



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final

### Human Resources & Information Technology Committee

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Wednesday, April 24, 2024

4:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[24-0470](#) Minutes 2/14/24.

**Attachments:** [Minutes 2.14.24.pdf](#)

#### 5. Public Hearing/Appearances

#### 6. Action Items

[24-0471](#) Request to Elect Vice Chair.

[24-0472](#) Request to Set Meeting Date and Time.

[24-0473](#) Request to Designate Contact Person.

#### 7. Information Items

[24-0474](#) Recruitment Status Report through 4/18/24.

**Attachments:** [RSR 4.18.24.pdf](#)

[24-0477](#) Updates to Asbestos Policy.

**Attachments:** [Asbestos Policy S&B.pdf](#)

[24-0478](#) Updates to Personnel Record Retention Policy.

**Attachments:** [Personnel Record Retention Policy \(2\) SB 2024.dg.docx](#)

8. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*

*Questions on the agenda contact Jay Ratchman 920-832-6427.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes Human Resources & Information Technology Committee

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Wednesday, February 14, 2024

4:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

**Present:** 5 - Hartzheim, Croatt, Fenton, Hayden and Schultz

4. Approval of minutes from previous meeting

[24-0127](#)

Minutes 12-13-23.

**Attachments:** [Minutes 12-13-23.pdf](#)

Fenton moved, seconded by Hayden, that the Minutes be approved. Roll Call.  
Motion carried by the following vote:

**Aye:** 5 - Hartzheim, Croatt, Fenton, Hayden and Schultz

5. **Public Hearing/Appearances**

6. **Action Items**

[24-0128](#)

Lead Forensic Evidence Specialist.

**Attachments:** [Lead FES Chief Olson Memo .pdf](#)  
[Lead FES Memo Capt Wallace.pdf](#)  
[Lead Forensic Evidence Specialist.pdf](#)  
[Police DRAFT 1.18.24.pdf](#)

Croatt moved, seconded by Fenton, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

**Aye:** 5 - Hartzheim, Croatt, Fenton, Hayden and Schultz

7. **Information Items**

[24-0129](#)

HR Directors Report.

**This Presentation was received and filed**

[24-0130](#)

Recruitment Status Report through 2/8/24.

**Attachments:** [RSR 2.8.24.pdf](#)

**This Presentation was received and filed**

8. Adjournment

**Fenton moved, seconded by Hayden, that the meeting be adjourned. Roll Call.  
Motion carried by the following vote:**

**Aye:** 5 - Hartzheim, Croatt, Fenton, Hayden and Schultz

## Recruitment Status Report

*Updates thru 4/18/2024*

HR Generalist	Position	Dept.	Date of Vacancy	Open Date	# of Openings	Status
<b>Jessie</b>	Operator I - DPW	DPW	12/05/23	01/09/24	1	Background pending.
	Operator II - Water	DPW	03/16/24	03/06/24	1	Background pending.
	Operator I - Sanitation	DPW	02/27/24	02/27/24	1	Medical pending.
	Grounds Coordinator	PRFM	02/19/24	04/06/24	1	Application deadline: 4/21/24.
	Bus Driver	VT	Multiple	N/A	10	Application deadline: 6/2/24. Background pending on 1 candidate. Medical pending on 1 candidate.
	Bus Driver - Part-Time	VT	N/A	N/A	N/A	Application deadline: 6/2/24.
	Water Plant Operator	Utilities	03/19/24	01/26/24	1	Panel Interviews: 4/24/24.
	Relief Operator - Water	Utilities	04/22/24	03/08/24	1	Application deadline: 4/21/24.
	Economic Development Specialist	CED	03/21/24	02/23/24	1	Background pending on top candidate.
	Inspector - Plumbing	CED	05/11/24	02/29/24	1	Meet and greet w/ candidate pending.
<b>Morgan</b>	Police Officer	Police	12/01/23	N/A	5 + Elig.	Application deadline: open. Chief interviews: 4/16/24. Conditional offer extended to 1 candidate. Job offer accepted, start date 6/4/24.
	Principal Planner	CED	05/09/24	04/15/24	1	Application deadline: 5/12/24.
	Firefighter	Fire	05/11/24	03/04/24	4	Application deadline: 5/5/24.
	Community Service Officer	Police	01/10/24	N/A	1	Chief interviews: 4/17/24.
<b>Kim</b>	Recruitment Assistant	HR	04/10/24	04/11/24	1	Application deadline: 4/28/24.
	Library Page	Library	04/08/24	04/12/24	1	Application deadline: 5/12/24.
	Library Page Clerk Sub	Library	04/08/24	04/12/24	1	Application deadline: 5/12/24.
	Operations Clerk	Library	03/29/24	03/29/24	1	Panel Interviews: 4/22/24.

