



City of Lake Geneva, 626 Geneva St, Lake Geneva, WI 53147- 262.248.3673- [www.cityoflakegeneva.gov](http://www.cityoflakegeneva.gov)

**Personnel Committee Agenda**  
**Monday, December 1, 2025 - 4:00 PM**  
**LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)**

**Members:**

Chairperson - Joel Hoiland; Members - JaNelle Powers, Mary Jo Fesenmaier, Brian Smith and Cindy Yager.

1. Call to Order
2. Roll Call
3. Comments from the public limited to 5 minutes, limited to items on this agenda
4. Approval of the minutes from November 5, 2025
5. City Administrator's Report
  - a. Review of search process for Assistant City Administrator and Short-Term Rental & Code Enforcer
  - b. Review timeline for the transition of Harbormaster position from part-time to full-time
6. Discussion/Recommendation regarding updates to City Organizational Chart
7. Discussion/Recommendation regarding Interim Performance Review Policy Framework and Form
  - a. Review 6-month goals and current activities
8. Discussion regarding a Training & Development Policy Framework and Plan
9. Review Municipal Government Policy Manual: Chapter 6 Personnel (*starting at section 608*)
10. Adjournment

*This is a meeting of the Personnel Committee. No official Council action will be taken; however, a quorum of the Council may be present.*

*Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the City Clerk's office in advance so the appropriate accommodations can be made.*

**CITY OF LAKE GENEVA PERSONNEL COMMITTEE MINUTES  
WEDNESDAY, NOVEMBER 5, 2025 - 4:00 PM  
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)**

**Members:** Chairperson - Joel Hoiland; Members - JaNelle Powers, Mary Jo Fesenmaier, Brian Smith and Cindy Yager.

**Call to Order**

by Chairperson Hoiland at 4:00 pm.

**Roll Call**

Present: Joel Hoiland, JaNelle Powers, Brian Smith and Cynthia Yager. Absent: Mary Jo Fesenmaier. Others present: City Administrator Dave De Angelis, City Clerk Lacey L. Reynolds, Finance Director Laura Pisarcik and other interested persons.

**Comments from the public limited to 5 minutes, limited to items on this agenda**

None.

**Approval of the minutes from October 6, 2025**

Motion by Smith to approve, second by Powers. Voice vote, approved, motion carried.

**City Administrator's Report**

Administrator De Angelis reported currently there are no changes in personnel. He added staff reviewed proposals for financial package software and will be attending an HR program review meeting soon.

**Presentation and possible recommendation of the draft Compensation Study Update report for all non-represented personnel**

Victoria McGrath presented her findings for the compensation study update. Discussion took place. Motion by Yager to recommend the draft Compensation Study Update report for all non-represented personnel to council and McGrath be available for Q&A, second by Smith. Voice vote, approved, motion carried.

**Review and possible recommendation for approval of the City Administrator's review form and process**

City Administrator DeAngelis explained the review form and process. DeAngelis will revise the document and the committee will review the updates next month.

**Review Municipal Government Policy Manual: Chapter 6 Personnel**

The committee reviewed sections 601 - 607 of Chapter 6 of the manual.

**Adjournment**

Motion by Smith to adjourn, second by Powers. Voice vote, approved, motion carried. Adjourned at 5:05 pm.

Lacey L. Reynolds  
City Clerk



# Memo

**To: Personnel Committee**

**From: David De Angelis, Administrator**

**Date: November 26, 2025**

**RE: Agenda Items**

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**ITEM 5:** It is my intention to start the process of advertising for the assistant administrator position and the STR position as soon as possible with a goal of getting some on staff in the beginning of January, particularly the STR position as renewals for licenses are January 30<sup>th</sup>. I will be working with Laura regarding the funding for the harbormaster position and when that position can start. I should hopefully have that information prior to the meeting .

**ITEM 6:** The organizational chart has been updated to be consistent with the approved 2026 budget. You will note that the Harbormaster is identified as reporting to the Parks Director as previously discussed. In addition, you will note the Hillmoor consultant is tied both to my position and to the Parks Director position, which allows for ultimate oversight by myself but shows a direct connection to the Parks Director as well.

**ITEM 7:** I am including with this memo a list of the projects and policies that are either on going, going to be initiated, or are in consideration and a draft outline for the performance review for myself as well as ultimately department heads.

The performance review form is an adaptation of what I submitted last time as well as an outline on how it would be administered. The intention here is to use this form in the interim until such time as we have the new HR software in place and the performance review incorporated into the new platform.

In the attached lists of projects and policies I have tried to give a brief update on where we are with each as well. This list is not totally comprehensive as we have many other activities ongoing as well, but this should capture the majority of them. The intention is to review this list and discuss what you may like to see as my goals for 2026. After that discussion I will then finalize the form for discussion in closed session at the next Common Council meeting.

**Item 8:** This item is to initiate the conversation regarding what the committee may be looking for in a training and development policy and then to start putting something together for future consideration for implementation in 2026.

Please feel free to contact me if you have any questions.

# Large Projects

	<b>Status</b>
Strategic Plan	In progress, completion expected in 1st quarter
Reorganization of Committee Structure	To be discussed during strategic planning
Highway 50 project	3 year project in phase one of planning and land acquisition. Parking and communications plan next priorities
CIP program 27-29	Capital planning to begin at end of 1st quarter
Internal Reorganization CORP/Lakefront plan	In progress with job realignments in finance and planning. Upcoming staff hires and previous hires integration
Dam Repairs	Project to start 1st quarter
STR Enforcement	Pushed back to 2027 with planning to be done in 2026
Phone/IT Upgrade integration of departments	On going. Initiation of new hire and refining processing and enforcement in 2026
Hillmoor redevelopment	In progress and should be complete in January
Parking Revaluation of pricing	In progress. Studies being initiated and planning for Knowles/Nelson grant work 2026
Parking alternatives	Not started
Buliding upgrades for security	On going. This is also part of the HWY 50 planning
Police/Fire building evaluation	In Progress. Reviewing new alternatives for camera lock system as part of overall IT upgrades
Annexation issue Bloomfield	In progress. Committee being established to review locations through P&F
New centralized file management system/cloud based	On going lawsuit.
New HR software	To be started in 1st quarter 2026 with ongoing implementation throughout the year
New financial software	Selection process to be completed in 2025 or early 2026 with implementation beginning in 1st quarter 2026
	Selection process to be completed in 2025 or early 2026 with implementation beginning in 1st quarter 2026

