

COMMITTEE OF THE WHOLE MEETING AGENDA
WEDNESDAY, APRIL 8, 2026 at 7:00PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC AND IS HANDICAPPED ACCESSIBLE
CITY MEETINGS CAN BE WATCHED LIVE OR RECORDED
ON THE CITY OF BERLIN YOUTUBE PAGE @CITYOFBERLIN5623

1. Call to order/Roll Call
2. Seat Virtual Attendees (if necessary)
3. Pledge of Allegiance
4. General Public Comments. Registration card required (located at podium in Council Chambers). Comments will be limited to **3 minutes** per registrant.
5. Approval of Minutes. RECOMMENDATION: Approve the minutes of the March 3, 2026 Committee of the Whole Meeting.
6. FirstNet cell phone plan. RECOMMENDATION: Listen to presentation and action as appropriate.
7. Resolution #05-26 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing. RECOMMENDATION: Review and recommend approval of Resolution #05-26.
8. Official Statement Disclosure Questionnaire (OSDQ) for proposed \$2M capital borrowing. RECOMMENDATION: Review and authorize City Administrator to submit the OSDQ to Baird for the upcoming capital borrowing.
9. 2% Fire Dues Program Audit Report. RECOMMENDATION: Receive the audit findings report regarding the Berlin Volunteer Fire Department from the WI Fire Prevention/FD Safety & Health Coordinator.
10. 2025 Recycling Program Accomplishments and Actual Costs Annual Report. RECOMMENDATION: Receive the filed 2025 Recycling Program report.
11. At Large Council Representation. RECOMMENDATION: Discussion and action as appropriate.
12. Residency Requirements of Committee, Board, and Commission Members. RECOMMENDATION: Review and action as appropriate.
13. Employee Handbook. RECOMMENDATION: Review and recommend approval of the amended Employee Handbook sections.
14. City of Berlin Vision and Mission Statements. RECOMMENDATION: Discussion and action as appropriate.
15. Fortnum property update. RECOMMENDATION: Listen to presentation and action as appropriate.
16. RFP for Real Estate Services for the WIS 91 Highway Project. RECOMMENDATION: Review and recommend approval and posting of the RFP for Real Estate Services for the WIS 91 Highway Project.
17. Pool RFP process. RECOMMENDATION: Discussion and action as appropriate.

18. Adjourn.

Note: In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer, with the exception of the Consent Agenda. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

Please note, upon reasonable notice, efforts will be made to accommodate the needs of the disabled individuals through appropriate aids and services. For additional information to request services, contact the municipal Clerk at 920-361-5400.

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information: no action will be taken by any other governmental body except by the governing body notified above.

COMMITTEE OF THE WHOLE MEETING MINUTES
MARCH 3, 2026 7:00PM
COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR
MEETING IS OPEN TO THE PUBLIC AND IS HANDICAPPED ACCESSIBLE
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1. Call to order/Roll Call – *Mayor Burgess called the meeting to order at 7:00PM. Alderpersons Boeck, Hill, Nigbor, Przybyl, Sorenson, and Stobbe were present. Staff present were City Administrator, Jessi Balcom; Street Superintendent, Scott Zabel; Fire Chief, Doug Dewhurst; Senior Center and Recreation Facilities Director, Susan Kiener; Assistant Police Chief, Noah Knetzger.*
2. Seat Virtual Attendees (if necessary) – *None.*
3. Pledge of Allegiance
4. General Public Comments. – *None.*
5. Approval of Minutes. – *Aldersperson Przybyl made a motion to approve the minutes from the February 3, 2026 Committee of the Whole meeting and the Closed Session minutes from the February 3, 2026 Committee of the Whole meeting, with a second by Aldersperson Stobbe. Voice vote carried.*
6. Discussion of Boathouse in South Adams Avenue Right-of-Way. *Administrator Balcom noted that the owner of the Boathouse has inquired as to the process to sell the structure and “lease” (the land is not “leased”, there is an active right-off-way permit) the property from the City. It was explained that the Boathouse in the South Adams Avenue Right-of-Way had been discussed by the Common Council in 2013-2014. At that time no formal motion was made by the Council. It appears that the plan moving forward at that time was to have the boathouse structure owner apply and pay for a right-of-way permit quarterly, provide a signed Indemnification, Defense, and Hold Harmless Agreement, and provide insurance. At some point the application and payment was changed to annually, no explanation as to why was found. The current permit is through 9.28.2026. State Statute notes that the structure can be ordered removed within 10 days and the structure owner has no right to use of the right-of-way/permit.*

Council discussed potential options and questions. It was noted that should the Council choose to continue with the annual permit, a different format maybe recommended by the City Attorney. It was noted that the Council could determine that the current arrangement is with the current owner and would not be offered/extended if the structure is sold. It was noted that the current structure owner has fulfilled all of the requirements/obligations asked of them by the City to this point, and the structure has been in the same place for many years. It was noted that this is not a precedent that the Council would wish to have that people could utilize the right-of-way continuously for their own private purposes.

The structure owner, Brian Brock, joined the meeting via phone at 7:18PM. When asked if the structure is movable, Mr. Brock noted that the structure is not on a concrete slab and it has a support system underneath. Mr. Brock provided ownership history of the structure. It is unknown when the structure was built and whether or not permission was obtained to build the

structure at that time.

The Council noted if the structure's owner would like to reapply for the right-of-way permit, the request will require annual Council review and determination (granting of the permit is not guaranteed), and the permit will not be automatically renewed. If the owner wishes to sell the structure, the right-of-way permit will not be transferred to the new owner. The prospective owner will need to come to the Council prior to purchase for them to determine whether or not the permit will be granted. If the permit is not granted or renewed, the structure will need to be removed from the right-of-way within 10 days. The structure's owner should plan to come before the Council in August or September for review of the permit/application, or prior to the sale of the structure.

7. *Police and Fire Department Annual Reports. Assistant Police Chief Knetzger and Fire Chief Dewhurst presented their annual department reports to the Common Council.*
8. *Discuss First Floor Office Remodel – half wall. Discussion noted that the cost is not anticipated to be more than \$1500, and will be split with the Utilities. The Department of Public Works will be doing the work, some inconvenience is anticipated for staff during the actual construction. Alderperson Hill made a motion to recommend to the Common Council the approval of the first floor office remodel – half wall, with a second by Alderperson Stobbe. Voice vote carried.*
9. *Review proposed Capital borrowing plan for 2026-2027. City Administrator Balcom noted that the Council previously determined that the Capital Borrowing plan should entail the borrowing on \$2M every other year to address the capital needs of the City. The proposed plan lists all of the items noted in years 2026-2031 of the CIP as well as a few items that have more recently been added to the list. The total amount of funding anticipated to be available for capital needs through future borrowings will be impacted by the Hwy 91 project in 2029 (anticipated to utilize approximately \$1M of the \$2M to be borrowed for 2028-2029) and the Hwy 49 project in 2030 (anticipated to utilize all of the \$2M to be borrowed). Due to the road projects approximately \$3M of the \$6M to be borrowed between now and 2031, only \$3M will be available for other capital projects/needs. The Council will need to keep this in mind when prioritizing projects/equipment needs over the next 6 years.*

Some projects are of an immediate or required need. The Fire Engine will need to be borrowed for this year as it has been ordered and is currently being built. The Fire Department's rescue vehicle is a repurposed ambulance from 1989 that has reached its end of useful life. It was noted that Swetting Street should be looked at in relation to the E Park Ave road project. The Parks and Recreation department is requesting funding to move forward with software that will allow for online application/management/rental of park facilities, including the campground.

A motion was made by Alderperson Stobbe to recommend to the Common Council the approval of the Proposed 2026-2027 Capital Borrowing priority list for the upcoming \$2M capital borrowing, with a second by Alderperson Hill. Voice vote carried.

10. *Waste Management Grant Funds. Motion made by Alderperson Hill to recommend to the Common Council the approval of the \$1000 donation from Waste Management for the years 2025 and 2026 be used to purchase a new water supply tower for the campground, with a second by Alderperson Stobbe. Voice vote carried.*

11. Review revisions to Employee Handbook. *City Administrator Balcom highlighted the proposed changes to the Employee Handbook. Changes to the rules regarding relatives working in the same department, it has been clarified that an exception can be made for those on separate EMS crews. The proposal for residency was to change to a 30 minute response time, after discussion the Council advised that a 25 mile residency requirement would be preferable. It was noted that the Council instituted a 50 mile residency requirement for the Police Department a couple of years ago. Discussion regarding on-call employees and departments that are staffed on shift 24/7. Clarification to the requirement to notify the City of driving privilege changes. It was proposed that new hires would start with 2 weeks of vacation available to them, and then if used prior to having accrued it, it would be paid back to the City. The Council advised that there was to be no upfront vacation, but employees could accrue vacation at the two weeks per year rate upon hire. It was suggested that the vacation accrual schedule be updated to allow accrual of 3 weeks at 6 years and 4 weeks of vacation at 13 years of service. Eight hours of personal time was to be added to EMS to allow for one full shift (24 hours) of personal time per year. Bereavement and holiday pay eligibility for fulltime employees will no longer require 90 days of employment. FMLA policy updated to require use of paid leave.*
12. Wisconsin Assessment Monies Contractor Services Grant Awarded. *City Administrator Balcom noted the Phase 1 assessment has begun.*
13. Discussion of Senior Center Assistant Cook Position. *Council expressed concern regarding the need, funding and available training time for the proposed position. Alderperson Hill made a motion to recommend to the Common Council approval of the hiring of a Senior Center Assistant Cook. Motion died due to lack of a second. The Mayor asked that the item be brought back for further discussion at a future meeting.*
14. Discussion of City Website ADA Compliance Requirements. *City Administrator Balcom noted that City will be required to bring the City's website into compliance with new rules on the accessibility of web content and mobile apps provided by State and Local Government by April 26, 2027. Motion by Alderperson Stobbe to direct staff to work with the website host to move forward with a plan and implementation to bring the City's website into ADA compliance, with a second by Alderperson Przybyl. Voice vote carried.*
15. League of Wisconsin Spring Exchange. *City Administrator Balcom noted that the conference costs are covered by the League due to the City's membership.*
16. Adjourn. *Motion by Alderperson Sorenson to adjourn at 9:15PM, with a second by Alderperson Stobbe. Voice vote carried.*

*Respectfully submitted by
Jessi Balcom, City Administrator/Clerk/Treasurer*

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: FirstNet Cell Phone Plan
MEETING DATE: April 8, 2026

BACKGROUND

The EMS department moved to service through FirstNet in early 2024 and has been very happy with the service provided.

FirstNet is a system owned by the Federal government (and currently operated by AT&T) that provides service to first responders. This network will give priority to emergency operations during times of high usage (such as during a natural disaster when everyone is one trying to use the phone). City owned phones are eligible for this service.

At this time, the City does not have any contracts with our current carry that would require payout to move or cancel service. A cost savings is anticipated, should the City move to FirstNet from our current carriers.

A representative from FirstNet will be at the Committee of the Whole meeting to provide a brief presentation and answer questions.

SUGGESTED MOTION

Motion to recommend to the Common Council moving forward with cellular phone service through FirstNet.

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Resolution #05-26 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing.
MEETING DATE: April 8, 2026

BACKGROUND

Resolution #05-2026 will allow the City to repay ourselves should it be necessary to move forward with purchases (up to \$500,000) intended to be part of the \$2M capital borrowing.

The information below was provided by Quarles (excerpt from email):

Re: Declaration of Intent for Projects to be financed with Tax-Exempt Obligations

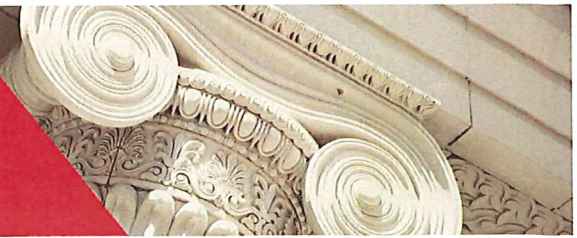
The federal government has adopted certain Reimbursement Regulations which set forth requirements that an issuer such as the City must meet if it expects to reimburse itself for expenditures it makes with the proceeds of a later borrowing. **Attached is a Public Finance Update which discusses these Reimbursement Regulations.**

As you requested, attached is a **reimbursement resolution** which the Common Council should adopt to make sure that expenditures made for the projects included in the City's 2026-2027 Capital Improvement Plan prior to the issuance of notes or bonds (the "Bonds") by the City can later be reimbursed with proceeds of the Bonds. Please note that any expenditures the City makes more than 60 days prior to adopting this resolution will not be eligible for reimbursement, unless they fit into the "preliminary expenditure" exception.

Preliminary expenditures are defined as including architectural, engineering, surveying, soil testing and reimbursement bond issuance costs incurred prior to commencement of construction, but do not include land acquisition, site preparation and similar costs incident to commencement of construction. In addition, the aggregate of preliminary expenditures may not exceed 20% of the principal amount of the bonds or notes issued.

SUGGESTED MOTION

Motion to recommend to the Common Council adoption of Resolution #05-26 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing.



Review of IRS Reimbursement Regulations

Counties, cities, villages, towns, school districts and other governmental units often will pay capital costs out of available cash in anticipation of long-term financing with tax-exempt bonds. Bonds or other municipal obligations issued to permanently finance prior expenditures in this way are commonly called "reimbursement bonds."

Although the final IRS regulations regarding reimbursement bonds were effective in June, 1993, questions frequently arise about them. This update summarizes the pertinent provisions.

General Rules

Three general rules must be followed in order for a governmental unit to undertake tax-exempt financing for the purpose of reimbursing itself for prior expenditures.

Official Intent: If a prior expenditure is to be permanently financed by the later issue of tax-exempt obligations, the governmental unit must declare its reasonable intent to do so within 60 days of the date the expenditure is made. Without this declaration of intent, the ability to obtain permanent tax-exempt financing for that expenditure is lost unless the preliminary expenditure or de minimus exceptions described below apply).

Requisite "official intent" has four basic requirements:

First, the declaration of official intent must be made in any reasonable form (resolution, legislative authorization, approved budget documents). The declaration of official intent usually will be stated in a resolution approved by the governmental unit's governing body or by an authorized representative of the governmental unit, and must:

1. describe the project (i.e. property, project, or program) for which the expenditure will be made OR identify the fund or account (by name and functional purpose) used to pay for the expenditure; AND

2. state the maximum principal amount of obligations expected to be issued for the project.

Second, the declaration must contain a general functional description of the property to which the reimbursement relates or an identification of the fund or account from which the expenditure is to be paid and a general functional description of the purposes of such fund or account. Thus, references to a "highway capital improvement program," a "hospital equipment acquisition" or a "school building renovation" will suffice. Reasonable deviations between the project described in the declaration and the actual project ultimately financed will not invalidate the official intent but the actual project must reasonably relate in function to the project described in the declaration.

Third, the declaration must indicate the maximum principal amount of borrowing expected for reimbursement.

Local governments should put procedures in place if they plan to reimburse prior expenditures with tax-exempt obligations.

Fourth, in general, a declaration of official intent is reasonable only if, as of the date of declaration, the governmental unit reasonably expects to reimburse the expenditure with proceeds of a borrowing. Whether a governmental unit's expectation that the reimbursement will occur is reasonable will be determined under all of the available facts and circumstances, including whether the governmental unit has a history of making declarations of intent without following through with an actual reimbursement or of making declarations in amounts substantially in excess of the amounts expected to be necessary. Blanket declarations of official intent which are

routinely adopted and indiscriminately cover all or most of a governmental unit's expenditures are not sufficient.

Reimbursement Period (18-Month Rule):

Generally, the reimbursement bonds must be issued not later than 18 months after the later of (a) the date on which the expenditure is made or (b) the date the financed property is placed in service or abandoned, but in no event later than 3 years after the expenditure is made. Small issuers (governmental units that issue \$5,000,000 or less of tax-exempt bonds during the calendar year) get a 3 year period instead of 18 months. A special rule for long-term construction projects permits a 5 year rather than 3 year reimbursement period if both the issuer and a licensed architect or engineer certify that 5 years is necessary to complete construction of the project.

Nature of Expenditure Requirement: The expenditures to be reimbursed must be capital expenditures, costs of issuance for a bond, extraordinary nonrecurring items, a grant, a qualified student loan, qualified mortgage loan, or qualified veteran's mortgage loan. Local governments cannot reimburse amounts spent to repay outstanding obligations from a tax-exempt borrowing.

Preliminary Expenditure and Deminimus Exceptions

The official intent requirement and the reimbursement period requirement do not apply to "preliminary expenditures" which include architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred

prior to commencement of construction, rehabilitation or acquisition of a project. Preliminary costs do not include land acquisition, site preparation, and similar costs incident to the commencement of construction. Preliminary expenditures, however, cannot exceed 20% of the issue price of the related reimbursement bond issue. A special exception also applies for amounts not in excess of the lesser of \$100,000 or 5% of the proceeds of the issue.

Comment

Many governmental units have adopted resolutions authorizing certain officials to declare official intent on their behalf. Others have adopted specific reimbursement resolutions. Many initial borrowing resolutions approved by governing bodies will satisfy the official intent requirement. We recommend that all governmental units review the reimbursement regulations and put procedures in place so they can preserve the ability to reimburse prior capital expenditures with tax-exempt obligations.

Sample resolutions are available upon request.

RESOLUTION NO. 05-26

**RESOLUTION DECLARING OFFICIAL INTENT
TO REIMBURSE EXPENDITURES
FROM PROCEEDS OF BORROWING**

WHEREAS, the City of Berlin, Green Lake and Waushara Counties, Wisconsin (the "Issuer") plans to undertake projects included in the City's 2026-2027 Capital Improvement Plan (the "Project");

WHEREAS, the Issuer expects to finance the Project on a long-term basis by issuing tax-exempt bonds or other tax-exempt obligations (collectively, the "Bonds");

WHEREAS, because the Bonds will not be issued prior to commencement of the Project, the Issuer must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, the Common Council (the "Governing Body") of the Issuer deems it to be necessary, desirable, and in the best interests of the Issuer to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Issuer that:

Section 1. Expenditure of Funds. The Issuer shall make expenditures as needed from its funds on hand to pay the cost of the Project until proceeds of the Bonds become available.

Section 2. Declaration of Official Intent. The Issuer hereby officially declares its intent under Treas. Reg. Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$500,000.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Issuer pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. The Resolution shall be made available for public inspection at the office of the Issuer's Clerk within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

Adopted and recorded April 14, 2026

Approved April 14, 2026

Mayor

ATTEST:

(SEAL)

City Administrator/Clerk/Treasurer

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Official Statement Disclosure Questionnaire (OSDQ) for proposed \$2M capital borrowing
MEETING DATE: April 8, 2026

BACKGROUND

The Official Statement Disclosure Questionnaire is needed to move forward with the capital borrowing.

Per Baird, "The OS Disclosure Questionnaire and Attestation is meant to help ensure that the information contained in the Preliminary Official Statement ("POS") and subsequently the Final Official Statement ("FOS"), also referred to ... as the "Official Statement", is accurate and complete. As part of the documentation related to this municipal offering, the City will sign a "Deemed Final" Certificate attesting to the accuracy and completeness of the information contained in the POS and FOS.

Staff has completed the OSDQ and plans to submit it to Baird no later than Monday, April 13, 2026 per the attached Financing Timetable.

SUGGESTED MOTION

Motion to authorize the City Administrator to sign and submit the Official Statement Disclosure Questionnaire.

OS DISCLOSURE QUESTIONNAIRE

Please email the following:

1. Approved 2026 Budget.
2. Current Employee Handbook *(if applicable)*
3. Post-Retirement Benefits actuarial study and/or Table Updates.
4. Current investment policy and current fund balance policy.
5. Please review the attached "existing debt" schedule, and provide loan documentation and amortization schedules for any additional issues that are not shown. This would include, for example, bank loans and state trust fund loans. In addition, please provide any lease documentation and/or indicate any upcoming leases (i.e., copier, technology, etc.). **The existing debt should include any bank loans or leases as well. Please provide documentation if any loans or leases are missing.**

THE CITY

Common Council

The Common Council is the legislative and policy-making body of the City and consists of six council members who are elected for two-year terms. The present members and expiration of their respective terms and the mayor who is elected for a two-year term of office are as follows:

Catrina Burgess, Mayor
Term Expires April, 2027

<u>Name</u>		<u>Expiration of Term</u>
Terry Przybyl, Alderperson	Wards 1 & 7	April, 2026
Victoria Hill, Council President	Ward 2	April, 2027
Kristina Boeck, Council President	Ward 3	April, 2026
Samantha Stobbe, Alderperson	Ward 4	April, 2027
Joshua Nigbor, Alderperson	Ward 5	April, 2026
Melissa Sorenson, Alderperson	Ward 6	April, 2026

Administration

<u>Name</u>	<u>Title</u>	<u>Years of Service</u>
Jessi Balcom	City Administrator/Clerk-Treasurer	1*
Debra Thiel	Deputy Clerk-Treasurer	2*
Brittani Majeskie	Deputy Clerk-Treasurer	0.75*
Brian Malnory	Water & Sewer Utility Superintendent	29
Scott Zabel	Department of Public Works Superintendent	33

**Ms. Balcom was previously employed by the City of Oshkosh, Ms. Thiel was previously employed by Regal Rexnord and Ms. Majeskie was previously employed by the Redgranite School District.*

Employment Relations

<u>Department</u>	<u>Number of Employees*</u>
Parks	1
Streets	8
Utility	8
Police	13
Clerk	2
Fire	0- volunteer
Zoning	1
Senior Center/Recreation	2
Administration	1
EMS	18
Total	54

**Number of employees are FTE. Seasonal employees are not included.*

Labor Contracts

<u>Organization</u>	<u>Employee Group Represented</u>	<u>Contract Expiration</u>
Berlin Professional Police Officers-AFSCME	Police Officers	December 31, 2027

The City considers its relationship with the employee groups to be excellent.

Other Post Employment Benefits

The City also provides OPEB through the Local Retiree Life Insurance Fund ("LRLIF"), which is a cost-sharing multiple-employer defined benefit plan established by Chapter 40. The ETF and the Group Insurance Board have statutory authority for program administration and oversight, including establishing contribution requirements for employers.

For Fiscal Year 2024, the City's portion of contributions to the LRLIF totaled \$1,125. For Fiscal Year 2024, the City reported a liability of \$213,829 for its proportionate share of the net OPEB liability of the LRLIF. The net OPEB liability was measured as of December 31, 2024 based on the City's share of contributions to the LRLIF relative to the contributions of all participating employers. The City's proportion was 7.12% of the aggregate LRLIF net OPEB liability as of December 31, 2024.

The calculation of the total OPEB liability and fiduciary net position are subject to a number of actuarial assumptions, which may change in future actuarial valuations. Such changes may have a significant impact on the calculation of the net OPEB liability of the LRLIF, which may also cause ETF to change the contribution requirements for employers and employees. For more detailed information, see Note 7 in "Appendix A - Basic Financial Statements and Related Notes for the year ended December 31, 2024" attached hereto.

Building Permits (Please include all types of building permits)

Year	Number of Permits	Valuation
2026*	31	1,185,077.00
2025	189	11,711,909.47
2024	176	7,588,825.00
2023	212	6,419,178.89
2022	411	7,193,275.52
2021	268	4,314,454.00

*As of March 25, 2026.

Largest Taxpayers

Listed below are the 10 largest taxpayers in the City.