**Total Positions Open: 34**

**Total Eligibility Lists: 1**

### Positions on Hold

HR Generalist	Position	Dept.	Date of Vacancy	# of Openings	Status
<b>Jessie</b>	Library Clerk - Regular Part-Time	Library	07/01/22	1	Internal transfer. Position on hold.
	Transit Maintenance Operations Supervisor	VT	03/25/23	1	Position on hold.

**Total Positions On Hold: 2**





Asbestos Policy		
<b>CITY OF APPLETON POLICY</b>	<b>SECTION:</b>	Safety
<b>ISSUE DATE:</b>	<b>LAST UPDATE:</b>	June 2013
<b>POLICY SOURCE:</b>	Human Resources Department	
<b>POLICY AUDIENCE:</b>	All Employees	

**I. PURPOSE/POLICY**

The purpose of the asbestos safety policy is to establish guidelines, procedures and prevent accidental exposure in the operations and maintenance of asbestos containing materials and to protect all employees, contractors, visitors and vendors from potential health hazards of asbestos-related diseases.

This policy applies to all buildings and structures owned by the City of Appleton, to all employees and subcontractors of the City of Appleton, to occupants of City buildings, and to external organizations who may come into contact with or disturb asbestos-containing materials. ~~This policy also applies to City employees who may enter non-City owned facilities that contain asbestos.~~

This policy is intended to meet the requirements of the Occupational Safety and Health Administration's ("OSHA") asbestos standard (29 CFR 1910.1001) which has been adopted by the Wisconsin Department of Safety and Professional Services ("WI DSPS" by Wisconsin Statute § 101.055.

Violations of this policy will be subject to disciplinary action, up to and including discharge.

**II. DISCUSSION**

City of Appleton employees are not allowed to perform asbestos-related work. All removal or disturbance of asbestos-containing materials (ACM) shall be performed under controlled conditions by asbestos abatement workers appropriately trained and currently licensed by the Wisconsin Department of Health Services (DHS).

**DEFINITIONS**

- A. ACM-Asbestos-containing materials (any material containing more than 1% asbestos)
- B. PACM-Presumed asbestos-containing materials
- C. WI DNR-Wisconsin Department of Natural Resources
- D. WI DHS-Wisconsin Department of Health Services

**III. RESPONSIBILITIES**

The asbestos program administrator is the City of Appleton Director of Parks, Recreation and Facilities Management.

The program administrator (or designee) is responsible for:

- Determining the presence and location of ACM and labeling it as necessary;
- Overseeing and managing all work impacting ACM in the City of Appleton buildings and facilities;
- Managing all asbestos abatement activities;
- Procuring the services of licensed asbestos abatement contractors and consultants;

**Commented [BM1]:** I suggested this statement be deleted because I felt this would include firefighters which is not what this policy is intended for.