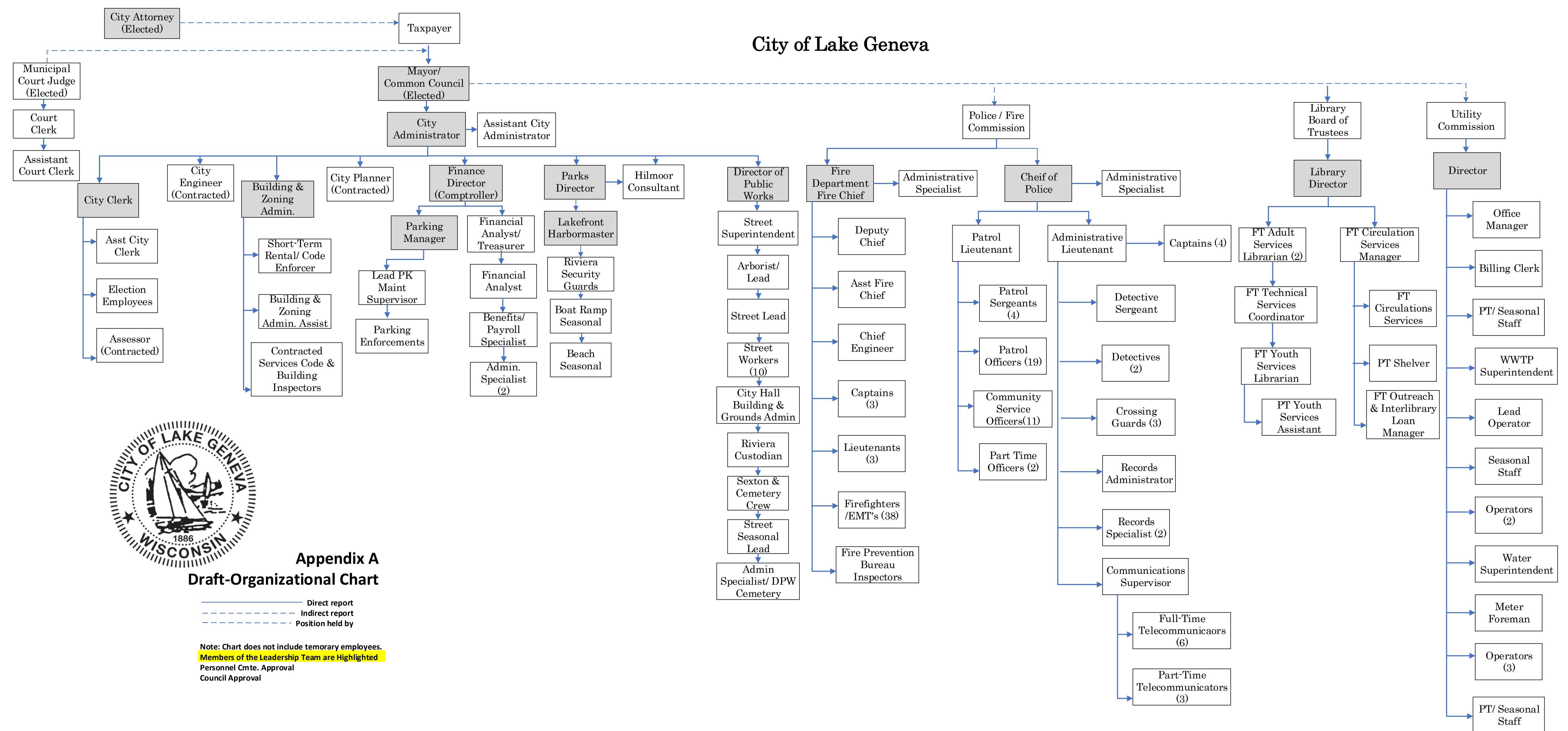
# Projects

	<b>Status</b>
Channel 25	In process should be completed by end of December
GLLEA closure	Complete. Working on finalizing valuations
mini wage study	Complete. Implemented with budget
special events process	In progress. Should be complete by January
Public records system	In Progress. No current time line
consolidation of purchasing between departments	In Progress
Ordinance amendment Personnel cmte	Complete
Sale of property on Sheridan Springs Road	In Progress. Possible first quarter
Library system eval	Not started
Office alignments with personnel	Not started
Team building for staff	Not started
Standardization of property management	Not started
Riveria liquor license and processes	In progress working with clerk and staff to clarify for 2026
Communication plan for city and staff	Not started. To be worked on with AA
Staff recognition	Not started. To be worked on with AA
Personnel manual update	Not started. 2026
Review of PTO and sick time	Not started 2026
Assisting with court process and update financial handling	In progress
Volunteer/committee training	In progress.
Potential sale of Hillmoor zone 5 property	On hold until planning is complete
New assistant administrator	In progress
New STR enforcer	In progress Hiring in 2026
Job description updates	In progress. Most department heads completed
Org Chart update	In progress
Performance Evaluation establishment	In progress

# Policies Put Forward

	<b>STATUS</b>
AI Policy	Not started
Complementary Riveria Use	Not started
Traffic Control	In Process
Crosswalk and Sidewalk	In Process
Performance Review	In Process
Land Sale	Complete
Pier rental	In Process
Street Parking	Not started
Parking Placard	Complete
Infrastructure and Transportation	In Progress

# City of Lake Geneva



## Appendix A Draft-Organizational Chart

- Direct report
- - - Indirect report
- - - Position held by

Note: Chart does not include temporary employees.  
 Members of the Leadership Team are Highlighted  
 Personnel Cmte. Approval  
 Council Approval

**City of Lake Geneva**

**Executive Performance Review & Evaluation Framework Policy**

*(City Administrator & Department Heads)*

**Purpose**

Establish a uniform, fair, objective, and strategic-aligned performance evaluation process for the City Administrator and all department heads, ensuring performance measurement is tied to adopted council policies, strategic plan implementation, annual operating priorities, financial stewardship, service delivery quality, and professional leadership standards.

**Core Principles**

1. **Council Governs Outcomes (Ends); Administration Governs Methods (Means)**  
 Council defines *what* results the city must achieve.  
 Administration determines *how* to achieve them (“nose in / fingers out”).
2. **One Employee Doctrine**  
 The City Administrator is the *only employee of the Common Council*.  
 All other employees report only to the City Administrator.
3. **Strategic Alignment**  
 All performance reviews must clearly connect to:
  - adopted strategic plan pillars
  - annual operating budget priorities
  - comprehensive plan principles
  - council-approved policy limitations (financial, personnel, asset protection, etc.)
4. **Continuous Evaluation**  
 Annual reviews summarize a year of ongoing feedback — not substitute for it.  
 Regular check-ins are required.
5. **Evidence-Based**  
 Evaluations must cite observable outcomes, metrics, and documented performance examples  
 — not personal preferences, politics, or personality traits.
6. **Performance Management Cascade**  
 City Administrator → evaluates department heads  
 Common Council → evaluates City Administrator

**Evaluation Levels**

Level	Entity	Evaluator(s)
Tier I	City Administrator	Common Council ( <i>personnel committee chair leads coordination</i> )
Tier II	Department Heads	City Administrator

**Evaluation Cadence**

Interval	Purpose	Deliverable
Semi-annual	Real-time alignment, corrective action, coaching	Check-in summary notes
Annual	Roll-up evaluation	Formal written evaluation, retained in employment file

Annual reviews shall occur between **January 1 – March 15** each year.

### **Evaluation Structure**

All performance evaluations shall include five universal domains:

1. **Strategic Execution**  
Achieving council-approved strategic outcomes
2. **Operational Performance**  
Service delivery, efficiency, timeliness, budgetary stewardship
3. **Leadership & Organizational Culture**  
Work environment, accountability, cross-department collaboration
4. **Public / Stakeholder Engagement & Communication**  
Responsiveness, clarity, transparency, accuracy of information
5. **Compliance with Governing Limitations**  
Financial, legal, personnel, ethics, asset protection, procurement policy

Each domain shall be scored using a **0–4 scale**:

0 fails to meet / 1 below / 2 meets / 3 exceeds / 4 exceptional

### **Documentation Requirements**

- All annual evaluations shall be in writing
- All evidence shall be attached or referenced
- All metrics used must be made available for review
- Evaluations are employment records and filed via HR

### **Appeal / Clarification**

For the City Administrator: final rating is the Council’s determination.

For department heads: final rating is the Administrator’s determination.

Either party may attach a written response for the official record.

### **Governance & Policy Limitations**

Council shall not substitute itself into day-to-day management nor issue directives to department heads. All direction flows solely through the City Administrator.

This is essential to:

- avoid political interference
- maintain legal chain of command
- preserve professional management

### **Outcome of Evaluation**

Evaluation shall directly inform:

- compensation adjustment decisions
- professional development goals for next period

### **Adoption Recommendation**

This framework should be adopted by council resolution — separate from the form — so that the form may be adjusted annually as strategic priorities change without re-writing policy foundation.

