to such results shall be limited. Results will not be communicated to others outside of the employee's direct supervisory chain except where necessary in connection with any rehabilitation or use of the EAP in relation to the drug/alcohol test.

Section 6.07 *HAZARD COMMUNICATION POLICY*

PURPOSE

In order to comply with the Federal OSHA Hazard Communication Standard 29 CFR 1910, Wisconsin Employee Right-to-Know Law (1984), and sections 101.58-101.599, Wis. Stats., the following written Hazard Communication Program has been established for the City of Racine. The purpose of this policy is to ensure that:

1. Hazardous substances present in the work place are identified and labeled.
2. Employees have ready access to information on the hazards of these substances.
3. Employees are given information on how to prevent injury or illness due to chemical exposure.

I. POLICY

This written program applies to all work operations in the organization where employees may be exposed to hazardous substances under normal working conditions or during emergency situations. Under this program, employees will be informed of the contents of the Hazard Communication Standard, the hazardous properties of chemicals with which they work, safe handling procedures, and measures to take to protect themselves from these chemicals. Employees will also be informed of the hazards associated with non-routine tasks as they come in contact with them.

A. Responsibilities

The Human Resource Director is responsible for:

- Reviewing and updating the program to ensure that it satisfies the requirements of all applicable local, state and federal hazard communication requirements.
- Maintaining a master file of material safety data sheets (MSDS).
- Maintaining copies of the records of all employees included in the training sessions.
- Managing hazard communications.
- Ensuring that this plan is implemented, followed, and updated as needed.

Administrative Manager and supervisors are responsible for:

- Coordinating initial and new chemical training of employees on the Hazard Communication program.
- Reviewing incoming chemical materials to verify correct labeling.
- Contacting vendors to obtain material safety data sheets on chemical products.
- Forwarding copies of material safety data sheets to Human Resource Department.
- Maintaining and updating master MSDS files and sheets for all chemicals used in their work environment.
- Responding to any employee concerns or request for information.
- Ensuring that all primary and secondary containers are properly labeled.
- Ensuring employees use chemical products consistent with their intended use.
- Informing outside contractors who are performing work on City of Racine property about potential hazards.
- Providing on-going training as new chemicals are introduced into the work site.

All employees are responsible for:

- Following directions in the use and handling of all chemicals as prescribed on the material safety data sheets and instructed by the supervisor.
- Becoming familiar with the information on the material safety data sheets.
- Ensuring chemical containers are properly labeled.
- Notifying their supervisor of any condition which may have an adverse impact on employee safety/health.

B. Hazard Analysis

Each chemical in the workplace shall be evaluated for hazardous properties.

- Hazardous properties include, but are not limited to, toxicity, corrosivity, irritation effects, sensitization potential, flammability, instability, oxidizing effects, and reactivity.
- Resources to be used in the hazard review include vendor MSDSs and other internal and literature sources.

C. Material Safety Data Sheets (MSDS)

A material safety data sheet (MSDS) is a technical report that explains how to use, handle and store chemicals safely. There is no standard format used for MSDSs, but what is consistent on them is the information which must be contained on a MSDS. The Human Resource Director will maintain a binder in the Human Resource Department with a MSDS on every substance on the list of hazardous chemicals. The MSDS will be a fully completed OSHA Form 174 or equivalent. The Administrative Manager / Supervisor will ensure that each department maintains an MSDS for each hazardous material in their particular area(s). MSDSs will be made readily available to all employees during their shifts.

D. List of Hazardous Materials

An inventory of hazardous substances has been compiled. The master inventory list is kept in the Human Resource Department. The list is readily available and accessible for review. The Administrative Manager or Supervisor is responsible for maintaining the master list of

hazardous substances used in their department and updating the list as necessary. Each department's list also identifies the corresponding MSDS for each chemical. Further information on each listed chemical can be obtained by reviewing the MSDSs.

E. Labeling

Container labels are the first and easiest place to look to see if the material an individual is working with is hazardous. Labels can quickly inform people what they need to know in order to properly protect themselves. Labels must be maintained on chemical containers in a manner which continues to be legible.

F. Employee Training

The Hazard Communication Standard requires that employers provide employees with information regarding hazardous chemicals in their work area. All affected employees will be trained and informed at the time of initial assignment on the Hazard Communication Standard and whenever a new hazard is introduced into the workplace. Administrative Manager and supervisors will be trained regarding hazards and appropriate protective measures so they will be available to answer questions from employees and provide daily monitoring of safe work practices.

Objectives of the employee training program are as follows:

- Increase employee awareness of chemicals and other hazardous materials in their work area.
- Teach employees how to read material safety data sheets.
- Detail the Hazard Communication Standard pertaining to employees and their workplace environment.
- Assist employees in understanding standard and in-house labeling systems.
- Instruct employees regarding the hazards involved with non-routine tasks.

Before exposure to a chemical, each new employee, who is exposed or potentially exposed to hazardous chemicals, will receive information and training that includes the following:

- Employees will have access to the written Hazard Communication Program and informed of its location.
- Employees will be trained to read and understand material safety data sheets, including: chemical and physical properties of hazardous materials (i.e., flash point, reactivity); physical hazards of chemicals (i.e., potential for fire, explosion); and health hazards, including signs and symptoms associated with exposure to chemicals and any condition known to be aggravated by exposure to the chemical.
- Employees will be instructed where material safety data sheets are located.
- Employees will be trained to read and understand a label.
- Employees will be trained in how to handle hazardous chemicals used in their work area and chemicals encountered when performing non-routine tasks.
- Employees will be trained in the proper use, storage, and handling of personal protective equipment.

- Employees will be instructed on work procedures to follow to assure their protection when cleaning hazardous chemical spills and leaks.
- Employees will be instructed where medical supplies and safety equipment are kept.

The Human Resource Director will review the training program periodically and determine the appropriate levels of training and re-training. Retraining is required when the hazard changes or when a new hazard is introduced into the work place.

G. Hazardous Non-Routine Task

Periodically, employees are required to perform non-routine, hazardous tasks (i.e., cleaning tanks, entering confined spaces, etc.). Prior to starting work on such projects, each affected employee will be given information by their supervisor about hazardous products to which they may be exposed during such activities. This information will include:

1. Specific chemical hazards and review of specific MSDSs.
2. Protective safety measures the employee can take.
3. Measures taken to reduce the hazards, including but not limited to: ventilation, respiratory protection, presence of another employee, and the establishment of emergency response procedures.

H. Contractors

It is the responsibility of the Administrative Manager to provide any outside contractors who are working for the affected department with the following information:

1. Hazardous chemicals which the contractors and their employees may be exposed to while on the job site.
2. Precautions the employees may take to reduce the possibility of exposure, such as using appropriate protective measures and proper handling procedures.

The Administrative Manager will be responsible for contacting each contractor before work is started in the department to gather and disseminate any information concerning chemical hazards that the contractor is bringing into the work place.

I. Recordkeeping

All material safety data sheets will be kept for a period of thirty (30) years after the use of the product has been discontinued.

J. PROGRAM EVALUATION

The program shall be evaluated on an annual basis by the Human Resources Director or designated personnel.

Section 6.08 DRUG AND ALCOHOL POLICY – D.O.T. COVERED EMPLOYEES

The City of Racine recognizes that the use and/or abuse of alcohol or controlled substances by drivers of commercial vehicles presents a serious threat to the safety and health of the driver and the general public. It is the policy of the City of Racine that its employees who perform safety sensitive functions should be free of alcohol and drugs. In order to further the City's goal of obtaining an alcohol-free and drug free transportation system, and to comply with the Omnibus Transportation Employee Testing Act of 1991, the City of Racine implemented a drug and alcohol testing program which is designed to help reduce and avoid traffic accidents and injuries to our employees and the general public, to discourage alcohol and substance abuse, and to reduce absenteeism, accidents, health care costs, and other alcohol and drug-related problems.

A. Purpose:

The Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have issued Federal Regulations (49 CFR Parts 40 and 382) implementing the provisions of the Federal Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license (CDL). These Regulations include detailed procedures for breath alcohol testing and urine drug testing of employees involved in safety-sensitive functions. The purpose of this policy is to establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of these substances by drivers of commercial motor vehicles. Consequently, the City of Racine has established the following alcohol misuse and drug prevention program, as well as the subsequent enforcement of violations, for its employees conducting safety-sensitive job functions (Employees should also refer to the City's "Drug and Alcohol Policy," which addresses the strict enforcement of workplace controlled substances and alcohol usage).

B. Definitions:

For the purposes of this policy, the following definitions will apply:

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

Alcohol Use means the consumption of any beverage, mixture or preparation, including medications, containing alcohol.

Breath Alcohol Technician (BAT) means an individual certified as trained to operate an Evidential Breath Testing Device (EBT) and proficient in breath testing procedures.

Canceled Test means, in controlled substance testing, that a test that has been declared invalid by the MRO. A canceled test is neither positive nor negative.

Collection Site means a place where individuals present themselves for the purpose of providing body fluids or tissue samples to be analyzed for controlled substances, or to provide a breath sample to be analyzed for alcohol concentration.

Commercial Motor Vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport property or passengers if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of the towed unit with a gross vehicle weight of 10,000 pounds; or
2. Has a gross vehicle weight of 26,001 more pounds, or
3. Is designed to transport 16 or more passengers inclusive of the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the vehicle to display a placard.

Controlled Substance under DOT rule means marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP) or other substances later defined by DOT as controlled substances.

Designated Employer Representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and is authorized to immediately remove employees from safety-sensitive functions and make decisions in the testing and evaluation processes. The DER must be an employee of the City of Racine.

Evidential Breath Testing Device (EBT) is a device designed to measure alcohol concentration from breath samples which has been approved by the National Highway Traffic Safety Administration.

Laboratory means a laboratory for conducting drug testing that is approved by the Department of Health and Human Services.

Medical Review Officer (MRO) means a licensed doctor of medicine or osteopathy with the knowledge of drug abuse disorders that is retained by the organization to conduct and analyze drug tests in accordance with DOT rules.

Safety-Sensitive Function means the following on duty functions:

1. All time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All driving time, i.e., all time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle;

5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform a safety-sensitive function.

Substance Abuse Professional (SAP) is a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

C. Coverage:

This policy applies to every employee (“driver”) who performs “safety sensitive functions” in association with the operation of a commercial motor vehicle in commerce in any state and is subject to the commercial driver’s license requirements of 49 C.F.R. Part 383.

Drivers are also governed by the City of Racine’s Non-DOT Drug and Alcohol Use Policy. In addition, transit (bus) drivers may be subject to drug and alcohol testing requirements as outlined in 49 CFR Part 655 and their department specific policy.

For purposes of this policy, the City of Racine and the DOT strictly prohibit the use of alcohol and/or controlled substances by its employees and volunteers with Commercial Drivers Licenses (CDL) who are actually performing, ready to perform or immediately able to perform, or ceasing to perform, the following safety-sensitive job functions:

1. Operation of a commercial motor vehicle;
2. Repair and maintenance of a commercial motor vehicle that requires road testing the vehicle on a public highway;
3. Supervisors and managers on stand-by duty to perform a safety sensitive function.

D. Prohibited Conduct:

City policy and federal regulations prohibit employees from engaging in the following conduct:

1. Using, possessing, dispensing, distributing, or receiving alcohol, intoxicants, illegal drugs or other controlled substances on City premises, or while engaged in City business;
2. Reporting to work under the influence of alcohol, intoxicants, illegal drugs, or other controlled substances in their system;
3. Reporting to work under the influence of a prescription drug, unless the employee's physician determines that the use of the prescription drug will not adversely affect the employee's ability to perform a safety-sensitive function. Note that the federal regulations include prescription medications containing alcohol in the substances banned from use in the workplace. Therefore, employees should not report for duty while taking prescription medication if such medication contains any measurable amount of alcohol;
4. Reporting for duty or remaining on duty if the employee tests positive for controlled substances or has adulterated or substituted a specimen for controlled substances;
5. Consuming any amount of alcohol, intoxicants, illegal drugs, or other controlled substances while on duty or within four (4) hours of reporting for duty;
6. Using alcohol within eight (8) hours following an accident, unless the employee has already undergone DOT-regulated post-accident drug and alcohol testing or is not required to undergo post-accident drug or alcohol testing;
7. Refusing to undergo or cooperate in any required alcohol or controlled substances testing required by this policy;
8. Knowingly disregarding the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates as the City is dedicated to assuring a fair and equitable application of this substance abuse policy; and/or
9. Providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution.

Any employee who violates any of the rules set forth above shall be subject to discipline, up to and including termination.

E. Required Tests:

Refusal to take a required test shall result in removal of that employee from his/her/their assignment(s) which, in turn, may result in discipline, up to and including discharge.