Taxpayer	Type of Business	2025 Assessed Valuation	2025 Equalized Valuation
Wal-Mart	Retail	\$8,504,900	\$8,755,100
NBA Holdings LLC	Community Based Residential Facility	\$5,461,100	\$5,621,800
Mustard Acres LLC	Manufacturing	\$4,640,200	\$4,776,700
Northstar Development & Properties	Manufacturing	\$3,541,400	\$3,645,600
MNJ Development LLC	Apartment Complex	\$5,065,000	\$5,214,000
Maldwin Properties LLC	Auto dealer/service	\$3,910,400	\$4,025,400
NLM Investments LLC	Apartments	\$2,008,000	\$2,067,200
Community Health Network	Health Care Facility	\$3,771,600	\$3,882,600
Mustard Acres II LLC	Manufacturing	\$2,157,800	\$2,221,300
Kwik Trip Inc.	Retail	\$1,979,200	\$2,037,400

TAX LEVIES, RATES AND COLLECTIONS

Levy/Collection Year	City Tax Rate	Total City Levy	Uncollected Taxes as of August 20th of each Year	Percent of Levy Collected
2025/2026	\$5.95	\$2,732,529	-In Process of Collection-	
2024/2025	\$5.56	\$2,434,092	-0-	100.00%
2023/2024	8.95	2,122,374	-0-	100.00%
2022/2023	8.65	2,056,438	-0-	100.00
2021/2022	8.66	2,064,613	-0-	100.00

ASSESSED AND EQUALIZED TAX RATES

	<u>2025/2026</u>	<u>2024/2025</u>	<u>2023/2024</u>	<u>2022/2023</u>	<u>2021/2022</u>
City	\$5.95	\$5.56	\$8.95	\$8.65	\$8.66
Berlin Area School District	\$6.24	\$5.82	11.40	13.70	11.57
Moraine Park Technical College District	\$0.52	\$0.51	0.92	0.72	0.69
Green Lake County	\$4.56	\$4.45	8.29	9.14	8.75
Gross Tax Rate	\$17.27	\$16.34	\$29.56	\$32.21	\$29.67
Less: State Tax Credit	(1.39)	(1.52)	(2.61)	(1.88)	(1.81)
Net Tax Rate	\$15.88	\$14.82	\$26.95	\$30.33	\$27.86
Ratio of Assessed to Equalized Valuation	<u>97.14%</u>	<u>106.54%</u>	<u>63.43%</u>	<u>65.74%</u>	<u>77.85%</u>
Equalized Tax Rate	<u>\$15.42</u>	<u>\$15.79</u>	<u>\$17.09</u>	<u>\$19.94</u>	<u>\$21.69</u>

INDEBTEDNESS OF THE CITY

Five-year History of Short-Term Cashflow Borrowings

The City has borrowed for short-term cash flow purposes as follows:

<u>Amount</u>	<u>Dated</u>	<u>Due</u>
\$293,536.00	1.4.2025	PAID OFF

Please provide loan documentation and amortization schedules for any additional issues that are not shown on the existing debt schedule. This would include, for example, bank loans and state trust fund loans. In addition, please provide any lease documentation and/or indicate any upcoming leases (i.e., copier, technology, etc.).

Future Financings

Please indicate the approximate amount and anticipated date of all future financings for the next twelve months below. If the City does not anticipate any general obligation borrowing, please state NONE. **Exclude the current issue.**

Over the next twelve months, the City anticipates issuing approximately \$300,000 of additional general obligation debt in November, 2026.

Other Debt

The following issue is not a general obligation of the City:

- Clean Water Fund Loan issue dated May 11, 2011, totaling \$488,224 in principal due May 1, 2024 through 2031.

Default Record

The City has no record of default on any prior debt repayment obligations.

**GENERAL FUND SUMMARY
FOR YEARS ENDED DECEMBER 31**

Please provide budget and unaudited figures for the general fund summary in the following format:

	2026 <u>BUDGET</u>	2025 <u>UNAUDITED</u>
<u>Revenues</u>		
Taxes	3,034,065	2,256,092
Special Assessments	0	2,937
Intergovernmental Revenues	2,937,025	2,923,826
Licenses and Permits	73,650	76,150
Fines, Forfeits and Penalties	60,750	62,850
Public Charges for Services	201,750	159,150
Intergovernmental Charges	176,738	220,718
Investment Income	0	0
Miscellaneous Income	93,556	318,830
Total Revenues	<u>6,577,534</u>	<u>6,020,553</u>
<u>Expenditures</u>		
General Government	954,403	913,152
Public Safety	1,889,541	1,879,006
Public Works	1,626,050	1,615,532
Health and Human Services	259,678	274,080
Culture, Recreation and Education	704,677	866,577
Conservation and Development	118,142	158,484
Debt Service	0	0
Other	50,000	20,000
Total Expenditures	<u>5,602,491</u>	<u>5,726,831</u>
Revenues over (under) expenditures	<u>975,043</u>	<u>293,722</u>
<u>Other financing sources (uses)</u>		
Operating transfers in	190,000	190,000
Operating transfers (out)	(1,165,043)	(940,003)
Sale of capital assets		
Total other financing sources (uses)	<u>(975,043)</u>	<u>(750,003)</u>
Revenues and other sources over (under) expenditures and other uses	<u>0</u>	<u>(456,281)</u>
Fund balances, beginning of year	<u>3,568,087</u>	<u>4,024,368</u>
Fund balances – end of year	<u>3,568,087</u>	<u>3,568,087</u>

MISCELLANEOUS

1. Municipality's Tax ID Number: 39-6005398
2. Municipal Attorney (general): Municipal Law & Litigation Group (Eric Larson)
Address: 730 N Grand Avenue, Waukesha WI, 53186
3. Please review the City's current audit contract or letter of engagement to confirm if there are provisions that require:
 - a) approval in order to use the current financial statements in the City's Official Statement;
and/or
 - b) the auditor review the Official Statement prior to printing and distribution.
If the answer is yes, please indicate that by checking the appropriate box(es).

If these provisions are included in your contract, there may also be a provision that the auditor will charge an additional fee in connection with the above.

Is the City planning to have their auditor perform additional analysis in connection with the preparation of the official statement?

- Yes
 No

If yes, please describe

**Attestation of Issuer or Obligated Person
Regarding Compliance with Continuing Disclosure Undertakings**

The issuer or other obligated person named above (the "Issuer") hereby certifies to Robert W. Baird & Co. Incorporated as to the following matters related to the Issuer's compliance with SEC Rule 15c2-12 (the "Rule") with respect to continuing disclosure undertakings ("Undertakings") made by the Issuer in connection with prior offerings or issuances of securities:

1. The Issuer has policies and procedures that are reasonably designed to ensure compliance with the Undertakings.

2. To the knowledge of the undersigned, over the previous five years, the Issuer has complied in all material respects with all prior Undertakings to provide continuing disclosures to the MSRB or, if applicable, a Nationally Recognized Municipal Securities Information Repository (NRMSIR) regarding the matters set forth in the Rule, including audited financial statements and other annual financial information and notices of certain events, except as follows:

3. To the knowledge of the undersigned, none of the following events involving any securities subject to an Undertaking has occurred within the past five years, except as described below:

- Principal and interest payment delinquencies
- Material non-payment related defaults
- Unscheduled draws on debt service reserves reflecting financial difficulties
- Unscheduled draws on credit enhancements reflecting financial difficulties
- Substitution of credit or liquidity providers, or their failure to perform
- Adverse tax opinions or rulings or final determinations of taxability, material notices or determinations with respect to the tax status of the bonds or other material events affecting the tax status of the bonds
- Material modifications to the rights of holders of the bonds
- Material bond calls and tender offers
- Defeasances
- Release, substitution or sale of property securing repayment of the bonds, if material
- Rating changes
- Bankruptcy, insolvency, receivership or similar event of the Issuer
- Consummation of a merger, consolidation or acquisition involving the Issuer or the sale of substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions other than pursuant to its terms, if material
- Appointment of a successor or additional trustee or the change of name of a trustee, if material

Describe any such events and the date(s) on which notices of such events were provided to the MSRB or a NRMSIR (if none, so state):

4. Email reminder prior to the submission due date:

- The Issuer or Other Obligated Person currently has other arrangements and does not need an email reminder.
 - The Issuer or Other Obligated Person would like a reminder at this email address:
-

SIGNATURE

By submitting this document, I am (or the Issuer, is) attesting that the information provided is true and correct in all material respects and did not at any time contain an untrue statement of a material fact or omit to state a material fact required to be stated, where necessary to make the statements in light of the circumstances under which they were made, not misleading.

Official Statement Disclosure Data Provided by: **Jessi Balcom**

Title: **City Administrator/Clerk/Treasurer**

Information provided is current as of {Insert Date}

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: 2% Fire Dues Program Audit Report
MEETING DATE: April 8, 2026

BACKGROUND

On March 5, 2026 the State audited the Berlin Volunteer Fire Department regarding their utilization and eligibility for the 2% fire dues program. The Fire Department had a positive audit and were found to be in substantial compliance.

No action is needed. This is for the Common Council's information. Congratulations to the Fire Department on a positive audit. As noted in the letter from the State, "Thank you for your professionalism and courtesy extended during the audit. Keep up the good work you are providing for the citizens of your community."



2% FIRE DUES PROGRAM AUDIT REPORT

March 5, 2026

DOUG DEWHURST, FIRE CHIEF
BERLIN VOL FIRE DEPT/FDID# FD24020
226 SPRING ST
BERLIN, WI 54923

Dear CHIEF Dewhurst,

AUDIT FINDINGS:

A substantial compliance audit of the **BERLIN VOL FIRE DEPT** for the 2% fire dues program was conducted on **03/05/2026**. The audit was to confirm compliance with the SPS 314 and State Statute 101.575 (6), all-inclusive for the year 2025. The audit generally consisted of reviewing inspection, prevention, public education and training records along with fire reports and other fire department statutory requirements.

Substantial compliance, as prescribed by chapter SPS 314 Administrative Code and for the purposes of s. 101.575 (4) (a) 1. and 2., Wis. Stats, means an ample amount of the required activity was performed through a concerted effort aimed at total compliance. A determination of substantial compliance is obtained through a common-sense approach to evaluating whether enough effort was made to comply with the applicable statute or code requirements. Substantial compliance is not a specific number or percentage of compliance. A determination of substantial compliance in any one year or regulatory standard does not mean that the same amount of compliance or effort in the following year or in another area of the code automatically equals substantial compliance.

Based on my review, it is the observation of this auditor that the fire department is in substantial compliance with the requirements of the statutes and administrative rules for State of Wisconsin 2% fire dues program.

Thank you for your professionalism and courtesy extended during the audit. Keep up the good work you are providing for the citizens of your community.

Please contact me with any questions you may have regarding this audit.

Sincerely,
Gary Peck
WI Fire Prevention/FD Safety & Health Coordinator
Phone: (608) 219-9470
Email: gary.peck@wisconsin.gov

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: 2025 Recycling Program Accomplishments and Actual Costs Annual Report
MEETING DATE: April 8, 2026

BACKGROUND

The annual report, as required by the Department of Natural Resources Waste and Materials Management Program, has been filed.

No action is needed.

2025 Recycling Program Accomplishments and Actual Costs Annual Report

Form 4400-182 Rev. 02-26
State of Wisconsin
Department of Natural Resources
Waste and Materials Management Program
<https://dnr.wisconsin.gov/topic/Recycling/RU.html>

Return By: April 30, 2026

Responsible Unit (RU)
City of Berlin
Muni Code: 24206
County: Green Lake
Population: 5526
RU Category: Single
Last Grant Year: 2025

DNR Information

State of Wisconsin
Department of Natural Resources
Waste and Materials Management Program
<https://dnr.wisconsin.gov/topic/Recycling/RU.html>

Email: dnrrecycling@wisconsin.gov

NOTICE: Completion of this form fulfills the mandatory annual reporting requirement for continued approval of a responsible unit's recycling program and retention of the DNR recycling grant, for those who received it. This form is authorized by s. NR 544.10 and s. NR 542.09(3), Wis. Adm. Code. Personally identifiable information will be used for program administration and must be made available to requesters as required by Wisconsin Open Records law (s. 19.31-19.39, Wis. Stats).

Section 1: CONTACT INFORMATION

A. Authorized Representative

The DNR central office has the responsible unit's authorizing resolution on file. According to our records, the authorizing resolution names the position of City Administrator as the authorized representative.

Jessi L Balcom

City Administrator
920-361-5400 -
cityadministrator@cityofberlin.wi.gov

B. Primary Contact

Name

Is Name above correct? Yes No

Primary Contact Address

Is the Primary Contact Address Listed Above Correct? Yes No

New Primary Contact Address Line 1

New Primary Contact Address Line 2

New Primary Contact City

New Primary

New Primary Contact ZIP Code

Primary Contact Email

Is the Primary Contact Email Address above correct? Yes No

Primary Contact Phone

Is the Primary Contact Phone Number above correct?

Yes

No

SECTION 2: EFFECTIVE PROGRAM INFORMATION & PERFORMANCE DATA

Provide information and data on the accomplishments of the RU's effective recycling program during the previous calendar year. All questions in this section relate to the collection of s. NR 544 Table 1 recyclables, listed below. Collection of yard waste and waste tires is reported in section 2D.

- Newspaper
- Corrugated cardboard
- Magazines
- Residential mixed paper(may include magazines and office paper)
- Aluminum containers
- Steel/Bi-metal (tin) containers
- Plastic containers
- Foam polystyrene packaging
- Glass containers

A. Collection of Recyclables for Single Family and 2-4 Unit Residential Housing

Review and update information on the collection methods used by the RU or each member in the RU. For multi-member RUs, if any of the information is incorrect or if the join date or join type need to be modified, please contact DNRRecycling@wisconsin.gov. Note that this list includes entities that were members at any point during the previous calendar year.

Does the RU plan to add or remove members (municipalities, counties, or tribes) in 2026? Yes No

If a drop-off site is not used, please don't add a drop-off site location.

RU Member 1

Was there curbside collection?

Yes

How was curbside service provided? (Select all that apply)

RU provided service with municipal service and staff

False

RU contracted another municipality to provide services with their equipment and staff

False

RU contracted private hauler(s) to provide collection service

True

Residents contracted with private hauler for their recyclable pickup and % of population that does this is

False

What was the primary curbside collection method? How often were recyclables picked up?

Single Stream

Weekly

Was there a drop-off site(s)?

No

If there is no drop-off site, please do not enter drop-off site information below.

Drop-off Site(s)

Did the majority of the RU member's residents use curbside or drop off collection for their recyclables?

Curbside

B. Table 1 Materials Collected

All NR 544 Table 1 materials except for those with a waiver (plastic containers #3-7 and foam PS packaging), are required to be collected by RUs in accordance with s. 287.07(4), Wis. Stats.

Did the RU collect all of the required NR 544 Table 1 materials? Yes No

C. Hauling, Processing and Marketing Data of Recyclables for Single Family and 2-4 Unit Residential Housing

Hauler Details

Review and update the list of haulers that served the RU during the previous calendar year. Include any haulers that collected Table 1 recyclable materials from single family and 2-4 unit residences. This includes the RU if it collects materials itself, haulers that it contracted with directly and haulers that residents contracted with (subscription service).

Please note that some companies have multiple listings for different regional collection locations. Please work with the RU's hauler(s) to identify which facility the RU's recycling is collected through and select the correct listing. The number following the name of the hauler is the hauler's Wisconsin DNR license number.

For each hauler, indicate whether it was contracted by the RU or RU member, by residents, or by both. If one of the haulers is not on the list, check the box below and enter the information for that hauler. Select the first letter ONLY of the hauler name to alphabetically jump to that portion of the list.

Name

Contracted By

WMWI - Valley Trail Recycling & Disposal - Berlin - 16954

Municipality(RU)

I have looked for the RU's hauler in the above list and cannot find it.

False

MRF Details

Review and update the list of materials recovery facilities (MRFs) that received and processed recyclables from the RU during the previous calendar year. This may include MRFs the RU contracts with directly or MRFs the hauler uses on a regular basis. Be sure to only add MRFs, not haulers that collected the materials. If you cannot find the RU's MRF on the list provided, contact the RU's hauler to ask which MRF they are using. You will not be able to complete this report without a MRF.

MRF-ID

Waste Management - Germantown - 267183730

Contracted to RU

Yes

Other Processors Details

Please list places not reported above that received Table 1 recyclables from the RU during the previous calendar year. Examples include paper mills that directly take paper and scrap metal yards that collect aluminum cans (aluminum cans and/or steel and bi-metal cans are the only metal weights to be reported from scrap metal yards. Do not report the weight of other scrap metal recycled). This does NOT mean listing all of the places the RU's MRF sends materials to.

Summary of Tonnage Collected

Below is a summary of your RU's tonnage for this reporting period based upon the data you provided.

Note: Click the SAVE button at the top of the form to update the totals in this summary.

Total weight of recyclables collected from residences: (tons)

185.51

Check this box if the RU has and would like to provide the tonnage of Table 1 recyclable materials collected from multi-family 5+ unit residences.

Total weight of recyclables: (tons)

185.51

Did your hauler(s) provide recycling tonnage information to you by Feb. 1? (If you self-haul, select Yes.) Yes No

Per capita collection: (lbs/person/year)

67.14

Response indicated the RU tonnage per capita has DECREASED significantly from prior years. Please explain why there was a significant change.

This tonnage number is only recyclables collected through weekly curbside collection. Last year this number included all recycling - including yard waste - with yard waste the number for 2025 would be 697.32 tons.

D. Information on Other Materials Collected From Residents

Please provide information on other recyclable materials collected within the RU. It is not required, but reporting it allows us to recognize RUs additional efforts and helps provide a more accurate and complete picture of recycling in Wisconsin.

Waste Tires	0.00	Measurement	Number of
Yard Waste	511.81	Measurement	Tons

E. Report of Actual Recycling Costs for Grant Purposes

Actual program costs are determined by completing the actual costs worksheet. remember that grant assistance is provided only for certain activities and eligible materials generated by single family and 2-4 unit residences located in the RU If you would like to print a blank worksheet to work from before entering your final amounts into the online form, select the following link.
<https://dnr.wi.gov/files/PDF/forms/8700/8700-222B.pdf>

Enter all actual 2025 recycling and yard waste program expenses by breaking them down by column and row. Costs should be entered in whole dollar amounts only. The expenses listed in the rows correspond to the Uniform Chart of Accounts (UCA) object codes. Scroll down to view entire list.

NOTE: Click the SAVE button at the top of the form to update the totals in this summary.

Recycling Expenditures UCA #53565 (including yard waste & waste tires)	A. Education	B. Collection (Curbside &/or Drop-off)	C. Processing & Marketing	D. Compliance & Enforcement	E. Estimated Total Costs
1. Salaries/Wages & Employee Benefits	207.00	44,303.00	41.00	414.00	44,965.00
2. Consulting & Professional Services	0.00	0.00	0.00	0.00	0.00
3. Utility Services	0.00	0.00	0.00	0.00	0.00
4. Purchased Repairs & Maintenance	0.00	0.00	0.00	0.00	0.00
5. Purchased Services Printing & Advertising	0.00	0.00	370.00	0.00	370.00
6. Purchased Services Other(contractual svcs)	0.00	149,471.00	0.00	0.00	149,471.00
7. Office Supplies	0.00	0.00	0.00	0.00	0.00
8. Subscriptions & Dues	0.00	0.00	0.00	0.00	0.00
9. Employee Travel & Training	0.00	0.00	0.00	0.00	0.00
10. Operating Supplies & Expenses	0.00	5,299.00	0.00	0.00	5,299.00
11. Repair & Maintenance Supplies	0.00	0.00	0.00	0.00	0.00
12. Insurance	0.00	0.00	0.00	0.00	0.00
13. Rents & Leases	0.00	0.00	0.00	0.00	0.00
14. Depreciation(Total depreciation costs in Row 14 Column E)	0.00	0.00	0.00	0.00	0.00
15. Hourly Equipment Use Charges(Total hourly use charges in Row 15 Column E)	0.00	0.00	0.00	0.00	48,428.00
16. Cost Allocations	0.00	0.00	0.00	0.00	0.00
17. Cost Allocations Other (not #53635)	0.00	0.00	0.00	0.00	0.00
Total	207.00	199,073.00	411.00	414.00	248,533.00

18. Total Recycling Costs (total of lines 1 thru 17) 248,533.00

19. Ineligible Costs - Recycling of banned items s. 287.07(1m), Wis. Stats. (Batteries, Major Appliances and Oil) 956.00

20. Ineligible Revenue - Sale of Recyclables 385.00

21. Total Ineligible Costs & Revenues (total of lines 19 and 20) 1,341.00

22. Total Eligible Recycling Costs (line 18 minus line 21) 247,192.00

You have successfully earned your grant. Repayment will not be required.

Cost (including yard waste & waste tires) per capita:	44.73
Yard Waste & Waste Tires Costs and Summary	
Enter the cost of handling yard waste that is included in line 18 of the Actual Costs worksheet.	96,423.00
Enter the cost of handling waste tires that is included in line 18 of the Actual Costs worksheet:	0.00
Cost (excluding yard waste & waste tires) per capita:	27.28
Cost (excluding yard waste & waste tires) per ton:	812.73

F: Compliance

Review and update information about how the RU ensures that all residents and businesses are complying with its recycling ordinance. Note that all RUs are required to have a valid ordinance and compliance assurance plan (CAP). For questions, visit <https://dnr.wisconsin.gov/topic/Recycling/RU.html>

A recycling ordinance is required by all RUs in accordance with s. NR 544.04(2), Wis. Adm. Code.

Did the RU have an ordinance in 2025? Yes No

Did the RU update the ordinance since July 1, 2025 and submit a copy to the DNR?" Yes No

What is the RU's ordinance number?

Ordinance effective date:

A Compliance Assurance Plan (CAP) is required by all RUs in accordance with s. NR 544.04(9g), Wis. Adm. Code.

Did the RU have a compliance assurance plan? Yes No

Did the compliance assurance plan change in 2025? Yes No

How did the RU ensure compliance with the recycling ordinance at residences with 5 or more units? (Check all that apply)

There were no residences with 5 or more units physically located within the RU

RU provided direct outreach to landlords/building managers

RU staff regularly conducted inspections/visits

RU staff responded to recycling-related complaints

How did the RU ensure compliance with the recycling ordinance at non-residential facilities and properties (e.g., businesses, stadiums, events, etc.)? (Check all that apply)

There were no non-residential facilities physically located within the RU

RU provided direct outreach to business owners/managers

RU staff regularly conducted inspections/visits

RU staff responded to recycling-related complaints

G. Enforcement

Please report the number of recycling-related complaints the RU received during the report year, along with the number of enforcement actions taken (inspections, citations, written warnings and verbal warnings).

If the RU did not receive complaints or take a type of enforcement action, enter a '0' in the appropriate box. The RU should maintain records to verify these numbers. If the previous section indicates the RU has no residences with 5 or more units or no non-residential (business) facilities, that row should be disabled.