City of Lake Geneva

**CITY ADMINISTRATOR – ANNUAL PERFORMANCE REVIEW FORM**

Evaluation Period: \_\_\_\_\_

Date of Review Meeting: \_\_\_\_\_

Administrator Name: \_\_\_\_\_

Evaluation Type: Annual  Interim

**NOTE:** Annual evaluation must reflect previously identified issues— not introduce new issues for the first time.

**PART 1 — STRATEGIC OUTCOMES ACHIEVED**

List approved annual priorities (from council’s adopted strategic plan, annual budget priorities, and comprehensive plan alignment). *Each MUST be scored 0–4 based on observable outcomes.*

Strategic Priority / Expected Result	Achieved Result Summary	Score (0–4)
--------------------------------------	-------------------------	-------------

- 1. | | |
- 2. | | |
- 3. | | |
- 4. | | |
- 5. | | |

Strategic Outcome Score Average: \_\_\_\_\_

**PART 2 — CORE COMPETENCY DOMAINS**

*0 = Fails to Meet | 1 = Below | 2 = Meets | 3 = Exceeds | 4 = Exceptional*

Domain	Score (0–4)	Evidence / Examples Required for 0–1 or ≥3
Strategic Execution & Alignment	___	
Operational Management & Service Delivery	___	
Leadership & Organizational Culture	___	
Stakeholder / Public Engagement & Communication	___	
Compliance with Policy Limitations (financial / legal / personnel / ethics / procurement / asset protection)	___	

Core Competency Score Average: \_\_\_\_\_

**PART 3 — SUMMARY PERFORMANCE RATING**

*Formula (recommended):*

50% Strategic Outcomes + 50% Core Competencies

Overall Annual Performance Rating (0–4): \_\_\_\_\_

**PART 4 — PROFESSIONAL DEVELOPMENT PLAN**

*(To be written collaboratively between Personnel Chair/Mayor + Administrator)*

Areas identified for improvement:

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Training / capacity-building recommended:

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**PART 5 — EMPLOYMENT IMPLICATIONS** *(CHECK ALL THAT APPLY)*

Item	Council Determination
Compensation adjustment based on rating?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
Performance-improvement plan required?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
Commendation for exceptional performance?	Yes <input type="checkbox"/> / No <input type="checkbox"/>

**PART 6 — ACKNOWLEDGEMENT**

*This evaluation has been shared and discussed.*

Signature	Date
City Administrator	
City Council	

*Administrator may attach a written response to be included in the official record.*

City of Lake Geneva

**DEPARTMENT HEAD — ANNUAL PERFORMANCE REVIEW FORM**

Evaluation Period: \_\_\_\_\_

Date of Review Meeting: \_\_\_\_\_

Department Head Name: \_\_\_\_\_

Department: \_\_\_\_\_

Evaluator: City Administrator

Evaluation Type: Annual  Interim

**NOTE:** Annual evaluation summarizes four quarterly check-ins — not a substitute for them.

**PART 1 — OPERATIONAL OUTCOMES & TARGETS**

List the department’s annual priorities / service delivery expectations / operating plan targets.

Operational Priority / Expected Result	Achieved Result Summary	Score (0–4)
--	-------------------------	-------------

1. | | |
2. | | |
3. | | |
4. | | |
5. | | |

Operational Outcomes Score Average: \_\_\_\_\_

**PART 2 — CORE COMPETENCY DOMAINS**

0 = Fails to Meet | 1 = Below | 2 = Meets | 3 = Exceeds | 4 = Exceptional

Domain	Score (0–4)	Evidence / Examples Required for 0–1 or ≥3
Execution of Department Operations (timeliness, accuracy, workload mgmt.)	—	
Financial Stewardship (budget discipline, procurement compliance)	—	
Leadership & Culture Within Dept (accountability, morale, delegation)	—	
Internal Collaboration (cross-department cooperation, joint problem solving)	—	
Public / Stakeholder Communication (responsiveness, clarity, professionalism)	—	
Compliance w/ City Policy Limits (HR, ethics, asset protection, safety, legal)	—	

Core Competency Score Average: \_\_\_\_\_

**PART 3 — SUMMARY PERFORMANCE RATING**

Formula (recommended):

50% Operational Outcomes + 50% Core Competencies

Overall Annual Performance Rating (0–4): \_\_\_\_\_

**PART 4 — PROFESSIONAL DEVELOPMENT PLAN**

Areas identified for improvement:

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Training / capacity-building recommended:

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**PART 5 — EMPLOYMENT IMPLICATIONS (CHECK ALL THAT APPLY)**

Item	Administrator Determination
Compensation adjustment based on rating?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
Assignment of special projects warranted?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
Performance-improvement plan required?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
Commendation for exceptional performance?	Yes <input type="checkbox"/> / No <input type="checkbox"/>

**PART 6 — ACKNOWLEDGEMENT**

*This evaluation has been shared and discussed.*

Signature	Date
Department Head	
City Administrator (Evaluator)	

*Department Head may attach a written response for the official record.*

## Chapter 6 - Personnel

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# Discriminatory Harassment

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 601.2 POLICY

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

## 601.3 DEFINITIONS

Definitions related to this policy include:

### 601.3.1 DISCRIMINATION

The City prohibits discrimination in employment on the basis including, but not limited to any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

### 601.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

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#### *Discriminatory Harassment*

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participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 601.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

#### 601.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

#### 601.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the City Administrator.

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

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##### 601.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the City Administrator for further information, direction, or clarification.

##### 601.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the City Administrator in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

##### 601.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the City and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

##### **601.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

##### 601.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional,

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or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **601.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the City Administrator.

#### **601.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **601.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the City Administrator. The outcome of all reports shall be:

- (a) Reviewed by the City Administrator.
- (b) Maintained in accordance with the established records retention schedule.

#### **601.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

#### **601.7 TRAINING**

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed

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form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the City.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

## Grievances

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

#### 602.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.

### 602.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

### 602.3 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- (a) Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- (b) If after seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the department.
- (c) If the department head has not found a successful resolution is not found within five (5) business days, the employee may request a meeting with the City Administrator and the Human Resource Manager.

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#### *Grievances*

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- (d) If the employee, the City Administrator and the Human Resource Manager are unable to arrive at a mutual solution, the employee shall proceed as follows:
  - 1. Submit a written statement of the grievance to the City Administrator and provide a copy to the employee's immediate supervisor.
  - 2. Include the following information in the written statement:
    - (a) The basis for the grievance.
    - (b) The allegation of any specific wrongful act and the harm done.
    - (c) The specific policies, rules, or regulations at issue.
    - (d) The remedy or goal being sought by the grievance.
- (e) The supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- (f) The City Administrator and Human Resource Manager should review the grievance and respond to the employee within 14 calendar days.
  - 1. The response will be in writing and will affirm or deny the allegations.
  - 2. The response shall include any remedies, if appropriate.
  - 3. The decision of the City Administrator shall be final unless the Grievant files a written appeal requesting a hearing before the personnel Chair. The written appeal shall be filed with the City Clerk and the City Administrator within ten (10) calendar days of the administrative response. The Personnel Chair shall file a written report within fifteen (15) calendar days of the close of the hearing.

#### **602.4 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Administrator or the authorized designee for inclusion in a secure file for all written grievances.

#### **602.5 POLICY OR TRAINING IMPLICATIONS**

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the City Administrator in the memorandum.

#### **602.6 GRIEVANCE AUDITS**

The City Administrator should designate legal counsel to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the City Administrator without including any identifying information about any individual grievance.