- ~~Conducting training to inform, provide knowledge and create basic awareness on asbestos issues; Conducting asbestos awareness training for applicable employees who may reasonably come into contact with ACM and/or PACM.~~
- Disclosing the presence of ACM to any outside service contractors;
- Notifying the building occupants of any abatement activities;
- Notifying the DNR of abatement projects;
- Monitoring and maintaining the integrity of encapsulated asbestos; and
- Maintaining an Asbestos Inventory.

Supervisors (or designee) are responsible for:

- Notifying the program administrator immediately upon discovering damaged asbestos material;
- Notifying the program administrator when work activities may disturb asbestos-containing materials;
- Notifying the program administrator and Human Resources if an employee has come in contact with asbestos material in a city facility;
- Notifying the program administrator in the event of an emergency where there is the potential for fiber release from damaged ACM;
- Contacting the program administrator to schedule asbestos abatement;
- Providing outside service contractors with a copy of the City of Appleton asbestos policy;
- Providing outside service contractors with an inventory identifying the presence and location of all known ACM that they may come into contact with.

Employees are responsible for:

- Notifying a supervisor if they come in contact with asbestos;
- Immediately leaving property if suspected asbestos is present and report to a supervisor, unless properly trained to investigate and using approved P.P.E appropriate personal protective equipment ("PPE").

Outside service contractors (not involved in any asbestos abatement work) are responsible for:

- Providing ~~general asbestos~~ awareness training for their employees so that employees are able to identify suspected asbestos-containing materials if found during their work activities;
- Notifying the program administrator or a supervisor of suspected asbestos-containing materials which may be disturbed during work activities;
- Notifying the program administrator or a supervisor of suspected asbestos-containing materials that are discovered during work activities.

#### IV. PROCEDURES

##### A. Inventory

The City of Appleton ~~has attempted to identify any asbestos in City facilities~~ has conducted surveys, sampling and prepared a written inventory of ACM/PACM within City facilities (Exhibit #1). The attached inventory (Exhibit #1), of City facilities documents the removal or encapsulation of any known asbestos. This inventory allows for periodic condition inspections, maintenance, and repair of damaged asbestos, and helps limit the potential for unknowingly disturbing ACMs or PACMs. Note: this inventory only shows where ACM/PACM is or may be present. It does not include any ACM that has been previously removed.

##### B. Asbestos Identification

An asbestos identification system is used to alert people to the presence of asbestos. Suspected areas are identified by tags, stickers, pipe labels, signs or other high visibility means. Maintenance frequented areas, such as mechanical rooms with ACM or PACM, are required to be posted and labeled to alert workers, contractors and building occupants about the hazards associated with the building's asbestos materials. Labels or signs should contain the following information:

DANGER  
CONTAINS ASBESTOS FIBERS

AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD

**C. Asbestos Disturbing Activities**

Examples of activities that may result in the disturbance of suspect asbestos-containing materials may include:

- Removing or repairing floor tile;
- Removing or repairing ceiling tile;
- Removing pipe insulation or pipe joint compound to access pipes;
- Knocking holes in plaster ceilings or walls; and/or
- Removing carpet which has floor tile underneath it.

**D. Abatement Projects**

All asbestos abatement projects within the City of Appleton shall be performed under controlled conditions by an asbestos abatement contractor utilizing asbestos abatement workers who are ~~bonded, insured,~~ trained and currently licensed by the Wisconsin DHS.

~~Notifications to the DNR are required for asbestos abatement projects involving the removal of more than 260 linear feet or 160 square feet of asbestos-containing material and must be submitted ten (10) working days prior to the start of removal.~~

All asbestos abatement work shall be completed by the asbestos abatement contractor and notice of work shall be submitted to the City of Appleton Director of Parks, Recreation and Facilities Management 15 days prior to the commencement of the abatement project.