	Complaints Received	Warning Tags	Verbal Warnings	Written Warnings	Inspections	Citations
1 - 4 units residential	21	0	0	0	0	0
5+ units residential	0	0	0	0	0	0
Non-residential (Business)	0	0	0	0	0	0

H. Outreach and Other Program Features

Public information and education is key to a successful recycling program and is required by the recycling law. What outreach efforts did the RU undertake in the report year? (Check all that apply)

- Community yard sale
- Printed publications (flyers, handouts, etc.)
- Conduct waste audits
- Radio ads or public service announcements
- Direct mail or email (flyers in the tax bill, newsletter, etc.)
- Recycling focused event (collections, cleanups, etc.)
- Display booths at fairs, etc.
- School education program (Green & Healthy Schools, etc.)
- News releases
- Social media (Facebook, Twitter, etc.)
- Print ads (newspaper, magazines, etc.)
- Web site has recycling info (what to recycle, when, where, and how)

Section 3: CERTIFICATION

A: Summary of 2025 Recycling Performance

Weight Summary

NOTE: Click the SAVE button at the top of the form to update the totals in this summary.

Total weight of residential Table 1 recyclable materials collected: (tons)

Per capita collection:(lbs/person/year)

Cost Summary

2025 Grant Award:

Net eligible recycling costs:

Cost per capita including yard waste & waste tires:

Yard waste handling costs:

Waste tire handling costs:

Cost (excluding yard waste & waste tires) per capita:

B: Assurances

A. The responsible unit certifies the program is operating in accordance with its effective recycling program approval or, if there have been changes, the responsible unit has described those changes in this 2025 Recycling Program Accomplishments and Actual Costs Annual Report.

B. The responsible unit agrees to comply with all applicable provisions of ch. 287, Wis. Stats., and chs. NR 544 and NR 542, Wis. Adm. Code.

C. The responsible unit understands that if it fails to comply with any applicable provision of ch. 287, Wis. Stats., chs. NR 544 Wis. Adm. Code, and NR 542 Wis. Adm. Code, or its effective recycling program approval, the following may happen:

- the responsible unit's effective recycling program approval may be revoked

- the responsible unit may not be allowed to dispose of its solid waste in solid waste disposal and solid waste treatment facilities located in the state of Wisconsin, and

- the responsible unit may lose its eligibility for a state recycling grant

D. The responsible unit certifies that in the management of its solid waste, it has, whenever possible and practical, followed these priorities: 1) the reduction of the amount of solid waste generated; 2) the reuse of solid waste; 3) the recycling of solid waste; 4) the composting of solid waste; 5) the recovery of energy from solid waste; 6) the land disposal of solid waste; and 7) the burning of solid waste without energy recovery.

E. By typing my name below and clicking submit, I certify on behalf of City of Berlin that the information entered in this Recycling Program Accomplishments and Actual Costs Annual Report is true and complete.

C: Certification

Authorized Representative:

Jessi, Balcom

Submit Date:

3/31/2026

Submitted By:

Jessi Balcom

Confirmation #:

234844-S-20260331:153337

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: At Large Council Representation
MEETING DATE: April 8, 2026

BACKGROUND

At the February 2026 Committee of the Whole meeting the Council directed staff to move forward with preparing an ordinance amendment to allow Council member seats to represent the entire City rather than specific wards. This would allow eligible adult Berlin residents to run for any Council seat, every year.

The amendment requires the City Council to amend the City's Charter ordinance. This would require a 2/3's vote of the Council, publication in the paper, and a 60-day waiting period (to allow residents to file a petition requiring the amendment to go to referendum prior to implementation), and then implementation.

The amended ordinance has been prepared by the City Attorney for your consideration.

Of note, the transition to fully at large representation will take two years. On April 7, Alderpersons will be/were elected to a specific ward for a two-year term. Next April, the open wards will be elected to a two-year term as at large representatives and the following April all 7 wards would be represented by all 6 alderpersons – as at large representatives. Please see the attached memo from the City Attorney.

SUGGESTED MOTION

Motion to recommend to the Common Council the adoption of the Charter Ordinance to implement At Large Representation of the City's Council members.

Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ (1935-2022)
DONALD S. MOLTER, JR. (Retired)
JOHN P. MACY
H. STANLEY RIFFLE (Court Commissioner)
ERIC J. LARSON
REMZY D. BITAR

730 N. GRAND AVENUE
WAUKESHA, WISCONSIN 53186
Telephone (262) 548-1340
Facsimile (262) 548-9211
Email: elarson@ammr.net

PAUL E. ALEXY
LUKE A. MARTELL
SAMANTHA R. SCHMID
CHRISTOPHER R. SCHULTZ
LUCAS C. LOGIC
GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA M. GAIN
JAIME L. STAFFARONI
HAILEY R. LIPINSKI
SAVANNAH H. ZUZICK

STEPHEN J. CENTINARIO, JR.

April 1, 2026

Jessi Balcom, City Administrator
City of Berlin
108 N. Capron Street
P. O. Box 272
Berlin, WI 549223

**Re: Council At Large
Legal Review**

Dear Ms. Balcom:

I received your additional questions concerning a transition to at large representation. I have had an opportunity to carefully consider this matter.

Based upon my review, I note the following comments, questions, concerns and recommendations in this regard:

1. **Your Question:** Would we need to elect all 6 alder persons next year, three with a one year term and three with a two year term?

My Response: No. Please note that the terms will not change. Just who gets to vote changes.

2. **Your Question:** How would those that will be elected to two year terms next month be impacted, since they will be representing a specific ward – can their terms be cut short?

My Response: No. The alderpersons elected next month under the current ordinance will represent the specific ward he or she is elected for and subject to the full term identified in the current code. Any election after the charter ordinance is adopted is subject to the terms of the charter ordinance.

3. **Your Question:** Or would they remain on council and the three new members be elected at large to a two year term?

My Response: Yes.

If you should have any questions or concerns regarding the enclosed, please do not hesitate to contact me.

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
April 1, 2026
Page 2

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/SHZ/jd
cc: Brittani Majeskie, Deputy Clerk

STATE OF WISCONSIN CITY OF BERLIN GREEN LAKE AND WAUSHARA COUNTY
CHARTER ORDINANCE #

A CHARTER ORDINANCE TO AMEND CHAPTER 2, ARTICLE I OF THE MUNICIPAL CODE OF THE CITY OF BERLIN, GREEN LAKE AND WAUSHARA COUNTIES, WISCONSIN

WHEREAS, the City of Berlin previously adopted Ordinance # 12-21 establishing new ward boundaries and aldermanic districts within the City; and

WHEREAS, Charter Ordinance # 12-21 is codified as Section 2-10 of the City of Berlin Municipal Code; and

WHEREAS, the City of Berlin Common Council has determined that it is appropriate to amend Section 2-10 of the City of Berlin Municipal Code to implement at large representation alderpersons throughout the City.

NOW, THEREFORE, The City of Berlin Common Council, Green Lake and Waushara Counties, Wisconsin do hereby ordain as follows:

SECTION 1: Chapter 2 of the City of Berlin City Code entitled "Administration," Article I entitled "In General," Section 2-10 entitled "Ward Boundaries" is hereby repealed and recreated as follows:

At-Large Representation

- (a) Election, term, number. The City shall have six alderpersons in addition to the mayor, who is a member of the common council by virtue of his office as mayor. There shall be six alderpersons elected at large in the City. The term of each alderperson shall be for a period of two years. Three alderpersons shall be elected in even-numbered years, and three shall be elected in odd-numbered years.
- (b) There shall be seven wards within the City, and the boundaries of each ward shall be as follows:
 - 1. *Ward 1.* Commencing at the East City Limit line at the centerline of East Waushara Street; thence South along the East City Limit line to the centerline of East Marquette Street; thence to the west/southwest along the centerline of East Marquette Street to the intersection of East Marquette Street and Bates Street; thence South along the centerline of Bates Street to the intersection of Bates Street and East Berlin Street; thence west along the centerline of East Berlin Street to the intersection of East Berlin Street and Oak Street; thence South along the centerline of Oak Street to the intersection of Oak Street and East Liberty Street; thence West along the centerline of East Liberty Street to the intersection of East Liberty Street and North Wisconsin Street; thence North along the centerline of North Wisconsin Street to the intersection of North Wisconsin Street and West Cumberland Street; thence West along the centerline of West Cumberland Street to the intersection of West Cumberland Street and River Drive; thence North along the centerline of River Drive to West Waushara Street; thence

East along the centerline of Waushara Street to the Point of Beginning.
(Green Lake County).

2. *Ward 2.* Commencing at the intersection of Huron and Wisconsin Streets; thence North along the centerline of North Wisconsin Street to the intersection of North Wisconsin Street and East Liberty Street; thence East along the centerline of East Liberty Street to the intersection of East Liberty Street and Oak Street; thence North along the centerline of Oak Street to the intersection of Oak Street and East Berlin Street; thence East along the centerline of East Berlin Street to the intersection of East Berlin Street and Bates Street; thence North along the centerline of Bates Street to the intersection of Bates Street and East Marquette Street; thence east/northeast along the centerline of East Marquette Street to the East City Limits line; thence South along the East City Limits line to the intersection of a point where the northwest corner of Lot 6 of East Ridge Subdivision located in the SW $\frac{1}{4}$ Section 2—T17N—R 13E meets the East City Limit line; thence following the Lot 6 boundaries as platted in the East Ridge Subdivision to the east and south to the southeast corner of said Lot 6; thence west along the southern boundary of Lot 6 of East Ridge Subdivision to the East City Limits line; thence south along the East City Limits line to the intersection with East Huron Street; thence West along the centerline of East Huron Street to the Point of Beginning on Wisconsin Street. (Green Lake County).
3. *Ward 3.* Commencing at the point where West Huron Street meets the Fox River; thence continuing south following the eastern shore of the Fox River to the southern city limits line; thence east along the southern city limit line to the southeast city limits corner; thence north along the east city limits line to the point where the east city limits line intersects with East Huron Street; thence west along the centerline of Huron Street to the point of beginning; and also

A parcel of land located in part of the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ and in part of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 11, T17N, R13E, Town of Berlin, Green Lake County, Wisconsin, being more particularly described as follows: Commencing at the west $\frac{1}{4}$ corner of said Section 11; thence S 00 degrees 05' 44" east along the west line of the southwest $\frac{1}{4}$, 445.50 feet to the point of beginning; thence S 89 degrees 39' 21" E 400.96 feet; thence N 00 degrees 05' 44" W 738.00 feet to the southerly right-of-way line of the vacated railroad (now Nature Trail); thence N 85 degrees 52' 32" E along said right-of-way 932.06 feet to the east line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, thence S 00 degrees 02' 13" E 365.13 feet to the northeast corner of the northwest $\frac{1}{4}$, of the southwest $\frac{1}{4}$, thence S 00 degrees 00' 52" W along the east line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, 844.80 feet; thence S 88 degrees 46' 47" W 1,328.97 feet to the west line of the southwest $\frac{1}{4}$, thence N 00 degrees 05' 44" W 435.60 feet to the point of beginning, containing 29.255 acres more or less. (Green Lake County).

4. *Ward 4.* Commencing at the intersection of Broadway Street and the west line of the Fox River; thence traveling south along the western shore of the Fox River to the Southern City Limits Line; thence West along the southern boundary line of the City Limits to the Southwest corner of the City Limits; thence North on the western boundary line of the City Limits Line and continuing north along the center line of South Hunter Street to a point where South Hunter Street travels to the west; thence west along the southern line of South Hunter Street to the Northeast corner of Lot 3, CSM #1838, Vol 8, Page 1838 as recorded in the Certified Survey Maps of Green Lake County; South along the east line of said Lot 3, CSM #1838; west along the Southern line of said Lot 3, CSM #1838; thence North along the West line of CSM #1838; East to the Northwest corner of Lot 4, CSM #1838; thence south along the West boundary of Lot 4 CSM #1838; thence East along the South boundary of Lot 4 CSM #1838; thence North along the East boundary of Lot 4, CSM #1838 to the intersection at Broadway; thence East along the centerline of Broadway to the intersection of Broadway and McKittrick Street; thence South along the centerline of McKittrick Street to the intersection of McKittrick Street and Southwest Ceresco Street; thence East along the centerline of Southwest Ceresco Street to the intersection of Southwest Ceresco and South Washington Street; thence North along the centerline of South Washington Street, continuing North along the centerline of North Washington Street, to the intersection of North Washington and Webster Street; thence East along the centerline of Webster Street to the intersection of Webster Street and Mill Street, thence South along the centerline of Mill Street to the intersection of Mill Street and Broadway Street, thence East along the centerline of Broadway Street to the Point of Beginning. (Green Lake County).

5. *Ward 5.* Commencing at a point where the centerline of Broadway intersects with the western shore of the Fox River, thence following the western shore of the Fox River to the centerline of Darling Street as extended to the Fox River; thence west along the centerline of Darling Street to the intersection of Darling Street and North Washington Street; thence North along the centerline of North Washington Street to the intersection of North Washington Street and Northwest Cumberland Street; thence West along the centerline of Northwest Cumberland Street to intersection of Northwest Cumberland and Jasmine Drive; thence South along the centerline of Jasmine Drive to the intersection of Jasmine Drive and Seward Street; thence West along the centerline of Seward Street to the intersection of Seward Street and North Hunter Street; thence South along the centerline of North Hunter Street to the northeast corner line of Certified Survey Map #3185, Vol 17, Page #3185 (as extended to centerline of roadway) as recorded in the Certified Survey Maps of Green Lake County; thence West on the North line of said CSM #3185; South along the West line of CSM #3185; thence East along the South line of CSM #3185 to the point of intersection with North Hunter Street and Broadway Street; thence continuing along the centerline of Broadway Street to the intersection of Broadway Street and McKittrick Street; thence South along the centerline of McKittrick Street to the intersection of

McKittrick Street and Southwest Ceresco Street; thence East along the centerline of Southwest Ceresco Street to the intersection of Southwest Ceresco and South Washington Street; thence North along the centerline of South Washington Street, continuing North along the centerline of North Washington Street to the intersection of North Washington Street and Webster Street; thence East along the centerline of Webster Street to the intersection of Webster Street and Mill Street, thence south along the centerline of Mill Street to the intersection of Mill Street and Broadway Street, thence east along the centerline of Broadway Street to the Fox River being the Point of Beginning. (Green Lake County).

6. *Ward 6.* Commencing at the intersection of North Wisconsin Street and Huron Street; thence north along the centerline of North Wisconsin Street to the intersection of North Wisconsin Street and West Cumberland Street; thence west along the centerline of West Cumberland Street to the intersection of West Cumberland Street and River Drive; thence north along the centerline of River Drive to the intersection River Drive and West Waushara Street; thence west along the centerline of West Waushara Street to the western shore of the Fox River, thence continuing west along the north city limit boundary line to North Hunter Street; thence south on the centerline of North Hunter Street to the intersection of North Hunter and Seward Street, thence east along the centerline of Seward Street to the intersection of Seward Street and Jasmine Drive; thence north along the centerline of Jasmine Drive to the intersection of Jasmine Drive and Northwest Cumberland Street; thence east along Northwest Cumberland Street to the intersection of NW Cumberland and North Washington Street; thence south along the centerline of North Washington Street to the intersection of North Washington Street and Darling Street; thence east on the centerline of Darling Street as extended to the Fox River; thence crossing the Fox River and continuing east to the eastern shores of the Fox River; thence southeast along the eastern shore of the Fox River to the centerline of Huron Street; thence east along the centerline of West Huron Street to the POB. (Green Lake County).
7. *Ward 7.* Commencing at the intersection of North Wisconsin Street and Waushara Street, thence west along the centerline of East Waushara Street to the eastern shore of the Fox River, thence northeasterly along the eastern shore of the Fox River to the intersection of North Wisconsin Street/County Trunk "XX", thence north along the centerline of North Wisconsin Street/County Trunk "XX" to the northern boundary line of the city, thence easterly and southerly along the northern and eastern boundary lines of the city, including any and all newly annexed lands (since 1991), to a point where the eastern boundary line of the city intersects with East Waushara Street; thence west along the center of East Waushara Street to the intersection of North Wisconsin Street, the point of beginning. (Waushara County).

SECTION 2: SEVERABILITY. The several sections of this ordinance to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be

invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days after its passage and publication a referendum petition shall be filed as provided in § 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2026.

____ AYES

____ NAYS

____ ABSENT

CITY OF BERLIN

CATRINA BURGESS, MAYOR

ATTEST:

JESSI BALCOM, CITY ADMINISTRATOR/CLERK

APPROVED AS TO FORM:

ERIC LARSON, CITY ATTORNEY

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Residency Requirements of Committee, Board and Commission Members
MEETING DATE: April 8, 2026

BACKGROUND

The question of which commissions, boards and committees in the City require members to be residents of the City has been raised.

The City Attorney has reviewed State Statutes and the City's municipal code to determine which committees, boards and commissions allow members that are not residents of the City in the attached memo.

Per Statute, the City Council must be made up of residents of the City.

The City's current municipal code, with some noted exceptions (in the attached memo), does not allow for non-residents to serve on committees, boards and commissions of the City.

Should the Council wish to allow non-resident appointments to various committees, boards or commissions, Ordinance 2-327 (below) would need to be amended. For some committees, an additional specific ordinance would also require amendment (as noted in the memo).

All of Chapter 2 is the City's Charter Ordinance and therefore requires a 2/3's vote of the Council, publication in the paper, and a 60 day waiting period (to allow residents to file a petition requiring the amendment to go to referendum prior to implementation), and then implementation, rather than the typical ordinance amendment process.

Sec. 2-327. - Residency required for service; exemption.

Except as otherwise specifically authorized by any ordinance hereunder, no person not a resident of and not residing in the city shall be appointed in a voting capacity to any city board or commission, except that the library board, pursuant to state law, may have up to two members who reside in towns adjacent to the city. Any board or commission member who moves from the city shall immediately be removed from such board or commission.

Staff is looking for guidance as to whether or not there is any additional information the Council needs to aid in the decision-making process regarding residency requirements for committee, board and commission members. Additionally, would the Council like to amend the ordinances to allow non-resident's to serve on various commissions, committees and boards? If so, which commissions, committees and boards would continue to require residency to be a member and which would not?

Municipal LAW

& LITIGATION GROUP

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SAVANNAH H. ZUZICK

STEPHEN J. CENTINARIO, JR.

March 20, 2026

Jessi Balcom, City Administrator
City of Berlin
108 N. Capron Street
P. O. Box 272
Berlin, WI 549223

**Re: Residence Requirements for Committees, Boards and Commissions
Legal Review**

Dear Ms. Balcom:

I received your request to outline which boards and commissions have state law residency requirements and which have local ordinance requirements. I have had an opportunity to carefully consider this matter.

Based upon my review, I note the following issues and my comments, questions, concerns and recommendations in this regard:

1. **Question:** by what criteria would we use for eligibility, if not business/property ownership?

Response: Instead of using language that permits only business owners to be eligible for Boards/Committees/Commissions, I recommend using more expansive language such as the definition used in Wis. Stat. § 62.23(1)(a) that identifies citizen members as “persons of recognized experience and qualifications.” Thus, more “citizens” may qualify for these Boards/Committees/Commissions.

2. Below I have identified the City’s Boards, Committees, and Commissions along with the applicable State and City residency requirements.

Board/Committee	State Law Residency Requirement	City Code Residency Requirement
City Council	Wis. Stat. § 62.09(2)(a): No person shall be elected by the people to a city office who is not at the time of election a citizen of the United States and of this state, and an elector	City Code § 2-6(a): No person shall be elected by the people to a city office who is not, at the time of his election, a citizen of the

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
 March 20, 2026
 Page 2

	of the city, and in case of an aldermanic district office, of the aldermanic district, and actually residing therein.	United States and this state, and an elector of the city, and in case of a ward office, of the ward, and actually residing in such ward.
Board of Appeals	No	City Code <u>§ 2-327</u> : Except as otherwise specifically authorized by any ordinance hereunder, no person not a resident of and not residing in the city shall be appointed in a voting capacity to any city board or commission... Any board or commission member who moves from the city shall immediately be removed from such board or commission.
Board of Review	Wis. Stat. <u>§ 70.46(1)</u> : The board of review may by ordinance in lieu of the foregoing consist of any number of town, city or village residents.	See City Code <u>§ 2-327</u> :
Library Board	Wis. Stat. <u>§ 43.54(1)(a)</u> : Members shall be residents of the municipality, except that not more than 2 members may be residents of other municipalities.	City Code <u>§ 2-327</u> : The library board, pursuant to state law, may have up to two members who reside in towns adjacent to the city.
Oakwood Cemetery Board	No.	City Code <u>§ 2-401</u> : All appointees shall be residents of the city.
Committee on Aging	No.	City Code <u>§ 2-536</u> : The committee on aging shall consist of seven persons, five of which shall be residents of the city. The remaining two members may be nonresidents if such persons are actively employed in the city in a managerial position in the field of aging.
Community Development Authority	No.	See City Code <u>§ 2-327</u> :
Parks and Recreation Commission	No.	See City Code <u>§ 2-327</u> :
Plan Commission	Wis. Stat. <u>§ 62.23(1)(a)</u> :	City Code <u>§ 2-506</u> :

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
March 20, 2026
Page 3

	The commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications.	The plan commission shall consist of seven voting members...four of which are citizens of the city.
Police and Fire Commission	Wis. Stat. § <u>62.13(1)</u> : Each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum.	City Code § <u>2-481</u> : Shall consist of five citizens who are residents of the city, three of whom shall constitute a quorum.
Travel and Tourism Commission	No.	See City Code § <u>2-327</u> :
Sewer and Water Commission	No.	See City Code § <u>2-327</u> :

If you should have any questions or concerns regarding these matters, please do not hesitate to contact me.

Yours very truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/SHZ/jd

cc: Brittani Majeskie, Deputy Clerk

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Employee Handbook
MEETING DATE: April 8, 2026

BACKGROUND

The Common Council previously approved amendments to the "Introduction", "General Employment" and "Vacation, Holidays & Leaves" sections of the Employee Handbook, but directed staff to have them reviewed by the City Attorney. Please see the attached memo. The suggested revisions have been made/incorporated into the March 10, 2026 version of the Employee Handbook.

Additionally, the Council asked for clarification as to how, during the updating process, issues of noncongruence would be addressed. The City Attorney has suggested language to note that newer sections of the handbook will control.

SUGGESTED MOTION

Motion to recommend to Common Council approval of the March 10, 2026 version of the Employee Handbook, including revisions to the "Introduction", "General Employment" and "Vacation, Holidays & Leaves" sections.

Municipal LAW

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SAVANNAH H. ZUZICK

STEPHEN J. CENTINARIO, JR.

March 31, 2026

Jessi Balcom, City Administrator
City of Berlin
108 N. Capron Street
P. O. Box 272
Berlin, WI 549223

**Re: Employee Handbook
Legal Review**

Dear Ms. Balcom:

I received the employee handbook you forwarded to my attention, along with your request that I review the same and advise of any recommended changes. I have had an opportunity to carefully consider this matter.

Based upon my review, I note the following comments, questions, concerns and recommendations in this regard:

1. As noted previously, I recommend that you have your labor counsel review these documents as well.
2. Revisions to Section 1 (Introduction and General Government Sections). I made a minor modification on page 6 and provided a comment on page 6 explaining my revision. Besides the minor modification, I approve the form of the revisions as written.
3. Revisions to Section 2 (Vacations, Holidays & Leaves). I approve the form of the revisions as written.

Please note that on page 17 in the Section entitled "Time off to Vote," pursuant to Wis. Stat. § 6.76, employees are entitled a period not to exceed three successive hours to vote. No changes are necessary in the Handbook, this comment is solely informative.

4. **Your Question:** If sections are updated (approved by Council) and then later found to conflict with other sections, how is this resolved?" Could a note be added to the document that the Handbook is under revision and more recently revised sections shall govern over sections less recently revised?