## Anti-Retaliation

### 603.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

### 603.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 603.3 RETALIATION PROHIBITED

No employee or council member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

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#### **603.4 COMPLAINTS OF RETALIATION**

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the City Administrator or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

#### **603.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the City Administrator or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

#### **603.6 COMPLAINT PROCESS**

The City Administrator should communicate to all supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

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- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

#### **603.7 WHISTLE-BLOWING**

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the City Administrator or the authorized designee for investigation.

#### **603.8 RECORDS RETENTION AND RELEASE**

The City Administrator or the authorized designee shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **603.9 TRAINING**

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

## Drug-and Alcohol- Free Workplace

### 604.1 PURPOSE AND SCOPE

City of Lake Geneva recognizes that the use and/or abuse of alcohol and controlled substances by drivers of commercial motor vehicles presents a serious threat for the safety and health of the driver and the general public. In order to further our goal of obtaining a drug-free and alcohol-free transportation system, and to come into compliance with the Omnibus Transportation Employee Testing Act of 1991, City of Lake Geneva has implemented a drug and alcohol testing program which is designed to help reduce and avoid traffic accidents and injuries to our employees and the public, to discourage substance and alcohol abuse, and to reduce absenteeism, accidents, health care costs, and other drug and alcohol related problems.

The Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have issued Federal Regulations including Title 49 CFR implementing the provisions of the Federal Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license (CDL). These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees in safety sensitive positions.

The purpose of this policy, then, is to establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse and use of these substances by drivers of commercial motor vehicles. Consequently, City of Lake Geneva has established the following alcohol misuse prevention program and anti-drug program, as well as the subsequent enforcement of violations for its employees conducting safety-sensitive job functions. Any test results for alcohol or drugs conducted in accordance with this policy are not to be used to infer that a person is an alcoholic or chemically dependent. Testing under this policy is meant to determine an employee's qualifications to perform safety-sensitive work only, not to determine an employee's status as an alcoholic or drug addict.

### 604.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

### 604.3 NON-DISCRIMINATION

The City maintains that it will provide a drug free, alcohol free and safe environment for all of its employees. However, in doing so, it will not discriminate against any employee or applicant for employment as prohibited under Federal, State, or local laws. The City will not discriminate against any employee or applicant for employment because of their condition as an alcoholic, because of their use of lawful products off duty and off the premises, because the individual was arrested for a drug or alcohol charge prior to becoming an employee at the City (which arrest did not lead to a conviction), or because the individual was convicted of a drug or alcohol-related crime that is not substantially related to their job duties at the City.

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#### **604.4 GENERAL GUIDELINES**

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

##### **604.4.1 USE OF MEDICATIONS**

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

##### **604.4.2 MEDICAL CANNABIS**

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

#### **604.5 EMPLOYEE RESPONSIBILITIES**

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **604.6 EMPLOYEE ASSISTANCE PROGRAM**

There is a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the City Administrator or the authorized designee, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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##### **604.7 WORK RESTRICTIONS**

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

##### **604.8 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.
- (d) The Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have issued Federal Regulations including Title 49 CFR implementing the provisions of the Federal Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license (CDL). These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees in safety sensitive positions.

##### **604.8.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

##### **604.8.2 DISCIPLINE**

An employee may be subject to disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled

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substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **604.9 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **604.10 CONFIDENTIALITY**

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

# Communicable Diseases

## 605.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 605.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

## 605.3 EXPOSURE CONTROL OFFICER

The City Administrator should assign a person as the Exposure Control Officer (ECO). The ECO is responsible for the development of an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that city employees will have no-cost access to personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each employee's position and risk of exposure.
- (d) Identification of exposure risks and reasonable efforts to reduce additional exposure.
- (e) Compliance with all relevant laws or regulations related to communicable diseases which may include the following:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136)
  2. Bloodborne pathogen precautions, including exposure determination, if required (29 CFR 1910.1030)

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The ECO should also act as the liaison with the state occupational health and safety authority and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

#### **605.4 EXPOSURE PREVENTION AND MITIGATION**

##### 605.4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or city vehicles, as applicable.
- (b) Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

##### 605.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided.

#### **605.5 POST EXPOSURE**

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##### 605.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

##### 605.5.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

##### 605.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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##### 605.5.4 COUNSELING

The City should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

##### 605.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting assistance from local health authorities to obtain testing.
- (c) Acquiring a court order in accordance with state law.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Administrator to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

##### **605.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

##### **605.7 TRAINING**

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### 606.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 606.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy.

### 606.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the City.

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside city facilities and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

### 606.4 ADDITIONAL PROHIBITIONS

Department Heads or the authorized designees shall make reasonable efforts to prohibit smoking in City locations where smoking is prohibited, including, but not limited to (Wis. Stat. § 101.123(2)(a)8r; Wis.

Stat. § 101.123(2)(e)3; Wis. Stat. § 101.123(2m)(c); Wis. Stat. § 101.123(2m)(e)):

- (a) Posting signs that prohibit smoking (Wis. Stat. § 101.123(2m)(c)1).
- (b) Asking a person who is smoking to refrain or to leave if the person refuses (Wis. Stat. § 101.123(2m)(c)3).
- (c) Enforcing the Wisconsin Clean Indoor Air Act (Wis. Stat. § 101.123(2m)(d)).
- (d) Taking other actions as reasonably necessary to prevent persons from being exposed to others who are smoking (Wis. Stat. § 101.123(2m)(e)).

### 606.5 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

## Meal Periods and Breaks

### **607.1 PURPOSE AND SCOPE**

This policy provides general guidance regarding meal periods and breaks for employees.

### **607.2 POLICY**

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

### **607.3 MEAL PERIODS**

Employees shall take meal periods at times approved by their supervisors. The time spent for meal periods shall not exceed the authorized time allowed.

Emergency response employees shall remain on-duty subject to call during meal periods. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

### **607.4 BREAKS**

Breaks should be taken near the midpoint of each four-hour work period. Only one break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift.

Emergency response employees shall remain on-duty subject to call during breaks. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

## Lactation Breaks

### 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

### 608.2 POLICY

It is the policy of the City to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any nonexempt employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 218d).

### 608.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 218d). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 608.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 218d).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

### 608.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

## Payroll Records

### **609.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of city employees who are eligible for the payment of wages.

### **609.2 POLICY**

The City maintains timely and accurate payroll records.

### **609.3 RESPONSIBILITIES**

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

### **609.4 TIME REQUIREMENTS**

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the city payroll procedures.

### **609.5 RECORDS**

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## Overtime Compensation

### 610.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

### 610.2 POLICY

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

### 610.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Short periods of overtime worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the overtime worked and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

### 610.4 REQUESTS FOR OVERTIME COMPENSATION

#### 610.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Record the actual time worked in an overtime status using the city-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to city payroll procedures.

#### 610.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
  1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.

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- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
  - 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.
  - 1. After the head of the department has authorized compensation, the request shall be submitted to the City Administrator or the authorized designee as soon as practicable.

Supervisors may not authorize or approve their own overtime.

#### **610.5 VARIATION IN TIME REPORTED**

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the City Administrator, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

#### **610.6 REQUESTING USE OF COMPENSATORY TIME**

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt city operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Exempt employees are not eligible to receive compensatory time, however, the City recognizes that the nature of the work performed by these employees often requires additional work hours above and beyond normal business hours. As such, exempt employees will be permitted to take time off as authorized by the City Administrator or the authorized designee.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

## Work-Related Illness and Injury Reporting

### 611.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

#### 611.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related condition** - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

### 611.2 POLICY

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

### 611.3 RESPONSIBILITIES

#### 611.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related conditions as soon as practicable, but within 24 hours, to a supervisor, and seek medical care when appropriate.

#### 611.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- (c) Review the report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- (d) Forward the report to the Human Resources/Benefits Specialist to be maintained in the employee's confidential medical file.