**E. Outside Contractors**

All outside service contractors will be notified of the presence of asbestos-containing materials prior to beginning work activities. When contractors are required to work in areas where ~~asbestos-ACM/PACM~~ is present or there is a possibility of disrupting ~~asbestos-containing materials~~ ACM/PACM, the City of Appleton ~~Director of~~ Director of Parks, Recreation and Facilities Management will provide:

- Notification of the known locations and types of asbestos present (or suspected to be present) in the area where the contractor will work.
- Information on the City of Appleton asbestos labeling and identification system.

**F. Asbestos Emergencies**

All emergency asbestos work shall be conducted by a properly licensed asbestos abatement contractor. Emergencies include situations where a rapid response is necessary to mitigate damage or prevent further serious damage to the building or its occupants in which ACM/PACM has become damaged and has the potential to become airborne. Examples include:

- Malfunction in equipment that if not addressed immediately, could cause damage to the building;
- Ruptured pipelines;
- The discovery of ACM/PACM during renovation or demolition activities; and

In case of an emergency, immediately contact the asbestos program administrator (or designee).

**G. Asbestos Awareness Training**

All city personnel who may reasonably come into contact with ACM/PACM will receive asbestos awareness training which at a minimum shall cover the minimum topics:

- Potential health effects associated with asbestos exposure;
- Locations of ACM and PACM within city buildings;
- Recognition of ACM PACM damage and deterioration;
- Housekeeping requirements to prevent asbestos fiber release;
- Methods by which asbestos may become airborne; and

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- Response procedures to asbestos fiber release incidents.

Asbestos awareness training will be conducted before an affected employee is exposed to ACM/PACM and on an annual basis.

**H. Exhibit Reference Information**

Exhibit # 1: City of Appleton Asbestos Inventory

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## ASBESTOS INVENTORY

Facility	Location of ACM or PACM	Type of Material	Quantity of ACM or PACM	Was the Material Sampled?	Who Sampled?	Date	Removed or Encapsulation?	Company	Date	ACM, PACM or Non-ACM?
Fire Station #1	Outdoors	Siding Sample	20-25%	Yes	B/C Tom Litscher	8/23/1991				Chrysotile Asbestos and Portland Cement
<u>Fire Station #1</u>	<u>Basement</u>	<u>Fittings (HVAC)</u>								<u>ACM</u>
Fire Station #1	Garage & Maint.	Fittings (HVAC)								<u>ACM</u>
Fire Station #1	Flooring (1 <sup>st</sup> Fl)									<u>ACM</u> tiled over in first floor hallway
Fire Station #4	Basement & Rig Rm.	Insulation (HVAC)								<u>ACM</u>
Fire Station #4	Kitchen	Floor Tile								<u>ACM</u>
Fire Station #4	Bedroom	Floor Tile								<u>ACM</u>
Fire Station #4	Locker Room	Floor Tile								<u>ACM</u>
Park Shelters	Timberform	Gray Board Panel		No						<u>PACM</u> : These types of shelters may have ceiling panels. Staff is instructed to not drill or cut into gray panels.
Reid Clubhouse	Basement	Insulation (Elbows and Pipe)					Encapsulation	EnviroNet	6/1/1992	ACM (130 linear feet/27 elbows and tees)
Reid Clubhouse	Attic	Insulation (Elbows and Pipe)					Encapsulation	EnviroNet	6/1/1992	ACM (205 linear feet/30 elbows and tees)
MSB	Cold Storage Bldg.	<u>(Noted as potential locations for asbestos, but not confirmed)Noted as potential PACM, not confmd.</u>								<u>PACM</u>
MSB	Mackville Landfill	<u>(Noted as potential locations for asbestos, but not confirmed)Noted as potential PACM, not confmd.</u>								<u>PACM</u>
<u>Wastewater</u>	<u>A-Bldg Lap</u>	<u>Countertops</u>	<u>15% chrysotile</u>	<u>Yes</u>	<u>EMTS (Jerry Hinkle)</u>	<u>10/4/2013</u>	<u>Portions of ACM removed.</u>			<u>ACM</u>
<u>Wastewater</u>	<u>Boiler Pipe Insulation</u>	<u>PACM Possible (haven't been able to find any to date)</u>								<u>PACM</u>
<u>Parking Ramp</u>	<u>Basement Floor</u>	<u>Mastic</u>								<u>ACM</u>
<u>Parking Ramp</u>	<u>Pipe Elbows, Etc</u>									<u>ACM</u>
<u>Lawe Street Bridge</u>	<u>Basement (N. Wall) behind electrical equip</u>	<u>90% ACM has been removed; cannot remove rest.</u>								<u>ACM</u>