Testing must be conducted in the following situations:

1. **Pre-employment** - Any individual not currently employed by the City who is applying for a position wherein safety-sensitive functions are performed, shall be required to undergo pre-employment drug and alcohol testing after a conditional offer of employment has been made.

Prior to the first time an existing employee performs safety-sensitive functions for the department (i.e., new position, job transfer, promotion, new duties, etc.), the employee shall be required to undergo testing for alcohol and controlled substances. A positive test will result in a disqualification from further consideration for the vacancy or eligibility list.

Per 49 C.F.R. §382.701 and effective January 6, 2020, the City of Racine will obtain driver consent and subsequently conduct a pre-employment full query of the Drug and Alcohol Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance, in violation of §382.213.

The City of Racine will not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance in violation of §382.213, except where a query of the Clearinghouse demonstrates:

- A. That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.
- B. That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with §40.307 and specified in the SAP report required by §40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in 49 C.F.R. Part 40, Subpart O, and achieves a negative return-to-duty test result, and the City of Racine assumes the responsibility for managing the follow-up testing process associated with the testing violation.

2. Reasonable Suspicion Testing –

- a. An employee is required to submit to an alcohol or controlled substance test upon a trained supervisor's reasonable suspicion to believe that the employee is in violation of this policy. The determination of reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. The supervisor who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.
- b. In a situation where an employee is either acting in an impaired manner or the supervisor has reasonable suspicion to believe the employee is using or is under the influence of alcohol or drugs, the supervisor may, but need not, seek a corroborating opinion from another supervisor or manager prior to immediately removing the employee from the job and sending the employee for drug and alcohol testing.
- c. Once the employee has been removed from the job, the supervisor shall contact the Human Resources Department. If contact cannot be made at that time, the supervisor shall proceed through the next step of this procedure and make contact with the Human Resources Department as soon thereafter as possible.
- d. The supervisor shall then transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours of having observed the behavior. If the drug or alcohol test is conducted more than two (2) hours, but less than eight (8) hours after the supervisor determines there is a reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances, the supervisor will complete a report explaining the reason for delay in conducting the drug or alcohol test. The supervisor shall wait at the clinic with the employee until the breath test has been completed or the urine sample has been taken.
- e. When a breath alcohol test has been used and a positive confirmatory test result has been received (0.02 percent or above), the employee will be discouraged from driving his/her/their own vehicle home at that time. The employee should make alternative transportation arrangements in order to leave the collection site or employment site.
- f. Once the drug or alcohol testing has been completed, the employee shall be advised not to report for work, as he/she/they will be placed on administrative leave without pay. If a blood alcohol or urine test has been administered, the City will contact the employee once the test results are

known (this normally takes 24-48 hours) and a decision has been made as to the employee's status.

- g. The results of the drug or alcohol testing will be sent directly to the Human Resources Department. When the results are obtained, the employee's supervisor and Administrative Manager will meet with Human Resources to determine the appropriate course of action to be taken. This is a confidential process. Testing results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor will not discuss the suspected reason for a referral or discipline action with anyone who does not need to know.
 - h. Once the test has been completed and the employee has been sent home, the supervisor will submit a written report to the Human Resources Director outlining, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report must be done within 24 hours of testing.
3. **Random Testing** – This test is used in order to eliminate risks associated with illegal or unauthorized drug and alcohol use. Random alcohol and drug testing will be conducted at any period in which an employee is ready to perform or immediately available to perform, is actually performing, or has completed performing safety-sensitive duties. The employee shall be randomly selected for testing from a “pool” of employees subject to testing. The testing dates and times are unannounced and will occur with unpredictable frequency throughout the year.

The selection of employees for random testing shall be administered by an outside agency using a scientifically valid method. This method will be a computer software-based random selection program that is matched with employee social security numbers. A quarterly list of confidential numbers will be generated and forwarded to the Human Resources Department so that it may contact the employee's supervisor for testing arrangements. Under this selection process, each employee will have an equal chance of being tested each time selections are made. As a result, some employees may be tested more than once each year, while other employees may not be tested at all.

In the event an employee tests positive for either alcohol or controlled substances, the employee shall be subject to disciplinary action up to and including discharge.

Failure to show up for a test within a reasonable time from the time of notification or interfering with the testing process is considered a refusal to test, and the employee shall be subject to disciplinary action up to and including discharge.

4. **Post-Accident Testing** – Federal requirements mandate that as soon as practicable after an occurrence involving a commercial motor vehicle operating

on a public road, the City shall test for controlled substances for each of its surviving drivers:

- a. If the accident involved the loss of human life, each surviving driver is subject to testing whether they were at fault or not; or
- b. The employee receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involves:
 - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The alcohol breath test must be administered within two (2) hours following the accident and the drug test must be administered within 32 hours of the accident. If the alcohol test is not administered within 2 hours of the accident, or a drug test within 32 hours of the accident, the supervisor will complete a report explaining the reasons for the delay in conducting the test.

An employee who is subject to post-accident testing shall remain readily available for such testing or will be deemed by the City to have refused to submit to testing.

The driver shall notify his/her/their immediate supervisor as soon as possible if they are involved in an accident. After the initial call to the employer, the driver is required to remain in contact with his/her/their supervisor with any subsequent information pertinent to the accident, including contact by any law enforcement agency, issuance of a citation, etc.

The driver shall allow law enforcement to conduct their investigation. It is possible for a federal, state, or local law enforcement official to direct an employee, who is in the course of conducting City of Racine business, to submit to drug and/or alcohol testing. In this case, the employee shall provide the results of that testing to the employer as soon as they become available. These results may be used instead of or in addition to post-accident testing outlined in this section.

5. **Return-to-Duty/Follow-up Testing** – This test is used to maintain abstinence and prevent relapse by employees during and after drug treatment. The City shall ensure that before an employee returns to duty requiring the performance of a safety-sensitive job function after engaging in conduct prohibited in this policy, the driver shall undergo a return-to-duty alcohol and/or controlled substance test with a result indicating an alcohol concentration of less than 0.02 percent and

verified negative result for controlled substance use. In any event, an employee shall not be allowed to return to duty without first having participated in some form of treatment/rehabilitation or education and being evaluated by a Substance Abuse Professional (SAP) to determine the employee's fitness for duty.

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the City shall ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substances testing in consultation with a substance abuse professional. Consequently, the employee shall be given at least six (6) random tests during the 12-month period after returning to duty with the possibility of follow-up testing for up to 60 months after the employee returns to duty.

F. Test Procedures:

The City will use a qualified provider to perform alcohol and drug testing, which will be done on both urine and breath. All drug and alcohol testing shall be conducted in conformance with the procedures and rules established by the Federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations.

The qualified provider will handle taking the sample (in standard collection kits) on a 24-hours basis, utilizing different collection sites when necessary, based on the time of day. The qualified health provider will be responsible for ensuring proper transportation from the collection site(s) to a Department of Health and Human Services (DHHS) certified laboratory. Specimen collection shall not be done anywhere but at a City authorized collection site unless specifically authorized by the Human Resources Department.

G. Alcohol Testing:

Employees shall be required to submit to breath testing using an approved evidential breath testing (EBT) device. A state-certified breath alcohol technician (BAT) shall administer an initial screening test. If the employee tests positive for alcohol, then the BAT will conduct a confirmation test. The City will take action based only upon the positive results of the confirmation test (0.04 percent or greater). All procedures and steps used in conducting both the initial and confirmation tests will be performed in conformance with federal law and federal regulations.

1. PREPARATION FOR BREATH ALCOHOL TESTING

The following procedures summarize the procedures established by the Federal Highway Administration regulations implementing drug and alcohol testing under federal law. These procedures are binding and are subject to change in the event the FHWA or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.

- a. When the employee enters the collection site, the BAT will require him/her/them to provide positive photographic identification (i.e., driver's license).
- b. The BAT will explain the test procedure.
- c. Employees will be required to complete and sign various forms used to document the testing process. Refusal to sign the test form(s) will be regarded as a refusal to take the test.
- d. Employees will be instructed to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.
- e. If an employee tests positive during the screening test, he/she/they shall not eat, drink put any object or substances in his/her/their mouth, and to the extent possible, not belch during the 20 minutes waiting period before the confirmation test is conducted.
- f. Refusal by an employee to complete and sign the test form, to provide an adequate amount of breath without a valid medical explanation, or otherwise failure to cooperate with the testing process in a way that prevents the completion of the test shall be considered a disciplinable offense, up to and including termination.

In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

2. RESULTS OF A POSITIVE TEST

Any employee who tests positive for alcohol concentrations of 0.02 or higher shall be subject to discipline, up to and including termination.

If a confirmation alcohol test measures 0.04 or greater, the City is required to:

- a. Remove the employee from the safety-sensitive position;
- b. Before returning the employee to employment, retest to verify that the employee's alcohol concentration is below 0.02;
- c. Refer the employee to the City Employee Assistance Program representative, who will provide the employee with a list of available substance abuse professionals (SAP) from which to choose for assessment of an alcohol problem and a determination of whether participation in a treatment/rehabilitation program or education is necessary; and,

- d. The employee will subsequently be given at least six (6) random tests during the next year with the possibility of follow-up testing for up to 60 months.

If the confirmation test level is between 0.02 and 0.039 percent, the employee will be removed from the safety-sensitive position and either be retested or removed from his/her/their position for a minimum of 24 hours.

In the event that an employee is required to comply with breath testing as a result of a law enforcement investigation, the employee must submit to the examination. The test will be considered enforceable for purposes of this policy, if the testing officer is a qualified BAT, and the EBT that was used for the test has been certified by the State of Wisconsin.

H. Controlled Substances:

The City has established its anti-drug program through its Drug-Free Workplace Policy, which strictly prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Furthermore, any abnormal conduct that may create a reasonable suspicion that an employee is under the influence of a controlled substance is addressed in the “Reasonable Suspicion Testing” section described previously in this policy.

For purposes of this policy, the City will utilize, according to federal requirements, a five-panel drug screen consisting of the following drugs: Tetrahydrocannabinol (Marijuana drug), Cocaine, Amphetamines, Opiates (including heroin), and Phencyclidine (PCP).

The City reserves the right to expand the above list if additional drugs are required under federal mandates or to impose the reasonable suspicion standards of this policy.

Drug testing is conducted by analyzing an employee’s urine specimen (through a DHHS-certified testing lab). This procedure shall include the use of a split specimen testing procedure. Each urine specimen is subdivided into two bottles labeled as a “primary” and a “split” specimen. Both bottles will be sent to a certified lab. Only the “primary” specimen bottle is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the lab. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours from the time of notification of a positive test result to request the split specimen be retested at the same lab or be sent to another certified laboratory for analysis, at the employee’s expense. An employee who fails to notify the City within 72 hours after receiving notice of a positive test result of his/her/their desire to have the split specimen tested shall be deemed to have waived his/her/their right to seek testing of the split specimen.

In some cases, the employee may be unable to provide a urine specimen. After a reasonable waiting period, the employee will be directed to drink up to 40 ounces of

liquid, distributed reasonably through a period of up to three (3) hours, or until the employee has provided a new urine specimen, whichever occurs first. If the employee refuses to drink fluids as directed or to provide a new urine specimen, the collection site shall terminate the collection and notify the City of Racine that the employee has refused to submit to testing. The City of Racine shall direct any employee who does not provide a sufficient urine specimen to obtain, within five business days, an evaluation from a licensed physician acceptable to the City's MRO concerning the employee's ability to provide an adequate amount of urine. This physician, who must have expertise in the medical issues associated with the inability to provide an adequate urine specimen, shall determine that the employee has, or with a high degree of probability, could have, a medical condition that precluded the employee from providing an adequate amount of urine. The employee's failure to provide an adequate amount of urine shall not be deemed a refusal to take a test, as long as the medical condition includes an ascertainable physiological condition (e.g., a urinary system dysfunction) or a documented pre-existing psychological disorder, but does not include unsupportable assertions of "situational anxiety" or dehydration, or is unable to make the determination that the employee could have a medical condition and that the employee's failure to provide an adequate amount of urine shall be regarded as a refusal to take a test.

In either circumstance, the physician shall complete a medical evaluation form provided by the City of Racine, or through other means of documentation, and send it to the City's MRO for review. Upon receipt of this form and any other documentation, the City's MRO must review those findings and either cancel the test if there is an acceptable medical explanation for the "shy bladder," or report in writing to the City's designated employer representative a "Refusal to Test," if there is no acceptable medical explanation for the "shy bladder."