### 611.4 OTHER ILLNESS OR INJURY

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Human Resources/Benefits Specialist.

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

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#### *Work-Related Illness and Injury Reporting*

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##### **611.5 SETTLEMENT OFFERS**

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

##### **611.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the Human Resources/Benefits Specialist with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Human Resources/Benefits Specialist . The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the city's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

## Temporary Modified-Duty Assignments

### 612.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

### 612.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

### 612.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The City Administrator or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

### 612.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the City Administrator or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the supervisor, with notice to the City Administrator or the authorized designee.

#### **612.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

##### **612.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the City Administrator or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

##### **612.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising the City Administrator or the authorized designee of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the City Administrator or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

#### **612.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

#### **612.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee regarding a limitation related to pregnancy, childbirth, or related medical conditions, the City should make reasonable efforts to provide an accommodation for the employee in accordance with federal law and any applicable state law (42 USC § 2000gg-1).

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

##### **612.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

#### **612.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### **612.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

# Speech, Expression, and Social Networking

## 613.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

## 613.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

## 613.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise

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#### *Speech, Expression, and Social Networking*

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or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:

1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
  2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Administrator or the authorized designee.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the City Administrator or the authorized designee.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 613.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the City Administrator or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees

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may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

#### **613.4 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

#### **613.5 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the City Administrator or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

#### **613.6 SAFETY**

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of City of Lake Geneva employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, employee's family or associates.

#### **613.7 TRAINING**

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

## Illness and Injury Prevention

### 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the City may set its own related policies or procedures that do not conflict with this policy.

### 614.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

### 614.3 ILLNESS AND INJURY PREVENTION PLAN

The City Administrator or the authorized designee is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of city workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will:
  1. Meet regularly.
  2. Include representation from each department.
  3. Prepare a written record of safety and health committee meetings.
  4. Review the results of periodic scheduled inspections.
  5. Review investigations of accidents and exposures.
  6. Make suggestions to supervisors for the prevention of future incidents.
  7. Review investigations of alleged hazardous conditions.
  8. Submit recommendations to assist in the evaluation of employee safety suggestions.
  9. Assess the effectiveness of efforts made by the City to meet applicable standards.

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#### *Illness and Injury Prevention*

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- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.

#### **614.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES**

The responsibilities of the City Administrator or the authorized designee include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
  - 1. New employee orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  - 1. Informing employees of the illness and injury prevention guidelines.
  - 2. Recognizing employees who perform safe work practices.
  - 3. Ensuring that the employee evaluation process includes employee safety performance.
  - 4. Ensuring compliance with any applicable safety standards related to:
    - (a) Communicable diseases
    - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
    - (c) Emergency Action Plan
    - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

#### **614.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

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- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the City Administrator.
- (e) Notifying the City Administrator or the authorized designee when:
  - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  - 2. New, previously unidentified hazards are recognized.
  - 3. Work-related illnesses and injuries occur.
  - 4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  - 5. Workplace conditions warrant an inspection.

#### **614.6 HAZARDS**

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the City Administrator or the authorized designee.

The City Administrator or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

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#### **614.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The City Administrator or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

##### **614.7.1 EQUIPMENT**

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

#### **614.8 INVESTIGATIONS**

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

#### **614.9 TRAINING**

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.

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- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the City is made aware of a new or previously unrecognized hazard.

#### **614.9.1 TRAINING TOPICS**

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **614.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

## Workplace Violence

### 615.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

### 615.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

### 615.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting city business or on city property.

No employee engaged in city business shall carry or possess weapons or explosives unless either:

- (a) Permitted by city policy.
- (b) State or local law prohibits the City from restricting the possession of the weapon or explosive.

### 615.4 REPORTING AND INVESTIGATING

#### 615.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

#### 615.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the City Administrator or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

#### 615.4.3 INVESTIGATION

The City Administrator or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

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City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

#### **615.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR**

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the City Administrator or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

#### **615.5 RETALIATION PROHIBITED**

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

#### **615.6 RESTRAINING ORDERS**

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to their immediate supervisor or the City Administrator or the authorized designee. The City needs this information in order to provide a safe workplace.

#### **615.7 FOLLOW-UP ACTION**

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

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##### **615.8 LEGAL ACTION**

The City Administrator or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

##### **615.9 CORRECTIVE ACTIONS**

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

##### **615.10 WORKPLACE VIOLENCE PREVENTION**

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the City Administrator or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

## Outside Employment

### 616.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

#### 616.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside employment** - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

### 616.2 POLICY

City employees shall obtain written approval from the City Administrator or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the City Administrator or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

### 616.3 OUTSIDE EMPLOYMENT

#### 616.3.1 REQUEST AND APPROVAL

Employees must submit a written request to engage in outside employment to their immediate supervisors. The request will then be forwarded to the City Administrator or the authorized designee for consideration.

If approved, the employee will be provided with a written notification of approval. Unless otherwise indicated in writing, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Employees seeking to continue outside employment must submit a new request at the start of each calendar year.

#### 616.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

#### 616.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.

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1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
  - (b) When an employee's conduct or outside employment conflicts with city policy or any law.
  - (c) When the outside employment creates an actual or apparent conflict of interest with the City.

#### 616.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the City Administrator or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

#### **616.4 REQUIREMENTS**

##### 616.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- (a) The use of city time, facilities, equipment, or supplies.
- (b) The use of any city badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- (e) Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- (f) Activities that may conflict with any other policy or rule of the City.

##### 616.4.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

##### 616.4.3 REVIEW OF FINANCIAL RECORDS

Unless prohibited by law under the circumstances, prior to approving outside employment, the City Administrator or the authorized designee may request that an employee provide a copy of

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personal financial records for review if it is determined that a conflict of interest may exist. Failure or refusal by the employee to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the City obtains information that a financial conflict of interest exists, the City Administrator or the authorized designee may request that the employee provide a copy of personal financial records for review. Failure or refusal by the employee to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

#### 616.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall promptly submit written notification of such termination to their immediate supervisor. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Employees shall also promptly submit in writing to their immediate supervisor any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

#### 616.4.5 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the City Administrator or the authorized designee regarding whether such employment should continue.

In the event that the City Administrator or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify an immediate supervisor of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the City Administrator or the authorized designee to approve the outside employment request.

## Personal Appearance Standards

### 617.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

### 617.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

### 617.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

#### 617.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

### 617.4 APPEARANCE

#### 617.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

#### 617.4.2 TATTOOS

During work hours and while representing the City in any official capacity, employees should make every reasonable effort to conceal tattoos or other body art. At no time while an employee is representing the City in any official capacity shall any offensive tattoo or body art be visible.

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Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

#### **617.4.3 BODY PIERCING OR ALTERATION**

Body piercing (other than earlobes) or alteration to any area of the body that is visible while representing the City in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- (c) Abnormal shaping of the ears, eyes, nose, or teeth (i.e., enlarged or stretched out holes in the earlobes).
- (d) Branding, scarification, or burning to create a design or pattern.

#### **617.4.4 DENTAL ORNAMENTATION**

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the City in any official capacity. Such ornamentation includes but is not limited to:

- (a) Objects that are bonded to front teeth.
- (b) Gold, platinum, or other veneers or caps used for decorative purposes.

#### **617.4.5 GLASSES AND CONTACT LENSES**

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

#### **617.4.6 COSMETICS AND FRAGRANCES**

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

#### **617.5 EXEMPTIONS**

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the City Administrator or the authorized designee. The City Administrator should be advised any time a request for accommodation is denied.

## Dress Code

### 618.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

### 618.2 POLICY

It is the policy of the City that uniformed employees are readily identifiable to the public through the proper use and wearing of city uniforms and that the appearance of all employees is suitable and appropriate for their position.

