

FINANCE & PERSONNEL COMMITTEE

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Monday, December 05, 2022 at 6:10 PM

AGENDA

In-Person

1. Correspondence.
2. Discussion Topics.
 - [a.](#) Handbook updates.
 - [b.](#) Staffing requests.
 - [c.](#) 2023 Pay Classifications and Wages for Non-Rep Employees.
 - [d.](#) Ordinance 1872 Establishing Salaries for Various Elected Officials.
 - [e.](#) Ordinance 1873 Amending Section 13.05(5)(A) and 13.05(5)(B) Amount of User Surcharges.
3. Adjourn.

NOTICES

Notice is hereby given that a majority of the City Council will be present at the meeting of the Finance and Personnel Committee scheduled for Monday, December 5, 2022 at 6:10 P.M. to gather information about a subject over which they have decision making responsibility.

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.





MEMO

Human Resources

To: Personnel & Finance Committee
From: Shanon Swaney, HR Director
Date: December 5, 2022
Re: Employee Handbook

The City of Kaukauna employee handbook recently underwent a full legal and compliance review. The purpose of that review was to ensure the handbook accurately captured the City's policies, procedures and was in legal compliance with current state and federal law. Council approved those updates in August. As a result of recommendations in our compensation study, additional handbook changes are being suggested. Additionally, two items of note came up after our last handbook update which I feel would be beneficial to add as points of clarify.

The following changes are being recommended to the handbook:

Policies revised:

- Health Insurance (pg15)
 - Handbook currently states the City will pay its applicable share of the lowest cost Tier 1 plan in Outagamie County. Per State Statute, and State Health Plan Documents, the City can contribute no more than 88% (50% for qualified part-time) of the average premium cost of qualified tier 1 plans for qualified full-time staff.
- Vehicles (pg 42)
 - Statement is being added to note that when an employee is driving a personal vehicle for City use, the employee's personal vehicle insurance policy will be the primary payer in the event of an accident. However, the City's insurance policy will reimburse the employee towards their deductible expense in accordance with the City's insurance policy provisions (currently this amount is \$500).
- Vacation (pg 28)

- Based on findings in our comp study, it was recommended that in order to stay competitive with time off, the City increase its vacation award upon hire from 5 days to 10 days.
- Street Department Operational Procedures: Pay Policies (pg 81)
 - With the recommended updates to street department classifications as a result of the comp study, step up pay will no longer be defined as the rate of pay of the higher classification, rather, employees will receive a flat \$.50 per classification they are stepping up into. There will be three classifications Street 1 (ST2), Street 2 (ST2) and Street 3 (ST3).
 - Removing bullet point b indicating that employees shall be hired at the rate shown on the attached table. Wage tables are not attached to the handbook.

A full copy of the revised handbook is attached.



Employee Handbook

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WELCOME TO THE CITY OF KAUKAUNA

It is a pleasure to welcome you to the City of Kaukauna. The success of the City is, in large part, attributed to our dedicated employees. We are pleased to present you with this Employee Handbook containing information about your workplace, the benefits available to you, and the expectations of you as an employee of the City of Kaukauna.

You are expected to read this handbook and familiarize yourself with its contents as soon as possible as it will answer many questions about your employment. If you need more information, you should see your supervisor, Department Head or Human Resources.

We hope everyone will take pride in being an employee of the City of Kaukauna. Again, welcome!

HISTORY OF THE CITY OF KAUKAUNA

EARLY HISTORY

Located along the Fox River in southeastern Outagamie County, the area immediately adjacent to the falls at Kaukauna was the site of considerable Indigenous settlement and activity. A large area on both the southeast and northwest sides of the Fox River at Kaukauna is recorded in the Archaeological Sites Inventory as the vicinity of a large village site occupied by the Menominee tribe and other groups. Likewise, effigy burial mounds and numerous archaeological sites are spread out along the river valley.

THE FUR TRADE ERA

Fur trappers Charles de Langlade and Pierre Grignon established a semi-permanent trading post in the Kaukauna vicinity as early as the 1760s to engage with the local Menominee population, who occupied a village of an estimated 1,500 people on the south side of Fox River. In 1790, Dominique Ducharme, son of French fur trader Jean Ducharme, built a substantial log house at “Cacalin” and started trading with the local tribes. The land Dominique acquired in 1793 is the first known recorded land deed in the state of Wisconsin.

COMMUNITY GROWTH

The population in Kaukauna increased with the arrival of the Stockbridge tribe in 1822, an east coast Mohican tribe who fought with the United States during the War of 1812 and the Revolutionary War. The Stockbridge moved to northeastern Wisconsin following land cession treaties with the Menominee and Ho-Chunk. Known today as the Stockbridge Munsee Band of Mohican Indians, prominent tribe member Electa Quinney became the first female teacher in what would become the state of Wisconsin. The school, located in Kaukauna, was free and open to any denomination of religion.

FROM TRADE TO INDUSTRY

The falls at Kaukauna eventually presented an obstacle for transportation that led to the construction of a series of canals and locks in 1856, an infrastructure necessary for the local economy. The Chicago and Northwestern Railroad reached Kaukauna in 1862, and by 1870, Kaukauna boasted two large flour mills, two large factories making staves for flour barrels, the Diedrich sawmill, and the Reuter Brothers spoke factory. The Chicago and Northwestern Railroad line north of the river joined the Milwaukee Lakeshore and Western Railroad in 1872.

In 1872, Colonel Henry A. Frambach and his brother John Stoveken opened the first paper mill in the City of Kaukauna, the Eagle Paper and Flouring Mill. The American Pulp Company was established in 1883, becoming the Thilmany Pulp and Paper Company in 1889. In 1885, the Village of Ledyard joined with the north side to form the City of Kaukauna. The creation of new waterpower canals and the construction of five municipal hydroelectric generating plants gave Kaukauna its nickname, “The Electric City.”

Today, the City of Kaukauna is a growing and prosperous community of just over 16,000 residents. Rich in natural resources and beautiful landscapes, the riverfront City of Kaukauna combines traditional Midwestern values with a history of progressive moves – from free education to clean energy – that protect and enhance the long-term health of the community for generations to come.

IMPORTANT INFORMATION ABOUT THIS HANDBOOK

The City of Kaukauna (the City) have prepared this handbook and its Appendices to provide employees with general information about the various policies and programs that affect their employment. This handbook is not intended to be a legal statement of benefits nor a comprehensive explanation of our personnel policies and practices. Its sole function is to give employees a general understanding of how the City views the employment relationship and approaches employee issues.

Certain employees are covered by a collective bargaining agreement. Where the collective bargaining agreement and any policy or procedure contained in this handbook directly conflict, the collective bargaining agreement will supersede and have priority over the conflicting term contained in this handbook.

City employees subject to DOT/FMCSA regulations will be provided with the rules, regulations, policies, and procedures relevant to their driving position, as required by law.

In addition to the policies outlined in this handbook, Library employees are also subject to State Statute 43.

This Employee Handbook supersedes and replaces any and all policies and related materials in direct conflict with this handbook and made available to employees. The City retains the sole discretion to add, delete, or change anything contained in this handbook, with or without notice, to the extent allowed by law.

The policies, programs, and employment-related benefits outlined in this handbook are those presently in effect. Although, The City will periodically update any area of this handbook to keep employees informed of changes, it may implement changes immediately and prospectively, without advance notice. The Mayor is authorized to make the final determination in interpreting or applying policies.

It is not possible to anticipate every question that might arise in the course of employment. While this handbook provides information about topics most often of interest to employees, they may, on occasion, have a question or concern that is not addressed in the handbook. If that occurs, they should direct their questions to Human Resources or their supervisor.

Nothing in this handbook, nor any other written or verbal communication, should be construed as creating a contract for employment or a warranty of benefits for any particular period of time, nor does this handbook change the "at will" employment relationship between the City and any of its employees. Employees have the right to terminate the employment relationship with the City of Kaukauna at any time, with or without notice, for any reason. The City has the same right to terminate the employment relationship at any time, with or without notice, for any reason not prohibited by law.

Agreements, promises or guarantees that alter the at-will status of an employee or otherwise create a contract for any particular term or condition of employment must be specified in writing and expressly approved by the Mayor.

RESPECTFUL WORKPLACE

EXPECTATIONS

Creating and maintaining a respectful workplace requires constant attention and effort by both the organization and its employees. The City of Kaukauna is committed to supporting and providing a respectful environment. In return, the City expects all employees to demonstrate the interest and ability to be positive, productive, and professional in all work interactions. When we approach work challenges with positivity, professionalism, and an intention to solve the problem, we foster an environment of mutual respect, which is our ultimate goal.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Kaukauna is an equal opportunity employer and believes in equal opportunity for all employees and applicants. Accordingly, all employment decisions are based on the principles of equal opportunity. These decisions include recruitment, selection, promotion, transfer, discipline, compensation, benefits, training, and other personnel actions involving persons in all job titles and shall occur without regard to race, color, religion, sex, pregnancy (including childbirth and related conditions), age, national origin, disability, genetic information, veteran or military status, sexual orientation, gender identity, creed, ancestry, marital status, arrest and conviction records, the use or nonuse of lawful products off the employers' premises during nonwork hours, declining to attend meetings or participate in communications about religious or political matters, or any other characteristic protected by law.

No individual will be denied nor receive special employment opportunities based on membership status in any protected category. Every employee of the City is expected to support this equal opportunity and nondiscrimination commitment by conducting him/herself in a manner consistent with the intent and spirit of this policy.

Any individual who believes they have experienced or observed behavior contrary to this policy is required to report that information to their supervisor or Human Resources. All such reports of action contrary to this policy will be taken seriously and investigated promptly. Individuals found to have violated the City's Equal Employment Opportunity Policy will be subject to corrective action, up to and including termination of employment. No individual will be retaliated against for making a good faith report of behavior contrary to this policy.

DIVERSITY, EQUITY & INCLUSION

The City is committed to developing, promoting, and maintaining a safe, professional, productive, and inclusive workplace for all employees, applicants, temporary workers, independent contractors, and any other person associated with the City of Kaukauna, including business partners, customers, and visitors. The City's commitment to diversity can be seen throughout the policies and practices detailed in this handbook.

NON-DISCRIMINATION & ANTI-HARASSMENT

The City of Kaukauna is committed to providing a workplace that is free of discrimination, harassment, bullying, and other offensive behaviors. All employees are expected to support this commitment by treating everyone they interact with through work, both internally and externally, in a way that is consistent with both the intent and spirit of this policy. Acceptable behaviors include being courteous and considerate of others, working cooperatively, and maintaining confidentiality.

In line with this commitment, the City of Kaukauna prohibits discrimination or harassment of its employees by another employee, supervisor/manager/leader, or third party for any reason including, but not limited to a person's: race, color, religion, sex, pregnancy (including childbirth and related conditions), age, national origin, disability, genetic information, veteran or military status, sexual orientation, gender identity, creed, ancestry, marital status, arrest and conviction records, the use or nonuse of lawful products off the employers' premises during nonwork hours, declining to attend meetings or participate in communications about religious or political matters, or any other characteristic protected by law.

This policy applies to applicants for employment, all employees including temporary workers or independent contractors, and any other person associated with the City of Kaukauna, including business partners, customers, and visitors. This policy applies not only to the workplace, but also to all work-related activities and functions, both on and off City premises and during and outside of regular work hours.

This policy extends to all work-related interactions, whether in person, via telephone, in writing, or through electronic communications such as e-mail, text messages, instant messages, blogs, electronic conferencing, and social media postings regardless of whether they are made through a computer, cell phone, or other electronic device or medium.

Harassment includes any unwelcome behavior that is offensive, abusive, threatening, intimidating, humiliating, or degrading to another individual. The behavior can be verbal, written, visual, or physical and can arise out of in-person or electronic communications. While harassment may be based on protected class status, other offensive behavior that impairs morale and interferes with work effectiveness, including jokes and teasing, are also prohibited by this policy.

SEXUAL HARASSMENT

Sexual harassment is a form of harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. There are two types of unlawful sexual harassment:

- Quid pro quo. No one may be promised a benefit or favor in return for something sexual, and no one may be threatened with something negative to entice or coerce something sexual.
- Hostile work environment. A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating or offensive work environment or conditions.

Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender, sexual orientation or perceived sex, gender identity or gender expression. Sexual harassment may involve individuals of the same or different gender.

Examples of sexual harassment or other harassing or offensive behaviors include, but are not limited to:

- sexual and other offensive jokes told in person or through any electronic device.
- sexual innuendo, language or images sent through texts, instant messages, e-mail, or other electronic device (“sexting”).
- intimidation, sabotaging, physical assaults or threats.
- slurs, epithets, or name calling.
- posting offensive messages on social media sites.
- unwelcome sexual flirtations, advances, or propositions.
- ridicule, mockery, insults, or put-downs told in person or through any electronic device.
- physically displaying or sending discriminatory, sexually suggestive or other offensive objects or pictures, including photos, posters, calendars, graffiti, drawings and cartoons, or language, including jokes, through any medium, including electronically, in person, interoffice mail, or any other manner.
- interference with work performance.
- leering, staring, unwelcome touching, or physical closeness; and
- using City-provided electronic devices (including computers and cell phones) to view, display, or distribute pornography or other offensive content.

No one will be denied or given employment opportunities based on going along with or rejecting sexual advances or any other behavior prohibited by the policy.

Harassment can also take the form of microinequities, which are verbal or nonverbal behaviors that create an imbalance of treatment, and that behavior is directed toward an individual or group identity. This type of harmful behavior can be any type of communication or environmental slight that communicates insensitive, inattentive, disrespectful, or derogatory messages, and often perpetuates stereotypes.

LEGAL PROTECTIONS

The federal law prohibiting sexual harassment is the Civil Rights Act of 1964 and is enforced by the EEOC. Under Title VII of the Civil Rights Act of 1964, sexual harassment is a form of sex discrimination. Sex discrimination involves treating an applicant or employee unfavorably because of that person's sex.

COMPLAINT PROCEDURE

Any individual who has experienced or observed harassment or offensive behavior by anyone during the course of their employment should feel free to ask the person to stop at once if they feel comfortable in doing so. All employees, however, are strongly encouraged to report the behavior to their supervisor, Department Head, or any other manager or Human Resources even if they intend to respond to the person themselves. This is important in order for the City to address the issue.

Supervisors must promptly advise Human Resources of all harassment or offensive behavior either observed or brought to their attention by others.

Reports of offensive behavior and harassment will be promptly investigated in as discreet a manner as possible, avoiding the disclosure of names unless essential to investigation. The City of Kaukauna has implemented the following complaint procedure:

- Any employee who believes he or she has been the subject of harassment should report the alleged act immediately to the Human Resources Director, appropriate Department Head, or the Mayor.
- If a complaint involves a supervisor, the complaint should be filed directly with the Human Resources Director.
- All complaints will be addressed in a confidential manner within three (3) working days. To the extent required by law, information concerning a complaint will not be released by the City of Kaukauna to third parties or to anyone within the City who is not involved with the investigation; nor will anyone involved be permitted to discuss the subject outside the investigation. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of incidents of harassment and to protect the reputation of any employee wrongfully charged with harassment.
- Investigation of a complaint will normally include conferring with the parties involved and any apparent witnesses.
- Employees shall be guaranteed an impartial and fair hearing. All employees shall be protected from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
- If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

Employees are expected to cooperate in such investigations. Anyone found to have violated this policy will be subject to corrective action, up to and including termination of employment. Although the City of Kaukauna has limited ability to discipline a nonemployee engaging in harassing or discriminatory behavior (such as a contractor, vendor, or supplier), the City will take remedial action aimed at stopping the conduct.

Retaliation of any kind against any person who reports a violation or assists in an investigation under this policy is strictly prohibited. Any employee who engages in these behaviors against another employee because of a complaint under this policy will be subject to corrective action.

All supervisors are responsible for the implementation of this policy and for ensuring that employees know and understand this policy. All employees will be held responsible and accountable for eliminating prohibited conduct. Questions regarding this policy should be addressed directly to Human Resources or your Department Head who have overall responsibility for investigating and resolving harassment complaints at the City of Kaukauna.

The question of whether a particular action or incident is purely a personal, social relationship without a discriminatory employment effect requires factual determination based on all facts in the matter. Given the nature of this type of discrimination, false accusations of harassment can have serious effects on innocent individuals. The City trusts that all employees of the City of Kaukauna will continue to act responsibly to establish and maintain a pleasant working environment, free of discrimination for all. You are encouraged to raise questions you may have regarding harassment with the Human Resources Director.

STANDARDS OF CONDUCT

The City of Kaukauna expects professional conduct from its employees. In general, this means that The City expects employees to maintain the following examples of appropriate conduct; the list includes, but is not limited to:

- Prompt and regular attendance.
- Acceptable standards of work quality and quantity.
- Complete attention and effort to work matter during work time.
- Compliance with and support of the City's safety and housekeeping rules.
- Employees will not falsify records, including time worked, or misrepresent reasons for absence, tardiness or benefits or customer records.
- Employees will conduct themselves in a manner consistent with the rules of society and good, courteous business practices.
- Employees will not engage in any workplace violence, threats of violence, fighting, horseplay, malicious pranks, or profanity. This can include possession or use of weapons or explosives on company premises.
- Employees will comply with and support our published policies and procedures.

An employee who commits an act that is offensive to the rules of common sense or decency, or which violates a published policy or rule of the City, may face discipline up to and including termination. The basic purpose of discipline is to provide correction so that the employee can improve his or her performance, unless the company believes that, under the circumstances, the employment relationship should not be continued.

Depending upon the circumstances involved discipline issued may be a verbal warning, written warning, suspension without pay or discharge. Progressive discipline may not be followed in all cases. Depending upon the nature of the violation and the surrounding circumstances including, but not limited to, the employee's past work record and past conduct, one or more steps of the progressive discipline system may be repeated or skipped. Thus, in some circumstances, immediate termination may result.

WORKPLACE BULLYING POLICY

The City of Kaukauna defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the City's stated professional conduct standards that all employees will be treated with dignity and respect.

The City of Kaukauna considers workplace bullying as the following:

- Verbal Bullying: slandering, ridiculing, or badmouthing an individual or his/her family; persistent name calling that is hurtful, insulting, or humiliating; using an individual as the object of jokes; abusive and offensive remarks.
- Physical Bullying: pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, or damage to a person's work area or property.
- Gesture Bullying: nonverbal threatening gestures or glances which can convey threatening messages.

- Exclusion: socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of an individual
- Shouting or raising voice at an individual in public and/or in private
- Using verbal or obscene gestures
- Not allowing the person to speak or express him/herself (i.e., ignoring or interrupting)
- Personal insults and use of offensive nicknames; public humiliation in any form
- Constant criticism on matters unrelated or minimally related to the person's job performance or description
- Spreading rumors and gossip regarding individuals
- Pressuring others to disregard a supervisor's instructions
- Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting meaningless tasks, setting deadlines knowing that they cannot be met, giving deliberately ambiguous instructions)
- Taking credit for another person's ideas
- Unwanted physical contact, physical abuse, or threats of abuse to an individual or an individual's property (defacing or marking up property)

The purpose of this policy is to communicate to all employees that the City of Kaukauna will not tolerate bullying behavior. Violations of this policy will result in discipline, up to and including termination. Employees who have any questions regarding this policy should contact Human Resources. Employees with complaints or concerns related to this policy should immediately report them to their supervisor or Human Resources.

DISABILITY ACCOMMODATION

The City is committed to providing equal employment opportunities to all employees, including qualified individuals with disabilities. This may include providing reasonable accommodation, where appropriate.

In general, it is an employee's responsibility to notify Human Resources if they have a need for an accommodation. Upon doing so, the City may ask them for their input, the type of accommodation they believe may be necessary, or the functional limitations caused by the disability. Also, when appropriate, the City may need their written permission to obtain additional information from their physician or other medical or rehabilitation professional. Any information obtained is kept in a confidential employee file.

All requests for reasonable accommodations will be considered consistent with the business needs of the City in accordance with state and federal law. The City of Kaukauna will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to the health, safety, and well-being of these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City. All questions should be discussed with Human Resources.

PREGNANCY ACCOMMODATION

The City of Kaukauna will provide reasonable accommodations to employees for health conditions related to pregnancy or childbirth unless providing an accommodation would impose an undue hardship on the business. In general, it is an employee's responsibility to notify Human Resources if they have a need for an accommodation. Reasonable accommodations may include more frequent restroom, food, or water breaks; seating consistent with the employee's essential job duties; and lifting limits or aids.

The City will engage in an interactive process with the employee in order to determine what accommodations may be reasonable and may request information from the employee's healthcare provider for additional assistance. The employee's supervisor and those identified as having a need to know may assist in determining the feasibility of the requested accommodation.

Employees requesting an accommodation related to pregnancy or childbirth should contact Human Resources.

NURSING MOTHERS

The City of Kaukauna will provide reasonable break time(s) each day to employees needing to express breast milk for their infant child. This break time must, if possible, run concurrently with any break time already provided to the employee. Any other time needed for this purpose will be considered paid or unpaid in accordance with federal and state law. Employees who are nursing mothers should see their supervisor or Human Resources for a private location for this purpose.

RELIGIOUS ACCOMMODATION

The City will reasonably accommodate the sincerely held religious beliefs, observances, and practices of its employees which conflict with employment requirements. Employees must direct requests for reasonable accommodation to Human Resources. The City will provide reasonable accommodation if it can do so without undue hardship on the City's operations.

COMPENSATION

EMPLOYMENT CLASSIFICATIONS

The following employment classifications have been established for overtime purposes. Benefits eligibility may differ from this. See specific benefits information for eligibility.

Full-time: An employee who is scheduled to work at least 30 hours per week if nonexempt and at least 37.5 hours per week if exempt on a regular and consistent basis.

Part-time: An employee who is scheduled to work at least 20 but less than 30 hours per week on a regular and consistent basis.

Temporary: An employee hired to supplement the workforce for a limited time only, either part-time or full-time, such as summer help or casual labor. The extension of the initially anticipated period of employment does not alter the employee's temporary status without direct confirmation of a change in status from Human Resources. Temporary employees do not receive any additional compensation or benefits provided by the City unless required by State or Federal laws.

Contract: Any person who works as an outside contractor, consultant or through a temporary employment agency is not an employee of the City of Kaukauna; however, they remain subject to the policies of the City regarding conduct and behavior.

All employees are also defined by either exempt or nonexempt status as defined by the Fair Labor Standards Act (FLSA), as amended and applicable state law.

Nonexempt: Employees who are paid on an hourly or salaried basis whose positions are not exempt from minimum wage, overtime, and timekeeping provisions of the Fair Labor Standards Act, as amended and applicable state law. Nonexempt employees are required to receive overtime pay for any hours worked over 40 in the defined seven-day workweek.

Exempt: Employees who are paid on a salaried or commissioned basis and whose positions are exempt from the minimum wage, overtime, and certain timekeeping provisions of the Fair Labor Standards Act, as amended and applicable state law. Exempt employees are paid a pre-determined amount of pay regardless of the number of hours they work each week. Exempt employees are not eligible to receive overtime pay.

If employees are unsure of their employment classification, or any other wage payment issues, they should see their supervisor.

HOURS OF WORK

City Hall offices are open for business from 8:00 a.m. to 4:30 p.m., Monday through Friday except specified holidays.

Work schedules for employees vary throughout the organization. Scheduled hours of work are set by the Mayor and Department Heads. Because of the nature of the business, work hours may vary and may on occasion include overtime. Supervisors will make every effort to set the schedule in advance, though this schedule may be changed if necessary to meet business demands. Employees are expected to work overtime when requested. All employees are expected to use their time at work in productive manner.

MEAL & OTHER BREAK PERIODS

Employees working more than 4 hours will receive an unpaid meal break of at least 30 minutes during their shift, to be scheduled by their supervisor. Nonexempt employees must record their time in and out at the beginning and end of the meal break and may not perform any work during their unpaid meal break. Employees are expected to be at their workstation, ready to work at the end of their break. Working off-the-clock is prohibited.

Meal and other break periods cannot be used to arrive late or leave early and cannot be combined to create a larger single break period unless approved by their supervisor in advance.

OVERTIME

Department of Public Works Street Department non-exempt employees follow a separate policy for pay practices; employees in that department should refer to the Appendix.

Business demands may sometimes require employees to work extra hours beyond their regularly scheduled work hours. Whenever possible, the City will notify employees in advance if overtime will be necessary. However, employees are expected to be available and to work the extra time when needed, regardless of what notice has been given, unless the employees have a pre-approved absence from their supervisor. Absences or tardiness for scheduled overtime will count as any other day of the week toward the total attendance record.

Federal and state laws determine employee eligibility for overtime pay. If employees are nonexempt and anticipate a need to work extra hours, they must receive their supervisor's approval in advance. Overtime is paid at a rate of time and one-half the regular rate of pay for all hours worked over 40 in a workweek. The workweek begins at 12:01 a.m. on Thursday and ends on Wednesday at 12:00a.m. (Midnight).

Holidays, vacation, and sick time are counted as hours worked for overtime purposes.

Full-time non-exempt employees may accumulate comp time. The supervisor must approve all comp time. Comp time may not be carried over to the next year and any balances will be paid out at the employee's regular rate of pay at year end. Comp time is not applicable to street department.

Exempt employees are not eligible for overtime pay.

PAYDAYS AND PAY DEDUCTIONS

Employees will be paid on a biweekly basis every Thursday. If a holiday falls on a payday, employees will be paid on the preceding workday.

Employees will have their payroll check deposited directly into their personal checking and/or savings account(s) and will receive an earnings statement each payday in lieu of a check. Employees' earnings statements will give them a complete record of their earnings and deductions and will be available online in the City's HRIS system. Only deductions required by law and those employees have authorized in writing will be deducted from their pay.

The City of Kaukauna complies with all state and federal regulations for proper payment of its employees and takes every precaution to determine the appropriateness of each deduction. Accordingly, the City prohibits pay deductions from employees' pay that do not conform to state and/or federal regulations. Any employee who believes an improper pay deduction has occurred should notify Human Resources as soon as possible. Should an improper deduction occur, the City will make every effort to correct its error and will take actions to remedy any processes necessary to ensure future errors will not occur.

Employees are responsible for reporting an overpayment of wages immediately. Failing to report an overpayment of wages may result in corrective action, up to and including termination.

TIME REPORTING

State and federal laws require the City to keep accurate records of time worked by all nonexempt employees. Our time-keeping system works not only to assure we comply with the law, but also to assure that employees are paid in full for all the time they have actually worked. The approved time record is used to compute earnings on the basis of hours worked.

All nonexempt employees are required to maintain a time record using the City's HRIS system provided for that purpose and are required to verify that the hours are complete and accurate by signing the time records. All time cards need to be approved by the appropriate Supervisor or Department Head.

Altering, falsifying, tampering with time records, recording time on another employee's behalf, or failing to report an error may result in corrective action, up to and including termination.

BENEFITS

GENERAL BENEFITS INFORMATION

The City of Kaukauna cares about its employees' personal well-being and provides certain benefits available for eligible employees in addition to their base compensation. Eligibility for some or all of the benefits will depend on the specific requirements of each plan.

This section of the handbook is an outline of the benefits available to employees – the specific plan provisions, including eligibility requirements, are contained in the plan documents. Any conflict between statements made in the employee handbook and the plan documents will be governed by the formal plan documents. The City reserves the right to add, modify, or terminate any or all benefits and premium contributions without notice.

The City understands that medical information about employees and their health is personal. The City is committed to protecting employee medical information and follows all federal and state laws regarding privacy of the medical information generated by insurance plans. Other medical information received and maintained by the City that is not generated by one the City's insurance plans will be protected and stored according to the appropriate federal and state laws.

