

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Res. No. 159-19-20 by Alderpersons Donohue and Bohren authorizing the appropriate City Officials to contract with Wisconsin Public Finance Professionals, LLC for financial advisory services in 2020.

REPORT PREPARED BY: Marty Halverson, Finance Director

REPORT DATE: February 4, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

The City of Sheboygan has had a good and effective relationship with WI Public Finance Professionals, LLC for six plus years. The assistance received from this vendor during the transition of finance directors has been valuable through education and consistency.

STAFF COMMENTS:

The City is looking to enter into a one-year agreement for financial advisory services related to borrowing with the intention of a request for proposals (RFP) process taking place for the 2021 borrowing related services. This agreement will allow the inclusion of the newly hired Deputy Director to be involved with the current vendor and City process for continuity and benefit from Carol Wirth's knowledge and familiarity with the City of Sheboygan.

ACTION REQUESTED:

Motion to recommend the Common Council adopt Res. No. 159-19-20 authorizing the appropriate City Officials to contract with Wisconsin Public Finance Professionals, LLC for financial advisory services in 2020.

ATTACHMENTS:

- I. Res. No. 159-19-20
- II. Agreement with Wisconsin Finance Professionals, LLC

III

4.3

Res. No. 159 - 19 - 20. By Alderpersons Donohue and Bohren.
February 3, 2020.

A RESOLUTION authorizing the appropriate City officials to contract with Wisconsin Public Finance Professionals, LLC for financial advisory services in 2020.

WHEREAS, the City of Sheboygan has obtained necessary financial advisory services related to its municipal borrowing from Wisconsin Public Finance Professionals, LLC, for the last six years; and

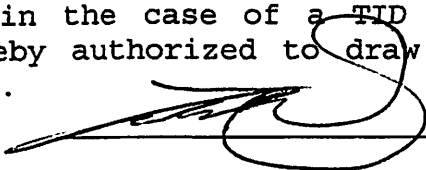
WHEREAS, the City desires to continue using Wisconsin Public Finance Professionals, LLC as its financial advisor for the 2020 calendar year; and

WHEREAS, the standard industry practice regarding financial advisory services of this nature is to enter into a separate agreement for each borrowing.

NOW, THEREFORE, BE IT RESOLVED: That the appropriate City officials are authorized to enter into a contract with Wisconsin Public Finance Professionals, LLC for financial advisory services, in substantially similar form to that attached to this Resolution, for each borrowing that the City issues during the 2020 calendar year.

BE IT FURTHER RESOLVED: That in the case of a General Obligation Borrowing, the appropriate City officials are hereby authorized to draw orders on the Debt Issuance Expense Account (Account #30115100-540117).

BE IT FURTHER RESOLVED: That in the case of a TID Borrowing, the appropriate City officials are hereby authorized to draw orders on the appropriate TID Debt Service Account.



I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

*Finance
Personnel*



WISCONSIN PUBLIC FINANCE PROFESSIONALS, LLC
1025 SOUTH MOORLAND ROAD, SUITE 504
BROOKFIELD, WI 53005
414-434-9644
FAX: 414-226-2014

Wisconsin Public Finance Professionals, LLC ("WPF")

Municipal Advisory Fee Structure - 2020

WPF shall enter into a Municipal Advisory Agreement with the issuer, substantially in the sample form attached hereto, for each financing identifying the dollar amount of the issue authorized by the Issuer. The Municipal Advisory Agreement shall specify the issue description (General Obligation or Revenue Obligation), WPF's scope of services and fee, not contingent on the final size or closing of the issue. If WPF performs services under a Municipal Advisory Agreement, but the financing is not consummated, WPF shall be compensated at the hourly rate of \$165/hour professional staff, \$95/hour support staff for time actually spent.

WPF uses the following calculation in determining the municipal advisory fee included in a municipal advisory agreement for a General Obligation or Revenue Obligation (per issue), competitive or negotiated sale, using the dollar amount of the issue authorized by the Issuer:

Base Fee - \$13,000 plus \$1.50 per \$1,000 issued subject to –

Minimum Fee of \$14,500

Maximum Fee of \$25,000

(Example: \$3 million issue is $\$13,000 + (\$3,000 \times \$1.50 = \$4,500) = \$17,500$)

WPF's fee includes all WPF's expenses associated with in-state travel and general out-of-pocket expenses for supplies and copying, etc. The fee is due and payable upon closing of the issue. WPF's fee does not include expenses of issuance such as Official Statement printing (approximately \$1,000), Bond Counsel, rating agency, escrow or fiscal agents, verification or feasibility reports. WPF's fee is due and payable upon closing of the issue. WPF's fee includes on-going services identified in the Municipal Advisory Agreement as may be requested by the Issuer during the term of the agreement.



WISCONSIN PUBLIC FINANCE PROFESSIONALS, LLC
1025 SOUTH MOORLAND ROAD, SUITE 504
BROOKFIELD, WI 53005
414-434-9644
FAX: 414-226-2014

----- 2020 Sample -----

Municipal Advisory Agreement

City of Sheboygan, Sheboygan County, Wisconsin

Wisconsin Public Finance Professionals, LLC ("WFPF") is a "municipal advisor" as defined by the Securities and Exchange Commission ("SEC") Final Rule adopted September 18, 2013. WFPF is registered and regulated by the SEC and the Municipal Securities Rulemaking Board ("MSRB"). The City of Sheboygan, Sheboygan County, Wisconsin ("City"), hereby retains WFPF to serve as its Municipal Advisor in accordance with the terms and conditions of this Municipal Advisory Agreement ("Agreement") effective the date of execution (the "Effective Date"). As Municipal Advisor, WFPF will have fiduciary duties, including a duty of care and a duty of loyalty. WFPF is required to act in the City's best interests without regard to its own financial and other interests.

MSRB Rule G-10 and G-42 Notifications, Disclosures of Conflicts of Interest and Other Information

As a Municipal Advisor registered with the MSRB and the SEC, WFPF is required to provide certain notifications, disclosures and information to the City, in writing, no less than once each calendar year. Included on the last page of the Agreement are notifications and disclosures in accordance with MSRB Rule G-10 regarding a brochure available on the MSRB's website at www.msrb.org that describes the protections available under MSRB rules and how to file a complaint with an appropriate regulatory authority; and, disclosures in accordance with MSRB Rule G-42 related to conflicts of interest and other information. All municipal advisory services are performed by employees of WFPF. WFPF has no relationships with other firms, or employees of the City, that could present a real or perceived conflict of interest. Carol Ann Wirth is the responsible party for WFPF in its relationship with the City.

Scope of Municipal Advisory Services

WFPF is engaged by the City as its Municipal Advisor to provide services with respect to the issuance of \$ _____ General Obligation or Revenue Obligation, hereinafter referred to as the "Issue", as follows:

(a) Services to be Provided:

1. Prepare and/or evaluate structuring options or alternatives with respect to the proposed new Issue
2. Review financial and other information regarding City (Utility), the proposed Issue and any source of repayment of or security for the Issue
3. Consult with and/or advise City on actual or potential changes in market place practices, market conditions, regulatory requirements or other matters that may have an impact on the City and its financing plans, or related to its outstanding issues

4. Assist City in establishing a plan of finance – establish the structure, timing, terms and other similar matters concerning the Issue
5. Prepare the financing timeline
6. Consult and meet with representatives of City and its agents or consultants with respect to the Issue
7. Attend meetings of City's governing body, as requested
8. Advise City on the manner of sale of the Issue
9. For an Issue to be sold at negotiated sale, assist City in the selection of an underwriter with the preparation of an RFP; participate in pricing discussions; and, advise City on the acceptability of the underwriter's pricing and offer to purchase.
10. For an Issue to be sold at competitive sale, conduct steps necessary for the pricing and sale of the Issue, including preparation of the Official Notice of Sale and Bid Form, advertise the sale of the issue, assist potential bidders with submitting bids, verify bids received, recommend suitability of interest rates based on compliance with Official Notice of Sale and current market conditions.
11. Assist in gathering of information with respect to financial, statistical and factual information relating to City (Utility) in connection with and the preparation of the Preliminary and Final Official Statement
12. Respond to questions from bidders, underwriters or potential investors
13. Provide City with relevant data on comparable issues recently or currently being sold nationally and by comparable municipalities
14. Obtain CUSIP numbers and distribute an electronic version of the Preliminary and Final Official Statement
15. Advise City with regard to any continuing disclosure undertaking required to be entered into in connection with the Issue
16. Prepare materials for, and participate in, presentation to rating agency
17. Work with bond counsel and other transaction participants to prepare and/or review necessary authorizing documentation of City and other documents necessary to finalize and close the Issue, and to issue an unqualified opinion approving the legality and tax status of the Issue
18. Coordinate closing, delivery of the new Issue and transfer of funds
19. Prepare a closing memorandum or transaction summary, together with general guidance for City with respect to the use of bond proceeds and the payment of debt service; prepare final amortization schedule.
20. Provide such other usual and customary municipal advisory services as may be requested by City including services related to debt management and preliminary structuring of potential future issues, credit management and continuing disclosure requirements
21. Advise City on potential refinancing opportunities of its outstanding issues, including exercise of optional call rights
22. Assist City with dissemination and publication of notices of call for issues being refunded

(b) Limitations on Scope of Municipal Advisory Services. The Scope of Municipal Advisory Services is subject to the following limitations:

(i) The scope of services is limited solely to the services described herein and is subject to any limitations set forth within the description of the Scope of Municipal Advisory Services.

(ii) Unless otherwise provided in the Scope of Municipal Advisory Services described herein, Municipal Advisor is not responsible for certifying as to the accuracy or completeness of any preliminary or final official statement, other than with respect to any information about Municipal Advisor provided by Municipal Advisor for inclusion in such documents.

(iii) The Scope of Municipal Advisory Services does not include tax, legal, accounting or engineering advice with respect to any Issue or in connection with any opinion or certificate rendered by counsel or any other person at closing; and, does not include review or advice on any feasibility study.

(c) Amendment to Scope of Municipal Advisory Services

The Scope of Municipal Advisory Services may be changed only by written amendment or supplement to the Scope of Municipal Advisory Services described herein. The parties agree to amend or supplement the Scope of Municipal Advisory Services described herein promptly to reflect any material changes or additions to the Scope of Municipal Advisory Services

Municipal Advisor's Regulatory Duties When Servicing City

MSRB Rule G-42 requires that Municipal Advisor make a reasonable inquiry as to the facts that are relevant to City's determination whether to proceed with a course of action or that form the basis for and advice provided by Municipal Advisor to City. The rule also requires that Municipal Advisor undertake a reasonable investigation to determine that it is not basing any recommendation on materially inaccurate or incomplete information. Municipal Advisor is also required under the rule to use reasonable diligence to know the essential facts about City and the authority of each person acting on City's behalf. The City agrees to cooperate, and to cause its agents to cooperate, with Municipal Advisor in carrying out these regulatory duties, including providing to Municipal Advisor accurate and complete information and reasonable access to relevant documents, other information and personnel needed to fulfill such duties.

Term of this Engagement

The term of this Agreement begins on the Effective Date and ends, unless earlier terminated as provided below, on December 31, 20____. This Agreement may be terminated with or without cause by either party upon the giving of at least sixty (60) days' prior written notice to the other party of its intention to terminate, specifying in such notice the effective date of such termination. In the event of termination, the Municipal Advisor shall be paid in full for any services performed to the date of that termination at the normal hourly rates (\$165/hour professional staff, \$95/hour support staff) for time actually spent. WFPF may not assign this Agreement without the City's prior written consent. The laws of the State of Wisconsin shall apply to this Agreement.

Compensation - Fees and Expenses

WFPF's fee for services performed under this Agreement shall be \$_____ for the General Obligation or Revenue Obligation. WFPF's fee includes all necessary in-state travel and general out-of-pocket expenses i.e. supplies and copying. WFPF's fee is due and payable upon the closing of the Issue. The City shall pay the fees and expenses determined by each respective financing team participant (i.e. bond counsel, rating agency and underwriter), and costs associated with the printing and distribution of Official Statements (\$1,000). If WFPF performs services under this Agreement, and, a financing is not consummated, WFPF shall be compensated at our normal hourly rates (\$165/hour professional staff, \$95/hour support staff) for time actually spent.

Limitation of Liability/Insurance

In the absence of willful misconduct, bad faith, or reckless disregard of obligations or duties hereunder on the part of Municipal Advisor, Municipal Advisor shall have no liability to City for any act or omission in the course of, or connected with, rendering services hereunder, or for any error of judgment or mistake of law, or for any loss arising out of any issuance of municipal securities, or for any financial or other damages resulting from City's election to act or not to act, as the case may be, contrary to any advice or recommendation provided by Municipal Advisor to the City. No recourse shall be had against Municipal Advisor for loss, damage, liability, cost or expense (whether direct, indirect or consequential) of City arising out of or in defending, prosecuting, negotiating or responding to any inquiry, questionnaire, audit, suit, action, or other proceeding brought or received from the Internal Revenue Service in connection with the Issue or otherwise relating to the tax treatment of the Issue, or in connection with any opinion or certificate rendered by counsel or any other party. Notwithstanding the foregoing, nothing contained in this paragraph or elsewhere in this Agreement shall constitute a waiver by the City of any of its legal rights under applicable U.S. federal securities laws or any other laws whose applicability is not permitted to be contractually waived, nor shall it constitute a waiver or diminution of Municipal Advisor's fiduciary duty to City under Section 15B(c)(1) of the Securities Exchange Act of 1934, as amended, and the rules thereunder.