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
March 31, 2026
Page 2

My Response: The revised sections should supersede any and all previous sections. I have included such language on page 4 of the working draft for Section 1 (intro and general employment). If there are conflicts, the most recent section will control.

If you should have any questions or concerns regarding the enclosed, please do not hesitate to contact me.

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/SHZ/jd
Enclosure

cc: -
Brittani Majeskie, Deputy Clerk

UNIONS: The City of Berlin recognizes the union(s) as representatives for those workers who are unionized. This Handbook does not change any terms or stipulations of any valid and effective collective bargaining agreement negotiated by a union, subject to all applicable statutes prohibiting collective bargaining as to certain issues.

EMPLOYMENT OF RELATIVES: ~~Except as provided below,~~ relatives will not be permitted to work within the same department in the City of Berlin, and supervisor-employee relationships shall not be allowed between employees who are relatives. For purposes of this section, the Water & Sewer Utilities are considered one department.

1. ~~Relatives include an employee's parent, grandparents, child, spouse, domestic partner, sibling, cousin, nieces, nephews, in-laws and step relationships.~~
Relatives include an employee's parent, grandparents, child, spouse, domestic partner, sibling,
2. The City of Berlin may hire relatives of employees to work in different departments where there are no potential problems of supervision, safety, security, morale or potential conflict of interest. An exception may be made to allow relatives to work in the same department if they are/will be on separate crews within the EMS department.
3. Employees who marry or become related will not be permitted to continue to work in the same department. An exception may be made to allow newly married or related employees to work in the same department if they are/will be on separate crews within the EMS department.
4. ~~Exceptions to this policy may be made in the discretion of the applicable hiring authority when the potential for adverse or discriminatory effects is minimized.~~

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EMPLOYEE RECORDS: Personnel files will be maintained in accordance with City Code. Employment dates of employees are kept permanently, while payroll records shall be kept for ten (10) years. All employment records will be maintained as per records retention schedule according to law. The City Administrator, for non-current employees, may destroy other records, including correspondence, at his/her discretion, subject to Wisconsin Public Records law.

Commented [E11]: Under Wisconsin law, a record is defined in Wis. Stat. § 19.32(2) and may include documents or correspondence of non-current employees. The City Administrator should only destroy records that are not subject to Wisconsin Public Records law.

It is each employee's responsibility to notify the City Clerk's department of any changes in name, address, telephone number, marital status, number of dependents, military service status, beneficiaries or person to notify in case of an accident.

Employees may be dismissed for misrepresenting any fact on his or her application or in his or her personnel file.

Personnel records are considered City property. Employees may review and make copies of his or her records in the City Clerk's offices after giving adequate notice. Employees may also insert written rebuttals to information in his or her records with which he or she disagrees. Photocopy charges are the employee's responsibility.

TERMINATION, RESIGNATION AND DISCHARGE: Unless expressly prescribed by statute or contract, employment with the City of Berlin is "at will" and may be terminated with or without cause or notice. Similarly, employees are free to resign at any time. If an employee resigns, the

INTRODUCTION

CITY OF BERLIN EMPLOYMENT POLICY MAKING

The Common Council and other Boards and Commissions have the authority to approve the personnel policies as provided for in Wisconsin State Statutes. The City Administrator recommends policy changes to the appropriate governing body, and is responsible for the effective and efficient administration of all personnel policies, which are adopted by the Common Council. Upon hiring, each employee shall receive an Employee Handbook and be responsible for the policies and procedures within it. An acknowledgment form will be signed and placed in the employee's personnel file.

The City of Berlin may, at any time, in its discretion, modify any provisions of this Handbook and make any decisions it deems necessary for the efficient operations of the City. This Handbook shall not forfeit or abridge any rights, which the City may have as an employer.

From time to time, supplements to this Handbook will be issued. Employees shall be required to review these supplements and incorporate them into the original Handbook. [Any and all issued supplements to this Handbook are controlling and supersede any previous sections identified in the supplements.](#)

The policies, procedures, rules and regulations set forth in this Handbook shall be applicable to all City of Berlin employees including sworn and non-sworn personnel, except for volunteers (whether paid a nominal fee or not) as such volunteers are covered under a separate Volunteer Handbook. They shall take precedent to any previously adopted work rules with the exception of any policy or procedures established in an existing and valid Collective Bargaining Agreement or Employment Agreement. In such an event, the language in the Collective Bargaining Agreement or an Employment Agreement shall be considered binding. Where such ~~agreements do~~ not address certain areas, this Handbook shall be effective. Although this Handbook establishes general policies for the City of Berlin, if a departmental policy or Handbook exists to enhance departmental effectiveness and is more stringent, this Handbook shall not supplant those departmental rules and regulations.

EMPLOYMENT AT WILL

Unless expressly prescribed by statute or contract, ~~all City employees~~ [all City employees](#)' employment is "at will", which means they may be terminated at any time and for any reason, with or without advance notice and with or without cause. Employees are also free to quit at any time. Any employment relationship other than *at will* must be set out in writing and approved and adopted by the Common Council. None of the statements, policies, procedures, rules or regulations contained in the Handbook constitutes, a guarantee of employment, or guarantee of any other rights or benefits, or a contract of employment, express or implied.



**CITY OF BERLIN
EMPLOYEE HANDBOOK
Updated: March 10, 2026**

TABLE OF CONTENTS

INTRODUCTION	4
City of Berlin Employment Policy Making.....	4
Employment at Will.....	4
GENERAL EMPLOYMENT	5
Employee Classifications.....	5
Unions	5
Employment of Relatives	5
Employee Records.....	6
Termination, Resignation and Discharge.....	6
Residency Requirements.....	7
Licenses & Certifications.....	7
Loss of Driving Privileges	7
Reference/Background Checks.....	8
Job Vacancies & Recruitment.....	8
EMPLOYEE BENEFITS	9
Medical Insurance.....	9
Post-Retirement Health Insurance Benefits	9
COBRA	9
Life Insurance	9
Retirement Savings Plan.....	9
Employee Assistance Program (EAP)	9
Service Awards.....	10
Worker’s Compensation	10
Travel & Expenses.....	10
COMPENSATION & WORK SCHEDULE	11
Outside Employment	11
Attendance & Punctuality.....	11
Breaks.....	11
General Pay Information.....	12
Overtime	12
Compensatory Time.....	12
Pay Schedule.....	13
Performance Reviews and Salary Increases.....	13
Time Records.....	13
Work Hours	13
VACATION, HOLIDAYS & LEAVES	14
Vacation.....	14
Sick Leave	14
Personal Leave.....	15
Holidays.....	16
Bereavement Leave.....	16
Military Leave	17
Jury Duty	17
Time Off From Work In Connection With Court Cases.....	17
Time Off To Vote	18

Family & Medical Leave Act	18
Leaves of Absence.....	23
ANTI-DISCRIMINATION & HARASSMENT.....	24
Prohibited Behavior.....	24
Harassment by Non-employees	24
Complaint Procedure and Investigation	24
Retaliation.....	25
Equal Opportunity Policy	25
Americans w/Disabilities Act	25
CONDUCT STANDARDS.....	26
Zero Tolerance for Workplace Violence	26
Workplace Solicitation	26
Smoking Policy.....	26
Progressive Discipline	27
Grievances	27
ETHICAL AND LEGAL BUSINESS PRACTICES	31
Compliance.....	31
Complying with Laws and Regulations.....	31
Conflict of Interest.....	31
Accounting and Financial Reports.....	31
Employee Privacy and Other Confidential Information.....	31
Giving and Receiving Gifts	32
Drug and Alcohol Policy	32
Dating in the Work Place.....	33
Political Activity	33
Company Equipment and Vehicles.....	34
Access to City Buildings/Offices	34
Handling of and Responsibility of City Credit Cards	35
Dress Code Policy	35
Tattoos, Body Art, and Hairstyles Policies.....	37
COMPUTER & COMMUNICATION USE POLICY	39
Telephone Usage	40
Special Cell Phone/Electronic Device Use Policy	40
Personal Mail.....	42
E-mail Usage	42
Internet Usage.....	42
Software Policy.....	42
SAFETY & EMERGENCY	44
Safety.....	44
Fire Safety	44
Emergency Measures.....	44
ACKNOWLEDGEMENT.....	45

INTRODUCTION

CITY OF BERLIN EMPLOYMENT POLICY MAKING

The Common Council and other Boards and Commissions have the authority to approve the personnel policies as provided for in Wisconsin State Statutes. The City Administrator recommends policy changes to the appropriate governing body, and is responsible for the effective and efficient administration of all personnel policies, which are adopted by the Common Council. Upon hiring, each employee shall receive an Employee Handbook and be responsible for the policies and procedures within it. An acknowledgment form will be signed and placed in the employee's personnel file.

The City of Berlin may, at any time, in its discretion, modify any provisions of this Handbook and make any decisions it deems necessary for the efficient operations of the City. This Handbook shall not forfeit or abridge any rights, which the City may have as an employer.

From time to time, supplements to this Handbook will be issued. Employees shall be required to review these supplements and incorporate them into the original Handbook. Any and all issued supplements to this Handbook are controlling and supersede any previous sections identified in the supplements.

The policies, procedures, rules and regulations set forth in this Handbook shall be applicable to all City of Berlin employees including sworn and non-sworn personnel, except for volunteers (whether paid a nominal fee or not) as such volunteers are covered under a separate Volunteer Handbook. They shall take precedent to any previously adopted work rules with the exception of any policy or procedures established in an existing and valid Collective Bargaining Agreement or Employment Agreement. In such an event, the language in the Collective Bargaining Agreement or an Employment Agreement shall be considered binding. Where such agreements do not address certain areas, this Handbook shall be effective. Although this Handbook establishes general policies for the City of Berlin, if a departmental policy or Handbook exists to enhance departmental effectiveness and is more stringent, this Handbook shall not supplant those departmental rules and regulations.

EMPLOYMENT AT WILL

Unless expressly prescribed by statute or contract, all City employees' employment is "at will", which means they may be terminated at any time and for any reason, with or without advance notice and with or without cause. Employees are also free to quit at any time. Any employment relationship other than *at will* must be set out in writing and approved and adopted by the Common Council. None of the statements, policies, procedures, rules or regulations contained in the Handbook constitutes, a guarantee of employment, or guarantee of any other rights or benefits, or a contract of employment, express or implied.

GENERAL EMPLOYMENT

EMPLOYEE CLASSIFICATIONS: Employees at the City of Berlin are either full-time or part-time. The City may on occasion hire temporary or seasonal employees, who will not generally be eligible for benefits. Each Employee's supervisor will verify whether that employee is a full-time or part-time employee, and also, whether that employee is exempted or non-exempt. Exempt employees are not entitled to overtime under the Fair Labor Standards Act, while non-exempt employees can qualify for this pay.

Employee classifications are as follows:

1. **Regular:** A regular employee is one who is performing the duties of a full or part-time position within the City.
 - a. **Full-Time:** Employee in a regular position whose normal assigned schedule of hours totals 2,080 hours or more per year. Full-time Public Safety Employees may be assigned a shift schedule of 1,950 hours or more per year.
 - b. **Part-time:** Part time employees work fewer than 40 hours per week.
 - Category 1: Employees working less than twelve hundred 1,200 hours per year, seasonal, contractual, or temporary employees are not eligible for benefits.
 - Category 2: Employees working more than twelve hundred 1,200 hours per year but less than 2,080 hours per year are eligible only for Wisconsin Retirement System retirement benefits.
2. **Seasonal:** An employee who is employed to work on a regular and/or recurring basis during a specific season or portion of a year.
3. **Temporary:** A temporary employee is one who is hired for a specific purpose or job for a period not to exceed four (4) months. This temporary employment may be extended for an additional four (4) months. The status of a temporary employee may be changed by vote of the Common Council to that of a regular employee providing there is an opening for a regular, full-time or part-time job, and the employee meets the job qualifications.
4. **Limited term employee:** An employee who is hired only for a limited period of time or is an employee hired under a state or federal grant program, regardless of the length of employment. Limited-term employees may be full or part time and they are eligible for benefits on the number of hours worked annually with approval of the Common Council.

UNIONS: The City of Berlin recognizes the union(s) as representatives for those workers who are unionized. This Handbook does not change any terms or stipulations of any valid and effective collective bargaining agreement negotiated by a union, subject to all applicable statutes prohibiting collective bargaining as to certain issues.

EMPLOYMENT OF RELATIVES: Except as provided below, relatives will not be permitted to work within the same department in the City of Berlin, and supervisor-employee

relationships shall not be allowed between employees who are relatives. For purposes of this section, the Water & Sewer Utilities are considered one department.

1. Relatives include an employee's parent, grandparents, child, spouse, domestic partner, sibling, cousin, nieces, nephews, in-laws and step relationships.
2. The City of Berlin may hire relatives of employees to work in different departments where there are no potential problems of supervision, safety, security, morale or potential conflict of interest. An exception may be made to allow relatives to work in the same department if they are/will be on separate crews within the EMS department.
3. Employees who marry or become related will not be permitted to continue to work in the same department. An exception may be made to allow newly married or related employees to work in the same department if they are/will be on separate crews within the EMS department.

EMPLOYEE RECORDS: Personnel files will be maintained in accordance with City Code. Employment dates of employees are kept permanently, while payroll records shall be kept for ten (10) years. All employment records will be maintained as per records retention schedule according to law. The City Administrator, for non-current employees, may destroy other records, including correspondence, at his/her discretion, subject to Wisconsin Public Records law.

It is each employee's responsibility to notify the City Clerk's department of any changes in name, address, telephone number, marital status, number of dependents, military service status, beneficiaries or person to notify in case of an accident.

Employees may be dismissed for misrepresenting any fact on his or her application or in his or her personnel file.

Personnel records are considered City property. Employees may review and make copies of his or her records in the City Clerk's offices after giving adequate notice. Employees may also insert written rebuttals to information in his or her records with which he or she disagrees. Photocopy charges are the employee's responsibility.

TERMINATION, RESIGNATION AND DISCHARGE: Unless expressly prescribed by statute or contract, employment with the City of Berlin is "at will" and may be terminated with or without cause or notice. Similarly, employees are free to resign at any time. If an employee resigns, the City of Berlin requests the courtesy of at least two week's notice. Department heads and top administrative positions shall be expected to provide 30 days notice. Failure of department heads to give a 30-day notice and other employees to give a two-week notice will forfeit employee rights to receive a payout of any benefits.

An employee shall file a written letter of resignation to their department head including a termination date. Once a resignation has been submitted, it cannot be withdrawn, except upon mutual agreement by the employee and the department head/supervisor.

Any employee who gives notice of termination or is terminated by the City of Berlin shall be paid wages and vacation accrued to the date of the separation. Accumulated vacation earned but not taken prior to termination date and any unused compensatory time shall be paid within fifteen (15) days after employment termination.

Terminating employees, prior to leaving the premises on their final day, shall be expected to attend an exit interview/meeting with their Department Head and/or the City Administrator at such interview/meeting, employees shall be required to turn in all City property in their possession including, but not limited to, keys, credit cards, safety equipment, and City records.

RESIDENCY REQUIREMENTS: Some personnel, although deemed to be law enforcement, fire or emergency personnel under Wis. Stat. §66.0502(4)(b), such as but not limited to EMS and fire department on-call volunteers and employees, may not be subjected to residency restrictions because of the on-call response time restrictions already placed on such volunteers and employees, and because the City has a facility available to house EMS volunteers and employees while on call. Also, in regard to the EMS, for which there is already a limited recruitment pool of potential volunteers and employees, the Common Council has determined that imposing a residency requirement on such EMS volunteers and employees would create an additional burden on finding available qualified candidates for such positions which would be contrary to the City's interests.

Residency requirements for law enforcement (50 miles per vote of the Common Council on 2.8.2022), fire department and EMS personnel shall be established by separate departmental policies. Law enforcement personnel are also subject of a collective bargaining agreement. Any residency requirements established shall be in compliance with Wis. Stat. §66.0502(4)(b), and all employees that are subjected to a residency requirement as described herein, or in such separate departmental policies, are deemed to be either law enforcement, fire or emergency personnel.

All Public Works Department and Water & Sewer Utility employees, and the City Hall Custodian, shall be considered emergency personnel, and as a condition of employment, shall reside within twenty-five (25) miles of the City of Berlin jurisdictional boundaries. Residency must be established within one year of the employee's commencement of employment with the City. The City reserves the right to determine whether an employee's living arrangements satisfy the requirements of this provision.

LICENSES & CERTIFICATIONS: Applicants for a position requiring a license and/or certification must present valid proof of the same prior to the first assigned starting date. Licenses and Certifications should be maintained throughout employment at the City. It is the employee's responsibility to maintain the required licensing and certifications required for his/her job. The employee is responsible for any cost relating to licensing and/or certification. The City of Berlin retains the right to verify compliance at any time.

Various City employees are required to maintain a CDL (Commercial Drivers License) or other certifications, such as a Pool Operator License, Lifeguarding Certification, etc. The City *may* pay for all or a portion of the cost relating to obtaining and maintaining these licenses and/or certifications, but doing so shall not create a continuing obligation on the part of the City. The City may also pay for the cost of licenses and/or certifications for employees in some departments and not others, as determined at the discretion of the Department Heads.

LOSS OF DRIVING PRIVILEGES: Employee's who drive City vehicles are required to report to the City, within twenty-four (24) hours or the start of their next shift, whichever is first, any loss or reduction of driving privileges due to driving while impaired or other motor vehicle violations. A loss or reduction of an employee's driving privileges, if driving City vehicles is an essential function of the employee's job, may result in termination. Also, employees shall not be allowed to drive a City owned

vehicle, and may be subject to termination if driving a City vehicle is an essential job function of the employee, if that employee has been convicted of three or more moving violations and/or at fault accidents during the prior two years, has been convicted of an OWI or DUI violation during the prior year, or is otherwise considered high-risk for insurance purposes (determined by the City Administrator in consultation with the City's liability insurance company). Driving record checks will be made at least annually for regular City drivers and can be done any time, with or without cause or permission, for any employee driving City vehicles. The City may also participate in the Wisconsin Department of Transportation Employee Notification program for CDL drivers.

REFERENCE/BACKGROUND CHECKS: The City of Berlin conducts reference and background checks on all new employees. Employees who have falsified information on their employment applications will be disciplined, which could include termination. Applicants who have provided false information may be eliminated from further consideration for employment.

At times, the City may be contacted for a reference request for information regarding current or former employees. Any such request whether by telephone or in writing, shall be responded to by the Department Head or the City Administrator. The City will release only dates of employment and termination, employee's title or position, and a confirmation of wage or salary.

JOB VACANCIES & RECRUITMENT: Any vacant position shall be examined by the Department Head and/or the applicable Board or Commission involved. Newly created positions shall be approved by Council as part of the annual budget process or through specific Council action. Replacement positions shall be authorized to be filled by the City Administrator, who shall inform the Council on the intent to hire. If any Council member objects to the hiring, it will be put on an agenda for discussion.

Job vacancies may be filled through examination, transfer, promotion, reinstatement and demotion. All positions must be budgeted and approved by the Common Council or applicable Board or Commission. As vacancies occur, they will be posted internally as well as externally. Employment advertisements may be placed in publications, which serve the City's recruiting area as deemed appropriate by the Common Council. Application deadlines will be a minimum of seven (7) days from the advertising of the position.

Applications: Application forms shall be proscribed by the City Administrator and shall meet State and Federal requirements and must be filed through their respective departments. Any application containing false, deceptive or fraudulent information will be subject to disqualification. If such a candidate is hired, he/she will be subject to immediate dismissal. Sworn police officers are subject to WI SS 62.13. The City may reject any application for employment and retains full rights to determine the appropriate applicant for a position. Applications will be kept on file for one year unless state or federal law require otherwise.

Job Selection: The selection process shall assess attributes necessary for job performance and career potential, which shall maximize reliability, objectivity and validity. Selection devices may include, but are not limited to, practical written, oral, physical, psychological testing, and personal interviews. The Department Head upon consultation with the City Administrator will determine the selection methods to be used. Prior to the appointing of any position, the City Administrator shall be consulted for authorization.

Pre-employment Drug Screening: Applicants may be required to pass a pre-employment drug screening to be eligible for employment with the City of Berlin. ALSO SEE DRUG AND ALCOHOL POLICY IN THIS HANDBOOK.EMPLOYEE BENEFITS

EMPLOYEE BENEFITS

The City of Berlin employees are entitled to a wide range of benefits. A number of the benefit programs -- such as Social Security, workers' compensation, state disability and unemployment insurance -- cover all employees as required by law.

Eligibility for most other benefits depends upon a variety of factors, including employee classification. See the EMPLOYEE CLASSIFICATIONS section of this Handbook to determine benefits eligibility. Some benefit programs require contributions from employees, and some are fully paid by the City of Berlin. The City of Berlin reserves the right to add, amend, modify or terminate any employee benefit plans or programs offered.

MEDICAL INSURANCE: The City of Berlin offers group Health insurance. Copies of the current medical insurance plan are available in the City Clerk's office.

The City of Berlin shall always have the sole discretion, as allowed by law, to decide the terms of any plan, including whether the plan will include any employer contribution to premiums or deductibles. Proper notice will be given to all employees if a change will be made from a prior policy term. For all other eligibility and coverage details, employees shall refer to the plan documents. The City of Berlin also reserves the right to change the type of plan or terminate any plan, as allowed by law, in its sole discretion.

COBRA: If an employee's employment is terminated, that employee's City's group health insurance coverage, if any will terminate on the last day of that employee's employment. However, that employee and the employee's dependents may have the right to continue or convert coverage as set forth in the rules of the plan, and as required by law. If an employee is eligible, that employee should receive written notification of his or her right to continue or convert coverage within statutorily prescribed time limits. Should an employee have specific questions about this coverage, he or she should contact the City Administrator.

LIFE INSURANCE: Employees will receive documents under a separate cover that explain the life insurance program that the City of Berlin currently provides.

RETIREMENT SAVINGS PLAN: The City of Berlin participates in the *Wisconsin Retirement System (WRS)*. All eligible employees shall receive benefits in accordance with state laws and guidelines.

All full-time employees of the City of Berlin are also entitled to participate in a *Deferred Compensation Plan*. This program provides a supplementary retirement benefit by allowing participants to defer a portion of their annual gross income for retirement. Deferred Compensation contributions are 100% employee expense. Full copies of these retirement plans are available in the City Clerk's office.

EMPLOYEE ASSISTANCE PROGRAM (EAP): The City of Berlin has an Employee Assistance Program ("EAP"), through a qualified provider. Employees may seek help anonymously for such matters as alcohol or other chemical dependency, family and marital problems, personal and work-related

stress situations and anxiety disorders. Contact the City Administrator for additional information.

SERVICE AWARDS: Permanent employees completing every five years of full or part-time service shall receive awards in recognition of that length of faithful, continuous service.

WORKER'S COMPENSATION: The City of Berlin provides statutorily required workers' compensation insurance. If an employee become ill or injured while at work, he or she is instructed to get medical attention at once. Employees must also report the details of such illness or injury to his or her supervisor or City Clerk immediately, if physically able to do so. Employees must complete a report for every injury, no matter how small, to keep the coverage in force and to get any benefits or other compensation to which the employee may be entitled.

TRAVEL & EXPENSES: Employees will be reimbursed for all reasonable and necessary expenses they incur while travelling on City of Berlin business. Employees must record all travel and business activities on the City's Expense Report Form, including expenditure receipts and submit it to the City Clerk's office, within one month of the business activity.