Personnel Record Retention Policy		
CITY OF APPLETON POLICY		SECTION: Human Resources
ISSUE DATE: November 2001	LAST UPDATE: <del>April 2020</del> January 2024	
POLICY SOURCE: Human Resources Department		
POLICY AUDIENCE: <a href="#">All Employees</a>		

**I. PURPOSE**

This policy establishes the guidelines for maintaining records by the Human Resources Department.

~~The purpose of this policy is to establish guidelines, which identify the materials (records and files) that are maintained and retained by the Human Resources Department, the location of files, and the retention and proper disposal of records.~~

**II. POLICY**

The Human Resources Department will maintain personnel records on each of the City's employees in a fair and consistent manner, while complying with applicable State and Federal regulations.

~~It is the policy of the City of Appleton Human Resources Department to maintain personnel files and records on each of its employees. This is to be done in a consistent and fair manner, while complying with State and Federal regulations.~~

**III. DISCUSSION**

The Human Resources Department will maintain Employee Personnel and Other Records for all City of Appleton employees. Maintaining records includes identifying, locating, retaining, and disposing records. All statutes referenced are current as of date of this policy's last update and are intended to continue to apply as amended over time.

~~The Human Resources Department will maintain Primary Personnel Files, Confidential Personnel Files, Medical Files, and other miscellaneous files for all City of Appleton employees.~~

**IV. DEFINITIONS**

A. Employee Personnel Records: Each employee's personnel records will be separated into four separate files:

1. Primary Personnel File contains records including such as those listed below:

- Application for employment and/or reemployment
- Payroll authorization forms, offer letter, job description
- Personnel Status Change forms and records on compensation, transfers, promotions, dates of hire and seniority.
- Notices of commendation, warning, discipline, or termination
- Notices of layoff, leaves of absence, and similar matters
- Education and training notices and records
- Performance appraisals, ~~or~~ interview evaluation ratings
- Records of grievance affecting employment status

2. Confidential Personnel File contains confidential records including:

- Equal Employment Opportunity/Affirmative Action data (including pictures)
- Test results
- Letters of reference and pre-employment reference information
- Benefit plan choices
- Dependent and beneficiary information
- Credit reports
- Legal action information, including EEO complaints, investigations, etc.

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Commented [DG1]: Chose "Employee Personnel and Other Records" based on the structure of Section IV (A) and (B) below.

Commented [DG2]: I wanted to add clarity to the suggested word choice of "maintaining" in Section I above.

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- Any information not pertaining to the employee's employment (i.e., jury duty forms, funeral leave forms, military leave forms, etc.)
- Unemployment Compensation records
- Attendance and absence records
- Personnel investigation files/notes

3. Medical File: contains aAny record related to a medical issue including:

- Worker's Compensation claims
- Injury reports requiring medical attention
- Injury reports not requiring medical attention
- Medical and psychological records related to employment status
- Medical releases & excuses
- Medical restrictions
- Family Medical Leave Act records
- Health Insurance Portability and Accountability Act exposures

4. Commercial Driver License and Alcohol testing information records:

- Receipt and certification of training
- Employee acknowledgment form
- Results of random drug and alcohol tests
- Consent information from previous employer and Clearinghouse information

B. Other Records:--

- Selection Records for Hiring Processes
  - Job Advertisements
  - Hiring process applications/EEO information
  - Hiring process test files
  - Pre-employment physicals notifications
  - Pre-employment physicals (kept by City's Medical provider)
  - Physical Agility Testing results
  - Pending litigation

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V. PROCEDURE

A. Types, locations, and disposal guidelines of records will be followed as outlined in the City of Appleton Retention/Disposition Schedule ~~under the Human Resources section pages 37-40~~. This document is maintained by the City of Appleton Legal and Administrative Services department.