CONTINUATION OF MEDICAL COVERAGE (COBRA)

This benefit is provided in accordance with the requirements of the federal law on continuation of health insurance (commonly known as COBRA). Employees who are eligible for insurance continuation will be provided specific information about availability and cost.

In the event of an employee's separation of employment (including retirement), death, certain reductions of hours or entitlement to Medicare benefits, or loss of dependent status according to plan rules, employees and their eligible dependents may be eligible to continue medical coverage through the City of Kaukauna at their own expense. Employees should see Human Resources for more information.

This benefit is subject to change as necessary to comply with the federal or state law. Failure to make timely payment of premiums will result in the forfeiture of continuation benefits.

It is important to know that there may be alternate coverage options through the Health Insurance Marketplace, Medicaid, or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period" which is typically a thirty-day period to enroll in these other options when losing other coverage. Some of these options may be more cost effective than COBRA continuation coverage.

EMPLOYEE ASSISTANCE PLAN (EAP)

The City of Kaukauna offers an employee assistance plan (EAP) to employees and their immediate family to assist them in dealing with issues such as death, divorce, drug and alcohol abuse, aging parents, stress, financial difficulties, marital conflicts, adolescence, and other personal situations. In addressing such issues, employees may find it difficult to identify the cause of the specific problem and may not know where to turn to get help. Getting help early can prevent a problem from becoming overwhelming and disrupting employees' lives and those around them.

The City has contracted with a provider which will provide a professional assessment to identify the problem and determine a course of action. This program is completely confidential. The City will not be notified of any individual utilizing the program, decisions made, or problems discussed.

The Employee Assistance Program can be reached 24/7 at 1-800-540-3758 or ascensionwieap.org.

Employees should contact Human Resources with questions on the EAP.

FITNESS REIMBURSEMENT BENEFIT

The City of Kaukauna is committed to recognizing the importance of fitness and good health. The City provides all full-time and part-time employees a Fitness Reimbursement Benefit for a health club membership in which they are participating. The City of Kaukauna will reimburse the employee for fifty percent (50%) of his/her annual membership to a health club up to a maximum of two hundred dollars (\$200) per calendar year for full-time employees and one hundred dollars (\$100) for part-time employees. To be reimbursed a health club membership reimbursement form must be completed and turned into Human Resources for approval and payment.

FLEXIBLE SPENDING PLAN

Through the Flexible Spending Plan, authorized under Section 125 of the IRS Code, employees may elect to deduct specific amounts from their paychecks on a pre-tax basis for specific non-reimbursed medical expenses and dependent care expenses.

The City of Kaukauna reserves the right to modify or terminate this plan within the limitations of the IRS regulations. Questions may be directed to Human Resources.

HEALTH INSURANCE

Full-time and part-time eligible employees who have met WRS eligibility are eligible to participate in health insurance coverage through the Wisconsin Department of Employee Trust Funds (ETF). Employees are generally eligible for health insurance coverage the first day of the month following thirty (30) days of employment.

Application for insurance coverage must be made within thirty (30) days of employment or during the open enrollment/dual choice period provided by ETF. Employees may be eligible for special enrollment if certain circumstances exist. Employees should inform Human Resources of any changes in their personal circumstances that might qualify for special enrollment.

The City of Kaukauna will pay eighty-eight percent (88%) of the applicable single or family premium of the lowest cost Tier 1 plan(s) in Outagamie County for all full-time employees. If there is more than one Tier 1 plan in Outagamie County, the City will pay 88% of the average premium of the Tier 1 plans for eligible full-time employees. The City of Kaukauna will pay fifty percent (50%) of the applicable single or family premium of the lowest cost Tier 1 plan(s) in Outagamie County for all eligible part-time employees who work a minimum of twenty-three (23) to less than thirty (30) hours per week. If there is more than one Tier 1 plan in Outagamie County, the City will pay 50% of the average premium of the Tier 1 plans for eligible part-time

employees. However, the City of Kaukauna reserves sole discretion to alter the amount that it contributes toward employee premiums.

The City of Kaukauna retains the final authority to establish, modify, rescind, add, or in any way affect employee benefits, including retiree benefits. The City of Kaukauna reserves the right to select the carrier(s) and to determine the insurance plan's benefits, including deductibles, co-pays, and other coverage for all insurance plans offered. The City of Kaukauna reserves the right to self-fund and change the benefit structure of any insurance plan, including eligibility, at any time.

HEALTH REIMBURSEMENT ACCOUNT (HRA)

The City of Kaukauna will make an annual contribution into a Health Reimbursement Account (HRA) for all employees who are enrolled in the Wisconsin Department of Employee Trust Funds Health Insurance Plan.

The City of Kaukauna's annual contribution for full-time employees is eight hundred dollars (\$800) if enrolled in a family plan and four hundred dollars (\$400) if enrolled in a single plan, along with an additional sixty-one dollars (\$61) contributed per month for employees enrolled in family coverage and twelve (\$12) per month for employees enrolled in single coverage. Part-time employees receive an annual contribution amount of four hundred dollars (\$400) for single coverage and eight hundred (\$800) for family coverage and no additional monthly contributions.

Employees should contact Human Resources for questions on the HRA.

LIFE INSURANCE

The City of Kaukauna offers life insurance coverage under the State of Wisconsin Group Life Plan to full-time and part-time employees who meet eligibility to participate in WRS. The Plan provides basic coverage as well as optional coverage, including supplemental coverage, up to three (3) units of additional coverage and spouse and dependent coverage. The City of Kaukauna will pay the premium for the basic coverage which is equal to one (1) times annual base salary. The employee will pay the premiums for any optional coverage for which the employee enrolls. Life insurance is effective on the first of the month after thirty-one (31) calendar days of employment.

LONGEVITY

Employees who have completed three (3) full years of consecutive employment shall receive a longevity payment each year. The longevity payment is calculated and paid on the first pay period in November. The payment schedule for full time employees is as follows; longevity pay for part time employees is prorated based FTE.

After Years of Service	Per Month	Per Year
3	\$5	\$60
5	\$10	\$120
7	\$15	\$180
9	\$20	\$240
12	\$25	\$300
15	\$30	\$360

20	\$35	\$420
25	\$40	\$480

RETIREMENT BENEFITS

The City of Kaukauna has established a number of plans to provide employees the potential for future financial security in retirement.

DEFERRED COMPENSATION PROGRAM

The City of Kaukauna offers a voluntary supplemental retirement Section 457 savings program for all full-time and part-time employees. Employees receive information during orientation from Human Resources and must notify Human Resources if they wish to participate.

RETIREMENT HEALTH SAVINGS PLAN (RHS)

The City of Kaukauna participates in the RHS for non-represented full-time employees in accordance with the terms and conditions of the Plan's Participation Agreement.

Eligible employees that retire from the City of Kaukauna and have at least 40 hours' worth of earned vacation, will have their earned vacation deposited into this account. RHS contributions are not reportable earnings to the Wisconsin Retirement System (WRS). Retiring employees who have less than 40 hours of earned vacation will be paid out their balance on their final paycheck.

RESIDENCY INCENTIVE

Full-time and part-time employees that work a minimum of 1,000 hours per year and reside in the corporate limits of the City of Kaukauna will be eligible to receive an incentive equivalent to a percentage of Wisconsin Retirement eligible wages. This incentive shall be provided as a bi-weekly contribution deposited into a 401(a) Supplemental Retirement Plan for the employee and vested immediately upon deposit. All employer contributions shall be discretionary as authorized by the Council based on the approved maximum City liability of \$250,000 in total contributions per year.

RETIREE HEALTH INSURANCE

All qualified elected and full-time employees of the City of Kaukauna who leave their employment with the City of Kaukauna at age fifty-five (55) or older, or protective service employees with more than twenty (20) years of service who terminate employment under provisions of Chapter 40 of the Wisconsin State Statutes, shall be eligible to participate in the City's health insurance program.

Eligible employees must meet all of the following criteria:

- Ten (10) years of continuous full-time service with the City of Kaukauna
- Employee is not eligible for Medicare/Medicaid
- Retires by submitting a notice of retirement/resignation to the City

The City of Kaukauna shall pay fifty percent (50%) of the applicable single or family premium of the lowest cost Tier 1 plan in Outagamie County for employees hired after January 1, 2009 and will continue to pay seventy five percent (75%) for employees hired before January 1, 2009.

RETIREE RECOGNITION PROGRAM

Employees retiring from the City with a minimum of ten (10) years of service will receive a gift card with a dollar amount equal to \$10.00 per year of service.

WISCONSIN RETIREMENT SYSTEM

The City of Kaukauna will pay the employer's portion of the retirement contribution for full-time and part-time employees. Employees are responsible for the employee portion of the retirement contribution in accordance with Wisconsin State Statutes.

This percentage is established by the Wisconsin Employee Trust Funds on an annual basis.

EDUCATION REIMBURSEMENT & PROFESSIONAL CREDENTIALS

To encourage continued educational development and assist the City of Kaukauna employees who wish to pursue a college or technical degree outside regular working hours, the City of Kaukauna will reimburse employees for eligible expenses related to schooling. The City of Kaukauna will also pay for professional society or association dues and credentials related to an employee's professional field.

Education reimbursement is available to all full-time employees after completing one year of service. A course approval form must be completed before enrolling in a course and all courses are subject to approval of the Department Head and Mayor.

The City will reimburse employees a portion of education costs if their request meets the following considerations:

- The degree or course is in an area related to their current job or another job that may be reasonably attainable within the City.
- The class must be taken at a college, university, technical school, or other accredited educational institution.
- The reimbursement request has been approved prior to the first day of class.
- Costs incurred must be verified by original receipts.
- Employees must receive a grade of "C" or better or a "pass" in a "pass/fail" course.
- Employees remain employed with the City for the duration of the course.
- Employees have submitted transcripts of their grades.

Upon submission of the receipt for education costs, official transcripts of final grade, and an education reimbursement form to Human Resources, the City will reimburse for an amount equal to 50% of the cost of tuition, registration fees, and textbooks, up to a maximum of \$2,500 per year. Reimbursement will not be made for late fees, student activity fees, transportation to and from classes, parking, or other nontuition expenses.

An employee who completes a degree program through the education reimbursement program or is within six (6) months of completing a degree, is required to remain employed with the City a minimum of two (2) years beyond completion date of the program to keep the reimbursement dollars. If an employee terminates employment before two years after completion of the program, they will be required to reimburse the City the full amount of education reimbursement received.

PROFESSIONAL SOCIETY, ASSOCIATION AND CREDENTIAL REIMBURSEMENT

Dues in a professional society or association related to the employee's field of work are subject to prior approval of the Department Head and Mayor.

SOCIAL SECURITY

The City of Kaukauna participates in Social Security for full time employees. Social Security is a federally sponsored program that pays benefits to employees who have made regular contributions to the program during their working years. In addition to the amount employees contribute to Social Security (FICA) automatically through their paycheck, the City contributes an equal amount each pay period.

A full description of Social Security benefits is available through the Social Security Administration.

SOCIAL SECURITY ALTERNATIVE PROGRAM

The Social Security Alternative Program is available to eligible seasonal, temporary, and part-time employees. To qualify, employees hired after July 1, 2011 must work less than 1200 hours per year. (Seasonal, temporary, and part-time employees hired prior to July 1, 2011 must work less than 600 hours per year.)

The employee pays 7.5% per paycheck in lieu of Social Security tax in an alternate plan in their names managed by Pelion Benefits. Human Resources provides the information and enrollment form for this program.

UNEMPLOYMENT INSURANCE

The purpose of unemployment insurance is to replace part of employees' income in certain circumstances if they are laid off or terminated. The City pays the full cost of unemployment insurance, but it does not decide who is eligible for benefit payments or the amount of the payments. This eligibility and payment amount are decided by state law.

VOLUNTARY DENTAL INSURANCE

The City of Kaukauna offers a voluntary dental insurance benefit to full-time and eligible part-time employees. This plan is offered through DeltaDental and is separate from the dental insurance offered as part of the medical plan. The voluntary dental plan is 100% employee paid. Contact Human Resources for more information.

VOLUNTARY VISION INSURANCE

The City of Kaukauna offers a voluntary vision insurance benefit to full-time and eligible part-time employees. This plan is offered through DeltaVision. The voluntary dental plan is 100% employee paid. Contact Human Resources for more information.

WORKERS' COMPENSATION

All employees are entitled to worker's compensation benefits. This coverage is automatic, immediate, and protects you following a work-related injury or illness. A work-related injury is defined as an accidental injury suffered in the course of your work, or an illness which is related to performing your assigned job duties. If you cannot work due to a work-related injury or illness, workers compensation insurance pays your medical bills, and upon meeting the required waiting period, pays a portion of your income until you are able to return to work.

Any accident that results in an injury, however slight, to an employee must be reported promptly, in writing, per the incident reporting procedures.

REPORTING PROCEDURES

1. Inform your immediate supervisor and complete the City's Incident Report Form.
2. Submit the completed Incident Report form to your supervisor who will sign and submit to HR.
3. Contact Ready Rebound at 1-800-781-2320 if the injury is musculoskeletal.

MEDICAL ATTENTION AND RETURN TO WORK

If medical attention/treatment is necessary, no employee shall return to their job until a return-to-work authorization releasing the employee to return to work is received by Human Resources from the treating physician. If, after seeking medical treatment, the treating physician prohibits the employee from returning to normal duty, the return-to-work note should indicate such restrictions and any follow up appointments necessary.

LOST TIME

Temporary disability is not paid for the date of injury or for the three-day waiting period for absences lasting seven days or less. If an absence extends beyond seven days after the date of injury, compensation is paid for the entire period including the three-day waiting period. An employee will be required to apply available sick time to the three-day waiting period in accordance with state law. If the absence extends beyond seven days, the employee will be credited back for sick time used during the first three days.

The City of Kaukauna shall pay for lost time within the first 30 calendar days from date of injury following the three-day waiting period in cases of work connected injuries in which the employee's treating physician prohibits the employee from returning to work. Payments will be based on the difference between the employee's normal daily rate and Worker's Compensation payments.

Employees would not receive sick pay in addition to Worker's Compensation, but the City would consider a request from the employee to be allowed to use their accumulated sick days to supplement their Worker's Compensation up to, but not to exceed their normal wages.

LIGHT DUTY

In the event an employee suffers a work-related injury or illness that limits them from returning to work at full-duty status, the City may offer the employee temporary light duty assignments during their healing period, consistent with the restrictions prescribed by the treating medical provider.

Light duty assignments do not create a regular employment opportunity and are considered temporary assignments only. The City reserves the right to limit the amount of and duration of light duty work and will require updated restrictions consistent with medical appointments during the healing period.

ATTENDANCE & TIME AWAY FROM WORK

ATTENDANCE

The success and efficient operation of the City of Kaukauna depends, to a large extent, on every employee being at work and contributing each day. Regular attendance and punctuality are essential functions of every position at the City. The City of Kaukauna expects employees to come to work and do their best during their scheduled work hours every day. While there may be legitimate reasons for being absent or tardy, unnecessary, and unplanned absences should be minimal and not disrupt the City's operations.

Employees are required to call in and report absences or tardiness to their supervisor before the start of the workday unless, of course, there is an extreme emergency. If an emergency situation exists, employees should notify their supervisor as soon as possible. Employees are also expected to enter their absence into the City's HRIS system.

Excessive absenteeism or tardiness may lead to discipline, up to and including termination. Employees with extenuating circumstances may submit a request to their supervisor in advance, who will work with Human Resources to determine if the request can be approved.

If employees believe their absence may be covered under the Family and Medical Leave Act (FMLA), it is their responsibility to notify their supervisor and/or Human Resources their intent to take FMLA Leave. The City may also send them an FMLA notice if circumstances indicate that their absence may qualify under FMLA.

Unreported absences indicate a lack of respect for the job and the City. If employees are absent for three (3) consecutive days without notification, we will consider them as having voluntarily resigned from the City of Kaukauna.

EMERGENCY CLOSINGS

The City of Kaukauna is generally open during standard business hours, regardless of weather conditions. When severe weather conditions exist, employees are expected to make every reasonable effort to report to work, and to contact their supervisor before the start of their shift if unable to report to work on time or at all. Work time missed due to inclement weather is without pay and employees must use vacation or other earned benefits to be paid for missed work time.

If City Hall is closed due to inclement weather, it will be at the discretion of the Mayor. Employees will be paid for the time they were scheduled to work while City Hall was closed.

HOLIDAYS

The City of Kaukauna provides full-time and part time employees with paid time off for the following holidays:

New Year's Day	Thanksgiving
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve Day
Labor Day	Christmas Day

Full and part-time employees receive holidays at their regular rate of pay for their scheduled hours for any of the listed holidays.

If a scheduled paid holiday occurs during a vacation or a paid leave of absence, employees will receive pay for the holiday in lieu of being charged for a vacation day or paid leave. If a holiday occurs while employees are on an unpaid leave of absence, they will not be paid for the holiday.

When any holiday falls on a Saturday, the holiday will generally be observed on the preceding Friday. When any holiday falls on Sunday, the holiday will generally be observed on the Monday following. When Christmas Eve falls on a Sunday, employees will receive a personal day. The City may change this to accommodate business needs.

All work on holidays must be pre-approved by the supervisor. Nonexempt employees who are required to work on a holiday will be paid time and one-half their regular hourly rate for all hours worked on the holiday, plus eight (8) hours of holiday pay if they are full-time or pro-rated holiday pay if they are part-time.

The City is mindful there may be additional religious observances, not including the holidays already mentioned. Supervisors will give such occurrences consideration as vacation, personal time, or time without pay if requested, as scheduling permits.

LEAVES OF ABSENCE

General Information: The City of Kaukauna realizes that, at times, employees may need time away from work for personal or medical reasons. All requests should be made in writing and whenever possible, at least 30 days prior to the leave. This will allow the City the necessary time to approve and find someone to perform the work during their absence. (See each specific leave policy for time permitted.) The City may also require substantiation for the leave to verify the nature and length of each leave request.

As allowed by law, all leaves of absence and paid time off benefits run concurrently and may not be stacked for more time off than allowed under the most generous leave policy applicable to the employee's situation. Once paid time off has been exhausted, the remainder of the leave of absence will be unpaid unless otherwise provided in the leave policy.

Employees must contact Human Resources prior to the end of their leave to confirm their return-to-work date. A fitness for duty report from their physician is required for medical leaves, confirming that they are medically able to resume the essential duties of their position, with or without accommodation. Unless there are extenuating circumstances, failure to return to work on the day after the expiration of leave may be considered a voluntary resignation. A request for an extension of a leave of absence may be considered and must be submitted to Human Resources in writing prior to the expiration of the original leave of absence; however, extensions cannot be guaranteed.

Employees are generally not authorized to maintain outside employment while on a leave of absence from the City. Any exceptions must be discussed with Human Resources.

Insurance benefits may be handled differently based on the type of leave of absence. In some cases, continuation of insurance benefits will be available through COBRA or other applicable state laws. See Human Resources for more information.

Every effort will be made to re-employ employees in their former position upon their return from an authorized leave; however, except where mandated by law, such placements cannot be guaranteed.

BEREAVEMENT LEAVE

Employees will be granted up to three (3) days off of scheduled work time with pay in the case of the death of an employee's parent, stepparent, child, spouse, stepchildren, parent-in-law, stepparent-in-law, siblings, or stepsiblings. Time must be taken within seven (7) business days of the date of death.

An employee will be granted one (1) day off to attend the funeral of an employee's grandparent, grandchild, child-in-law, sibling-in-law, and spouse of sibling-in-law provided the funeral is on the employee's scheduled day of work.

Bereavement leave is prorated based on scheduled hours/days worked for part-time employees.

BONE MARROW AND ORGAN DONOR LEAVE

If employees have been employed at the City of Kaukauna for more than 52 consecutive weeks and worked at least 1,000 hours during this period, they may take up to six (6) weeks of unpaid time off in a 12-month period to donate bone marrow and organs. This leave may only be taken, however, for the period necessary for them to undergo the donation procedure and to recover from that procedure. Eligible employees may substitute other types of available paid or unpaid leave if they choose.

Employees must provide written notification to Human Resources in advance that indicates they will be serving as a bone marrow or organ donor. Employees must make a reasonable effort to schedule the procedure so that it does not unduly disrupt the employer's operations.

The City may require medical certification issued by the health care provider of either the donee or the donor to verify that the bone marrow or organ recipient has a serious health condition that necessitates the transplant, that employees are eligible for and agree to the donation, and the amount of time expected to recover.

Employees will continue to receive group health insurance benefits during the leave if they had coverage under the plan immediately before the leave.

During the period of recovery, the City reserves the right to allow employees to work in an alternative employment position that meets their qualifications. Any period of time during this alternative employment will not reduce the amount of leave they are eligible to receive.

Employees will be restored to the same or an equivalent position when they return to work at the end of their leave. See Human Resources with any questions regarding this leave.

CIVIL AIR PATROL LEAVE

Employees may take up to five (5) consecutive workdays of unpaid leave, or up to 15 days of leave in a calendar year, to participate in an emergency service operation. Their status with regard to benefits, pay, and seniority is considered to be uninterrupted by the leave.

FAMILY MEDICAL LEAVE ACT (FMLA) AND WISCONSIN FAMILY MEDICAL LEAVE

The City of Kaukauna complies with all applicable provisions of state and federal laws on family and medical leave. The Appendix to this handbook outlines the policy, including the rights and obligations of employees, the notification requirements, and the City's obligations. All questions about our Family and Medical Leave policies should be directed to Human Resources.

JURY LEAVE AND COURT APPEARANCES

The City of Kaukauna encourages all employees to be civic-minded. If employees serve on a jury or testify as a subpoenaed witness in a judicial proceeding, they will be granted a leave of absence.

Full-time and part-time employees will be paid their regular wages for jury duty. Employees are required to present authorized evidence to Human Resources of jury duty or court attendance and sign over the jury duty check to the City of Kaukauna. Employees must return to work on any workday when court duty for either type dismisses prior to the end of the workday. If employees do not report to work when dismissed, they will not be paid for any time that is not authorized jury or court duty.

Personal court appearances are unpaid unless the employee uses vacation or personal time.

MILITARY LEAVE FOR DUTY OR TRAINING

The City of Kaukauna complies with USERRA and all applicable state laws that afford protection rights to employees serving in the U.S. Armed Forces, Reserves and National Guard. All rights and protections under this policy are also provided to those serving in State Defense and Public Health Emergency Services.

When an employee receives orders for active duty or training, they should promptly notify their supervisor or Human Resources detailing the duration of the required service to preserve their reemployment rights.

If an employee so desires, they may use any available paid time off for military service. Any additional time needed for military service will be a leave of absence without pay. Should an employee be required to take an extended leave without pay to fulfill their military duty, eligibility for reinstatement after military duty or training is completed is determined in accordance with applicable federal and state laws.

Employees will also be eligible to continue health and dental benefits under certain conditions.

If these activities are compensated by the federal government, the City will pay the difference between an employees' regular straight-time wages and the government's compensation, up to a maximum of two (2) weeks per year. Employees who are not employed on a full-time basis will receive appropriate unpaid time off.

PERSONAL LEAVE

Under certain circumstances, a leave may be granted for a personal reason; however, personal leave may not be taken to work for another employer or for self-employment. This leave time will be considered on a case-by-case basis.

All personal leaves will be unpaid unless an employee has available paid time off, such as vacation or personal time, to use concurrently with their leave. All fringe benefits, including insurance, will be suspended during a personal leave. Employees may choose to continue medical insurance through COBRA.

An application for leave must be submitted to Human Resources no later than 30 days prior to the commencement of leave, or in an urgent situation as soon as the need for leave is known. Approval of this leave is at the discretion of the City.

The City cannot guarantee employees' job upon return from a personal leave; however, if their position must be filled during their leave, they will be considered for the next available openings they are qualified to perform, provided their prior work performance has been satisfactory.

Employees who volunteer as a firefighter, emergency medical technician or first responder for a volunteer fire department or fire company, a public agency, or a non-profit corporation will be permitted to be late or absent from work if due to their response to an emergency, as long as they comply with their responsibilities, provided below. The time off work is not required to be paid although employees may choose to apply any available paid time off.

To be eligible for this leave, employees must comply with all of the following:

1. Notify the City of their status within 30 days of becoming an emergency responder by written statement signed by the chief or manager.
2. When dispatched to an emergency, make every effort to notify their supervisor as soon as possible in advance unless extreme circumstances prevent them from doing so, substantiated by a written statement from the chief or manager explaining why prior notification could not be made.
3. Submit a written statement from the chief or manager verifying their participation in the emergency response, as well as the date and time of the response.

If an employee's status as an emergency responder changes, they must notify the City of that change.

VOTING TIME LEAVE

The City of Kaukauna believes that each employee should have the opportunity to exercise his/her right to vote in a general election. Since the polls are open extended hours, in most instances, employees may vote before or after work.

However, if their work schedule does not provide employees with the required amount of time to vote during nonworking hours, employees will be provided with up to 3 consecutive hours off work to vote while polls remain open. This time is unpaid unless the employee chooses to use vacation or personal time. To qualify for voting leave, employees must notify their supervisor by the day before election day. The supervisor may specify the times the employee may take for their voting leave.

TIME OFF BENEFITS

PERSONAL DAYS

There may be times when employees need to take care of personal business that cannot be handled outside of their regular working hours. Therefore, the City of Kaukauna provides full-time employees with two (2) personal days each calendar year to attend to personal matters. Part time employees are eligible for prorated time based on scheduled hours worked. The use of any personal time must be pre-approved by the employee's Department Head.

Personal days must be used prior to the end of the calendar year in which they were earned. New employees will receive prorated personal days in their first year based on their hire date and employees who resign or retire prior to year-end will be paid the balance of their personal days, prorated based on their separation date.

SICK LEAVE

The City of Kaukauna provides sick leave to employees due to non-work-related illness or injury. Employees may use sick leave during regular work hours (if necessary) for medical and/or dental appointments, illness, or injury of employee or qualified dependent. An employee must contact their supervisor for approval of sick leave.

For purposes of sick leave, a qualified dependent is defined as spouse, child, adopted child, foster child, or stepchild.

An employee will earn sick days at the rate of one (1) day per month of employment, cumulative to a maximum of one hundred twenty (120) days. Employees that have accumulated at least sixty (60) days as of December 1 and have not used more than two (2) sick days during the current year will receive one (1) additional day of vacation in the following year. Sick leave is prorated based on scheduled hours worked for part time employees.

Sick leave shall not be used for vacation or personal leave. Employees who abuse sick leave shall be subject to disciplinary action up to and including termination of employment. All employees unable to report to work must follow the procedures established. The City of Kaukauna may require an employee to submit a physician's certificate attesting to the employee's illness and physical inability to work prior to receiving pay for sick leave.

State and Federal Family and Medical Leave laws may provide broader coverage for use of leave to care for a family member suffering from a serious health condition. Please consult the Family Medical Leave policy in this handbook or the Human Resources Department for more guidance on the use of sick leave under FMLA laws.

VACATION

The City of Kaukauna provides employees with paid time off for rest and relaxation and diversion from regular work routine.

The City's vacation year is from January 1 through December 31. Based on the employee's calendar year of employment, time off is earned based on the prior completed calendar year and given on January 1 of each year. Vacation time is prorated in the year of hire.