When authorized functions away from the City include one or more meals, the maximum allowable per diem will be the following amounts for the meals involved: Seven dollars (\$7.00) for breakfast, Ten dollars (\$10.00) for lunch, and Fifteen dollars (\$15.00) for dinner, or Thirty-two dollars (\$32.00) per day maximum. Meal allowance only applies to the meals not included in the functions registration costs. Receipts shall not be required for per diem meals allowance.

There is no objection on behalf of the City to a spouse and/or other family members travelling on an official trip, but the City will not reimburse any expenses attributable to them.

It is preferred that non-emergency City vehicles be used for City travel, if available. Fuel, repairs, tolls, parking/garage charges, and other related expenses are reimbursable upon submission of receipts.

The City assumes no responsibility when private vehicles are used for City business. When private vehicles are used for City business travelling, mileage reimbursement will be based on the current federal mileage reimbursement rate as set by the IRS. Any private vehicle must have proof of liability insurance to be used, and the vehicle liability is the employee's responsibility. Mileage determinations will originate from City Hall to the designated location.

COMPENSATION & WORK SCHEDULE

OUTSIDE EMPLOYMENT: Because of the City of Berlin's obligations to its citizens, the City must be aware of any concurrent employment each employee may have to determine whether or not it presents a potential conflict.

Serving on any public or government board or commission qualifies as employment for purposes of this policy, regardless of whether such service is compensated.

Before beginning or continuing outside employment, employees are required to obtain written approval of their supervisor and the City Administrator. Employees must submit written documentation to their immediate supervisor and the City Administrator detailing the involvement with the other employer. This documentation should also include a statement of understanding that any duties of outside employment will not conflict with or occur during employment hours with the City of Berlin. Failing to obtain prior approval as described may result in disciplinary action, up to and including termination. Employees who are on leave of absence, including FMLA leave or Workers' Compensation leave are prohibited from having outside employment during their leave, unless otherwise allowed by law.

ATTENDANCE & PUNCTUALITY: Every employee is expected to attend work regularly and report to work on time. If an employee is unable to report to work on time for any reason, that employee must telephone his or her supervisor as far in advance as possible. If an employee does not call in an absence in advance, it will be considered unexcused. Unsatisfactory attendance, including reporting late or quitting early, may result in disciplinary action, up to and including discharge.

BREAKS: Any employee working 6 hours or longer in any day is permitted one half hour for lunch, unless the employee's immediate supervisor specifically authorizes more time. Typically supervisors grant 1 hour for full time employees, and 1/2 hour for part time employees, but that again is up to the discretion of the supervisor, depending on the needs of the department. Times during which lunch is to be taken shall be scheduled with the employee's immediate supervisor in advance for regular full-time employees, otherwise lunch times shall be decided on a daily basis according to the needs of the department. Each employee must be conscientious about returning from lunch on time, out of consideration for fellow employees who may not be able to leave for their lunches until that employee's return, notwithstanding the City of Berlin's general policy on tardiness. Skipping lunch hours to make up time for tardiness, out-of-the-work appointments or leaving early is not permitted.

Coffee breaks, time for snacks, or visiting do not count as meal periods but as rest periods. There is no legal requirement in Wisconsin that an employee be given a rest period, however employees' immediate supervisors are authorized to provide rest periods for their employees, in their discretion. Therefore, for those employees who are not provided rest periods, any excessive activities that would otherwise constitute a rest period may be required to be made up by the employee under the direction of the employee's immediate supervisor, or may be cause for disciplinary action. If granted, a rest period should not exceed ten (10) minutes at any one time; and when it is granted, it should be near the middle of the first and/or second half of the workday. The rest period shall include any time taken in preparation for the rest period and in going to and from a specific rest period area. During breaks, employees shall be subject to the discretion of the employee's immediate supervisor as to the location of, and limitation of the employee's conduct, during breaks. Employees must also be aware of and abide by the City's smoking policies and prohibitions, as contained in this Handbook or otherwise established by the employee's supervisor, as well as state laws relating to smoking in certain public places. If for any reason an

employee that normally is granted rest periods does not receive a rest period on a particular day, or an employee does not use a rest period granted, it does not accrue to be granted at some later time or date, unless expressly authorized by the employee's supervisor. This means that, unless expressly authorized by the employee's supervisor, the employee cannot combine two rest periods nor can a rest period be used to leave work early or to extend the length of a lunch period or vacation leave. Unless expressly authorized by the employee's supervisor, an employee cannot take a rest period in shorter increments i.e. two five (5) minute "smoke" breaks. Rest periods will not be granted to any employee who abuses the privilege.

GENERAL PAY INFORMATION: Certain mandatory deductions from paychecks will be made in accordance with federal and state laws. In addition, the City of Berlin makes available certain voluntary deductions as part of the City's benefits program. If an employee elects supplemental coverage under one of the City's benefits plans, which requires employee contributions, the employee's share of the cost will be deducted from his or her check each pay period. If the employee is not receiving a payroll check due to illness, injury, or leave of absence, he or she will be required to pay the monthly cost directly to the City.

OVERTIME: Because of the nature of work, employees may be asked to work overtime on weekends or holidays or additional hours during the regular workday and are expected to comply with such requests. Overtime compensation is paid to all non-exempt employees at one and one-half times their straight time rate for all hours worked in excess of 40 hours per week.

If an employee is non-exempt, that employee must receive authorization from his or her supervisor before working overtime. After an employee has worked overtime, he or she must enter it on a timesheet for the pay period it is accrued.

Overtime pay is based on actual hours worked. Time taken for lunch or dinner is not included as time worked for purposes of computing overtime. Time off on holidays, sick leave, vacation leave, personal leave, training seminars or any leave of absence will not be factored in as hours worked when calculating overtime.

COMPENSATORY TIME:

Exempt Employees: Employees exempt from the provisions of the Fair Labor Standards Act are charged with fulfilling their duties and responsibilities and meeting their goals without regard to the number of hours per day or per week and receive no overtime pay. Exempt employees may request of the employer compensatory time off (which could be less than on an hour for hour basis) on applicable forms prepared by City Administrator. Approval or denial of such request is at the discretion of the employee's immediate supervisor. For the purposes of requesting compensatory time off, exempt employees will be required to record compensatory time logged and taken on their respective time report. The employer is not obligated to grant compensatory time off and compensatory time is not paid out at the time of separation from employment, for any reason.

Non-Exempt Employees: As an alternative to getting paid monetarily for overtime as described above, each non-exempt employee may, in the discretion of the employee's Department Head, be paid for overtime in the form of compensatory time off, at the rate of one and one-half times their straight time rate. The maximum amount of compensatory time off that can be accrued shall be forty (40) hours per calendar year. Accrued but unused compensatory time off shall not be carried over from year to year and shall be paid in cash at the end of each calendar year. An employee who has accrued compensatory time and requests use of the time shall be permitted to use the time off within a reasonable period after making

the request, if the time off will not unduly disrupt the operations of the employee's department. Compensatory hours accrued under the provisions of this agreement shall be paid out upon termination of an employee's employment with the City of Berlin for any reason.

PAY SCHEDULE: All employees of the City of Berlin shall receive such salaries as may be established from time to time by the Common Council or the appropriate board or commission.

Employees will be paid bi-weekly on Fridays. The 14-day pay period begins on Sunday and ends on Saturday. If the regular payday falls on a holiday, payday will be the last regular workday before the holiday. Picking up of payroll checks early is not permitted, except under permission from the City Clerk.

A few additional facts about pay:

- Step increases may be provided pursuant to a step increase policy established and amended from time to time by the Common Council. Employees should consult with their supervisors for more details.
- No deductions shall be made from employee wages without the employee's written authorization except those deductions required by law, court, or contract. The City may not deduct any amount from a paycheck due to faulty workmanship or lost or stolen property unless the employee has first authorized it in writing, or the damage or loss is due to the employee's negligence or criminal acts as determined by a court or by a representative appointed by the employee.
- If a paycheck is lost by an employee, or stolen, notify the Payroll Clerk immediately. The stop payment bank charge will be assumed by the employee.

PERFORMANCE REVIEWS AND SALARY INCREASES: Supervisors and employees are strongly encouraged to discuss job performance and goals informally any time. Formal performance reviews will be conducted to provide both supervisors and employees with the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. These formal reviews will be conducted annually or as deemed necessary by the supervisor. Salary and wage increases are based on those reviews (unless salaries or wages are otherwise predetermined by Common Council). However, an employee receiving a performance appraisal will not necessarily receive a salary or wage increase.

TIME RECORDS: All employees must keep accurate time records by completing timesheets. Tampering with, falsifying or altering time cards will result in disciplinary action, up to and including discharge. Failing to record work time or proper recording of benefit usage on timecards may also result in disciplinary action. For payroll purposes, time is rounded to the nearest quarter of an hour.

WORK HOURS: The City of Berlin follows a work schedule of 40 hours per week. The normal workweek is Monday through Friday, but may fluctuate by season or by department. Normal hours differ by department. Each employee's supervisor may establish alternative hours as needed. Also, some department employees may also be subject to mandatory call-in duty outside of employee's normally scheduled duties. If such mandatory call-in hours result in overtime hours for the employee, the employee shall be paid in accordance with the overtime policy described in this Handbook.

VACATION, HOLIDAYS & LEAVES

VACATION: The City of Berlin provides paid vacations for eligible employees as follows: Vacation days accrue according to the below schedule on a prorated biweekly basis. For vacation purposes, a week shall be forty (40) hours.

<u>Length of Continuous Full Time Employment</u>	<u>Vacation Earning Rates</u>
At hire through 5 years	Two (2) weeks or Eighty (80) hours per year
Beginning of 6th year through 12 years	Three (3) weeks or 120 hours per year
Beginning of 13th year through 20 years	Four (4) weeks or 160 hours per year
Beginning of 21st year and over	Five (5) weeks or 200 hours per year

Only active, full-time employees are eligible for paid vacation, and all vacation must be earned before being taken. Employees may not substitute pay for unused vacation. Should a City holiday occur during an employee's vacation, than employee may add an additional day, either at the beginning or end of the vacation period, with the employee's supervisor's approval.

The City of Berlin reserves the right not to approve a vacation request if it will interfere with City operations or adversely affect coverage of job and staff requirements. Whenever possible, employees' requests for vacation will be accommodated, but where scheduling conflicts arise, supervisor discretion will prevail.

Unused vacation can be carried over up to twice the annual vacation amount. Therefore, if an employee receives two weeks vacation per year, they can accumulate up to four weeks at a time before time begins to be lost.

In the event of an employee's death, compensation for all unused and accrued vacation allowance shall be paid to the beneficiary.

SICK LEAVE: Full-time employees are eligible to earn sick day credits not to exceed twelve (12) paid sick days (8 hours each) for the employment year. Full-time employees shall earn one sick leave day (8 hours) per month of continuous employment accumulated to a maximum of 130 days (1,040 hours). Employees in their initial year of employment are eligible to accrue sick leave based on the number of months of employment during that calendar year. If an employee received pay for ten (10) or more normal workdays during a calendar month, that month will be considered a month of employment.

To be eligible for a sick day, the employee must call in each day to the employee's supervisor no later than 15 minutes after the employee's usual start time for work. If the employee does not call in, the absence will be considered unexcused and the employee will not be paid for it. Permitted use of sick leave includes absences from duty due to, (1) bona fide illnesses of the employee, (2) caring for an immediate household family member of the employee (meaning spouse, child or parent living in the same household as the employee) with a serious health condition, (3) contact with or exposure to contagious disease rendering the employee's presence hazardous to fellow workers, or (4) preventative medicine or treatment or validated reasonable medical or dental care that cannot be scheduled during non-working hours. Any use of sick leave for purposes other than the reasons above described is an abuse of the sick leave policy and may result in discipline, up to and including termination. Sick leave shall apply only to days that the employee is regularly scheduled to work and shall not apply to overtime hours or to days when the

employee is on any other type of paid or unpaid leave.

The City of Berlin reserves the right to request a doctor's certificate for either the employee, or the immediate household family member being cared for, as applicable, for any sick days requested. If such a certificate is requested and the employee cannot or will not produce it, the absence may be considered unexcused, and the employee will not be paid for it. All sick leaves exceeding three days shall require a doctor's certificate to be submitted to the City Administrator or his/her designee. In conjunction with the doctor's certificate for immediate household family members being cared for, the City reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling the employee the use of sick leave. A "serious health condition" under this policy is defined the same as under the City's Family and Medical Leave Policy contained in this Handbook.

As a mutual protection for the employee and the City, the City may require an employee to submit to a physical examination by a City designated physician when in the opinion of the Department Head, in consultation with the City Administrator, the performance of the employee may have become limited to or weakened by virtue of impaired health. The City Administrator may require the employee to conform to the physician's recommendations as a condition of continued employment with the City.

Upon an employee's termination of employment for any reason other than quitting or discharge for cause, the employer shall maintain in escrow an amount equal to the employee's accumulated sick leave to a maximum of sixty-five (65) days. This shall be computed at the current rate of pay at the time of the employee's retirement. Said escrow amount shall be applied by the employer toward the employee's share of any post termination health insurance premiums and/or authorized HSA contributions (such as for COBRA premiums or post retirement health coverage as applicable). Further, if an employee dies after such termination as described hereunder, the balance of the escrowed funds shall be applied toward COBRA premiums and/or authorized HAS contributions for the deceased employee's spouse or other eligible dependent. Unused sick leave will not otherwise be paid out or used for any other purpose. The City's payments from escrow shall be made only once per month, unless reasonable exceptions are made for urgent payments. For purposes of this provision, the term "quitting" means termination of employment initiated by the employee, except for eligible retirement under Wisconsin Retirement System plan.

In case of death of an employee who would have qualified for retirement under the Wisconsin Retirement System, any remaining unused accumulated sick leave shall be paid, subject to the limitations described above to the dependent beneficiary indicated in the employee's Wisconsin Retirement System plan.

All sick leave shall be subject to administration by the City Administrator.

Work-related illnesses are covered under Worker's Compensation elsewhere in this Handbook.

PERSONAL LEAVE: The City of Berlin provides full-time employees up to two (2) paid personal days (16 hours) per calendar year, however, full-time EMS department employees that work a 24 hour shift shall instead receive 24 hours of paid personal time per calendar year, which can be used for any reason. New employees shall be credited with a pro-rata share of Personal Leave days from the beginning of their employment.

Employees must use personal days by December 31 of each year, as unused personal days may not be carried over to the next calendar year. Employees will not be paid for accrued unused personal days on termination.

HOLIDAYS: The City of Berlin observes the following holidays and will not conduct business on these days:

New Year's Day
New Year's Eve
Memorial Day
Independence Day
Labor Day
Thanksgiving
Day after Thanksgiving
Christmas Day
Christmas Eve
Good Friday

Employees will be paid for these holidays if he or she:

- Is a full-time employee at the City, and
- Has worked the full day before and the full day after the holiday, unless the employee is in paid status (paid time off has been approved in advance by his or her supervisor).

Holidays that fall on a weekend will be observed either on a Friday or Monday. If a holiday falls on a Saturday, the preceding Friday will be the observed holiday. When it falls on a Sunday, the following Monday shall be the observed holiday. This applies for all employees except those regularly scheduled to work on a shift basis or departments scheduled to operate on specific holidays. In these cases, department regulations may take precedent.

Due to community needs, some employees may be required to work on City holidays. Each employee's supervisor will notify him or her if this may apply to him or her.

Employees who work on paid holidays shall receive pay at time and one-half their normal wage, unless otherwise specified in a Labor Agreement or through approval of the Sewer and Water Commission. Under no circumstances will an employee be compensated with both holiday pay and sick leave pay when the employee is unable to report to work on a scheduled holiday.

The City will work to make reasonable accommodations for employee's holiday time off due to the observance of conscientious religious beliefs. Department heads must be consulted at least three (3) days in advance of such a religious observance in order to insure that the employee's duties are covered. Any such day shall be without pay unless approved paid leave is available.

BEREAVEMENT LEAVE: Full-time employees are permitted:

- Three (3) days of paid leave to attend the funeral, and directly related activities, for any of the following members of the employee's family:
 - Spouse
 - Children
 - Children-in-law
 - Parents
 - Parents-in-law
 - Siblings
 - Grandparents
 - Grandchildren

- One (1) day of paid leave to attend the funeral, and directly related activities, for any of the following members of the employee's family:
 - Grandparents-in-law
 - Grandchildren-in-law
 - Siblings-in-law
 - Aunt
 - Uncle

Bereavement pay will only be paid for actual days of attendance of the funeral and related activities. No bereavement pay will be granted for funerals, and directly related activities, which are not on a scheduled workday unless authorized by the City Administrator. A portion of the paid bereavement leave may be granted for travel if the employee has to travel long distances for the funeral and directly related activities. Time off in excess of the paid leave granted hereunder may be granted without pay if approved by the employee's supervisor. The employee may also utilize any unused vacation or personal time for this reason.

The employee's supervisor must approve all bereavement time, and the City may request verification of the facts surrounding the leave and grant or deny the leave as deemed appropriate. Bereavement leave will not be paid if it occurs when the employee is on vacation or leave of absence, absent due to illness or injury, or not working due to a paid holiday.

MILITARY LEAVE: Pursuant to the Uniformed Services Employment and Re-employment Rights Act (USERRA), the City of Berlin prohibits discrimination against persons because of their service in the Armed Forces, the Army National Guard and the Air Force National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency. Full-time employees are entitled to up to four years of unpaid leave for military duty or training.

JURY DUTY: The City of Berlin supports employees in fulfilling their civic responsibilities by serving jury duty when required and fully compensates them for time served. Any employee required to serve jury duty shall be paid regular wages for all regularly scheduled work hours and shall turn over to the City Clerk any compensation, excluding mileage allowance, received as a result of such jury duty. However, such employee must inform his or her supervisor of his or her jury summons as soon as possible so that arrangements can be made to accommodate his or her absence. He or she will be expected to report for work during his or her jury service whenever the court schedule permits. For full-time employees, all employee benefits will remain in effect for the full term of his or her jury duty absence.

TIME OFF FROM WORK IN CONNECTION WITH COURT CASES: We recognize that an employee might be subpoenaed or otherwise required to serve as a third party witness in a court case or arbitration. An employee called to testify will be paid for the time away from work if the case involves an offense against the City of Berlin or an incident that occurred during employment. If called for other types of legal proceedings, an employee may use available vacation and personal days to cover his or her time away from work; otherwise the leave will be unpaid.

Employees will not be terminated based on being absent from work for serving as a third party witness in a court case. However, if an employee is called to serve, he or she must notify his or her supervisor as

soon as possible.

TIME OFF TO VOTE: Employees who are eligible to vote in an election may request reasonable time off without pay to vote. If an employee plans to take such time off, he or she must notify his or her supervisor before Election Day. The City may specify which hour(s) employees may take off for this purpose.

FAMILY & MEDICAL LEAVE ACT:

I. **PURPOSE:** This policy outlines the provisions of the federal and Wisconsin Family and Medical Leave Acts and the rights and obligations of employees and employers under both laws.

II. **POLICY:** The Family and Medical Leave Acts provide eligible employees with up to 12 work weeks of unpaid protected leave each calendar year for specified family and medical reasons. The eligibility and entitlements are defined differently under federal and state law.

A. Eligibility: Employees are entitled to FMLA benefits if they:

1. Federal – Have been employed by the city for at least 12 months (not necessarily consecutive); and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. Time spent on paid or unpaid leave does not count in determining the 1,250 hour eligibility.
2. State - Have been employed by the city for at least 52 consecutive weeks and have worked for at least 1,000 hours during the 52 weeks prior to the start of the FMLA leave.

B. Qualifying Event and Amount of Leave

1. Eligible employees may take up to a total of 12 work weeks of unpaid FMLA leave in a calendar year for the following qualifying events:
 - a) The birth or placement of a child for adoption or, under Federal FMLA, for foster care:
 - i. State law provides up to 6 work weeks of unpaid leave for any one child.
 - ii. Federal law requires that leave conclude within 12 months after the birth.
 - b) To care for the employee's spouse, child, or parent (includes a parent-in-law under the Wisconsin FMLA) with a serious health condition;
 - i. State law provides eligible employees up to 2 work weeks of FMLA family leave.
 - c) Family leave due to an employee's spouse, child, or parent being on exigent active duty or having been notified of an impending call or order to exigent active duty as a member of the *reserve* components of the Armed Forces or a

retired member of the Regular Armed Forces or Reserve, in support of a contingency operation.

d) For the employee's own serious health condition that renders the employee unable to perform his/her job.

i. State law provides eligible employees up to 2 workweeks of FMLA medical leave.

2. Eligible employees may take up to a total of 26 work weeks of unpaid FMLA leave during a single 12 month period (beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date, regardless of the method used by the employer to determine the employee's 12 work weeks of leave entitlement for other FMLA-qualifying reasons) 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.

a) During the single 12 month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under federal law.

3. Leave qualifying for both Wisconsin and federal FMLA leave will count against the employee's entitlement under both laws and will run concurrently. When the reason(s) for qualified leave differ, the leave may not run concurrently under federal and state law, and an employee may be entitled to more than 12 weeks of leave in a calendar year. This type of leave occurrence will be evaluated and reviewed with the employee at the time of the leave. Qualified leave taken under Worker's Compensation also will run concurrently with federal FMLA leave.

Under the federal FMLA, spouses employed by the City are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

C. 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 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 placement of a child for adoption must begin within 16 weeks of that birth or placement.

Medical or family caretaking leave should be planned so as not to unduly disrupt the City operations. Employees requesting non-continuous federal FMLA leave that is foreseeable based on planned medical treatment for purposes of providing care to a child, spouse, or parent with

a serious health condition or for the employee's own serious health condition may be required to transfer temporarily to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave than the regular employment position of the employee. An employee temporarily transferred will receive the same pay and benefits, but may be assigned different duties.

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

D. Payments on FMLA Leave: In general, both Wisconsin and federal FMLA leaves are unpaid. The City may require employees to substitute paid leave for which they are eligible (such as vacation days, personal leave, compensatory time, or sick leave) for unpaid leave available under the federal FMLA; or employees may choose to substitute available accrued leave for unpaid Wisconsin FMLA.

The City will require that any leave provided by a City collective bargaining agreement be substituted for federal FMLA leave.

E. How to Apply for FMLA Leave

1. Employees must submit a Request for Leave form to the City Administrator's office at least 30 days, or as soon as practicable, in advance of taking leave. If circumstances do not permit an employee to give notice in advance of taking leave, the employee must notify their supervisor and the City Administrator, and submit the Request to Leave form as soon as possible. Failure to give timely notice may result in the delay or denial of FMLA leave and may subject an employee to discipline under City policies.
2. If the leave is for a family member's or the employee's serious health condition, the employee may submit a medical certification from the employee's or the family member's health care provider within 15 days. If an employee does not provide the required certification by the designated deadline, or if the City determines that an employee's absence is not covered as FMLA leave, the leave may not be designated as Wisconsin and/or federal FMLA leave, and the employee may be subject to discipline under City attendance policies unless he or she uses accrued paid leave (like vacation) and/or is granted a non-FMLA leave of absence.
3. Second or third certifications at the City's expense and periodic re-certifications at the employee's expense may be required under certain circumstances. The City requires periodic reports during federal FMLA leave regarding the employee's status and intent to return to work.
4. Forms are available through the City Administrator's office.