### 618.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the City in any official capacity (unless specific in your department to carry out your work tasks):
  1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
  2. T-shirt alone or exposed undergarments
  3. Swimsuits, tank tops, tube tops, or halter tops
  4. Sweatshirts, sweatpants, or similar exercise clothing
  5. Spandex-type pants or transparent clothing
  6. Denim pants of any color
  7. Shorts
  8. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

### 618.4 UNIFORMS

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement,

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if applicable. The City may provide other employees with uniforms at the direction of the City Administrator or the authorized designee.

The City Administrator or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable city specifications.
- (c) Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the City Administrator or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a city-issued uniform.
- (f) Please consult with your individual department head in regard to specific uniform requirements and/or applicable clothing allowance.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation.

#### **618.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

City employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the City Administrator or the authorized designee.

Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the City Administrator or the authorized designee.

## Family and Medical Leave

### 619.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, parent or parent in-law) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the City Administrator or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

#### 619.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

**FMLA** - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

**Qualified health care professional** - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

**Spouse** - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

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#### *Family and Medical Leave*

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#### **619.2 POLICY**

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

#### **619.3 ELIGIBLE EMPLOYEES**

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

#### **619.4 TYPE AND DURATION OF LEAVE**

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

##### **619.4.1 SERIOUS HEALTH CONDITIONS**

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, 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 consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

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##### 619.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

##### 619.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

##### 619.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

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During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

#### **619.4.5 INTERMITTENT LEAVE**

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the City Administrator, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

#### **619.4.6 PREGNANCY DISABILITY LEAVE**

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The City Administrator shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

#### **619.5 EMPLOYMENT BENEFITS WHILE ON LEAVE**

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR

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825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

#### **619.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

#### **619.7 USE OF FMLA LEAVE**

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

#### **619.8 PROCEDURES**

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the City Administrator or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

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Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

#### **619.9 REINSTATEMENT FOLLOWING LEAVE**

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the City Administrator or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the City Administrator or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

#### **619.10 RESPONSIBILITY**

The responsibilities of the City Administrator or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.
- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
  1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The City Administrator or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

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##### **619.10.1 STATE FAMILY AND MEDICAL LEAVE CONSIDERATIONS**

The City will comply with the requirements of any applicable state-specific laws providing for family and medical leave. The City Administrator or the authorized designee is also responsible for establishing a process for implementing applicable family and medical leave requirements, including consideration of whether an employee is eligible for paid family or medical leave under state law, if applicable.

##### **619.11 RECORDS**

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

##### **619.12 NOTICE TO EMPLOYEES**

The City Administrator or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

## Sick Leave

### 620.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable city policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

### 620.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit.

### 620.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

#### 620.3.1 NOTIFICATION

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 620.4 EXTENDED ABSENCE

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

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Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### **620.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the City Administrator as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the employee's performance or ability to complete assigned tasks.
  - 2. Negatively affected city operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

## Conflict of Interest

### 621.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the City.

#### 621.1.1 DEFINITIONS

Definitions related to this policy include:

**Business relationship** - A situation when an employee serves as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the employee's annual interest, compensation, investment, or obligation is greater than \$250. This includes business relationships as defined by state law.

**Conflict of interest** - Any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by an employee's personal or business relationship. This includes conflicts defined and prohibited by state law.

### 621.2 POLICY

Employees of the City are expected to conduct themselves with the utmost professional integrity and objectivity. Employees will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of city employees and the public, and thereby maintain the trust of the public and city employees.

### 621.3 RESTRICTED DUTIES AND ASSIGNMENTS

The City prohibits the following types of personal or business relationships among employees:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should defer matters to the Human Resources Department.
  2. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing such employees in supervisor/subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

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#### *Conflict of Interest*

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- (c) Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

#### 621.3.1 EMPLOYEE RESPONSIBILITY

Employees shall follow all laws regarding actual or perceived conflicts of interest and should avoid situations that create the appearance of an actual or perceived conflict of interest. Employees should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved employee).

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or to provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, that employee shall promptly notify an uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the City Administrator to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

#### 621.3.2 SUPERVISOR RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify the City Administrator of such actual or potential violations.

## Travel Reimbursement Policy

### 622.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for submission and reimbursement of city travel-related expenses. This policy applies to all employees and elected officials who incur travel expenses on behalf of the City.

#### 622.1.1 DEFINITIONS

Definitions related to this policy include:

**Travel expenses** - Eligible expenses for travel, lodging, meals, and registration fees associated with participation in approved training programs, conventions, seminars, memorials, and other events that relate to an employee's or elected official's responsibilities, training, and/or education, or that serve a direct city purpose.

### 622.2 POLICY

It is the policy of the City to reimburse employees and elected officials for reasonable and necessary work-related travel expenses.

### 622.3 COORDINATOR

The City Administrator should designate an employee to develop and maintain procedures related to this policy. Procedures should include:

- (a) Detailed processes for submitting pre-approvals and travel reimbursement requests.
- (b) Reviewing and maintaining necessary forms and documentation.
- (c) Periodic audits to review compliance with this policy.

### 622.4 EXPENSE GUIDELINES

#### 622.4.1 TRANSPORTATION

All travel should be by the most cost-effective means possible, considering distance, location, and type. The following forms of travel should be considered:

- (a) City vehicle
  1. When using a city vehicle, the fuel, tolls, and reasonable parking expenses (e.g., valet should not be used unless there is no other option) will be reimbursed.
- (b) Private vehicle
  1. When using a private vehicle, reimbursement will be at the current IRS mileage rate.
- (c) Rental vehicle, train, and air
  1. Employees or elected officials should obtain approval from the City Administrator or the authorized designee before booking a rental vehicle, train fare, or airfare.

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#### *Travel Reimbursement Policy*

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2. Full reimbursement may not be approved if the employee or elected official does not obtain advance approval and/or does not purchase the most economical fare.

#### **622.4.2 ACCOMMODATIONS**

If travel requires the employee or elected official to stay overnight, the employee or elected official should arrange lodging and request approval from the City Administrator or the authorized designee before departure.

Lodging should be at or near the event at standard rates. Employees or elected officials should make all reasonable efforts to get the best rates possible, including researching whether government rates are available and whether tax-exempt certificates are accepted or assignments of rights to refund are provided. Employees or elected officials are expected to take reasonable steps to provide or obtain the forms for tax exemption, when applicable, and submit the forms to the City in a timely manner.

#### **622.4.3 MEALS**

Employees or elected officials traveling on city business may choose meal cost reimbursement according to the terms and conditions as established by the City.

#### **622.4.4 PROHIBITED EXPENSES**

Expenses not eligible for reimbursement include but are not limited to:

- (a) Expenses for any non-employee or non-elected official.
- (b) Non-business-related telephone calls.
- (c) Entertainment expenses unless pre-approved by the City Administrator or the authorized designee.
- (d) Alcoholic beverages.
- (e) Outside meals if the conference/event lodging reservation includes a meal package.
- (f) Any travel-related expense that is covered by another source.

#### **622.5 APPROVALS**

All travel should be pre-approved by the City Administrator or the authorized designee. Once travel has been completed, the employee or elected official should submit requests for travel expense reimbursement:

- (a) To the City Administrator or the authorized designee for review and approval as soon as practicable, but no later than 14 days after completion of travel.
- (b) On a city form. The form should contain a statement that the expenses were incurred by the traveler as necessary for the performance of official duties and shall be verified by a written declaration that all information is true and correct.
- (c) With an attached receipt or other documentation of the expense.