B. Access

1. An employee may view their personnel file by following the procedure listed below:
  - An employee must provide a request to view their personnel file by filling out the request form (Exhibit I).
  - The Human Resources Department will grant this request in accordance with Wisconsin Statute § 103.13(2).
  - Files may be viewed Monday through Friday, 8:00 a.m. to 4:30 p.m. in the presence of an employee of the Human Resources Department.
  - In accordance with Wis. Stat. § ss103.13(4), if an agreement to remove or correct the material cannot be reached between the employee and the Human Resource Director, an employee may submit a written statement to their personnel file explaining that they disagree with materials in that file.
  - The employee may request photocopies of materials from their file. The charge for this will be the City established rate.
  - A log shall be maintained for each personnel file listing the date the file was viewed, photocopies made, cost of copies and the Human Resources staff member who witnessed the viewing.

**Commented [DG3]:** Although pages 37-40 are the most applicable, the entire policy applies. It states, "NOTE: While portions of this schedule are categorized by department, topic and the like, it is intended to have broad application and these categorizations are for organizational purposes only. Accordingly, record series and corresponding retention periods listed under one department may be followed by another department that maintains like records. If conflicting retention periods are encountered, the longer-more restrictive retention period should be followed." I suggest removing the limitation of only pp. 37-40 in the policy.

- Employee's may request and view their file two times per year in accordance with [Wis. Stat. § 103.13](#).

**D. C. Satellite files**

Supervisors may maintain satellite working files for their employees. These files should be kept confidential and locked in file cabinets. This documentation should be forwarded to Human Resources when the employee leaves City of Appleton employment. The contents of the file are discoverable in the event of legal action so supervisors need to appropriately document and maintain the files.

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**D. Employment File Review for Law Enforcement Agencies**

The State of Wisconsin, pursuant to Wis. Stat. § 165.85(4)(em), requires that when a law enforcement agency interviews a candidate for a law enforcement position who is or has been employed by another law enforcement agency, tribal law enforcement agency, jail, juvenile detention facility, or government agency, the candidate must execute a written waiver (Exhibit II) explicitly authorizing disclosure of their current and past employment files to the interviewing law enforcement agency and releasing those current and/or former employer(s) and the interviewing agency from any liability related to the disclosure and use of said employment files.

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Exhibit I

**REQUEST TO REVIEW OFFICIAL PERSONNEL FILE  
UNDER WISCONSIN STATUTE § 103.13**

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I \_\_\_\_\_ (Employee name SS #) do hereby request, and/or authorize  
\_\_\_\_\_ (name of designee) of \_\_\_\_\_  
(Title of Organization), to inspect my personnel file pursuant to Wisconsin Statute § 103.13:

Furthermore, I do hereby agree that inspection of said records shall take place in the Human Resources office in the presence of an employee of the Human Resources Department during regular office hours ([Monday through Friday 8:00 a.m. -4:30 p.m.](#)).

Prior to inspecting records during my scheduled working hours, I shall obtain approval from my supervisor to do so (and my designee shall do the same, if applicable). Further, neither I nor my designee shall be compensated for time spent reviewing records outside of scheduled work hours.

I may obtain copies of such records provided I submit the current copy cost to Human Resources prior to the copies being made.

This request expires in 30 days or \_\_\_\_\_.

Date of Request: \_\_\_\_\_, 20\_\_\_\_.

Employee Signature: \_\_\_\_\_

**FOR OFFICE USE ONLY:**

Date Received by Human Resources: \_\_\_\_\_

Appointment date: \_\_\_\_\_ Time: \_\_\_\_\_

Authorized by: \_\_\_\_\_

Arrival Time: \_\_\_\_\_

Departure Time: \_\_\_\_\_

**WAIVER AUTHORIZING DISCLOSURE OF INFORMATION AND RELEASING LIABILITY**

THIS WAIVER AUTHORIZING DISCLOSURE OF INFORMATION AND RELEASING LIABILITY ("WAIVER") IS A LEGALLY BINDING DOCUMENT REQUIRED BY THE STATE OF WISCONSIN. READ THIS WAIVER FULLY AND CAREFULLY BEFORE SIGNING.

The State of Wisconsin, pursuant to Wisconsin Statute § 165.85(4)(em), requires that when a law enforcement agency interviews a candidate for a law enforcement position who is or has been employed by another law enforcement agency, tribal law enforcement agency, jail, juvenile detention facility, or government agency, the candidate must execute a written waiver explicitly authorizing disclosure of their current and past employment files to the interviewing law enforcement agency and releasing those current and/or former employer(s) and the interviewing agency from any liability related to the disclosure and use of said employment files. This Waiver is intended to fulfill that statutory requirement. To the extent this Waiver differs from state law, state law will control.

- 1. **Definitions.** Terms used in this Waiver are defined as follows:
  - a. "**Employment file**" means all files relating to a person's employment, including performance reviews, files related to job performance, internal affairs investigative files, administrative files, previous personnel applications, personnel-related claims, disciplinary actions, and all substantiated complaints and commendations, but does not include pay or benefit information, similar administrative data or information that does not relate to performance or conduct, or medical files unless the medical file relates to mental competency issues bearing on the person's suitability for a law enforcement, tribal law enforcement, jail or juvenile detention officer position.
  - b. "**Government agency**" means any department, agency, or court of this state, or of a city, village, town, or county in this state.
  - c. "**Law enforcement agency**" means a governmental unit of this state or a political subdivision of this state that employs one or more law enforcement officers, and includes the Marquette University Police Department.
  - d. "**Tribal law enforcement agency**" has the meaning given in Wis. Stat. § 165.83(1)(e).
  - e. "**Jail**" means a county jail, rehabilitation facility established by Wis. Stat. § 59.53(8) or county house of correction under § 303.16.
  - f. "**Juvenile detention facility**" has the meaning given in Wis. Stat. § 48.02(10r).
  - g. "**Applicable employer**" or "**applicable employers**" means any government agency, law enforcement agency, jail, juvenile detention facility, or tribal law enforcement agency as such terms are defined in this Waiver, which the undersigned is currently or was previously employed by.
  - h. "**Law enforcement officer**" means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed and sworn to enforce. Law enforcement officer includes a university police officer as defined in Wis. Stat. § 175.42(1)(b).
  
- 2. **Understandings and Agreements.** I, the undersigned, understand and agree with the following provisions:
  - a. I have applied to the \_\_\_\_\_ [insert name of municipality] for a law enforcement position with the \_\_\_\_\_ [insert interviewing agency]. I understand the \_\_\_\_\_ [insert interviewing agency] may

\_\_\_\_\_  
Applicant's Initials

conduct a thorough investigation into my background and part of this investigation may include reviewing information from my current and/or previous applicable employers.

- b. I authorize each applicable employer that currently or previously has employed me to disclose my employment file to \_\_\_\_\_ [insert interviewing agency] unless disclosure of such information is prohibited pursuant to a binding nondisclosure agreement executed before November 7, 2021.

My experience with non-disclosure agreements is as follows (initial the applicable provision below and provide any pertinent information):

i. \_\_\_\_\_ I have never signed a non-disclosure agreement with a current or former applicable employer.

ii. \_\_\_\_\_ I have signed a non-disclosure agreement with a current or former applicable employer. The details are as follows (include applicable employer name and approximate date the agreement was signed): \_\_\_\_\_.

- c. I authorize \_\_\_\_\_ [insert interviewing agency], through its employees and representatives, to receive/review my employment file from my current and/or previous applicable employers, along with other information that is lawfully available from any such applicable employer. I understand \_\_\_\_\_ [insert interviewing agency] may also conduct oral interviews with individuals associated with these current and/or former applicable employers and that employment decisions may be made based on the result of this investigation into my background.

- d. I understand that my employment file, as defined herein, includes certain medical information that is not normally considered part of my personnel file. Specifically, I understand that medical information related to my mental competency bearing on my suitability for a law enforcement officer, tribal law enforcement officer, jail, or juvenile detention officer position, if such medical information exists, will be included in the employment file information. By signing this Waiver, I explicitly consent to the transfer and disclosure of this medical information provided it is limited to the medical information described, and only used to determine my suitability for a law enforcement officer, or a tribal law enforcement, jail, or juvenile detention officer position.

- e. In consideration of the \_\_\_\_\_ [insert interviewing agency] interviewing me for a law enforcement officer position, I and my heirs, executors, administrators, legal representatives, assignees and successors in interest (hereinafter, "Heirs, Assigns and Successors") hereby release, waive, hold harmless and forever discharge \_\_\_\_\_ [insert interviewing agency], the \_\_\_\_\_ [insert name of municipality], and all applicable employers, their officers, employees and/or agents which may disclose or use the above information from any and all liability, claims and demands of whatever kind or nature, either in law or in equity, that arise or may hereafter arise from such disclosure or the request for disclosure, including but not limited to, any claims, demands or causes of action relating to employment, invasion of privacy, defamation, intentional or negligent infliction of emotional distress, wrongful death or any other kind of claim associated with bodily injury or property damage attributable to the release of such information.

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\_\_\_\_\_  
Applicant's Initials

- f. I am not required to sign this Waiver, and I am not being forced or coerced to sign. I am signing it because I am actively seeking employment with \_\_\_\_\_ [insert interviewing agency] and wish to participate as a candidate in the interview process. I understand that my failure to sign this Waiver will prevent the \_\_\_\_\_ [insert interviewing agency] from processing my application or considering me for employment as a law enforcement officer.
  - g. I agree that the above representations, acknowledgements, and releases are contractually binding on me and my Heirs, Assigns and Successors, and that should I, or my Heirs, Assigns and Successors, assert a claim in contravention of this Waiver, the asserting party shall be liable for the expenses (including legal fees) incurred by the other party or parties in defending any such claim.
3. **Amendment.** This Waiver may not be modified orally. Any modification must be in writing and signed by all parties or their duly authorized representatives. Any statutory requirement contained in this Waiver may not be modified either orally or in writing.
  4. **No Waiver.** Any failure or delay to enforce any of the terms and provisions of this Waiver shall not be construed as a modification or waiver of any such term or provision or of the right to subsequently enforce all terms and conditions.
  5. **Severability.** Every term and provision of this Waiver is intended to be severable. If any term or provision of this Waiver is found to be unenforceable or invalid, such findings shall not affect the other terms and provisions, which shall remain binding and enforceable.

I HAVE READ THIS WAIVER CAREFULLY. I HAVE BEEN GIVEN THE OPPORTUNITY TO CONSIDER THE CONTENT AND TO ASK QUESTIONS. I UNDERSTAND THAT I HAVE THE OPPORTUNITY TO CONSULT WITH AN ATTORNEY BEFORE SIGNING THIS WAIVER. I SIGNED THIS WAIVER VOLUNTARILY AND WITHOUT EXCLUSION OR EXCEPTION.

\_\_\_\_\_  
Name of Applicant (please print full first, middle, and last names)

\_\_\_\_\_  
Previous Names/Maiden Names

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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