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

The City may recover its share of health insurance premiums paid during a period of unpaid FMLA leave from an employee if the employee fails to return to work (for a minimum of 30 calendar days) after the expiration of the leave. The City may not collect the premiums if the reason the employee does not return is due to continuation,

recurrence or onset of a serious health condition that would entitle the employee to leave under FMLA, or other circumstances beyond the employee's control.

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

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

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

- H. **Return to Work:** Any employee returning from FMLA for their own serious health condition must provide a Fitness for Duty statement signed by their treating physician. Upon return from FMLA leave, an employee shall be restored to his or her original position or, if the position is not vacant, to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

An employee will not be restored to their original or equivalent position if they are unable to perform the functions of their job because of a mental or physical condition, unless the condition qualifies under the ADA and a reasonable accommodation can be made.

I. Definitions

- A. **Child:** Biological, adopted, or foster child, stepchild, legal ward or, under 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.
- B. **Covered Service member:** A current 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 status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- C. **Incapable of Self-Care:** The individual requires active assistance or supervision to provide daily 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).
- D. **Next of Kin:** The nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service members by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service members has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of

relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

E. **Parent:** Biological parent, foster parent, adoptive parent, stepparent, or legal guardian of an employee, or parent-in-law under Wisconsin FMLA. Under the federal FMLA, "parent" includes an individual who provided day-to-day care to the employee when the employee was a child.

F. **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice, or residential medical care facility; or
2. Under Wisconsin FMLA, outpatient care that requires continuing treatment or supervision by a health care provider (generally defined as requiring two direct, continuous and first hand contacts by a health care provider); or
3. Under the federal FMLA:
 - a. A period of incapacity of more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (i.e. physical therapist) under orders of, or on referral by, a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion, that results in a regimen of continuing treatment under the supervision of a health care provider.
 - The first or only in person treatment visit must take place within seven days of the first day of incapacity.
 - Whether additional visits or a regimen of continuing treatment is necessary within the 30 day period shall be determined by the health care provider.
 - b. Any period of incapacity due to pregnancy or for prenatal care;
 - c. Chronic conditions requiring periodic treatment (defined as at least twice a year) by or under the supervision of a health care provider that continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (i.e. asthma, diabetes, epilepsy, etc.);
 - d. Permanent/long term conditions requiring supervision for which treatment may not be effective (i.e. Alzheimer's, a severe stroke, or the

terminal stages of disease);

- e. 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).

LEAVES OF ABSENCE: A City of Berlin employee, upon written request, and with the recommendation of the Department Head and City Administrator, may be granted a non-FMLA leave of absence without pay for a period of up to three (3) months, subject to the approval of the Common Council, or the applicable Board or Commission having statutory authority over the employee's department. Requests for such leave must be made in writing at least thirty (30) days prior to the first day of leave. All eligible vacation and personal leave days must be exhausted prior to requesting such an unpaid leave of absence. If sick leave is eligible to be used for the leave, all available sick leave days must be exhausted prior to requesting an unpaid leave of absence.

The written request for such leave of absence must fully state and detail the purpose of the leave and the beginning and ending dates of the leave. Once the written request is submitted to the City Administrator or Department Head, the respective governing body will approve or disapprove according to City policy.

A leave of absence without pay shall not be construed as a break in service or employment. However, during such leaves, no seniority, vacation, sick leave or other paid benefits shall accrue during the period of absence. Upon return from such leave, for every 30 consecutive calendar days an employee was gone on the leave, the employee's evaluation date shall be set forward one (1) month to account for the break in service. Time spent on leave without pay shall not count toward service for wage increases.

Use of a leave of absence hereunder for a purpose other than that requested may result in discipline up to and including termination. Failure of an employee on leave to report to work promptly at the leave expiration may result in discipline up to and including termination.

An employee on a leave hereunder for more than thirty (30) consecutive days is responsible to pay the entire cost of health and life insurance premiums for the duration of the leave. Further, if an employee on a leave hereunder does not return to work from the leave, even if the leave is less than 30 days, that employee shall be responsible to reimburse the City for any health or life insurance premiums paid on his/her behalf during the leave. Written arrangements must be made with the City Clerk regarding payment for these insurance costs.

ANTI DISCRIMINATION & HARASSMENT POLICY

The City of Berlin strives to maintain an environment free from discrimination and harassment, where employees treat each other with respect, dignity and courtesy. This policy applies to all phases of employment, including but not limited to recruiting, testing, hiring, promoting, demoting, transferring, laying off, terminating, paying, granting benefits and training.

Prohibited Behavior: The City of Berlin does not and will not tolerate any type of harassment of our employees or applicants for employment. Discriminatory conduct or conduct characterized as harassment as defined below is prohibited. The term harassment includes, but is not limited to, slurs, jokes, and other verbal or physical conduct relating to a person's gender, ethnicity, race, color, creed, religion, sexual orientation, national origin, age, disability, marital status, military service status or any other protected classification that unreasonably interferes with a person's work performance or creates an intimidating, hostile work environment.

Sexually harassing behavior in particular includes unwelcome conduct such as: sexual advances, requests for sexual favors, offensive touching, or other verbal or physical conduct of a sexual nature. Such conduct may constitute sexual harassment when it:

- is made an explicit or implicit condition of employment
- is used as the basis for employment decisions
- unreasonably interferes with an individual's work performance, or
- creates an intimidating, hostile or offensive working environment.

The types of conduct covered by this policy include: demands or subtle pressure for sexual favors accompanied by a promise of favorable job treatment or a threat concerning employment. Specifically, it includes sexual behavior such as:

- repeated sexual flirtations, advances or propositions
- continued and repeated verbal abuse of a sexual nature, sexually related comments and joking, graphic or degrading comments about an employee's appearance or displaying sexually suggestive objects or pictures including cartoons and vulgar e-mail messages, and
- any uninvited physical contact or touching, such as patting, pinching or repeated brushing against another's body.

Such conduct may constitute sexual harassment regardless of whether the conduct is between members of management, between management and staff employees, between staff employees, or directed at employees by non-employees conducting business with the City, regardless of gender or sexual orientation.

Harassment by Non-employees: The City of Berlin will also endeavor to protect employees, to the extent possible, from reported harassment by non-employees in the workplace, including citizens and suppliers.

Complaint Procedure and Investigation: Any employee who wishes to report a possible incident of sexual harassment or other unlawful harassment or discrimination should promptly report the matter to the employee's supervisor. If that person is not available, or the employee believes it would be inappropriate to contact that person, that employee may contact the City Administrator.

The City of Berlin will conduct a prompt investigation as confidentially as possible under the

circumstances. Employees who raise concerns and make reports in good faith can do so without fear of reprisal; at the same time, employees have an obligation to cooperate with the City of Berlin in enforcing this policy and investigating and remedying complaints.

Any employee who becomes aware of possible sexual harassment or other illegal discrimination against others should promptly advise the employee's supervisor or any other appropriate member of management.

Anyone found to have engaged in such wrongful behavior will be subject to appropriate discipline, which may include termination.

Retaliation: Any employee who files a complaint of sexual harassment or other discrimination in good faith will not be adversely affected in terms and conditions of employment and will not be retaliated against or discharged because of the complaint.

In addition, we will not tolerate retaliation against any employee who, in good faith, cooperates in the investigation of a complaint. Anyone who engages in such retaliatory behavior will be subject to appropriate discipline, up to and including termination.

EQUAL OPPORTUNITY POLICY: The City of Berlin provides equal opportunity in all of our employment practices to all qualified employees and applicants without regard to race, color, religion, gender, national origin, age, disability, marital status, military status or any other category protected by federal, state and local laws. This policy applies to all aspects of the employment relationship, including recruitment, hiring, compensation, promotion, transfer, disciplinary action, layoff, return from layoff, training and social, and recreational programs. All such employment decisions will be made without unlawfully discriminating on any prohibited basis.

AMERICANS W/DISABILITIES ACT: It is the City of Berlin's policy to not discriminate against qualified individuals with disabilities with regard to any aspect of their employment. The City of Berlin is committed to complying with the American with Disabilities Act of 1990 and its related Section 504 of the Rehabilitation Act of 1973. The City of Berlin recognizes that some individuals with disabilities may require accommodations at work. If an employee is currently disabled or becomes disabled during his or her employment, he or she should contact his or her supervisor to discuss reasonable accommodations that may enable him or her to perform the essential functions of his or her job.

CONDUCT STANDARDS

ZERO TOLERANCE FOR WORKPLACE VIOLENCE: The City of Berlin has a zero-tolerance policy concerning threats, intimidation and violence of any kind in the workplace either committed by or directed to employees. Employees who engage in such conduct will be disciplined, up to and including immediate termination of employment.

Employees who are not law enforcement employees are not permitted to bring weapons of any kind onto City premises or to City functions, except, pursuant to Wis. Stat. 175.60(15m), a licensee or an out-of-state licensee shall not be prohibited from carrying a concealed weapon or ammunition, or from storing a weapon or ammunition, in the licensee's or out-of-state licensee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on City property. Any employee who is suspected of possessing a weapon in violation of this policy will be subject to a search at the City's discretion. Such searches may include, but not be limited to, the employee's personal effects, desk and workspace.

If an employee believes he or she has been subjected to threats or threatening conduct by a co-worker, vendor or citizen during his/her course of employment, the employee should notify his or her supervisor or another member of management immediately. Employees will not be penalized for reporting such concerns.

WORKPLACE SOLICITATION: To promote a professional and collegial workplace, prevent disruptions in business or interference with work, and avoid personal inconvenience, the City of Berlin has adopted rules about soliciting for any cause and distributing literature of any kind in the workplace.

Employees may not solicit on City property or use City facilities, such as e-mail, voice mail or bulletin boards during working time for solicitation. This policy applies to collecting funds, requesting contributions, selling merchandise, gathering employee signatures and promoting membership in clubs or organizations. Working time means time during which employees are expected to be actively engaged in their assigned work; it does not include scheduled meal or break periods.

An employee may solicit another employee only if both that employee and the other employee are not on working time, and employees may distribute literature only in non-working areas and while not on working time to other employees who are not on working time.

The City of Berlin may grant limited exemptions from these rules for charitable purposes at its discretion.

The City of Berlin does not endorse or assist vendors in selling their product or service. For the purposes of this Policy, a "vendor" is a person, group of people, or organization (whether profit or non-profit) selling or promoting a product or service for personal use. These persons who are selling or promoting this product or service shall not contact city employees during work hours. Vendors may not send by U.S. mail, interoffice mail, or deliver, any materials to city employees at their work address.

SMOKING POLICY: Smoking is prohibited inside City of Berlin facilities and City owned vehicles. All employees or visitors are expected to comply with this policy, and employees who violate it may be disciplined. Should an employee have a question, complaint or dispute about smoking in the workplace, he or she may contact the City Administrator.

PROGRESSIVE DISCIPLINE: The City of Berlin retains the discretion to discipline its employees. Oral and written warnings and progressive discipline up to and including discharge may be administered as appropriate under the circumstances. Typical disciplinary progression for minor offenses includes: first offense - oral warning, second offense - written warning, third offense - three (3) day suspension without pay. On a third offense the employee must submit a sincere and logical written proposal of corrective behavior he/she will undergo to correct the problem. All or none of these steps may be taken as deemed appropriate by the supervisor.

Please note that the City of Berlin reserves the right to terminate any employee without resorting to any aspect of the progressive discipline process.

Grievances: Employees are encouraged to bring concerns, problems and grievances to management's attention. Employees are also obligated to report any wrongdoing of which he or she becomes aware to his or her immediate supervisor or, if the situation warrants, to any City of Berlin official.

Grievance Policy A: Employee Discipline, Termination of Employment, Workplace Safety

DEFINITIONS:

1. A "grievance as used in this Grievance Policy A shall mean a dispute regarding the application of City policies regarding an employee's discipline or termination of employment, or a dispute concerning workplace safety. (Please note that grievances regarding any other issues shall be addressed under Grievance Policy B below.) No grievance shall be processed under this Grievance Policy A unless it is in writing and contains all of the following:
 - A. the name and position of the grievant;
 - B. a clear and concise statement of the grievance;
 - C. the issue involved;
 - D. the relief sought;
 - E. the date the incident or alleged violation took place;
 - F. the specific section of the Employee Handbook, City policy, or workplace safety rule alleged to have been violated; and
 - G. the signature of the grievant and the date.
2. The term "days" means regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy shall be computed by excluding the first day and including the last day.
3. A "grievant" is an employee as defined by state statutes governing this grievance procedure. At the grievant's cost and request they may be represented by a person of their choice.
4. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under federal or state law, or City rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk.
5. "Discipline" means oral reprimands (where a written record of the reprimand is placed in the employee's file), written reprimands, suspension and demotion. Discipline does not include performance reviews, work plans or corrective actions that do not include a reprimand or other

adverse employment action.

6. "Termination" means discharge from employment. Layoffs (reduction in force) are not considered terminations and are not subject to this procedure.

PROCEDURES:

First Step: Within ten (10) days after the facts upon which the grievance is based or should have reasonably become known the employee shall present the written grievance to his/her immediate supervisor. The immediate supervisor shall give a written answer within ten (10) days of receipt of the grievance, with a copy to the City Administrator.

An employee who has been notified of termination may process the grievance commencing at the Third Step.

Second Step: If the grievance is not satisfactorily resolved at the First Step, it may be submitted by the grievant to the City Administrator within five (5) days after having received the answer in the First Step. After receipt of the written grievance by the City Administrator, he/she or the designated representative of the City Administrator will meet with the grievant in an effort to resolve the issue(s) raised by the grievance. Within ten (10) days after the meeting, the City Administrator shall respond to the grievance in writing. The City Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the City Administrator is aware of other similar pending grievances, the City Administrator may consolidate those matters and process them as one grievance.

Third Step: Upon the written request of the grievant in response to an adverse decision, the decision at the Second Step may be appealed by a written statement forwarded to the City Administrator particularly describing the reason for appeal. If the decision at the Second Step is based in whole or in part on the basis of timeliness, scope of the grievance process or other failure of the grievant to properly follow the process the matter shall be referred to the Common Council (or highest level governing body having exclusive jurisdiction over the matter) who shall determine whether the matter should be processed further. If the Second Step decision is on the merits of the grievance only the grievance will be referred to an Impartial Hearing Officer (IHO). The IHO will be designated by the City Administrator. Any costs incurred by the (IHO) will be paid by the City. The IHO will convene a hearing in the manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing. The burden of proof shall be "a preponderance of the evidence". In termination and discipline cases, the City shall have the burden. In workplace safety cases, the employee shall have the burden. The IHO may apply relaxed standards for the admission of evidence, including allowing the admission of hearsay. The IHO may request oral or written arguments and replies. The IHO shall provide the parties a written decision.

The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add to, subtract from or modify the terms of the employment policy or rule that forms the basis for the grievance.

Fourth Step: Either party may appeal an adverse determination at step three to the Common Council (or highest level governing body having exclusive jurisdiction over the matter), by filing written notice appealing the decision of the IHO in the City Administrator's Office within ten (10) days of the decision of the IHO. The Common Council (or highest level governing body having exclusive jurisdiction over

the matter) shall within thirty (30) days after submission of the appeal schedule the review of the IHO's decision. The review will be conducted by the Council (or highest level governing body having exclusive jurisdiction over the matter) during a closed session meeting unless an open session is requested by the employee. The Council (or highest level governing body having exclusive jurisdiction over the matter) may make its decision based on the written decision of the IHO or the Council (or highest level governing body having exclusive jurisdiction over the matter) may examine any records, evidence and testimony produced at the hearing before the IHO. A simple majority vote of the membership of the Council (or highest level governing body having exclusive jurisdiction over the matter) shall decide the appeal within twenty (20) days following the last session scheduled for review. The Council (or highest level governing body having exclusive jurisdiction over the matter) will issue a final written decision which shall be binding on all parties.

TIMELINES: Failure to process a grievance by the grievant within the time limit, or agreed upon extensions, shall constitute waiver of the grievance and will be considered resolved on the basis of the City's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.

EXCLUSIVE REMEDY: This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority, subject to any applicable Common Council policy or directive, to resolve the matter.

Grievance Policy B: Issues Other Than Employee Discipline, Termination of Employment, Workplace Safety

DEFINITIONS:

1. A "grievance as used in this Grievance Policy B shall mean a dispute regarding the application of City policies regarding issues other than issues covered by Grievance Policy A. No grievance shall be processed under this Grievance Policy B unless it is in writing and contains all of the following:
 - A. the name and position of the grievant;
 - B. a clear and concise statement of the grievance;
 - C. the issue involved;
 - D. the relief sought;
 - E. the date the incident or alleged violation took place;
 - F. the specific section of the Employee Handbook or City policy alleged to have been violated; and
 - G. the signature of the grievant and the date.
2. The term "days" means regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy shall be computed by excluding the first day and including the last day.
3. A "grievant" is an employee of the City filing a grievance under this Grievance Policy B. At the grievant's cost and request they may be represented by person of their choice.

PROCEDURES:

First Step: Within ten (10) days after the facts upon which the grievance is based or should have reasonably become known the employee shall present the written grievance to his/her immediate supervisor. The immediate supervisor shall give a written answer within ten (10) days of receipt of the grievance, with a copy to the City Administrator.

Second Step: If the grievance is not satisfactorily resolved at the First Step, it may be submitted by the grievant to the City Administrator within five (5) days after having received the answer in the First Step. After receipt of the written grievance by the City Administrator, he/she or the designated representative of the City Administrator will meet with the grievant in an effort to resolve the issue(s) raised by the grievance. Within ten (10) days after the meeting, the City Administrator shall respond to the grievance in writing. The City Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the City Administrator is aware of other similar pending grievances, the City Administrator may consolidate those matters and process them as one grievance.

Third Step: Upon the written request of the grievant in response to an adverse decision, the decision at the Second Step may be appealed by a written statement forwarded to the City Administrator particularly describing the reason for appeal. The City Administrator shall then forward the grievance to the Common Council (or highest level governing body having exclusive jurisdiction over the matter). The Common Council (or highest level governing body having exclusive jurisdiction over the matter) shall within thirty (30) days after submission of the appeal schedule the review of the City Administrator's decision. The review will be conducted by the Common Council (or highest level governing body having exclusive jurisdiction over the matter) during a closed session meeting unless an open session is requested by the employee. The Council (or highest level governing body having exclusive jurisdiction over the matter) may make its decision based on the written decision of the City Administrator or the Council (or highest level governing body having exclusive jurisdiction over the matter) may examine any records, evidence and testimony produced at a hearing before the Council (or highest level governing body having exclusive jurisdiction over the matter), if authorized. A simple majority vote of the membership of the Council (or highest level governing body having exclusive jurisdiction over the matter) shall decide the appeal within twenty (20) days following the last session scheduled for review. The Council (or highest level governing body having exclusive jurisdiction over the matter) will issue a final written decision which shall be binding on all parties.

TIMELINES: Failure to process a grievance by the grievant within the time limit, or agreed upon extensions, shall constitute waiver of the grievance and will be considered resolved on the basis of the City's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.

EXCLUSIVE REMEDY: This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority, subject to any applicable Common Council policy or directive, to resolve the matter.

ETHICAL AND LEGAL BUSINESS PRACTICES

The City of Berlin expects the highest standard of ethical conduct and fair dealing from each employee, officer, director, volunteer and all others associated with the City. This policy provides general guidance on the ethical principles that we all must follow, but no guideline can anticipate all situations. Employees should also be guided by basic honesty and good judgment, and be sensitive to others' perceptions and interpretations. If an employee has any questions about this policy, he or she should consult his or her supervisor. Exceptions to this policy may be made only by the Common Council. Employees are expected to promptly disclose anything that may violate this policy. The City will not tolerate retaliation or retribution against anyone who brings violations to management's attention.

COMPLIANCE: Employees who fail to comply with this policy will be disciplined, which may include a demand for reimbursement of any losses or damages, termination of employment and referral for criminal prosecution. Action appropriate to the circumstances will also be taken against supervisors or others who fail to report a violation or withhold relevant information concerning a violation of this policy.

COMPLYING WITH LAWS AND REGULATIONS: All City activities are to be conducted in compliance with the letter and spirit of all laws and regulations. Employees are charged with the responsibility of understanding the applicable laws, recognizing potential dangers and knowing when to seek legal advice.

CONFLICT OF INTEREST: Employees must avoid any interest, influence or relationship which might conflict or appear to conflict with the best interests of the City of Berlin. Employees must avoid any situation in which his or her loyalty may be divided and promptly disclose any situation where an actual or potential conflict may exist. Examples of potential conflict situations include:

- Having a financial interest in any business transaction with the City of Berlin, including any stage of negotiation of such a transaction.
- Owning or having a significant financial interest in, or other relationship with, a City of Berlin vendor or supplier, and
- Accepting gifts, entertainment or other benefit from a City of Berlin vendor or supplier

Anyone with a conflict of interest must disclose it to management and remove themselves from negotiations, deliberations or votes involving the conflict.

ACCOUNTING AND FINANCIAL REPORTS: The City of Berlin's financial statements and all books and records on which they are based must accurately reflect the City's transactions. All disbursements and receipts must be properly authorized and recorded. Employees must record and report financial information accurately. Reimbursable business expenses must be reasonable, accurately reported and supported by receipts. Those responsible for handling or disbursing funds must assure that all transactions are executed as authorized and recorded to permit financial statements in accord with Accounting Principles Generally Accepted in the United States of America.

EMPLOYEE PRIVACY AND OTHER CONFIDENTIAL INFORMATION:
The City of Berlin collects only personal information about employees that relates to their employment.

Only people with a business-related need to know are given access to this information, and the City Administrator must authorize any release of the information to others. Personal information, other than that required to verify employment or pursuant to a legitimate investigatory or legal request (including the Wisconsin Open Records Act or The Federal Freedom of Information Act) will be released outside the City only with employee approval.

If an employee has access to any confidential information, including private employee information, he or she is responsible for acting with integrity. Unauthorized disclosure or inappropriate use of confidential information will not be tolerated.

The City of Berlin adheres to all HIPAA standards for the personal privacy protection of City employees.

GIVING AND RECEIVING GIFTS: Except for tokens and items or services of only nominal, insignificant, or trivial value, employees may not give or receive money or any gift to or from a supplier, government official or other organization. Further, employees and "local government officials" must comply with Chapter 2, Article VI of the Berlin Code of Ordinances, and Sections 19.59, 946.11, 946.12 and 946.13 of the Wisconsin Statutes, as to further ethical standards, which may apply to their position. Employees should consult with the City Administrator and/or City Attorney if he or she has questions in this regard.

DRUG & ALCOHOL POLICY: Employees must report to work free of drugs, intoxicants, alcohol, narcotics, or any other controlled substance. Employees may be disciplined, up to and including termination, for possession, consumption, not being free of, or use of any drugs, drug paraphernalia, intoxicants, alcohol, narcotics, or any other controlled substance, on or about the City of Berlin's premises at any time.

Because prescription medication can also affect an individual's demeanor and job performance, it is the employee's responsibility to notify his or her immediate supervisor if he or she is taking legal prescription drugs. Such prescription drugs must be given under medical supervision and may not interfere with the performance of job duties.

Under certain circumstances, an employee's supervisor, upon approval by the City Administrator, may require an employee to undergo a drug and/or alcohol test when the supervisor or City Administrator has reasonable suspicion that the employee is in violation of this rule. The employee will be referred to a certified testing laboratory for completion of the test.

Depending on the seriousness and circumstances of the offense, and at the City Administrator's sole discretion, an employee who tests positive for drugs and/or alcohol may be referred to a counselling, rehabilitation, or employee assistance program, at the employee's expense. Refusal to cooperate in this program may result in discipline, up to and including termination.