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Upon receipt of a request for reimbursement, the City Administrator or the authorized designee should review and process the request as appropriate. If additional information is needed to process the request, the employee should be given an opportunity to provide the information. If a request for reimbursement is denied, the reason for the denial should be provided in writing, and the employee should have an opportunity to respond.

If an employee fails to follow the required processes and obtain appropriate approvals, reimbursement of travel expenses may be denied.

# Petty Cash Management

## 623.1 PURPOSE AND SCOPE

This policy provides for the establishment and administration of a city petty cash fund.

## 623.2 POLICY

The City will establish, administer, and maintain a petty cash fund according to this policy.

### 623.2.1 DEFINITIONS

Definitions related to this policy include:

**Custodian** - The individual designated by the City Administrator, or the authorized designee, as having custody of and responsibility for maintaining the petty cash fund.

**Petty cash fund** - A reserve of money established to make small purchases when payment by purchase order or voucher is not practical.

## 623.3 RESPONSIBILITIES

### 623.3.1 CITY ADMINISTRATOR RESPONSIBILITIES

The City Administrator, or the authorized designee, is responsible for establishing and maintaining procedures for the operation of a petty cash fund consistent with state and local law. The procedures should include but are not limited to:

- (a) Designation of a petty cash custodian.
- (b) Initial and replenishment fund amounts. The petty cash fund should not exceed the amount established by the City.
- (c) Maximum dollar amount for purchases.
- (d) A sample petty cash voucher for use by employees to request cash from the custodian. The petty cash vouchers should be sequentially numbered and include space for the following information:
  1. The date of the disbursement
  2. The amount disbursed or reimbursed
  3. The budget expense account
  4. The vendor name
  5. The signature of the employee receiving petty cash
- (e) A petty cash ledger for use by the custodian. The ledger may be maintained electronically or by hand and should require the following information for all transactions:
  1. The name of the employee receiving cash
  2. The amount disbursed to the employee
  3. The reason for the disbursement

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#### *Petty Cash Management*

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4. The amount of any cash returned
  5. The amount of any cash received to replenish the account
  6. A copy of any purchase receipt
- (f) A requirement that the custodian provide a full accounting and reconciliation of all fund transactions to the City Administrator or the authorized designee, which the City Administrator or the authorized designee should then review and approve according to the petty cash procedures before authorizing replenishment of the petty cash fund.
- (g) A requirement that the petty cash fund be audited by the City Administrator's authorized designee at least quarterly and that the results of the audit are provided to the City Administrator or the authorized designee.
- (h) Creation of disciplinary guidelines for situations where the custodian has violated this policy or applicable procedures, or where an employee is found to have provided false information for the purpose of obtaining petty cash funds, including referral to law enforcement when the facts indicate that a crime may have occurred.
- (i) Designation of a physical location for the petty cash fund. The fund should be secured in the following manner:
1. A lockbox with a key or combination lock.
  2. The lockbox should then be stored in a safe, securable drawer, cabinet, or locker.
  3. The safe, securable drawer, cabinet, or locker should be in a securable room or office with restricted access.

#### 623.3.2 PETTY CASH CUSTODIAN RESPONSIBILITIES

The custodian's responsibilities should include but are not limited to:

- (a) Maintaining the fund according to this policy, petty cash procedures, and state and local laws.
- (b) Remaining familiar with applicable state and local laws relating to petty cash funds and proposing related updates to procedures as necessary.
- (c) Requesting replenishment funds from the City Administrator, or the authorized designee, when the funds in the account fall below the established replenishment amount or requesting funds needed to bring the fund back to the maximum allowable amount.
- (d) Receiving funds for replenishment only from funds approved and allocated from the city accounts or from returned, unused funds properly issued to employees.
- (e) Maintaining the petty cash ledger according to this policy and the petty cash procedures.
- (f) When someone other than the custodian will be handling the petty cash fund, accounting for all petty cash and vouchers before transferring petty cash responsibilities to the alternate custodian.

## **Chapter 6 – Personnel**

*June 4, 2025*

This is a summary of Chapter 6 – Personnel from the *City of Lake Geneva Municipal Government Policy Manual*, with key elements and recommendations focused on modern governance, transparency, accountability, and administrative efficiency. This summary aligns with the Personnel Committee’s goals of enhancing policy clarity, public trust, legal compliance, and administrative professionalism.

## **Chapter 6 – Personnel**

### **601 – Discriminatory Harassment**

#### **Key Elements:**

- Zero-tolerance policy
- Outlines protected classes
- Complaint process
- Responsibilities of supervisors

#### **Recommendations:**

- Adopt trauma-informed investigation practices.
- Require annual bias and harassment prevention training.
- Clarify anonymous reporting protections.

### **602 – Grievances**

#### **Key Elements:**

- Process for addressing employee complaints unrelated to harassment
- Escalation steps

#### **Recommendations:**

- Digitize grievance tracking for transparency and timeliness.
- Ensure accessibility of grievance procedures for all staff levels.

### **603 – Anti-Retaliation**

#### **Key Elements:**

- Protects employees reporting misconduct or participating in investigations

#### **Recommendations:**

- Explicitly define what constitutes retaliation.
- Establish periodic audits of disciplinary actions to detect retaliation patterns.

### **604 – Drug- and Alcohol-Free Workplace**

#### **Key Elements:**

- Prohibits use or influence on duty
- Testing procedures
- Disciplinary action

**Recommendations:**

- Review and update policy in light of Wisconsin medical/recreational marijuana laws.
- Add provisions for employee assistance or rehabilitation support.

**605 – Communicable Diseases**

**Key Elements:**

- Reporting expectations
- Privacy protections
- Return-to-work criteria

**Recommendations:**

- Update language to reflect best public health practices.
- Include protocols for remote work eligibility and accommodations.

**606 – Smoking and Tobacco Use**

**Key Elements:**

- Restrictions on smoking and tobacco in city facilities and vehicles

**Recommendations:**

- Expand to include vaping and cannabis.
- Add designated smoking area policy with clear signage.

**607 – Meal Periods and Breaks**

**Key Elements:**

- State law compliance
- Unpaid and paid breaks defined

**Recommendations:**

- Use scheduling software to ensure compliance.
- Clarify rules for exempt vs. non-exempt staff.

**608 – Lactation Breaks**

**Key Elements:**

- Breaks for nursing mothers
- Private space provision

**Recommendations:**

- Ensure designated spaces meet federal standards (clean, private, non-bathroom).
- Promote awareness in onboarding materials.

**609 – Payroll Records**

**Key Elements:**

- Recordkeeping requirements
- Employee access

**Recommendations:**

- Move to secure cloud-based timekeeping.
- Offer digital access to pay stubs and history for employees.

## **610 – Overtime Compensation**

### **Key Elements:**

- Eligibility and approval process
- Fair Labor Standards Act compliance

### **Recommendations:**

- Automate overtime tracking and flagging.
- Conduct quarterly audits to ensure budget and policy compliance.

## **611 – Work-Related Illness and Injury Reporting**

### **Key Elements:**

- Immediate reporting requirements
- OSHA compliance

### **Recommendations:**

- Integrate mobile reporting tools for field staff.
- Require safety refresher training after incidents.

## **612 – Temporary Modified-Duty Assignments**

### **Key Elements:**

- Criteria for temporary reassignment due to injury or illness

### **Recommendations:**

- Clarify duration limits and return-to-work clearance process.
- Coordinate with workers' compensation policy.

## **613 – Speech, Expression, and Social Networking**

### **Key Elements:**

- Balances employee rights and city's public image
- Addresses online conduct

### **Recommendations:**

- Provide training on personal vs. official capacity communications.
- Review constitutionality annually with legal counsel.