Full time employees are eligible for paid vacation according to the following schedule and vacation time is prorated based on scheduled hours worked for part-time employees:

Years of Service	Vacation Benefit
Year Hired	5 <u>10</u> days (prorated)
1 - 2	10 days
3 - 7	15 days
8 - 19	20 days
20 +	25 days

SCHEDULING

Vacations should be scheduled as far in advance as possible and are subject to supervisor and/or department head approval. Every effort will be made to accommodate employees' preference of vacation; however, work demands, and business operations may affect the scheduling of vacations.

Up to three (3) days of vacation may carry over into the next year. Any amount in excess of three (3) days will be forfeited.

PAY

Employees will be paid at their regular rate of pay for all vacation time taken. Vacation pay will be paid with regular payroll.

Employees will receive pay for all earned and unused vacation to their last day worked upon termination. In the case of a negative vacation balance at the time of termination, the remaining balance will be deducted from an employee's final paycheck, where permitted by law.

As allowed by law, all leaves of absence and vacation benefits run concurrently and may not be stacked for more time off than allowed under the most generous leave policy applicable to the employee's situation. Once vacation hours and other time off benefits have been exhausted, the remainder of the leave of absence will be unpaid unless otherwise provided in the leave policy.

TIME AT WORK

BACKGROUND INVESTIGATIONS

Criminal and background investigations are important to protect the City, its employees, and its assets.

The City determines whether a criminal background investigation is required for a position based on the type of position, business necessity, and applicable state laws. An employee may be screened during employment if they are being considered for a change to a different position requiring a background investigation, or if their position requires ongoing background checks. Having a criminal history does not automatically disqualify an individual from employment, transfer, or promotion. Several factors will be taken into consideration, including the nature and gravity of the crime, its relationship to the position, and the time since the conviction. Employees will be notified of the need to rescreen. The City will ensure that all background investigations are held in compliance with federal and state statutes, such as the Fair Credit Reporting Act, and the required notices will be provided to the employee.

Contact Human Resources for more information.

BUSINESS ETHICS AND CONFLICTS OF INTEREST

The successful business operation and reputation of the City of Kaukauna is built on the principles of fair dealings and ethical conduct of our employees. The City's reputation for integrity and excellence requires careful observation of the spirit and letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct, trust, and personal integrity.

The continued success of the City is dependent upon maintaining the public's trust and of those with whom each employee serves. Employees owe a duty to the City, the public and each other, to act in a way that furthers the interests of the public and the City and in a way that will merit the continued trust and confidence of each other and the public. Employees will conduct business in accordance with the letter, spirit, and intent of all relevant laws and employees will refrain from any illegal, dishonest, or unethical conduct.

No employee shall engage in any business transaction with the employer, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or will tend to impair their independence, judgment, or action in the performance of their official duties. Any employee who has a financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the employer, or as part of their official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the City.

No employee, including persons or firms engaged to provide professional services to the employer, shall represent, for compensation, private interests before the employer without disclosure of the private business relationship and explicit consent of the employer. No employee shall disclose or use confidential information of the employer to advance the financial or other private interest of the employee or others.

No employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to the employee's knowledge, has a direct financial interest in any transaction or official business with the employer, which may tend to impair their independence of judgment or action in the performance of their official duties.

The use of good judgment based on high ethical principles will guide employees with respect to lines of acceptable conduct. Compliance in this area is the responsibility of every employee. Employees should discuss any situations that arise which do not meet this code of ethics with their supervisor, Department Head, or Human Resources. Failure to meet or comply with this code of ethics will lead to corrective action.

CELL PHONE USE

The City of Kaukauna will provide cell phones, or an allowance toward the cost of a personal cell phone, for authorized personnel. The use of a cellular device allows the employee to remain available for work related communication while away from their office land line and enables them to complete the essential functions of their job.

Department Heads are responsible for identifying the communication needs of their departments and requesting needed equipment and services.

All requests for a cell phone or allowance shall be approved by the Department Head and Mayor. Any additional applications that are required and deemed necessary for business purposes for authorized personnel for cell phones need to be approved by the Department Head and Mayor.

Cell phones will be provided to authorized personnel for the purpose of continuous departmental and emergency communications during work and non-work hours. These phones may be used for reasonable personal use with the expectation that Department Heads make themselves available for continuous departmental and emergency communications during non-work hours as necessary to support the City operations. Employees who do maintain a cell phone through the City will be charged \$25 per month to offset any personal usage. This deduction would be taken out of the second paycheck of each month. In lieu of the City providing a cell phone, a monthly allowance of \$25 will be provided to authorized employees who agree to use their own personal cell phone for departmental and emergency communications during work and non-work hours. Allowance will be paid on the second paycheck of the month.

Employees who use a City issued cell phone exclusively for City business will not be subject to a \$25 per month personal usage charge. Employees in protective services (Fire & Police) who are approved by the Fire Chief or Police Chief and Mayor and are required to carry a cell phone during work and non-work hours are exempt from any monthly personal usage charge.

Employees should be aware that business related activities on cell phones may be subject to open records requests. Employees should also be aware that the City maintains the right to review all cell phone records for City issued phones to assure compliance with City policies and applicable State and Federal regulations.

PERSONAL USE OF CELL PHONES AT WORK

The City of Kaukauna recognizes that occasionally employees may need to use their personal cell phones during the workday. Excessive personal calls and texts during the workday can interfere with employee productivity and be distracting to others, so the City asks that employees exercise discretion and wait until a scheduled break, unless the need is urgent.

CHAIN OF COMMAND

The ultimate decision concerning policy at the City of Kaukauna resides by law with the City of Kaukauna Council under the leadership of the Council President and Mayor. The Mayor, as the Chief Administrative Officer of the City of Kaukauna is the primary professional advisor to the City of Kaukauna and head of the management team. The Department Heads of the City of Kaukauna are a part of the management team and report to the Mayor.

The Mayor is responsible for the development, supervision, and operation of the City of Kaukauna and its personnel and facilities. Employees have the obligation to further enhance the perception of the City of Kaukauna through the chain of command. The Mayor is given the latitude to determine the best method of implementing the policy decisions of the City of Kaukauna.

All staff members and supervisors shall be responsible to the City of Kaukauna and the Council through the City of Kaukauna's Mayor. Each shall refer matters requiring administrative attention to his or her Department Head, who shall refer such matters to the next higher authority, when necessary, and through the Mayor. Each employee is to keep their Department Head informed of the activities by whatever means the Department Head deems appropriate. If an employee has any questions, opinions or suggestions about the information contained in this employee handbook or about any other aspect of his or her job, then those questions, opinions or suggestions must be directed through the chain of command.

COMMUNICATIONS & CONFIDENTIALITY

Communications regarding the internal operations of the City shall be handled by the Mayor or their designee. Employees shall refrain from responding to outside requests for information about the City. If an employee must speak on internal operations of the City, employees should remain factual in their talking points and refrain from sharing their personal opinion on City business.

Because of an employee's responsibilities at the City, an employee may have access to confidential personnel or other sensitive information. This may include information concerning a resident's financial status, City of Kaukauna's business practices including purchasing and negotiating strategies, and employee records. This sensitive information cannot be disclosed to any personnel who do not have a legitimate business need to know such information or to persons outside of the City without the approval of the Mayor. All employees are responsible for protecting the confidentiality of this information.

The City's Custodian of Records are the Department Heads and Mayor who are responsible for responding to requests for records pursuant to Wisconsin's Public Records Law. Questions regarding responses to open records pursuant to Wisconsin's Public Records Law should be addressed through the City Attorney.

Unauthorized release or misuse of proprietary City information will be investigated thoroughly. Any employee found to have violated this policy will face corrective action.

CORRECTIVE ACTION

It is the City's hope that all employees will perform their jobs satisfactorily and comply with City's expectations. The management of the City of Kaukauna would like to work with employees in communicating and attempting to correct work-related problems. However, if employees do not satisfactorily perform their job, or are found in violation of the City's guidelines, policies, or core values, the City may implement corrective action.

Corrective action may take several forms, including, but not limited to, verbal warnings, written warnings, suspension (with or without pay), or termination. The City reserves the right in its sole discretion to omit any or all of these steps or add to or modify steps in any particular situation. The City will take whatever corrective action it determines is appropriate in response to the circumstances of any given situation.

Nothing in this section or in the City's disciplinary policies or practices changes an employee's right to terminate his/her employment with the City of Kaukauna at any time, with or without notice, for any or no reason, nor does it modify the City's right to terminate any employee's employment at any time, with or without notice, for any reason not prohibited by law.

DRUG & ALCOHOL FREE WORKPLACE

It is the policy of the City of Kaukauna to maintain a workplace that is free from the health and safety-related consequences of drug and alcohol use and abuse. Employees are required to report to work in appropriate mental and physical condition to perform their job.

While on City premises and/or conducting business-related activities at any location, employees may not use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Employees may be subject to drug and alcohol testing according to the policy and should review the policy in the Appendix of the handbook.

EMPLOYEE APPEARANCE

During business hours and while conducting business on behalf of the City of Kaukauna, employees represent the City to others. Employees' personal appearance and hygiene are important for promoting and influencing a positive image to everyone. All clothing should be neat, in good repair, and properly fitted.

As a general rule, accessories such as jewelry, hairstyle, hair color, visible piercings, tattoos, and make-up should present a professional and approachable appearance. At-home casual attire such as sweat suits, stretch pants, or suggestive or revealing attire are not acceptable at any time.

As furtherance of the City's commitment to non-discrimination and equal employment opportunity, no employee or individual will be subject to discrimination or adverse employment action based on appearance or traits historically associated with race, including hair texture and protective hairstyles.

The City's dress code strives to provide a work environment free from safety hazards, workplace conflicts and harassment or discrimination of any kind. This applies to all employees, regardless of position or any protected characteristic.

Municipal Service Building (MSB) employees who do not visit job sites during the day are expected to dress in business casual attire or logo wear Monday – Thursday. Jeans are acceptable on Fridays. Employees who work in the field are expected to represent themselves in a clean and professional manner. Engineering, code enforcement, building inspection and planning staff should dress in a job appropriate manner based on their tasks for the day. This would include business casual attire or city logo wear. Jeans are acceptable for staff who regularly work in the field.

Upon hire, engineering staff will be provided 4 t-shirts and one sweatshirt. Any worn out items will be replaced by the City at no cost to the employee when the employee turns in the old item. Any lost item will be replaced by the City at the expense of the employee.

Street department employees are encouraged to wear City logo wear but are permitted to wear other items so long as they are consistent with the employee appearance policy. Upon hire, street department employees will be provided with the following items:

1 rain jacket	1 pair rubber gloves
1 pair leather gloves	1 pair earmuffs (unlimited ear plugs)
1 rain pants	4 t-shirts with City emblem
2 safety vests	2 sweatshirts with City emblem
2 pair generic safety glasses	

The City will provide and maintain orange coveralls for the following positions:

Position	Allowance
Garbage Crew	3 Pair per week
Mechanic	3 Pair per week
Sewer Crew	2 Pair per week
All other positions	1 Pair Per Week

Any worn out items will be replaced by the City at no cost to the employee when the old item is turned in. Any lost item will be replaced by the City at the expense of the employee.

All other newly hired staff will be provided a \$50 credit to use towards logo wear during their first year of employment. The \$50 credit can be utilized when purchasing logo wear through the City's logo wear online shop which will be opened twice per year. Contact Human Resources for more information.

The information contained in this policy is intended as a guideline for appropriate appearance but is not a replacement for good judgment and taste. Management has the authority and obligation to send employees home if their appearance is not acceptable. This time away from work may be unpaid. Employees with questions regarding appropriate dress or accommodations should contact their Department Head or Human Resources.

EMPLOYEE RELATIONS

The City of Kaukauna is committed to providing a positive work environment and to communicate openly with employees—encouraging and expecting feedback from them about

their job and the City. At all times, Employees have a responsibility to perform work with our customers and our coworkers with professionalism and integrity.

When employees have questions or concerns regarding their job, performance, or other employment matters, they should bring them forward to their supervisor or Department Head who will get the answers and respond directly to them. If employees are not comfortable addressing the matter with their supervisor, they should contact Human Resources.

Generally, we encourage employees to personally approach an individual they may be having a problem with and attempt to resolve the issue together. If that does not resolve the matter, employees should go to their supervisor next. In some cases, the issue may be referred to the next higher level of management in order to be resolved.

Employees may speak with any member of management with whom they feel comfortable if a problem arises where they believe normal channels cannot work.

EMPLOYER PROPERTY

Employees may be provided with various City property and/or equipment. This may include City owned vehicles, computers, software, cellular telephones, keys, credit cards, tools, etc. Employees are responsible for keeping the property in good working order and available for business use at all times. If any such property appears to be damaged, defective, or in need of repair, employees must promptly report this to their supervisor. Worn or defective property will be replaced by the City.

Employees should have no reasonable expectation of privacy in the use of the employer's and the public's property. The City of Kaukauna may access its property with or without the prior consent or knowledge of the employee to the extent permitted by law. Employer property is to be used judiciously by employees at all times and only in the manner for which the employer and public intends the property to be used.

Circumstances warranting a need to access property in the employee's absence include, but are not limited to, the following:

- The City has a need to search for business items or information that is needed in a timely manner.
- The City is complying with applicable laws regarding review and disclosure of records and information.
- The City has reasonable suspicion to believe that the employee is engaging in illegal or improper activities, in conjunction with committing a violation of policy, rules or general expectations of conduct, or in a way that may jeopardize the health and well-being of others.
- For any other lawful reason.

Employees may be required, upon the request of the City of Kaukauna, to submit to a search of any private property brought onto the City's premises to the extent permitted by law.

Employees must maintain their workspaces in a clean, orderly, and professional manner. Employees must report any suspected misuse or abuse of City of Kaukauna's property.

Employees are encouraged to exercise care and attention in safeguarding personal property brought to the workplace. City of Kaukauna does not assume liability for the loss, theft or damage of personal property brought to the workplace.

Upon termination of employment, employees will be required to account for and return all City property and equipment that has been given to them. Failure to do so may result in the City taking legal action to obtain the return of its property.

EMPLOYMENT OF RELATIVES

The employment of relatives is permitted, except in situations where a person would be under the supervision of a relative or in a situation where influence could be exerted, directly or indirectly, on future decisions concerning the status of employment, promotion, or compensation. For this purpose, “relative” is defined as a spouse, domestic partner, parent, grandparent, children, sibling, or any of these relationships by marriage. It also includes any other member of the employee’s household.

This policy also applies to close personal relationships that may be present at the time of employment or a relationship that develops during an employee’s time with the City.

This excludes temporary/seasonal employees. Questions should be directed to Human Resources.

EMPLOYMENT RECORDS

The City of Kaukauna maintains confidential employee records. Employee records are the property of the City and access to the information they contain is restricted to those who need to know this information in order to perform their jobs.

In an effort to keep our records current and because certain changes could affect tax withholding, insurance coverage or work eligibility, employees are obligated to keep us informed in writing of any changes or status changes in name, address, telephone number, citizenship status, marital status, emergency contact information, etc.

Under certain conditions, employees may review specific documents in their employment file. A written request must be made, in advance, to Human Resources. Requests for inspection will be scheduled at a mutually convenient time and within the timeframes required by law. Employee files contain records maintained by the City of Kaukauna’s Custodian of Records. Employment records may not be taken outside of the custody of the Custodian. Access to employment records is limited to the employee, supervisor, Mayor, Department Head, and Human Resources. Copies of documents in the personnel file are available upon request.

GRIEVANCE PROCEDURE

It is the City of Kaukauna’s standard to treat all employees equitably and fairly in matters affecting their employment. The City of Kaukauna has established this grievance procedure for an employee to utilize for matters concerning discipline, termination, or workplace safety covered by this grievance procedure. This grievance procedure provides an employee with the individual opportunity to address concerns regarding discipline, termination, or workplace safety matters, to have those matters reviewed by an Impartial Hearing Officer, and to appeal

to the Common Council. Information on the grievance procedure process is available to each employee by contacting the Human Resources Department.

DEFINITIONS

1. The grievance shall mean a dispute regarding the application of City of Kaukauna policies regarding an employee's discipline or termination of employment, or a dispute concerning workplace safety. No grievance shall be processed under this policy unless a Grievance Form is completed.
2. The term "days" means regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy shall be computed by excluding the first day and including the last day (i.e. an act that is to be completed within five days from today would exclude today but would include the next five business days).
3. A "grievant" is an employee of the City of Kaukauna and shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointed authority, elected officials, and independent contractors. Grievant shall also exclude police and fire employees whose discipline and/or termination is governed by State Statutes 62.13. At the grievant's cost and request they may be represented by a person of their choice.
4. "Workplace safety" means those conditions related to physical health and safety of employees under federal or state law, or City safety policies and procedures related to safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk.
5. "Discipline" means oral reprimands (where a written record of the reprimand is placed in the employee's file), written reprimands, suspension, and demotion. Discipline does not include counseling, job coaching, paid administrative leave for pending investigation, change in job assignment or location, performance reviews, work plans or corrective actions that do not include a reprimand or other adverse employment action.
6. "Termination" means discharge from employment. Layoffs (reduction in force), voluntary quits, failure to return to work from a layoff, failure to apply for a leave, job abandonment, loss of license, and inability to perform due to physical or mental condition are not considered terminations and are not subject to this procedure.

GRIEVANCE PROCESS

STEP ONE

- Within five (5) days after the facts upon which the grievance is based or should have reasonably become known, the employee shall present the written grievance to his / her Department Head. The Department Head shall give a written answer within ten (10) days of receipt of the grievance, with a copy to the Human Resources Director. An employee who has been notified of their termination may process their grievance commencing at either step two or step three.

STEP TWO

- If the grievance is not satisfactorily resolved at step one, it may be submitted by the grievant to the Human Resources Director within five (5) days after having received the answer in step one. After receipt of the written grievance by the Human Resources Director, they or the designated representative of the Human Resources Director will meet with the grievant in an effort to resolve the issue(s) raised by the grievance. Within ten (10) days after the meeting, the Human Resources Director shall respond to the grievance in writing. The Human Resources Director shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the Human Resources Director is aware of other similar pending grievances, the Human Resources Director may consolidate those matters and process them as one grievance.

STEP THREE

- Upon the written request of the grievant in response to an adverse decision, the decision at step two may be appealed by a written statement forwarded to the Human Resources Director particularly describing the reason for appeal within five (5) days of the Human Resources Director's response in Step 2. The Impartial Hearing Officer (IHO) will be designated by the Mayor from a pool of City and County Human Resource Directors in Outagamie and abutting counties. Any costs incurred by the (IHO) will be paid by the City. The IHO will convene a hearing in the manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing. The burden of proof shall be "a preponderance of the evidence". In termination and discipline cases, the City shall have the burden. In workplace safety cases, the employee shall have the burden. The IHO may apply relaxed standards for the admission of evidence, including allowing the admission of hearsay. The IHO may request oral or written arguments and replies. The IHO shall provide the parties a written decision.
- The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have the power to order only the following remedies: withdrawal of a verbal or written reprimand, reduction of suspension, transfer to original position from demoted position, reinstatement with or without some or all backpay. All other remedial authority shall be subject to the determination and approval of the Mayor.

STEP FOUR

- Either party may appeal an adverse determination at step three to the Common Council, by filing written notice appealing the decision of the IHO in the Human Resources Director's office within ten (10) days of the decision of the IHO. The City shall within thirty (30) days after submission of the appeal schedule the review of the IHO's decision. The review will be conducted by the Common Council during a closed session meeting unless an open session is requested by the employee. The Common Council may make its decision based on the written decision of the IHO or the Common Council may examine any records, evidence and testimony produced at the hearing before the IHO. A simple majority vote of the Common Council shall decide the appeal within twenty (20) days following the last session scheduled for review. The Common Council will issue a final written decision which shall be binding on all parties.

- Failure to process the grievance by the grievant within the time limit, or agreed upon extensions, shall constitute waiver of the grievance, and will be considered resolved on the basis of the City's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.
- This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedures that are raised by employees shall be considered by administration who have final authority, subject to any applicable City policy or directive, to resolve the matter.

INFORMATION TECHNOLOGY ACCEPTABLE USE

Access to information technology resources carries with it the responsibility for ensuring that the use of these resources is for the City of Kaukauna purposes and City related activities. The responsibility for appropriate use, maintaining the integrity and security of technology must rest on employees themselves. Acceptable use for the City of Kaukauna Information Technology Systems has been outlined and the full policy can be found in the Appendix.

INTERNAL JOB OPPORTUNITIES

The City of Kaukauna seeks to hire candidates who best fit the needs of the City. The City of Kaukauna may use hiring, interviewing, and screening processes to design and fulfill this objective.

Any vacant positions must be approved by the Mayor and Council prior to starting the recruitment process. All positions may be posted internally and/or advertised externally. When in the interests of the City of Kaukauna, an attempt may be made to fill a job vacancy by promotion from within the organization.

From time to time, the City of Kaukauna may transfer employees from assignment to assignment, position to position, or department to department as determined by the Department Head and Mayor. Depending on the nature of the position and the applicants applying for the position, the City may conduct varying levels of background screening to determine whether candidates for promotion, assignment or transfer are suitable for the position they desire to obtain. Information that may be obtained or requested includes information relating to references, past employment, work habits, education, judgments, liens, criminal background and offenses, character, general reputation and driving records. The City may also obtain information from a consumer reporting agency. Before denying an extension, assignment, promotion, or other benefit of employment, based in whole or in part, on information obtained in the credit report, the employer will provide a copy of the report and a description in writing of the applicant's rights under the Fair Credit Reporting Act.

Employees or applicants seeking employment, transfer, promotion, or assignment may be required to sign a document that constitutes the employee's full waiver, release and

indemnification of any liability related to the background investigation. Employees or applicants who refuse to sign the waiver, release and indemnification form will not be considered for employment, transfer, promotion, or assignment.

LAYOFFS, REDUCTION-IN-FORCE, & RECALL

In the event of a reduction in staff, the City of Kaukauna will consider the skills, abilities and other qualifications of employees needed to perform the available work, employee's length of service to the City, and the interest and needs of the City in having the remaining work performed effectively. The City of Kaukauna does not offer formal recall rights to employees who have been laid off. When job openings occur, qualified employees who are laid off are encouraged to apply and will be given consideration to fill those openings. The City of Kaukauna reserves the right to select the most qualified, internal, or external candidate, who applies for the position.

OUTSIDE EMPLOYMENT

Although it is not encouraged, the City recognizes that personal circumstances or interests may result in an employee seeking additional employment outside the City. If employees are considering outside employment, including self-employment, they should talk with their supervisor and Human Resources about any possible ramifications.

Any employment outside of the City of Kaukauna must not compromise the City's interests or the confidentiality of information or otherwise create a conflict of interest. (*See Business Ethics and Conflicts of Interest.*)

In addition, the City will not accept outside employment as an excuse for poor job performance, absenteeism, tardiness, the inability to work required hours for their position at the City, or any other failure to meet the performance expectations and legitimate business demands. If employees' work at the City of Kaukauna suffers, they will be subject to normal performance management procedures.

Use of equipment, tools, or confidential business information of the City of Kaukauna in order to perform work for another company or an employee's own business is prohibited.

PERFORMANCE REVIEWS

It is the philosophy of the City that ongoing communication and constructive feedback are important parts of the employment relationship. Periodic and annual evaluations are an opportunity to let each employee know how he or she is performing, how performance may be improved and to receive input from the employee concerning training, supervision or any job difficulties that may be occurring. Between scheduled appraisals, informal performance discussions may be held between employees and their supervisor to address any performance issues that warrant attention.

The performance review will generally consider employees' experience, training, duties, and responsibilities. Employees' performance will also be based on previously set objectives and goals. Other factors that may be considered include, but are not limited to quality of work, promptness in completing assignments, initiative, responsibility level, reliability, attendance, and attitude. It is the employee's responsibility to meet or exceed the expectations that have been set.

The practices for departments or positions for the evaluation process may vary.

REFERENCES

All requests regarding references for any past or present employee are to be directed to Human Resources. Only pertinent, factual information, such as dates of employment, job title, etc., will be released. Confidentiality of references will be strictly maintained.

SALES OF CITY SURPLUS ASSETS TO EMPLOYEES

In accordance with Wisconsin State Statute 175.10, disposition of City owned assets shall be in a form of an auction or Classified Ad open to not only City employees but also the general public. No sale shall be limited to employees and employees must have no superior opportunity to purchase over the general public. Any employee violating this shall face consequences stated in the Wisconsin Statute 175.10 and up to termination of employment.

SECURITY

All individuals must adhere to any and all security measures and/or guidelines of the facility they are working in. Employees may need keys or access cards to enter a City of Kaukauna facility. It is extremely important that these be kept only in the employee's possession.

Upon termination of employment, it is expected that employees promptly return any keys or access cards to the City.

SEPARATION OF EMPLOYMENT

We hope employees will find their employment with us to be both personally and professionally rewarding; however, we do recognize that the employment relationship may end at some point. As an at-will employer, we understand that the employee may terminate the employment relationship at any time, for any reason. Conversely, the City may choose to terminate employment with or without notice, for any lawful reason.

Upon separation, the employee must return all City property and records and complete required forms. The employee will be paid all earned compensation up to his or her final day of employment and any accrued but unused vacation. An exit interview may be conducted by the Human Resources Director.

If an employee decides to resign from their position with the City, the employee is requested to advise the City in writing at least two (2) weeks prior to his or her date of departure so that an orderly transition can be made. The City reserves its right to accept the employee's resignation before the date provided by the employee.

An employee's final paycheck will be paid with the next regularly scheduled payday. Information regarding insurance continuation and other benefit plan will be sent separately, as applicable.

SMOKE-FREE WORKPLACE

The City of Kaukauna is committed to providing a safe and healthy work environment for their employees. The following no smoking policy has been established and is compliant with the 2009 Wisconsin Act 12. (Wis. Stats. 101.123)

- Smoking is prohibited in all City of Kaukauna buildings and public places.
- Smoking is not permitted at any time in any City or municipally owned vehicle.
- Violators of the smoking restrictions set forth in this policy will be subject to the same disciplinary actions resulting from infractions of other City rules.
- Department Heads and supervisors are responsible for ensuring compliance with this policy.
- Department Heads, supervisors and employees who are hosting outside personnel who will be working, visiting, or otherwise conducting business within our facilities are also responsible for informing these people of our policy.

SOCIAL MEDIA

This policy is intended to guide City of Kaukauna employees in their use of Social Media for business purposes. The purpose for adopting a Social Media Policy is to protect City of Kaukauna employees, partners, and the organization from illegal or damaging actions by individuals, either knowingly or unknowingly. The full Social Media policy can be found in the Appendix.

SOLICITATION

Solicitation and distribution of literature by employees is prohibited on the City of Kaukauna's premises when any of the individuals involved are supposed to be working or at any time in working areas of the building or in any location where customers or the public are present. Individuals who are not employed are not allowed to solicit on City property at any time. The City makes exceptions for solicitations by employees for charity and community causes not promoting political or religious agendas. Such exceptions include fundraisers for schools and children's activities. Allowable solicitations must be limited to the break rooms and during authorized break and meal periods only. Distribution of literature in a way that causes litter on the City property is prohibited and off-duty employees may not return to the premises to solicit or distribute materials to employees.

Bulletin boards, newsletters, and other employer-provided group communication systems are maintained solely for the City to communicate information to and from employees, post notices required by law, and for other work-related purposes. Posting of unauthorized notices, photographs, or other printed or written materials on those bulletin boards or other communication systems is prohibited. Management reserves the right to restrict or prohibit any solicitation causing discord or disruption in the workplace.