The City of Berlin may conduct searches for illegal drugs or alcohol on City facilities or worksites without prior notice to employees. Such searches may be conducted at any time. Employees are expected to cooperate fully.

Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee has violated this policy or when circumstances or workplace conditions justify such a search. Personal property may include, but is not limited to, purses, boxes, briefcases, as well as any City of Berlin property that is provided for employees' personal use, such as desks, lockers,

and files.

Also, employees in certain departments may be required to undergo certain drug and alcohol testing as mandated for purposes of obtaining licensing and certifications, such as for commercial drivers, necessary for the performance of the employee's duties.

DATING IN THE WORKPLACE: Consensual relationships between employees, romantic or sexual, may create an actual or perceived conflict of interest and may give rise to various concerns for the parties involved. Said relationships are, therefore, deemed contrary to the best interests of the City of Berlin (hereinafter referred to as "City"). Accordingly, the City strongly discourages relationships between employees. By its discouragement of relationships between employees, the City does not intend to inhibit social interaction between employees (e.g. lunch, dinner, attendance at entertainment events, etc.) that are and should be an important part of the working environment.

It is anticipated that the parties involved in a relationship will appreciate the concerns the City has and will act in a manner consistent with this policy. If a relationship between employees should develop, it shall be the obligation of both parties to promptly disclose the existence of the relationship to his or her Department Head and/or the City Administrator. In the event the relationship involves a supervisor and subordinate, the obligation to report rests with the supervisor. The Department Head and/or City Administrator shall inform those within City Management with a need-to-know of the existence of the relationship. Failure to promptly report a relationship hereunder shall result in discipline, up to and including discharge.

Upon being informed or learning of the existence of a relationship the City's Management may take all steps that, in its discretion, it deems appropriate. At a minimum, the employees involved in the relationship will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made). Supervisors will not thereafter be permitted to participate in activities or decisions (e.g. hiring, evaluating, promoting, compensating, assigning, disciplining, etc.) that may impact the subordinate with whom the supervisor has or has had such a "relationship."

In order for the City to effectively address any potentially adverse consequences relationships may have in the working environment, any employee who believes that he or she has been adversely affected by a relationship, despite it being reported, is encouraged to make his or her views about the matter known to his or her Department Head and/or City Administrator.

This policy shall apply without regard to gender and without regard to the sexual orientation of the participants in a relationship.

POLITICAL ACTIVITY: The purpose of this policy is to prevent and avoid the appearance of impropriety on the part of any City employee. City employees are neither appointed to, nor retained in, the City's service on the basis of their political affiliations or activities.

Officials and employees of the City may attend and express their views at City Council meetings or any other public meeting. Officials and employees of the City may actively participate in partisan and non-partisan political activities provided the political activity in which the employee participates shall only be exercised during off-duty hours and while not in uniform. City employees are not prohibited from supporting candidates for office nor from contributing labor to candidates and organizations that endorse candidates. Employees are not permitted to be candidates for City elective office or to make public

endorsements of a candidate for City elective office except as permitted by State or Federal Laws.

Any employee desiring to become a candidate for City elective office shall first request a leave of absence or resign, except as otherwise permitted by State or Federal laws. An employee is considered to be a candidate for elective office once all statutory requirements have been met to qualify as a candidate.

Political activity must not interfere with job attendance or performance. Employees are not permitted to solicit or handle political contributions in City elections. They are not permitted to wear or display political badges, buttons, or signs on their person or on City property during on-duty hours. No supervisor or other person in authority shall solicit any City employee for contributions of money or labor for any candidate for elective office, or otherwise, compel, or attempt to compel, any employee to support a candidate for elective office or to engage in any political activity.

COMPANY EQUIPMENT AND VEHICLES: Employees are instructed to keep their work areas neat and clean and use normal care in handling City property. Employees must report any broken or damaged equipment to his or her supervisor at once so that proper repairs can be made.

Employees may not use any City property for personal purposes or remove any City property from the premises without prior written permission from his or her immediate supervisor. Employees must exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines when using City property. Employees will be liable for damage caused to City equipment if the employee was acting outside the scope of employment or normal employment activities.

Employees must notify his or her supervisor if any equipment or machines appear to be damaged, defective or in need of repair. This prompt reporting could prevent the equipment's deterioration and could also help prevent injury to employees. Should an employee have questions about the maintenance and care of any workplace equipment, he or she should ask his or her supervisor.

Employees must be 18 years or older to operate City owned vehicles, heavy equipment or power tools. Employees found operating equipment improperly, carelessly, negligently or unsafely, or misusing, destroying or stealing City property or another person's property, may be disciplined, up to and including termination. In addition, such employee may be held financially responsible for any loss to City of Berlin because of such mistreatment. Removal of notice or notices or inventory tags from City property, equipment or bulletin boards without authorization may also result in discipline up to and including termination.

ACCESS TO CITY BUILDINGS/OFFICES: The objective of this policy is to provide adequate building security for persons and property through the control of keys and electronic access control cardkeys issued, to assure appropriate access to work areas by employees in municipal buildings, while providing appropriate access to governmental facilities to the general public. The policy assigns responsibility for keys and their use to individual employees and City officials and others using the keys and those allowed to authorize the issuance of keys. For the purposes of this policy, unless otherwise noted, "key(s)" are defined to include manual "hard" keys as well as electronic access control cardkeys. A supervisor or City Administrator may remove key holding privileges from any employee who violates this procedure.

- **Employee Procedure for Issuing and Returning Keys:** City keys are issued when an employee begins employment, is promoted or transferred between departments. City keys are returned when

an employee terminates employment, retires, resigns, is promoted, or transferred between departments. All keys will be issued from and returned to the City Administrator. The holder of a key to any City facility assumes responsibility for the safekeeping of the key and its use.

- **Building Access:** The buildings and facilities of the City of Berlin are available for general use by City employees and the public for governmental purposes. Under normal circumstances, the buildings will be opened (outside doors unlocked) for business, meetings, scheduled activities, etc. as required. After-hours access to the buildings may be gained via the use of a building key or an electronic key card to authorized personnel only.
- **Lost, Stolen, and Broken Keys:** The holder of a key to any City facility assumes responsibility for the safekeeping of the key and its use. It is understood that the key will not be loaned, issued to, or made available by any other means to unauthorized persons. Lost keys are to be reported to the Department Head and to the City Administrator immediately. Replacement or duplication of a key will require authorization from the City Administrator. Persons who lose a key may be required to pay for a replacement and/or rekeying costs.

HANDLING OF AND RESPONSIBILITY OF CITY CREDIT CARDS:

Employees authorized to use any City credit cards are required to sign a credit card policy prior to using the card. Approved uses are outlined in the Purchasing Card Agreement.

DRESS CODE POLICY:

- I. Purpose. City employees present the first impression of the City of Berlin to members of the public, and therefore, must present a professional image at all times. Professional attire complements an environment that reflects an efficient, orderly, professionally-operated organization. The purpose of this policy is to provide guidelines for employees and management as to what does and does not constitute appropriate professional attire. This policy is not an all-inclusive list of what is and is not acceptable and employees must exert judgment in their choice of clothing that is worn to work. This policy is primarily intended for office workers at City Hall and other City office settings. The policy does not apply to employees listed in Section IV below. This policy shall apply when on City business or otherwise representing the City.
- II. Policy.
 - A. Acceptable Business Casual Attire. A business casual dress code is appropriate for City of Berlin employees Monday through Thursday.
 1. Clothing that projects a professional image. All clothing shall be clean and without rips, holes, etc.
 2. Slacks, dress pants or pants similar in style to Dockers or other makers of cotton, synthetic, wool or flannel pants. This includes dressy pants that are at least mid-calf in length.
 3. Casual dresses, skirts and skorts that are no shorter than two (2) inches above the top of the knee. Skirts that are split at or below the knee.
 4. Casual shirts, dress shirts, sleeveless sweaters and shirts, golf-type shirts and turtlenecks. Suit jackets and sport jackets.
 5. Walking shoes, tennis shoes, loafers, clogs, boots, flats and dress heels. Open toe shoes (including sandals) will be acceptable for women only.
 6. T-shirts are not acceptable on non-casual days.
 7. An employee may wear non-blue denim jeans, if approved by the Department Head.

B. Acceptable Casual Attire. A casual dress code is appropriate for City of Berlin employees on Fridays. Employees are expected to present a neat appearance and shall not wear items classified as “Unacceptable Attire”, as described in Subsection II.C. below.

1. Jeans must be in good condition (i.e. not ripped or tattered) and must not be acid washed
2. T-shirts and sweatshirts must be in good condition.
3. Any of the above “Acceptable Business Casual Attire” is also appropriate on casual Fridays.

C. Unacceptable Attire. The following is not acceptable attire.

1. Clothing that is tight, clothing that is revealing such that either midriff or cleavage is exposed, or clothing that is sheer.
2. Clothing that contains offensive words, cartoons or images, etc.
3. Clothing that contains political statements, slogans or campaign related information.
4. If an employee may influence the determination of a contract with a vendor, the employee shall not wear any type of clothing, footwear, headgear, etc. that contains the name of a company or corporation that the City contracts with or uses as a vendor.
5. Blue denim jeans (with the exception of Fridays), shorts, bib overalls, sweatpants, exercise pants, cargo pants, warm-up suits and any spandex-like material pants that can be used for exercise.
6. Shorts, tight skirts, and mini-skirts. Strapless dresses and spaghetti-strap dresses.
7. Midriff tops, halter tops and tube tops.
8. Shower footwear, beach flip-flops, or slippers.
9. Employees with visible body piercings other than ear will be required to remove the jewelry while at work.
10. Using a reasonable person standard, other attire which may not be considered appropriate for the workplace.

III. Compliance Requirements.

- A. **Employees**. City of Berlin employees are responsible for complying with the above expectations and guidelines (except those noted in “Section IV” of this policy). Employees should contact his or her supervisor or the City Administrator if he or she has a question as to whether or not a certain item is considered acceptable attire.
- B. **Management**. Department Heads and Supervisors are responsible for monitoring compliance to this policy within their department.
- C. **Employee Request for Review**. An employee who believes they have been treated unfairly or inappropriately under this policy may ask that the matter be reviewed by the City Administrator. Human Resources will work with the employee and the Department to review the matter in a timely manner.

IV. Exceptions.

- A. Employees working in the field, performing manual duties or at a worksite calling for other attire, jeans or similar attire which is appropriate to the type of work being performed by the employee. This exception must be approved in advance by the Department Head.
- B. This policy shall not apply to employees who wear uniforms or in situations where the employee’s clothing is addressed through a valid collective bargaining agreement.

- C. Exceptions to this policy may be made on a case-by-case basis for religious reasons, medical conditions and other applicable circumstances. Requests of this nature must be submitted for review by the Department Head and the City Administrator.
- V. Off Duty Employees. Employees shall be prohibited from wearing any City uniform or other apparel identifying the person as an employee of the City of Berlin outside of working hours, without express permission from their supervisor. In such instances where express permission is granted, the employee shall be expected to abide by all conduct standards as if the employee was on duty.

TATTOOS , BODY ART, AND HAIRSTYLES POLICIES:

Purpose. The purpose of this policy is to establish rules and regulations regarding tattoos, body piercing, hair styles and jewelry. It is the policy of the City that all employees maintain the highest standards of professional appearance when interacting with the public and representing the City. Maintaining a professional appearance is critically important to fostering public trust and confidence in city government.

I. Definitions.

- A. Inappropriate Tattoo – A tattoo is considered inappropriate if it depicts, describes, or otherwise refers to sexual conduct, acts, or organs.
- B. Offensive Tattoo -A tattoo is considered offensive if it depicts, describes or refers to intolerance of, or discrimination against any race, color, preference, creed, religion, gender, national origin, or; it is commonly associated with any organization or group which advocates such intolerance or discrimination; or brings discredit upon the City or violates standards of decency or morality.
- C. Tattoo – Includes any tattoo, scar, intentional scarring, branding, mark, mutilation or other permanent or temporary body art or modification deliberately placed on the body for purposes of decoration, ornamentation, or adornment. The term tattoo shall not apply to medical procedures, i.e. – cosmetic eyeliner, lipstick, etc.
- D. Excessive Tattoo - Excessive tattoos are defined as those covering more than 30 percent of an exposed body part.
- E. Ornamentation – Shall include body piercing jewelry, intentional body mutilation or scarring or foreign objects inserted in/under the skin.

II. Tattoos

- A. Employees with tattoos or temporary decals deemed to be inappropriate, offensive, or excessive must be suitably covered while on duty. This can be accomplished by one of following:
 1. Wear the appropriate attire that provides majority coverage of tattoo or temporary decal.
 2. Cover the existing tattoo with a skin tone patch or make-up.
 3. Have the tattoo(s) removed at the employee's expense.

- B. Tattoos are prohibited in a visible location on the neck, face, head, scalp, below the elbow, or on the hands of employees.
- C. Inappropriate or excessive tattoo issues will be handled on a case-by-case basis.
- D. The employee's department head shall determine if a tattoo is inappropriate or excessive and if the employee will be required to keep it concealed.
- E. No employee may have a tattoo, whether covered or not, that is offensive. Any employee discovered to have such a tattoo may be subject to disciplinary action up to and including termination.
- F. It is recommended that employees planning on receiving a tattoo get prior approval with their department head to assure that the tattoo will meet this policy.

III. Body Piercing And Ornamentation Prohibited

- A. Employees shall not wear any item of ornamentation in their nose, eyebrow, tongue or any other location of their body whether visible or not during duty hours or any duty-related function. There will be the exception of earrings permitted for employees. Employees will be permitted to wear up to three (3) earrings per ear, and not detract from the employee's professional appearance.
- B. Employees are prohibited from having any visible foreign objects inserted under the skin, pierced, split or forked tongue, and/or stretched out holes in the ears.
- C. The use of gold, platinum, or other veneers or caps for the purposes of ornamentation is prohibited. Teeth, whether natural, capped or veneer, will not be ornamented with designs, jewels, initials, etc.
- D. Contact lenses, if worn on duty, shall be in a natural eye color. Red, orange, silver and other unnaturally colored contact lenses, or colors when worn that create an unnatural eye color, and contact lenses with graphic designs of any kind are prohibited.

- IV. Hairstyles. At all times while on duty, employees shall be well-groomed and present a neat appearance. All hair styles shall be neatly groomed, the length, bulk and appearance of the hair shall not be ragged, unkempt, or extreme in appearance. Hair style must not preclude the normal wearing of any uniform headgear equipment, if required.

COMPUTER AND COMMUNICATION USE POLICY

This policy shall apply to all telecommunications and computer systems that run on equipment and peripherals that attach to any computer system for which the City of Berlin is responsible. These systems include, but are not limited to Internet access, e-mail, voice mail, any extensions of those systems, or stand alone computer equipment, which is used to support the operation of the City of Berlin. This includes, but is not limited to printers, desktop computers, notebook computers, laptop computers, monitors, modems, memory cards, video cards, internet cards, I/O cards, cables, pc based fax boards, keyboards, disk drives, voice mail, cell phones, smart phones, and other communication systems. All such systems are the property of the City of Berlin and are to be primarily used for City of Berlin purposes. For those employees having access to such systems, highly limited reasonable personal use of City of Berlin telecommunications and computer systems is permitted, however, employees should assume these communications are not private. However, employees are completely prohibited from utilizing or viewing social media sites such as Facebook, MySpace, Twitter, dating sites, or the like, on City telecommunications or computer systems. The ONLY exception to utilizing social media sites on City equipment or on City time is if the site is City sponsored and the activity is part of the employee's scope of duties.

The City of Berlin reserves the right to periodically access, monitor, and disclose the contents of e-mail, voice mail messages, text messages and instant messages. Access or disclosure of individual employee messages may only be done with the approval of the City Administrator.

Employees may not use internal communication channels or devices, or access to the Internet at work, to post, store, transmit, download, or distribute any threatening materials; knowingly, recklessly, or maliciously false materials; or obscene materials including anything constituting or encouraging a criminal offense, giving rise to civil liability; transmit files that contain a virus or corrupted data; delete any authority attributions, legal notices or proprietary designations or labels in a file that is transmitted; falsify the source or origin of software or other material contained in a file transmitted; use in a manner that adversely affects the availability of said systems; falsely purport to be a City of Berlin associate or agent, or otherwise violate any laws or regulation. Additionally, these channels of communication may not be used to send chain letters, personal broadcast messages, or copyrighted documents that are not authorized for reproduction; nor are they to be used to conduct an external job search or open misaddressed mail.

Employees who abuse the City of Berlin 's telecommunications or computer systems or use them excessively for non-business purposes may lose these privileges and be subject to disciplinary action up to and including termination. Employees are responsible and liable for any damage caused to the City by inappropriate use of communications systems, including but not limited to damages from computer viruses, or claims of third parties against the City.

Computer terminal passwords are confidential and must be safeguarded at all times. It is the system user's responsibility to ensure that passwords are never left unprotected or unsecured. An unprotected password constitutes a security violation. System users are accountable for all processing done under their passwords and/or computer. To ensure the protection of individual passwords, passwords are not to be shared with anyone other than designated management personnel.

Remember that the City is subject to the Public Records law and anything that is found on a City owned computer or communication device is subject to public scrutiny. Also, use of private devices for public business may also be subject to public scrutiny under the Public Records laws.

TELEPHONE USAGE POLICY: The telephone system (including voice mail) at the City of Berlin is the property of the City of Berlin and is provided for business purposes. The City of Berlin may periodically monitor the usage of the telephone systems to ensure compliance with this policy. Therefore, employees should not consider their conversations on the City of Berlin's telephone system to be private. Occasional use of the City of Berlin telephone system for personal phone calls while on break is permitted for calls of short duration. However, all personal long distance phone calls made on City of Berlin phones must be documented with a time and date and reported to the City Clerk's office. The employee responsible for the phone call will be billed accordingly for the call when the phone bill arrives.

SPECIAL CELL PHONE/ELECTRONIC DEVICE USE POLICY:

PURPOSE: The City of Berlin is firmly committed to employee safety and will do everything possible to prevent workplace accidents. Crashes attributed to driver distraction are quickly on the rise, in large part because of widespread use of cell phone and other portable electronic devices behind the wheel.

Researchers across the country have found that response times and attentiveness while using a mobile device are as low as those of drunk drivers. To protect employees driving on city business as well as others on the road, the City has developed this Special Cell Phone/Electronic Device Use Policy. This Special Policy is in addition to those general policies set forth previously in this Handbook governing use of the City's telecommunications and computer systems, which include cell phones and electronic devices, and it is not intended to supplant such general policies.

SCOPE AND APPLICABILITY: The Special Cell Phone/Electronic Device Use Policy applies to all employees who fit any or all of the following criteria:

- Driving on City business in any vehicle, personal or otherwise
- Driving a company car, whether on City business or not
- Placing work-related calls, whether driving on City business or not
- Using a City-issued cell phone or other electronic device while driving

DEFINITIONS: "*Cell phone*" (also known as a mobile phone, smart phone, handheld cell or handset) – a mobile electronic device that engages in telecommunications including voice calls, text messaging/short message service (SMS) and/or e-mail. Cell phones also may include features like complete Internet access, games, multimedia messaging service (MMS), instant messaging (IM) service, digital audio (MPS) players, cameras, radios and global positioning systems (GPS). Any device that engages these functions is included in this policy.

"*Electronic device*" in this policy, electronic device means any portable apparatus that involves user interaction. This includes, but is not limited to, laptops, GPS systems, MP3 players, cameras, pagers and personal digital assistants (PDAs).

"*Headset*" (also known as hands-free) – an extension of the cell phone either connected to the handset via cord or wirelessly through Bluetooth technology that allows the user to engage in voice communication without holding onto the cell phone itself.

PROCEDURES: The following procedures apply to all employees falling under the conditions outlined above in SCOPE AND APPLICABILITY.

State Laws: The City is not responsible for any traffic violations or parking tickets acquired by violation of city ordinance, state or federal laws regarding an employee's driving habits and operation of an employee's motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued

while conducting City business. Note that cell phone driving laws vary greatly by state, and it is the employee's responsibility to be familiar with and abide by such laws. This is especially important for employees who travel on City business. Some states have laws banning all drivers from talking on handsets but permit the use of headsets. Others have laws prohibiting text messaging (sending, receiving and reading) while behind the wheel.

All employees must comply with this Special Cell Phone/Electronic Device Use Policy on top of abiding by any state or local regulations addressing the same matters.

General Policies

- Use of cell phones while driving is strictly prohibited – this includes all functions of the cell phone including, but not limited to, phone calls, text messaging/SMS, e-mail, MMS, Internet use, camera use, etc.
- Use of electronic devices – including laptops, PDAs, cameras and pagers – while driving is strictly prohibited unless specifically outlined below.
- Voicemail must handle all calls while driving, and calls may only be returned when stopped or pulled off the road.
- Passengers making or taking calls for the driver is permissible provided the interaction does not affect the driver's performance.
- Regular callers must be informed that the employee will not be available while driving and should be notified of the best times to call based on driving schedule.
- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker call back at a more appropriate time.
- Use of cell phones or electronic devices for personal use during work time, whether while driving or not, is prohibited entirely.

Headset/Hands-Free Use: The use of headsets or hands-free devices while driving is permissible only if all of the following apply:

- The device is pre-approved by the City Administrator for use.
- Use of the device does not cause distraction (i.e., fiddling with the device or taking eyes off the road to get it to function properly)
- Any dialing or use of the handset is handled while stopped or pulled to the side of the road.
- Conversations do not interfere with the driver's ability to drive safely.
- Road conditions are generally good and do not threaten the employee's safety.

Emergency Calls: The only exception to the cell phone use policy is calls placed to 911. If placing or accepting an emergency call, the employee should keep it short and use a hands-free option if available. When receiving an emergency call, the employee should ask the caller to briefly hold until he or she can safely pull the vehicle off the road.

GPS Systems: The City of Berlin understands that sometimes, especially when travelling in unfamiliar areas, drivers require assistance with directions. GPS systems are extremely helpful devices, but they can also be distracting if used improperly. Employees must adhere to the following:

- Mounted GPS systems may not block or obstruct the driver's view in any way.
- GPS systems must be voice narrated and must not require that the driver look away from the road to follow instructions.
- Employees may not program the system while in motion. Programming or otherwise engaging

with the GPS screen may only occur while stopped or while pulled off the road.

MP3 and Other Audio Devices: In some cases, worrying about music selection or touching dials and buttons on the radio, MP3 player or other audio device may be just as dangerous as cell phone use. It takes eyes and concentration off the road, which is not permissible under this policy. The City of Berlin does not allow employees use of personal, portable audio devices. However, while the City does not want to eliminate the employee's ability to enjoy music while behind the wheel, they must follow these guidelines:

- Employees may not take eyes off the road to adjust music settings.
- Programming music settings while stopped, pulled off the road or before departing is permissible behavior.
- Employees may not under any circumstances use MP3 players or other handheld electronic audio devices with headphones – not only is illegal in most states, it also impedes the driver's ability to properly hear warning sign, signals or sirens.

PERSONAL MAIL: All mail delivered to the City of Berlin is presumed to be related to City of Berlin business. The office personnel may open mail sent to employees at the City of Berlin before being routed to the employee's department. If an employee does not wish to have his or her correspondence handled in this manner, he or she should have it delivered to his or her home. Consistent use of having personal mail routed to the City of Berlin or using the City of Berlin's address as an employee's permanent address is not acceptable.

