

**\*\*\*ATTACHMENTS\*\*\***

~~IX~~

7.1

Charter Ord. No. 28 - 14 - 15. By Alderperson Carlson. August 18, 2014.

AN ORDINANCE (being subject to the home rule provisions of sec. 66.0101 of the Wisconsin Statutes) providing for the appointment of the City Attorney in lieu of the current method of election by the voters to such office under Wisconsin Statute 62.09(3)(b)(4).

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

Section 1. The City of Sheboygan hereby elects not to be governed by Wisconsin Statute 62.09(3)(b)(4) which provides for the election of a City Attorney and substitutes therefor appointment by the Common Council based on the recommendation of the Mayor and Chief Administrative Officer from an eligible list of qualified candidates provided by the Civil Service Commission.

Section 2. Commencing as of May 1, 2015, or thereafter, a full-time City Attorney shall be appointed by the Common Council based on the recommendation of the Mayor and Chief Administrative Officer from an eligible list, obtained as hereinafter provided. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

Section 3. The Civil Service Commission shall certify an eligible list pursuant to the rules of said Commission and submit a written report on the qualifications of the candidates to the Mayor and Chief Administrative Officer.

Section 4. Each candidate must be an attorney of good standing and admitted to the bar in the State of Wisconsin. Each candidate must have practiced law for a minimum of five (5) years with at least three (3) years in municipal law and must also be knowledgeable in state and federal laws affecting Wisconsin cities.

Section 5. Subsection 2-224(b) of the Sheboygan Municipal Code relating to terms of administrative officials is hereby amended to delete the reference to "and the attorney" so that, as amended, said subsection shall read as follows:

"Sec. 2-224. *Terms.*

. . .

(b) *Administrative officials.* The term of office of the clerk shall be four years."

Section 6. The City Attorney, within ten (10) days after receiving written notice from the City Clerk of the confirmation of his appointment, shall take and file the official oath with the City Clerk.

J & G

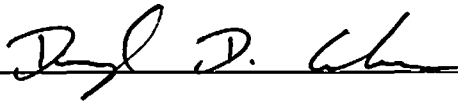
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Section 7. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days after its passage and publication a referendum petition shall be filed as provided in sec. 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

  
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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

III

5.2

Res. No. 58 14 - 15. By Alderperson Donohue. August 18, 2014.

A RESOLUTION authorizing the Human Resources Director to contract with Diversified Benefits Services for the provision of insurance benefit consulting services.

WHEREAS, the current brokerage firm, M3 Insurance, is providing consultation services for employee benefit solutions.

WHEREAS, the City of Sheboygan has evaluated other brokerage firms and found a more appropriate provider of brokerage services in the firm Diversified Insurance Solutions.

NOW, THEREFORE, BE IT RESOLVED: That the appropriate City Officials are hereby authorized to extend a consulting services contract for the balance of calendar year 2014 and the calendar year 2015 at the cost of \$73,000 per year, prorated in 2014 based on the day of contract commitment in 2014.

BE IT FURTHER RESOLVED: That the consulting fees will be paid through commission charges paid to Diversified Insurance Solutions directly from one or more insurance vendors, not to exceed a total of \$73,000 per calendar year.

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*James A Bohren*  
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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

III

**II**

Gen. Ord. No. 29 - 14 - 15. By Alderperson Donohue. August 18, 2014.

AN ORDINANCE repealing Chapter 29 of the 1975 Municipal Code and 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 29 of the 1975 Municipal Code is hereby repealed in its entirety.

Section 2. 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 of plans.*

- (a) The common council shall be responsible for the maintenance of the classification and compensation plans, including but not limited to the allocation of new or changed positions and determination of proper compensation rates within the provisions of this chapter.
- (b) The common council delegates administrative and clerical work involved in the foregoing to 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.