## **614 – Illness and Injury Prevention**

### **Key Elements:**

- General duty to provide safe workplace
- Proactive safety measures

### **Recommendations:**

- Conduct annual risk assessments by department.
- Reward departments for safety innovations.

## **615 – Workplace Violence**

### **Key Elements:**

- Defines violence, zero-tolerance, threat assessment
- Emergency response

**Recommendations:**

- Add mental health awareness and de-escalation training.
- Periodically test emergency protocols.

**616 – Outside Employment****Key Elements:**

- Requires disclosure
- Ensures no conflict or performance issues

**Recommendations:**

- Clarify examples of conflicts of interest.
- Require annual re-disclosure.

**617 – Personal Appearance Standards****Key Elements:**

- Expectations for professional, safe, and appropriate attire

**Recommendations:**

- Allow department-level tailoring for functional needs.

**618 – Dress Code****Key Elements:**

- Reinforces personal appearance standards
- Identifies prohibited attire

**Recommendations:**

- Review regularly for fairness and evolving norms.
- Offer clear process for religious or cultural accommodations.

**619 – Family and Medical Leave****Key Elements:**

- FMLA compliance
- Process and eligibility details

**Recommendations:**

- Provide employees with simplified FMLA packets.
- Explore coordination with state and federal paid leave options.

**620 – Sick Leave****Key Elements:**

- Accrual and usage
- Documentation requirements

**Recommendations:**

- Permit partial-day sick leave use.
- Link to wellness program participation incentives.

## 621 – Conflict of Interest

### Key Elements:

- Prohibits self-dealing or bias in city duties

### Recommendations:

- Incorporate annual ethics disclosures.
- Tie into broader Code of Conduct updates.

## 622 – Travel Reimbursement Policy

### Key Elements:

- Limits and procedures for work-related expenses

### Recommendations:

- Use online submission and approval systems.
- Benchmark reimbursement rates annually.

## 623 – Petty Cash Management

### Key Elements:

- Small purchase limits and recordkeeping

### Recommendations:

- Reduce or phase out in favor of Petty Cash cards or digital reimbursements.
- Add periodic internal audits.

## Overall Recommendations for Chapter 6 – Personnel

- 1. Modernize and Digitize Personnel Processes.** Implement secure, cloud-based systems for payroll, time tracking, grievance reporting, travel reimbursements, and personnel records. Increases administrative efficiency, improves access for employees and supervisors, enhances data accuracy, and ensures real-time compliance tracking.
- 2. Align Policies with Evolving Legal and Social Standards.** Update policies to reflect current laws and practices regarding marijuana legalization, remote work, social media usage, and public health. Ensures legal compliance, mitigates risk, and reflects the expectations of a modern municipal workforce.
- 3. Enhance Employee Well-Being and Workplace Culture.** Strengthen support systems for mental health, harassment protection, parental accommodations, and injury recovery. Incorporate wellness programs. Boosts morale, reduces turnover, improves employee performance, and reinforces a culture of care and respect.
- 4. Increase Training, Communication, and Accountability.** Provide regular, required training on topics such as workplace harassment, retaliation, ethics, speech and expression, and workplace safety. Ensure all policies are clearly communicated and accessible. Reinforces consistent standards across departments, prevents misconduct, and empowers employees to understand and exercise their rights and responsibilities.

5. **Standardize and Streamline Policy Application.** Clearly define approval processes, responsibilities, and policy scope across all departments. Review and consolidate overlapping or inconsistent policies. Reduces confusion, enhances fairness, and ensures consistent policy enforcement citywide.
6. **Promote Transparency and Prevent Misuse.** Institute internal audits for high-risk areas such as overtime, petty cash, travel expenses, and leave use. Require regular disclosure of potential conflicts of interest and outside employment. Builds public trust, safeguards taxpayer resources, and supports a transparent municipal culture.
7. **Improve Policy Usability and Accessibility.** Rewrite complex or outdated sections in plain language. Provide digital access to the personnel policy manual and relevant forms via a centralized HR portal. Increases employee understanding, minimizes HR bottlenecks, and enhances compliance.

These overall recommendations provide a foundation for thoughtful updates to the Personnel Policy Manual that reflect best practices in public administration and demonstrate a commitment to transparency, and operational excellence

## Chapter 6 – Personnel

Policy Section	Key Policy	Recommendation	Rationale
<b>601 – Discriminatory Harassment</b>	Prohibits harassment based on protected classes	Require annual training; enable anonymous reporting	Ensures legal compliance, builds a respectful culture
<b>602 – Grievances</b>	Formal process to address non-harassment complaints	Digitize tracking; increase accessibility	Increases transparency, reduces resolution delays
<b>603 – Anti-Retaliation</b>	Protects employees reporting misconduct	Define retaliation; audit disciplinary actions	Encourages reporting and builds trust
<b>604 – Drug &amp; Alcohol-Free Workplace</b>	Bans use while on duty	Update for marijuana laws; add rehab support	Aligns with changing legal standards and supports wellness
<b>605 – Communicable Diseases</b>	Reporting and return-to-work protocols	Modernize with remote work guidance	Ensures preparedness for public health issues
<b>606 – Smoking &amp; Tobacco Use</b>	Prohibits use in buildings/vehicles	Include vaping/cannabis; set designated areas	Reflects evolving health standards
<b>607 – Meal Periods &amp; Breaks</b>	Complies with labor law on breaks	Automate scheduling compliance	Reduces liability and errors
<b>608 – Lactation Breaks</b>	Requires breaks and private space	Ensure space meets legal standards	Supports working parents and federal compliance
<b>609 – Payroll Records</b>	Maintains time and pay records	Use cloud-based system; enable digital access	Improves accuracy, access, and data security

<b>Policy Section</b>	<b>Key Policy</b>	<b>Recommendation</b>	<b>Rationale</b>
<b>610 – Overtime Compensation</b>	Governs eligibility and approval	Automate tracking; audit usage	Controls costs and improves compliance
<b>611 – Illness/Injury Reporting</b>	Immediate OSHA-compliant reporting	Add mobile tools and retraining post-incident	Enhances responsiveness and prevention
<b>612 – Modified-Duty Assignments</b>	Temporary reassignment during recovery	Clarify duration and coordination with workers' comp	Streamlines transitions and manages risk
<b>613 – Speech &amp; Social Networking</b>	Regulates speech affecting city image	Train on official vs. personal speech	Protects city while respecting rights
<b>614 – Injury Prevention</b>	Promotes workplace safety	Annual risk reviews; reward safe practices	Reduces injuries and encourages proactive behavior
<b>615 – Workplace Violence</b>	Zero tolerance; emergency procedures	Add mental health and de-escalation training	Prepares staff and mitigates threats
<b>616 – Outside Employment</b>	Requires disclosure and approval	Require annual update; define conflicts	Prevents ethical conflicts and burnout
<b>617 – Personal Appearance</b>	Sets expectations for attire	Allow job-based variation	Promotes fairness and functionality
<b>618 – Dress Code</b>	Reinforces standards of appearance	Review for relevance and accommodation	Respects cultural/religious expression
<b>619 – Family &amp; Medical Leave</b>	Outlines FMLA compliance	Simplify materials; explore paid leave integration	Eases employee navigation and policy coordination
<b>620 – Sick Leave</b>	Covers accrual and use	Allow partial-day use; wellness incentives	Increases flexibility and reduces absenteeism
<b>621 – Conflict of Interest</b>	Bars personal gain in city roles	Add annual disclosure and training	Builds public trust and ethical consistency
<b>622 – Travel Reimbursement</b>	Defines expense coverage and limits	Use online submissions; update rates yearly	Improves accountability and accuracy
<b>623 – Petty Cash Management</b>	Rules for small purchases	Replace with Petty Cash cards or digital reimbursements	Reduces risk of error or misuse