In the case of employees who have a documented long-term or permanent medical condition that makes it impossible for them to provide an adequate urine specimen, the DOT has issued separate procedures for these employees, and only when they submit to a pre-employment, return-to-duty, or follow-up test:

If an individual has a documented long-term medical condition that means he/she/they cannot successfully take a pre-employment, return-to-duty, or follow-up drug test, the MRO should direct that the individual undergo a medical evaluation by a physician to determine if the individual displays any signs or symptoms of drug abuse. The evaluating physician may administer a blood or other test for drugs in conducting the medical examination. If the examination yields no evidence of drug abuse, the individual is considered to have a negative drug test and is thus qualified for safety-sensitive duty.

1. PREPARATION FOR DRUG TESTING

The following procedures summarize the procedures established by the Federal Highway Administration (FHWA) regulations implementing drug testing under federal law. These procedures are subject to change in the event the FHWA or other

government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions:

- a. When the employee enters the collection site, the employee will be required to provide positive photo identification (i.e., driver's license), empty his/her/their pockets, and display the contents to the collector. If the collector sees items that could be used to adulterate or tamper with a specimen, the donor must leave those items outside the toilet area. If the collector discovers items brought with the intent to adulterate a specimen, the collector may conduct the collection under direct observation.
- b. Circumstances, if any, which require direct observation or re-collection of a specimen, shall be stated to the employee. Direct observation is required if:
 1. A previous specimen was Invalid and there is no medical explanation;
 2. A previous Positive, Adulterated, or Substituted result was canceled because the split specimen test could not be performed;
 3. The collector observed materials brought by the donor with the intent to alter the specimen;
 4. The specimen temperature is out of range; or
 5. The specimen appears to have been altered.
- c. The employee will be instructed to provide at least 45 ml of urine under the split sample method of collection. This will be done in a specifically designated "donor" bathroom.
- d. The urine sample shall be divided into a primary specimen (30 ml) and a split specimen (15 ml).
- e. If the test result of the primary specimen is positive, the employee may, within 72 hours of notice of a positive test result, request that the Medical Review Officer (a licensed physician employed by the health service provider who is responsible for receiving and interpreting laboratory test results) direct that the split specimen be tested in the same or a different DHHS certified laboratory for the presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.
- f. An employee shall be removed from the safety-sensitive position pending the result of the test of the split specimen.
- g. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test.

- h. Employees will be required to complete and sign various forms used to document the testing and chain of custody process. Refusal to sign the test form(s) shall be regarded as a refusal to take the test.
- i. Refusal by an employee to complete and sign the test and chain of custody forms, to provide an adequate amount of urine, or otherwise failure to cooperate with the testing process in a way that prevents the completion of the test will be considered grounds for disciplinary action, up to and including termination.

In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

2. RESULTS OF A POSITIVE TEST

Any employee who tests positive for controlled substances shall be subject to discipline, up to and including termination. As with an alcohol misuse violation, the City is required to act upon a positive drug test result in the following manner:

- a. Remove the employee from the safety-sensitive position. This removal shall only take place after the employee has been allowed to meet or speak with a Medical Review Officer (MRO) in order to determine that the positive drug test did not result from the unauthorized use of a controlled substance;
- b. Refer the employee to the City Employee Assistance Program representative, who will provide the employee with a list of available substance abuse professionals (SAP) from which to choose for assessment and subsequent compliance with recommended rehabilitation;
- c. The employee must be evaluated by a substance abuse professional, who is required to recommend some form of treatment/rehabilitation and/or education, and the employee must comply with the SAP's recommendations. Reports from the SAP on assessment, treatment/rehabilitation, and compliance with the SAP's recommendations must be provided to the designated employee representative (DER) for the City of Racine.
- d. After the SAP's follow-up evaluation on the fitness of the employee to return to work, and prior to returning to duty, the employee must have a negative result on a return-to-duty drug test. The City of Racine, and not the SAP or MRO, has the sole authority whether to return the employee to safety-sensitive duties.
- e. Follow-up testing to monitor the employee's continued abstinence from drug use will be required.

3. REFUSING TO TEST

Any employee found by the Medical Review Officer to have “refused to test” shall be subject to discipline, up to and including termination. Refusal to test shall be deemed as one of the following nine circumstances:

- a. failure to remain until the testing process is complete;
- b. failure to provide a specimen;
- c. failure to permit direct observation of urination, when required;
- d. failure to provide sufficient specimen volume without a legitimate medical condition preventing adequate urination;
- e. failure to appear for testing within a reasonable time;
- f. failure to undergo a medical examination when directed;
- g. failure to cooperate with any part of the testing process;
- h. submission of a specimen that the Medical Review Officer verifies as adulterated or substituted.

4. RESULTS OF A NEGATIVE-DILUTE TEST

On occasion, an employee’s test result from one of the various tests required by the City of Racine under DOT guidelines will be reported as a negative-dilute. A negative-dilute result (Creatinine between 5 and 20 and Specific Gravity between 1.001 and 1.003), means that the urine specimen provided by the donor is a valid urine specimen, but is very dilute, either from intentional “water loading” (consuming large quantities of water just prior to providing the specimen), or because of medications, diet, or medical conditions. In cases such as these, the City will require a re-collection of a urine specimen from the employee (and not under direct observation) and will accept that result as final, even if it also results in a negative-dilute specimen.

5. INVALID TEST RESULTS

An invalid test result occurs when the DHSS-certified laboratory performing the test for some reason cannot complete its analysis of the specimen. There may be an interfering substance (this should not be confused with an adulterated or substituted specimen) or some other difficulty that prevents the testing from proceeding at the laboratory. If there is no medical explanation for the invalid result, the MRO will cancel the test and the City will do the following:

- a. Order an immediate re-collection under *direct observation*.
- b. Not attach any consequences to this result since it is a “non-result.”
- c. Give no notice to the employee and send him/her/them to the collection site immediately.
- d. Have the collector re-collect using the same reason for the collection as the original test.

If there is a medical explanation for the invalid result, such as a legal prescription, the test will be cancelled and no re-collection will be performed, except when a negative test result is required for a pre-employment, return-to-duty, or follow-up test.

6. ADULTERATED OR SUBSTITUTED SPECIMENS

A specimen is considered as adulterated when:

- a. A substance is found in human urine that is not expected to be there.
- b. A substance that is normally found in human urine is found in concentrations that are not consistent with normal human urine (For example, a Creatinine level of 400 mg/dl).
- c. The physical characteristics of the specimen are outside of what one could expect in normal human urine (e.g., smell of bleach, blue color, etc.).

A substituted specimen, on the other hand, is a urine sample so dilute or so concentrated that it is inconsistent with human urine.

When a specimen is reported as adulterated or substituted, the MRO must treat that result like a positive test result. The MRO must interview the donor and give the donor the opportunity to present medical evidence of why the specimen met the criteria for being reported as adulterated or substituted. If the MRO finds no valid medical explanation for the adulteration or substitution, the MRO will report the result as a Refusal to Test with remarks identifying the adulteration or substitution criteria. The donor is entitled to request an analysis of the split specimen to re-confirm the adulteration or substitution findings.

I. Employment Assessment:

Any employee whose job involves performing safety-sensitive functions who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in this policy, shall be referred by the City’s EAP representative to a Substance Abuse Professional (SAP), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP shall evaluate each

employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.

Assessment by a substance abuse professional or participation in the City's Employee Assistance program does not shield an employee from disciplinary action or guarantee employment or reinstatement with the City. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees shall be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program, but only if they go for treatment.

J. Prescription Drugs:

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance that carries a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties. It is the responsibility of employees to inform their physician of the type of safety-sensitive function that they perform so that the physician may determine if the prescribed substance could interfere with the safe and effective performance of their duties or operation of City equipment.

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

Special Note for Rx Opioids: Historically, the DOT's regulation required the MRO to report your medication use/medical information to a third party (e.g., your employer, health care provider responsible for your medical qualifications, etc.), if the MRO determines in his/her/their reasonable medical judgment that you may be medically unqualified according to DOT Agency regulations, or if your continued performance is likely to pose a significant safety risk. The MRO may report this information even if the MRO verifies your drug test result as 'negative.'

As of January 1, 2018, prior to the MRO reporting your information to a third party, you will have up to five days to ensure your prescribing physician contacts the MRO. Under the DOT rule, the driver is responsible for facilitating the contact between the MRO and the prescribing physician. The prescribing physician should be willing to state to the MRO that you can safely perform your safety-sensitive functions while taking the medication(s), or consider changing your medication to one that does not make you "medically unqualified" and/or does not pose a significant safety risk.

If the MRO and prescribing physician cannot agree on a resolution regarding the prescription and conclude the driver must remain "medically unqualified" the City of Racine will either place the driver on administrative leave, offer modified duty not to

include the performance of any safety-sensitive functions, and/or evaluate if the driver qualifies under FMLA as appropriate. During this time, as the driver is unable to perform safety-sensitive functions and likely unable to perform all the essential functions of their job, an ADA interactive process may begin, as required, to help determine reasonable accommodations (if any) for the driver.

K. Confidentiality of Records:

The City respects the confidentiality and privacy rights of all of its employees. Accordingly, the results of any test administered under this Policy and the identity of any employee participating in the City's EAP or other assessment or treatment program will not be revealed by the City to anyone except as required by law. The City shall release an employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the City will ensure that any lab or agency used to conduct testing under this Policy will maintain the confidentiality of employee test records. However, the lab or testing agency may disclose information related to a positive drug or alcohol test of an individual to: the individual being tested; the City; the decision maker in a lawsuit, grievance, or other proceeding by or on behalf of the individual that arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas.

When the Medical Review Officer has reason to believe that the employee may be medically unqualified under a DOT agency rule or believes that the continued performance of safety-sensitive duties by the employee poses a significant safety risk, it is mandatory for the MRO to release medical information to the City or other relevant third party. In all other cases, the MRO will not reveal individual test results to anyone unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to the City, without an authorization, relevant information as to whether the employee is qualified to perform safety-sensitive functions or whether the employee has tested positive for alcohol or a controlled substance. The City will not release the information on the employee's qualification to perform safety-sensitive functions to a third party without first obtaining the tested employee's written authorization and consent, except to the decision maker in the lawsuit, grievance, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test, or as required by law, including court orders or subpoenas.

All records related to drug and alcohol tests of individual employees shall be maintained in individual files separate from the employee's personnel file. These records will be stored in a locked cabinet and access will only be allowed to those city employees who have a legitimate need to review the records of a particular employee.

Section 6.09 USE OF CITY EQUIPMENT POLICY

The City of Racine provides any supplies, uniforms, equipment, vehicles, and materials necessary for employees to perform their jobs. These items are to be used solely for City-related business. Employees will not:

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

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

Section 6.10 VEHICLE/DRIVING POLICY

In order to establish and maintain a high level of professionalism in the operation of motor vehicles and equipment within the scope of employment and office, which applies to all City employees and elected officials, the City has created the following standards:

A. Use of Personal Vehicle on City Business:

1. Requires prior approval (except elected officials) of the appropriate Administrative Manager;
2. The employee must provide proof of insurance yearly to the Human Resources Department showing that the employee has the following minimum acceptable limits: \$100,000 liability per person and \$300,000 per occurrence, \$50,000 property damage coverage, and \$100,000 per person and \$300,000 per accident uninsured motorist protection. Reimbursement for mileage shall not be paid if an individual is not in compliance with this requirement;
3. Employees or officials providing their own vehicle to be used on City business will be reimbursed on a per-mile basis at a rate determined by the City. All maintenance, operating, insurance, and other expenses are the responsibility of the employee or elected official. The employee's or elected official's insurance shall be considered primary.
4. If the employee's or elected official's regular vehicle is out of service or otherwise unavailable, it is the employee's or elected official's responsibility to provide an alternate vehicle;
5. Motorcycles and/or mopeds shall not under any circumstances be used to conduct City business and are not eligible for mileage reimbursement;

6. It is the responsibility of an employee to immediately inform his/her/their supervisor of any restriction, suspension, or revocation of driving privileges that would affect his/her/their legal ability to operate a vehicle on City business. Failure to comply with this requirement shall result in disciplinary action up to and including termination. An elected official whose driving privilege is restricted, suspended, or revoked shall not use his/her/their vehicle on City business; and,
7. An employee's failure to comply with City policy, loss of driving privileges, or fraudulent reporting of vehicle use could result in disciplinary action or loss of the privilege to operate a vehicle on City business. The City may review the driving records of employees who are required to drive in the course of their employment.