TRAVEL REIMBURSEMENT

This policy is applicable to all City of Kaukauna employees and provides guidelines for determining travel expenses eligible for employee reimbursement and maintains appropriate internal controls to insure compliance with federal regulations. Travel expense reimbursements are meant to reimburse the employee for necessary travel expenses incurred while on official City business. Travel expense reimbursements are not to be considered additional compensation for performing one's job. The full policy can be found in the Appendix of the handbook.

VEHICLES

Certain employees may be eligible to use a City-owned vehicle in the course of their work. City vehicles are to be used solely for business purposes and smoking is not allowed while in a City owned vehicle.

Unless otherwise authorized, all employees are expected to utilize the City's vehicles for trips while conducting business. If that is not possible, then permission from a Department Head must be secured in advance of use of one's own vehicle. An employee who uses his or her private vehicle for authorized City business travel purposes should have a personal policy with a minimum amount of coverage of \$100,000 per person, up to \$300,000 per accident, and \$100,000 of property loss. If the employee provides appropriate insurance coverage documentation, they will be compensated for mileage at the current rate as adopted and authorized by the Internal Revenue Service. Appropriate insurance coverage and policy limits shall be provided for all City vehicles. When an employee is utilizing a personal vehicle for City use, the employee's personal vehicle policy will be the primary payer for any accidents that occur. However, the City's insurance policy will reimburse the employee towards the deductible in accordance with the provisions of the City's insurance policy.

It shall be the policy of the City to provide and/or assign vehicles to employees whose positions require routine or regular travel within or outside the service territory. Permanent vehicle assignments shall be based purely on necessity where the employee routinely responds to emergencies or demands outside of the normal workday. Under no circumstances shall an employee use a City vehicle for personal use, nor shall such use be authorized.

According to IRS guidelines, if an employee who receives approval to use a City owned vehicle to and from work will be taxed appropriately.

The City of Kaukauna also requires every employee to follow the City's policies and programs on safety. It is the responsibility of every employee who uses a City-owned vehicle to have a valid driver's license and observe all safety laws.

Traffic violations must be reported immediately to the employee's supervisor and are the employee's personal responsibility. Should an accident occur, employees must report it immediately and should not make any statements to the authorities without the authorization of their supervisor or a manager. If driving is required for a position, employees must immediately notify the City in the event their license is revoked or suspended.

Under no circumstances are employees authorized, permitted, or allowed to operate a City-owned vehicle or drive on City business while under the influence of drugs or alcohol.

WHISTLEBLOWER

A "whistleblower" is an employee of the City of Kaukauna who reports to designated parties an activity considered to be illegal, fraudulent, or retaliatory. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. Appropriate management officials are responsible for investigating the reported activity or determining fault or corrective measures.

If employees have knowledge or a concern of illegal or dishonest, fraudulent activity, they must contact their immediate supervisor, Department Head, and/or the Human Resources Director. Employees' confidentiality will be maintained to the fullest extent possible. Keep in mind that employees' identity may have to be disclosed in order to conduct a thorough investigation, comply with the law, and provide accused individuals their legal rights of defense.

Employees are expected to use sound judgment in order to avoid baseless allegations. If employees intentionally file a false report of wrongdoing, they will be subject to corrective action, up to and including termination.

The City of Kaukauna will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action (i.e., termination, compensation decreases, or poor work assignments, and threats of physical harm). If employees believe they are being retaliated against, they must contact the Human Resources Director immediately. The right of a whistleblower for retaliation protection does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Director of Human Resources and the Mayor. They are responsible for investigating and coordinating corrective action.

Contact the Human Resources Director with any questions or concerns.

WORKPLACE HEALTH AND SAFETY PROGRAM

It is the policy of the City to provide employees with a safe and healthy workplace; and no other phase of the City's business is of greater importance than the safety and health of its employees during the performance of their job duties. Safety compliance is accomplished through effective engineering and administrative controls (e.g., equipment guarding, isolation of hazardous operations, general and local ventilation, employee training and safe work practices). When effective engineering and administrative controls do not provide full employee protection, employees are furnished and required to use suitable personal protective equipment. In addition, the City of Kaukauna is committed to the success of its Safety Program and appreciates employees in this effort by contributing their safety expertise when applicable/necessary.

All City personnel are required to comply with procedures and practices established in the Workplace Health and Safety Program and shall be held responsible for his/her safety on the job. Failure to comply with the provisions of City's safety program will result in discipline up to and including termination of employment.

- Each Department Head is responsible to enforce health and safety policies and shall make available the Workplace Health and Safety Manual, specialized protective equipment and other safeguards which are required to ensure workplace health and safety.
- The purpose of the City's Workplace Health and Safety Manual is to minimize or eliminate potential exposure to workplace hazards, to promote safety and health of all employees. The manual shall serve as a procedure guide and all personnel are encouraged to refer to and understand its contents. Department Heads and the Safety Coordinator are made available for further clarification if necessary.

- Employees are required to attend a variety of annual safety training sessions to ensure they are qualified to safely perform their essential job duties. No employee shall perform a safety-sensitive job function without adequate training.
- The City of Kaukauna's Safety Committee has been created to establish written programs and monitor pro-active procedures regarding safe work conditions, accidents, and illness prevention.
- The City of Kaukauna's Safety Coordinator shall maintain an aggressive pro-active safety program providing education in job-related hazards, accident and illness prevention, hands-on site-specific safety training as well as overall management of the City's Safety Program to ensure compliance with all State and Federal regulations.

SAFETY EYEWEAR POLICY

The City of Kaukauna is committed to the safety and well-being of their employees. The City of Kaukauna will provide employees proper safety glasses or goggles required to safeguard the employee while performing their job. Employees shall be responsible for wearing the appropriate protective eyewear at any time there is a risk of injury to the eye from any hazard, including but not limited to, flying objects, small particulate, liquid splash, UV, or thermal risks.

In the case of those employees requiring prescription eyewear, the City will reimburse up to two hundred dollars (\$200) towards the cost of prescription safety glasses. This will be available not more often than every twenty-four (24) months for employees who are required to wear prescription eyeglasses to perform their respective duties. The City will, at its discretion, repair or replace any prescription safety eyeglasses found to be damaged in the course of work activities that were not a result of negligent action by the employee, not to exceed two hundred dollars (\$200). Any prescription safety eyeglasses lost or found to be damaged through the negligence of the employee shall be replaced at the employee's expense.

SAFETY SHOE POLICY

The City of Kaukauna is committed to the safety and well-being of their employees. The purpose of this policy is to ensure that all employees of the City have proper protective footwear to protect them from various hazards they may encounter during the course of their everyday duties. Employees shall be responsible for wearing the appropriate protective footwear. The City of Kaukauna will reimburse up to one hundred twenty-five dollars (\$125) per year towards the purchase of steel toed or comparable safety shoes.

Employees will be responsible to pay the supplier directly and submit the receipts for reimbursement to their Department Head.

WORKPLACE VIOLENCE

The City of Kaukauna is committed to maintaining a pleasant and safe work environment – free from all forms of violence. This includes verbal or physical threats, as well as other forms of intimidation, such as abuse or destruction of property, sexual harassment, bullying, or other hostile or inappropriate behavior that may cause others to feel unsafe, anxious, or threatened in the workplace.

The City will not tolerate any type of workplace violence by or against employees. This includes any actions that threaten employees, nonemployees, customers, vendors, or others in the

workplace. The City reserves the right to determine if particular actions are considered threatening, violent, or intimidating behavior.

The City of Kaukauna strictly prohibits dangerous weapons of any type at City-owned or leased buildings, in City-owned or leased cars, and at any City-sponsored events. This includes visible or concealed weapons, even if licensed to carry the weapon. Employees are permitted to carry or store a concealed weapon, a particular type of concealed weapon, or ammunition in the employee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer.

Prohibited weapons include any form of weapon or explosive that is illegal under federal, state, or local laws. This includes but is not limited to, all firearms, knives with blades over four inches, explosive devices, or any other weapons that could be used to threaten, harass, intimidate, injure, or cause harm to another individual. Exceptions to this policy include police officers or security personnel who are authorized to carry weapons.

If employees are aware of or observe a situation of potential or actual violence, they must immediately report it to their supervisor, Department Head, or Human Resources. If employees feel there is an immediate need to ensure someone's safety, including their own, they may contact law enforcement authorities directly. All employees have a responsibility to report any acts of violence or threatening behavior to Human Resources immediately.

The City will investigate any complaint of violence promptly and thoroughly. The investigation will be conducted confidentially to the extent possible in light of the circumstances involved.

Employees who violate this policy will be subject to corrective action, up to and including termination of employment.

Credentialed Officers are not prohibited from carrying department issued weapons.

EMPLOYEE ACKNOWLEDGEMENT

I hereby acknowledge that I have received a copy of the City of Kaukauna's Employee Handbook, as well as its appendix. I understand that the contents of this handbook are for general information and guidance, and it does not constitute a contract. I understand that it replaces and supersedes any previous policies, manual, or communications, whether written or oral. I further understand that all contents in this Employee Handbook are subject to change in accordance with applicable laws, but employees will be advised of any changes. I understand that I must refer to the on-line version of the handbook for the most current and up-to-date version of all topics.

I understand that certain employees are covered by a collective bargaining agreement. Should there be a difference between the collective bargaining agreement and this handbook the collective bargaining agreement will prevail.

I have entered into my employment relationship with the City of Kaukauna voluntarily and acknowledge that there is no promise or guarantee for a specified length of employment. Employees have the right to terminate the employment relationship with the City of Kaukauna at any time, with or without notice, for any reason. The City has the same right to terminate the employment relationship at any time, with or without notice, for any reason not prohibited by law. I understand that my employment is at-will and that my at-will status may not be altered or changed in any way without the authority and signature of the Mayor.

This handbook has control over all prior and existing policy statements, presentations and understandings dealing with the same subject matter. The City reserves the right to change or cancel any policy or procedure at any time, as allowed by law. Any statement for any term or condition of employment which conflicts with any information contained in this handbook must be in writing and authorized by the Mayor.

I understand it is my responsibility to read and understand the contents of this Employee Handbook and the Appendix including the topics on harassment, attendance, drug and alcohol use, and safety. If I do not understand any provision of the handbook, I shall contact my supervisor, Department Head, or Human Resources for clarification.

I will print and sign this form indicating that I have accessed the handbook on the City's intranet site and also understand that I can receive a printed copy of the handbook at any time.

Employee Signature _____

Print Name _____ Date _____

All employees will be required to acknowledge receipt of the Employee Handbook by signing this acknowledgement. This copy is to be removed and placed in the employee's personnel file.



Employee Handbook

APPENDIX

FAMILY MEDICAL LEAVE (FMLA)

STATEMENT OF POLICY

It is the policy of the City of Kaukauna to comply with the requirements of the Wisconsin and Federal Family and Medical Leave Acts (FMLA). Generally, an eligible employee will be granted up to 12 weeks of FMLA leave during a 12-month period on a rolling 12-month period measured backward. The leave may be a combination of paid and unpaid, depending on the reason for the leave and the benefits to which the employee may be eligible. This policy will be administered in compliance with the National Defense Authorization Acts of 2008 and Fiscal Year 2010 as they amend the Family and Medical Leave Act of 1993, and the regulations implementing the Family and Medical Leave Act of 1993 effective March 8, 2013.

State and federal laws differ in a number of areas, and the City will comply with both. When an absence qualifies as family leave under either state or federal law or both, the following rules apply:

- The employee is deemed to be exhausting their entitlement under both state and federal law concurrently; and
- The law most generous to the employee will apply.

The taking of leave under this policy will not be used against an employee in any employment decision, including the determination of promotions, discipline, compensation, etc.

ELIGIBILITY

To be eligible for leave under this policy, an employee must have been employed by the City for at least 12 months. In addition, in the 12 months immediately preceding the commencement of the leave, the employee must have worked at least:

- 1,000 hours to qualify under Wisconsin law; and
- 1,250 hours to qualify under federal law.

AMOUNT OF LEAVE AVAILABLE

As stated above, an eligible employee is generally eligible for up to a total of 12 weeks of protected leave within a 12-month period on a rolling 12-month period measured backward for any combination of reasons. It is possible that an employee could qualify for leave only on the basis of hours worked under the Wisconsin law, which generally covers shorter periods of time than the 12 weeks provided by federal law. For Wisconsin leave purposes, the 12 month period during which leave must be taken is based on a calendar year. These situations will be discussed on a case-by-case basis with affected employees.

TYPES OF LEAVE COVERED

BIRTH OR PLACEMENT FOR ADOPTION OR FOSTER CARE

Family leave will be available to eligible male and female employees for the birth of a child or for placement of a child with the employee for purposes of adoption or foster care. Such leave must generally be completed within 12 months of the birth or placement (16 weeks to commence leave taken only under Wisconsin law).

SERIOUS HEALTH CONDITION OF EMPLOYEE

An eligible employee who experiences a serious health condition as defined by the state and/or federal law may take medical leave under this policy. A serious health condition will generally occur when the employee:

- Receives inpatient care in a hospital, hospice, or nursing home.
- Suffers a period of incapacity of more than three consecutive full calendar days accompanied by continuing outpatient treatment/care by a healthcare provider.
- Is pregnant, including severe morning sickness.
- Has a history of a chronic condition which may cause episodes of incapacity; or
- Has a permanent or long-term condition which requires continuing treatment by a health care provider.

Medical leave may be taken all at once or, when medically necessary, in smaller increments. The need for leave must be documented by the employee's treating health-care provider through the medical certification process.

An employee may be paid for all or part of a medical leave to the extent s/he is eligible for benefits such as short-term disability.

A fitness-for-duty statement will be required in order for an employee to return from a medical leave. Failure to provide the statement will result in a delay in the return to work.

SERIOUS HEALTH CONDITION OF IMMEDIATE FAMILY MEMBER

An eligible employee may take family leave under this policy in order to care for a son, daughter, spouse, or parent with a serious health condition (see above section for general definition). The Wisconsin FMLA also covers the serious health condition of an employee's parent-in-law, domestic partner (registered or unregistered) and domestic partner's parent. This leave may be taken all at once or, when medically necessary, in smaller increments. It will be necessary for the family member's treating health-care provider to document the need for leave through the medical certification process.

QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE

An eligible employee may take family leave under this policy while the employee's spouse, son, daughter, or parent (the "military member") is on covered active duty or call to active-duty status for any qualifying exigency under federal law. This leave may be taken all at once or, in smaller increments. It will be necessary to submit a complete and sufficient certification for FMLA leave due to a qualifying exigency. Qualifying exigency leave may be taken by family members of regular armed service members, as well as family members of Reserve and National Guard members, provided the service member is deployed to a foreign country.

MILITARY CAREGIVER LEAVE

An eligible employee may take up to an additional 14 weeks (not to exceed 26 weeks total) of family leave in a single 12-month period under this policy to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by active duty) for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the

temporary disability retired list. A covered servicemember may also be a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

This entitlement will be applied on a per-covered-servicemember, per-injury basis. The covered servicemember must be the eligible employee's spouse, son, daughter, or parent, or next of kin. It will be necessary for the covered servicemember's treating health-care provider, as defined by law, to document the need for leave through the medical certification process.

NOTIFYING THE CITY OF THE NEED FOR FAMILY OR MEDICAL LEAVE

Generally, an application for leave must be completed for all leave taken under this policy. When the need for leave is foreseeable, the employee should provide notice at least 30 days in advance. When this is not possible, notice should be provided as soon as the employee learns of the need for leave. In cases of emergency, verbal notice should be given as soon as possible (by the employee's representative if the employee is incapacitated), and the application form should be completed as soon as practicable. Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay of the leave. Leave application forms are provided by the Human Resource Department.

Calling in "sick" does not qualify as FMLA leave. An employee must provide sufficient information regarding the reason for an absence for the City to know that protection may exist under this policy. Failure to provide this information as requested will result in the employee's forfeiting all rights under the policy. This means the absence may then be counted against the employee for purposes of discipline for attendance, etc.

MEDICAL CERTIFICATION OF A SERIOUS HEALTH CONDITION

Generally, the City will require medical certification to verify that an employee or family member's illness meets the definition of serious health condition and to determine the nature and duration of the leave. In the case of a family illness, the provider must also verify that the employee is needed to care for the family member.

Periodic recertification to verify that a condition is ongoing may be required as provided by the law.

The appropriate form should be obtained from Human Resource and should generally be returned within 15 days. Failure to provide this certification may result in delay or denial of the leave.

ADDITIONAL CERTIFICATIONS

If the City has reason to question the validity of a medical certification, an employee may be required to provide a second certification from a health-care provider selected and paid for by the City. If the second opinion differs from the first, a third opinion may be required. The health-care provider for the third opinion must be mutually chosen by the employee and the City and paid by the City. The third opinion, by law, is binding on all parties.

USE OF PAID AND UNPAID LEAVE

Both state and federal FMLA mandates that an employer provide unpaid leave to eligible employees. However, an employee or employer may elect to substitute a paid benefit for which the employee is eligible in order for the employee to receive pay during the leave. In some cases, the City may require that benefits, such as vacation, be used before the employee may take unpaid time. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA leave, and those benefits will not be available to the employee later. When paid benefits are substituted, the employee may be required to satisfy any procedural requirements of the organization's paid leave policy (for example, advance notice to use paid leave, use of paid leave in established increments, etc.).

In cases where substitution of a paid benefit is not possible, the employee will receive reduced compensation consistent with the number of hours the person actually works.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

Intermittent and/or reduced schedule leave will be permitted when it is medically necessary and, in some cases, for birth or placement for adoption. In all cases, the total amount of leave taken in the designated 12-month period should not exceed the 12 weeks defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

The City may, in some cases, transfer an employee to an alternative position, with equivalent pay and benefits, in order to better accommodate the need for intermittent or reduced schedule leave.

BENEFIT CONTINUATION DURING LEAVE

Coverage under group health insurance will continue while on leave, but employees must continue to pay their portion of the premium. Other employment benefits, such as group life insurance, will also be continued during the leave, as long as the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

RIGHTS UPON RETURN FROM LEAVE

An employee who takes leave under this policy will be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist under other City policies.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff or other job change if the action would have occurred had the employee remained actively at work. In such cases, the official date of the layoff will mean the end of FMLA leave for the employee. If the employee is recalled, if FMLA leave is still required, it may then continue.

WORKER'S COMPENSATION ABSENCES

When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee's allotment of FMLA leave under federal law. In other words, the employee is using Federal FMLA leave concurrently with the worker's compensation absence.

EARLY RETURN FROM LEAVE

An employee who wishes to return to work earlier than originally anticipated should provide at least 7 days' notice of such request. A fitness-for-duty certification may be required.

DRUG & ALCOHOL-FREE WORKPLACE

INTRODUCTION

The City of Kaukauna (hereinafter referred to as the “City”) has developed this Alcohol and Substance Abuse Policy to meet our obligations to provide a safe workplace and to comply with current laws. Each day our employees are entrusted to safely operate vehicles, tools, other City equipment, as well as interact with citizens. The City understands that the employee’s ability to perform these duties safely is compromised when employees use controlled substances and alcohol. This policy balances our respect for our employees while maintaining an alcohol and drug-free environment to promote the safety and well-being of each individual and the general public. Therefore, compliance with this policy is to the benefit of all City employees.

At the same time, this policy complies with and promotes the requirements of Federal and State Laws, including, but not limited to, OSHA standards, Wisconsin Department of Transportation regulations, Wisconsin Department Safety and Professional Services standards, safe workplace requirements, and our legal duty to the public.

If any conflict occurs between State and local laws and any requirement of the Federal regulations, the Federal regulations prevail. However, Federal regulations do not preempt provisions of State criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.

All City employees are hereby advised that the use of alcohol, or use, possession, concealment, transportation, promotion, or sale of controlled substances is strictly prohibited on all City properties and in all City vehicles while on duty. Prohibited illegal drugs and controlled substances include 1) drugs not legally obtainable; 2) drugs that are legally obtainable, but which have been obtained or abused illegally, including all drug paraphernalia; 3) all alcoholic beverages.

The misuse of illegal drugs, controlled substances and alcohol has created very difficult health and social problems. Since our employees are our most valuable resource, the safety and well-being of our employees and the general public is important to us.

More importantly, we want all of our employees to know that help is readily available to anyone who feels that he or she may have a problem with chemical dependency or the use of alcohol through our Employee Assistance Program (hereinafter referred to as EAP). The EAP provides professional confidential assessment and treatment for such problems, and it is the City’s desire for you to seek assistance for treatment of such problems.

For the purposes of this policy, the following activities are exempted from this policy.

- The use, possession, concealment, transportation, promotion, or sale of controlled substances and/or alcohol by a sworn law enforcement employee when that employee has written authorization under department authority and is participating in an undercover law enforcement investigation.
- The possession and/or transportation of controlled substances by a sworn law enforcement employee while carrying out duties as set forth by department policy to secure controlled substances and/or alcohol as evidence.
- The use, possession, and transportation of controlled substances by fire department paramedics while carrying out duties set forth by department policy to provide patient care under the direction of Medical Control.

EMPLOYEES SUBJECT TO TESTING

The protocols detailed in this policy apply to all employees. To ensure accuracy and fairness, the City's Non-Department of Transportation (DOT) testing program, policy and protocol will mirror that of the DOT's, unless otherwise noted.

"All employees" refers to both safety sensitive and non-safety sensitive employees.

"Non-safety sensitive employees" are those employees not covered by the DOT regulations, but subject to the City's drug and alcohol testing policies.

"Safety sensitive employees" are those employees subject to the DOT drug and alcohol testing regulations. This applies to any employee who operates a commercial motor vehicle subject to the DOT's drug and alcohol testing regulations. This includes any employee who may be subject to the commercial driver's license requirements of [Part 383](#) (49 CFR part 383).

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used to transport passengers or property if the vehicle:

- Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); OR
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); OR
- Is designed to transport 16 or more passengers, including the driver, OR
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations ([49 CFR part 172, subpart F](#)).

Employees holding a CDL will have deemed to have implied their consent to cooperate in the City's effort to maintain a workplace free from the effects of alcohol, illegal drugs and controlled substances through the use and enforcement of this and related City policies and procedures.

All employees are subject to the City's Non-DOT drug and alcohol testing policy. This includes safety sensitive employees when circumstances do not arise to testing under the DOT regulations.

DESIGNATED EMPLOYER REPRESENTATIVE

Questions pertaining to these policies or procedures should be directed to the Designated Employer Representative ("DER") who is responsible for managing this program in compliance of federal regulations, state laws, and the provisions of this policy.

Name:	<u>Shanon Swaney, Director of Human Resources</u>
Street Address:	<u>144 W. 2nd St.</u>
City/State/Zip:	<u>Kaukauna, WI 54130</u>
Phone:	<u>920-766-6375</u>

PRESCRIPTION MEDICATIONS

The appropriate use of legally prescribed drugs is not prohibited. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. Legally prescribed drugs must include documentation of the patient's name, the substance name, the quantity to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City business and at any other time is prohibited.

Employees who need to use prescription legal drugs while at work must report this requirement to the immediate supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking the prescription or nonprescription legal drugs. For example, if the use of any substance which carries a warning label indicating that mental function, motor skills, or judgment will be adversely affected; this must be reported prior to performing any duties. If the employee uses a prescription legal drug that will not adversely affect the safety of the employee, co-workers, or the public in the course of their work, then the usage does not need to be disclosed to the immediate supervisor.

It is the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication or if the use of a medication could compromise the safety of the employee, fellow employees, or the public. It is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices.

The Medical Review Officer (MRO) will not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana." Please note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any employee subject to drug testing under this policy and the Department of Transportation's drug testing regulations to use marijuana.

TESTING RULES AND PROCEDURES

All City employees are subject to testing for alcohol and/or controlled substances as identified under "Test Events."

The City shall pay all costs associated with the administration of alcohol and controlled substance testing, including situations associated with:

- An employee's request for "split specimen" testing.
- Return to duty testing; and
- Follow-up testing.

Applicants and employees are required to sign a *Consent and Release Form* for Non-DOT testing circumstances that cover the test events covered under this policy. This consent and release form authorizes:

- the collection site to obtain a urine specimen for drug testing purposes and/or a breath sample for alcohol testing purposes, and to release the urine specimen to the laboratory for testing.
- the laboratory to release the results of a urine drug test to the MRO.
- the MRO to release drug test results to the City's Designated Employer Representative; and
- the collection site personnel to release breath alcohol test results.

The applicant's/employee's refusal to provide the signed *Consent and Release Form* precludes an applicant from employment and subjects an employee to termination.

PROHIBITED BEHAVIOR

All employees are subject to the following prohibited behavior, which incorporates by reference, those prescribed by the DOT regulations.

1. Engaging in the use of illegal or unauthorized drugs (including drugs not legally obtainable, drugs that are legally obtainable, but which have been obtained or used illegally, controlled substances, look-a-like drugs, and designer drugs), and drug paraphernalia in the possession of, or being used by, an employee on the job. (City Policy: this includes on and off duty use)
2. Engaging in on- or off-the-job unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances while on City premises, using in City vehicles, in uniform, or while on City business. Law enforcement shall be notified whenever illegal drugs are found or determined to be present in the workplace.
3. Having a drug or alcohol test that is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body at or above the minimum thresholds consistent with those defined in 49 CFR Part 40.
4. Tampering, substituting, or adulterating urine specimens.
5. Unauthorized use or possession of alcohol while on the job or conducting City business.
6. Reporting for work or working when the employee's ability to perform assigned duties is adversely affected by alcohol or Safety Sensitive Employees reporting for work or working when his/her breath alcohol concentration is 0.02 or greater.
7. For Safety Sensitive Employees working with an alcohol concentration level of 0.02 or greater, or within 24 hours of being tested with an alcohol concentration level of at least 0.02 or greater.
8. Consuming alcohol while on duty, while working, or just before performing any functions.

10. Consuming alcohol within four (4) hours before reporting to work, or during the hours you are paid to be on call, in an amount sufficient to produce a prohibited concentration as applicable under paragraphs F, G, or K.
11. Consuming alcohol within eight (8) hours following any work-related accident or accident involving City property, City equipment or on City owned premises, until the post-accident test has been administered, whichever occurs first.
12. A positive breath alcohol test result of .040 or greater.
13. Refusing to submit to an alcohol or drug test, which includes the following:
 - a. Failing to appear for any test within a reasonable time after being directed to do so. This includes the failure of an employee to appear for a test when called by a Consortium/Third Party Administrator (C/TPA).
 - b. Failing to remain at the testing site once the process has started.
 - c. In the case of a pre-employment drug test, the applicant is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
 - d. In the case of a directly observed or monitored collection in a drug test, the applicant/employee fails to permit the observation or monitoring of the specimen.
 - e. Failing to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - f. Failing to provide a sufficient amount of breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - g. Failing or declining to take a second test the employer or collector has directed the employee to take.
 - h. Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER.
 - i. Failing to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process, etc.).
 - j. Having a verified adulterated or substituted test result reported by the MRO.

PRIVACY, INTEGRITY, CONFIDENTIALITY

The drug and alcohol collection testing processes are established to ensure accuracy, reliability, and confidentiality by ensuring the employee's privacy is protected, the integrity of the test process is maintained, and the test results are attributed to the correct employee. All standards of confidentiality will be strictly adhered to, which will ensure that all testing records and results will be released only to those authorized to receive such information.

Results will be maintained in confidence in a medical file separate from the official personnel file. If an employee wishes to obtain a copy of his/her drug or alcohol test results, that employee must make the request in writing. The requesting employee must sign the request and legibly print his/her full name and the date of the request below the signature. The employee must state in the request that once she/he has the test results in his/her possession; she/he absolves the City from any liability if the test results are made public. In cases where disciplinary action results from a positive test, such information is shared only with those who have a legitimate need to receive the information.

