



**CITY OF BERLIN
EMPLOYEE HANDBOOK
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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 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 _____