B. Use of City Owned Vehicles:

The operation of a City-owned vehicle is a privilege that may be withdrawn at any time at the sole discretion of the City. Employees or elected officials shall not operate a City vehicle of any type unless they comply with the following:

1. Maintain a valid Wisconsin Driver's License at all times and maintain a satisfactory driving record. If an employee does not reside in the State of Wisconsin, he/she/they must maintain a driver's license corresponding to their state of residence.
2. An employee shall immediately report to his/her/their supervisor any loss, suspension, revocation, or other restriction of driving privileges. Failure to immediately inform the supervisor of any loss, suspension, revocation, or other restriction of driving privileges will result in disciplinary action up to and including termination;
3. The employee shall maintain a satisfactory driving record. The City may review the driving records of employees who are required to drive in the course of their employment.
4. Perform all required maintenance and equipment checks in accordance with department policy. In addition, fluid levels shall be checked each time the vehicle is fueled;
5. The windows and interior of all vehicles shall be kept clean at all times. The driver of the vehicle is responsible for ensuring that the interior of the vehicle is free of litter and other debris at the end of each day.
6. City employees are not authorized to allow non-employees to ride in or on any City vehicle without departmental permission;

7. Drivers shall direct their full attention to the safe operation of the vehicle, will adhere to the posted speed limit and traffic laws, and will drive defensively;
8. Consumption of alcoholic beverages or controlled substances immediately prior to or during the operation of a City vehicle is prohibited.
9. Personal use of City vehicles or equipment is prohibited; and
10. Failure to comply with City policies, loss of driving privileges, or inappropriate City vehicle use could result in disciplinary action, or loss of the privilege to operate a City vehicle and the ability of the employee to perform his/her/their job.

C. Pre-Employment Driving Standards:

In order to meet the minimum requirements for employment with the City for a position that requires the operation of a motor vehicle, the following uniform standards will apply:

1. A candidate must possess a valid and appropriate Wisconsin Driver's License before an offer of employment can be made;
2. A candidate for a position requiring a Commercial Driver's License (CDL) shall possess a valid CDL before starting employment; and
3. Conviction of traffic offenses that substantially relate to the use of a vehicle for City business may result in the rejection of an applicant for City employment.

D. Accident Monitoring and Review Policy and Procedure:

All accidents involving City vehicles or equipment shall be promptly reviewed. Employees are responsible for immediately reporting accidents to his/her/their immediate supervisor. Supervisors should investigate and secure a copy of the Police Report, if any, within three working days. The Administrative Manager shall review all vehicle accidents involving City vehicles and/or personnel under his/her/their control and make recommendations to the supervisor and the employee within five days, if possible.

Section 6.11 COMPUTER HARDWARE AND SOFTWARE POLICY

This policy establishes the requirements and responsibilities to the City's computer systems by all City officers, officials, employees, and contractors/vendors who use City computers.

A. Computer Use Policy and Procedure Requirements:

1. Computer equipment, including software, hardware, and related services, owned or leased by the City must be safeguarded from damage, abuse, loss, and degradation due to inappropriate use.

2. No person shall load computer games, screen savers, or background software onto City equipment.
3. No person shall remove computer hardware, software, peripheral equipment, or documentation from City premises without express permission from the Information Systems Director and only for the purpose of performing City business. Equipment that is portable and on a list of authorized portable devices may be removed from City premises upon permission from the requestor's department or Administrative Manager.
4. No person shall, for personal use, copy software data, files, etc., owned or licensed by the City, unless authorized by their Administrative Manager to do so (and allowed by licensing agreements) to perform City business using their personal computer. With their supervisor's authorization, employees may exchange work-related, non-executable data files between their personal and City computers.
5. Because of the risk of computer viruses, defective programs, and corrupted data, no person shall use a computer file from a non-City source without first scanning the file for viruses, or installing or copying personally owned or licensed files or programs to City owned computer equipment beyond the employee's permission level without the approval of the Director of Information Systems.
6. No employee shall engage in unauthorized personal business during work time or unauthorized or improper use of City property or equipment. Any such action may result in discipline up to and including dismissal. Use of computer equipment for purposes other than City business during work time, except as otherwise authorized by City policy, shall be considered an offense subject to such discipline. This includes, but is not limited to, the use of computers and related devices, and online services, including the Internet, etc.
7. All computer passwords used at the City must remain secret and no person shall give his/her/their password to any other person for any reason, nor shall the password be posted at a workstation.
8. All City hardware shall be installed by an authorized Information System employee or designated vendor. No person shall take apart, install, relocate, or remove any hardware on any computer or peripheral device for any reason, except as specifically authorized to do so.

B. Computer Software Licensing and Use Policy Requirements and Procedures:

1. No person shall load software or run software on City computers or network servers without specific written approval of the Information Systems Director. Unless specifically authorized in writing by the vendor or developer, no person shall copy any software or documentation for any reason. All software shall be

registered with the Information Systems Department and no person shall run public domain software on any City computer or network server until its source has been determined and it has been checked for viruses.

2. Unauthorized copying or use of computer software is not considered to be within the scope of employment. Authorized persons shall use City software only in accordance with the applicable license agreements. No software shall be run on City computers or network servers for production purposes unless used in this manner. Unlicensed software may be run for up to 30 days for the purpose of testing/evaluation if done with the knowledge and consent of the Information Systems Director and the vendor, developer, or reseller. If not licensed, the software shall be removed at the end of the 30-day period.
3. The City and all its authorized officers, officials, employees, contractors and vendors shall cooperate fully with any governmental agency that is legally authorized to conduct software audits.
4. Persons who make or knowingly use illegal copies of computer software are subject to disciplinary action up to and including dismissal, and may also be liable for civil damages of up to \$100,000 and criminal penalties, including fines and imprisonment.
5. If the City is sued or fined because of unauthorized copying or use of software by any person, it may seek repayment from such person of any and all costs, fees and fines. Under no circumstances shall the City be liable for any costs, fees or fines for any person who is sued or fined individually under such circumstances.
6. Information System authorized personnel only are permitted to load software on City computers and network servers.
7. All persons using a City computer shall audit the software residing on their computer to ensure compliance with the license agreements for that computer. Information System personnel shall audit the software residing on network servers at least annually to verify licensing agreements. Unlicensed software, other than that legally being tested/evaluated shall be removed immediately.
8. Violations of this policy should be reported to the Information Systems Director.

Section 6.12 SOCIAL MEDIA POLICY

This policy is intended to provide City of Racine employees with guidelines for appropriate online activity involving social media. In general, the City views social media, which by way of example includes, but is not limited to, social networking, blogs and micro-blogs, content-sharing sites, and image-sharing sites, positively and respects the rights of employees to use social media as a medium of self-expression. The City recognizes the importance of participating in online conversation and communities and supports our employees' responsible involvement in

these rapidly growing technologies. The nature of the Internet is such, however, that what you “say” online will be captured forever and can be transmitted endlessly to the public without your consent or knowledge. If an employee chooses to identify as an employee of the City when utilizing such media, some readers may view the employee as a representative or spokesperson of the City. In light of this possibility, when employees participate in online and digital social media, they must understand and adhere to the City’s Social Media Policy.

The following Guidelines should be utilized by employees when referring to the City, its programs or activities, its residents or customers/clients, or other employees in any online medium, and applies to all forms of social media including, but not limited to, blogs, Facebook, Myspace, LinkedIn, Twitter, Instagram, YouTube, and Wikipedia. These Guidelines also apply to any comments that employees may leave on others’ blogs or Facebook pages, edits to Wikis, responses to Tweets, or posting on any other message boards or forums.

A. Guidelines:

1. Employees are personally responsible for the content they publish unless his/her/their job responsibilities are related to maintaining the City’s formal online presence. In the event you are promoting the City, its products or services, even anonymously, you must use only truthful statements and you must clearly disclose that you are a City employee. Federal law requires that employees endorsing or promoting their employers must disclose the name of the organization with whom they are employed.
2. Employees may not post anything on social media in the name of the City or in a manner that could reasonably be attributed to the City without the prior written authorization from a City supervisor or manager. If employees do disclose their affiliation with the City (for example, in an online profile), they must use an appropriate disclaimer to make clear that they are speaking only on behalf of themselves and not on behalf of or as an agent of the City. An example of a disclaimer would be: *The opinions and viewpoints expressed are those of the author and do not necessarily represent the position or opinion of the author’s employer.*
3. Employees may not disclose any confidential information, or the confidential information of a third party, obtained in the course of their employment. Confidential information is defined as information disclosure that is prohibited by federal, state, or local law, personal health information of others, non-public law enforcement records, attorney-client privileged information, or other similar types of information.
4. Employees should respect all copyright laws. As a general rule, you should not distribute or incorporate material that you have retrieved or copied from another website or publication unless your usage of such material meets the legal definition of “fair use.”
5. Employees may not use social media to harass or intimidate other employees, residents, customers/clients, or other third parties in violation of the City’s Equal Employment Opportunity Policy or Anti-Harassment and Discrimination Policy.

Behaviors that constitute harassment and intimidation include but are not limited to, comments that are derogatory with respect to race, color, religion, gender, sexual orientation, disability, or any other protected characteristic under the law, sexually suggestive, humiliating, or demeaning comments or threats.

6. Posting, uploading, or sharing any recording, images (including audio, pictures, and videos), or other information in any online posting taken in the workplace without express advance authorization is prohibited.
7. Disparaging the City's services, clients, executive leadership, employees, or strategy, promoting or endorsing violence, making false or misleading statements, or promoting illegal activity, is strictly prohibited.
8. During work time, employees are prohibited from writing, posting, or otherwise contributing to social media unless such activity is requested by the City and is directly related to, or necessary, for an employee's performance of his/her/their job responsibility.
9. Employees have an ongoing duty to report any violations of this policy by any other employees. The City considers the duty to report to be a critical component of its efforts to ensure the safety of its employees and to preserve the City's reputation and goodwill in the community.
10. Nothing in this Social Media Policy should be construed or interpreted as interfering or impacting employees in the exercise of their rights under any federal, state, or local laws governing the relationship between employers and employees. Furthermore, nothing in this policy is meant to prevent an employee from engaging in lawful protected concerted activity, or expressing a personal opinion on a matter of public concern that may be balanced against the interests of the City of Racine.

B. Monitoring:

The City may monitor the Internet and City equipment for employee compliance with this policy and to enforce other City policies.

C. Social Media Content as a Public Record:

1. Content posted by City employees or content posted on behalf of the City to social media sites is considered a public record, to the extent that the content relates to government business. This includes not only currently "live" content, but also past content. Such social media content must be produced if it is responsive to a public records request.
2. All social media content posted by City employees that relates to government business or content posted on behalf of the City must be preserved and retained and cannot be deleted from the social media platform.

D. Disciplinary Action:

If City employees fail to abide by this policy and its guidelines, or any other of the City's policies while online, violators may be subject to legal or disciplinary action by the City, up to and including termination.

Section 6.13 ETHICS POLICY (SECTIONS 2-576 – 2-585, MUNICIPAL CODE)

A. Purpose (Sec. 2-576):

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government and in the proper channels of governmental structure; that public offices and employment not be used for personal gain, and that the public have confidence in the integrity of its government. To assist in attaining these goals, there is established a code of ethics for all City of Racine ("city") officials, including members of boards, committees, commissions, the mayor and employees, whether elected or appointed, paid or unpaid.

B. Policy (Sec. 2-577):

- a. The purpose of this code is to establish guidelines for ethical standards of conduct for all city officials and employees by setting forth those acts or actions which are incompatible with the best interests of the city and by requiring such officials and employees to disclose personal interests, financial or otherwise, in matters affecting the city.
- b. Nothing contained in this code is intended to deny to any individual the rights granted by the United States Constitution, the constitution of this state, the laws of this state, or labor agreements between the city and its bargaining units.

C. Definitions (Sec. 2-578):

The following definitions shall be applicable in this code:

- a. *Anything of value* means any money or property, favor, gift, service, payment, advance, forbearance, loan, or promise of future employment, including, but not limited to, remuneration, tickets, passes, lodging, travel, recreational expenses and admission offered and provided by persons doing business or interested in doing business with the city. "Anything of value" does not include compensation and expenses paid by the City of Racine, fees and expenses which are permitted and reported under Wis. Stats. §19.56, political contributions which are reported under chapter 11 of the state statutes, or hospitality extended for a purpose unrelated to public business by a person other than an organization.

- b. *Associated* (when used with reference to an organization) includes any organization in which an individual or a member of their immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least ten percent of the outstanding equity or of which an individual or member of their immediate family is an authorized representative or agent.
- c. *Board* means the board of ethics created by this code of ethics ordinance.
- d. *Business* means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- e. *Candidate for elective office* means any person who files nomination papers and a declaration under Wis. Stats. § 8.10 for the purpose of appearing on the ballot for election to an office in the City of Racine or any person nominated for a city office in an election through the write-in process and who files a declaration pursuant to Wis. Stats. § 8.10.
- f. *Confidential information* means written material or oral information related to city government, which is not otherwise subject to the public records law and which is expressly designated or marked as confidential.
- g. *Conflict of interest* means a public official's act or failure to act in the discharge of his/her/their official duties which could reasonably be expected to produce or assist in producing a substantial economic or personal benefit for such official, his/her/their family or an organization with which the official is associated.
- h. *Economic interest* means any interest that will yield directly or indirectly a monetary or other material benefit to the public official or to any person employing or retaining the services of the public official, or any member of the family of said public official, except as permitted by Wis. Stats. § 946.13.
- i. *Financial interest* means any interest which would yield, directly or indirectly, a monetary or other material benefit to the public official or his/her/their spouse or to any person employing or retaining the services of the public official or his/her/their spouse.
- j. *Gift* means the payment or receipt of anything of value without valuable consideration.
- k. *Immediate family* means any individual related to a public official as spouse or legal dependent for federal income tax purposes.
- l. *Income* means the meaning given under the Federal Internal Revenue Code.

- m. *Incompatibility* means a conflict between one's official responsibilities and personal or economic interest which would prevent the public official from the complete and proper discharge of his/her/their official duties.
- n. *Organization* means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust, or other legal entity other than an individual, body politic or charitable entity.
- o. *Person* means any natural person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, joint venture, trust, or other legal entity recognized as such by the laws of the state.
- p. *Privileged information* means information obtained under government authority which has not become a part of the body of public information.
- q. *Public official* means any person holding an elected city office and candidates for elected city office, or any person holding an appointed city office, including all city Administrative Managers, all city employees, and all citizens appointed by the mayor or common council to advisory boards, or commissions, and elected officials, and appointed members of committees and panels who are not elected.
- r. *Statement of economic interest* means the factual statement filed pursuant to the provision of this chapter which contains the information set forth in Section 2-579.
- s. *Valuable and sufficient consideration* means payment or compensation of an amount equivalent to the actual value of any item received. If the actual value cannot be determined, payment or compensation of a reasonable value is acceptable.

D. Financial Disclosure and Certification (Sec. 2-579):

- a. *Statement of economic interests and certification.* Except as otherwise provided herein, all city officers (except the municipal judge), candidates for city elective office, the city administrator, administrative managers, the finance director, the assistant commissioner(s) of public works, the deputy city clerk/treasurer, the deputy city attorney and the chief of operations of the water/wastewater utilities shall file a statement of economic interests, which shall contain the type of information required in Wis. Stats. § 19.44(1) and shall be provided subject to the conditions contained in Wis. Stats. §§ 19.44(2), (3), and (4). City officers who serve without salary upon appointment by the mayor or common council, except members of the redevelopment authority, shall not be required to file a statement of economic interests but shall file a signed certification that they have received a copy of the laws and ordinances relating to conduct prohibited in the state and city

code of ethics, that they have read such provisions and agree to abide by the applicable standards of conduct.

- b. *Filing statement.* Individuals required to file a statement of economic interests shall file the statement with the board within the time specified in Wis. Stats. § 19.43(1) or (2), as applicable, or, if a candidate for elective city office, Wis. Stats. § 19.43(4).
- c. *Form to be provided.* The city clerk shall, by March 1 of each year, provide the statement of economic interests form to all persons required to file the statement, excepting candidates for elective city office, along with a notice to complete and return the form by March 31 of that year. The city clerk shall provide the form to candidates for elective city office at the time the candidate files his/her/their campaign registration form. The city clerk shall provide the certification form, along with a copy of the applicable state laws and city ordinances, to those persons required to file the certification specified above upon the initial appointment of such persons to the board, commission or committee. The city clerk shall also provide the certification form to those board, commission and committee members not required to file the statement of economic interests but who are serving as an appointed member on February 1 of the given calendar year.
- d. *Preservation of records.* The city clerk shall preserve the statements of economic interests for a period of six years from the date of receipt, except that:
 - 1. Upon the expiration of three years after an individual ceases to be a city public official the clerk shall, unless the former official otherwise requests, destroy any statement of economic interests filed by him/her/them and any copies thereof in the city clerk's possession.
 - 2. Upon the expiration of three years after any election at which candidates for elective city office were not elected, the city clerk shall destroy any statements of economic interests filed by them as candidates and any copies thereof in the city clerk's possession, unless they continue to hold another position for which they are required to file a statement, or unless they otherwise request.
- e. *Disclosure.* The city clerk shall make statements of economic interests available to the public under the conditions for public inspection contained in Wis. Stats. § 19.55.

E. Penalties for failure to disclose economic interests (Sec. 2-580):

- a. *Candidates.* The city clerk is directed to omit the name of any candidate for elective city office from an election ballot who has not timely filed his/her/their statement of economic interests with the city clerk in accordance with this article.

- b. *Officers and employees.* The city clerk shall advise the finance director of any officer or employee who is required to file a statement of economic interests and fails to do so in accordance with the requirements of this article. The city treasurer is directed to withhold the salary and compensation of all kind from any such person until the officer or employee complies with this requirement. If the statement of economic interests or the certification of an officer who serves without salary is not received by the city clerk within the time required, the city clerk will provide written notice of such delinquency to the officer. If the statement or certification is not filed with the city clerk within 30 days after the date the notice is served or mailed by the city clerk, then the appointment of the officer shall be terminated by the appointing authority.

F. Prohibited conduct (Sec. 2-581):

- a. *Violation of work rules.* Appointed officials and employees shall adhere to the rules of work and performance standards established for their positions. Officials and employees shall not exceed their authority or breach the law or ask others to do so. They shall cooperate with public officials and employees from other governmental bodies, agencies, or jurisdictions unless prohibited by law from doing so. They shall not disclose confidential information or privileged information gained in the course of, or by reason of his/her/their official position or official activities.
- b. *Use of office for private gain.* No public officials may use their public position or office to obtain financial gain or anything of substantial value for the private benefit of themselves or their immediate family, or for an organization with which they are associated. This includes the acceptance of free or discounted admissions to athletic or other entertainment events. A local public official is not prohibited from using the title or prestige of their office to obtain campaign contributions that are permitted and reported as required by Wis. Stats. Ch. 11.
- c. *Offering or receiving anything of value.* No person may offer or give to a public official, directly or indirectly, and no public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official.

A candidate for office or a public official may not utilize their vote to influence or promise to take or refrain from taking official action on matters under consideration or upon condition that any person make or refrain from making a political contribution or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under Wis. Stats. § 11.05, or any person making a communication that contains a reference to a clearly identified public official or candidate for public office.

- d. *Taking action affecting a matter in which an official has financial interest.* A public official may not take any official action that substantially affects a matter in which the official, a member of their immediate family, or an organization with which the official is associated has a substantial financial interest. Nor, may the official's office be used in a way that directly or indirectly produces or assists in the production of a substantial benefit for the official, or one or more members of the official's immediate family, or an organization that the official is associated with.

However, a public official is not prohibited from taking any action concerning the lawful payment of salaries, employee benefits or reimbursement of actual and necessary expenses. Nor is the official prohibited from taking official action with respect to any proposal to modify city ordinances.

- e. *Bribery.* Public officials and employees are prohibited from accepting any money, property or other personal advantage they are not authorized to receive by anyone who promises this with the intention of influencing the public official or employee's conduct regarding any matter in which law is pending.
- f. *Misconduct in office.* Public officials and employees are prohibited from:
1. Intentionally failing or refusing to perform a known mandatory, nondiscretionary, ministerial duty of their office or employment within the time or in the manner required by law.
 2. Performing an act knowingly in excess of their lawful authority or one in which they know they are forbidden by law to do in their official capacity.
 3. Whether by act of commission or omission, exercising a discretionary power in a manner inconsistent with the duties of their office or employment or the rights of others and with intention to obtain a dishonest advantage for themselves or another.
 4. Intentionally falsifying an account, record book, return, certificate, report, or statement in the officer or employee's official capacity.
 5. Intentionally soliciting or accepting anything of value, known by the officer or employee to be greater or less than is fixed by law, for the performance of any service or duty.
 6. Using city property in a manner that is prohibited by policy, or that causes unnecessary costs, congestion, disruption or damage to city property, or other inappropriate uses which include, but are not limited to:

- a) Intentionally or unintentionally permitting the use of city property, equipment or vehicles by unauthorized persons;
- b) Using city logos or titles to misrepresent materials as official or misrepresenting, either implicitly or explicitly, personal views or comments as an official city policy or position;
- c) Using property owned by the city or services paid for with city funds for personal gain or to maintain or support a private business.
- d) Violating any portion of the city's "computer hardware and software policy."

g. *Nepotism*. Public officials and employees are prohibited from:

- 1. Using their public office to obtain employment for the official's spouse or a dependent relative. However, if the official is not involved in the hiring, promotion or conditions of employment, a qualified spouse or dependent may be hired or promoted.
 - 2. Advocating for or hiring or promoting, or exercising jurisdiction, supervision or direction over someone the official is related to as a parent, grandparent, child, grandchild, sibling, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew or spouse.
- h. *Incompatibility of offices*. No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service conflicts with the proper discharge of his/her/their official duties or would tend to impair such official's or employee's independence or judgment or action in the performance of such duties, unless otherwise permitted by law and unless disclosure is made as herein provided.
- i. *Conduct prohibited by state law*. Except as specifically provided in this chapter, the provisions of all applicable Wisconsin Statutes, including, but not limited to, Wis. Stat. §§ 19.41—19.59, 66.0501, 125.51, 946.10, 946.12 and 946.13, are adopted and by reference made a part of this code and shall apply to public officials whenever applicable. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code.

G. Action upon conflict of interest (Sec. 2-582):

- a. If any city officer or employee who, in the discharge of official duties, is required to take an action that is prohibited by this article, and which would result in a conflict of interest, such city officer or employee:
 - 1. Shall not take such action.

2. Shall prepare a written statement describing the matter requiring action or decision, and the nature of the possible conflict of interest with respect to such action or decision.
 3. Shall deliver copies of such statement to the ethics board and to his/her/their immediate superior, if any.
 4. In the case of an alderman, may deliver a copy of such statement to the mayor and common council. The city clerk shall cause such statement to be printed in the official proceedings and, upon request, such alderman shall be excused from voting, deliberating and taking other actions on the matter on which a possible conflict exists.
- b. If the city officer or employee is not an alderman, his/her/their superior, if any, shall assign the matter to another employee who does not have a possible conflict of interest. If the city officer or employee has no immediate superior, he/she/they may seek advice from the ethics board to remove himself/herself/themselves from influence over actions and decisions on the matter on which the possible conflict exists.
 - c. The board shall review the statement describing the matter requiring an action or decision and the nature of the possible conflict of interest, and may advise the city officer or employee. Any people subject to this article may request of the board written advice regarding the propriety of any matter to which they are or may become a party. Written advice issued under this subsection shall be confidential except that it may be subpoenaed by any court of record or the common council or committee thereof. No person, except the person who initially requested preparation of the statement, may make the contents of any written advice or other records of the board public. It shall be prima facie evidence of intent to comply with this article when a person refers a matter to the board and abides by its written advice.
 - d. A city officer or employee may request the board to obtain an advisory opinion from an impartial attorney on the application of this article to a given set of circumstances, real or hypothetical, or the board may request such an opinion on its own motion.
 - e. Nothing in this section prohibits an alderman from making decisions concerning reimbursement of expenses, salaries or salary-related benefits of aldermen.

Section 6.14 CONFIDENTIALITY

Because of an employee's responsibilities at the City, an employee may have access to confidential City, resident, personnel, or other sensitive information that is not releasable to the public. This may include information concerning a resident's financial status or tax situation,

resident or employee medical information, employee records including disciplinary history, confidential attorney-client communications or privileged attorney work product, and/or the City's business practices including purchasing and negotiating strategies. This sensitive information cannot be disclosed to any personnel who do not have a legitimate business need to know such information or to persons outside the City organization without the determination of the City Administrator or Administrative Managers as designated and authorized by the City Administrator. All employees are responsible for protecting the confidentiality of this information.

Section 6.15 DRESS AND PERSONAL APPEARANCE (NON-UNIFORMED PERSONNEL)

- A. Dress Code – Maintaining and projecting a professional business-like appearance to citizens, visitors, co-workers, and the public at large is important to the image of the City of Racine. As representatives of the City, all employees are expected to dress in a professional manner that also assures their safety and ability to perform their jobs. An employee's dress and grooming should be appropriate to his/her/their work situation. This includes refraining from wearing inappropriate attire, such as revealing or provocative clothing to the workplace and to other functions and activities that are directly or indirectly related to the City of Racine. The City has therefore established a standard for employee dress, grooming, and personal hygiene to ensure a productive and safe work environment as well as to maintain a City-wide professional image. The City has the exclusive right to determine and establish standards of dress, grooming, and personal hygiene dictated by need, exposure to the public, safety, modesty, and common sense in the workplace and at other functions and activities that are directly or indirectly related to the City of Racine.

The City recognizes that personal appearance is a form of self-expression. The City makes no effort to control or dictate employee appearance, except where it conflicts with City policy or operations, health, and safety, or interferes with another employee's ability to perform his/her/their job. Requests for reasonable accommodation (i.e., Title VII, ADA) will be considered on a case-by-case basis. Employees must exercise good hygiene at all times.

City management has the discretion to determine whether an employee's dress and appearance comply with this policy. Employees who do not comply with the Dress and Personal Appearance Policy will be sent home to change. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Repeated non-compliance with the Dress and Personal Appearance Policy will result in disciplinary action up to and including discharge.

1. *Business Casual*: Each workday, employees are expected to dress in a business manner consistent with the department in which the employee works.

Please use good judgment in determining how casual your clothes should be.

Exceptions to the lists of Acceptable and Unacceptable Clothing below may be made at the discretion of the employee's Administrative Manager if such exceptions are deemed appropriate based on the nature of the employee's work. Any such exceptions should be discussed with an employee's Administrative Manager prior to an employee deviating from the lists below.

Acceptable Clothing:

- a) Casual khakis, Dockers, or dress slacks
- b) Capri pants (length should be no shorter than between knee and ankle)
- c) Business casual leggings (shirt/jacket must cover your behind)
- d) Button-down shirts and blouses
- e) Collared shirts, knit shirts, golf shirts
- f) Sweaters and vests
- g) Jackets, blazers, sport coats
- h) Dresses and skirts (no shorter than two inches above your knee)
- i) Business suits may be required in some circumstances

Unacceptable Clothing:

- a) Jeans with holes, rips, or in disrepair
- b) Cargo pants, athletic-style leggings
- c) Tank tops, sleeveless dresses or tops, unless a sweater or jacket with sleeves is also worn over the garment
- d) Shorts or skorts
- e) Tennis or athletic shoes
- f) T-shirts with slogans or advertising
- g) Any see-through, low-cut, or revealing clothes, halter tops, tube tops, or spaghetti straps
- h) Cropped or short tops or skirts (that may result in your midriff or backside showing when you reach up, bend over, or sit down)
- i) Sweatshirts and sweatpants
- j) Flip flops or beach footwear

2. *Optional Casual Days:* Fridays and occasional workdays immediate to Friday Holidays are designated as Optional Casual Dress Days. Individual Administrative Managers may decline to permit their department to participate in casual days.

Employees who participate in the Sunshine Club's monthly donation program may wear casual attire on Optional Casual Days. Employees are asked to dress appropriately when selecting apparel. For example, blue jeans and blue denim are allowed as casual attire provided they are neat, clean, and not torn, patched, or shredded.

Business casual attire may be required on casual dress days based on business needs.

3. *Body Piercings and Tattoos:* Body piercings should be modest and conservative and should not pose any safety threat to the employee or the customer. Employees may be asked to remove body-piercing jewelry during work hours if it does not reflect a professional atmosphere of service to the public or if it limits clear communications with the public. Employees may be required to cover tattoos.
- B. Identification Badges – Except where it would cause a safety hazard or directly interfere with an employee’s ability to perform his/her/their work as determined by an Administrative Manager, City-issued identification badges must be worn by all employees at all on-duty times in an easily visible spot at or above the waist. The employee's picture, name, and current title or department must be facing outward so the employee may be easily identified by name. Any employees engaged in direct service to, or involvement with, members of the public shall wear identification badges at all times while performing their duties. Belt clips will be supplied by the employer. Employees may also wear identification badges on neck lanyards.

An Administrative Manager may, in writing, with a copy to the City Administrator, determine that the wearing of identification badges would interfere with the ability of employees to perform their work in specific job classifications, or while performing specific duties. Notwithstanding this exception, all employees shall be required to wear identification badges while engaged in customer service or while working with members of the public.

Uniformed employees who are required to wear a badge or identification badge as part of their uniforms are exempt from this additional requirement.

Section 6.16 PRIVACY IN LOCKER ROOMS

The purpose of this policy is to communicate the requirements set forth in 2007 Wisconsin Act 118, which relates to capturing an image of a nude or partially nude person in a locker room, and to clarify guidelines for locker room entry and use of permitted recording devices.

All persons who utilize a City locker room may reasonably expect privacy while in the locker room. The following are expressly prohibited in City locker rooms:

1. Use of a recording or surveillance device, which includes a cellular phone, to capture, record, or transfer an image of a nude or partially nude person in a City locker room.
2. Capturing a representation of a person depicting that person nude or partially nude without that person’s knowledge and consent.
3. Capture, record, transfer, display, reproduce, or distribute, a representation of a nude or partially nude person depicted without that person’s knowledge and consent.

Anyone who is aware of the use of a recording or surveillance device in a City locker room which

may be in violation of this policy, should immediately report the use to their immediate supervisor.

Employees found in violation of this policy are subject to discipline, up to and including termination, in addition to the following criminal penalties:

1. Class A Misdemeanor

Whoever intentionally does any of the following is guilty of a Class A misdemeanor, unless the person consents to the display, distribution, transmission, or broadcast of the image and is, or reasonably believed to be, over the age of 18 or the person's parent, guardian or legal custodian consents to it:

- i. Captures an image of a nude or partially nude person in the locker room and displays or distributes the image to another.
- ii. Transmits or broadcasts an image of a nude or partially nude person from a locker room.

2. Class B Misdemeanor

Whoever intentionally captures an image of a nude or partially nude person in the locker room is guilty of a Class B misdemeanor, unless the person consents to it and is, or reasonably believed to be, over the age of 18 or the person's parent, guardian or legal custodian consents to the capture of the image.

Section 6.17 SAFETY POLICY MANUAL

The City of Racine is committed to providing a safe and hazard-free workplace for all employees. The City will provide safe working equipment, personal protective equipment when needed, and first aid treatment and medical treatment if required. At the same time, it is expected that employees shall, as a condition of continued employment, abide by the standards established in the *City of Racine Safety Policy Manual*.

These rules are intended to specify the general standards by which employees shall perform their jobs. However, these rules are not exhaustive and individual department rules may apply. Violation of safety rules or standards will result in disciplinary action. Recommendations or suggestions regarding the addition or modification of these safety rules should be made to your supervisor. As used in these rules, shall is interpreted to mean "required" while should is interpreted to mean "recommended, but not required."

Management reserves the right in its discretion to supplement, alter, modify, amend, or rescind these rules from time to time as necessary. It is not intended that these rules will modify, amend, or in any way contravene the provisions of any of our labor agreements, or Work Rules. Any grievances arising out of the interpretation of these rules are subject to the grievance procedure.

These rules were developed to apply to employees at all levels of employment. The intent was to develop rules that fulfilled the desired goal of providing a safer workplace. The ultimate success of this effort will depend upon the continued cooperation of employees and administration.

Section 6.18 POLITICAL ACTIVITY

Employees will not be discriminated in favor or against because of political contribution, permitted political activity, or neutrality. Employees may not engage in any form of political activity on the job. Employees may not engage in political activity off-the-job to such an extent that it interferes with doing his/her/their job.

Section 6.19 SMOKING POLICY

It is the policy of the City that any City employee who continues to smoke during working hours will limit such smoking only during the employee's normal break(s) or lunch period. Failure to comply will subject the employee to discipline up to and including termination.

Section 6.20 TOBACCO USE

No employee will be permitted to use tobacco or e-cigarettes while in a City building or in any City-owned vehicle. Failure to comply will subject the employee to discipline up to and including termination.

Section 6.21 CHANGES IN EMPLOYEE INFORMATION

It is the responsibility of all employees to report any kind of changes, such as a change of address, telephone number, or personal data (such as marital status, number of dependents, etc.) to the Human Resources Department within 30 days of such change. Changes may be made via Munis Self-Service. Employees who change direct deposit instructions for their paychecks must advise the Payroll Department within ten (10) days of making such change so that the paycheck may be processed correctly.

Section 6.22 SECONDARY EMPLOYMENT

Employment with the City by regular part-time and regular full-time employees should be considered the employee's primary employment. Secondary employment with other entities must not conflict, whether real or implied, with the duties of the employee. The City has priority call on the services of its employees regardless of any conflict with secondary employment. An employee who engages in secondary employment must clearly define himself/herself/themselves as an employee of the secondary employer and not act or treat himself/herself/themselves as an employee or agent of the City. Employees must still comply with all policies, rules, and general expectations of conduct when engaging in off-duty behavior regardless of such secondary employment. The City may terminate the employment of an employee whose secondary employment may interfere with the performance of his/her/their work, where a conflict, whether real or implied exists, where the interests of the City are impacted as a result of the secondary employment, or where such employment or conduct negatively affects the image of the City or its employees. An employee will not be permitted to work for another employer while on a leave of absence or while absent for illness from the City.

An employee who holds secondary employment while employed by the City must notify his/her/their supervisor of such secondary employment.

Employees who engage in outside employment shall not conduct any business related to such employment on City premises or during hours in which such employees are working for the City or advertise the outside employment either directly or indirectly on City premises during work.

Section 6.23 FUNDRAISING ACTIVITY

The City participates in the annual United Way fund drive. The Sunshine Club is a sanctioned activity that is open to any City Hall employee. It is important that employees, especially subordinates, not be subjected to the subtle pressure that exists to give to fundraising activities. Employees are not required to participate in any fundraising activities. This includes, but is not limited to, fundraising for charities other than the annual United Way fund drive, sale of items for school or scouting fundraisers, and similar activities.

Section 6.24 EMPLOYEE PERSONAL RELATIONSHIPS

The City of Racine strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to influence others.

- A. During working time and in working areas employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
- B. During non-working time, such as lunches, breaks, and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.
- C. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on City premises, whether during working hours or not.
- D. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the City's disciplinary policy. An employee's failure to change such behavior and maintain work performance and environment is viewed as a serious disciplinary matter.

- E. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this private-conduct principle, however, is romantic or sexual relationships between supervisors and subordinates, which are never appropriate.
- F. Supervisors, managers, executives, or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Human Resources Manager. This disclosure will enable the organization to determine whether any conflict of interest exists because of the relative positions of the individuals involved.
- G. Where problems or potential risks are identified, the organization will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for or regarding the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary such as transfer to other positions or departments. Refusal to accept reasonable alternative positions, if available, will be deemed a voluntary resignation.
- H. Continued failure to work with the organization to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for discipline, up to and including, termination. The organization's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.
- I. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
- J. Where doubts exist as to the specific meaning of the terms used above, employees should consult their supervisors and make judgments on the basis of the overall spirit and intent of this policy.
- K. Notwithstanding anything else contained in this policy, there are certain positions for which very close personal and romantic relationships with fellow employees are never acceptable. This includes such relationships between supervisors and subordinates. In addition, because of the sensitive nature of personal employee information available to members of the Human Resources Department, it is never appropriate for members of the Human Resources Department to have close personal and romantic relationships with any other City employee.
- L. Any employees who feel they have been disadvantaged as a result of this policy, or who believe this policy is not being adhered to, should make their feelings known to the Human Resources Director or other designated individual.

Section 6.25 ELECTRONIC COMMUNICATIONS AND E-MAIL POLICY

I. ELECTRONIC COMMUNICATION

A. PURPOSE

To better serve our citizens and give our workforce the best tools to do their jobs, the City of Racine continues to adopt and make use of new means of communication and information exchange. This means that many of our employees have access to one or more forms of electronic media and services, including, but not limited to, computers, e-mail, telephones, cellular telephones, pagers, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, the Internet, and the World Wide Web.

The City of Racine encourages the use of these media and associated services because they can make communication more efficient and effective and because they are valuable sources of information. However, all employees and everyone connected with the City should remember that electronic media and services provided by the City are City property and their purpose is to facilitate and support City business. No expectation of privacy in regards to use of the City's electronic communication systems should be expected by the employee in any respect related to accessing, transmitting, sorting, or communicating information via the system.

This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express the City of Racine's philosophy and set forth general guidelines governing the use of electronic media and services. By adopting this policy, it is the City's intent to ensure the electronic communication systems are used to their maximum potential for business purposes and not used in a way that is disruptive, offensive to others, or contrary to the best interest of the City of Racine.

1. The following procedures apply to all electronic media and services that are:

- a. Accessed on or from City premises;
- b. Accessed using the City's computer equipment or via the City's paid access methods; or
- c. Used in a manner that identifies the individual as acting for or on behalf of the City of Racine; or in any way identifies the City of Racine.

2. Application: This policy applies to all employees, appointed and elected officeholders, and volunteers for the City of Racine.

B. POLICY

It is the policy of the City of Racine to follow this set of procedures for the use of electronic communication media and services.

References:

Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 - 2711);
Wis. Stats. §947.0125.

C. PROCEDURES

1. Access and Authority

- a. Each Administrative Manager shall determine which employees in their department shall have access to the various media and services, based on business practices and necessity and which shall have authority to communicate on behalf of the department.
- b. The provisions of this Policy shall apply to the use of City-owned/provided equipment and/or services from home or other locations off City premises. City-owned equipment (e.g., laptops) may be removed from City premises solely for City work-related purposes pursuant to prior authorization from the Administrative Manager.

2. Prohibited Communications

- a. Electronic media cannot be used for knowingly transmitting, retrieving, or storing any communication that is:
 - i. Personal business conducted on City time (e.g., sports pools, games, shopping, correspondence, or other non-business-related items/documents), except as otherwise allowed under Subsection I.C.3. below;
 - ii. Discriminatory or harassing;
 - iii. Derogatory to any individual or group;
 - iv. Obscene as defined in Wis. Stats. § 944.21;
 - v. Defamatory or threatening; or
 - vi. Engaged in for any purpose that is illegal or contrary to the City's policy or business interests.
- b. For the protection, integrity, and security of the City's System, electronic media shall not be used to download or transfer software, unless authorized by the Information Systems Director.

3. Personal Use

- a. Except as otherwise provided, electronic media and services are provided by the City for employees' business use during City time. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal non-business purposes is permitted as set forth below:
 - i. Personal use is limited to breaks, lunch, or immediately before/after work;
 - ii. Personal use must not interfere with the productivity of the employee or his/her/their co-workers;
 - iii. Personal use does not involve any prohibited activity (see Subsection II.C.4.);
 - iv. Personal use does not consume system resources or storage capacity on an ongoing basis;
 - v. Personal use does not involve large file transfers or otherwise deplete system resources available for business purposes.
- b. City telephones and cellular phones are to be used for City business. However, brief, limited personal use is permitted during the workday. Personal long-distance calls are only permitted with the use of a personal 1-800 calling card, or with the understanding that such calls must be reimbursed to the City if an additional charge is incurred as a result of the call, as per policies set forth in the City of Racine Employee Handbook.
- c. Employees should not have any expectation of privacy with respect to personal use of the City's electronic media or services.

4. Access to Employee Communications

- a. Electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voice mail, telephones, Internet and bulletin board systems, desktop faxes, and similar electronic media may be accessed and monitored by the City of Racine. The City respects its employees' desire to work without surveillance. However, the City of Racine reserves and intends to exercise the right, at its discretion, to review, monitor, intercept, access, and disclose all messages created, received, or sent over the electronic communication systems for any purpose including, but not limited to: cost analysis; resource allocation; responding to public records requests, responding to subpoenas, optimum technical management

of information resources; and detecting use which is in violation of City policies or may constitute illegal activity.

Disclosure will not be made except when necessary to enforce the policy, as permitted or required under the law, or for business purposes.

- b. Any such monitoring, intercepting, and accessing shall observe any and all confidentiality regulations under Federal and State laws as well as the City's confidentiality policy.

5. Security/Appropriate Use

- a. Employees must respect the confidentiality of other individuals' electronic communications. Except in cases in which explicit authorization has been granted by the Information Systems Director, employees are prohibited from engaging in, or attempting to engage in:
 - i. Monitoring or intercepting the files or electronic communications of other employees or third parties;
 - ii. Hacking or obtaining access to systems or accounts they are not authorized to use;
 - iii. Using other people's log-ins or passwords; and
 - iv. Breaching, testing, or monitoring computer or network security measures.
- b. No e-mail or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.
- c. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.
- d. Anyone obtaining electronic access to other organizations', businesses', companies', municipalities', or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

Employees must understand that the unauthorized use or independent installation of non-standard software or data may cause computers and networks to function erratically, improperly, or cause data loss. Therefore, before installing any new software or data, users should seek assistance from the Information Systems

Department. Users must never install downloaded software to networked storage devices without the assistance and approval of appropriate personnel.

Most of the City's computing facilities automatically check for viruses before files and data that transferred into the system from external sources are run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled, or otherwise inactivated. If you are uncertain as to whether the workstation you are using is capable of detecting viruses automatically, or you are unsure whether the data has been adequately checked for viruses, you should contact the Information System Department's Help Desk.

Anyone receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential, and/or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

6. Encryption

Employees should not assume electronic communications are private. Employees with a business need to encrypt messages (e.g., for purposes of safeguarding sensitive or confidential information) shall submit a written request to their supervisor and their Administrative Manager. When authorized to use encryption by their supervisor and their Administrative Manager, employees shall use encryption software supplied to them by the Information Systems Department. Employees who use encryption on files stored on a City's computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all of the passwords and/or encryption keys necessary to access the files.

7. Participation in online forums

- a. Employees should remember that any messages or information sent on City-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards, and online services) are statements identifiable and attributable to the City of Racine.
- b. The City of Racine recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the

technical area.

- c. Employees shall include the following disclaimer in all of their postings to public forums:

“The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the City Attorney’s Office.”

- d. Employees should note that even with a disclaimer, a connection with the City of Racine exists and a statement could be imputed legally to the City. Therefore, employees should not rely on disclaimers as a way of insulating the City from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing opinions while using the City's systems or provided account. Communications must not reveal confidential information and must not otherwise violate this or other City policies.
- e. Employees must receive authorization from their Administrative Manager prior to participating in an online forum. The employees shall be required to review the provisions of this section before they receive such authorization.

8. Policy Violations

Employees who abuse the privilege of City facilitated access to electronic media or services risk having the privilege removed for themselves and possibly other employees, are subject to discipline, up to and including termination, and may be subject to civil liability and criminal prosecution.

II. E-MAIL POLICY

A. PURPOSE

The City of Racine provides certain employees with systems to send and receive electronic mail (e-mail) so they can work more productively. E-mail gives employees a useful way to exchange ideas, share files, and keep in touch with colleagues, whether they are located in the next room, another City building, or thousands of miles away.

The City of Racine's e-mail system is a valuable business asset. The messages sent and received on the e-mail system, like memos, purchase orders, letters, or other documents created by employees in the course of their workday, are the property of the City of Racine and may constitute public records. This policy explains rules governing the appropriate use of e-mail and sets out the

City's rights to access messages on the e-mail system. No expectation of privacy in regards to use of the City's e-mail system should be expected by the employee in any respect related to accessing, transmitting, sorting, or communicating information via the system.

B. APPLICABILITY

This policy applies to all employees, appointed and elected officeholders, and volunteers for the City of Racine.

C. POLICY

It is the policy of the City to follow this set of procedures for the use of the City's e-mail system.

References:

Electronic Communications Privacy Act of 1986 (18 U.S.C. §§ 2510 - 2711); Wis. Stats. §19.21; Wis. Stats. §947.0125.

D. PROCEDURES

1. Access to employee e-mail

- a. Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the City's e-mail system. E-mail messages and files, like other types of correspondence and City documents, can be accessed and read by authorized employees or authorized individuals outside the City. The City reserves the right to monitor, review, audit, intercept, access, and disclose all messages created, received, or sent over the e-mail system. Information contained in the e-mail system will only be disclosed to the extent permitted by law, for business purposes, or as needed to enforce the policy. Authorized access to employee e-mail by other employees or outside individuals includes, but is not limited to, the following:
 - i. Access by the Information Systems Department during the course of system maintenance or administration;
 - ii. Access approved by the employee, the employee's supervisor, or the Administrative Manager when there is an urgent business reason to access the employee's mailbox. For example, if an employee is absent from the office and the supervisor has reason to believe that information relevant to the day's business is located in the employee's mailbox;

- iii. Access approved by the employee's supervisor, the Administrative Manager, or the City Administrator when there is reason to believe the employee is using e-mail in violation of the City's policies;
 - iv. Access approved by the City Administrator or the City Attorney in response to the City's receipt of a court order, public records request, or request from law enforcement officials for disclosure of an employee's e-mail messages.
- b. Except as otherwise noted herein, e-mail should not be used to communicate sensitive or confidential information. Employees should anticipate that an e-mail message might be disclosed to or read by individuals other than the intended recipient(s), since messages can be easily forwarded to other individuals. In addition, while the City endeavors to maintain the reliability of its e-mail system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosures of e-mail messages.
 - c. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.
 - d. Employees should understand that electronic mail is a written form of communication, just like a paper letter. Though electronic mail is relatively spontaneous compared with regular mail, employees should take care to use the same level of discretion and forethought before executing electronic messages.

2. Passwords

Each user accesses the e-mail system using a personal log-in name and password, which will be selected by the employee and kept on file with the Administrative Manager and the Information Systems Department.

- a. Passwords are intended to keep unauthorized individuals from accessing messages stored on the system. From a systems perspective and the perspective of an e-mail recipient, passwords also establish the identity of the person sending an e-mail message. The failure to keep passwords confidential can allow unauthorized individuals to read, modify, or delete e-mail messages; circulate e-mail forgeries; and download or manipulate files on other systems.
- b. The practice of using passwords should not lead employees to expect privacy with respect to messages sent or received. The use of passwords for security does not guarantee confidentiality. (See

Subsection II.C.1.).

- c. Passwords should never be given out over the phone, included in e-mail messages, posted, or kept within public view.
- d. Employees are prohibited from disclosing their password, or those of any other employee, to anyone who is not an employee of the City. Employees also should not disclose their password to other employees, except when required by an urgent business matter (see Subsection II.C.1.a.ii. of this policy).

3. Personal Use

- a. The City of Racine allows limited, occasional, or incidental personal use of its e-mail system during lunch, breaks, or immediately before or after work, subject to the following conditions and restrictions:
 - i. Involve any prohibited activity (see Subsection II.C.4. below);
 - ii. Interfere with the productivity of the employee or his/her/their co-workers;
 - iii. Consume system resources or storage capacity on an ongoing basis; or
 - iv. Involve large file transfers or otherwise deplete system resources available for business purposes.
- b. Employees should not have any expectations of privacy with respect to personal e-mail sent or received on the City's e-mail system. Employees should delete personal messages as soon as they are read or replied to. Employees should not store copies of the personal messages they have sent. Because e-mail is not private, employees should avoid sending personal messages that are sensitive or confidential.

4. Prohibited Activities

- a. Employees are strictly prohibited from sending e-mail or otherwise using the e-mail system in connection with any of the following activities:
 - i. Engaging in personal business or entertainment on the City's time;
 - ii. Engaging in illegal, fraudulent, or malicious activities;

- iii. Engaging in the unlawful use of the e-mail system as set forth in Section 947.0125 of the Wisconsin Statutes (Unlawful use of computerized communication systems);
- iv. Sending or storing offensive, disruptive, obscene, or defamatory material. Materials that are considered offensive include, but are not limited to: any materials that contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, race, creed, color, sex, ancestry, religious or political beliefs, marital status, national origin or disability;
- v. Annoying or harassing other individuals;
- vi. Using another individual's account or identity without explicit authorization;
- vii. Attempting to test, circumvent, or defeat security or auditing systems, without prior authorization;
- viii. Accessing, retrieving or reading any e-mail messages sent to other individuals, without prior authorization from the Information Systems Department; or
- ix. Permitting any unauthorized individual to access the City's e-mail system.

5. Confidential Information

- a. All employees are expected and required to protect the City of Racine's confidential information. Employees shall not transmit or forward confidential information to outside individuals or companies without the permission of their supervisor and the City Administrator. See Subsection II.C. 7.
- b. The City also requires its employees to use e-mail in a way that respects the confidential and proprietary information of others. Employees are prohibited from copying or distributing copyrighted material—for example, software, database files, documentation, or articles using the e-mail system.

6. Record Retention

- a. The same rules that apply to record retention for other City documents apply to e-mail. As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record.
- b. The specific procedure to be followed with respect to the retention of e-mail records is contained in Subsection III., E-Mail Record Retention Policy.

7. Encryption

Encrypting e-mail messages or attached files sent, stored, or received on the City's e-mail system is prohibited except where explicitly authorized. Employees are prohibited from using or installing any encryption software without prior permission from the Information Systems Director. Employees with a business need to encrypt messages should submit a written request to their supervisor and their Administrative Manager. When authorized to use encryption by their supervisor and their Administrative Manager, employees shall use encryption software supplied to them by the Information Systems Department. Employees who use encryption on e-mail stored on a City computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the e-mail.

8. E-mail Policy Violations

Employees violating the City of Racine's e-mail policy are subject to discipline, up to and including termination. Employees using the e-mail system for defamatory, illegal, or fraudulent purposes and employees who break into unauthorized areas of the City's computer system also are subject to civil liability and criminal prosecution.

III. E-MAIL RECORD RETENTION POLICY

A. PURPOSE

The purpose of this policy is to emphasize that certain types of e-mail are public records as defined in section 19.32(2), Wis. Stats. The same rules that apply to record retention and disclosure for other City documents apply to such records. This policy applies to all employees, appointed and elected officeholders, and volunteers for the City of Racine, and all contractors working for or with the City of Racine.

B. POLICY

It is the policy of the Governing Unit to follow this set of procedures for e-mail record retention.

References:

Sections 16.612 and 19.21 *et seq.*, Wis. Stats.

C. PROCEDURES

1. Nature of e-mail records

As a general rule, e-mail is a public record whenever a paper message with the same content would be a public record. See section 19.32(2), Wis. Stats. for definition of a record.

2. Components of an e-mail record

The e-mail record is defined to include the metadata, the message, the identities of the sender and all recipients, the date, and any non-archived attachments to the e-mail message. Any return receipt indicating the message was received by the sender is also considered to be part of the record.

3. Saving and indexing e-mail records

All e-mail records shall be retained and archived to the City's e-mail server.

4. Responsibilities for e-mail records management

- a. Legal Custodian. E-mail records of a City department having custody of records shall be maintained by the designated Legal Custodian, pursuant to City policy.
- b. Information Systems Director. If e-mail is maintained in an online database, it is the responsibility of the Information Systems Department to provide technical support for the Legal Custodian as needed. When equipment is updated, the Information Systems Department shall ensure that the ability to reproduce e-mail in a readable form is maintained. The Information Systems Director shall ensure that e-mail programs are properly set up to archive e-mail.

5. Public access to e-mail records

If a Department receives a request for release of an e-mail public record, the Legal Custodian of the record, in conjunction with the City Attorney's Office, shall determine if it is appropriate for public release, in whole or in part, pursuant to law, upon consulting the City Attorney's Office. As with other records, access to or electronic copies of disclosable records shall be provided within a reasonable time.

6. Violation

Employees violating this policy are subject to discipline up to and including dismissal. In addition, violations of this policy may be referred for civil and/or criminal prosecution, where appropriate.

Section 6.26 PUBLIC RECORDS POLICY

Public Records Access

It is public policy that all individuals are entitled to as much information as provided by law regarding the affairs of government and the official actions of representatives of government.

Per section 19.34(1), Wis. Stats., the City of Racine is required to adopt, display, and make available for inspection and copying at its offices, a notice containing a description of its organization and the established times and places at which the public may obtain information and access to records from the legal custodian of the department, make requests for records, or obtain copies of records, and how much will be charged for the copies. Per sections 19.34 2(a) and 2(b), Wis. Stats., access to records must be provided during office hours if there are regular hours at the location where the record is, unless otherwise specifically authorized by law. If there are not regular hours, the City must provide access (1) on 48 hours advance notice; or (2) in an established period of at least 2 consecutive hours per week.

A record requester shall be allowed to inspect or copy a record and the City must provide facilities comparable to those used by its employees during established office hours. The City is not required to purchase or lease equipment or to provide a separate room for the inspection, copying, or abstracting of records section 19.35 (2), Wis. Stats. However, the law does not require immediate, unlimited access to records, and there are certain records that may not be disclosed to the public under any circumstances. Under no circumstances is the City required to create a record to respond to a public records request. In addition, the law permits a records custodian time to reflect upon the request and ensure a proper disclosure is made.

The City Attorney's Office is the City's designated public records counselor. All public record requests and responses must be reviewed and coordinated with the City Attorney's Office.

Upon receiving a request for public records under the Wisconsin Public Records Law, record custodians shall follow the following procedures:

- a. Do not agree, upon first contact with the requestor, to release any records;
- b. If the request is made orally, memorialize the information sought. Advise the requestor that he/she/they will receive a response as soon as practicable and without delay. Do not promise a response by any particular date.
- c. Immediately contact the City Attorney's Office for advice and guidance as to your response.
- d. Before releasing any records, the City Attorney's Office must concur, in writing, with such release.

ARTICLE VII DISCIPLINE AND GRIEVANCE PROCEDURE

Section 7.01 PURPOSE, DISCIPLINE, AND DEFINITIONS

The purpose of this article is to provide guidance for employees and supervisors concerning the discipline of covered city employees. In addition, the purpose of this article is to establish a procedure to provide those city employees who are not covered by a grievance procedure as part of a collective bargaining agreement to resolve grievances while in the employ of the city.

This procedure is intended to comply with Wis. Stats. § 66.0509 and provides a grievance procedure addressing issues concerning workplace safety, discipline, and termination. This procedure applies to all employees covered under Wis. Stats. § 66.0509 and excepts all police and fire employees subject to Wis. Stats. § 62.13(5). A covered employee may appeal any level of discipline under this grievance procedure. Any grievance filed under the article shall be filed on behalf of an individual employee. No grievance may be filed on behalf of more than one employee, a group of employees, or any collective bargaining unit.

Nothing in this article is intended to create a legally binding contract between the city and covered employees or to change the at-will nature of employment for covered employees with the city. Employment with the city is voluntarily entered into and employees are free to resign at any time with or without cause. Similarly, the city may terminate the employment of any covered employee, at any time with or without cause, subject to applicable federal, state, or local law. The city reserves its management rights to exclusively manage its operations.

A. Discipline:

To the extent possible, it is in the best interests of the employees and the city to ensure fair treatment of all employees and to make certain that disciplinary actions are prompt, uniform, and impartial.

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 city. Disciplinary action may call for any of four steps—warning, reprimand, 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 city reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

B. Definitions:

1. *Discipline* and *disciplinary actions* are actions taken to correct a problem or misbehavior, deter further problems or misbehavior, prepare an employee for

satisfactory service in the future, or separate an employee where an employee has demonstrated an inability or unwillingness to perform satisfactory service.

Approved discipline and disciplinary actions are:

- a. *Warning* – Written documentation given to an employee describing specific disciplinary infractions, such as inappropriate conduct, poor performance, or violation of work rules/policies. Such documentation may include information regarding past infractions and what action will be taken if the employee fails to improve. A warning is the first step of formal discipline.
 - b. *Reprimand* – Written documentation given to an employee describing continuing or more serious specific disciplinary infractions, such as inappropriate conduct, poor performance, or violation of work rules/policies. Such documentation may include information regarding past infractions and shall include what action will be taken if the employee fails to improve. A reprimand is more serious than a warning.
 - c. *Suspension* – A disciplinary measure, including written documentation, in which employees are suspended without pay for a specified period of time due to violations including continuing or serious specific disciplinary infractions, such as inappropriate conduct, poor performance, or violation of work rules/policies. Such documentation shall include what action will be taken if the employee fails to improve.
2. *Employee discipline* includes all levels of progressive discipline, but shall not include the following personnel actions:
- a. Placing an employee on paid administrative leave pending an internal investigation;
 - b. Counseling sessions, meetings, or other pre-disciplinary action, whether written or oral;
 - c. Actions taken to address work performance, including establishment and/or use of a performance improvement plan or job targets;
 - d. Demotion, transfer, or change in job assignment; or
 - e. Other personnel actions taken by the employer that are not a form of discipline.

Administrative Managers and other supervisors may take such action regarding employees; however, such actions are not “discipline” or “disciplinary action” and, therefore, are not grievable.

3. *Employee termination* shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include voluntary quit or retirement.
4. *Workplace safety* is defined as conditions of employment regarding employees' physical health or safety, and specifically including only: the safe operation of workplace equipment and tools, safety of the physical work environment, provision of personal protective equipment, workplace violence, and training related to same.

Section 7.02 FILING OF COMPLAINT, HEARINGS, AND DECISIONS

A. 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. An employee whose complaint concerning the employee's discipline, termination, or workplace safety has not been resolved informally to the employee's satisfaction with the employee's immediate supervisor may obtain a review of the complaint under the following procedures:

1. *Step 1: Supervisor review.* The employee shall reduce his/her/their complaint to writing, using the form prescribed by the Human Resources Department, and submit it to the employee's immediate supervisor within 15 working days after the employee knew or should have known the cause of such grievance. Such complaint shall be referred to in this section as "the grievance." Any written grievance filed under this article must contain the following information:

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

The supervisor shall immediately forward a copy of the grievance to the Human Resources Department and shall consult with the Human Resources Department before responding. (The failure of a supervisor to so do shall not constitute a flaw or defect in the processing of a grievance.)

The supervisor shall answer the grievance within five working days. If the grievance is answered in a manner unsatisfactory to the employee, the employee may proceed to step 2.

2. *Step 2: Administrative Manager review.* If the grievance is not resolved at step 1, the employee may appeal the grievance to the employee's Administrative Manager within five working days of the receipt of the decision of the employee's supervisor at step 1. The Administrative Manager will review the matter and shall consult with the Human Resources Department before responding. (The failure of the Administrative Manager to so do shall not constitute a flaw or defect in the processing of a grievance.) The Administrative Manager shall inform the employee of his/her/their decision, if possible, within 10 working days of receipt of the grievance.
3. *Step 3: City Administrator review.* If the grievance is not resolved at step 2, the employee may appeal the grievance to the City Administrator within five working days of the receipt of the decision of the Administrative Manager at step 2. The City Administrator will review the matter and inform the employee of his/her/their decision, if possible, within 10 working days of receipt of the grievance.
4. *Step 4: Impartial hearing officer.* If the grievance is not resolved at step 3, the employee may request in writing, to the Human Resources Department, within five business days following receipt of the City Administrator's decision, a request for review by an impartial hearing officer.
 - a. The parties shall, within 10 business days, jointly request that an impartial hearing officer, of the City's choosing be appointed. The parties shall equally share the cost of the independent hearing officer, which payment shall be made at the same time as the request therefore.
 - b. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the city acted in an arbitrary and capricious manner. This process does not involve a hearing equivalent to a hearing before a court of law. The rules of evidence will not be followed.
 - c. 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. If the impartial hearing officer determines that a hearing is necessary, the parties shall attempt to agree in advance upon the issue involved and stipulate to facts to be used at the hearing. The independent hearing officer shall meet with the parties at the earliest possible date which can be set to review the evidence and hear testimony relating to the grievance. All such hearings shall be held at Racine City Hall. The impartial hearing officer

shall prepare a written decision.

- d. The impartial hearing officer may order either party to pay the entire amount of the independent hearing officer's fees upon such terms, and for such reasons, as the independent hearing officer finds appropriate and equitable.
5. *Step 5: Review by the Common Council.* If the grievance is not resolved after step 4, the employee or the City Administrator shall request, within five business days of receipt of the written decision from the hearing officer, a written review by the Common Council. The appeal shall be submitted as a communication to the Common Council, using a form prescribed by the Human Resources Department, through the Finance and Personnel Committee. The Finance and Personnel Committee shall review the matter at its next regularly scheduled meeting, subject to the notice requirements of the open meetings law, and make a recommendation to the Common Council. The Finance and Personnel Committee shall not take testimony or evidence; it may make a recommendation only upon a determination 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 forwarded to the Common Council at its next regular meeting. The Common Council shall not take testimony or evidence; it may determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The Common Council, through the City Clerk, will inform the employee of its findings and decision in writing within 10 working days of the Common Council meeting. A two-thirds vote of the Common Council shall be required to overturn the decision of the independent hearing officer. Absent such a supermajority vote, the decision of the independent hearing officer shall be affirmed. The decision of the Common Council shall be final and binding.
6. 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 will conduct all activities related to preparing the grievance, other than delivering the grievance to the appropriate person as described in the various steps above, during non-working hours and shall not otherwise be compensated for time spent in preparing his/her/their grievance. An employee shall not be permitted union representation at any stage in the grievance process.
7. *Administrative Managers.* Notwithstanding anything else contained herein any grievance by an Administrative Manager regarding discipline or workplace safety shall commence at step 3, using a form prescribed by the Human Resources Department including the information required for step 1, above, within 15 working days after the employee knew or should have known the cause of such

grievance. Notwithstanding anything else contained herein any grievance by an Administrative Manager regarding that Administrative Manager's termination based on a charge of official misconduct or inefficiency:

- a. Shall commence at step 3 as set forth above.
- b. If neither the employee nor the city appeals the decision of the impartial hearing officer, the Common Council shall affirm the decision of the impartial hearing office at its next regularly scheduled meeting after the time for appeal has expired, subject to the notice requirements of the open meetings law.
- c. If the employee or the city appeals the decision of the impartial hearing officer, such appeal shall be heard by the common council as follows:
 1. Whenever any charge of official misconduct, malfeasance, or inefficiency shall be preferred against an Administrative Manager employed by the city, the Common Council shall proceed within 30 days, or such other time as agreed between the parties, after the charge so filed with the City Clerk, to hear and determine the case upon its merits.
 2. The mayor may suspend such officer against whom charges have been preferred until the disposition of the charges and appoint a person to fill the vacancy temporarily until the charges have been disposed of.
 3. The Common Council may, for the purpose of such hearing, compel the attendance of witnesses and the production of all papers by subpoena when necessary for the purpose of such hearing.
 4. Two-thirds of all the members of the Common Council elect shall have the power to dismiss such Administrative Manager from office for malfeasance, misconduct, or inefficiency in office, upon due process hearing as provided in this section.