DRUG & ALCOHOL TESTING METHODOLOGIES

DRUG TESTING

The federal regulations require a split specimen collection process for all DOT collections. The specimen is sent to a DHHS certified laboratory (Department of Health and Human Services) where an initial drug screen is conducted on Specimen A to detect the presence of the following drugs or their metabolites: Marijuana metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites, Phencyclidine (PCP). For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are at or above the minimum thresholds established in 49 CFR Part 40, as amended.

The laboratory will use the thresholds for initial and confirmation drug tests as defined in 49 CFR Part 40. Testing shall be conducted using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40.

The City will utilize a Non-DOT traditional urine specimen collection kit. Testing processes and protocols are consistent with DOT protocols listed above, with the exception that there will be no split specimen collection.

If the result is positive, the MRO will conduct an interview with the employee to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.

If an employee refuses to discuss the results with the MRO and/or does not provide the MRO with acceptable medical documentation to explain non-negative results, then the MRO will report a positive test result to the DER.

Adulterated/Substituted Test Result: If the result is an adulterated or substituted test, the MRO will conduct an interview with the employee to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.

For DOT specimen collections only: When the MRO determines that an employee does not have a legitimate medical reason for a positive test result, the MRO will inform the employee that they have 72 hours from the time they are notified of the verified result to request his/her Specimen B bottle sent to another certified lab for analysis for the same substance or condition that was found in Specimen A.

ALCOHOL TESTING

All employees will be subject to breath and/or saliva alcohol testing under the following categories: random, post-accident, reasonable suspicion, return-to-duty, and follow-up. Testing shall be conducted using techniques, equipment, and laboratory facilities that have been approved by the DOT. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40. View the DOT procedures at the DOT's website http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html?proc.

Initial tests for alcohol concentration will be conducted utilizing a DOT approved Evidentiary Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT) or Saliva Screening Device (SSD) operated by a trained Screening Test Technician (STT). If the initial test indicates an alcohol concentration of 0.02 or greater, a second EBT test will be performed to confirm the results of the initial test. An alcohol concentration of 0.02 or greater will be considered a positive alcohol test.

TEST EVENTS

The DOT has prescribed six different test events. The City adopts these same test events for all employees as noted below. Each event is listed and described in this section.

PRE-EMPLOYMENT TESTING

Each applicant is required to take and pass a pre-employment drug screen. If a non-negative test result is obtained, any offer of employment will be rescinded. He/she will not be considered qualified for employment with the City for a term of not less than 5 years. Future eligibility for employment is contingent upon providing successful completion of a Substance Abuse Treatment Program (SATP).

An employee transferring to a position in which they will operate a commercial motor vehicle (CMV) is required to and must pass a Federal DOT pre-employment urine drug test as a condition of the transfer. A negative drug test result must be on file prior to the employee assuming that position.

For the purposes of this policy, individuals applying for seasonal employment shall be given a urine test upon their first application for seasonal employment. If/when that individual returns for seasonal employment in a consecutive year, that individual will only be subject to the Non-DOT random test pool and does not require a new pre-employment urine test. If a seasonal employee does not return in a consecutive year or applies for a part time or full-time position with the City, then that individual will be subject to a new pre-employment urine test.

REASONABLE SUSPICION/PROBABLE CAUSE TESTING

The City requires its employees to submit to drug and/or alcohol testing whenever it has reasonable suspicion/probable cause to believe that an employee has used substances in violation of the City's policy. In such instances, the City's representative will complete a *Supervisor's Reasonable Cause Observation Report* within twenty-four hours of observation.

All persons designated to supervise employees will receive a minimum two hours of training which includes alcohol misuse, controlled substances misuse, and identifies the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

The required observation must occur either during, just preceding, or just after the period of the workday in which the employee is prohibited from being under the influence. Such observations may relate, but are not limited to, the appearance, behavior, speech, and body odors.

All alcohol tests based on reasonable suspicion should be conducted within two hours but no later than eight hours following the determination to test has been made. If an alcohol test is not administered within two hours following the determination to test has been made, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. Following the eight-hour time period, if the alcohol test could not be completed, all attempts shall cease and the supervisor must state in the record the reasons the test could not or was not administered.

Drug tests for reasonable suspicion should be collected as soon as possible following the determination. The collection and testing protocols follow those established under the DOT regulations.

The employee under suspicion is escorted by a City supervisor/manager to the collection site. When an employee is subject to drug testing and/or they have an alcohol test result of 0.020 or greater, arrangements will be made for a spouse, family member, or friend to safely escort the employee home. If none are available, the City will arrange for a taxicab to transport the employee to their home at the employee's expense. If the employee rejects the alternatives, the City will take such measures as deemed appropriate to prohibit the employee from driving their vehicle.

RANDOM TESTING

Random testing applies to all employees. The City shall maintain separate accounts and pools for DOT and Non-DOT employees. An employee will not be included in both pools for random testing.

Employees are subject to unannounced random drug and alcohol testing that incorporates a random selection process and ensures each employee has an equal chance to be selected and tested. Some employees may be tested more than once each year; some may not be tested at all depending on the random selection. Once an employee has been notified of his/her selection for testing, they must proceed immediately to the collection site to complete the testing. Failure to show for a test or interfering with the testing process can be considered a refusal to test.

1. DOT Employees: The Federal Motor Carrier Safety Act (FMCSA) regulations establish the number of drug and alcohol tests that must be completed annually. The FMCSA may change the percentages as they deem necessary.
2. Non-DOT Employees: The City will conduct a number of random tests on the total number of its Non-DOT employees each year which meets or exceeds twenty-five (25%) for drugs and ten percent (10%) for alcohol. The City reserves the right to modify these percentages without notice.
3. Seasonal Employees: Seasonal employees will be included in the Non-DOT random test pool during the times of their employment with the City. Seasonal employees shall have no greater or any less of a chance of being randomly selected than a full-time or part-time Non-DOT employee.

The department head, with the approval of the Mayor and the Human Resources Director, may administratively exclude seasonal positions from the random testing pool if that position does not perform safety sensitive functions (e.g. responsible for life

safety, operates a commercial motor vehicle, operates machinery or equipment, etc.) and for which that seasonal employee's hours, duration, or location of employment makes it impractical to include them in a "random" pool for selection. The following seasonal positions are administratively excluded from the Non-DOT random test pool: Umpires, Score Keepers, and Crossing Guards.

4. Paid-on-call Employees: Fire Department employees that are classified as "paid-on-call" are not included in the random testing provisions. The nature of their employment makes their inclusion in a "random" pool impractical due to the sporadic, unplanned, and infrequent hours worked. If a paid-on-call employee is also classified as a full-time/part-time DOT or Non-DOT employee, then the provisions above shall apply to that employee based upon their other employment with the City.

POST-ACCIDENT TESTING

Applies to all employees. Whenever any of the City's vehicles are involved in a "DOT accident" the City is required to conduct drug and alcohol tests on each surviving driver and any other employee(s) which may have directly or indirectly contributed to the accident. While the term "DOT Accident" is used, the intent of this policy is that the DOT criteria will apply to all vehicle and equipment operators in the event of an accident.

Post-accident testing must be performed in the following instances:

- Fatal DOT accident: when the accident involves the *loss of a human life*, regardless of who is at fault
- Non-fatal DOT accident: when the driver is *issued a citation* under state or local law for a *moving traffic violation* arising from a DOT accident involving an injury of any party involved requiring treatment away from the scene of the accident or towing required to remove any vehicle from the scene; and
- Under any revision of this definition by the DOT.

Drug and alcohol tests have different time frames for specimen collection:

- Urine drug specimens must be collected within thirty-two hours of the accident. A specimen may not be collected after the thirty-two-hour window.
- If a specimen cannot be collected within this time, the reasons and all attempts made must be documented and submitted to the DER.

Breath alcohol specimens must be collected within eight hours of the accident. These eight hours are further broken down into the first two hours and the next six hours.

- If the specimen cannot be collected within the first two hours, the reasons and all attempts made must be documented and submitted to the City. Attempts must be made to collect the specimen within the next six hours.
- If the specimen cannot be collected within these six hours, the reasons and all attempts made must be documented and submitted to the City. No further attempts may be made to obtain the specimen.

All employees must be educated to know beforehand that they may not drink any alcohol for the first eight hours following an accident in which they may have directly or indirectly been a contributing factor.

Whether it is for urine drug or breath alcohol, the employee has the responsibility to make themselves available for specimen collection within the required time frames.

RETURN-TO-DUTY TESTING

Applies to all employees. When an employee violates the prohibited drug & alcohol rules and/or policies, they must be evaluated by a Substance Abuse Professional (SAP), participate in any treatment program prescribed, and pass a controlled substances and/or alcohol return-to-duty test. Employee is responsible for costs of testing.

FOLLOW-UP TESTING

Applies to all employees. After completing the return-to-duty test and returning to work, the employee is subject to unannounced follow-up testing at least six (6) times in the first twelve (12) months following return to his/her position. The amount of follow-up testing an employee receives is determined by an SAP and may continue for up to five (5) years. The employee is only allowed this return-to-duty opportunity one (1) time. Follow-up testing is separate from all other testing: it does not replace the regular random testing program required by the DOT. The City is responsible for costs of testing.

DISCIPLINARY ACTION

The City will take disciplinary actions, up to and including discharge, based on noncompliance with this policy by an employee and specifically for actions as follows:

- Refusal to submit to testing will result in discharge.
- Has a positive verified controlled substances test result.
- Has an alcohol test result of 0.04 or greater, or .02 or greater for Safety Sensitive Employees.
- Has a positive drug test result
- Engaging in prohibited conduct under this policy.

Any employee holding a CDL who receives a positive alcohol test result of 0.02 to 0.039 will immediately be removed from their position for a minimum of a twenty-four (24) hour period. (City policy: The time away from work will be documented as an unpaid disciplinary suspension for making themselves unavailable for work).

EMPLOYEE ASSISTANCE PROGRAM

The City will refer the employee to its Employee Assistance Program (EAP); all costs of which the employee is liable for through his/her own insurance. The EAP for the City is:

Affinity Occupational Health Systems
Employee Assistance Program
1550 Midway Place
Menasha, Wisconsin 54952
(920) 720-1090
Additional Community Services – Crisis Center..... (920) 832-4646

If an employee requires a leave of absence associated with treatment, they should contact the Director of Human Resources to complete appropriate documentation.

SELF-IDENTIFICATION PROGRAM

This policy encourages employees to seek help if they are concerned that they may have a drug and/or alcohol problem. We encourage employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcohol and/or other drug use disorders may be covered by the employee's benefit plan (if applicable). However, the ultimate financial responsibility for recommended treatment belongs to the employee.

The City will not take disciplinary action against any employee who makes a voluntary admission for using/misusing/abusing alcohol, illegal drugs, or other controlled substances if:

- The employee does not self-identify in order to avoid testing.
- The employee makes the admission prior to performing any duties.
- The employee does not perform any duties until the City is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

An employee will be removed from their position and referred to an SAP for an evaluation. The evaluation is to determine the level of assistance the employee needs in resolving problems with use/misuse/abuse of alcohol, illegal drugs and/or other controlled substances. The employee will be responsible for any and all costs associated with the counseling and testing requirements. The SAP is responsible for ensuring the employee completes an education or treatment program and certifying the employee's readiness to return to work.

The employee will be required to:

- Complete return-to-duty testing which provides negative drug and/or alcohol test results.
- Participate in follow-up testing. This consists of a minimum of six (6) tests during the first twelve (12) months following his/her return, and further testing for up to five (5) years. The dates, times, and conditions of the testing will be established by the City, in conjunction with any written follow-up testing programs and input from the SAP.
- Be subject to reasonable suspicion testing if the employee exhibits signs and symptoms of drug or alcohol use/misuse/abuse.

Within one (1) week of self-disclosure, the employee will be required to provide verification of enrollment and/or be actively participating in the education or treatment program. The education or treatment program must be completed no later than eight (8) weeks; any exceptions to this time frame will be considered and would require the approval of the DER.

An employee will have deemed to have voluntarily resigned their position if they fail to timely complete the education or treatment program, fail to actively participate in the education or treatment program, or fail to comply with the SAP's follow-up instructions.

A circumstance may arise where an employee holding a safety sensitive position loses their privilege to hold a commercial employees license and to operate a commercial motor vehicle due to a drug and/or alcohol related offense. The City will determine if a vacant position exists for which the employee is qualified. If such a position exists, the employee may be offered this position, but at the same time, must complete the SATP requirements defined in the Self-Identification section.

EFFECTS, SIGNS & SYMPTOMS

Information in this policy is intended to help employees understand what consequences alcohol and drug use has on their health, work, and personal life. The impact of an individual's substance use and/or abuse extends beyond them. Impaired employees endanger themselves, fellow workers, and the general traveling public. Employees with alcohol are less productive and more likely to injure themselves or other persons in an accident. Alcohol abusing employees increase the costs related to lost productivity, absenteeism, loss of trained personnel, theft, and treatment and deterrence programs. Medical costs are higher and are passed on to the employer in the form of higher insurance rates. The struggle for answers about alcohol and drug problems can be difficult. Without expert assessment and diagnosis, it can entail an exhausting search without easy resolution. But confidential diagnosis and assistance can be helpful at any point along the continuum, and it is better to seek and get such help sooner rather than later.

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. If substance abuse is contributing to an employee's poor performance, ignoring, or avoiding it will not help the situation. An employee's use or misuse of alcohol or drugs may be the root of the performance problem; however, substance abuse on the part of someone close to the employee also could be the source. Inevitably, the abuse of alcohol or other drugs leads to costly and potentially dangerous consequences unless action is taken to confront the issue.

If you or someone you know has a problem with alcohol or other drugs, contact these resources for free, confidential help.

<ul style="list-style-type: none"> • Substance Abuse Treatment Locator www.findtreatment.samhsa.gov Phone: 1.800.662.HELP • Al-Anon/Alateen https://al-anon.org/ Phone: 1.888.4AL.ANON • Alcoholics Anonymous (AA) www.aa.org • American Council on Alcoholism http://acaap.us/ Phone: 1.800.527.5344 • Cocaine Anonymous http://www.ca.org Phone: 1.800.347.8998 	<ul style="list-style-type: none"> • Nar-Anon nar-anon.org Phone: 1.800.477.6291 • National Council on Alcoholism and Drug Dependence Hopeline https://recovered.org/ Phone: 1.800.622.2255 • National Institute on Alcohol Abuse and Alcoholism www.niaaa.nih.gov • Workplace Helpline workplace.samhsa.gov Phone: 1.800.WORKPLACE
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INFORMATION TECHNOLOGY ACCEPTABLE USE

Access to information technology resources carries with it the responsibility for ensuring that the use of these resources is for the City of Kaukauna purposes and City related activities. The responsibility for appropriate use, maintaining the integrity and security of technology must rest on employees themselves. Acceptable use for the City of Kaukauna Information Technology Systems has been outlined and is subject to the policies set forth herein.

Information Technology encompasses the City of Kaukauna resources for telecommunications, networking, software, storage, and support, etc. The assets that produce these resources represent a considerable commitment. Moreover, the cost of providing these resources is significant. As such, the City of Kaukauna considers all Information Technology and its usage a business tool, and as such, it is to be used as part of the employee's specific job duties. Users with 'questions about' or 'issues to report' related to any of the many IT systems are asked to email or call the Helpdesk (KITD@kaukauna.tech) / 920-462-0269.

OPEN RECORDS

The City is subject to open records laws. Unless exempted under such laws, users of City issued equipment have no guarantee of privacy and should be aware that any content could be subject to release.

GUIDELINES

SECURITY

To ensure the security of all the City of Kaukauna's information technology, every user must take reasonable care to ensure that unauthorized persons are not able to gain physical access to or use authorized employees' usernames to gain electronic access to City of Kaukauna Information. To strive for the most secure environment, users are granted the appropriate access necessary to perform their job.

City of Kaukauna requires every person and device which requires access to technology to be assigned a unique username and password that functions as authorization to access corporate computer network(s) and other secure technology – for both local and remote (cyber) access. Any person or device that has been authorized to receive a username and password is considered a **USER** of the system. You should guard this information just as you would guard any other identifying material like your bank account numbers. **Users will be held fully accountable** for activity that occurs under their username and password, regardless of the actual user. Therefore, great care should be taken not to share or otherwise disclose this information. Usernames and passwords should never be written in or posted on a conspicuous place, written down together, or shared. If an employee forgets their password, they should inform the IT Department so the password can be reset. If any user finds their account has become disabled, they should contact the IT Department to have it re-enabled.

City of Kaukauna has security measures in place to detect an intruder who may be attempting to use or guess a username and/or password to gain access to technology. Likewise, if a user suspects their account has been compromised, they should change their password and inform their supervisor and IT of a suspected cyber incident.

City of Kaukauna critical assets such as servers, firewalls, fiber, and switches are kept in secure locations with physical access limited to authorized personnel as designated by IT. Access by unauthorized individuals will require a personal escort by an authorized City of Kaukauna employee. Employees should not assume access has been granted and are expected to report any and all suspicious activities in secure IT spaces.

Users requiring changes to their system rights (access to folders or servers) are to communicate with their Department Head and the IT Department. Rights will be granted to systems by use of groups, not to individual files or folders. In addition to internal resources like files, any external cloud-based resource a user needs access to, should be communicated to IT for accurate and secure account tracking. Users must be cautious when sharing files in the Office 365 environment with others as they may inadvertently grant access to someone who is not authorized to access.

The following list outlines several expressly prohibited activities that pertain to this section and consequences are outlined in the Sanctions & Compliance section:

- **Sharing usernames and passwords, thus permitting anyone else to log on to any account**
- **Changing or deleting another user's account or password**
- **Using an unauthorized account – any account that is not your own.**
- **Trying to gain unauthorized access ("hacking") to the files or computer systems of another person or organization.**
- **Attempt to access another user's private files**
- **Locally or remotely accessing, via personal or City of Kaukauna provided electronic technology equipment, any affiliated, interconnected, or allied State, County, City, Village or other municipal entity's technology resources and the data stored within them for any purpose other than a City of Kaukauna business or related business reason.**

ADMINISTRATION, MANAGEMENT, MONITORING, PRIVACY, AND PROPERTY

All access to and use of any Information System is for ethical and legal use for the purpose of fulfilling City of Kaukauna's business objectives while striving to achieve its mission. Access to City of Kaukauna technology includes any affiliated, interconnected, or allied State, County, City, Educational or other municipal entity's technology. Users must be aware that any technology necessary to create any Information System and the data they create are the City of Kaukauna's property. Any DATA created with the purpose of being for the City of Kaukauna is not the private property of any user, and users should not consider any e-mail or Internet messages or material as private (*See confidentiality section below*) or as their personal possessions. Documents relevant to the City of Kaukauna business stored on cloud based systems are also the property of the City of Kaukauna. Users who opt to use their own technology (computer or smartphone) to create DATA must also comply with this.

Ongoing system audits and monitoring are performed to ensure that the system is being used properly. For this reason, the City of Kaukauna reserves and intends to exercise its right at any time, with or without notice, of any user and may by-pass any username to, review, audit, intercept, access and/or disclose message materials. Users must be aware that security systems may be capable of recording internet activity (sites visited, amount of time spent, usage

patterns, usernames, passwords, credit cards entered, etc.), email messages, and every file transferred into and out of our **corporate and guest networks**.

Users may not install software without advanced approval from IT. The network may not be used to download, copy, or store any software, shareware, or freeware. All software is to be retrieved and installed by the IT department to allow proper anti-virus scanning and deployment practices. Any software that is installed must be properly licensed from the copyright owner thereof, and any modifications must comply with the terms of the applicable license(s). Users may not copy any copyrighted or licensed software from the Internet or from the network, individual computer, or software media sources without the express permission of the copyright holder. Software must be purchased or licensed before it can legally be used. Software installed on City computers must be related to the City's mission and/or the individual's City work. Software that causes the workstation to become unstable or consume excessive network resources may be removed by management. Additionally, any software with known vulnerabilities is required to be reported to IT and every effort made to mitigate the known vulnerability. Systems that do not have fixes may require deep risk analysis to establish the potential for continued use under "acceptable risk" whereby a secure environment is established.

The following list outlines several expressly prohibited activities that pertain to this section and consequences are outlined in the Sanctions & Compliance section:

- **Intentionally disrupting network traffic or crash the network, servers, or connected systems**
- **Degrading or disrupting equipment or system performance.**
- **Maliciously access, alter, delete, damage, or destroy any computer system, computer network, computer program, or data,**
- **Altering any system configuration or settings**
- **Using the system to make money for personal benefit.**
- **Destroying, modifying, vandalizing, defacing, or abusing hardware, or software**
- **Personal commercial purposes or financial gain**

Technology may not be used for any activity, or to transmit any material, that violates United States, Wisconsin or local laws. This includes, but is not limited to, fraudulent acts, violations of copyright laws and any threat or act of intimidation or harassment against another person.

City of Kaukauna will fully cooperate with requests from law enforcement and regulatory agencies for logs, data, and archives on individual's computing activities.

CONFIDENTIALITY

Confidentiality will be outlined in two contexts – first the confidentiality of a user's access to any system or the data within those systems. Second, the obligation to confidentiality with regards to private corporate information, procedures or systems that could compromise security or make available private corporate data held by the organization which enables it to do business as a City Government.

The confidentiality of any electronic file, message or material should not be assumed or expected. Even when an electronic file, message or material is deleted or erased, it may still be possible to restore, undelete or retrieve. Further, the use of passwords or encryption for

security does not guarantee confidentiality and is not intended to create any expectation of privacy. Notwithstanding the City of Kaukauna's right to retrieve and read any electronic file, mail, internet messages or material, such messages or material should be treated as confidential by other users and accessed only by the intended recipient.

Users are responsible for maintaining the confidentiality of material on all systems. Without prior management authorization, users are not permitted to retrieve or read e-mail messages that are not sent to them. The contents of electronic files, mail or Internet messages or material may, however, may be disclosed to others with prior management authorization except when disclosure by the City of Kaukauna is prohibited by department policy or interoperability agreements. All electronic records created by users may be a public record subject to disclosure. **Confidential correspondences should be handwritten and sent via US mail, faxed, or sent through encrypted email.**

EMPLOYEES REPRESENT CITY OF KAUKAUNA

Employees should be aware that Internet sites accessed from the City of Kaukauna's technology may identify City of Kaukauna as the originator of each visit. If employees participate in "chat sessions" or post messages on the Internet, they may be regarded as representing the City of Kaukauna. Thus, all communications must be professional, appropriate to the City of Kaukauna, and not adversely reflect upon its reputation unless otherwise permitted by law.

Employees who utilize Social Networking...both at work and home are expected to represent the City of Kaukauna in a positive manner at all times unless otherwise permitted by law.

The following list outlines several expressly prohibited activities that pertain to this section and consequences are outlined in the Sanctions & Compliance section:

- **Posting private / sensitive information on a public forum – this would include information about other employees, salary information, health information, benefit details, corporate policies, etc.**
- **Posting confidential City information on a public forum – from a cyber-security standpoint... this would include network configuration, any passwords, software / platform versions, etc.**

USER ETIQUETTE

The City of Kaukauna realizes the great importance technology brings to the organization and requests every user respect the technology needs of all others through proper etiquette and behavior. Users may not use vulgar, derogatory, or obscene language. The City of Kaukauna has a limited amount of server disk space, memory and processing power for the virtual environment, and internet bandwidth. These shared resources rely on every user to be considerate of others and limit uses to necessary business functions.

Transferring large amounts of data creates a significant burden on any network. Email attachments are a great example of a space and bandwidth hazard and are therefore restricted to avoid the problems associated with storage of multiple copies of the large files and slow transfers of the mail messages. Downloading streaming data also taxes many systems and should be restricted to the City of Kaukauna business need.

Users will be allocated 2G of space (i.e., quota) on the corporate network to store data. Users may not exceed this quota without advance approval from IT. Those who exceed their quota will not be able to save more until they clean up their old files, deleting items they no longer need. This automatic restriction is to ensure that the resource will be equally available for everyone to use at all times. Additional space will be evaluated and granted as determined by IT.

The City of Kaukauna may, at any time and without warning, move or delete data stored on shared networked systems to efficiently allocate computing resources to all users. While every reasonable attempt will be made to inform users of such modifications or deletions, users should preserve important or sensitive data in their private share (H drive) or on a removable storage medium and recognize that there may be circumstances when such a notification will not be possible. Additionally, even though backups are performed, they are not kept indefinitely, and users must be aware that files older than 7 years may not be retrievable.

Users must comply with the “fair use” provisions of the United States Copyright Act of 1976. “Fair use” in this context means that the copyrighted materials of others may be used only for teaching or scholarly purposes, and that the use must be limited to brief excerpts.

INCIDENTAL PERSONAL USE

In the interest of making the use of information technology resources a natural part of the day-to-day work of all City staff, incidental personal use is tolerated, on a limited basis, and only in accordance with this Policy. However, any personal use is not intended to create any expectation of privacy as all communication within the City of Kaukauna’s system remains the property of the City and potentially a public record.

The following list outlines several expressly prohibited activities that pertain to this section and consequences are outlined in the Sanctions & Compliance section:

- **Directly or indirectly interferes with the City of Kaukauna operations of computing facilities or e-mail services.**
- **Is contrary to or damages the City’s interest unless otherwise permitted by law.**
- **Results in any incremental cost to the City. Examples include, but are not limited to, saving personal pictures to CD/DVD, bringing in personal computers for repair, seeking IT support / questions, printing party invitations, etc.**
- **Interferes with the employee’s work responsibilities, performance, or other obligations to the City. Examples include, but are not limited to, use of games, surfing the net, etc.**

Any personal use shall be at the risk of the person engaging therein. The City is not responsible or liable for the consequences.

Employees may request the following technology from the City (Portable Projector, Portable Screen, and Laptop) with permission of their Department Manager, IT Manager and Mayor. Any equipment, software, or supplies (paper, toner cartridges, disks, etc.) taken without permission will be treated as theft. City of Kaukauna’s business needs must be met before personal requests filled and the equipment must be returned in good operational order – maintenance or repairs will be at the cost of the borrower.

Employees with smartphones with internet access are expected to comply with the same incidental non-work use to limit job distractions. Allowing employees to have such devices during work hours is to be considered a privilege.

The primary use of the City network and Internet is for City related work. While some incidental personal use of such technology is permitted, such incidental use will not be deemed a waiver for the City's right to prohibit all such use, either on an individually applicable or on generally applicable basis.

ELECTRONIC COMMUNICATIONS

Communication is a critical part of modern-day business and as such, the City of Kaukauna has multiple communication technologies to enable effective communications between employees and beyond.

2-way Radio communications – City of Kaukauna has an FCC license for the frequency used. It dictates where our repeaters are located and what purpose the radios serve. Users must comply with FCC regulations when transmitting over our frequency.

Cellular communications – **See Cell Phone policy in the handbook for more details.** Texting is a valuable form of communication and is subject to all limitations, ownership, and privacy as email. This form of communication must comply with all industry safety guidelines and laws.

Email Communications - Use of e-mail is encouraged as a means of better communication and acts similar to the use of a telephone. As with telephone calls, personal e-mail messages do or will come in and employees do have permission to answer such messages provided it is extremely necessary and involves a minimal amount of time and does not interfere with an employee's job responsibilities.