WPFP shall maintain, throughout the term of this Agreement, professional general liability insurance in the amount of \$1,000,000 per occurrence, having a \$5,000 deductible.

The City acknowledges that the City is responsible for the contents of Preliminary and Final Official Statements prepared for the Issue, and, is subject to, and may be held liable under, federal or state securities laws for misleading or incomplete disclosure.

Authority

The undersigned represents and warrants that he/she has full legal authority to execute this Agreement on behalf of the City. The following individuals have the authority to direct Municipal Advisor's performance of its activities under this Agreement: Darrell Hofland, City Administrator, Marty Halverson, Finance Director.

WISCONSIN PUBLIC FINANCE
PROFESSIONALS, LLC

CITY OF SHEBOYGAN
SHEBOYGAN COUNTY, WISCONSIN

By _____

By: _____

Title: _____

Date: _____

Wisconsin Public Finance Professionals, LLC

MSRB Rule G-10 Disclosure - Notifications

- Wisconsin Public Finance Professionals, LLC (“WFPF”) is a Municipal Advisor registered with the Municipal Securities Rulemaking Board (“MSRB”) and the Securities and Exchange Commission (“SEC”).
- The MSRB’s website address is as follows: www.msrb.org.
- A brochure is available on the MSRB website that describes protections available under MSRB rules and how to file a complaint with an appropriate regulatory authority.

MSRB Rule G-42 Disclosure

1. Wisconsin Public Finance Professionals, LLC (“WFPF”) is an MSRB Registered Municipal Advisor that conducts all municipal advisory activities subject to the fiduciary standards of conduct.
2. The Form MA of WFPF along with the most recent Form MA-I for each MSRB associated person is posted in the Edgar Database located on the US Securities and Exchange Commission website (www.sec.gov/edgar/searchedgar/companysearch.htm) searching under the name “Wisconsin Public Finance Professionals, LLC.” If you require a hard-copy of any of these forms, please send a written request to the Firm’s Chief Compliance Officer’s attention at the address below.
3. To the best of our knowledge and belief, neither WFPF nor any Associated Person has any material undisclosed conflict of interest.
 - A. WFPF has no financial interest in, nor does WFPF receive any undisclosed compensation from, any firm or person that WFPF may use in providing any advice, service, or product to or on behalf of any WFPF client.
 - B. WFPF does not pay MSRB registered solicitors or other MSRB Registered Municipal Advisors directly or indirectly in order to obtain or retain an engagement to perform municipal advisory services for any municipal entity.
 - C. WFPF does not receive any payments from a third party to enlist WFPF’s recommendation of services, municipal securities transactions, or any municipal financial product or service.
 - D. WFPF does not have any undisclosed fee-splitting arrangements with any provider of investments or services to any municipal entity.
 - E. WFPF does not have any conflicts of interest arising from compensation for municipal activities to be performed that are contingent on the size or closing of any transaction for which WFPF is providing advice.
 - F. There is no other actual or potential conflict of interest that could reasonably be anticipated to impair WFPF’s ability to provide advice to any municipal entity in accordance with the standards of fiduciary conduct.
4. WFPF (“the Firm”) nor any of its Associated Person are not currently subject to or have been subject to any legal or disciplinary event that could be material to a client’s evaluation of the Firm or the integrity of its management or Associated Persons.

1025 South Moorland Road, Suite 504, Brookfield, WI 53005

CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Res. No. 160-19-20 by Alderpersons Donohue and Bohren authorizing an appropriation in the 2020 Budget.

REPORT PREPARED BY: Marty Halverson, Finance Director

REPORT DATE: February 5, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: General Fund
10199020-810103
Mead Library fund
2551110-510110

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

The City of Sheboygan during its budget process occasionally uses estimates which require adjustments or have actual amounts that vary from the budget. In this instance a revised estimate revealed a minor shortfall in the Mead Public Library budgeted estimates within its salary line item.

STAFF COMMENTS:

The City of Sheboygan upon additional information following annual reviews determined that additional funding would be necessary for the Mead Public Library salaries in 2020. This appropriation of funds to the appropriate salary accounts for the 2020 fiscal year adjusts for this revised estimate.

ACTION REQUESTED:

Motion to recommend the Common Council adopt Res. No. 160-19-20 authorizing the appropriation in the 2020 Budget.

ATTACHMENTS:

- I. Res. No. 160-19-20

III

4.4

Res. No. 160 - 19 - 20. By Alderpersons Donohue and Bohren.
February 3, 2020.


A RESOLUTION to authorize a transfer of appropriations in the 2020 Budget.

WHEREAS, staff has reviewed existing 2020 Budget appropriations and determined the need to re-appropriate funds within the 2020 Budget for Mead Public Library Fund 255 due to an unanticipated shortfall.

NOW, THEREFORE, BE IT RESOLVED: That the Finance Director be and is hereby authorized and directed to make the following transfers of appropriations in the 2020 Budget for the purpose of an unanticipated shortfall in Mead Public Library Fund 255.

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
General Fund Unclassified Reserve for Contingency 10199020-810103	Special Revenue Fund Mead Public Library Fund Full Time Salaries - Regular 2551110-510110	\$4,283.14

Finance Personnel



I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Gen. Ord. No. 42-19-20 by Alderpersons Donohue and Bohren repealing and recreating Chapter 82 of the Sheboygan Municipal Code relating to personnel regulations and benefits.

REPORT PREPARED BY: Sandy Rohrick, Director of Human Resources and Labor Relations

REPORT DATE: February 5, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: Chapter 82

BACKGROUND / ANALYSIS:

Chapter 82 of the Municipal Code has been updated to reflect changes in policies and procedures that either have occurred or are recommended. In addition, in an effort to streamline several processes relating to hiring and staffing, additional modifications are recommended. Many of these changes shift oversight of the Table of Organization from Common Council to the Office of the City Administrator while continuing to follow approved budget parameters.

STAFF COMMENTS:

Most of the changes or updates are self-explanatory. However, one notable change has to do with modifications to the Table of Organization. While some changes require Common Council approval (such as changes that would require an adjustment to the approved budget or a transfer of funds between departments), other organizational changes could be streamlined to allow for the City of Sheboygan to respond to organizational needs more timely. This shift would continue to require oversight from the Office of the City Administrator.

ACTION REQUESTED:

Motion to recommend the Common Council adopt Gen. Ord. No. 42-19-20, modifying changes to the Sheboygan Municipal Code relating to personnel regulations and benefits.

ATTACHMENTS:

- I. Gen. Ord. No. 42-19-20
- II. Chapter 82 with Modifications and Strike Through Listed

X

6.1

Gen. Ord. No. 42 - 19 - 20. By Alderpersons Donohue and Bohren.
February 3, 2020.

AN ORDINANCE repealing and recreating Chapter 82 of the Sheboygan Municipal Code relating to personnel regulations and benefits.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Chapter 82 of the Sheboygan Municipal Code entitled "Personnel regulations and benefits" is hereby repealed and recreated to read as follows:

"Chapter 82 - PERSONNEL REGULATIONS AND BENEFITS

ARTICLE I. IN GENERAL

Sec. 82-1. *Responsibility for maintenance and approval of program.*

- (a) The city administrator shall maintain an employee classification and compensation program.
- (b) As part of maintaining such a program:
 - (1) The director of human resources and labor relations shall review and update the program annually. Said review and update shall include, but not be limited to, the allocation of new or changed positions and the determination of proper compensation rates pursuant to the provisions of this chapter.
 - (2) The city administrator shall prepare and introduce a yearly budget that reflects the needs of the program.
 - (3) Department heads shall make changes to job descriptions, job titles, and classifications, subject to the approval of the director of human resources and labor relations.
 - (4) The city administrator shall annually review the table of organization described in Section 82-31 of this Code and approve mid-year changes to the table of organization not requiring council approval.
 - (5) The city administrator may approve modifying, adding, or deleting positions to facilitate the needs of the business while maintaining the approved city-wide budget.

Sec. 82-2. *Medical insurance.*

Finances
Personnel

- (a) *Election of retirees to participate.* Eligible employees who retire after January 1, 1977, may participate in the city's medical insurance family, employee plus spouse, employee plus child(ren), or single plan for retirees, subject to the limitations and conditions listed under subsection (c). Such election shall be made on or before the date of retirement. Employees who do not elect coverage at the time of retirement are deemed to have waived their right to participate, subject to continuation rights they may have pursuant to federal and state law."
- (b) *Payment of premiums.* Eligible retirees who elect to participate in the city's medical insurance plan pursuant to subsection (a) shall prepay monthly, via direct deposit, the entire rate for their medical plan coverage, as established from time to time by the city or its insurance carrier, to the finance director/treasurer on or before the fifteenth day of the month preceding coverage. A fee of fifty (\$50.00) dollars shall be added to the established premium for any failure to pay by the fifteenth, including rejection of a direct deposit. Any eligible retiree who fails to pay the premium and all fees by the last day of the month shall be terminated from the plan effective the first day of the following month, absent extraordinary circumstances completely beyond the control of such retiree. In the event a retiree wishes to appeal this decision, he or she may do so, in writing, within thirty days of the fee being charged. Said appeal would be directly to licensing, hearings, and public safety committee.
- (c) *Limitations and conditions:*
- (1) The employee must have reached normal retirement age as determined for annuity computation purposes and must receive a monthly retirement annuity from the Wisconsin Retirement Fund.
 - (2) The employee is not eligible for any other group health insurance while employed elsewhere.
 - (3) When the employee or his spouse becomes eligible for any government-sponsored insurance programs, the coverage shall be changed to a non-duplicating plan.
- (d) *Surviving spouse.* A surviving spouse of an active, disabled or a retired employee may elect to participate in the City of Sheboygan medical benefit plan at his/her own expense, subject to the limitations and conditions listed below, excepting as otherwise set forth in any labor agreements passed by the common council. Said surviving spouse shall not be eligible for dental coverage under the City of Sheboygan plan except as required by applicable law.

- (1) The employee, or retired employee, must have fifteen years or more of continuous City Service and be enrolled in the City of Sheboygan medical benefit plan at the time of his/her death.
- (2) Said election shall be irrevocable and shall be made within thirty days after the date of death of the employee or retired employee and said spouse may remain in the aforementioned plan indefinitely, subject to the other provisions herein.
- (3) Said surviving spouse shall pay, monthly, via direct deposit, the entire rate for medical plan coverage, as established from time to time by the city or its insurance carrier to the finance director/treasurer on or before the fifteenth day of the month preceding coverage. Said payments shall not be reduced by any contractual city contribution for medical plan rates for which the deceased employee or retired employee may have been eligible. Upon failure to pay by the fifteenth, or if the direct deposit rejects, a late payment fee of fifty (\$50.00) dollars shall be added to the established premium. Failure to pay the premium and late payment fee by the last day of the month shall result in termination from the plan effective the first day of the following month, absent extraordinary circumstances totally beyond the control of such surviving spouse as determined by the common council upon recommendation of the finance and personnel committee.
- (4) Coverage under the above plan shall be limited to the surviving spouse and the deceased's legally dependent children, inclusive of unborn, as of the date of the employee's or retired employee's death. Said coverage for the surviving spouse and deceased's legally dependent children shall terminate upon a change in the marital status of the surviving spouse.
- (5) The surviving spouse must sign an affidavit of eligibility upon initial enrollment and may not be eligible for any type of medical plan coverage as a result of being employed elsewhere. Said affidavit must be completed and signed on an annual basis. Lack of response or failure to include factual information in the affidavit will result in the surviving spouse being terminated from the City of Sheboygan medical benefit plan.
- (6) When the surviving spouse becomes eligible for any government-sponsored insurance program, the coverage shall be changed to a non-duplicating plan.

- (7) The terms "dependent" and "disabled" as used herein are as defined in the City's medical benefit plan summary.
- (8) The surviving spouse of employees with less than 15 years of service will be offered coverage as required under applicable law and will be ineligible for further City coverage when the coverage required by law expires.

Sec. 82-3. *False statements, reports.*

No persons shall make any false statement or report with regard to any test, certification or appointment made under any provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and policies.

Sec. 82-4. *Bribery.*

No person shall directly or indirectly give, render, pay, offer, solicit or accept any money, service or valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the city service.

Sec. 82-5. *Political activities.*

- (a) Nothing hereinafter contained shall affect the right of the city employee to hold membership in and support a political party, to vote as he or she chooses, to express privately his or her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.
- (b) No employee shall engage in political activities during regular work hours, nor shall any employee wear his or her uniform, badge or other indicia of office/employment while engaging in political activities.
- (c) No employee shall erect, construct or post political posters on city property or buildings. Political posters shall not be displayed or posted on the private automobiles of employees when parked on city premises furnished to the employee by the city for the parking of such vehicle during regular work hours, except bumper strips on bumpers.
- (d) No person shall directly or indirectly solicit or receive subscriptions, assessments, contributions, or services or any partisan or nonpartisan political purpose from any employee in city service or use his or her influence to coerce the political action

of any employee while such employee is on city premises during any regular working hours.

- (e) Unless otherwise prohibited, any city employee may be a candidate for political office and may actively campaign therefor without jeopardizing his or her employment with the city. (Note: No city employee elected to a city political office may serve in violation of the restrictions contained in Wisconsin Statutes 946.13 and 66.0501).
- (f) For the purposes of this section, political activity shall mean activity calculated to improve or favor the changes of any political party or any person seeking or attempting to hold political office; such definition of political activities shall include but not be limited to campaigning for candidates or political parties, circulating nomination papers, registering voters, collecting contributions or selling fund-raising tickets, distributing campaign material, organizing political rallies or meetings.