E-MAIL USAGE: Many employees are authorized to utilize the City of Berlin's e-mail and are given personal e-mail accounts. Although e-mail is an important communication for our everyday business, it is also a privilege. No profanity or inappropriate materials may be e-mailed from or to another City of Berlin e-mail account. E-mail accounts may be accessed and monitored at any time without the employee's knowledge. It is acceptable for an employee to use his or her personal City of Berlin e-mail account for a reasonable highly limited amount of personal access. However, excessive personal use and the transferring of any inappropriate materials via e-mail will not be tolerated and will be subject to discipline and/or termination. Use of an employee's City of Berlin e-mail account for personal use should be limited only to his or her personal time, such as on rest periods, lunch periods or after hours, and is not permissible while on duty.

INTERNET USAGE: Many employees have computer Internet access in their course of business with the City. Internet usage is restricted to business use during business hours. Personal Internet usage is acceptable during an employee's personal time, such as on rest periods, lunch periods or after hours.

SOFTWARE POLICY: The City of Berlin regulates employees' use of its computer software. Employees may not duplicate any licensed software or related documentation for use, either on City premises or elsewhere, unless expressly authorized to do so by written agreement with the licensor. Employees may not provide licensed software to anyone outside the City. Employees should be aware that the illegal duplication of software may result in the filing of criminal copyright charges by the owners of the copyrights and can subject both the employee and the City to liability.

All software that the City of Berlin acquires must be registered and properly inventoried. Employees may

not load personal software that is not related to City business on any City computer without prior authorization from the City Administrator.

SAFETY & EMERGENCY

SAFETY: The City of Berlin is committed to maintaining a safe and healthy environment for all employees. Employees should report all accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues immediately to his or her supervisor.

If an employee is injured, a supervisor should be contacted immediately. Employees should seek help from outside emergency response agencies, if needed. Contact information is posted in the City Clerk's office.

Employees must complete an Employee's Claim for Worker's Compensation Benefits Form if he or she has an injury that requires medical attention. If an employee's injury does not require medical attention, he or she must still complete a Supervisor and Employee Report of Accident Form in case medical treatment is later needed and to ensure that any existing safety hazards are corrected. Employees can obtain the required forms from the City Clerk's office.

A federal law, the Occupational Safety and Health Act, requires that the City keep records of all illnesses and accidents that occur on the job. OSHA also provides for an employee's right to know about any health hazards, which might be present on the job.

In addition, the state Workers' Compensation Act also requires that employees report any illness or injury caused by the workplace, no matter how slight. If an employee does not report an injury, he or she may jeopardize his or her right to collect workers' compensation payments as well as health benefits. Employees can get the required reporting paperwork from the City Clerk's office.

FIRE SAFETY: Every employee is responsible for recognizing potential fire dangers and taking an active role in preventing fires.

Employees are required to observe all OSHA safety requirements and regulations. Flammable materials are to be stored in covered metal containers. Employees should not block any fire doors, fire exits, fire extinguishers, windows or doorways. Review the fire escape routes posted in each work area.

EMERGENCY MEASURES: We realize that bad weather or hazardous commuting conditions may occasionally make it impossible for employees to report to work on time. However, employees are expected to make a diligent effort to report to work when conditions have improved. If an employee determines that he or she is unable to report to work because of the conditions, he or she must inform his or her supervisor as soon as possible. His or her absence will be charged to personal leave or vacation time, if available. If it becomes necessary to shut down the office due to weather or other emergency, every effort will be made to notify employees. If there is a question as to whether the office will be open, employees are instructed to call his or her place of work. If there is no answer within one hour after the normal start time, assume the office is closed.

ACKNOWLEDGEMENT

I acknowledge that I have received the City of Berlin Employee Handbook and that I have read and understand the policies.

I understand that this Handbook represents only current policies and benefits, and that it does not create a contract of employment. City of Berlin retains the right to change these policies and benefits, as it deems advisable.

Unless expressly proscribed by statute or contract, my employment is "at will." I understand that I have the right to terminate my employment at any time, with or without cause or notice, and that the City has the same right. I further understand that my status as an "at will" employee may not be changed except by Common Council approval.

I understand that I must comply with all of the provisions of the Handbook to have access to and use City resources. I also understand that if I do not comply with all provisions of the Handbook, my access to City resources may be revoked, and I may be subject to disciplinary action up to and including discharge.

I further understand that I am obligated to familiarize myself with the City's safety, health, and emergency procedures as outlined in this Handbook or in other documents.

Signature _____ Date _____

Please Print Your Name _____

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: City of Berlin Vision and Mission Statements
MEETING DATE: April 8, 2026

BACKGROUND

The City of Berlin is currently working to complete both a Strategic Plan and Comprehensive Plan. Within these documents, a vision and mission statement is noted. During the public engagement sessions and stakeholder retreats these statements were discussed.

The versions of these statements that came out of these sessions are:

VISION: Berlin successfully balances a rural, small town feel with abundant opportunities for growth and community connections.

MISSION: Berlin values the past while purposefully planning for the future, delivering safe, reliable and professional services that improve the quality of life for the community.

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Fortnum Property Update
MEETING DATE: April 8, 2026

BACKGROUND

The Fortnum's have bequeathed to the City Parcel 206000680000. The Common Council directed staff to apply for a WAMS grant through the Wisconsin Department of Natural Resources to perform a Phase I/II Environmental Site Assessment as due diligence prior to determining whether or not to accept the generous bequest.

I will provide a status update at the Committee of the Whole meeting.

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: RFP for Real Estate Purposes for the WIS 91 Highway Project
MEETING DATE: April 8, 2026

BACKGROUND

The Wisconsin Department of Transportation has the STH 91 project slated for 2029, with a PS&E date of May 1, 2028. The project will require Real Estate services to ensure that all property information is correct and all needed easements and agreements are in place.

The City needs to issue the RFP soon to allow adequate time for the Real Estate services to be conducted prior to the start of any planned work.

SUGGESTED MOTION

Motion to recommend to the Common Council approval and issuance of the RFP for Real Estate Purposes for the WIS 91 Highway Project.

**LOCAL PUBLIC AGENCY REQUEST FOR PROPOSAL (RFP)
FOR REAL ESTATE SERVICES FOR**

Project: I.D. 6540-01-03

Corridor: WIS 91, WIS 49 South to Berlin, Green Lake County

Issued by: The City of Berlin

Submit RFP responses to: Jessi Balcom, City Administrator

Proposals due no later than 4:30PM on _____

For further information regarding this RFP contact:

Jessi Balcom, City Administrator
cityadministrator@cityofberlin.wi.gov
(920) 361 5400
108 N Capron Street
PO Box 272
Berlin, WI 54923

LATE PROPOSALS WILL BE REJECTED/LATE PROPOSALS WILL NOT BE ACCEPTED

Issued: _____

Exhibit A: TLE Exhibit

Exhibit B: 60% Plan Set

Anticipated Start Date: Anticipated start date will be as soon as contracts are signed following contract award. All appraisals shall be scheduled and work completed within a suitable timeline to meet the PS&E date of **May 1, 2028**. City will provide from the DOT the construction plan, profile and cross sections and right of way plats as they become available.

I. GENERAL INFORMATION

A. Introduction

The purpose of this document is to provide interested parties with information to enable them to prepare and submit a proposal for real estate acquisition services for the WIS 91 project.

B. Definitions

The following definitions are used throughout this RFP:

1. Municipality means Municipality of the City of Berlin.
2. Consultant means staff or Principal Consultant.
3. Principal Consultant means firm or individual which contract will be named under.
4. Functional area means those areas typically recognized as task areas of appraisal, acquisition, relocation, and lands management.
5. Sub-consultant means firm or individual doing work under Consultant.
6. Proposer means firm or individual submitting proposal.

C. Scope

1. Background and Statement of Need

The Municipality has deemed it practical and necessary to engage in a turn-key real estate contract for services to include, but not limited to, project management, acquisition, appraisal, and lands management to acquire necessary property rights for the Highway 91 Road Project.

The magnitude or complexity of this project is of such significance as to be beyond the present capabilities of the Municipality submitting this request, either for expertise or staffing resources. The use of a turn-key contract, over individual task contracting, was chosen to promote more uniform coordination between the individual task areas, as well as providing a project management resource to aid the Municipality in project tracking, public involvement, and project coordination.

Due to the need stated above, the Principal Consultant will be required to provide the expertise and resources to accomplish many coordination and public involvement

activities as well as the specific tasks relating to the functional areas. Note: See attached exhibit A for greater detail of parcels and acquisitions (TLEs).

2. Description of Work to be Performed (Tasks)

Services to include, but not limited to:

- a. Provide a Real Estate Project Manager
- b. Preparation of nominal value offers
- c. Coordinate with utility moves
- d. All title search services
- e. Complete appraisal services
- f. Pre-project conferences
- g. Complete acquisition services
- h. Preparation of all parcel files
- i. Prepare and maintain project spread sheets
- j. Recording all appropriate documents
- k. Prepare all appropriate documents
- l. Coordination of all plat revisions
- m. Preparation of R/W Certifications

3. Qualifications and Responsibilities of the Consultants or Sub-Consultants

Qualifications: Consultants must be on the Wisconsin Department of Transportation Bureau of Technical Services listing of approved personnel. The selected consultant shall provide professional, competent real estate staff that have demonstrated direct appraisal, relocation, and acquisition experience necessary to provide quality and timely services for the real estate services listed. The consultant shall have demonstrated satisfactory real estate service performance on comparable prior public improvement projects. The consultant must be knowledgeable about and have the experience performing the following:

- a. Valuation (appraisal and waiver)
- b. Consultant must be knowledgeable of the Wisconsin Department of Transportation's Real Estate Program Manual, and all work must be performed in accordance with it
- c. Consultant must be able to work in a professional manner with multiple groups (City personnel, general public, affected property owners, WDOT personnel, etc.)

- d. Consultant must be capable of interpreting and implementing all tasks according to laws, statutes, codes and policies
- e. Consultant must be able to put documents into READS Parcel Logs for Review
- f. Consultant must be capable of interpreting and implementing all functional areas according to laws, statutes, codes, and policies.
- g. Consultant must be certified, registered, approved, or otherwise recognized to hold such levels of competence in those areas where such levels or designations are required.
- h. Consultant must be capable of providing expertise in analytical skills, computer skills, and conflict resolution skills.
- i. Consultant must be capable of providing expertise in oral and written communications, and public involvement.
- j. Consultant must be capable of providing exhibits, drawings, graphs, or spread sheets to meet the needs of the project.
- k. Consultant must be capable of providing expertise in understanding the interconnected needs within the real estate functional areas, as well as other project related areas such as design and construction.

Responsibilities. Consultants and or sub-consultants will be:

- l. Acting as agents for the Municipality in all of the functional areas of real estate and project management.
- m. Providing all of the typical real estate services and will be the recommendation authority for all submittals for revisions, settlements, payments, and computations. (Any settlement, payment, or computation approval must be approved by the Local Municipality.)
- n. Responsible for preparation and accuracy of all documents, project files, and parcel files.
- o. Providing liaison, support, and/or potentially direct contact and response to political, individual, agency, or any other inquiries pertinent to the real estate activities.

This is a connecting highway project and is in conjunction with WisDOT, and that the WisDOT manual and process will be followed. Turn-key acquisition project which includes introduction letters, review of title work, sales study/data book, Nominal Payment Parcel Report, appraisals if needed, negotiations including all READS input and offering packages, closing out parcel files to include recording of all documents, W-9 information, sending of six-month/two-year deed letters, encroachment related

documents, and to complete a final audit verifying that all information is in READS at the end of the project. Appraisal Review will be completed by WisDOT.

D. Procuring and Contracting Agency

This RFP is issued by the Municipality which is the sole point of contact during the selection process. The contract resulting from this RFP will be a two party contract between the Consultant and the Municipality. The contract resulting from this RFP will be administered by the Municipality. The contract administrator will be the City Administrator.

E. Clarification of the Specifications and Requirements

Any questions concerning this RFP should be submitted to:

Jessi Balcom, City Administrator
cityadministrator@cityofberlin.wi.gov
(920) 361-5400
PO Box 272 108 N Capron Street
Berlin, WI 54923

II. PREPARING A PROPOSAL

A. General Instructions

The evaluation and selection of a consultant will be based on the information submitted in the proposal, plus references, and accompanied contract dollars as bid for the work required. Submittals should respond clearly and completely to all requirements. Failure to respond completely may be the basis for rejecting a proposal.

B. Specific Proposal Requirements

Proposals are expected to describe a plan that can be accomplished within the framework described above and identify any constraints, limitations or special arrangements that may be required to perform the tasks needed. Proposals are expected to present ideas in sufficient detail to demonstrate an understanding of the process, and an appreciation for the degree of communication and effort needed to carry out the duties effectively and successfully.

The proposal shall:

1. Proposals must include no more than twenty (20) pages, 8 ½ inches by 11 inches.
2. All quotations must identify the firm name, address, and specific assessment services experience in Wisconsin. The proposals should also include the names, educational background and municipal assessment experience of the person or persons to be assigned as the Municipality's point of contact for the work to be performed.
3. Identify the specific tasks involved in the performance of the proposed work effort.
4. Identify the means in which these tasks would be implemented.
5. Identify the Principal individual(s), qualifications, and experience of those proposed to do the work.
6. Identify any computer or graphic aids that may assist in the preparation of documents or exhibits.
7. Include a list of references for the Consultants and Sub-consultants.
8. A detailed resume of the person or persons to be assigned as the Municipality's primary contact for work to be performed should be submitted.
9. The proposals should also identify any and all contractual requirements that the bidder has.

C. No Assignment

The successful applicant is not permitted to assign, subcontract, or transfer the work of providing assessment services, without the prior written approval of the Municipality.

D. Insurance

The successful applicant shall maintain insurance coverage to protect against claims, demands, actions, and causes of action, arising from any act or omission of the

successful applicant, his/her agents and employees in the execution of the work. The successful applicant shall indemnify and hold harmless the Municipality for any and all errors and omissions as they relate to this office in a form approved by the City Attorney. Certificates of insurance by a company authorized to transact business in the State of Wisconsin shall be supplied to the Municipality. The City of Berlin shall be named as an additional insured.

Limits of Liability shall not be less than:

1. Workers compensation statutory limits
2. Comprehensive general liability, including personal injury and blanket contractual liability in the amount of \$1,000,000 per occurrence, combined single limit
3. Comprehensive auto liability, including property damage and non- ownership coverage in the amount of \$1,000,000 per occurrence, combined single limit.

E. Incurring Costs

The Municipality or State of Wisconsin is not liable for any cost incurred by proposers in responding to this RFP. The Municipality or State of Wisconsin is not liable for any cost incurred by proposers in preparing any cost calculations or submittals for the contract portions of this request.

F. Proposal Cost

Include the full cost of the proposal for project to be completed in the format provided on the attached Cost Form.

III. PROPOSAL SELECTION AND AWARD PROCESS

A. Evaluation Team

The Municipality's evaluation team will consist of members who have been selected because of their special expertise and/or involvement in the requirements and/or performance of the proposed work effort.

B. Proposal Scoring

Accepted proposals will be reviewed by the evaluation team and scored against the stated criteria listed below. The team will review references. The evaluation team scoring will be tabulated and proposals ranked based on the numerical scores received. The proposals will be reviewed and awarded to the successful applicant whose quote is the most

responsive to the solicitation and is the most advantageous to the City of Berlin. The conditions enumerated in this request for proposal will form the basis for the agreement which the City will enter into. The final agreement will be modified upon selection and will be subject to review and approval by the City Council.

The criteria to be used in evaluating the Request for Proposals are stated below:

1. General requirements: This will be based on the submittal's organization and how well the qualifications and capabilities of the Consultant and Subconsultants meet those needs to carry out the tasks as described, and that the level of expertise matches the designated tasks.
2. Technical requirements: This will be based on how familiar the Consultant and Subconsultants are with the requirements of Limited Term Easement (LTE) acquisition and all applicable associated functional areas.
3. Performance requirements: This relates to the Consultant and Subconsultants, and how well the individual(s) understand the basics and inter-relationships of the paperwork and communications required in performance of the possible unique situations, as well as the defined tasks.
4. Support requirements: This portion will be based on what technical equipment and/or personnel the Consultant and Sub-consultants have at their disposal for performing the defined tasks as well as unforeseen situations.

C. References

Proposers must include in their RFP a list of references for the Consultants and Subconsultants. References should include organizations name, including contact name, address, and telephone number, which can be used as references for work performed in the area of services required, or similar experience. Selected organizations, or individuals, may be contacted to determine the quality of work performed and personnel assigned to the project.

D. Acceptance/Rejection Process Right to Reject Proposals

The Municipality may schedule discussions with applicants submitting proposals as deemed necessary. The Municipality will award the contract based upon the proposal that the Municipality determines is in the best interests of the Municipality.

The successful applicant who submits the proposal selected by the Municipality shall be required to enter into a contract with the Municipality as set forth in this RFP, with said contract to be drafted subsequent to selection of the successful proposal.

The Municipality reserves the right to reject any and all proposals if determined that they do not satisfactorily meet the needs or qualifications required in accomplishing the tasks defined. The same right to reject may also be used if the work defined is either no longer required or project cancelled.

The City has deemed it practical and necessary to engage in a turn-key contract for services to include, but not limited to, project management, acquisition, appraisal, and lands management.

E. Right to Negotiate Contract Terms

The Municipality reserves the right to negotiate the terms of the contract, including the ward amount, with the selected proposer prior to entering into a contract. If contract negotiations cannot be concluded successfully with the highest scoring proposer, the Municipality may negotiate a contract with the next highest scoring proposer.

IV. SUBMITTING THE PROPOSAL

Proposers must submit an electronic PDF via email of all materials required for acceptance of their proposal on or before 4:30 P.M on _____this RFP to cityadministrator@cityofberlin.wi.gov .

Proposals may not be sent by facsimile machine.

All proposals and contracts submitted will become the property of the Municipality to which they are submitted, whether that Consultant and/or Subconsultant is selected or not, and may not be returned.

V. FINAL SELCTION

The City Council of the City of Berlin will select the successful applicant. It is anticipated that a firm will be selected by approximately _____.

COST FORM

Project: Real Estate Services

City of Berlin, Green Lake and Waushara Counties, Wisconsin
Wisconsin Department of Transportation Highway Project **6540-01-03**

Deadline: Date 4:30pm

To: City of Berlin

We _____ (name of consultant) acknowledge that we have received the RFP documents. We hereby agree to provide all services required to complete the work in strict accordance with this Request for Proposal and contract documents for the following stated amounts:

Appraisal parcel fees \$ _____

Negotiation parcel fees \$ _____

In the event a Nominal Waiver of Appraisal changes to an Appraisal, the Appraisal fee will be \$ _____. The negotiation fee shall remain the same.

Time of Completion: The undersigned agrees, if awarded the contract, to supply deliverables by the dates specified. Failure to complete work will result in liquidated damages of \$100 per calendar day thereafter until work is completed.

Warranty: By act of submitting a proposal for the proposed work, the consultant warrants that:

- 1) Consultant and its subcontractors have carefully and thoroughly reviewed the RFP documents and have found them complete, free of ambiguities, and sufficient for the purposes intended; and
- 2) Consultant and all workers, employees, and subcontractors are skilled and experienced in the type of work represented by the RFP documents; and
- 3) Proposal is based solely upon the RFP documents and properly issued addenda and not upon any other representation; and
- 4) Neither the consultant nor its employees, agents, or subcontractors have relied upon any verbal representations allegedly authorized from the City, its employees or agents, in assembling the proposal.

**CITY OF BERLIN
COMMITTEE OF THE WHOLE MEETING
STAFF REPORT**

TO: Common Council
FROM: Jessi Balcom, City Administrator
AGENDA ITEM: Pool RFP process
MEETING DATE: April 8, 2026

BACKGROUND

The City Attorney has reviewed the proposed RFP regarding the pool and has concerns regarding the legality of moving forward as written. Please see the attached memo.

The Council will need to discuss next steps. Would it be best to revise the RFP to eliminate the “bid” like sections and request proposals for design rather than building? Would it be best to go out to bid for construction of the pool only? Are there other options the Council would like to consider?

Municipal LAW

& LITIGATION GROUP

DALE W. ARENZ (1935-2022)
DONALD S. MOLTER, JR. (Retired)
JOHN P. MACY
H. STANLEY RIFFLE (Court Commissioner)
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LUCAS C. LOGIC
GREGORY M. PROCOPIO
ADAM J. MEYERS
SAVANNA M. GAIN
JAIME L. STAFFARONI
HAILEY R. LIPINSKI
SAVANNAH H. ZUZICK

STEPHEN J. CENTINARIO, JR.

March 18, 2026

Jessi Balcom, City Administrator
City of Berlin
108 N. Capron Street
P. O. Box 272
Berlin, WI 549223

**Re: Municipal Pool - RFP
Legal Review**

Dear Ms. Balcom:

I received your request to advise the City whether an RFP can be issued regarding repair/replacement of the municipal pool or if public bidding is required. I have had an opportunity to carefully consider this matter.

Based upon my review, as we discussed, I conclude that you cannot proceed with the proposed RFP. I note the following comments, questions, concerns, and recommendations in this regard:

1. Generally, all public construction projects with an estimated cost of over \$25,000 must be competitively bid, per Wis. Stat. § 62.15(1). The statute provides that “all other public construction shall be let as the council may direct.”
2. There are statutory exceptions to competitive bidding per Wis. Stat. § 62.15. These exceptions include:
 - a. Price. Projects with an estimated cost of less than \$25,000. Wis. Stat. § 62.15(1).
 - b. Donated material or volunteer labor. Bidding requirements “do not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers.” Wis. Stat. § 62.15(1).
 - c. Work done by the City itself. The City council may “by a vote of three-fourths of all the members-elect provide by ordinance that any class of public construction or any part thereof may be done directly by the city without submitting the same for bids.” Wis. Stat. § 62.15(1).

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Jessi Balcom
March 18, 2026
Page 2

- d. Public emergencies as identified in Wis. Stat. § 62.15(1b).
 - e. Donated improvement. Competitive bidding is not required for “the construction by a private person of an improvement that is donated to the city after the completion of construction.” Wis. Stat. § 62.15(1e).
 - f. Industrial development revenue bonding projects per Wis. Stat. § 66.1103(11)(a).
3. Further, Section 20655 of the City of Berlin Code titled “Bids for public construction over \$25,000.00” provides:
- (a) *Public construction subject to bids*. All public construction, the estimated cost of which exceeds \$25,000.00, shall be let by contract to the lowest responsible bidder through formal bidding requirements as set forth in Wis. Stats. § 62.15. All procedures and requirements of Wis. Stats. §§ 62.15 and 66.0901 shall be followed for bidding and contracting for such public construction. If the estimated cost of any public construction exceeds \$5,000.00 but is not greater than \$25,000.00, the city shall give a class 1 notice, under Wis. Stats. ch. 985, of the proposed construction before the contract for the construction is executed.
4. If you are only seeking proposals for the design, not for the construction, you could revise your RFP accordingly. You can work with your design consultant on the various options you outlined. Your design consultant may have other ideas as well. Depending on what comes from the design work, the selected project could then be put out for public bid.

If you should have any questions or concerns regarding these matters, please do not hesitate to contact me.

Yours very truly,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Eric J. Larson

Eric J. Larson

EJL/SHZ/jd