- Employees are expected to obtain their own personal email address from a provider such as Google (Gmail), Microsoft (outlook.com), or Yahoo Mail to help keep their corporate email box dedicated to work.
- Phishing emails – those that try to trick you into clicking on a link or open an attachment, **City employees are expected to NOT click on links that have an unknown domain or IP address.** Instead, they should access the web resource directly from the web browser.
- Virus and Malware - **City employees are expected to NOT open any attachment that they did not expect,** knowing the sender is not justification. They are to inquire with the sender and obtain confirmation an attachment was intended.
- Abuse or misuse of electronic mail privileges may result in disciplinary action up to and including discharge or third-party legal action against an employee.

Telephone communications - Personal telephone calls do or will come in and employees do have permission to take such calls and answer such messages provided it is extremely necessary, involves a minimal amount of time, and does not interfere with an employee's job responsibilities.

Use of any City technology for hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information such as protected health information (whether true or false), personal attacks on others, and statements expressing ill will towards

any person or group by reason of race, color, religion, national origin, gender, sexual orientation, or disability is prohibited. Users may not post anonymous messages or attempt to impersonate another person by forging e-mail, web pages or other electronic media.

The following list outlines several expressly prohibited activities that pertain to this section and consequences are outlined in the Sanctions & Compliance section:

- **Texting while driving.**
- **Engage in “spamming” (sending unsolicited email to large groups) or participate in chain letters.**
- **Forwarding emails or attachments internally or externally which are non-business related, crass, vulgar, or would be found offensive by most reasonable people.**
- **Mass distribution of material for personal interests.**
- **To transmit materials to “all e-mail users”**

INTERNET ACCESS

The City of Kaukauna provides access to the resources of the Internet to help City employees do their job faster, smarter, and in the most productive manner possible. It can provide many avenues for research and information and access to online tools.

The City of Kaukauna reserves the right to block access to any Internet site, e-mail address, or any other electronic feature that is not business related or a potential hazard. The City of Kaukauna blocks Internet content and advertisements that are inconsistent with our business objectives, blocking access to all such sites that we know of or that our filtering system identifies. To be clear, our system tries to block items which may reasonably be construed to be obscene, disruptive, or harmful. We acknowledge that no blocking or filtering mechanism is capable of blocking all inappropriate content all of the time. Offensive, disruptive or harmful data include, but are not limited to, any messages or files, or data which contain the following: prohibited under child pornography laws or promotes illegal acts; pornographic or erotic images, sexual implications, sexually explicit, offensive or inappropriate; racial slurs, derogatory gender-specific comments; information or instructions for procedures or devices designed to cause physical harm to another person or technology; comments that offensively address a person's age, sexual orientation, religious beliefs, political beliefs, national origin, or disability; any comment which in any way defames another person; any comment intended to frighten, intimidate, threaten, abuse, annoy or harass another person, and/or data or activities which invade the privacy of another person.

If user finds that they are connected to a site whether on duty or off duty with the City's technology that contains any of the above material, they must disconnect from that site immediately, regardless of whether that site has been previously deemed acceptable by any screening or rating program. Similarly, an employee must inform his or her supervisor if he or she becomes aware that a fellow employee is accessing or has accessed material prohibited above. Users finding needed resources blocked are to communicate with the IT Department by sending a request to the Helpdesk.

Cyber security is of the utmost importance, it is critical that no user EVER access the internet while on our Business Automation (HVAC) or SECURITY networks. Users are to stay informed about cybersecurity topics by participating in monthly awareness trainings that are emailed out

from our Infosec system. Any user who suspects a cybercrime is occurring, or has occurred, must report the incident to IT immediately.

SANCTIONS & COMPLIANCE

All users shall abide by this IT Acceptable Use Policy. The City of Kaukauna reserves the right to modify and revise this policy at any time. Employees will be given the revisions in their updated copy of the Personnel Policies and Employee Handbook. Employees shall implement the new policy immediately.

Use of the City's computer network, information systems, and the Internet is a privilege. Users who violate this Use Policy may have their access privileges suspended or revoked by concurrence of the Mayor and applicable Department Manager, are subject to disciplinary procedures of the City, up to and including discharge, and may also be subject to personal civil liability and criminal prosecution by state and federal authorities under applicable state or federal laws.

SOCIAL MEDIA

At the City of Kaukauna, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees who work for the City of Kaukauna.

GUIDELINES

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Kaukauna, as well as any other form of electronic communication.

The same principles and guidelines found in the City's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects people who work on behalf of the City of Kaukauna or the City's legitimate business interests may result in disciplinary action up to and including termination.

KNOW AND FOLLOW THE RULES

Carefully read these guidelines, the City's Business Ethics & Conflicts of Interest policy, Information Technology Acceptable Use policy, and the Non-Discrimination & Anti-Harassment policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

BE RESPECTFUL

Always be fair and courteous to fellow employees, citizens, visitors, or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by utilizing our Employee Relations Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, or employees, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or city policy.

BE HONEST AND ACCURATE

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City of Kaukauna, fellow employees, and people working on behalf of the City or competitors.

POST ONLY APPROPRIATE AND RESPECTFUL CONTENT

Maintain the confidentiality of the City's private or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.

Do not create a link from your blog, website, or other social networking site to a City website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City of Kaukauna. If the City is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the City, fellow employees, or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City of Kaukauna."

USING SOCIAL MEDIA AT WORK

Refrain from using social media while on work time or on equipment the City provides unless it is work-related as authorized by your Department Head. Do not use City of Kaukauna email addresses to register on social networks, blogs or other online tools utilized for personal use.

RETALIATION IS PROHIBITED

The City of Kaukauna prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

MEDIA CONTACTS

Employees should not speak to the media on the City's behalf.

FOR MORE INFORMATION

If you have questions or need further guidance, please contact Human Resources.

TRAVEL REIMBURSEMENT

This policy is applicable to all City of Kaukauna Departments and employees and provides guidelines for determining travel expenses eligible for employee reimbursement and maintains appropriate internal controls to insure compliance with federal regulations. Travel expense reimbursements are meant to reimburse the employee for necessary travel expenses incurred while on official City business. Travel expense reimbursements are not to be considered additional compensation for performing one's job.

City of Kaukauna Human Resources and the Finance Department are responsible for establishing and maintaining this travel policy. Intentional violation of this policy may result in discipline up to and including discharge.

Employees who travel are expected to exercise good judgment when incurring travel costs. An employee may be reimbursed for reasonable and necessary travel expenses actually incurred in the performance of official duties in accordance with the provisions herein. Only travel expenses related to the conduct of City business, including meetings, conferences, and other departmental activities, approved by the Mayor or his/her designee may be reimbursed.

An employee shall not seek reimbursement for goods or services provided free of charge, not personally paid for by the claimant, reimbursed by another source, or which will be paid or reimbursed from another source. Any reimbursement which is received by the employee from another source for the same costs reimbursed by the City shall be refunded to the City.

All City of Kaukauna official business travel should be specifically authorized and approved by the employee's supervisor in advance of departure. The supervisor, along with any other approving authority, is responsible for ensuring the travel is appropriate and necessary to fulfill the responsibility or duties of the department.

Unless specified elsewhere, all travel related expenses shall be reimbursed to the employee by the City through completion of the Travel Expense Reimbursement Form. The form must be signed by the employee and by the department head. Where applicable, requests for reimbursement should be supported by documentation, such as an itemized receipt. A credit card receipt only showing the total amount may not be accepted.

Applicable reimbursements may be taxed in accordance with Internal Revenue Service (IRS) guidelines.

AVOID PAYING SALES TAX

While traveling for City business, it is the employee's responsibility to avoid paying sales tax when possible. The employee should get the Wisconsin Sales and Use Tax Exempt Certificate form from their department head prior to traveling.

PERSONAL VEHICLE MILEAGE REIMBURSEMENT

Employees shall receive mileage reimbursement at the Internal Revenue Service standard per mile for all authorized travel in their personal vehicle as stated in the City of Kaukauna Personnel Policies and Employee Handbook. Reimbursement is limited to vehicles authorized for travel for City of Kaukauna business purposes. Motorcycles, mopeds, bicycles, all-terrain

vehicles, and other similar type methods of transportation are not eligible to be used for City business purposes, and therefore, are not eligible for mileage reimbursement.

GENERAL RULES FOR MILEAGE REIMBURSEMENT

1. An employee's commute from home to City Hall and back home is not eligible for mileage reimbursement.
2. An employee is eligible for mileage reimbursement from the City Hall building to a business meeting, training session, etc. and back to City Hall.
3. City mileage reimbursements should be determined by adding all mileage incurred in a day after leaving home and subtracting the employee's total normal round trip commuting miles to and from City Hall and any other personal mileage incurred during the day.
4. Mileage reimbursement requests must be submitted within forty-five (45) days from incurring the expense.

AIR TRAVEL

Reimbursement for commercial air travel shall generally be limited to the least costly but most convenient coach fare that uses a regularly scheduled commercial carrier and which prohibits preference for any airline, type of aircraft and connecting airports.

The additional cost of premium class (first class or business class) travel is not reimbursable without prior approval of the Mayor or their designee. If a situation should arise where premium class travel is the only alternative available, such travel must be cleared through the Department Manager or their designee prior to booking the flight.

Departments may examine the cost-effectiveness of charter flights when a group of employees are planning to attend a training event. The use of charter flights is subject to approval by the department head after consultation with the Department Manager or their designee. When a more favorable price can be obtained for airfare by adding additional days to the trip, such as staying over a Saturday or flying on a particular day, reasonable expenses for lodging and meals for the minimum necessary additional days may be claimed if the total cost of the reduced fare plus the additional days expenses are less than the lowest available airfare would have been without the additional days of travel.

VEHICLE RENTALS

A rental vehicle may be used in situations where it is the most cost-effective means of transportation or when the efficient conduct of City business precludes the use of other means of transportation. The vehicle rented should be reasonable in terms of size, cost, number of passengers, and cargo to be transported. Charges incurred for personal use by the employee when using a rented vehicle and charges incurred for damages and/or not abiding by the rental City rules are not reimbursable.

GROUND TRANSPORTATION

Reasonable and necessary charges for ground transportation, including tips, are reimbursable when other modes of travel are not available or practical.

MEALS

In accordance with the Employee Handbook, subject to the department heads approval, meal reimbursement is allowed when the employee is on City business related activities farther than a 40-mile radius from City Hall. Reimbursement for meals consumed within a 40-mile radius may be approved in conjunction only with a business meeting or overnight stay at the discretion and approval of the employee's department head.

The two definitions for a business-related activity are as follows:

1. City policy, which determines what meals will be reimbursed by the City.
2. The IRS guidelines, which determine which meals, are taxable to the individual.

Under City of Kaukauna's policy, a business-related activity for meals reimbursed further than a 40-mile radius from City Hall includes the following: 1) a business meeting including a third-party or non-city employee in which business is conducted; 2) a business-related situation that would occur in the normal performance of your job duties. A third-party or non-city employee would generally include but is not limited to the following: outside experts (consultants, lawyers, business associates, vendors, etc.), visiting dignitaries (state, local, and federal officials or members of commissions, committees, or boards) and interviewees.

Under the same City of Kaukauna policy, meals reimbursed WITHIN a 40-mile radius from City Hall are limited to a business meeting including a third-party or non-city employee in which business is conducted. A third-party or non-city employee would generally include but is not limited to the following: outside experts (consultants, lawyers, business associates, etc.), visiting dignitaries (state, local, and federal officials or members of commissions, committees, or boards), and interviewees. Reimbursements for other business-related situations could include, but are not limited to the following:

1. Meals at training programs, seminars, conferences, or conventions that are **not included in the registration fee**; or
2. Meals incurred that are not considered business meetings, but are considered necessary and reasonable while performing normal job duties

Meals claimed for meetings between only City employees are not considered a business-related activity under this policy and are not reimbursable.

Under the IRS guidelines, meal reimbursements for business meetings that include a third-party or non-city employee as defined above are not taxable to the individual if submitted for reimbursement within 60 days of the date incurred. However, meal reimbursements made for other business-related activities as stated above, are considered a fringe benefit and may be taxable to the employee.

Claims for meals shall represent actual, reasonable, and necessary expenses. The maximum daily amount permitted, including tax and tip, for all meal reimbursements is as follows:

Breakfast = \$15.00

Lunch = \$25.00

Dinner = \$35.00

Any costs in excess need to be approved by the department head or their designee.

Any in house training that is provided by the City which goes beyond four hours and during the lunch period, a department head may provide and be reimbursed for lunch. Any exceptions need to be approved by the department head or their designee.

All receipts NEED to be submitted detailing the items being reimbursed. * see below for non-reimbursable expenses

LODGING

Employees are expected to seek standard lodging accommodations that are comfortable, convenient, safe, meet the business needs and offer good value. Reimbursement is limited to the single rate for a standard single room if one is available.

Reimbursement for lodging within 40 miles of City Hall is not permitted unless approved in advance by the department head or their designee. When booking lodging, you should state you are with a governmental agency and ask for governmental rates.

In order to be reimbursed for lodging expense the night prior to the meeting, conference, or seminar, the site must be at least **100 miles** from City Hall and the starting time of the event requires you to leave prior to 6:30 a.m. Exceptions to this provision must be authorized in advance by the department head or their designee.

CONFERENCE/CONVENTION/SEMINAR REGISTRATION FEES

Registration fee claims are reimbursable with the following parameters:

1. Evidence of payment, along with the applicable page from the brochure, application or registration form must be provided.
2. The documentation should include:
 - a. actual dates, location, and title of the conference/convention/seminar
 - b. the amount of the fee and, when available, a breakdown of specific costs, such as meals, included in the fee.
 - c. Expenses for spouse, other family members, and non-business-related activities, such as sightseeing tours, included as a specific charge in the registration fees are not reimbursable.

MISCELLANEOUS EXPENSES

1. Parking reasonable and necessary parking fees are permitted.
2. Laundry, Cleaning and Pressing Charges
 - a. If an employee is away from home for more than five days on authorized City business, reasonable amounts will be allowed for laundry, cleaning and pressing service. Only one charge per calendar week is reimbursable for each type of actual and necessary service. Routine cleaning of clothes is not considered a travel-related expense and is, therefore, not reimbursable unless dirty due to work related activity. Reimbursement claims for laundry, cleaning and/or pressing must be supported by receipts.

OUT OF STATE TRAVEL

Out of State travel will consist of any conference/convention/seminar/training that is not located within the geographical limits of the State of Wisconsin or the metropolitan areas of Minneapolis/St. Paul and Chicago. If an employee wishes to attend an out of state conference/convention, etc. they must obtain approval from the Department Head or his /her designee before attending.

EXPENSES NOT REIMBURSABLE

Following is a list of expenses which are not reimbursable without pre-approval from the Department Head or his/her designee. **Note:** The list is not all inclusive.

- alcoholic beverages
- spouse or family member's travel costs
- lost-stolen cash or personal property
- personal items and services, such as toiletries, luggage, clothes, haircuts and shoe shines
- expenses which are not City business related
- laundry, cleaning, pressing costs for trips of five days or less
- avoidable expenses for non-business-related activities, such as sightseeing tours, golfing, etc.
- traffic citations, parking tickets and other fines
- additional charges incurred for personal reasons involving vehicle rentals
- locksmith charges on either fleet, rental, or personal vehicle, except when fleet or rental vehicles experience mechanical problems
- cost of circuitous or side trips for personal reasons
- repairs, towing service, lubrication, or other maintenance for personal vehicles
- pay for view movies in hotel/motel room
- personal entertainment
- extra costs for additional person(s) in room
- additional charges for late checkout or un-cancelled guaranteed reservations
- trip/flight insurance
- extra baggage charges for personal items, such as golf clubs or skis
- airline, car, hotel, or corporate card club membership dues
- childcare costs
- maintenance and repairs to an employee's personal vehicle incurred while traveling

PROCEDURE

1. All training/seminars/conferences shall have a **Travel Request Form** submitted and approved prior to travel.
2. All travel related expenses shall be reimbursed to the employee by the City through completion of the **Travel Expense Reimbursement Form**.
3. Approval signatures are required for all travel.
4. Travel related payments to vendors will follow the same schedule as all other payments for check processing. Travel requests submitted by Tuesday at noon will be processed and mailed on Friday every other week.

Travel expense reimbursements to employees will be incorporated into Accounts Payable. Reports submitted by Tuesday at noon of the week immediately prior to the week of regularly schedule payables dates, will be added to that week's check run. Any reports submitted after that time will be paid on the next scheduled check run date. Since these payments will represent reimbursement of business, no payroll taxes will be withheld.

ALDERPERSONS/MUNICIPAL JUDGE TRAVEL

This policy provides guidelines for determining travel expenses eligible for Alderpersons reimbursement and maintains appropriate internal controls to insure compliance with Federal regulations. Travel expense reimbursements are meant to reimburse Alderpersons and Municipal Judge for necessary travel expense incurred while on official city business. Travel expense reimbursements are not to be considered additional compensation for performing one's job.

Travel regulations as set forth herein are subject to approval by the City Common Council. All travel paid or reimbursed to Alderpersons and Municipal Judge from city-administered funds must be done in compliance with these regulations, regardless of the funding source.

1. General Policy
 - a. The policy applies only to meetings attended out of town.
 - b. Alderpersons and Municipal Judge will receive reimbursement for actual room costs plus \$75.00 per day.
 - c. Actual travel expense of all public travel accommodations or the rate adopted in the Travel Policy for use of a private automobile is paid in addition to the above
 - d. Registration fees – Actual costs
 - e. Expenses such as meals, parking, wage loss, etc. are part of item 2 and not reimbursed separately
2. Procedure
 - a. All travel related expenses shall be reimbursed to the Alderpersons and Municipal Judge by the City through completion of the **Travel Expense Reimbursement form**.

Travel expense reimbursements to Alderpersons and Municipal Judge will be incorporated into the Accounts Payable. Any reports submitted will be paid on the scheduled check run date.

STREET DEPARTMENT OPERATIONAL PROCEDURES

JOB POSTINGS AND TRANSFERS

All classification vacancies shall be posted on the bulletin board within ten (10) working days of the decision to fill said vacancies. Such notice shall be posted for at least ten (10) working days and shall state the prerequisites for the job. Such prerequisites shall be consistent with the requirements of the job classification.

Employees desiring to apply for such vacancies shall submit an internal application. The City shall attempt to fill the position no later than ten (10) working days after the posting period. Only those applicants who meet the prerequisites for the positions shall be considered. The City will assign the most qualified person. If all qualifications and performance are equal, then the City will look at years of experience. Employee shall demonstrate their ability to perform the job during a thirty (30) day training period, and, if the employee is deemed qualified by the Employer after said training and trial, the employee shall be assigned to fill the vacancy. Should such employee not qualify or should such employee desire to return to their former position within the thirty (30) day training period, they shall be reassigned to their former position. In this event, another applicant shall be given an opportunity to qualify, and this procedure shall continue until the vacancy is filled.

SENIORITY

Seniority is defined to be the total time elapsed since the date of original employment. A seniority roster will be maintained by the Street Superintendent.

NORMAL WORKDAY AND WORK WEEK

1. The normal workday for Street and Park Department employees shall consist of eight (8) hours from 7:00 am – 3:30 pm. Normal workday for Sweeper Operator and Janitor employees shall consist of eight (8) hours commencing 4 a.m. to 12 noon.
2. The normal work week shall consist of a shift of five (5) consecutive workdays scheduled from Monday through Friday.
3. When calling employees to work overtime, they will be called in the order that they appear on the seniority roster, within their classification.
4. For hourly paid employees, all work performed outside the above normal workday and/or normal work week shall be compensated for at the rate of time and one-half the employee's regular rate of pay.
5. Normal working hours may be adjusted by mutual agreement between employee and employer.

PAY POLICIES

1. Wage Schedule and Job Classifications
 - a. Employees shall be classified according to their major work assignment and in accordance with the following job classifications and shall be paid the appropriate rate of pay on a year-around basis for said job classification.
 - ~~b. Employees shall be hired at the rate shown on the attached Table of Organization and Wage Schedule.~~
 - ~~c.~~ b. Crew leader shall be paid one dollar (\$1.00) per hour in addition to their regular rate of pay while performing such duties when assigned.
 - ~~d.~~ c. Employees who are assigned and perform work in a higher classification for two (2) consecutive hours per day shall receive a \$.50 pay differential per hour, per classification ~~the rate of pay of the higher classification~~ for the hours so worked.

Employees who perform work in a lower classification shall receive their regular rate of pay while so assigned.

2. Call Pay

- a. Whenever an employee is called outside of normal working hours and reports to work, the employee shall be paid two (2) hours at straight time regardless of the length of time worked, plus they shall be paid time and one-half for all hours worked. Call pay shall not apply if an employee is scheduled or called before end of current shift.
- b. Call pay shall not apply if an employee is scheduled or called before end of current shift, however, the employee will receive a minimum of 2 hours of overtime paid at time and one-half for hours worked beyond eight (8) hours.
- c. Reasonable compliance shall be expected of employees when called for emergency work. If no one agrees to come in, the least senior qualified person contacted shall report for duty. Repeated failure to respond to calls for emergency work may be subject to discipline.

3. Authorized Absence

- a. Authorized absence shall be counted as time worked for purposes of computing overtime, vacation, holidays, etc.

4. Temporary Pay

- a. An employee who has been temporarily assigned to fill a classification vacancy shall immediately be paid the higher rate of pay for the time so assigned.
- b. When an employee is temporarily assigned to a lower position, they will receive their regular rate of pay while so assigned.

5. Holiday/Sunday Pay

- a. Employees who work holidays shall be paid double time (2x) in addition to their holiday pay. Employees who work Sundays shall be paid double time (2x).

COMMERCIAL DRIVER'S LICENSE

Any employee whose commercial driver's license (CDL) is suspended, revoked, or otherwise becomes disqualified shall be demoted to least senior laborer for work assignments, including overtime opportunities and/or posting for special duties, and shall be compensated at the lower of either, their current job classification or laborer over 2 years job classification. An employee shall return to their prior job classification if within 13 months of suspension, revocation, or disqualification they have proof that their commercial driver's license has been reinstated. In the event that the employee's position prior to the loss of CDL is temporarily filled by another employee, both employees will be returned to the positions they held before the CDL was lost. If the CDL is not restored to the employee within 13 months, the employee shall be subject to additional disciplinary action up to and including termination.

Employees newly hired to a position requiring a CDL will have a period of 180 days to obtain their CDL. The City will reimburse the employee for the costs associated with obtaining their license including testing fees for successful passage of required tests. The employee will not be reimbursed test fees for failed tests. An employee who obtains a CDL through the City is required to remain employed with the City a minimum of two (2) years beyond completion date of the program to keep the reimbursement dollars. If an employee voluntarily resigns before two years after completion of the program, they will be required to reimburse the City the full amount of license reimbursement received.



MEMO

HUMAN RESOURCES

To: Finance and Personnel Committee
From: Shanon Swaney, Human Resources Director
Date: December 5, 2022
Re: Staffing notifications and approval to post positions

Sgt. Rex Swanson has submitted notice of his retirement effective February 8, 2023.

Staff seeks authorization from the Finance and Personnel Committee to fill a Patrol Officer vacancy due to the retirement of Sgt. Rex Swanson.

Staff seeks authorization from the Finance and Personnel Committee to fill a Detective position at the Police Department. This is a new position created in the 2023 budget.

Staff seeks authorization from the Finance and Personnel Committee to fill a Lieutenant of Training position at the Fire Department. This is a new position which was created in the 2023 budget.

Staff seeks authorization from the Finance and Personnel Committee to fill a Firefighter / Paramedic position. This will be backfilling a vacancy which will be created because of internal movement filling the Lieutenant of Training position.



MEMO

Human Resources

To: Personnel & Finance Committee
From: Shanon Swaney, HR Director
Date: December 5, 2022
Re: 2023 Pay Grade Classifications and Pay Schedules

Attached are the following:

- 2023 Pay Grade Classifications
- 2032 Pay Schedules – represents increases consistent with compensation study findings previously shared and approved in the 2023 budget.
- 2023 Pay Schedule for Department of Public Works – represents a 4% increase approved in the 2023 budget as well as updated classifications and pay ranges.
- 2022 Pay Schedule for Seasonal Employees – represents 4% increase for most positions, with Attendants, Community Enrichment Coordinator, Community Service Officer, Planning Intern (to align with other intern rates), Pool Supervisor, Scorekeeper, Water Safety Instructor, and Seasonal Street Staff adjustments above 4% as approved in the 2023 budget.

Staff recommends that Council:

Adopt the 2023 Pay Grade Classification as presented.

Adopt the 2023 Pay Schedule as presented.

Adopt the 2023 Pay Schedule for Department of Public Works as presented.

Adopt the 2023 Pay Schedule for Seasonal Employees as presented.

