

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR SALARIES AND GRIEVANCE COMMITTEE CONSIDERATION

ITEM DESCRIPTION: HR 101-17 Non-Represented Employee Benefits

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

REPORT DATE: January 23, 2017

MEETING DATE: January 23, 2017

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

In 2011, the City of Sheboygan introduced an Opt-out benefit for full and part-time employees who choose not to participate in the City's health insurance program starting in 2012. In 2016, the City modified the timing of the opt-out bonus to be issued every-other week rather than once per year. In addition, during the calendar year, 2016, the City Council approved a discontinuation of issuing part-time employees an opt-out bonus. Based on developments as a result of a law suit the City recently settled, a recommendation is being made to return to issuing the opt-out in the form of a one-time lump sum rather in the last quarter of the calendar year, and that this modification happen immediately.

In addition, participants who join the health insurance plan mid-year previously received a partial contribution to the employee's health savings account (HSA). The prorated were previously omitted from the policy.

STAFF COMMENTS:

An opt-out bonus is considered compensable wages according to the Fair Labor Standards Act (FLSA). The payroll calculations needed to determine eligibility for those who earn FLSA-qualifying overtime are unable to be supported by the MUNIS software that the City utilizes. Returning to payment once-per-year will simplify the process of calculating eligible wages. In addition, pro-rated contributions to employee's HSA for mid-year applicants is considered a fair approach and is recommended to continue, so long as the City is able to provide such contributions.

ACTION REQUESTED:

Motion to approve Res. No. 175-16-17 recommending the City Council approve amending Section B and D of HR-101-17 Non-Represented Employee Benefit Policy.

ATTACHMENTS:

- I. Res. No. 175-16-17

III

4.5

Res. No. 175 - 16 - 17. By Alderpersons Donohue and Heidemann.
January 16, 2017.

A RESOLUTION amending Res. No. 67-16-17 so as to make certain changes to the City's Medical Benefit Plan for calendar year 2017 coverage.

RESOLVED: That Res. No. 67-16-17 is amended in Section B thereof to read as follows:

"B) In 2017, the City will partially fund a Health Savings Account (HSA) for employees and/or family members to assist in the continued transition to a high deductible plan. The funding amounts will be \$750 for single and \$1500 for employee plus spouse, employee plus child/ren, and employee plus family. Employee Health Savings Accounts will be funded in January 2017.

Employees who join the High Deductible Health Plan on or after February 2017 will be eligible for a reduced contribution to a HSA as follows:

- 1) Employees who join the plan between February 1, 2017 and June 30, 2017, will be eligible for a contribution of \$375 for a single plan and \$750 for employee plus spouse, employee plus child/ren, and employee plus family plans.
- 2) Employees who join the plan between July 1, 2017 and November 3, 2017, will be eligible for a contribution of \$187.50 for a single plan and \$375 for employee plus spouse, employee plus child/ren, and employee plus family plans."

BE IT FURTHER RESOLVED: That Res. No. 67-16-17 is amended in Section D thereof to read as follows:

"D) Full-time, eligible employees who opt out of participating in the City's Medical Benefit Plan shall receive \$100 per each month they elect to opt out. Said amount shall be issued in the last quarter of the calendar year in one lump sum. Employees whose

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employment terminates mid-year shall receive a prorated amount based on their termination date.

Part-time employees are not eligible for the opt-out benefit.

BE IT FURTHER RESOLVED: That the Human Resources Director is authorized and directed to make changes to the policies to reflect this Resolution.

BE IT FURTHER RESOLVED: That said changes and rates shall not supersede the provisions contained within any applicable collective bargaining agreements.

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 SALARIES AND GRIEVANCE COMMITTEE CONSIDERATION

ITEM DESCRIPTION: HR 160 Cell Phone Usage / Bring Your Own Device Policy

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

REPORT DATE: January 23, 2017

MEETING DATE: January 23, 2017

FISCAL SUMMARY:

STATUTORY REFERENCE:

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

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

BACKGROUND / ANALYSIS:

The City of Sheboygan currently provides cellular telephones or other portable electronic devices to a limited number of employees for the purpose of conducting business. Many employees have personal cellular phones and would like to use one phone rather than being required to carry two. This policy allows for a budget-neutral consideration of offering a partial reimbursement to cover the employer required needs of a personal cellular device, as well as the City's policy on the use of those devices. In addition, on a prospective basis, this policy provides a guideline for future consideration of communication needs in an effort to remain flexible in the future.