Sec. 82-6. *Effect of violations.*

- (a) Any employee who is guilty of a violation of section 82-3 through 82-5 of this chapter shall be subject to disciplinary action which may include demotion, suspension and/or termination of employment.
- (b) An elected official, a department head, or any person who is not an employee of the city who is guilty of a violation of section 82-3 through 82-5 of this chapter shall be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed thirty days.

Sec. 82-7. *Alleged or Apparent Strikers.*

- (a) Employees who may be deemed to be alleged or apparent strikers will not receive their regular pay, sick leave pay, or be permitted plus time pay. All employees who are on an approved vacation which was prescheduled will receive the approved amount of vacation pay. All lost time by strikers shall be reported as absent without leave. All strikers and their agents will be subject to provisions of any appropriate law, applicable rules and regulations, ordinances and contracts covering the prohibition of strikes and absence without leave from assigned jobs and subject to replacement.

(b) Employees are deemed to have refused to work during a strike in the following cases:

- (1) Refusal to cross picket lines with equipment or to obtain equipment.
- (2) Refusal to cross picket line to enter their place of work.
- (3) Refusal to be transported to their place of work by city vehicle even if they are furnished such transportation outside the picket lines.
- (4) Refusal to work because of being in sympathy with the strikers.
- (5) Leaving jobs during the work day to attend union meeting.

The above are examples of reasons for refusal to work. Any unauthorized reason for refusal to work falls into this category even though not stated above. These employees will not receive their regular pay, call-in pay, sick leave pay or be permitted plus time pay. Employees in this category will only be paid for authorized time actually worked.

(c) Employees who are available and willing to work but cannot work for a variety of reasons, such as:

- (1) Lack of equipment.
- (2) Inability to proceed without workers on strike, upon whom they depend for completing their tasks.
- (3) Inclement weather.

These employees whose contract allows for a two-hour call-in pay will be paid that amount, but no additional plus or minus hours will be issued.

(d) The following guidelines are furnished to department heads of union groups with respect to employees in their department who present themselves in the regular way for regular employment during the strike or work stoppage. Any employee in the department who is able and willing to work and presents himself for work in the department at the usual and customary time and place shall be permitted to work conditioned upon the following:

- (1) That the regular or customary work to which such employee is

normally assigned is available and that such employee can discharge his normal duties.

- (2) That the equipment which such employee normally uses is available and operating, if equipment is necessary for such employee normally in the discharge of his duties.

Sec. 82-8. *Application to employees of boards, commissions.*

The classification and compensation provisions of this chapter shall apply to employees of all boards and commissions after the governing bodies thereof so approve by resolution duly adopted.

Sec. 82-9. *"Employee" defined.*

The term "employee" whenever used in this chapter shall include all officers, supervisors, and department and division heads of the city except those excluded under section 82-23.

Secs. 82-10 - 82-20. Reserved.

ARTICLE II. POSITION CLASSIFICATION

Sec. 82-21. *Division of offices.*

All offices in the public service in the city shall be divided into two (2) classes, namely, the classified and unclassified service.

(a) *Unclassified positions.*

- (1) All officials elected by the people.
- (2) Election officials appointed pursuant to Sec. 7.30, Wis. Stats.
- (3) All officers, members or employees of city boards, commissions, utilities or authorities.
- (4) All employees appointed by the mayor and/or common council.
- (5) Other positions designated by the common council as unclassified.
- (6) All employees in the unclassified service except those excluded under section 82-23 shall be governed by this chapter and the same provisions relating to the classified service with respect to hours, paid time off ("PTO"), holidays,

political activities, unlawful acts, all as provided in this chapter.

- (b) *Classified positions.* All other offices and positions not designated otherwise shall be included in the classified service, with the exceptions of such employment or positions relating to temporary, seasonal or part-time work or work created for relief purposes.

Sec. 82-22. *Establishing classifications.*

All positions in the municipal service, except those listed in section 82-23, shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skill, personal qualities, and the same rates of compensation are applicable thereto. The civil service status of positions is not affected by their inclusion or exclusion from the provisions of this section.

Sec. 82-23. *Excluded positions.*

The provisions of this chapter (except sections 82-5 and 82-6) shall not apply to the following offices and positions:

- (a) Officers of the city government who are elected by the voters of the city, except that compensation as provided in section 82-61.
- (b) Members of city boards and commissions and members and employees of city utilities and authorities.
- (c) Officers and employees of the library board.
- (d) Officers and employees subject to the jurisdiction of the municipal water utility department and paid from the funds of such department.

Sec. 82-24. *Hiring of new employees generally.*

- (a) When any department head learns that a vacancy has occurred or is about to occur in any full-time position in the city service in his department, except positions excluded pursuant to Section 82-23, he or she shall forward a written request to the director of human resources and labor relations to fill the vacant position for approval.
- (b) Once approved, the director of human resources and labor relations shall forward the approval to the city administrator, who may make

any modifications to the table of organization (including numbers of employees) and job descriptions he or she deems appropriate which are cost-neutral with regard to the city budget.

- (c) Upon notice from the city administrator that all such changes have been made, the director of human resources and labor relations shall proceed with the hiring process and fill the position. If filling the vacant position necessitates a modification to the budget, the director of human resources and labor relations shall request the finance and personnel committee authorize filling the position as part of the budget transfer process. If the finance and personnel committee fails to approve filling the position, it shall set forth its reasons in writing, and the affected department shall have the right to appeal the decision to deny to the common council.
- (d) The filling of any vacant position pursuant to this section shall be certified in accordance with the following procedure:
 - (1) When filling a vacancy by selection of an eligible candidate from a list established on the basis of an open competitive examination, the appointing authority, subject to the approval of the director of human resources and labor relations, may specify requirements of particular experience, education, skill and/or physical requirements necessary for successful performance. The director of human resources and labor relations shall certify the name or names of those persons categorized as best qualified to fill the vacancy in accordance with these requirements and civil service rules and regulations. The appointing authority shall make his or her appointment from those certified.
 - (2) In promotional examinations, appropriate consideration shall be given to employee qualifications, record of performance and ability.
 - (3) For protective service vacancies, the selection shall be in accordance with police and fire commission regulations and any labor agreement or applicable department policy.
 - (4) The appointing authority, subject to the approval of the director of human resources and labor relations, may make a provisional appointment from an eligible list in accordance with of this subsection even though the incumbent has not yet vacated the position provided approval has been received in accordance with this subsection. The eligible person so appointed will be accorded all the benefits of a regular

appointee and shall retain all rights of certification to the permanent appointment.

Sec. 82-25. Abolition of positions generally.

Whenever in the judgment of the city administrator or the common council it becomes necessary in the interest of economy, lack of work or funds, or other just causes to abolish any position in the classified service, the person filling such position shall cease to be employed. Where the number of employees in a class code is reduced, city administrator may consider seniority, performance appraisals, conduct, skill, and ability in determining the order of layoff, except where otherwise provided for in labor agreements entered into by the city. Qualifications, skill and ability, and work performance are given greater weight than seniority in the event of a reduction in force. If all things are equal, seniority will be the determining consideration. Regarding seniority, years of service as a full-time employee are calculated. Part-time service will be given prorated credit. For example, an employee who worked twenty hours per week average will be given credit for one-half (1/2) year of service.

Sec. 82-26. Agreements authorized.

- (a) The director of human resources and labor relations is authorized and empowered to enter into reciprocal agreement within the approved budgetary limitations for the use of equipment, materials, facilities, and services with any agency or body for the benefit of the public personnel system.
- (b) The director of human resources and labor relations may enter into agreements with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, establishing eligibility lists, labor relations services, and the interchange of personnel.

Sec. 82-27. Class specifications - Purpose and effect.

Each class specification shall outline the main characteristics and qualification requirements of positions in the class and give examples of specific duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks by the department head or designated supervisory personnel.

Sec. 82-28. Class specifications - Statements of qualifications.

The statement of qualifications in a class specification is intended to

be used as a guide in selecting persons for examinations and employment, for preparing examinations and for use in determining the relative value of positions in a class with positions in other classes. In addition, the director of human resources and labor relations will establish minimum standards for all other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency.

Sec. 82-29. *Class specifications - Applying specifications to positions.*

In determining the class to which a position should be allocated, the specification of each class shall be considered in its entirety and in relation to the specifications of the classes in the classification plan.

Sec. 82-30. *Classification plan.*

The classification plan shall consist of the classes referred to in section 82-31, with such changes as may be approved by the council. All positions in each class shall be compensated in accordance with the class grade for each class as shown in section 82-31 and the rates for such class grades referred to in section 82-54.

Sec. 82-31. *List of classes and class specifications.*

The classification schedule shall include a table of organization and compensation grade schedules showing the position title, pay scale, and compensation of all positions of employment in the city service to which the provisions of this section shall apply. An updated copy of said table of organization shall be annually in the non-represented compensation plan. Additionally, a copy of the table of organization shall be kept on file in the city clerk's office.

Secs. 82-32 - 82-50. Reserved.

ARTICLE III. COMPENSATION PLAN

Sec. 82-51. *Compensation limited.*

No provision of this article shall be construed as authorizing any increase in salary or wage during a fiscal year which would result in exceeding appropriations made for such purpose. No city employee shall retain any fees or compensation received by virtue of his employment with the city other than authorized by the common council; such fees shall be paid into the city treasury.

Sec. 82-52. *General payroll procedure.*

The director of human resources and labor relations shall make necessary

changes in the payroll procedure, establish hourly rates based on the number of hours to be worked and the amount earned, and make such other incidental changes not in conflict with this chapter.

Sec. 82-53. Full-time earnings basis.

The biweekly rates of pay are based on full-time employment at normal working hours for the respective classes of positions as referred to in section 82-31; provided, however, that the salaries of non-represented supervisory, professional and administrative positions exempt under the federal Fair Labor Standards Act are fixed according to the responsibilities to be fulfilled and are not based on a fixed number of hours of work per week and shall not be adjusted with variations in work schedules, unless part-time employment is specifically provided.

Sec. 82-54. Salary and wage schedules.

Salary and wage schedules with hourly rates and straight-time yearly rates for a full-time employee (full-time for the calculation of a yearly rate is forty hours per week, 2,080 per year) for all salary grades in the city service to which this article shall be applicable are established and listed in the non-represented compensation program on file in the human resources department.

Sec. 82-55. Base salary of police and fire personnel.

The base salary of police shall include reporting time. In addition, the base salary of police and fire personnel shall include a prorated amount of holiday pay per pay period.

Sec. 82-56. Biweekly payment of earnings.

Except for elected officials and employees covered under a valid collective bargaining agreement providing otherwise, all salaries and wages shall be paid biweekly for salaries and wages earned during the biweekly period preceding the most current biweekly period (i.e. two-week holdback).

Sec. 82-57. Acting pay for non-represented employees.

- (a) When a temporary vacancy occurs of more than two calendar weeks but less than six months in a non-represented position, the director of human resources and labor relations, in consultation with the affected department head, may recommend to the city administrator an appropriate subordinate non-represented employee to fill the position on an acting basis for the duration of the temporary vacancy. Positions in the transit, police and fire departments require the approval of the respective commissions. If the

subordinate is in a lower salary grade while serving in such an acting capacity, the subordinate shall receive additional compensation for the additional work assigned. An increase of ten percent is assigned when acting in full-capacity; a reduced amount will be issued for limited acting duties or when partial duties are assigned. This amount will be issued after a replacement starts in the form of a lump-sum for all acting time. In no case shall the temporary increase in pay be greater than the salary of the person who left.

- (b) Within six months of the beginning of a temporary vacancy, the City Administrator will determine whether the opening will remain or a change in the table of organization needs to be made, and will inform the employee filling the position on an acting basis as to the status of the replacement. The employee may be reclassified to the position he/she is actually performing. In case of such a reclassification, his or her pay will be adjusted to match the new classification based on the employee's performance.

Sec. 82-58. Worker's compensation.

A full-time or permanent part-time city service employee, except an employee of the board of water commissioners, who sustains a compensable injury while performing within the scope of his or her employment as provided by Chapter 102, Wis. Stats. (Worker's Compensation Act), shall receive compensation in accordance with state statutes. The first three days of a lost time injury will be unpaid, after which the employee will receive his/her eligible amount of compensation directly from the city's third party administrator for worker's compensation.

Sec. 82-59. Temporary, seasonal employees.

- (a) Temporary or seasonal employees shall be paid in accordance with the "extra help schedule" and amendments thereto and prepared annually by the director of human resources and labor relations.
- (b) Temporary or seasonal employees who return to the same department and perform essentially the same duties may be advanced in pay within the pay grade based upon satisfactory service and the recommendation of the department head. Returning seasonal employees will not be paid greater than the amount listed as top-pay for "extra help."

Sec. 82-60. Car allowances.

Officers or employees who are required to use their privately owned automobiles in the conduct of city business are entitled to reimbursement on

a per mile basis equal to per mile basis approved by the Internal Revenue Service for income tax purposes. Official increases or decreases announced by the Internal Revenue Service will not be retroactive but shall be effective on the first of the month following the announced increase or decrease by the Internal Revenue Service. To be eligible for reimbursement, an employee must comply with the expense reimbursement policy.

Sec. 82-61. Elected officials.

The finance and personnel committee shall recommend for common council approval the initial salary for all elective positions and any and all in-term increases for same at least thirteen months prior to the election date for each office. The common council shall act on such recommendations and establish the salaries for full-time elective positions not later than the final meeting of the council year preceding the year of election.

Sec. 82-62. Starting rates on initial employment.

Original hires who have all the qualifications to any position shall be offered the minimum pay for that position. In the case where a potential employee has the majority of qualifications, that employee may be offered an amount less than minimum until the point that he/she achieves the qualification, at which time the employee will be brought to the minimum. In the case an employee is hired who already has advanced training and/or experience required for a position, the initial rate offered upon hire may be greater than minimum but no greater than the top of the salary range, subject to the approval from the city administrator for a salary that is at or over market rate/mid-point in the range. At no time will an employee receive greater than the top pay in a salary grade (with the exception of those who whose wage is greater than the maximum salary for that employee's classification and where the position has not been revised to another pay grade; in such a situation, the employee's salary shall be frozen until such time that an adjustment in the market rate causes his or her salary to fall under the maximum for the classification range.

Sec. 82-63. Starting rates on new position.

Whenever an employee is assigned a position not previously held by him and such change is not in the nature of a promotion, he or she shall receive the entrance rate in the range established for such position or such other rate within the applicable range as he or she may be entitled to by reason of crediting him in his new position with such prior service that is found to meet the following conditions: The character and nature of the duties of the position to which the employee was assigned are similar to those of the new position; and the service in the former position provided experience valuable to the performance of the new position.

Sec. 82-64. *Starting rates on promotion.*

In any case where an employee is promoted to a class with a higher pay range, the entrance rates shall be at no-less than the minimum base pay in the applicable range as he or she may be entitled to by reason of crediting him with prior experience that is directly related to the new position, except as otherwise provided for in any labor agreements approved and passed by the council.

Sec. 82-65. *Starting rates on demotion.*

Whenever an employee is demoted to a position for which he or she is qualified, be it voluntary or involuntary, he or she shall be compensated at a rate not less than the minimum pay for the new position.

Sec. 82-66. *Increases in compensation.*

- (a) The director of human resources and labor relations has the authority to identify necessary adjustments to position descriptions. The city administrator must approve any substantive changes to the job description, including salary grade changes necessary to reflect market value.
- (b) Department heads requesting consideration for modifying a salary grade must complete the appropriate reclassification request form to properly document the specific information requested for consideration and keep a record of the reasons for the justified change, if any.

Sec. 82-67. *Continuity of service.*

- (a) Service requirements for advancement within compensation ranges and for other purposes as specified in this article shall have the implication of continuous service, which means employment in the city service without break or interruption. Leaves of absence without pay of less than thirty workdays and leaves with pay shall not be considered interruptions of continuous service, nor shall the length of time of such leaves be deducted from the length of continuous service. However, leave of absence of greater than thirty days may reduce performance increase amounts unless that leave is protected by law, including but not limited to coverage by a qualified Family Medical Leave Act certification or by military leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994.
- (b) Except as otherwise provided under federal or state law and regulations for covered absences for service in the armed forces of

the United States, absences shall not be deducted in compiling total service, but shall not serve in the calculation of current benefits pursuant to continuous service. For example, vacation calculation is earned by actual time worked the previous year. Though the employee will receive his/her original hire date for the vacation scheduled (total number of years served will not be deducted while serving), only the actual time worked on the city job will be used in the prorating of earned vacation upon return from active duty.

- (c) Qualified family medical leave absences (FML) will not disrupt an employee's continuity of service. Any identified pay increase that would have occurred while the employee was out on FML would become effective upon the date of return from the leave, i.e. retroactive pay would not apply.

Sec. 82-68. Overtime for non-represented employees.

- (a) The normal work schedule for full-time, nonexempt employees is five eight-hour periods, totaling forty hours per week. This schedule may be revised as necessary depending on customer and/or city requirements, as determined by management. Each employee needs to work with their supervisor to define the expected hours of work. Employees may need to flex their schedule to maintain a forty hour work week. The time flexed must be approved in advance by management and be contained within a two-week, 80-hour payroll cycle. If an employee flexes their schedule during the forty-hour work week, time worked in excess of eight hours a day can only be taken on an hour-for-hour basis. In other words, if an employee works ten hours on Monday, the additional two hours flexed on Monday may be taken off later in the week at straight-time hours, not time-and-one-half. Employees may not save (bank) additional time off for use in another pay period. If customer and/or city requirements prevent an employee from utilizing their flexed time, the employee will be paid overtime for hours worked in excess of forty-hours in a week. Holiday time issued in a work-week is viewed as work time for the purposes of calculating overtime pay.
- (b) Exempt employees are full-time employees who work a minimum of forty hours per week. Due to the executive, administrative or professional nature of these positions, exempt employees are paid a defined salary for their position rather than an hourly rate. Therefore, if the position requires additional hours (over forty) during the work week, those who hold exempt positions are expected to perform their duties as part of their work week. The additional time worked is considered part of the position expectations and is exempt from overtime pay.

- (c) Overtime compensation for nonexempt salaried and hourly full-time, part-time seasonal and temporary employees will be paid for hours worked in excess of forty hours per week in accordance with applicable laws. Holiday time issued during a week counts as time worked for overtime purposes.
- (d) Exempt employees under the fair labor standards act and elected officials will not receive overtime pay.

Sec. 82-69. *Non-represented, exempt employees.*

The City of Sheboygan adheres to the requirement of the federal Fair Labor Standards Act ("FLSA") relating to the exempt employment status of an employee. To qualify for the executive employee exemption, all of the following tests must be met:

- (a) The employee must be compensated on a salary basis (as defined in the federal regulations related to the FLSA) at a rate not less than \$455 per week;
- (b) The employee's primary duty must be managing the enterprise or managing a customarily recognized department or subdivision of the enterprise;
- (c) The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and,
- (d) The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

The director of human resources and labor relations shall maintain and regularly update a list of each position that qualifies for the executive employee exception under the FLSA.

Sec. 82-70. *Hours of employment.*

- (a) Except as otherwise provided, the standard work week for regular, full-time employees of the city will be forty hours, but this is not construed to mean a guarantee of minimum hours of work or a limitation of the number of hours which the city may require an employee to work.
- (b) The work week, except as otherwise provided, will commence at 12:01 a.m. Sunday morning and end at 11:59 p.m. Saturday night.
- (c) The work day, except as otherwise provided, shall be from 12:01 a.m. to 12:00 midnight.

Sec. 82-71. *Administration and records.*

- (a) In emergencies, a department head may prescribe reasonable periods of overtime work to meet operational needs. Such overtime shall be justified as required by the appointing authority concerned.
- (b) All non-exempt and hourly employees in the city service are required to enter their time worked daily in an electronic timekeeping system under their personal login codes, or complete a timecard and sign the card for authenticity. This may include requests for paid time off.

Sec. 82-72. *Computation generally.*

Overtime payment is based on the employee's regular rate of pay as defined in the federal Fair Labor Standards Act.

Secs. 82-73 - 82-90. Reserved.

ARTICLE IV. LEAVE PROGRAM

Sec. 82-91. *General rules applying to all leaves of absence in this article.*

- (a) *Restrictions on granting.* Leaves of absence shall not be granted to any employee to accept another position or engage in a business venture or to practice a profession or occupation. A leave of absence which has been granted for any other reason shall automatically be terminated should it be found that the employee on such leave has accepted another position or has engaged in a full-time business venture, profession or occupation. These restrictions shall not apply, however, in any of the following situations:

- (1) If the employee affected has been appointed or elected to a position in the service of the City of Sheboygan, County of Sheboygan, State of Wisconsin, or the United States.
 - (2) If the employee in question has been inducted into the Armed Forces of the United States.
- (b) *Failure to return or revocation of leave.* Failure to report at the expiration of a leave of absence or if a leave has been disapproved or revoked shall be cause for separation from active employment (termination of employment) unless a justifiable reason is submitted within ten days after said expiration, disapproval or revocation, which is acceptable to the granting authority concerned.

Sec. 82-92. *Leaves of absence without pay.*

The city administrator may authorize special leaves of absence without pay and fringe benefits on the prescribed form for any period or periods not to exceed three calendar months in any one calendar year for purposes other than provided in this article that are deemed beneficial to the city service.

Sec. 82-93. *Training leave.*

- (a) Leaves of absence with pay may be granted in accordance with subsection (b) for attendance at a college, business school, or training institute for the purpose of training in subjects directly related to the work of the employee and which will benefit the city service.
- (b)
 - (1) For periods not to exceed three calendar weeks in any one calendar year, with the approval of the city administrator.
 - (2) For periods exceeding three calendar weeks but not exceeding twelve calendar weeks, upon the recommendation of the city administrator, subject to the approval of the finance and personnel committee.

Sec. 82-94. *Jury duty.*

Employees who are subpoenaed and serve on jury duty on an involuntary basis on any days which are scheduled workdays for them shall be excused for the time spent in jury service and will receive pay continuation (not to exceed a total of 8 hours per day or forty hours per week) for the time they

actually serve on jury duty, including any time they are required by the court to be immediately available. Employees shall only be eligible for pay continuation on days they are actually ordered to report for jury duty.

- (a) The employee must present proof of jury duty service, stating the dates and hours per day served on jury duty.
- (b) Other than mileage or meal money, employees shall immediately endorse his/her check for such jury service over to the finance director/treasurer for deposit into the proper fund.
- (c) When the employee is excused for jury service, either temporarily or permanently, the employee shall report back to work within one hour to complete his/her shift.

Sec. 82-95. *Departmental leave.*

In addition to other leaves authorized by the provisions of this article, a department head may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten working days in any calendar year.

Sec. 82-96. *Special leave.*

The council, upon the recommendation of the city administrator, may grant leaves of absence with or without pay in excess of the provisions of this article for the purpose of attending extended courses of training at a recognized university or college and for other purposes that are deemed beneficial to the city service.

Sec. 82-97. *Unauthorized absence.*

An employee who is absent from duty shall report the reason therefor to his supervisor prior to the date of absence, when possible, and in no case later than noon on the first day of absence (emergency situations aside). All unauthorized and unreported absences shall be considered absence without leave and deduction of pay shall be made for the period of absence unless the supervisor approves the absence. Unapproved absences may be made the grounds for disciplinary action, up to and including termination, even on the first offense."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

Chapter 82 -- PERSONNEL REGULATIONS AND BENEFITS--

ARTICLE I. - IN GENERAL--

Sec. 82-1. - ~~Responsibility for maintenance and approval of plans-~~
~~program.~~

(a) The ~~common council~~ city administrator shall ~~be responsible for the~~
~~maintenance of the~~ maintain an employee classification and
compensation ~~plans, including~~ program.

(b) As part of maintaining such a program:

~~(a)~~ (1) The director of human resources and labor relations shall
review and update the program annually. Said review and update
shall include, but not be limited to, the allocation of new or
changed positions and the determination of proper compensation
rates ~~within~~ pursuant to the provisions of this chapter.

(2) The ~~common council delegates administrative~~ city administrator
shall prepare and ~~clerical work involved in~~ introduce a yearly
budget that reflects the ~~foregoing~~ needs of the program.

~~(b)~~ (3) Department heads shall make changes to job descriptions, job
titles, and classifications, subject to the approval of the
director of human resources and labor relations.

~~(c)~~ Whenever a significant change is made in the duties and
responsibilities of a position involving either the addition of new
assignments or the taking away or modification of existing
assignments, such changes shall be reported to the director of
human resources and labor relations by the department head
concerned. The director of human resources and labor relations
shall investigate such changes; if they are to be permanent and
warrant reclassification, he/she shall submit the recommendations
to the common council.

(4) The city administrator shall annually review the table of
organization described in Section 82-31 of this Code and
approve mid-year changes to the table of organization not
requiring council approval.

(5) The city administrator may approve modifying, adding, or
deleting positions to facilitate the needs of the business
while maintaining the approved city-wide budget.

Sec. 82-2. - ~~Medical insurance.~~

~~(a)~~ (a) ~~Election of retirees to participate.~~ Eligible employees who
retire after January 1, 1977, may participate in the ~~city's~~ city's
medical insurance family, employee plus spouse, employee plus
child(ren), or single plan for retirees, subject to the limitations

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and conditions listed under subsection (c). Such election shall be made on or before the date of retirement. Employees who do not elect coverage at the time of retirement are deemed to have waived their right to participate, subject to continuation rights they may have pursuant to federal and state law."

- (b) ~~Payment of premiums. Such employees~~ Eligible retirees who elect to participate in the city's medical insurance plan pursuant to subsection (a) shall ~~pay~~prepay monthly, via direct deposit, the entire rate for their medical plan coverage, as established from time to time by the city or its insurance carrier, to the finance director/treasurer on or before the ~~15th~~fifteenth day of the month preceding coverage, and will not benefit by any city contributions ~~except where otherwise provided for in ordinances, resolutions or labor agreements. Upon failure to pay by the fifteenth, or if the direct deposit rejects, a late payment.~~ A fee of \$fifty (\$50.00) dollars shall be added to the established premium. ~~Failure for any failure to pay by the fifteenth, including rejection of a direct deposit. Any eligible retiree who fails to pay the premium and late payment fee~~ all fees by the last day of the month shall ~~result in termination~~be terminated from the plan effective the first day of the following month, absent extraordinary circumstances ~~totally~~completely beyond the control of such ~~employee as determined by the common council upon recommendation of the finance and personnel committee.~~retiree. In the event a retiree wishes to appeal this decision, he or she may do so, in writing, within thirty days of the fee being charged. Said appeal would be directly to licensing, hearings, and public safety committee.

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- (c) ~~Limitations and conditions. Non-represented employees fall into three tiers for consideration of post-employment:~~

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- (e) (1) The employee must have reached normal retirement ~~elections~~age as determined for annuity computation purposes and must receive a monthly retirement annuity from the Wisconsin Retirement Fund.

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- (1) ~~Tier 1. Employees hired prior to December 31, 2011, who would have otherwise been eligible for the retiree benefits then in effect (vested in WRS eligibility) were grandfathered in this benefit category. To qualify as a Tier 1 employee, the employee must have been a non-represented employee on December 31, 2011, have been eligible for retirement under WRS (retirement age) as of December 31, 2011, with a minimum of 15 years of service of which at least the last five years of service had been served as a non-represented employee on or before December 31, 2011. Upon retirement (the term "retirement" as used herein shall mean the employee must be retired under the Wisconsin Retirement System and receiving monthly annuity payments), Tier 1 employees will be eligible to continue on the health insurance plan with the city paying 100 percent of the premium cost for single coverage and 60~~

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~~percent of the premium cost for the family plan with the following stipulations: Exempt employees are eligible for ten years maximum benefit; non-exempt employees are eligible for five years maximum benefit. Health insurance benefits discontinue upon Medicare eligibility, the retiree becoming eligible for other group health insurance as a result of other employment, the retiree turning age 65, or the retiree's death.~~

~~(2) Tier 2. Employees that were non-represented employees as of December 31, 2011, but did not meet the eligibility requirements to qualify as a Tier 1 employee for retirement (that is, was not eligible for retirement under WRS (retirement age) with a minimum of 15 years of service of which at least the last five years of service served as a non-represented employee on or before December 31, 2011). On or after January 1, 2012, upon reaching 15 years of service, with at least five years as a non-represented employee at the time of retirement, the retiree will be eligible to continue on the health insurance plan and will pay 50 percent of the premium contribution for single or family coverage with the following stipulations: Exempt employees are eligible for five years maximum benefit; non-exempt employees are eligible for two and one-half years maximum benefit. Health insurance benefits discontinue upon Medicare eligibility, the retiree becoming eligible for other group health insurance as a result of other employment, the retiree turning age 65, or the retiree's death.~~

~~(3) Tier 3. Newly hired non-represented employees or employees that were new to the "non-represented" employee status as of January 1, 2012, (employees who were previously part of a bargaining group). Upon a qualifying retirement event, these employees will be eligible for COBRA continuation of benefits.~~

(2) The employee is not eligible for any other group health insurance while employed elsewhere.

(3) When the employee or his spouse becomes eligible for any government-sponsored insurance programs, the coverage shall be changed to a non-duplicating plan.

(d) *Surviving spouse.* A surviving spouse of an active, disabled or a retired employee may elect to participate in the City of Sheboygan medical benefit plan at his/her own expense, subject to the limitations and conditions listed below, excepting as otherwise set forth in any labor agreements passed by the common council. Said surviving spouse shall not be eligible for dental coverage under the City of Sheboygan plan except as required by applicable law.

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(1) The employee, or retired employee, must have ~~15~~fifteen

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years or more of continuous ~~city service~~City Service and be enrolled in the City of Sheboygan medical benefit plan at the time of his/her death.

(2)

(2) Said election shall be irrevocable and shall be made within ~~30~~thirty days after the date of death of the employee or retired employee and said spouse may remain in the aforementioned plan indefinitely, subject to the other provisions herein.

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(3)

(3) Said surviving spouse shall pay, monthly, via direct deposit, the entire rate for medical plan coverage, as established from time to time by the city or its insurance carrier to the finance director/treasurer on or before the fifteenth day of the month preceding coverage. Said payments shall not be reduced by any contractual city contribution for medical plan rates for which the deceased employee or retired employee may have been eligible. Upon failure to pay by the fifteenth, or if the direct deposit rejects, a late payment fee of ~~50~~fifty (\$50.00) dollars shall be added to the established premium. Failure to pay the premium and late payment fee by the last day of the month shall result in termination from the plan effective the first day of the following month, absent extraordinary circumstances totally beyond the control of such surviving spouse as determined by the common council upon recommendation of the ~~salaries~~finance and ~~grievances~~personnel committee.

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(4)

(4) Coverage under the above plan shall be limited to the surviving spouse and the ~~deceased's~~deceased's legally dependent children, inclusive of unborn, as of the date of the ~~employee's~~employee's or retired ~~employee's~~employee's death. Said coverage for the surviving spouse and ~~deceased's~~deceased's legally dependent children shall terminate upon a change in the marital status of the surviving spouse.

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(5)

(5) The surviving spouse must sign an affidavit of eligibility upon initial enrollment and may not be eligible for any type of medical plan coverage as a result of being employed elsewhere. Said affidavit must be completed and signed on an annual basis. Lack of response or failure to include factual information in the affidavit will result in the surviving spouse being terminated from the City of Sheboygan medical benefit plan.

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(6) When the surviving spouse becomes eligible for any government-sponsored insurance program, the coverage shall be changed to a non-duplicating plan.

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(7) The terms "dependent" and "disabled" as used herein are as defined in the ~~city's~~City's medical benefit plan summary.

(6) (8) The surviving spouse of employees with less than 15 years of service will be offered coverage as required under applicable law and will be ineligible for further ~~city~~City coverage when the coverage required by law expires.

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Sec. 82-3. ~~Reserved.~~

Sec. 82-4. ~~False statements, reports.~~

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No persons shall make any false statement or report with regard to any test, certification or appointment made under any provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and policies.

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Sec. 82-5. ~~4. Bribery.~~

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No person shall directly or indirectly give, render, pay, offer, solicit or accept any money, service or valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the city service.

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Sec. 82-6. ~~5. Political activities.~~

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(a) (a) Nothing hereinafter contained shall affect the right of the city employee to hold membership in and support a political party, to vote as he or she chooses, to express privately his or her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

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(b) (b) No employee ~~small~~ shall engage in political activities during regular work hours, nor shall any employee wear his or her uniform, badge or other indicia of office/employment while engaging in political activities.

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(c) (c) No employee shall erect, construct or post political posters on city property or buildings. Political posters shall not be displayed or posted on the private automobiles of employees when parked on city premises furnished to the employee by the city for the parking of such vehicle during regular work hours, except bumper strips on bumpers.

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(d) (d) No person shall directly or indirectly solicit or receive subscriptions, assessments, contributions, or services or any partisan or nonpartisan political purpose from any employee in city service or use his or her influence to coerce the political action of any employee while such employee is on city premises during any regular working hours.

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(e) (e) Unless otherwise prohibited, any city employee may be a candidate for political office and may actively campaign therefor without jeopardizing his or her employment with the city. (Note:

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No city employee elected to a city political office may serve in violation of the restrictions contained in ~~Wis.~~Wisconsin Statutes ~~§§~~ 946.13 and 66.0501).

- (f) For the purposes of this section, political activity shall mean activity calculated to improve or favor the changes of any political party or any person seeking or attempting to hold political office; such definition of political activities shall include but not be limited to campaigning for candidates or political parties, circulating nomination papers, registering voters, collecting contributions or selling fund-raising tickets, distributing campaign material, organizing political rallies or meetings.

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Sec. 82-7.—6. *Effect of violations.*—

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- (a) Any employee who is guilty of a violation of ~~sections~~section 82-43 through 82-65 of this chapter shall be subject to disciplinary action which may include demotion, suspension and/or ~~dismissal~~termination of employment.

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- (b) ~~Elected officials,~~ (b) An elected official, a department ~~headshead,~~ or any person who is not an employee of the city who is guilty of a violation of ~~sections~~section 82-43 through 82-65 of this chapter shall be subject to a forfeiture of not less than ~~\$~~ifty dollars (\$50.00) nor more than ~~\$~~two hundred fifty dollars (\$250.00~~),~~ together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed ~~30~~thirty days.

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Sec. 82-8.—7. *Alleged or apparent strikers.*— *Apparent Strikers.*

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- (a) Employees who may be deemed to be alleged or apparent strikers will not receive their regular pay, sick leave pay, or be permitted plus time pay. All employees who are on an approved vacation which was prescheduled will receive the approved amount of vacation pay. All lost time by strikers shall be reported as absent without leave. All strikers and their agents will be subject to provisions of any appropriate law, applicable rules and regulations, ordinances and contracts covering the prohibition of strikes and absence without leave from assigned jobs and subject to replacement.

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- (b) Employees are deemed to have refused to work during a strike in the following cases:

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- (1) Refusal to cross picket lines with equipment or to obtain equipment.

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- (2) Refusal to cross picket line to enter their place of work.

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- (3) (3) Refusal to be transported to their place of work by city vehicle even if they are furnished such transportation outside the picket lines.
- (4) (4) Refusal to work because of being in sympathy with the strikers.
- (5) (5) Leaving jobs during the work day to attend union meeting.

The above are examples of reasons for refusal to work. Any unauthorized reason for refusal to work falls into this category even though not stated above. These employees will not receive their regular pay, call-in pay, sick leave pay or be permitted plus time pay. Employees in this category will only be paid for authorized time actually worked.

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(e) (c) Employees who are available and willing to work but cannot work for a variety of reasons, such as:

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- (1) (1) Lack of equipment.
- (2) (2) Inability to proceed without workers on strike, upon whom they depend for completing their tasks.
- (3) (3) Inclement weather.

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These employees whose contract allows for a two-hour call-in pay will be paid that amount, but no additional plus or minus hours will be issued.

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(d) The following guidelines are furnished to department heads of union groups with respect to employees in their department who present themselves in the regular way for regular employment during the strike or work stoppage. Any employee in the department who is able and willing to work and presents himself for work in the department at the usual and customary time and place shall be permitted to work conditioned upon the following:

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(1) That the regular or customary work to which such employee is normally assigned is available and that such employee can discharge his normal duties.

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(2) That the equipment which such employee normally uses is available and operating, if equipment is necessary for such employee normally in the discharge of his duties.

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Sec. 82-9. 8. Application to employees of boards, commissions.-

The classification and compensation provisions of this chapter shall apply to employees of all boards and commissions after the governing bodies thereof so approve by resolution duly adopted.

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Sec. 82-10. — 9. "Employee" defined. —

The term "employee" whenever used in this chapter shall include all officers, supervisors, and department and division heads of the city except those excluded under section 82-23.

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Secs. 82-11-82-20. — Reserved. —

ARTICLE II. — POSITION CLASSIFICATION —

Sec. 82-21. — Division of offices. —

All offices in the public service in the city shall be divided into two (2) classes, namely, the classified and unclassified service.

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(a) (a) Unclassified positions.

- (1) All officials elected by the people.
- (2) Election officials appointed pursuant to Sec. 7.30, Wis. Stats. ~~§ 7.30.~~
- (3) All officers, members or employees of city boards, commissions, utilities or authorities.
- (4) All employees appointed by the mayor and/or common council, ~~with the exception of the position of secretary to the mayor.~~
- (5) Other positions designated by the common council as unclassified.
- (6) All employees in the unclassified service except those excluded under section 82-23 shall be governed by this chapter and the same provisions relating to the classified service with respect to hours, paid time off ~~("PTO")~~, holidays, political activities, unlawful acts, all as provided in this chapter.

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(b) (b) Classified positions. All other offices and positions not designated otherwise shall be included in the classified service, with the exceptions of such employment or positions relating to temporary, seasonal or part-time work or work created for relief purposes.

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Sec. 82-22. — Establishing classifications. —

All positions in the municipal service, except those listed in section 82-23, shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skill, personal qualities, and the same rates of compensation are

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applicable thereto. The civil service status of positions is not affected by their inclusion or exclusion from the provisions of this section.

Sec. 82-23. ~~Excluded positions.~~

The provisions of this chapter (except sections 82-65 and 82-76) shall not apply to the following offices and positions:

- (a) Officers of the city government who are elected by the voters of the city, except that compensation as provided in section 82-61.
- (b) Members of city boards and commissions and members and employees of city utilities and authorities.
- (c) Officers and employees of the library board.
- ~~(d) Harbor master.~~
- (e) (d) Officers and employees subject to the jurisdiction of the municipal water utility department and paid from the funds of such department.

Sec. 82-24. ~~Allocating existing positions.~~

~~The allocation of individual positions to standard classes and any reallocations which may be required subsequently shall be made by the common council.~~

Sec. 82-25. ~~Hiring of new employees generally.~~

- (a) When any department head learns that a vacancy has occurred or is about to occur in any full-time position in the city service in his or her department, except ~~those employees of city boards, utilities or authorities,~~ positions excluded pursuant to Section 82-23, he or she shall forward a written request, ~~along with the city administrator's recommendation, justifying the filling of the vacancy to the~~ to the director of human resources department. ~~If and labor relations to fill the vacant position is already part of the department's~~ for approval.
- (b) Once approved, the director of human resources and labor relations shall forward the approval to the city administrator, who may make any modifications to the table of organization ~~and included in the~~ (including numbers of employees) and job descriptions he or she deems appropriate which are cost-neutral with regard to the city budget.
- (c) Upon notice from the city administrator that all such changes have been made, the director of human resources ~~department may~~ and labor relations shall proceed with the hiring process and fill the position. ~~If filling the vacant position is not budgeted, approval needs to be granted by~~ necessitates a modification to the budget,

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the director of human resources and labor relations shall request the finance and personnel committee. ~~Within 30 days after receipt of such request, the finance and personnel committee shall approve or reject the request in writing. If refused, authorize filling the reason should be stated for such refusal. Any department head may appeal any decision made under this section to the common council. If approved by either the position as part of the budget transfer process. If the finance and personnel committee or fails to approve filling the position, it shall set forth its reasons in writing, and the affected department shall have the right to appeal the decision to deny to the common council, certification.~~

(a)(d) The filling of any vacant position pursuant to this section shall be ~~made~~certified in accordance with the following procedure:

(1) When filling a vacancy by selection of an eligible candidate from a list established on the basis of an open competitive examination, the appointing authority, subject to the approval of the director of human resources and labor relations, may specify requirements of particular experience, education, skill and/or physical requirements necessary for successful performance. The director of human resources and labor relations shall certify the name or names of those persons categorized as best qualified to fill the vacancy in accordance with these requirements and civil service rules and regulations. The appointing authority shall make ~~the~~his or her appointment from those certified.

(2) In promotional examinations, appropriate consideration shall be given to employee qualifications, record of performance and ability.

(3) For protective service vacancies, the selection shall be in accordance with police and fire commission regulations and any labor agreement or applicable department policy.

(4) The appointing authority, subject to the approval of the director of human resources and labor relations, may make a provisional appointment from an eligible list in accordance with ~~items (1) or (2) of this subsection (a) even though the incumbent has not yet vacated the position provided approval has been received in accordance with this subsection (a).~~. The eligible person so appointed will be accorded all the benefits of a regular appointee and shall retain all rights of certification to the permanent appointment.

Sec. 82-26. ~~25.~~ *Abolition of positions generally.*

Whenever in the judgment of the city administrator or the common council it becomes necessary in the interest of economy, lack of work or funds, or other just causes to abolish any position in the classified service, the person filling such position shall cease to be employed. Where the number of

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employees in a class code is reduced, ~~the appointing authority shall~~city administrator may consider seniority, performance appraisals, conduct, skill, and ability in determining the order of layoff, except where otherwise provided for in labor agreements entered into by the city. Qualifications, skill and ability, and work performance are given greater weight than seniority in the event of a reduction in force. If all things are equal, seniority will be the determining consideration. Regarding seniority, years of service as a full-time employee are calculated. Part-time service will be given prorated credit. For example, an employee who worked ~~20~~twenty hours per week average will be given credit for one-half- (1/2) year of service.

Sec. 82-27. ~~26.~~ Agreements authorized.

(a) The director of human resources and labor relations is authorized and empowered to enter into reciprocal agreement within the approved budgetary limitations for the use of equipment, materials, facilities, and services with any agency or body for the benefit of the public personnel system.

(b) The director of human resources and labor relations may enter into agreements with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, establishing eligibility lists, labor relations services, and the interchange of personnel.

Sec. 82-28. ~~27.~~ Class specifications - Purpose and effect.

Each class specification shall outline the main characteristics and qualification requirements of positions in the class and give examples of specific duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks by the department head or designated supervisory personnel.

Sec. 82-29. ~~28.~~ Class specifications - Amendments.

~~Class specifications for newly created positions shall be approved by the common council. Any additions or deletions in the class specifications which change the class grade or any substantive changes in the minimum requirements of existing positions shall also be approved by the common council. Other changes in the class specification shall be made by the finance and personnel committee.~~

Sec. 82-30. ~~Class specifications - Statements of qualifications.~~

The statement of qualifications in a class specification is intended to be used as a guide in selecting persons for examinations and employment, for preparing examinations and for use in determining the relative value of positions in a class with positions in other classes. In addition, the director of human resources and labor relations will establish minimum standards for all other factors as may be held to relate to the ability of

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the candidate to perform with reasonable efficiency.

Sec. 82-31. ~~29.~~ *Class specifications - Applying specifications to positions.*

In determining the class to which a position should be allocated, the specification of each class shall be considered in its entirety and in relation to the specifications of the classes in the classification plan.

Sec. 82-32. ~~30.~~ *Classification plan.*

The classification plan shall consist of the classes referred to in section 82-~~33~~31, with such changes as may be approved by the council. All positions in each class shall be compensated in accordance with the class grade for each class as shown in section 82-~~33~~31 and the rates for such class grades referred to in section 82-54.

Sec. 82-33. ~~31.~~ *List of classes and class specifications.*

The ~~occupational list of classes~~ (classification schedule shall include a table of organization) and compensation grade schedules showing the ~~class~~ position title, ~~class grade~~ pay scale, and compensation ~~grades~~ of ~~the~~ all positions of employment in the city service to which the provisions of this section shall apply ~~are set forth and numbered as section 82-33~~. An updated copy of said table of organization shall be annually in the ~~supplement to this Code~~ non-represented compensation plan. Additionally, a copy of the table of organization shall be kept on file in the city ~~clerk's~~ clerk's office.

Secs. 82-32 - 82-~~34~~82-50. - Reserved.

ARTICLE III. - COMPENSATION PLAN

Sec. 82-51. - *Compensation limited.*

No provision of this article shall be construed as authorizing any increase in salary or wage during a fiscal year which would result in exceeding appropriations made for such purpose. No city employee shall retain any fees or compensation received by virtue of his employment with the city other than authorized by the common council; such fees shall be paid into the city treasury.

Sec. 82-52. - *General payroll procedure.*

The director of human resources and labor relations shall make ~~such~~ necessary changes in the payroll procedure, establish hourly rates based on the number of hours to be worked and the amount earned, and make such other incidental changes not in conflict with this chapter.

Sec. 82-53. - *Full-time earnings basis.*

The biweekly rates of pay are based on full-time employment at normal

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working hours for the respective classes of positions as referred to in section 82-3331; provided, however, that the salaries of non-represented supervisory, professional and administrative positions ~~listed as department and division heads in section 82-70~~ exempt under the federal Fair Labor Standards Act are fixed according to the responsibilities to be fulfilled and are not based on a fixed number of hours of work per week and shall not be adjusted with variations in work schedules, unless part-time employment is specifically provided.

Sec. 82-54. - *Salary and wage schedules.*

Salary and wage schedules with hourly rates and straight-time yearly rates for a full-time employee (full-time for the calculation of a yearly rate is 40 forty hours per week, 2,080 per year) for all salary grades in the city service to which this article shall be applicable are established and listed in the non-represented compensation program on file in the human resources department.

Sec. 82-55. - *Base salary of police, and fire personnel.*

The base salary of police shall include reporting time. In addition, the base salary of police and fire personnel shall include a prorated amount of holiday pay ~~and reporting time~~ per pay period.

Sec. 82-56. - *Biweekly payment of earnings.*

Except for elected officials and employees covered under a valid collective bargaining agreement providing otherwise, all salaries and wages shall be paid biweekly for salaries and wages earned during the biweekly period preceding the most current biweekly period (i.e. two-week holdback).

Sec. 82-57. - *Acting pay for non-represented employees.*

(a) When a temporary vacancy occurs of more than two calendar weeks but less than six months, in a non-represented position, the director of human resources and labor relations, in consultation with the affected department head, may recommend to ~~chief administrative officer~~ the city administrator an appropriate subordinate non-represented employee to fill the position on an "acting" basis for the duration of the temporary vacancy. Positions in the transit, police and fire departments require the approval of the respective commissions. If the subordinate is in a lower salary grade, while serving in such an "acting" capacity, the subordinate shall receive additional compensation for the additional work assigned. ~~When partial responsibilities are assigned, a five percent~~ An increase will be awarded (five percent of the acting employee's current pay). ~~For full duty assigned responsibilities, a ten percent increase will be awarded.~~ is assigned when acting in full-capacity; a reduced amount will be issued for limited acting duties or when partial duties are assigned. This amount will be issued ~~until~~ after a full-time replacement has been named and starts in the form of a lump-sum for all acting time. In no case shall the

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temporary increase in pay be greater than the salary of the person who left.

- (b) ~~After one year,~~ (b) Within six months of the beginning of a temporary vacancy, the City Administrator will determine whether the opening will remain or a change in the table of organization needs to be made, and will inform the employee ~~shall~~ filling the position on an acting basis as to the status of the replacement. The employee may be reclassified to the position he/she is actually performing. In case of such a reclassification, his or her pay will be adjusted to match the new ~~position, and classification~~ based on the ~~employee's~~ employee's performance ~~shall be reevaluated for pay purposes.~~

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Sec. 82-58. ~~Worker's~~ Worker's compensation.

A full-time or permanent part-time city service employee, except ~~those employees~~ an employee of the board of water commissioners, who sustains a compensable injury while performing within the scope of his or her employment as provided by ~~W.S.A. Ch. Chapter~~ 102, Wis. Stats. ~~(Worker's~~ Worker's Compensation Act), shall receive compensation in accordance with state statutes. The first three days of a lost time injury will be unpaid, after which the employee will receive his/her eligible amount of compensation directly from the ~~city's~~ city's third party administrator for ~~worker's~~ worker's compensation.

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Sec. 82-59. ~~Temporary, seasonal employees.~~

- (a) Temporary or seasonal employees shall be paid in accordance with the ~~"extra help schedule"~~ and amendments thereto ~~as passed and prepared~~ annually by the ~~common council and filed in the~~ director of human resources ~~department~~ and labor relations.

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- (b) Temporary or seasonal employees who return to the same department and perform essentially the same duties, may be advanced in pay within the pay grade based upon satisfactory service and the recommendation of the department head. Returning seasonal employees will not be paid greater than the amount listed as top-pay for ~~"extra help."~~

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Sec. 82-60. ~~Car allowances.~~

Officers or employees who are required to use their privately owned automobiles in the conduct of city business are entitled to reimbursement on a per mile basis equal to per mile basis approved by the Internal Revenue Service for income tax purposes. Official increases or decreases announced by the Internal Revenue Service will not be retroactive but shall be effective on the first of the month following the announced increase or decrease by the Internal Revenue Service. To be eligible for reimbursement, an employee must comply with the expense reimbursement policy.

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Sec. 82-61. ~~Elected officials.~~

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The finance and personnel committee shall recommend for common council approval the initial salary for all ~~full-time~~ elective positions and any and all in-term increases for same at least ~~13~~thirteen months prior to the election date for each office. The common council shall act on such recommendations and establish the salaries for full-time elective positions not later than the final meeting of the council year preceding the year of election.

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Sec. 82-62. ~~Adjustment.~~ *Starting rates on initial employment.*

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~~The biweekly and hourly rates for different classes of positions which are prescribed in this article shall be changed only upon amendment by the common council.~~

Sec. 82-63. ~~Starting rates on initial employment.~~

Original hires who have all the qualifications to any position shall be offered the minimum pay for that position. In the case where a potential employee has the majority of qualifications, that employee may be offered an amount less than minimum until the point that he/she achieves the qualification, at which time the employee will be brought to the minimum. In the case an employee is hired who already has advanced training and/or experience required for a position, the initial rate offered upon hire may be greater than minimum but ~~will be within~~ no greater than the ~~range~~ top of a position. ~~At any time a the salary offer is identified that is greater than midpoint of a salary range, the director of human resources and labor relations must attain advance~~ range, subject to the approval from the ~~finance and personnel committee~~ city administrator for a salary that is at or over market rate/mid-point in the range. At no time will an employee receive greater than the top pay in a salary grade (with the exception of those who whose wage is greater than the maximum salary for that employee's classification and where the position has not been revised to another pay grade; in such a situation, the employee's salary shall be frozen until such time that an adjustment in the market rate causes his or her salary to fall under the maximum for the classification range.

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Sec. 82-64. ~~63.~~ *Starting rates on new position.*

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Whenever an employee is assigned a ~~duty in a~~ position not previously held by him and such change is not in the nature of a promotion, he or she shall receive the entrance rate in the range established for such position or such other rate within the applicable range as he or she may be entitled to by reason of crediting him in his new position with such prior service that is found to meet the following conditions: The character and nature of the duties of the position to which the employee was assigned are similar to those of the new position; and the service in the former position provided experience valuable to the performance of the new position.

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Sec. 82-65. ~~64.~~ *Starting rates on promotion.*

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In any case where an employee is promoted to a class with a higher pay

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range, the entrance rates shall be at no-less than the minimum base pay in the applicable range as he or she may be entitled to by reason of crediting him with prior experience that is directly related to the new position, except as otherwise provided for in any labor agreements approved and passed by the council.

Sec. 82-~~66~~-65. *Starting rates on demotion.*

Whenever an employee is demoted to a position for which he or she is qualified, be it voluntary or involuntary, he or she shall ~~receive~~ be compensated at a ~~decrease in pay of \$1.25 per hour, but~~ rate not less than the minimum pay for the new position.

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Sec. 82-~~67~~-66. *Increases in compensation.*

(a) The director of human resources and labor relations has the authority to identify ~~minor~~ necessary adjustments to position descriptions ~~without approval from the finance and personnel committee and/or council. However, major~~. The city administrator must approve any substantive changes in position descriptions which subsequently modify the salary grades to city employees the job description, including ~~department heads and supervisory personnel, shall be approved by both the finance and personnel committee and by the common council.~~ salary grade changes necessary to reflect market value.

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(b) Department heads requesting consideration for modifying a salary grade must complete the appropriate reclassification request form to properly document the specific information requested for consideration and keep a record of the reasons for the justified change, if any.

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Sec. 82-~~68~~-67. *Continuity of service.*

(a) Service requirements for advancement within compensation ranges, and for other purposes as specified in this article, shall have the implication of continuous service, which means employment in the city service without break or interruption. Leaves of absence without pay of less than ~~30 workdays and leaves with pay shall not interrupt continuous service nor be deducted therefrom~~ thirty workdays and leaves with pay shall not be considered interruptions of continuous service, nor shall the length of time of such leaves be deducted from the length of continuous service. However, leave of absence of greater than thirty days may reduce performance increase amounts unless that leave is protected by law, including but not limited to coverage by a qualified Family Medical Leave Act certification or by military leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994.