**City of Kaukauna
Pay Grade Classification
As of January 1, 2023**

<u>Pay Grade</u>	<u>Position</u>
1	
2	Library Associate
3	
4	
5	Office Assistant, Administrative Coordinator (Library)
6	
7	Records Assistant, Clerk of Courts
8	Administrative Coordinator (Mayor), Planning & Community Development Coordinator, Assistant Naturalist, Environmental Center Administrative Assistant, Environmental Center Site Manager.
9 A	Accounting Specialist – AR, Accounting Specialist – AP, - Paralegal, Library Technology Coordinator, IT Service Desk Technician
9 B	Grignon Mansion Executive Director
10	Youth Services Librarian I, Adult Services Librarian I
11	Administrative Services Supervisor (Police Dept), Youth Services Librarian II, Adult Services Librarian II Human Resources Payroll Generalist, Code Enforcement Officer
12	Associate Planner
13	Planning/Engineering Technician
14	City Clerk, Naturalist
15	Principal Planner, Accountant
16	Street Foreman
17	Project Engineer, Recreation Program Manager
18	Street Superintendent, Senior Project Engineer, Building Inspector, Assistant Library Director, IT Manager
19	Lieutenant Investigator, Assistant Fire Chiefs - Shifts
20	
21	Assistant Fire Chief - Day , Assistant Police Chief , Recreation & Community Enrichment Director
22	Director of Planning & Community Development, Library Director
23	Human Resources Director
24	Fire Chief, Police Chief
25	Director of Public Works
26	
27	Finance Director / Treasurer

<u>Grade</u>	<u>Job Title</u>	<u>FLSA Status</u>	<u>2022 current rate</u>	<u>2023 rate</u> <u>(4% increase)</u>	<u>Min</u>	<u>Mid</u>	<u>Max</u>
ST1	Laborer & Janitor	non-exempt	\$24.46 - \$28.70	\$25.44 - \$29.85	23.37	27.49	31.61
ST2	Park Man	non-exempt	29.20	\$ 30.37	23.80	28.00	32.20
ST2	Small Truck Driver	non-exempt	29.29	\$ 30.46	23.84	28.05	32.26
ST2	Tandem Trucks	non-exempt	30.17	\$ 31.37	23.91	28.13	32.35
ST3	Heavy Eq Op - Sweeper	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Heavy Eq Op - Rear-load Garbage Truck	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Heavy Eq Op - Automated Garbage Truck						
ST3	Driver	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Heavy Eq Op - Backhoe	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Heavy Eq Op - Grader	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Heavy Eq Op - Loader	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Heavy Eq Op - Sewer& Tandem Sewer Truck						
ST3	Driver	non-exempt	30.63	\$ 31.87	24.81	29.19	33.57
ST3	Mechanic	non-exempt	30.63	\$ 31.87	27.30	32.12	36.93

City of Kaukauna 2023 Pay Schedule

Grade	FLSA Status	Entry Pay	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
		Min of 6 mo.	Min of 6 mo.	Min of 6 mo.	Min of 9 mo.	Min of 9 mo.	Min of 12 mo.	Min of 12 mo.	
1	non-exempt	15.41	15.76	16.11	16.48	16.85	17.23	17.61	18.01
2	non-exempt	17.36	17.75	18.15	18.56	18.98	19.41	19.84	20.29
3	non-exempt	17.60	18.00	18.40	18.82	19.24	19.67	20.12	20.57
4	non-exempt	18.10	18.50	18.92	19.35	19.78	20.23	20.68	21.15
5	non-exempt	20.01	20.46	20.92	21.39	21.87	22.36	22.87	23.38
6	non-exempt	20.14	20.60	21.06	21.53	22.02	22.51	23.02	23.54
7	non-exempt	21.31	21.79	22.28	22.78	23.30	23.82	24.36	24.90
8	non-exempt	23.75	24.28	24.83	25.39	25.96	26.54	27.14	27.75
9A	non-exempt	24.71	25.26	25.83	26.41	27.01	27.62	28.24	28.87
9B	exempt	48,185	49,257	50,369	51,500	52,670	53,859	55,068	56,297
10	exempt	53,618	54,825	56,058	57,320	58,609	59,928	61,276	62,655
11	exempt	56,140	57,403	58,694	60,015	61,365	62,746	64,158	65,601
12	exempt	57,700	58,998	60,326	61,683	63,071	64,490	65,941	67,425
13	exempt	58,029	59,335	60,670	62,035	63,431	64,858	66,317	67,809
14	exempt	62,466	63,871	65,308	66,778	68,280	69,816	71,387	72,994
15	exempt	66,028	67,513	69,033	70,586	72,174	73,798	75,458	77,156
16	exempt	66,557	68,054	69,586	71,151	72,752	74,389	76,063	77,774
17	exempt	67,448	68,966	70,518	72,104	73,727	75,385	77,082	78,816
18	exempt	75,649	77,351	79,091	80,871	82,690	84,551	86,453	88,399
19	exempt	79,483	81,271	83,100	84,970	86,882	88,836	90,835	92,879
20	exempt	83,342	85,217	87,135	89,095	91,100	93,150	95,245	97,388
21	exempt	89,280	91,289	93,343	95,443	97,590	99,786	102,031	104,327
22	exempt	93,296	95,395	97,542	99,736	101,980	104,275	106,621	109,020
23	exempt	97,679	99,877	102,124	104,422	106,771	109,173	111,630	114,141
24	exempt	102,074	104,371	106,719	109,120	111,576	114,086	116,653	119,278
25	exempt	106,668	109,068	111,522	114,031	116,597	119,220	121,902	124,645
26	exempt	111,468	113,976	116,540	119,162	121,843	124,585	127,388	130,254
27	exempt	116,484	119,105	121,784	124,525	127,326	130,191	133,121	136,116

City of Kaukauna Seasonal Positions

	2022	2023
	WAGE	WAGE
POSITION TITLE		
ASSISTANT POOL SUPERVISOR	\$17.46	\$18.16
ATTENDANTS / CONCESSIONAIRE - ENTRY	\$9.52	\$11.90
ATTENDANTS / CONCESSIONAIRE - 1 YEAR	\$9.66	\$12.08
COMMUNITY ENRICHMENT COORDINATOR	\$12.61	\$19.50
CROSSING GUARD	\$14.72	\$15.45
COMMUNITY SERVICE OFFICER	\$12.84	\$15.45
DANCE INSTRUCTORS - 1 YEAR	\$23.69	\$24.64
DANCE INSTRUCTORS - 2 YEAR	\$25.13	\$26.14
DANCE INSTRUCTORS - 3 YEAR	\$26.58	\$27.64
DISC GOLF	\$18.56	\$19.30
DRIBBLERS CLUB COORDINATOR	\$20.53	\$21.35
FLAG FOOTBALL COORDINATOR	\$20.75	\$21.58
FLAG FOOTBALL INSTRUCTOR	\$12.62	\$13.12
FLAG FOOTBALL REFEREE (PER GAME RATE)	\$15.20	\$15.81
GOLF AIDE	\$12.12	\$12.60
GOLF INSTRUCTOR	\$23.70	\$24.65
GYMNASTICS - INSTRUCTOR	\$12.68	\$13.19
GYMNASTICS - LEAD	\$27.04	\$28.12
LIFEGUARDS - ENTRY	\$14.12	\$14.68
LIFEGUARDS - 2 YEAR	\$15.06	\$15.66
LIFEGUARDS - 3 YEAR	\$16.01	\$16.65
OPEN GYM SUPERVISOR / ATTENDANT	\$11.72	\$12.19
PLANNING INTERN	\$10.68	\$12.48
NATURALIST INTERN	\$12.00	\$12.48
ENGINEERING INTERN	\$13.27	\$13.80
ENGINEERING YOUTH APPRENTICE	\$10.68	\$11.11
POOL MAINTENANCE MANAGER - ENTRY	\$18.92	\$19.68

	2022	2023
	WAGE	WAGE
POSITION TITLE		
POOL MAINTENANCE MANAGER - 2 YEAR	\$20.81	\$21.64
POOL MAINTENANCE MANAGER - 3 YEAR	\$22.70	\$23.61
POOL SUPERVISOR	\$18.19	\$21.83
SCOREKEEPER	\$10.66	\$12.05
ARCHERY/RIFLERY INSTRUCTOR	\$20.53	\$21.35
STREET SEASONAL ENTRY	\$13.27	\$15.88
STREET SEASONAL YEAR 2	\$13.77	\$16.40
STREET SEASONAL YEAR 3	\$14.20	\$16.85
POOL LANDSCAPER - ENTRY	\$13.27	\$13.80
POOL LANDSCAPER - 2 YEAR	\$13.77	\$14.32
POOL LANDSCAPER - 3 YEAR	\$14.20	\$14.77
STRONG BONES INSTRUCTOR	\$15.13	\$15.89
SUMMER SCHOOL AIDE - ENTRY	\$12.00	\$12.48
SUMMER SCHOOL AIDE - 2 YEAR	\$12.97	\$13.49
SUMMER SCHOOL AIDE - 3 YEAR	\$13.74	\$14.29
TEACHER (*Rate set by school district in January)	\$23.80	TBD
UMPIRE - ADULT DIAMOND SPORTS / 7 & 8 YR OLD BASEBALL (PER GAME RATE)	\$25.13	\$26.14
UMPIRE - YOUTH DIAMOND SPORTS (Bases) (PER GAME RATE)	\$34.78	\$36.17
UMPIRE - YOUTH DIAMOND SPORTS (Plate) (PER GAME RATE)	\$41.78	\$43.45
VOLLEYBALL INSTRUCTOR	\$20.53	\$21.35
WATER SAFETY INSTRUCTOR (W/ LIFEGUARD CERTIFICATON)	\$14.12	\$17.17
WATER AEROBICS INSTRUCTOR	\$14.01	\$14.57

ORDINANCE NO. 1874-2022**ORDINANCE ESTABLISHING SALARIES
FOR VARIOUS ELECTED OFFICIALS**

The Common Council of the City of Kaukauna, Wisconsin, do ordain that salaries for various elected officials of the City of Kaukauna are hereby established as follows:

	<u>AMOUNT</u>	<u>EFFECTIVE DATE</u>
City Attorney	\$107,976.00 per year	May 1, 2023
Municipal Judge	\$12,323.00 per year	May 1, 2023

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON
COUNCIL on the 6th day of December, 2022.

APPROVED: _____
Anthony J. Penterman, Mayor

ATTEST: _____
Sally Kenney, Clerk



MEMO

Finance

To: Common Council
From: Finance Director
Date: 12/6/2022
Re: Ordinance Amending Sanitary Sewer User Fee

The Sanitary Utility (Fund 602) is funded by a user fee. This fee is reviewed each budget cycle to confirm if the revenue generated by the current user fee is sufficient to support the budget of the Sanitary utility fund. In addition to the budgeted expenses and revenue the utility fund has debt covenants that need to be met which entails a debt coverage ratio of at least 1.25 times the debt service expense.

An analysis was done during the 2023 budget on a plan moving forward on how to control the rate yet continue the infrastructure improvements. We believe a gradual rate increase over the next three years will get to a level where most of the annual capital improvement project cost can be covered by the user fee and the debt coverage ratio will not have to be chased with raising the user fee.

With the 2023 increase, the Sanitary Fund covers the budget for 2023 and works toward the capital infrastructure plan we discussed during the budget presentation. The following ordinance governs the user rate for the Sanitary fund. This update will move the rate to \$8.00/100 cubic feet on January 1, 2023, and to \$8.75/100 cubic feet on July 1, 2023.

**CITY OF KAUKAUNA
ORDINANCE 1873-2022**

**ORDINANCE AMENDING SECTION 13.05(5)(A) AND 13.05(5)(B) AMOUNT OF
USER SURCHARGES**

WHEREAS, the Sanitary Utility (Fund 602) is funded by a user fee. This fee is reviewed each budget cycle to confirm if the revenue generated by the current user fee is sufficient to support the budget of the Sanitary utility fund.

WHEREAS, the 100 cubic foot rate of \$7.00 effective January 1, 2023, is insufficient to cover the 2023 budgeted expenditures of the sanitary utility; and

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “13.05 Sewer Utility” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

13.05 Sewer Utility

1. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees, expressed as mg/l. Quantitative determination of BOD shall be made in accordance with procedures set forth in the standard methods.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called a house connection.

Category A means sanitary sewer users who discharge normal domestic wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Category B means sanitary sewer users who discharge wastewater with concentrations of BOD greater than 190 mg/l, suspended solids greater than 240 mg/l, or phosphorus greater than eight mg/l.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in the standard methods.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

District refers to the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental, regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

District approving authority means the district engineer/manager or other authorized representatives of the district.

District wastewater collection facilities or district wastewater collection system means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

Easement means an acquired legal right for the specified use of land owned by others.

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Grantee means the district, for those projects in which the district receives federal funding, or the city for those projects in which the city receives federal funding.

Ground garbage means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than two inches in any dimension.

Heart of the Valley Metropolitan Sewerage Commission means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial user. Per Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

- a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A	Agriculture, forestry, and fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, communications, electric, gas, and sanitary services
Division I	Services

- b. Discharges in subsection 1 of this definition that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 200 mg/l BOD and 250 mg/l SS.

Industrial waste means wastewater from industrial process, trade, or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

- a. Has a flow of 50,000 gallons or more per average workday;
- b. Has a flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;
- c. Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 147.07(1); or
- d. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its

effluent.

Municipal approving authority means the city engineer or his duly authorized representatives.

Municipality means the city.

Municipal wastewater collection facilities or municipal wastewater collection system means the city sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These city wastewater collection facilities, which are owned, operated, and maintained by the city, extend to the influent point of each of the metering stations.

Natural outlet means any outlet, including storm sewers and combined sewer that overflows into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Operation and maintenance costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

Parts per million means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means persons, including any individual, firm, company, city, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH means the reciprocal of the logarithm of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen-ion concentration of ten to seven.

Public sewer means any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

Replacement costs means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment facility to maintain the service life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may be present.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwaters, stormwaters, and surface waters that are not admitted intentionally.

Segregated domestic wastes means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and process discharge wastes.

Sewage means the spent water of a community. See *Wastewater*.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Shall; may. The term "shall" is mandatory; the term "may" is permissible.

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the system and performance of the wastewater treatment works.

Standard methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Storm drain or storm sewer means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids and that are removable by laboratory filtering as prescribed in the standard methods, and are referred to as nonfilterable residue.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of the facilities.

Wastewater means the spent water of a community. From the standpoint of source, wastewater may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater collection facilities or system means the district and city wastewater collection facilities.

Wastewater treatment facility means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. The term "wastewater treatment facility" is sometimes used as synonymous with waste treatment.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination System (WPDES) permit means a document issued by the department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

2. *Use of the public sewers.*

- a. *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted wastes, such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the district approving authority.
- b. *Storm sewers.* Stormwater, other than that exempted under subsection (2)(a) of this section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the district approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the district approving authority to a storm sewer, combined sewer, or natural outlet.
- c. *Prohibitions and limitations.* Except as provided in this subsection, no person shall discharge or cause to be discharged any of the following prescribed waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other

wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (4) Any waters or wastes having a pH in excess of 9.0.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (6) The following described substances, materials, waters, or wastes shall be limited in discharges to city sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, or public property, or constitute a nuisance. The district approving authority may set limitations lower than the limitations established in this section if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the district approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewers which shall not be violated without approval of the district approving authority are as follows:
 - (A) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - (B) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
 - (C) Wastewater from industrial plants containing floatable oils, fat, or grease.
 - (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates

from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the district approving authority for such materials.
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the district approving authority.
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district approving authority in compliance with applicable state or federal regulations.
- (H) Quantities of flow, concentrations or both which constitute slug, as defined in subsection (1) of this section.
- (I) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (J) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (K) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual volume of flow or concentration of wastes constituting slugs.
 - (c) Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium sulfate.
 - (d) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (7) The city shall comply with all the appropriate requirements of the district's WPDES Permit No. WI-0031232-2 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the

modifications thereof.

- d. *Special arrangements.* No statement contained in this section shall be construed as prohibiting any special agreement between the district approving authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the district or city without recompense by the person, provided, further, that all rates and provisions set forth in this section are recognized and adhered to.
 - e. *New connections.* New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.
3. *Control of industrial wastes directed to public sewers.*
- a. *Submission of basic data.* Within three months after passage of the rules and regulations of the district, each person who discharges industrial wastes to a public sewer shall prepare and file with the district approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be subsequently provided annually at a time specified by the district approving authority. The following forms or the information needed to complete them will be accepted:
 - (1) Annual NR Effluent Reporting Form.
 - (2) Form 3400-28 Industrial Waste Contribution to Municipal System.
 Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the district approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. The above shall comply with the WPDES Permit No. WI-0031232-2.
 - b. *Extension of time.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by subsection (3)(a) of this section, a request for extension of time may be presented to the district approving authority for consideration.
 - c. *Industrial discharges.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in subsection (2) of this section and which, in the judgment of the district approving authority, have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the district approving authority may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;

- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (2)(d) of this section.

d. *Control manholes.*

- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
- (2) Control manholes or access facilities shall be located and built in a manner acceptable to the district approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the district approving authority.
- (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. plans for installation of the control manholes or access facilities and related equipment shall be approved by the district approving authority prior to the beginning of construction.

e. *Measurement of flow.* The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility except as noted in subsections (f) and (g) of this section.

f. *Provision of deductions.* In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the district approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the district approving authority and the person.

g. *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the district approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the district approving authority.

h. *Waste sampling.*

- (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the district approving authority.
- (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished

either manually or by the use of mechanical equipment acceptable to the district approving authority.

- (3) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the district approving authority. Access to sampling locations shall be granted to the district approving authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- i. *Pretreatment*. Where required, in the opinion of the district approving authority, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.
- j. *Grease, oil and sand interceptors*. Grease, oil, and sand interceptors shall be provided when, in the opinion of the district approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (2)(c)6.c of this section, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the district approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the district approving authority. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources practice.
- k. *Analyses*.
 - (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods of Examination of Water and Wastewater," published by the American Public Health Association, and with 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the district approving authority.
 - (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the district approving authority. The district approval authority may also make its own analyses on the

wastes and these determinations shall be binding as a basis for user charges and industrial cost recovery charges.

(A) *Submission of information.* Plans, specifications, and any other pertinent information relative to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the district approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

4. *Basis for sewer user charges.*

- a. *Sewer users served by water utility water meters.* There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.
- b. *Sewer users served by private wells.* If any person discharging sewer into the public sanitary sewer system procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall either:
 - (1) Have water meters installed by the water utility at his expense for the purpose of determining the volume of water obtained from these sources; or
 - (2) Be charged a flat user charge. This flat charge will be determined by computing the average monthly residential user charge.

The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter. The water utility will charge, for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter. Requests for a second meter or metered service must be made in writing to the district.

5. *Amount of user charges.*

- a. *Category A.* Normal domestic wastewater having concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is as follows:

Volume charge: effective January 1, 2016, \$7.00 per 100 cubic feet shall be designated for sanitary sewer utility services.

- b. *Category B.* Wastewater having concentrations of BOD greater than 250 mg/l, suspended solids greater than 300 mg/l, or phosphorous greater than 8 mg/l. The minimum category B charge will be based on a concentration of not less than 250 mg/l for BOD, 300 mg/l for suspended solids, and eight mg/l for phosphorus. The user charge for category B wastewater is as follows:

Volume charge: effective January 1, 2016, \$7.00 per 100 cubic feet shall be

designated for sanitary sewer utility services.

Surcharge:

BOD	Greater than 250 mg/l	\$0.309 per lb
Suspended solids	Greater than 300 mg/l	\$0.325 per lb
Phosphorus	Greater than 8 mg/l	\$6.577 per lb
Ammonia-N	Greater than 0 mg/l	\$0.913 per lb
Chlorides	Greater than 0 mg/l	\$0.004 per lb

The category B user charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the formula below:

$$C = F + (V \times C_V) + 0.00624V[(B \times C_B) + (S \times C_S) + (P \times C_P) + (A \times C_A) + (Cl \times C_C)]$$

Where:

C	Charge to sewer user for collection and treatment of wastewater
F	Fixed charge per billing period
B	Concentration of BOD in mg/l in the wastewater (concentration minus 250 mg/l equals B)
S	Concentration of suspended solids in mg/l in the wastewater (concentration minus 300 mg/l equals S)
P	Concentration of phosphorus in mg/l of wastewater (concentration minus 8 mg/l equals P)
A	Concentration of ammonia-N in mg/l of wastewater (concentration minus 0 mg/l equals A)
CI	Concentration of chlorides in mg/l of wastewater (concentration minus 0 mg/l equals CL)
V	Wastewater volume in 100 cubic feet for the billing period
C _V	Cost per 100 cubic feet
C _B	Cost per pound of BOD
C _S	Cost per pound of suspended solids
C _P	Cost per pound of phosphorus
C _A	Cost per pound of ammonia-N
C _C	Cost per pound of chlorides
0.00 624	Conversion factor

- c. *Reassignment of sewer users.* The district approving authority will reassign sewer users into appropriate user charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- d. *Replacement fund account.* The annual replacement revenues shall be maintained in a separate account by the district to be used solely for the purpose of purchasing replacement parts and equipment. Funds may be

withdrawn from this account for the authorized use only with the approval of the district approving authority.

e. *Disposal of septic tank sludge and holding tank sewage.*

- (1) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for the permit shall be made to the district approving authority and shall state the name and address of the applicant, the number of its disposal units and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$25.00 per calendar year. The time and place of disposal will be designated by the district approving authority.
- (2) The district approving authority may impose such conditions as it deems necessary on any permit granted.
- (3) Any person disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$100,000.00 to protect any and all persons or property from injury and damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.
- (4) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person so disposing agrees that he will comply with the provisions of any applicable ordinances of the city and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.
- (5) Persons with a permit for disposing of septic tank sludge or holding tank sewage into the wastewater collection and treatment facilities shall be charged at the rate established by the district and currently in effect.
- (6) Payments for disposal of septic tank sludge or holding tank sewage shall be made to the district at P.O. Box 187, Kaukauna, Wisconsin. If the material is disposed of into one of the city's sanitary sewers, the district shall credit the city for the full amount of the disposal charge.
- (7) The person disposing waste agrees to indemnify and hold harmless the city and district from any and all liability and claims for damages arising out of or resulting from work and labor performed.

f. *Minimum monthly fee.* A minimum monthly sewer user fee of \$3.00 per month per initial meter or sewer customer shall be charged in addition to the

fees as provided in this section.

- g. *Maximum sewer user fee for the summer months.* During the summer months of May through September, the maximum sewer user fee charged to residential customers during any month shall not exceed 120 percent of the average sewer user fee charged to the residence if occupied during the preceding winter months of October through April. If a user is in a new residence which does not have seven previous winter months user fees for averaging purposes, the user's winter average will be based on a citywide average established by the city utilities.

6. *Reserved.*

7. *Billing practice.*

- a. *Calculation of user charges.* User charges assessed to city sewer users shall be computed by the city according to the rates and formulas presented in subsection (5) of this section.
- b. *User charge billing period.* User charges shall be billed by the city to the sewer users on a monthly basis.
- c. *Payment of user charges.* Persons billed by the city for user charges shall pay such charges within 20 days after the billing date at the water department.
- d. *Penalty.* Such user charges levied by the city against the sewer users in accordance with this section shall be a debt due the city and shall be a lien upon the property. If this debt is not paid within 20 days after its due date, a three percent penalty shall be added thereto. In addition, the debt shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating this penalty.

8. *Right of entry, safety, and identification.*

- a. *Right of entry.* The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this section and Wis. Stats. § 200.11. The district and municipal approving authorities, or other duly authorized employees of the district and municipality, shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or wastewater treatment facilities.
- b. *Safety.* While performing the necessary work on private premises referred to in subsection (8)(a) of this section, the duly authorized district and municipal employees shall observe all safety rules applicable to the premises established by the person, and the district or municipality shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by district or municipal employees, except as such may be caused by negligence or failure

of the person to maintain safe conditions as required in subsection (3)(d) of this section.

- c. *Identification, right to enter easements.* The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the district or the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of this duly negotiated easement.

9. *Sanitary sewer construction and sanitary sewer reconstruction.*

- a. *Purpose.* The city is undertaking the systematic reconstruction of the public sewer system lying within the corporate limits. Metering records taken by the Heart of the Valley Metropolitan Sewage District at the downstream end of the city's system indicate the presence of an abnormal amount of clear water entering into the sanitary sewer system. The presence of this clear water reduces available capacity to all system users and causes system overloads that are manifested in reduced treatment plant capacity, environmental degradation, and the potential for flooded basements, all of which are detrimental to the citizens of the community. The city recognizes that its public sewer system has a finite life, and in many cases has exceeded the useful life of the system. The city also recognizes that private building sewers possess many of the same characteristics as the public sewer system.
- b. *Work must be authorized.* No person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer appurtenance thereof without first obtaining a written permit from the building inspector and, if any work will occur in the street right-of-way, a permit from the city engineer as provided in section 8.06(1).
- c. *Cost of sewer connection.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner, or property owner's representative shall indemnify the city for any loss or damage that may, directly or indirectly, be sustained by the city or third parties by installation of the building sewer. The original installation of the sanitary sewer mains and lateral connections by contractors hired by the city are paid for by special assessment. Reconstruction of sanitary sewer mains is paid by the city. All costs of repairs or reconstruction of private building sewers and of establishment of a new connection to an existing public sewer are the responsibility of the property owner. The property owner shall restore all public property disturbed in the course of work in a manner satisfactory to the city engineer.
- d. *New construction inspection.* No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the plumbing inspector or some other person authorized to make such inspection by the city. Before any such connection shall be covered, the person making the inspection on behalf of the city shall endorse the approval of the same upon

the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector. Connections to the sewer mains shall be four inches in diameter unless otherwise permitted or required by the plumbing inspector.

- e. *Use of old building sewers.* In areas which are undergoing sanitary sewer reconstruction, old building sewers are deemed deficient unless otherwise established by qualified testing results provided by the property owner to the plumbing inspector.
- f. *Building sewer grade.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the building sewer.
- g. *Stormwater and groundwater drain prohibition.*

- (1) No person shall discharge, or cause to be discharged, into any sanitary sewer any stormwater, surface water, groundwater, roof run-off, subsurface drainage, or uncontaminated cooling waters. All stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers wherever reasonably available; provided, further, that if no storm sewer is available, in no event shall any of such waters be discharged into any sanitary sewer.

- (2) All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer wherever available or, if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump discharge to grade shall be allowed to flow on or across a public sidewalk or onto adjoining properties, except within a stormwater easement.

- (3) In carrying out the provisions of this section, the city engineer or the plumbing inspector or his designated representatives shall have authority to enter upon private premises at reasonable times to determine whether any of the water drainage described in this subsection (g) exists thereon and whether such drainage complies with the provisions of this section. In carrying out this authority, the city engineer, plumbing inspector or other authorized department employee shall comply with the provisions of Wis. Stats. § 66.0119, if applicable.

- (4) Presumptive violations. It shall be rebuttably presumed that clear water is being discharged into the sanitary sewer if:

- (A) Existing sump pumps or other means of clear water discharge are, or can be readily connected to drains, pipes, or other

mechanisms of discharge which are connected to the sanitary sewer drain serving the premises.

- (B) After due notice and request to the owner for inspection access, as provided in subsection (9)(g)3 of this section, the request is ignored or denied by the property owner.
- (5) Sump pump discharge to grade shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 of each year.
- (6) Where existing drain tile is not in compliance with Wis. Admin. Code § SPS 321.17(e), such tile shall be brought into compliance with the requirements of Wis. Admin. Code § SPS 321.17(e).
- h. *Conformance to plumbing codes.* The connection of the building sewer into the sanitary sewer shall conform to the requirements of the city or the procedures set forth in appropriate specifications of the latest edition of the state plumbing codes. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector before installation.
- i. *System reconstruction.*
 - (1) *Inspection required.* The city engineer or plumbing inspector shall inspect all private connections to the public mains at the time that the public system is to be reconstructed:
 - (A) Any existing private sewer lateral not meeting the requirements of this section shall be considered illegal.
 - (B) Prior to the actual reconstruction of the sanitary sewer system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
 - (C) As the reconstruction progresses, the city engineer or plumbing inspector shall inspect each private sewer connection for conformance with this section or, in the event inspection has been made previously, determine the condition of the private sewer connection from inspection records.
 - (D) In the event that the private system meets the requirements of this section, the city shall reconnect the private system to the public system at an appropriate point near the right-of-way line.
 - (E) In the event that the private sewer is found not to meet the requirements of this section, the city engineer or plumbing inspector shall immediately notify the owner, in writing, of the determined deficiencies.
 - (2) *Owner to correct deficiencies.* The owner shall, at the owner's expense, make the necessary repairs to correct the deficiencies. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:
 - (A) Contract with a licensed contractor to complete the repair. All

work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice of deficiency under subsection (9)(i)1.e of this section, proof of arrangements for repair shall be provided to the city engineer or building inspector and within 30 days of the giving of notice the repairs shall be completed.

- (B) Have the city contractors, if available, complete the repair.
 - (a) The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building sewers.
 - (b) If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in ten annual installments or less plus interest as provided in section 8.03(2)(i).

j. *System requirements; new construction and system reconstruction.*

- (1) *Minimum standards.* All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.
- (2) *Code compliance.* All work, construction techniques, and materials incorporated into the project shall be in strict conformance with state and local codes and the "Standard Specifications for Sewer and Water Construction in Wisconsin," (current edition).
- (3) *Defects requiring repair.* Repairs to sanitary sewer laterals are required when any of the following are discovered:
 - (A) Any visible leak.
 - (B) Open, improperly formed, or root-intruded joints.
 - (C) Use of improper materials, such as clay, transite, Orangeburg pipe or similar materials.
 - (D) Improper connections, such as a palmer valve.

k. *Required clear water inspections of residential properties.*

- (1) No person shall sell, transfer or convey ownership of any one- or two-family residential building that is serviced by sanitary sewer until such time as a clear water inspection has been made and compliance approved by the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such an inspection shall constitute a violation of this section and shall be subject to penalties as set forth in section 13.10. Transfers exempt from payment of a state real estate transfer fee by Wis. Stats. § 77.25 are exempt from this inspection.
- (2) The building inspection department shall, upon request, conduct an inspection of the premises to determine compliance with the

provisions of this section as they relate to illegal surface water and groundwater connections into the sanitary sewer system. Such inspections shall occur prior to the sale, transfer or conveyance of title of any such building.