STAFF COMMENTS:

This policy allows for flexibility in communication needs and supports the dynamic environment of electronic communication. While not every position requires the need for cellular telephones or other devices, the City recognizes both the value of electronic communication and quick response times when the need arises.

ACTION REQUESTED:

Motion to approve Resolution Number 179-16-17 recommending the City Council approve the HR160 Cell Phone Usage and Bring Your Own Device Policy.

ATTACHMENTS:

- I. Res. No. 179-16-17 HR 160 Cell Phone Usage and Bring Your Own Device Policy
- II. HR 160 Cell Phone Usage and Bring Your Own Device Policy

III

ORDER 179-16-17

7.6

Res. No. 179 - 16 - 17. By Alderperson Donohue. January 19, 2017.

A RESOLUTION approving a Human Resources Department Cell Phone Usage and Bring Your Own Device Policy.

RESOLVED: That the Common Council hereby approves Policy Number HR 160, a copy of which is attached hereto.

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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



Title: Cell Phone Usage / Bring Your Own Device Policy		Policy Number: HR 160	
Author: Human Resources		Created: 01/16/2017 Revision: New	
Scope: Non-Rep City Employees	Print Date: 1/18/17 1:45 PM	Page 1 of 4	

1.0 Purpose

The purpose of this policy is to provide a set of guidelines governing the use of cellular telephones / Smartphones for both City business and personal use. Additionally, the policy details reimbursement by the City for business use of an employee's personal device.

2.0 Scope

This policy applies to all non-represented employees.

3.0 Policy Overview

3.1 Eligibility and Approval

- A. The City recognizes the advantages of using cellular phones and Smartphones to conduct City business. In determining which employees will be approved to carry one of these devices, the following criteria will be considered:
 - 1. Employee's position
 - 2. Whether the employee is out in the field as part of their regular duties
 - 3. Whether the employee regularly works in an "on call" capacity
 - 4. Whether the employee has a responsibility for key City operations and is required to respond to emergency incidents
 - 5. Whether the employee is away from their desk or office (while working) for considerable periods of time, and the resulting lack of communication impacts their ability to perform their work
 - 6. Whether the employee needs mobile communication for personal safety
- B. If the device requested is a Smartphone, such as an iPhone or Android (i.e., a cellular device that is capable of both sending and receiving phone calls as well as data such as e-mail), it may be necessary for the employee to respond to e-mail conversations in real time as essential to efficiently perform their duties OR there is a need for the employee to have access to e-mail in order to be notified of emergencies outside of work hours
- C. If a Supervisor wishes to request approval for one of these devices for an employee, the request and justification should be made by the Department Head and to Human Resources and Information Technology in writing.
- D. For a City device to have texting enabled, the Department Head needs to provide a business justification for this feature to be added to the plan.
- E. On a monthly basis, the Purchasing and/or Finance Department shall review each department's City-provided cell phone usage to confirm appropriate use. The Information Technology Department and/or appropriate Department Head will also periodically review usage to verify compliance. Any anomalies or concerns shall be reported to the Director of Human Resources and Labor Relations, and/or the City Administrator.
- F. On an annual basis, Department Heads must conduct a review of the individual cell phone and Smartphone assignments to determine if there is a continuing need, and if the cost is justified.

3.2 Use of City Provided Cell Phones

- A. City owned cell phones and Smartphones are intended for City business only. Personal use of City owned phones is restricted to essential personal calls. Essential personal calls are defined as calls of a minimal duration and frequency that are critical in nature, and are not practical to be made from another phone or at another time. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, to arrange for transportation or service in the event of car trouble, etc.
- B. Personal use of a City cell phone or Smartphone is not intended to be a fringe benefit. Employees have no expectation of privacy or confidentiality in electronic communication sent, received, or accessed on City issued



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cell phones or Smartphones. As such, the City has the right to monitor, review, audit and otherwise access the content of all electronic communication sent, received, or accessed on City issued cell phones or Smartphones with or without prior notice to the employee for both non-investigative work related reasons, and for investigation of employee misconduct. Employees are responsible for keeping track of and identifying their personal calls. No more than 30 minutes of essential personal calls should be made and/or received per month (“de minimis use”). Employees making or receiving excessive personal calls on a City cell phone are expected to reimburse the City for any costs or charges relating to personal use of their cell phones. In the event that the department head’s review of usage indicates that an employee may have exceeded the de minimis use standard, the employee must document the business purpose of each call that is not a call to a City telephone or cell phone number. The documentation for these calls must include who was called and for what business purpose. Any call that cannot be documented for a business purpose will be treated as a personal (unauthorized) call and must be reimbursed to the City at the per minute rate established under the current City cell phone service contract.

- C. For City phones where texting is enabled for business use, only essential texts, based on the same criteria above, are allowed. No more than 6 non-business texts should be sent per month. The reimbursement policy for telephone calls also applies to personal texts.
- D. Employees are expected to use a City cell or Smartphone responsibly and in accordance with this policy, the Safe Cell Phone Use policy (Pol. 2010-01) and any applicable work rules. Use of a City cell phone in violation of the City’s policies and work rules, including, but not limited to excessive personal use beyond the de minimis use standard, may result in revocation of the cell phone or smartphone assignment and disciplinary action against the employee, up to and including termination.

3.3 Employee Separation from Employment

- A. Employees shall return City cell phone or Smartphone at the time of separation. The City will discontinue the service. Failure of the employee to return the City cell phone or Smartphone at the time of separation will result in the City taking steps download files from the device and wipe the device clean to avoid breaches of confidentiality

3.4 Bring Your Own Device Provision (BYOD)

- A. The City understands the inconvenience of carrying two phones – one for personal use, and one for business use, and therefore offers a Bring Your Own Device (BYOD) provision. This provision is only available for employees approved to carry a City cell phone or Smartphone for City business as qualified under the eligibility and approval process detailed previously in this policy and is subject to Department Head and Human Resources recommendation and City Administrator Approval.

If an employee wishes to purchase and maintain their own device for personal use, and further wishes to use this device for business, they may opt to take this plan and receive reimbursement from the City for business use of the device. The City’s Information Technology Department shall be consulted before approval of any device under this policy to confirm the device meets the data access and security requirements. The City assumes no responsibility for repairs, replacements, troubleshooting or the carrier’s reception quality. The City of Sheboygan Information Technology Department will not provide maintenance under this policy.

The City reimbursement schedule is the following*:

1. \$40 High usage
2. \$20 Moderate usage
3. \$5 Minimal usage

*Based on Department Head discretion, review and/or budget, certain employees will be authorized to either carry a city-provided cell phone or may be eligible for a monthly reimbursement towards expenses of a personal cell phone.



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*Reimbursement depends on the position and/or need with the range from a minimum of \$5 per month to a maximum of \$40 per month (additional amounts can be granted for the Mayor and/or City Administrator based on need.)

High User- defined as an employee who must be reachable immediately, contacted outside of normal business hours, and travels frequently for position. The reimbursement amount for a frequent user shall be \$40/month.

Moderate/Occasional User- defined as an employee who is contacted intermittently and occasionally outside of work. The reimbursement for an occasional user shall be \$20/month.

Minimal User – defined as an employee who is contacted infrequently outside of work, possibly for a short, intermittent timeframe, either seasonally or regularly.

To be eligible for the BYOD provision, by accepting the BYOD reimbursement, the employee agrees to password protect their cell phone and provide the Information Technology Department the ability to wipe City e-mails and documents in the event that the device is lost or stolen or the employee leaves City employment. In addition, by accepting of the BYOD reimbursement, the employee consents to the retrieve files and documents from the BYOD device in order to recover City records and documents. In the event that the City is unable to retrieve City documents when reasonably required, the employee consents to wiping the BYOD device, which could result in the loss of personal data.

Due to specific evidence collection issues, the BYOD option is available for police department employees subject to the Police Chief's prior approval.

B. Conditions for Monthly Reimbursement

Receiving a monthly reimbursement means the employee's personal cell phone number will become available to city employees and / or members of the public in certain circumstances.

The City is required to comply with the Wisconsin Public Records Law, including electronic media. All messages / data that are transferred from a City server to a personal telephone device will be subject to the public record law obligations of the City. Such messages and data shall be archived by the City on its own internal servers. Text messages sent and / or received and phone logs pertaining to City business will be retrieved from the employee's personal service provider if required for compliance with the public records law.

Employees who wish to use their personal device for City business must agree to cooperate with and assist the City in obtaining records from the employee's service provider if required for purposes of public records, an investigation or as a result of litigation. For purposes of open records requests, purely personal calls, emails and texts evince no violation of law or policy will be redacted and not released under open records law. Employees have no expectation of privacy or confidentiality in electronic communication related to official City business sent, received, or accessed on BYOD devices for which a reimbursement is paid under this policy. Furthermore, by accepting a BYOD reimbursement, the employee consents to a review of their BYOD device in relation to City business or employee discipline. Failure to cooperate with a reasonable City request to review the BYOD device could result in discipline action, including revocation of BYOD privileges, and discipline, up to an including termination of employment.

Also, an employee shall be ineligible for the BYOD reimbursement in the event that conversion to a BYOD device will cause the City to be charged a cancellation fee by the City's cell phone provider. Employees are expected to use a BYOD cell phone or Smartphone responsibly and in accordance with this policy and any applicable work rules. Use of a BYOD cell phone in violation of the City's policies and work rules may result in revocation of the BYOD reimbursement and access to City data via their BYOD device, and disciplinary action against the employee, up to and including termination.



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- C. Employees are strongly discouraged from using handheld wireless telephones or data devices while driving or operating motorized equipment except in emergency situations. Instead, employees are encouraged to use hands-free accessories or pull over to the side of the road and/or shut down machinery until the call is complete.

- D. Any equipment issued by the City of Sheboygan is City property. Loss, theft or damage to a City issued cell phone/device shall be reported immediately to the employee's direct supervisor. Loss or theft of a cell phone/device under the BYOD policy shall also be reported immediately to the employee's direct supervisor. If the employee is found to be at fault for the loss of the City issued cell phone due to gross negligence, this may result in disciplinary action. Each Department shall immediately contact the Information Technology Department upon receiving information of a loss, theft or damage to a City issued cell phone/device or BYOD device. The Information Technology Department is authorized to clear all confidential City information from the phone remotely. This includes City issued phones and phones under the BYOD policy. This may result in personal information being erased from the device as well.

- E. The City prohibits excessive personal calls, texts or other messaging during the workday regardless of the device those phone calls take place on. This interferes with employee productivity. Excessive personal communications may result in disciplinary action.

- F. Employees who are not required by their job duties to use telecommunication equipment for City business but are granted access to the City's information on their personal device out of convenience must adhere to this policy. Employees who access the City's wifi are not to utilize video or audio streaming programs for personal use. In addition, only standard business use is to be utilized on personal or city provided devices.

- G. Employees are prohibited from sending, receiving, or accessing electronic communication that is insulting, profane, vulgar, lewd, indecent, sexually explicit, illegal, profit-making, political, unprofessional, or in violation of the City's policies while using a personal or City owned device during work hours. This does not apply to an employee's personal device during non-working hours.

3.5 Cell Phone Use Expectations

- A. Employees approved to carry a cell phone or Smartphone for City business, or receive a BYOD reimbursement are expected to make a reasonable effort to respond in a timely manner to City business. This includes the response to urgent matters outside of normal business hours. Consistent failure to respond in a timely manner to business calls or emails may result in revocation of cell phone use privileges under this policy and further discipline.

- B. Electronic communication made on City issued cell phones or Smartphones or made on BYOD phone/Smartphones involving government policy or business is subject to state record retention requirements and may be subject to the Wisconsin Public Records Law. The content of employee electronic communication may be subject to disclosure in litigation, audits, and other purposes. Users are authorized limited incidental use of the City's issued cell phones for personal purposes, but employees have no expectation of privacy or confidentiality in such use. Personal devices of employees receiving the reimbursement under the BYOD policy are subject to the same legal requirement under the Wisconsin Public Records Law in communications related to City business. Communications of purely personal nature are exempt. By accepting reimbursement for their device, employees are authorizing the Information Technology Department to have access to their device.