Sec. 82-2. *Medical insurance.*

- (a) *Election of retirees to participate.* Eligible employees who retire after January 1, 1977, may participate in the city's medical insurance family or single plan for retirees, subject to the

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- 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.
- (b) *Payment of premiums.* Such employees 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, 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 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 employee as determined by the common council upon recommendation of the salaries and grievances 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 (15) 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 (30) 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 salaries and grievances 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. *Residency requirement.*

- (a) All members of boards or commissions shall be residents of the city and maintain residency in the city while under the employment or service of the city. In the event that any such member of a board or commission does not meet the foregoing requirement, his office or position shall be automatically forthwith vacated and such vacancy shall be filled in the manner prescribed by law or ordinance.
- (b) Notwithstanding subsection (a), the residency requirement shall not apply:
  - (1) To members of a business improvement district board who own or occupy real property in the business improvement district.
  - (2) To nonvoting members of advisory committees to the common council.
  - (3) To the Sheboygan County Board representative to the Board of Marina, Parks & Forestry, so long as the County maintains a financial investment in the city's Harbor Centre Marina.
  - (4) To licensed members of the board of electrical and heating examiners, provided that they hold a current active license for their membership classification and maintain their principal business office or place of employment in the city.
  - (5) To members of the Mayor's Special International Committee residing within the boundaries of the Sheboygan Area School District.
  - (6) To one member of the Board of Waterworks Commissioners who owns real property within and owns or operates a business within the City of Sheboygan.

Sec. 82-4. *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. 82-5. *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. 82-6. *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. 82-7. *Effect of violations.*

- (a) Any employee who is guilty of a violation of section 82-4 through 82-6 of this chapter shall be subject to disciplinary action which may include demotion, suspension and/or dismissal.
- (b) Elected officials, department heads or any person who is not an employee of the city who is guilty of a violation of section 82-4 through 82-6 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 (30) days.

Sec. 82-8. *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.

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. 82-9. *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. 82-10. *"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. 82-11 - 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.

#### (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, with the exception of the position of secretary to the mayor.
- (5) Other positions designated by the common council as unclassified.

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 82-6 and 82-7) 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) 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 department, except those employees of city boards, utilities or authorities, he shall forward a written request, along with the chief administrative officer's recommendation, justifying the filling of the vacancy to the human resources department. If the position is already part of the department's table of organization and included in the budget, the human resources department may proceed with the hiring process and fill the position. If the position is not budgeted, approval needs to be granted by the salaries and grievances committee. Within thirty (30) days after receipt of such request, the salaries and grievances committee shall approve or reject the request in writing. If refused, 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 salaries and grievances committee or the common council, certification shall be made 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 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.
  - (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 subsection (a) even though the incumbent has not yet vacated the position provided approval has been received in accordance with 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.
- (b) Nothing herein shall be construed as precluding the appointing authority from filling a position in the unclassified service in the manner in which positions in the classified service are filled. Upon request from the appointing authority, the director of human resources and labor relations shall certify the name or names of persons categorized as best qualified to fill an unclassified position. The appointing authority is authorized to make his appointment from those certified.
- (c) For part-time, temporary or seasonal help, the appointing authority shall follow the department budget regarding the amount of seasonal help needed. Temporary or seasonal employment shall not exceed six (6) months unless otherwise authorized by the common council.
- (d) All appointments and promotion in the city service shall be made without regard to sex, race, religion or political affiliation and shall be based on merit and ability to perform the essential functions of the position.

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

Whenever in the judgment of 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, the appointing authority shall 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 hours per week average will be given credit for one-half (1/2) year of service.

Sec. 82-27. *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. *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. *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 salaries and grievances 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 the candidate to perform with reasonable efficiency.

Sec. 82-31. *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. *Classification plan.*

The classification plan shall consist of the classes referred to in section 82-33, 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 and the rates for such class grades referred to in section 82-54.

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

The occupational list of classes (table of organization) and compensation grade schedules showing the class title, class grade, and compensation grades of the 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 in the supplement to this Code on file in the city clerk's office.

Secs. 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 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 82-33; provided, however, that the salaries of non-represented supervisory, professional and administrative positions listed as department and division heads in section 82-70 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 hours per week, 2080 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, fire personnel.*

The base salary of police and fire personnel shall include holiday pay and reporting time.

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

Except for 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 (2) calendar weeks but less than six (6) 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 an appropriate subordinate non-represented employee to fill the position on an "acting" basis for the duration

of the temporary vacancy. Positions in Transit, Police and Fire 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 5% increase will be awarded (5% of the acting employee's current pay). For full duty assigned responsibilities, a 10% increase will be awarded. This amount will be issued until a full-time replacement has been named and starts. In no case shall the temporary increase in pay be greater than the salary of the person who left.

- (b) After one (1) year, the employee shall be reclassified to the position he/she is actually performing, his or her pay adjusted to the new position, and the employee's performance shall be reevaluated for pay purposes.

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

A full-time or permanent part-time city service employee, except those employees 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 (3) 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 as passed by the common council and filed in the human resources department.
- (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 committee on salaries and grievances 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 thirteen (13) 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. *Adjustment.*

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 the range of a position. At any time a salary offer is identified that is greater than midpoint of a salary range, the director of human resources and labor relations must attain advance approval from the salaries and grievance committee. At no time will an employee receive greater than the top pay in a salary grade.

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

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 shall receive the entrance rate in the range established for such position or such other rate within the applicable range as he 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. 82-65. *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 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. *Starting rates on demotion.*

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

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

- (a) The director of human resources and labor relations has the authority to identify minor adjustments to position descriptions without approval from the salaries and grievance committee and/or council. However, major changes in position descriptions which subsequently modify the salary grades to city employees, including department heads and supervisory personnel, shall be approved by both the salaries and grievance committee and by the common council.
- (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. 82-68. *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 (30) workdays and leaves with pay shall not interrupt continuous service nor be deducted therefrom.
- (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. 82-69. *Overtime for non-represented employees.*

- (a) The normal work schedule for full-time, nonexempt employees is five eight-hour periods, totaling 40 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 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-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.
- (b) Exempt employees are full-time employees who normally work a minimum of 40 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) 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 40 hours per week in accordance with applicable laws.

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

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

The following non-represented employees are exempt under the fair labor standards act:

Attorney Department  
City Attorney (elected)  
Assistant City Attorney

Police Department  
Chief of Police  
Admin Asst./Office Supervisor

Assessor Department  
City Assessor

Human Resources Department  
Director of Human Resources  
Benefits Analyst

Finance Department  
Chief Administrative Officer  
Finance Director  
Comptroller/Treasurer  
Auditor/Analyst  
Accountant

City Development  
Director of City Development  
Planning & Zoning Manager  
Community Development Specialist  
Neighborhood Development Planner

Public Works Department  
Director of Public Works  
City Engineer  
Supt.-WWTP  
Supt. of Streets  
Supt. of Parks  
Supt. of Buildings & Grounds  
Maintenance Supervisor-WWTP  
Vehicle & Equipment Supervisor  
Supervisor of Operations-Streets  
Environmental Engineer  
Chemist-WWTP  
Naturalist

Information Technology Department  
Information Technology Director  
Systems Analyst  
TV Programmer Director-WSCS  
TV Production Coordinator-WSCS

Parking & Transit Utility  
Director of Parking & Transit  
Transit Op. Supervisor/Dispatch

Senior Citizens Center  
Senior Activity Center Supervisor

Fire Department  
Fire Chief  
Assistant Fire Chief  
Deputy Chief  
Battalion Chief

Municipal Court  
PT Municipal Court Judge (elected)

Mayor's Office  
Mayor (elected)

City Clerk's Department  
City Clerk (elected)

Sec. 82-71. *Hours of employment.*

- (a) Except as otherwise provided, the standard work week for regular, full-time employees of the city will be forty (40) 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. 82-72. *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. 82-73. *Computation generally.*

Overtime payment is based on the employee's regular rate of pay as defined in the fair labor standards act.

Secs. 82-74 - 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 (10) days after said expiration, disapproval or revocation, which is acceptable to the granting authority concerned.

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

The chief administrative officer may authorize special leaves of absence without pay and fringe benefits on the prescribed form for any period or periods not to exceed three (3) calendar months in any one (1) 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 (3) calendar weeks in any one (1) calendar year, with the approval of the chief administrative officer.
- (2) For periods exceeding three (3) calendar weeks but not exceeding twelve (12) calendar weeks, upon the recommendation of the chief administrative officer, subject to the approval of the salaries and grievances 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. Employees may substitute earned and unused paid time off for their time of service; in the event the employee has no remaining paid time off, time served would be unpaid. In addition, the

employee benefit contribution amounts would continue as if the employee was actively working, not to exceed sixty (60) days per calendar year, subject to the following provisions:

- (a) The employee must present proof of jury duty service, stating the dates and hours per day served on jury duty.
- (b) When the employee is excused for jury service, the employee shall report back to work within one hour to complete his/her shift unless the employee chooses to utilize paid time off for the absence.

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 (10) working days in any calendar year.

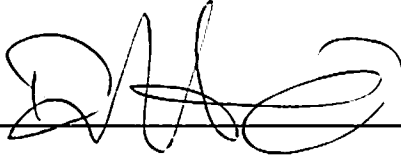
Sec. 82-96. *Special leave.*

The council, upon the recommendation of the chief administrative officer, 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 3. 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.



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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