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(b) Except as otherwise provided under federal or state law and regulations for covered absences for service in the ~~Armed~~

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Forces armed forces of the United States, absences shall not be deducted in compiling total service, but shall not serve in the calculation of current benefits pursuant to continuous service. For example, vacation calculation is earned by actual time worked the previous year. Though the employee will receive his/her original hire date for the vacation scheduled (total number of years served will not be deducted while serving), only the actual time worked on the city job will be used in the prorating of earned vacation upon return from active duty.

- (e) (c) Qualified family medical leave absences (FML) will not disrupt an ~~employee's~~ employee's continuity of service. Any identified pay increase that would have occurred while the employee was out on FML would become effective upon the date of return from the leave, i.e. retroactive pay would not apply.

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Sec. 82-69. ~~68.~~ *Overtime for non-represented employees.*

- (a) The normal work schedule for full-time, nonexempt employees is five eight-hour periods, totaling ~~40~~forty hours per week. This schedule may be revised as necessary depending on customer and/or city requirements, as determined by management. Each employee needs to work with their supervisor to define the expected hours of work. Employees may need to flex their schedule to maintain a ~~40~~forty hour work week. The time flexed must be approved in advance by management and be contained within a two-week, 80-hour payroll cycle. If an employee flexes their schedule during the ~~40~~forty-hour work week, time worked in excess of eight hours a day can only be taken on an hour-for-hour basis. In other words, if an employee works ten hours on Monday, the additional two hours flexed on Monday may be taken off later in the week at straight-time hours, not time-and-one-half. Employees may not save (bank) additional time off for use in another pay period. If customer and/or city requirements prevent an employee from utilizing their flexed time, the employee will be paid overtime for hours worked in excess of ~~40 hours in a week~~forty-hours in a week. Holiday time issued in a work-week is viewed as work time for the purposes of calculating overtime pay.

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- (b) Exempt employees are full-time employees who ~~normally~~ work a minimum of ~~40~~forty hours per week. Due to the executive, administrative or professional nature of these positions, exempt employees are paid a defined salary for their position rather than an hourly rate. Therefore, if the position requires additional hours (over ~~40~~forty) during the work week, those who hold exempt positions are expected to perform their duties as part of their work week. The additional time worked is considered part of the position expectations and is exempt from overtime pay.

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- (c) Overtime compensation for nonexempt salaried and hourly full-time, part-time seasonal and temporary employees will be paid for hours worked in excess of ~~40~~forty hours per week in accordance with

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applicable laws. Holiday time issued during a week counts as time worked for overtime purposes.

(d) Exempt employees under the fair labor standards act and elected officials will not receive overtime pay.

Sec. 82-70. — 69. *Non-represented, exempt employees.* —

The following non-represented employees are exempt under the City of Sheboygan adheres to the requirement of the federal Fair Labor Standards Act:

~~Attorney Department~~

~~City attorney (elected)~~

~~Assistant city attorney~~

~~Assessor Department~~

~~City assessor~~

~~City Administrator Department~~

~~City administrator~~

~~Finance Department~~

~~Finance director~~

~~Comptroller/treasurer~~

~~Auditor/analyst~~

~~Accountant~~

~~Public Works Department~~

~~Director of public works~~

~~City engineer~~

~~Superintendent — WWTP~~

~~Superintendent of streets~~

~~Superintendent ("FLSA") relating to the exempt employment status of parks~~

~~Superintendentan employee. To qualify for the executive employee exemption, all of buildings and grounds the following tests must be met:~~

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~~Maintenance supervisor — WWTP~~

~~Vehicle and equipment supervisor~~

~~Supervisor of operations — Streets~~

~~Environmental engineer~~

~~Chemist — WWTP~~

~~Naturalist~~

~~Fire Department~~

~~Fire chief~~

~~Assistant fire chief~~

~~Deputy chief~~

~~Battalion chief~~

~~City Clerk's Department~~

~~City clerk (elected)~~

~~Police Department~~

~~Chief of police~~

~~Administrative assistant/office supervisor~~

~~Human Resources Department~~

- ~~Director~~ (a) The employee must be compensated on a salary basis (as defined in the federal regulations related to the FLSA) at a rate not less than \$455 per week;
- (b) The employee's primary duty must be managing the enterprise or managing a customarily recognized department or subdivision of the enterprise;
- (c) The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and,
- (d) The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

The director of human resources

~~Benefits analyst~~

~~City Development Department~~

~~Director of city development~~

~~Planning and zoning manager~~

~~Community development specialist~~

~~Neighborhood development planner~~

~~Information Technology Department~~

~~Information technology director~~

~~Systems analyst~~

~~TV programmer director — WSCS~~

~~TV production coordinator — WSCS~~

~~Parking and Transit Utility~~

~~Director of parking~~ labor relations shall maintain and ~~transit~~

~~Transit operations supervisor/dispatch~~

~~Senior Services Department~~

~~Director~~ regularly update a list of ~~senior services~~ each position that qualifies for the executive employee exception under the FLSA.

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~~Municipal Court~~

~~PT municipal court judge (elected)~~

~~Mayor's Office~~

~~Mayor (elected)~~

Sec. 82-71. → 70. Hours of employment.

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(a) Except as otherwise provided, the standard work week for regular, full-time employees of the city will be ~~40~~forty hours, but this is not construed to mean a guarantee of minimum hours of work or a limitation of the number of hours which the city may require an employee to work.

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(b) The work week, except as otherwise provided, will commence at 12:01 a.m. Sunday morning and end at 11:59 p.m. Saturday night.

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(e) (c) The work day, except as otherwise provided, shall be from 12:01 a.m. to 12:00 midnight.

Sec. 82-72.—71. *Administration and records.*—

(a) (a) In emergencies, a department head may prescribe reasonable periods of overtime work to meet operational needs. Such overtime shall be justified as required by the appointing authority concerned.

(b) (b) All non-exempt and hourly employees in the city service are required to enter their time worked daily in an electronic timekeeping system under their personal login codes, or complete a timecard and sign the card for authenticity. This may include requests for paid time off.

Sec. 82-73.—72. *Computation generally.*—

Overtime payment is based on the ~~employee's~~employee's regular rate of pay as defined in the federal Fair Labor Standards Act.

Secs. 82-74-73 - 82-90. - Reserved.—

ARTICLE IV. - LEAVE PROGRAM—

Sec. 82-91. - *General rules applying to all leaves of absence in this article.*—

(a) (a) *Restrictions on granting.* Leaves of absence shall not be granted to any employee to accept another position or engage in a business venture or to practice a profession or occupation. A leave of absence which has been granted for any other reason shall automatically be terminated should it be found that the employee on such leave has accepted another position or has engaged in a full-time business venture, profession or occupation. These restrictions shall not apply, however, in any of the following situations:

(1) (1) If the employee affected has been appointed or elected to a position in the service of the City of Sheboygan, County of Sheboygan, State of Wisconsin, or the United States.

(2) (2) If the employee in question has been inducted into the Armed Forces of the United States.

(b) (b) *Failure to return or revocation of leave.* Failure to report at the expiration of a leave of absence or if a leave has been disapproved or revoked shall be cause for separation from active employment (termination of employment) unless a justifiable reason is submitted within ten days after said expiration, disapproval or revocation, which is acceptable to the granting authority

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concerned.

Sec. 82-92. - *Leaves of absence without pay.*-

The ~~chief administrative officer~~ city administrator may authorize special leaves of absence without pay and fringe benefits on the prescribed form for any period or periods not to exceed three calendar months in any one calendar year for purposes other than provided in this article that are deemed beneficial to the city service.

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Sec. 82-93. - *Training leave.*-

(a) (a) Leaves of absence with pay may be granted in accordance with subsection (b) for attendance at a college, business school, or training institute for the purpose of training in subjects directly related to the work of the employee and which will benefit the city service.

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~~(b)~~

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(b)

(1) For periods not to exceed three calendar weeks in any one calendar year, with the approval of the city administrator.

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(2) (2) For periods exceeding three calendar weeks but not exceeding ~~12~~twelve calendar weeks, upon the recommendation of the city administrator, subject to the approval of the finance and personnel committee.

Sec. 82-94. - *Jury duty.*-

Employees who are subpoenaed and serve on jury duty on an involuntary basis on any days which are scheduled workdays for them shall be excused for the time spent in jury service and ~~shall receive their regular rate of pay for said time served on jury duty, not to exceed 60 days per calendar year, subject to the following provisions:~~ will receive pay continuation (not to exceed a total of 8 hours per day or forty hours per week) for the time they actually serve on jury duty, including any time they are required by the court to be immediately available. Employees shall only be eligible for pay continuation on days they are actually ordered to report for jury duty.

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(a) The employee must present proof of jury duty service, stating the dates and hours per day served on jury duty.

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(b) ~~The employee~~ Other than mileage or meal money, employees shall immediately endorse his/her check for such jury service over to the finance director/treasurer for deposit into the proper fund.

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(c) When the employee is excused ~~from~~for jury service, either temporarily or permanently, the employee shall report back to work

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within one hour to complete his/her shift.

Sec. 82-95. - *Departmental leave.*—

In addition to other leaves authorized by the provisions of this article, a department head may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten working days in any calendar year.

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Sec. 82-96. - *Special leave.*—

The council, upon the recommendation of the ~~chief administrative officer~~city administrator, may grant leaves of absence with or without pay in excess of the provisions of this article for the purpose of attending extended courses of training at a recognized university or college and for other purposes that are deemed beneficial to the city service.

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Sec. 82-97. - *Unauthorized absence.*—

An employee who is absent from duty shall report the reason therefor to his supervisor prior to the date of absence, when possible, and in no case later than noon on the first day of absence (emergency situations aside). All unauthorized and unreported absences shall be considered absence without leave and deduction of pay shall be made for the period of absence unless the supervisor approves the absence. Unapproved absences may be made the grounds for disciplinary action, up to and including termination, even on the first offense.

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CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: R.O. No. 7-19-20 is a claim from John Potter for alleged damages to his vehicle and R.O. No. 78-19-20 is a claim from Stephen Schnabel for alleged damages to his vehicle.

REPORT PREPARED BY: Laurie Suhrke, Auditor/Analyst

REPORT DATE: February 2, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

R.O. No. 7-19-20 is a claim from John Potter for \$1,009.00 in alleged damages to his vehicle.

R.O. No. 78-19-20 is a claim from Stephen Schnabel for \$1,618.58 in alleged damages to his vehicle.

STAFF COMMENTS:

City staff has reviewed the following claim and under the authorization by the Common Council, Res. No. 64-17-18, the City of Sheboygan has settled R.O. No. 7-19-20, John Potter, in the amount of \$985.37 and R.O. No. 78-19-20, Stephen Schnabel, in the amount of \$1,463.12

ACTION REQUESTED:

Motion to recommend the Common Council receive and file the following documents:

R.O. No. 7-19-20 John Potter

R.O. No. 78-19-20 Stephen Schnabel

ATTACHMENTS:

- I. R.O. No. 7-19-20
- II. R.O. No. 78-19-20

II

33

R. O. No. 7 - 19 - 20. By CITY CLERK. May 6, 2019.

Submitting a pending claim from John Potter for alleged damages to his vehicle when it was struck by an ambulance.

*Finance
Personnel*

CITY CLERK

II

32

R. O. No. 78 - 19 - 20. By CITY CLERK. September 16, 2019.

Submitting a claim from Stephen Schnabel for alleged damages to his vehicle when a City owned truck backed into it.

*Finance
Personnel*

CITY CLERK

CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: R.O. No. 54-19-20 is a claim from Jason McCoy for alleged damages to his vehicle, R.O. No. 70-19-20 is a claim from John Neuendorf for alleged damages to his boat, R.O. No. 72-19-20 is a claim from Laura Spalinger for alleged damages to her vehicle, R.O. No. 77-19-20 is a claim from Progressive Casualty Insurance Company on behalf of Alfonso Consecro for alleged damages to their claimant's vehicle, R.O. No. 85-19-20 is a claim from Jane Stewart for alleged damages to her vehicle, R.O. 108-19-20 is a claim from Mel Arentsen for alleged damages to his property.

REPORT PREPARED BY: Laurie Suhrke, Auditor/Analyst

REPORT DATE: February 2, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

R.O. No. 54-19-20 is a claim from Jason McCoy for alleged damages to vehicle.

R.O. No. 70-19-20 is a claim from John Neuendorf for alleged damages to boat.

R.O. No. 72-19-20 is a claim from Laura Spalinger for alleged damages to vehicle.

R.O. No. 77-19-20 is a claim from Progressive Casualty Insurance Company on behalf of Alfonso Consecro for alleged damages to claimant's vehicle.

R.O. No. 85-19-20 is a claim from Jane Stewart for alleged damages to vehicle.

R.O. 108-19-20 is a claim from Mel Arentsen for alleged damages to property.

STAFF COMMENTS:

City staff has reviewed the above claims and under the authorization by the Common Council, Resolution No. 64-17-18, the City of Sheboygan has denied all claims listed above.

ACTION REQUESTED:

Motion to recommend the Common Council receive and file the following documents:

R.O. No. 54-19-20 Jason McCoy.

R.O. No. 70-19-20 John Neuendorf.

R.O. No. 72-19-20 Laura Spalinger.

R.O. No. 77-19-20 Progressive Casualty Insurance Company.

R.O. No. 85-19-20 Jane Stewart.
R.O. 108-19-20 Mel Arentsen.

ATTACHMENTS:

- I. R.O. No. 54-19-20
- II. R.O. No. 70-19-20
- III. R.O. No. 72-19-20
- IV. R.O. No. 77-19-20
- V. R.O. No. 85-19-20
- VI. R.O. No. 108-19-20

II

3.3

R. O. No. 54 - 19 - 20. By CITY CLERK. August 5, 2019.

Submitting a claim from Jason J. McCoy for alleged damages to his vehicle when a stone from a Department of Public Works dump truck hit and cracked his windshield.

CITY CLERK

Finance & Personnel

II

4.2

R. O. No. 70 - 19 - 20. By CITY CLERK. September 3, 2019.

Submitting a claim from John Neuendorf for alleged damages to his boat when it struck the right cement dock that was not protected at the City of Sheboygan Public Launch Facility.

Finances
Personnel

CITY CLERK

II

4.4

R. O. No. 72 - 19 - 20. By CITY CLERK. September 3, 2019.

Submitting a claim from Laura Spalinger for alleged damages to her vehicle when a tree branch fell on it when it was parked on Broadway Avenue.

Finances
Personnel

CITY CLERK

II

3.1

R. O. No. 77 - 19 - 20. By CITY CLERK. September 16, 2019.

Submitting a claim from Progressive Insurance for alleged damages to the vehicle of their insured claimant (Alfonso Canseco) when a rotten tree branch fell on the vehicle.

Finance
+
Personnel

CITY CLERK

II

5.3

R. O. No. 85 - 19 - 20. By CITY CLERK. October 7, 2019.

Submitting a claim from Jane E. Stewart for alleged damages to her vehicle when it was hit by a street cleaner.

CITY CLERK

*Finance +
Personnel*

II

3.2

R. O. No. 108 - 19 - 20. By CITY CLERK. November 18, 2019.

Submitting a notice of claim from Mel Arentsen for alleged damages to his yard due to erosion from South Pointe Campus.

Finance + Personnel

CITY CLERK

CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: R.C. No. 319-18-19 (R.C. No. 287-17-18, R.O. No. 251-17-18) is a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client, Alicia Kraemer, R.C. No. 320-18-19 (R.C. No. 288-17-18, R.O. No. 252-17-18) is a claim from Gendlin, Liverman, & Rymer, S.C, for alleged injuries to their client, R.C. No. 343-18-19 (R.O. No. 215-18-19) is a claim from Ryan, LLC on behalf of O'Reilly Automotive Stores, Inc. for alleged incorrect assessed value of their property.

REPORT PREPARED BY: Laurie Suhrke, Auditor/Analyst

REPORT DATE: February 10, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

R.C. No. 319-18-19 (R.C. No. 287-17-18, R.O. No. 251-17-18) is a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client, Alicia Kraemer.

R.C. No. 320-18-19 (R.C. No. 288-17-18, R.O. No. 252-17-18) is a claim from Gendlin, Liverman, & Rymer, S.C, for alleged injuries to their client.

R.C. No. 343-18-19 (R. O. No. 215-18-19) is a claim from Ryan, LLC on behalf of O'Reilly Automotive Stores, Inc. for alleged incorrect assessed value of their property.

STAFF COMMENTS:

City staff has reviewed the above claims and under the authorization by the Common Council, Resolution No. 64-17-18, the City of Sheboygan has recommended to hold R.C. No. 319-18-19 (R.C. No. 287-17-18, R.O. No. 251-17-18) and R.C. No. 320-18-19 (R.C. No. 288-17-18, R.O. No. 252-17-18) and file R.C. No. 343-18-19 (R. O. No. 215-18-19).

ACTION REQUESTED:

Motion to recommend the Common Council hold the following documents:

R.C. No. 319-18-19 (R.C. No. 287-17-18, R.O. No. 251-17-18)

R.C. No. 320-18-19 (R.C. No. 288-17-18, R.O. No. 252-17-18)

Motion to recommend the Common Council receive and file R.C. No. 343-18-19 (R. O. No. 215-18-19).

ATTACHMENTS:

- I. R. C. No. 319-18-19 (R. C. No. 287-17-18, R. O. No. 251-17-18)
- II. R. C. No. 320-18-19 (R. C. No. 288-17-18, R. O. No. 252-17-18)
- III. R. C. No. 343-18-19 (R. O. No. 215-18-19)

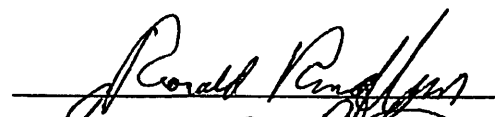
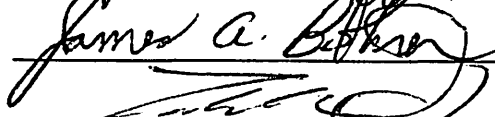
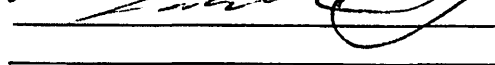
VI

5.15

R. C. No. 319 - 18 - 19. By FINANCE AND PERSONNEL COMMITTEE.
April 15, 2019.

Your Committee to whom was referred R. C. No. 287-17-18 by Finance and Personnel Committee and R. O. No. 251-17-18 by City Clerk submitting a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client, Alicia Kraemer, when a City of Sheboygan Ambulance rear ended the car she was driving; recommends referring to Finance and Personnel Committee of the new council.

*Finance + Personnel
2019-2020*

	_____
	_____
	_____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

VI

5.12

R. C. No. 287 - 17 - 18. By FINANCE AND PERSONNEL COMMITTEE.
April 4, 2018.

Your Committee to whom was referred R. O. No. 251-17-18 by City Clerk submitting a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client, Alicia Kraemer, when a City of Sheboygan Ambulance rear ended the car she was driving; recommends referring to Finance and Personnel Committee of the new council.

*Finance Personnel
2018-2019
4-8-19 refer to Finance
Personnel of new council*

James A. Bohre
[Signature]

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20 ____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

II

3.5

R. O. No. 251 - 17 - 18. By CITY CLERK. December 18, 2017.

Submitting a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client, Alicia Kraemer, when a City of Sheboygan Ambulance rear ended the car she was driving.

*Finance + Personnel
Finance + Personnel
of new Council*

CITY CLERK

VI

5.16

R. C. No. 320 - 18 - 19. By FINANCE AND PERSONNEL COMMITTEE.
April 15, 2019.

Your Committee to whom was referred R. C. No. 288-17-18 by Finance and Personnel Committee and R. O. No. 252-17-18 by City Clerk submitting a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client when a City of Sheboygan Ambulance rear ended the car he was a passenger in; recommends referring to Finance and Personnel Committee of the new council.

*Financed Personnel
2019-2020*

<u><i>Robert Pennington</i></u>	_____
<u><i>James A. Bohrer</i></u>	_____
<u><i>[Signature]</i></u>	_____
	Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

VI

5.13

R. C. No. 288 - 17 - 18. By FINANCE AND PERSONNEL COMMITTEE.
April 4, 2018.

Your Committee to whom was referred R. O. No. 252-17-18 by City Clerk submitting a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client when a City of Sheboygan Ambulance rear ended the car he was a passenger in; recommends referring to Finance and Personnel Committee of the new council.

*Finance + Personnel
2018-2019
4-8-19 refer to Finance +
Personnel of new council*

James A. Boh

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

II

3.4

R. O. No. 252- 17 - 18. By CITY CLERK. December 18, 2017.

Submitting a claim from Gendlin, Liverman & Rymer, S.C. for alleged injuries to their client when a City of Sheboygan Ambulance rear ended the car he was a passenger in.

Finance +
Personnel
Finance + Personnel
of new Council

CITY CLERK

VI

5.39

R. C. No. 343 - 18 - 19. By FINANCE AND PERSONNEL COMMITTEE.
April 15, 2019.

Your Committee to whom was referred R. O. No. 215-18-19 by City Clerk submitting a claim from Ryan, LLC on behalf of their client, O'Reilly Automotive Stores, Inc., for alleged incorrect assessed value of their property for tax purposes; recommends referring to Finance and Personnel Committee of the new council.

*Finance + Personnel
2019-2020*

*Ronald R. [unclear]
James A. [unclear]*

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

II

3.4

R. O. No. 215 - 18 - 19. By CITY CLERK. February 4, 2019.

Submitting a claim from Ryan, LLC on behalf of their client, O'Reilly Automotive Stores, Inc., for alleged incorrect assessed value of their property for tax purposes.

*Finance +
Personnel
4819 refer to Finance +
Personnel of new Council.*

CITY CLERK

CITY OF SHEBOYGAN

REQUEST FOR FINANCE AND PERSONNEL COMMITTEE CONSIDERATION

ITEM DESCRIPTION: R.C. No. 322-18-19 (R.C. No. 301-17-18, R.O. No. 311-17-18) is a notice of claim from Cincinnati Insurance Companies on behalf of their client, Schenck SC for alleged injuries to an employee (Jennifer Roszak) due to a fall, R.O. No. 120-19-20 is a claim from Anna Stacie DeSantos for alleged injuries due to a lip in the sidewalk on Lakeshore Drive, R.O. No. 122-19-20 is a notice of claim from Heuer Law Offices, S.C. on behalf of American Family Mutual Insurance Company for alleged damages to their client's (Mollie Leffin) vehicle, R.O. No. 139-19-20 is a claim from Mark Weidemann for alleged damages to his camper.

REPORT PREPARED BY: Laurie Suhrke, Auditor/Analyst

REPORT DATE: February 10, 2020

MEETING DATE: February 10, 2020

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS:

R.C. No. 322-18-19 (R.C. No. 301-17-18, R.O. No. 311-17-18) is a notice of claim from Cincinnati Insurance Companies on behalf of their client, Schenck SC for alleged injuries to an employee (Jennifer Roszak) due to a fall.

R.O. No. 120-19-20 is a claim from Anna Stacie DeSantos for alleged injuries due to a lip in the sidewalk on Lakeshore Drive.

R.O. No. 122-19-20 is a notice of claim from Heuer Law Offices, S.C. on behalf of American Family Mutual Insurance Company for alleged damages to their client's (Mollie Leffin) vehicle.

R.O. No. 139-19-20 is a claim from Mark Weidemann for alleged damages to his camper.

STAFF COMMENTS:

City staff has reviewed the above claims and under the authorization by the Common Council, Resolution No. 64-17-18, the City of Sheboygan has denied all claims listed above.

ACTION REQUESTED:

Motion to recommend the Common Council receive and file the following documents:

R.C. No. 322-18-19 (R.C. No. 301-17-18, R.O. No. 311-17-18)

R.O. No. 120-19-20

R.O. No. 122-19-20

R.O. No. 139-19-20

ATTACHMENTS:

- I. R.C. No. 322-18-19 (R.C. No. 301-17-18, R.O. No. 311-17-18).
- II. R.O. No. 120-19-20.
- III. R.O. No. 122-19-20.
- IV. R.O. No. 139-19-20.

VI

5.18

R. C. No. 322 - 18 - 19. By FINANCE AND PERSONNEL COMMITTEE.
April 15, 2019.

Your Committee to whom was referred R. C. No. 301-17-18 by Finance and Personnel Committee and R. O. No. 311-17-18 by City Clerk submitting a Notice of Claim from Cincinnati Insurance Companies on behalf of their client, Schenck SC, for alleged injuries to an employee (Jennifer Roszak) due to a fall in the parking lot located at 712 Riverfront Drive; recommends referring to Finance and Personnel Committee of the new council.

*Finance & Personnel
2019-2020*

Ronald P. Pincus
James A. Bohrer
[Signature]

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

VI

5.26

R. C. No. 301 - 17 - 18. By FINANCE AND PERSONNEL COMMITTEE.
April 4, 2018.

Your Committee to whom was referred R. O. No. 311-17-18 by City Clerk submitting a Notice of Claim from Cincinnati Insurance Companies on behalf of their client, Schenck SC, for alleged injuries to an employee (Jennifer Roszak) due to a fall in the parking lot located at 712 Riverfront Drive; recommends referring to Finance and Personnel Committee of the new council.

*Finance + Personnel
7-8-19 2018-2019
refer to Finance + Personnel
of new council*

James A. Boh

_____ Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____, _____, City Clerk

Approved _____ 20____, _____, Mayor

II

5.2

R. O. No. 311 - 17 - 18. By CITY CLERK. March 19, 2018.

Submitting a Notice of Claim from Cincinnati Insurance Companies on behalf of their client, Schenck SC, for alleged injuries to an employee (Jennifer Roszak) due to a fall in the parking lot located at 712 Riverfront Drive.

*Finance
+ Personnel
Finance + Personnel
of new Council*

CITY CLERK

II

4.5

R. O. No. 120 - 19 - 20. By CITY CLERK. December 16, 2019.

Submitting a claim from Anna Stacie DeSantos for alleged injuries when she fell due to a lip in the sidewalk on Lakeshore Drive.

*Finance +
Personnel*

CITY CLERK

II

4.7

R. O. No. 122 - 19 - 20. By CITY CLERK. December 16, 2019.

Submitting a pending claim from Heuer Law Offices, S.C. on behalf of American Family Mutual Insurance Company for alleged damages to their client's (Mollie R. Leffin) insured vehicle caused by an automobile collision involving a City of Sheboygan vehicle.

Finance
Personnel

CITY CLERK

II

43

R. O. No. 139 - 19 - 20. By CITY CLERK. January 20, 2020.

Submitting a claim from Mark Weidemann for alleged damages to the TV antenna on his camper from non-trimmed trees.

*Finance
Personnel*

CITY CLERK