- (3) A notice of noncompliance shall be issued by the building inspection department to the owner of record of any residential building to be found not in compliance with the provisions of this section. This notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.
- (4) In order to avoid delay or prevent sale of a property affected by this section, a buyer or transferee may file with the building inspection department evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with this section, along with evidence that adequate funds have been escrowed to complete the work. Compliance shall be met within the time limits set forth in subsection (9)k.3 of this section. Also, a stipulation signed by the buyer or transferee shall be filed agreeing to bring the property into compliance with this section within the applicable time limits. The evidence and stipulation may only be filed after the inspection provided in subsection (9)k.2 of this section, is made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall subject the buyer or transferee to the penalties as set forth in section 13.10.
- (5) An inspection finding compliance only indicates that, so far as can be reasonably determined by visual inspection of the premises and review of city records, the premises meets the requirements of this section. Neither the city nor its inspectors assume any liability in the inspection findings, whether compliant or not, and there is no guarantee or warranty of the condition of the premises inspected.
- (6) The city will not be liable for any unsafe or unsanitary condition that may exist in any building that is being inspected for clear water compliance. However, if such conditions exist and are noticed by an inspector, orders to correct such conditions may be issued pursuant to applicable chapters of this Code.

10. *Violations, abatement procedures, and penalties.*

- a. *Violations.* Violation of any provision of this section or any other rule or order lawfully promulgated by the city council shall be deemed a public nuisance.
- b. *Enforcement.* The municipal approving authority shall enforce those provisions of this section that come within the jurisdiction of his office, and he shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the municipal approving authority shall have inspected or caused to be inspected the premises where the nuisance is alleged

- to exist and shall have satisfied himself that a nuisance does in fact exist.
- c. *Summary abatement.* If the municipal approving authority determines that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the municipal approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
 - d. *Abatement after notice.* If the municipal approving authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (10)(c) of this section.
 - e. *Violation service charge.* As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding repair of deficient laterals, preventing the inflow of clear water into the sanitary sewer system or connecting to available storm sewer laterals, the city engineer may, no sooner than 30 days after the giving of notice as provided in subsection (9)(i)1.e of this section, notify the city finance department to bill, or arrange for billing of, the owner of the property in noncompliance a service charge of \$50.00 per month, pursuant to Wis. Stats. § 66.0821.
 - f. *Other methods not excluded.* Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the city or its official in accordance with the laws of the state.
 - g. *Court order.* Except when necessary under subsection (10)(c) of this section, the municipal approving authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
 - h. *Cost of abatement.* In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.
 - i. *Continued violations.* Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than \$200.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
 - j. *Liability to city and district for losses.*
 - (1) Any person violating any provisions of this section shall become

liable to the city and district for any expense, loss, or damage occasioned by reason of such violation which the city and district may suffer as a result thereof.

- (2) If any violations affect the district wastewater collection and treatment facilities, as well as the municipal sanitary sewer system, the district may penalize the violator independently and concurrently with the city according to the district's rules and regulations.
- (3) The district approving authority must be notified immediately by any person becoming aware of any violations that occur.

11. *Appeals; procedures.*

- a. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including a cease and desist order, made by the municipal approving authority interpreting or implementing the provisions of this section, or in any permit issued in this section, may file with the municipal approving authority a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The municipal approving authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the municipal approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the board of public works.
- b. A fee in the amount established by the city council shall accompany any appeal to the board of public works for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
- c. The written appeal shall be heard by the board of public works within 30 days from the date of filing. The board of public works shall make a final ruling on the appeal within 60 days from the date of filing.

12. *Validity.*

- a. *Superseding previous ordinances.* This section governing sewer use, industrial wastewater discharges, user charges, and sewer connections and construction shall supersede all previous ordinances.
- b. *Amendments.* The city, through its duly authorized officers, reserves the right to amend this section, in part or in whole, whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment. Notice of the proposed changes and hearing thereon shall be published as a Class 2 notice under Wis. Stats. ch. 985.
- c. *Conflict with district's rules and regulations.* If any provisions of the rules and regulations of the district are in conflict with this section, the more strict of the two shall control.

- 13. *Annual audit.* The city shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the user charge

system, and to ensure that adequate revenues are available to meet the charges assessed to the city by the district. Copies of the city annual audit reports shall be submitted to the district approving authority after the city annual audits have been completed.

(Code 2011, § 13.05; Ord. No. 1680, 10-16-2012; Ord. No. 1705, 12-16-2014; Ord. No. 1723, 12-15-2015; Ord. No. 1784, 3-5-2019)

AFTER AMENDMENT

13.05 Sewer Utility

1. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees, expressed as mg/l. Quantitative determination of BOD shall be made in accordance with procedures set forth in the standard methods.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called a house connection.

Category A means sanitary sewer users who discharge normal domestic wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Category B means sanitary sewer users who discharge wastewater with concentrations of BOD greater than 190 mg/l, suspended solids greater than 240 mg/l, or phosphorus greater than eight mg/l.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in the standard methods.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the

WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

District refers to the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental, regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

District approving authority means the district engineer/manager or other authorized representatives of the district.

District wastewater collection facilities or district wastewater collection system means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

Easement means an acquired legal right for the specified use of land owned by others.

Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Grantee means the district, for those projects in which the district receives federal funding, or the city for those projects in which the city receives federal funding.

Ground garbage means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than two inches in any dimension.

Heart of the Valley Metropolitan Sewerage Commission means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial user. Per Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

- a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial

Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A	Agriculture, forestry, and fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, communications, electric, gas, and sanitary services
Division I	Services

- b. Discharges in subsection 1 of this definition that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 200 mg/l BOD and 250 mg/l SS.

Industrial waste means wastewater from industrial process, trade, or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

- Has a flow of 50,000 gallons or more per average workday;
- Has a flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;
- Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 147.07(1); or
- Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

Municipal approving authority means the city engineer or his duly authorized representatives.

Municipality means the city.

Municipal wastewater collection facilities or municipal wastewater collection system means the city sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These city wastewater collection facilities, which are owned, operated, and maintained by the city, extend to the influent point of each of the metering stations.

Natural outlet means any outlet, including storm sewers and combined sewer that

overflows into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Operation and maintenance costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

Parts per million means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means persons, including any individual, firm, company, city, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH means the reciprocal of the logarithm of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen-ion concentration of ten to seven.

Public sewer means any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

Replacement costs means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment facility to maintain the service life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may be present.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwaters, stormwaters, and surface waters that are not admitted intentionally.

Segregated domestic wastes means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and process discharge wastes.

Sewage means the spent water of a community. See *Wastewater*.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Shall; may. The term "shall" is mandatory; the term "may" is permissible.

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the system and performance of the wastewater treatment works.

Standard methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Storm drain or storm sewer means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids and that are removable by laboratory filtering as prescribed in the standard methods, and are referred to as nonfilterable residue.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of the facilities.

Wastewater means the spent water of a community. From the standpoint of source, wastewater may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater collection facilities or system means the district and city wastewater collection facilities.

Wastewater treatment facility means an arrangement of devices and structures for

treating wastewater, industrial wastes, and sludge. The term "wastewater treatment facility" is sometimes used as synonymous with waste treatment.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination System (WPDES) permit means a document issued by the department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

2. *Use of the public sewers.*

- a. *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted wastes, such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the district approving authority.
- b. *Storm sewers.* Stormwater, other than that exempted under subsection (2)(a) of this section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the district approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the district approving authority to a storm sewer, combined sewer, or natural outlet.
- c. *Prohibitions and limitations.* Except as provided in this subsection, no person shall discharge or cause to be discharged any of the following prescribed waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
 - (4) Any waters or wastes having a pH in excess of 9.0.
 - (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails,

and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (6) The following described substances, materials, waters, or wastes shall be limited in discharges to city sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, or public property, or constitute a nuisance. The district approving authority may set limitations lower than the limitations established in this section if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the district approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewers which shall not be violated without approval of the district approving authority are as follows:

- (A) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (B) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (C) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the district approving authority for such materials.
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the district approving authority.
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district approving authority in compliance with applicable state or

federal regulations.

- (H) Quantities of flow, concentrations or both which constitute slug, as defined in subsection (1) of this section.
- (I) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (J) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (K) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual volume of flow or concentration of wastes constituting slugs.
 - (c) Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium sulfate.
 - (d) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.

(7) The city shall comply with all the appropriate requirements of the district's WPDES Permit No. WI-0031232-2 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the modifications thereof.

- d. *Special arrangements.* No statement contained in this section shall be construed as prohibiting any special agreement between the district approving authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the district or city without recompense by the person, provided, further, that all rates and provisions set forth in this section are recognized and adhered to.
- e. *New connections.* New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

3. *Control of industrial wastes directed to public sewers.*

- a. *Submission of basic data.* Within three months after passage of the rules and

regulations of the district, each person who discharges industrial wastes to a public sewer shall prepare and file with the district approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be subsequently provided annually at a time specified by the district approving authority. The following forms or the information needed to complete them will be accepted:

- (1) Annual NR Effluent Reporting Form.
- (2) Form 3400-28 Industrial Waste Contribution to Municipal System.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the district approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. The above shall comply with the WPDES Permit No. WI-0031232-2.

- b. *Extension of time.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by subsection (3)(a) of this section, a request for extension of time may be presented to the district approving authority for consideration.
- c. *Industrial discharges.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in subsection (2) of this section and which, in the judgment of the district approving authority, have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the district approving authority may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (2)(d) of this section.
- d. *Control manholes.*
 - (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
 - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the district approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the district approving authority.
 - (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in

proper operating condition at all times. plans for installation of the control manholes or access facilities and related equipment shall be approved by the district approving authority prior to the beginning of construction.

- e. *Measurement of flow.* The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility except as noted in subsections (f) and (g) of this section.
- f. *Provision of deductions.* In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the district approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the district approving authority and the person.
- g. *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the district approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the district approving authority.
- h. *Waste sampling.*
 - (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the district approving authority.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the district approving authority.
 - (3) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the district approving authority. Access to sampling locations shall be granted to the district approving authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- i. *Pretreatment.* Where required, in the opinion of the district approving authority, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.
- j. *Grease, oil and sand interceptors.* Grease, oil, and sand interceptors shall be

provided when, in the opinion of the district approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (2)(c)6.c of this section, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the district approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the district approving authority. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources practice.

k. *Analyses.*

- (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods of Examination of Water and Wastewater," published by the American Public Health Association, and with 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the district approving authority.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the district approving authority. The district approval authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for user charges and industrial cost recovery charges.
 - (A) *Submission of information.* Plans, specifications, and any other pertinent information relative to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the district approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

4. *Basis for sewer user charges.*

- a. *Sewer users served by water utility water meters.* There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.
- b. *Sewer users served by private wells.* If any person discharging sewer into the public sanitary sewer system procures any part or all of his water from sources

other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall either:

- (1) Have water meters installed by the water utility at his expense for the purpose of determining the volume of water obtained from these sources; or
- (2) Be charged a flat user charge. This flat charge will be determined by computing the average monthly residential user charge.

The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

The water utility will charge, for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter.

Requests for a second meter or metered service must be made in writing to the district.

5. *Amount of user charges.*

- a. *Category A.* Normal domestic wastewater having concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is as follows:

Volume charge: effective January 1, 2016~~23~~²³, \$78.00~~75~~ per 100 cubic feet shall be designated for sanitary sewer utility services.

- b. *Category B.* Wastewater having concentrations of BOD greater than 250 mg/l, suspended solids greater than 300 mg/l, or phosphorous greater than 8 mg/l. The minimum category B charge will be based on a concentration of not less than 250 mg/l for BOD, 300 mg/l for suspended solids, and eight mg/l for phosphorus. The user charge for category B wastewater is as follows:

Volume charge: effective January~~uly~~^{uly} 1, 2016~~23~~²³, \$78.00~~75~~⁷⁵ per 100 cubic feet shall be designated for sanitary sewer utility services.

Surcharge:

BOD	Greater than 250 mg/l	\$0.309 per lb
Suspended solids	Greater than 300 mg/l	\$0.325 per lb
Phosphorus	Greater than 8 mg/l	\$6.577 per lb
Ammonia-N	Greater than 0 mg/l	\$0.913 per lb
Chlorides	Greater than 0 mg/l	\$0.004 per lb

The category B user charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the formula below:

$$C = F + (V \times C_V) + 0.00624V[(B \times C_B) + (S \times C_S) + (P \times C_P) + (A \times C_A)]$$

$$A) + (CI \times C_C)]$$

Where:

C	Charge to sewer user for collection and treatment of wastewater
F	Fixed charge per billing period
B	Concentration of BOD in mg/l in the wastewater (concentration minus 250 mg/l equals B)
S	Concentration of suspended solids in mg/l in the wastewater (concentration minus 300 mg/l equals S)
P	Concentration of phosphorus in mg/l of wastewater (concentration minus 8 mg/l equals P)
A	Concentration of ammonia-N in mg/l of wastewater (concentration minus 0 mg/l equals A)
CI	Concentration of chlorides in mg/l of wastewater (concentration minus 0 mg/l equals CL)
V	Wastewater volume in 100 cubic feet for the billing period
C _V	Cost per 100 cubic feet
C _B	Cost per pound of BOD
C _S	Cost per pound of suspended solids
C _P	Cost per pound of phosphorus
C _A	Cost per pound of ammonia-N
C _C	Cost per pound of chlorides
0.00 624	Conversion factor

- c. *Reassignment of sewer users.* The district approving authority will reassign sewer users into appropriate user charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- d. *Replacement fund account.* The annual replacement revenues shall be maintained in a separate account by the district to be used solely for the purpose of purchasing replacement parts and equipment. Funds may be withdrawn from this account for the authorized use only with the approval of the district approving authority.
- e. *Disposal of septic tank sludge and holding tank sewage.*

- (1) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for the permit shall be made to the district approving authority and shall state the name and address of the applicant, the number of its disposal units and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$25.00 per calendar year. The time and place of disposal will be designated by the district approving authority.
 - (2) The district approving authority may impose such conditions as it deems necessary on any permit granted.
 - (3) Any person disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$100,000.00 to protect any and all persons or property from injury and damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.
 - (4) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person so disposing agrees that he will comply with the provisions of any applicable ordinances of the city and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.
 - (5) Persons with a permit for disposing of septic tank sludge or holding tank sewage into the wastewater collection and treatment facilities shall be charged at the rate established by the district and currently in effect.
 - (6) Payments for disposal of septic tank sludge or holding tank sewage shall be made to the district at P.O. Box 187, Kaukauna, Wisconsin. If the material is disposed of into one of the city's sanitary sewers, the district shall credit the city for the full amount of the disposal charge.
 - (7) The person disposing waste agrees to indemnify and hold harmless the city and district from any and all liability and claims for damages arising out of or resulting from work and labor performed.
- f. *Minimum monthly fee.* A minimum monthly sewer user fee of \$3.00 per month per initial meter or sewer customer shall be charged in addition to the fees as provided in this section.
- g. *Maximum sewer user fee for the summer months.* During the summer months of May through September, the maximum sewer user fee charged to

residential customers during any month shall not exceed 120 percent of the average sewer user fee charged to the residence if occupied during the preceding winter months of October through April. If a user is in a new residence which does not have seven previous winter months user fees for averaging purposes, the user's winter average will be based on a citywide average established by the city utilities.

6. *Reserved.*

7. *Billing practice.*

- a. *Calculation of user charges.* User charges assessed to city sewer users shall be computed by the city according to the rates and formulas presented in subsection (5) of this section.
- b. *User charge billing period.* User charges shall be billed by the city to the sewer users on a monthly basis.
- c. *Payment of user charges.* Persons billed by the city for user charges shall pay such charges within 20 days after the billing date at the water department.
- d. *Penalty.* Such user charges levied by the city against the sewer users in accordance with this section shall be a debt due the city and shall be a lien upon the property. If this debt is not paid within 20 days after its due date, a three percent penalty shall be added thereto. In addition, the debt shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating this penalty.

8. *Right of entry, safety, and identification.*

- a. *Right of entry.* The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this section and Wis. Stats. § 200.11. The district and municipal approving authorities, or other duly authorized employees of the district and municipality, shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or wastewater treatment facilities.
- b. *Safety.* While performing the necessary work on private premises referred to in subsection (8)(a) of this section, the duly authorized district and municipal employees shall observe all safety rules applicable to the premises established by the person, and the district or municipality shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by district or municipal employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in subsection (3)(d) of this section.
- c. *Identification, right to enter easements.* The district and municipal approving authorities or other duly authorized employees of the district and municipality,

bearing proper credentials and identification, shall be permitted to enter all private properties through which the district or the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of this duly negotiated easement.

9. *Sanitary sewer construction and sanitary sewer reconstruction.*

- a. *Purpose.* The city is undertaking the systematic reconstruction of the public sewer system lying within the corporate limits. Metering records taken by the Heart of the Valley Metropolitan Sewage District at the downstream end of the city's system indicate the presence of an abnormal amount of clear water entering into the sanitary sewer system. The presence of this clear water reduces available capacity to all system users and causes system overloads that are manifested in reduced treatment plant capacity, environmental degradation, and the potential for flooded basements, all of which are detrimental to the citizens of the community. The city recognizes that its public sewer system has a finite life, and in many cases has exceeded the useful life of the system. The city also recognizes that private building sewers possess many of the same characteristics as the public sewer system.
- b. *Work must be authorized.* No person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer appurtenance thereof without first obtaining a written permit from the building inspector and, if any work will occur in the street right-of-way, a permit from the city engineer as provided in section 8.06(1).
- c. *Cost of sewer connection.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner, or property owner's representative shall indemnify the city for any loss or damage that may, directly or indirectly, be sustained by the city or third parties by installation of the building sewer. The original installation of the sanitary sewer mains and lateral connections by contractors hired by the city are paid for by special assessment. Reconstruction of sanitary sewer mains is paid by the city. All costs of repairs or reconstruction of private building sewers and of establishment of a new connection to an existing public sewer are the responsibility of the property owner. The property owner shall restore all public property disturbed in the course of work in a manner satisfactory to the city engineer.
- d. *New construction inspection.* No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the plumbing inspector or some other person authorized to make such inspection by the city. Before any such connection shall be covered, the person making the inspection on behalf of the city shall endorse the approval of the same upon the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector. Connections to the sewer mains shall be four inches in diameter unless

otherwise permitted or required by the plumbing inspector.

- e. *Use of old building sewers.* In areas which are undergoing sanitary sewer reconstruction, old building sewers are deemed deficient unless otherwise established by qualified testing results provided by the property owner to the plumbing inspector.
- f. *Building sewer grade.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the building sewer.
- g. *Stormwater and groundwater drain prohibition.*
 - (1) No person shall discharge, or cause to be discharged, into any sanitary sewer any stormwater, surface water, groundwater, roof run-off, subsurface drainage, or uncontaminated cooling waters. All stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers wherever reasonably available; provided, further, that if no storm sewer is available, in no event shall any of such waters be discharged into any sanitary sewer.
 - (2) All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer wherever available or, if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump discharge to grade shall be allowed to flow on or across a public sidewalk or onto adjoining properties, except within a stormwater easement.
 - (3) In carrying out the provisions of this section, the city engineer or the plumbing inspector or his designated representatives shall have authority to enter upon private premises at reasonable times to determine whether any of the water drainage described in this subsection (g) exists thereon and whether such drainage complies with the provisions of this section. In carrying out this authority, the city engineer, plumbing inspector or other authorized department employee shall comply with the provisions of Wis. Stats. § 66.0119, if applicable.
 - (4) Presumptive violations. It shall be rebuttably presumed that clear water is being discharged into the sanitary sewer if:
 - (A) Existing sump pumps or other means of clear water discharge are, or can be readily connected to drains, pipes, or other mechanisms of discharge which are connected to the sanitary sewer drain serving the premises.
 - (B) After due notice and request to the owner for inspection

- access, as provided in subsection (9)(g)3 of this section, the request is ignored or denied by the property owner.
- (5) Sump pump discharge to grade shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 of each year.
 - (6) Where existing drain tile is not in compliance with Wis. Admin. Code § SPS 321.17(e), such tile shall be brought into compliance with the requirements of Wis. Admin. Code § SPS 321.17(e).
- h. *Conformance to plumbing codes.* The connection of the building sewer into the sanitary sewer shall conform to the requirements of the city or the procedures set forth in appropriate specifications of the latest edition of the state plumbing codes. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector before installation.
- i. *System reconstruction.*
- (1) *Inspection required.* The city engineer or plumbing inspector shall inspect all private connections to the public mains at the time that the public system is to be reconstructed:
 - (A) Any existing private sewer lateral not meeting the requirements of this section shall be considered illegal.
 - (B) Prior to the actual reconstruction of the sanitary sewer system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
 - (C) As the reconstruction progresses, the city engineer or plumbing inspector shall inspect each private sewer connection for conformance with this section or, in the event inspection has been made previously, determine the condition of the private sewer connection from inspection records.
 - (D) In the event that the private system meets the requirements of this section, the city shall reconnect the private system to the public system at an appropriate point near the right-of-way line.
 - (E) In the event that the private sewer is found not to meet the requirements of this section, the city engineer or plumbing inspector shall immediately notify the owner, in writing, of the determined deficiencies.
 - (2) *Owner to correct deficiencies.* The owner shall, at the owner's expense, make the necessary repairs to correct the deficiencies. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:
 - (A) Contract with a licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice

of deficiency under subsection (9)(i)1.e of this section, proof of arrangements for repair shall be provided to the city engineer or building inspector and within 30 days of the giving of notice the repairs shall be completed.

- (B) Have the city contractors, if available, complete the repair.
 - (a) The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building sewers.
 - (b) If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in ten annual installments or less plus interest as provided in section 8.03(2)(i).

j. *System requirements; new construction and system reconstruction.*

- (1) *Minimum standards.* All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.
- (2) *Code compliance.* All work, construction techniques, and materials incorporated into the project shall be in strict conformance with state and local codes and the "Standard Specifications for Sewer and Water Construction in Wisconsin," (current edition).
- (3) *Defects requiring repair.* Repairs to sanitary sewer laterals are required when any of the following are discovered:
 - (A) Any visible leak.
 - (B) Open, improperly formed, or root-intruded joints.
 - (C) Use of improper materials, such as clay, transite, Orangeburg pipe or similar materials.
 - (D) Improper connections, such as a palmer valve.

k. *Required clear water inspections of residential properties.*

- (1) No person shall sell, transfer or convey ownership of any one- or two-family residential building that is serviced by sanitary sewer until such time as a clear water inspection has been made and compliance approved by the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such an inspection shall constitute a violation of this section and shall be subject to penalties as set forth in section 13.10. Transfers exempt from payment of a state real estate transfer fee by Wis. Stats. § 77.25 are exempt from this inspection.
- (2) The building inspection department shall, upon request, conduct an inspection of the premises to determine compliance with the provisions of this section as they relate to illegal surface water and groundwater connections into the sanitary sewer system. Such inspections shall occur prior to the sale, transfer or conveyance of title

of any such building.

- (3) A notice of noncompliance shall be issued by the building inspection department to the owner of record of any residential building to be found not in compliance with the provisions of this section. This notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.
- (4) In order to avoid delay or prevent sale of a property affected by this section, a buyer or transferee may file with the building inspection department evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with this section, along with evidence that adequate funds have been escrowed to complete the work. Compliance shall be met within the time limits set forth in subsection (9)k.3 of this section. Also, a stipulation signed by the buyer or transferee shall be filed agreeing to bring the property into compliance with this section within the applicable time limits. The evidence and stipulation may only be filed after the inspection provided in subsection (9)k.2 of this section, is made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall subject the buyer or transferee to the penalties as set forth in section 13.10.
- (5) An inspection finding compliance only indicates that, so far as can be reasonably determined by visual inspection of the premises and review of city records, the premises meets the requirements of this section. Neither the city nor its inspectors assume any liability in the inspection findings, whether compliant or not, and there is no guarantee or warranty of the condition of the premises inspected.
- (6) The city will not be liable for any unsafe or unsanitary condition that may exist in any building that is being inspected for clear water compliance. However, if such conditions exist and are noticed by an inspector, orders to correct such conditions may be issued pursuant to applicable chapters of this Code.

10. *Violations, abatement procedures, and penalties.*

- a. *Violations.* Violation of any provision of this section or any other rule or order lawfully promulgated by the city council shall be deemed a public nuisance.
- b. *Enforcement.* The municipal approving authority shall enforce those provisions of this section that come within the jurisdiction of his office, and he shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the municipal approving authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied himself that a nuisance does in fact exist.
- c. *Summary abatement.* If the municipal approving authority determines that a public nuisance exists within the city and that there is great and immediate

danger to the public health, safety, peace, morals, or decency, the municipal approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

- d. *Abatement after notice.* If the municipal approving authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (10)(c) of this section.
- e. *Violation service charge.* As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding repair of deficient laterals, preventing the inflow of clear water into the sanitary sewer system or connecting to available storm sewer laterals, the city engineer may, no sooner than 30 days after the giving of notice as provided in subsection (9)(i)1.e of this section, notify the city finance department to bill, or arrange for billing of, the owner of the property in noncompliance a service charge of \$50.00 per month, pursuant to Wis. Stats. § 66.0821.
- f. *Other methods not excluded.* Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the city or its official in accordance with the laws of the state.
- g. *Court order.* Except when necessary under subsection (10)(c) of this section, the municipal approving authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- h. *Cost of abatement.* In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.
- i. *Continued violations.* Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than \$200.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
- j. *Liability to city and district for losses.*
 - (1) Any person violating any provisions of this section shall become liable to the city and district for any expense, loss, or damage occasioned by reason of such violation which the city and district may

suffer as a result thereof.

- (2) If any violations affect the district wastewater collection and treatment facilities, as well as the municipal sanitary sewer system, the district may penalize the violator independently and concurrently with the city according to the district's rules and regulations.
- (3) The district approving authority must be notified immediately by any person becoming aware of any violations that occur.

11. *Appeals; procedures.*

- a. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including a cease and desist order, made by the municipal approving authority interpreting or implementing the provisions of this section, or in any permit issued in this section, may file with the municipal approving authority a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The municipal approving authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the municipal approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the board of public works.
- b. A fee in the amount established by the city council shall accompany any appeal to the board of public works for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
- c. The written appeal shall be heard by the board of public works within 30 days from the date of filing. The board of public works shall make a final ruling on the appeal within 60 days from the date of filing.

12. *Validity.*

- a. *Superseding previous ordinances.* This section governing sewer use, industrial wastewater discharges, user charges, and sewer connections and construction shall supersede all previous ordinances.
- b. *Amendments.* The city, through its duly authorized officers, reserves the right to amend this section, in part or in whole, whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment. Notice of the proposed changes and hearing thereon shall be published as a Class 2 notice under Wis. Stats. ch. 985.
- c. *Conflict with district's rules and regulations.* If any provisions of the rules and regulations of the district are in conflict with this section, the more strict of the two shall control.

13. *Annual audit.* The city shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the user charge system, and to ensure that adequate revenues are available to meet the charges assessed to the city by the district. Copies of the city annual audit reports shall be submitted to the district approving authority after the city annual audits have been

completed.

(Code 2011, § 13.05; Ord. No. 1680, 10-16-2012; Ord. No. 1705, 12-16-2014; Ord. No. 1723, 12-15-2015; Ord. No. 1784, 3-5-2019)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna