



City of Appleton

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

Meeting Agenda Human Resources Committee

Monday, April 6, 2015

6:00 PM

Council Chambers, 6th Floor

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

15-544 Minutes from 3-23-15

Attachments: [Minutes 3-23-15.pdf](#)

4. Public Hearings/Apearances

5. Action Items

15-463 Request to approve Mayor salary for
2016 - 2017
2017 - 2018
2018 - 2019
2019 - 2020

Attachments: [Nonrep Attorney Mayor Increase Calculations-March 2015.pdf](#)
[Mayor Rates 4-6-15.pdf](#)

Legislative History

3/23/15 Human Resources Committee held
Next meeting on April 6

15-488 Request City Attorney salary for
2016 - 2017
2017 - 2018
2018 - 2019
2019 - 2020

Attachments: [Attorney Rates 4-6-15.pdf](#)

Legislative History

3/23/15 Human Resources Committee held
Next Meeting on April 6

6. Information Items

15-545 Recruitment Status Report 4-3-15

Attachments: [RSR thru 4-3-15.pdf](#)

15-546 Changes to Restricted Duty Policy

Attachments: [Affirmative Action March 2015.pdf](#)

15-547 Changes to Affirmative Action Policy

Attachments: [Affirmative Action March 2015.pdf](#)

15-548 Changes to the Harassment and Discrimination in the Workplace Policy

Attachments: [Harassment & Discrimination in Workplace March 2015.pdf](#)

7. 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 agenda contact Director Behnke at 920-832-6426.



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Meeting Minutes Human Resources Committee

Monday, March 23, 2015

6:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

Present: 5 - Alderperson Konetzke, Alderperson Trauger, Alderperson Croatt,
Alderperson Garb and Alderperson Spears

3. Approval of minutes from previous meeting

[15-505](#)

HR minutes from 1-12-15

Attachments: [HR Minutes 1-12-15.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Spears, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderperson Konetzke, Alderperson Trauger, Alderperson Croatt,
Alderperson Garb and Alderperson Spears

4. Public Hearings/Appealances

5. Action Items

[15-462](#)

Request to approve table of organization changes for Public Works as follows:

- * Shift 3.0 fte Laborers to 2.0 fte Stormwater Operator I's and 1.0 fte Street Operator I
- * Shift 1.0 fte Laborer to 1.0 fte Operations Crew Leader
- * Shift 1.0 fte Water Operator II to 1.0 fte PM Shift Crew Leader
- * Shift 1.0 fte Laborer to 1.0 fte Arborist

Attachments: [Public Works TO change 3-23-15.pdf](#)

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

Aye: 5 - Alderperson Konetzke, Alderperson Trauger, Alderperson Croatt,
Alderperson Garb and Alderperson Spears

[15-464](#)

Request to approve Fire Department reorganization to eliminate 1.0 fte Fire Inspector union position and add 1.0 fte Battalion Chief position.

Attachments: [Fire Reorganization - March 2015.pdf](#)
[Fire Attachment A - Department Staffing Timeline.pdf](#)
[Fire Attachment B - Table of Organization - Current.pdf](#)
[Fire Attachment C - Table of Organization - Proposed.pdf](#)

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

Aye: 5 - Alderson Konetzke, Alderson Trauger, Alderson Croatt, Alderson Garb and Alderson Spears

[15-489](#)

Request to Over Hire the position of Firefighter.

Attachments: [Request to Over Hire in the Position of Firefighter - March 2015.pdf](#)

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

Aye: 5 - Alderson Konetzke, Alderson Trauger, Alderson Croatt, Alderson Garb and Alderson Spears

6. Information Items

[15-463](#)

Request to approve Mayor salary for
2016 - 2017
2017 - 2018
2018 - 2019
2019 - 2020

Attachments: [Nonrep Attorney Mayor Increase Calculations-March 2015.pdf](#)
[Mayor Rates.pdf](#)

Next meeting on April 6

Alderson Garb moved, seconded by Alderson Spears, that the Report Action Item be held. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderson Konetzke, Alderson Trauger, Alderson Croatt, Alderson Garb and Alderson Spears

[15-488](#)

Request City Attorney salary for
2016 - 2017
2017 - 2018
2018 - 2019
2019 - 2020

Attachments: [Attorney Rates.pdf](#)

Next Meeting on April 6

Alderson Garb moved, seconded by Alderson Spears, that the Report Action Item be held. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderson Konetzke, Alderson Trauger, Alderson Croatt,
Alderson Garb and Alderson Spears

[15-465](#)

Recruitment Status Report 3-20-15

Attachments: [RSR thru 3-20-15.pdf](#)

This Presentation was received and filed

[15-466](#)

H.R. Working Agenda 3-23-15

Attachments: [HR Committee Working Action Agenda 3-23-15.pdf](#)

This Presentation was received and filed

7. Adjournment

Alderson Croatt moved, seconded by Alderson Garb, that the meeting adjourn be approved. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderson Konetzke, Alderson Trauger, Alderson Croatt,
Alderson Garb and Alderson Spears

Year	Non-Reps	Performance	WRS General Employee	Mayor	Salary	Attorney	Salary	WRS Elected Employee
2008	2% 1%			3.47%	\$84,000	3.47%	\$96,000	
2009	2% 1%			2.38%	\$86,000	2.08%	\$98,000	
2010	2% 1%			2.33%	\$88,000	3.06%	\$101,000	
2011	0%		9/1 5.80%	3.41%	\$91,000	2.97%	\$104,000	6.65%
2012	0%		5.90%	0%	\$91,000	0%	\$104,000	7.05%
2013	1%	1%*	6.65%	1%	\$91,910	2%	\$106,080	7.00%
2014	2%	2%	7.00%	1%	\$92,829	2%	\$108,202	7.75%
2015	1.50%	1.75% **	6.80%	2%	\$94,686	2%	\$110,365	7.70%

* Only employees paying WRS were eligible for the Performance 1%

**Proposed

MAYOR

Municipality	City Manager/Administrator or Mayor	Salary	# Reports	Benefits	Expense Account	Other
Appleton	Mayor	\$94,686	15	Health, Dental, Life, LTD, Pension	None	2015 Mileage & Travel
EauClaire	City Manager	\$137,700	8 Directors/City Clerk/Clerk/Secretary	Health, Dental, life ER WRS, 4% 457 contribution	\$500/month Auto Allowance	
Fond Du Lac	City Manager	\$132,651	8	Same as General Employees		
Green Bay	Mayor	\$82,534	9 Dept Heads, 2 Staff members	Health, Dental, Life, Pension	None	
Janesville	City Manager	\$147,000	9	\$5100 auto allowance, cell phone allowance \$1200,\$5000 DC		Car, Cell phone
Kenosha	City Administrator	\$137,000	17 Dept Heads	Health, Dental, Life, Pension option for Deferred Comp, Vision and AFLAC		
Kenosha	Mayor	\$79,272	3	Health, Dental, Life, Pension option for Deferred Comp, Vision and AFLAC	None	
LaCrosse	Mayor	\$77,200	14	Same as other full-time employees	\$2083/year	
Oshkosh	City Manager	\$138,000	12	Same as Non-rep plus \$500 auto allowance and \$120 cell phone \$300 ICMA-RC	None	
Racine	City Administrator	\$99,236		Same as non-represented		None
Racine	Mayor	\$74,110	2	Same as non-represented	None	
Sheboygan	Mayor	\$52,531	1	Health, Dental, Pension, Life	None	Mileage and Travel
Sheboygan	Chief Admin Officer	\$123,000	10	Same as non-represented		None
Waukesha	City Administrator	\$155,000	15	Health, Dental, Pension, Life, Vision, LTD, Deferred Comp, AFLAC	Auto-\$400/monthly	
Waukesha	Mayor	\$83,500	1	Health, Dental, Pension, Life, Vision, LTD, Deferred Comp, AFLAC		None
Wausau	Mayor	\$74,850	11	Same as non-represented		
West Allis	City Administrative Officer/Clerk-Treasurer	\$115,356	42	Same as other Professional and Supervisory Personnel	None	
West Allis	Mayor	\$66,000 (4/20/15)	1 shared Admin. Asst.	Health, Dental, Pension, Life	Auto-\$25/monthly	Mileage and Travel
						Mileage and Travel

ATTORNEY

Municipality	City Attorney	Salary	# Reports	Benefits	Expense Account	Other
Appleton	Elected	\$110,365	9	Health, Dental, Life, LTD, Pension	None	Mileage & Travel
EauClaire	Appointed by City Manager	\$110,500	2.75	Health, Dental, basic life, employer share of WRF, \$2,000 match to 457 plan	none	none
Fond Du Lac	Appointed by City Manager	\$116,116	3	Same as General Employees		
Green Bay	Appointed by Mayor	\$101,489	3	Health, Dental, Life , Pension	None	Phone, Mileage
Janesville	Appointed by City Manager	\$127,000	3	Health, Dental, Pharmacy, Vision, Flex, Life, Supplemental Life, Pension, Deferred Comp	None	None
Kenosha	Appointed by Mayor	\$118,548	5	Health, Dental, Life, Flex-options for DC, vision and voluntary benefits	None	Mileage & Travel
LaCrosse	Appointed	\$124,841	4	Full benefits	N/A	N/A
Oshkosh	Appointed	\$109,701	2	Non Represented Benefits	None	None
Racine	Appointed	\$113,547	5	Health, Life, Pension, AFLAC	N/A	Mileage & Travel
Sheboygan	Elected	\$112,110	1	Health, Dental, Life, Flex	N/A	N/A
Waukesha	Elected	\$116,500	6	Health, Dental, Pension, Life, Vision, LTD, Deferred Comp, AFLAC	None	None
Wausau	Appointed	\$103,916	3	Same as Non-represented		
West Allis	Elected	\$118,518 (4/30/15)	6	Same as Professional/Supervisory	None	Mileage & Travel

**RECRUITMENT STATUS REPORT
UPDATES THRU 4-3-15**

STAFF PERSON	POSITION	DEPT.	Date of Vacancy	RTF Approval Date	# of Openings	STATUS
KIM	Operator I – Street	DPW	3/23/15	6/23/14	1	Transfer of Chad Cummings Matt Barnes assigned 4-6-15
	Operator II – Water	DPW	3/5/15	On-hold - potential T.O. change	1	Resignation of Mike Koleske TO change coming
	Service Person	DPW	4/3/15	3/25/15	1	Resignation of Nick Rogan Application deadline 4/12/15
	PT-Service Person	DPW	2/9/15	1/7/15	1	Vacancy created from transfer of Nick Rogan Background pending on one candidate
	Master Mechanic	DPW	2/5/15	1/26/15	1	Retirement of Bill Brereton Interviews 4/14/15
	Laborer Eligibility List	DPW	Anticipated	Pending	Elig List	Interviews 4/9/15
	Inventory Control Clerk	DPW	4/10/15	Pending	1	Retirement of Mike Rossey
	Road Supervisor	VT	10/3/14	Approved T.O. Change 12/17/14	1	Candidate to Dr. Fico 4/9/15
	Assistant General Manager	VT	2/2/15	1/9/15	1	Resignation of Sal LaPuma Candidates to Dr. Fico on 3/31/15 and 4/3/15
	PT Bus Driver Eligibility List	VT	Anticipated	1/26/15	Est. New Elig List	Interviews 4/8/15
	Bus Driver	VT	3/7/15	1/26/15	1	Pauline Thompson retirement 3/7/15 Will use candidate pool from part-time process Interviews 4/8/15
	Solids Operator	Utilities	3/23/15	3/10/15	1	Travis Fleischman transferred 4/13/15
	Utility Worker	Utilities	4/13/15	Pending	1	Transfer of Travis Fleischman
JAY	Police Officer	Police	1/8/15 2/21/15	12/2/14 2/26/15	2 + Elig List	Backgrounds started Next round of panel interviews 4/8/15 and 4/9/15
	Community Service Officer	Police	NA	3/20/14	3 + Elig List	Backgrounds started on 3 candidates
	Fire Fighter	Fire	9/19/14 3/2/15	10/27/14 2/3/15	1 + Elig List	Another round of panel interviews on 4/13/15 and 4/15/15 with Chief interviews on 4/27/15
	Lead CSO	Police	4/10/15	3/24/15	1	Application deadline date 4/12/15
	Help Desk Analyst	IT	1/29/15	2/11/15	1	Re-advertising with an application deadline date of 4/5/15
	Battalion Chief – Fire Prevention and Education	Fire	NA	4/1/15	1	Application deadline 4/19/15

TOTAL POSITIONS OPEN = 20 TOTAL ELIGIBILITY LISTS = 5

Note: Part time non-benefited positions do not (per Recruitment Policy) require authorization outside the department. The Mayor has asked departments to scrutinize.

POSITIONS ON HOLD

STAFF PERSON	POSITION	DEPT	Date(s) of Opening(s)	RTF Approval Date	# of Openings	Person Vacating Position/Status
JAY	Evidence Clerk	Police	1/5/15	NA Non TO position	1	Department evaluating position and unit structure
	Administrative Assistant (Half-time)	Health	1/5/15	Pending	1	Request on hold. Department was asked to reevaluate needs through March
	Civilian Fire Inspector	Fire	3/10/15	Pending	1	Brian Noel retirement Re-organization pending

TOTAL POSITIONS ON HOLD = 3 TOTAL ELIGIBILITY LISTS = 0

CITY OF APPLETON POLICY	TITLE: AFFIRMATIVE ACTION	
REVIEW DATE: December 2006	LAST UPDATE: July 2008 October 2008 February 2014 March 2015	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	AUDIENCE:	TOTAL PAGES: 4
Reviewed by Legal Services Department Date: April 2000 March 5, 2012 February 2014	Committee Approval Date: May 11, 2000 August 13, 2008 June 11, 2012 February 10, 2014	Council Approval Date: May 17, 2000 August 20, 2008 June 20, 2012 February 19, 2014

I. PURPOSE

The purpose of this policy is to provide equal employment opportunities for all qualified and qualifiable persons.

II. POLICY

It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy, ~~or~~ childbirth **or related medical condition**, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens. This equal employment opportunity is applicable to all phases of employment including job assignment, job restructuring, reasonable accommodation for disabled individuals, recruitment, selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination, leave or benefits, licensing or union membership, and all other components of the City of Appleton Human Resources system.

III. DISCUSSION

The Human Resources Director shall have responsibility for:

1. Designating an Affirmative Action Officer for the City of Appleton.
2. Developing, coordinating and administering the City's Affirmative Action Program.

3. Instructing department heads and supervisory personnel on provisions of the Equal Employment laws and the City's Affirmative Action Program especially in areas where contractual compliance with Affirmative Action provisions is required for Federal and State funding purposes.
4. Implementing, monitoring and modifying the City's Affirmative Action Program reporting system to measure effectiveness and to determine where progress has been made and where further action is needed.
5. Analyzing all aspects of Human Resources policies and practices.
6. Coordinating a communication network that will provide the community and all City employees with information concerning the City's Affirmative Action Program.
7. Keeping department heads and appropriate City officials informed of changes in the law, relevant court cases, and administrative rulings that might affect the City's Affirmative Action Program.
8. Working with department heads to determine specific problem areas of their employment practices and resolving any problems that may exist.
9. Designing and maintaining audit and recordkeeping procedures for the collection of statistical data. Compiling and submitting Equal Employment Opportunity reports that may be required by law.
10. Reviewing and revising the contents of the program annually in order to identify new problems that might arise.
11. Handling any complaints that may arise out of implementation of the plan.

Department Heads shall have responsibility for:

1. Assisting in identifying problem areas and establishing agency and unit goals and objectives.
2. Being actively involved with local minority organizations, women's and disabled groups, community action organizations and community service programs designed to promote EEO.
3. Participating actively in periodic audits of all aspects of employment in order to identify and to remove barriers obstructing the achievement of specified goals and objectives.
4. Holding regular discussions with other managers, supervisors, and employees to assure the agency's policies and procedures are being followed.
5. Reviewing the qualifications of all employees to ensure that minorities, people with disabilities, and women are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation.

6. Participating in the review and/or investigation of complaints alleging discrimination.
7. Conducting and supporting career counseling for all employees.
8. Participating in periodic audits to ensure that each agency unit is in compliance (e.g EEO posters are properly displayed on all employee bulletin boards).
9. Committing themselves and their department to comply with the Affirmative Action Program.
10. Assisting the Human Resources Director in the implementation of training and promotional programs within their department.
11. Implementing all aspects of the City of Appleton's Affirmative Action Program as it applies to their department, ensuring that policies and practices are non-discriminatory with regard to race, color, creed, ancestry, religion, national origin, age, marital status, arrest/conviction record, sex/gender, handicap or disability, sexual orientation, gender identity and gender expression, political affiliation or results of genetic testing , honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours.
12. Ensuring that supervisors and staff in their department fully understand the Affirmative Action Program.

Employee Responsibility

1. All employees have the responsibility for carrying out their assigned duties and providing City services without regard to race, color, creed, ancestry, religion, national origin, age, marital status, arrest/conviction record, sex/gender, handicap or disability, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy, ~~or~~ childbirth **or related medical condition**, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours.

IV PROCEDURES

Records Review

The Human Resources Director shall have full access to all departmental policies and procedures, rules and regulations, including Human Resources files, documents, background investigation reports and any other documents or information relating to job restructuring, recruitment and selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective

action, termination and all other components of the City of Appleton Human Resources system.

Department Review

The Human Resources Director shall be as involved as he/she deems appropriate in all phases of job restructuring, recruitment and selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination and all other components of the City of Appleton Human Resources system where this policy may apply. This involvement shall be to insure that the City's Affirmative Action Program is fully understood and adhered to by all City departments and employees.

To ensure that the City of Appleton's Affirmative Action Program is communicated to all employees, applicants and citizens, the following steps shall be taken:

1. The Affirmative Action Plan shall be distributed to all City departments.
2. The policy statement shall be prominently displayed in conspicuous public places on City bulletin boards.
3. All employees shall receive annually the Equal Employment Opportunity/Affirmative Action statement to affirm the City's commitment to the Equal Employment Opportunity Policy and the Affirmative Action Plan.
4. All newly hired employees shall receive a copy of the Affirmative Action Policy.
5. All newly hired and existing employees shall receive Harassment and Discrimination training.
6. All employment applications along with other personnel documents will include the phrase "An Equal Opportunity Employer."
7. All advertisements for open positions shall include the phrase "An Equal Opportunity Employer."
8. The Open Positions list, a telephone Job Line recording of information regarding job openings, established for greater community access to this information shall include the phrase "An Equal Opportunity Employer."
9. The plan shall be reviewed on an annual basis.
10. This policy will be posted on the City's Human Resources web page.

Complaint Process

Each employee is responsible for bringing to the attention of their supervisor or the departments listed below, any employment decision that he or she feels conflicts with the letter or spirit of the law. Employee may bring their concerns by using the Employment Discrimination Complaint Form on the City's website or obtaining one from the Human Resources Department, Legal

Services Department, or the Mayor's office. Complaints may be filed with the Human Resources Department, the Legal Services Department or the Office of the Mayor.

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Services Department, or the Mayor's office. Complaints may be filed with the Human Resources Department, the Legal Services Department or the Office of the Mayor.

CITY OF APPLETON POLICY	TITLE: HARASSMENT & DISCRIMINATION IN THE WORKPLACE	
ISSUE DATE: June 17, 1999	LAST UPDATE: May 2, 2001 July 2008 October 2008 November 2012 March 2015	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	AUDIENCE: Applies to all employees and volunteers	TOTAL PAGES: 7
Reviewed by Legal Services Department Date: September 1999 February 2014	Committee Approval Date: June 10, 1999 August 13, 2008 February 10, 2014	Council Approval Date: June 16, 1999 August 20, 2008 February 19, 2014

I. PURPOSE

The purpose of this policy is to ensure that the City of Appleton maintains a healthy work environment in which all individuals are treated with respect and dignity, while providing procedures for reporting, investigating, and resolving complaints of harassment and discrimination. Federal and state law provides for the protection of classes of persons discriminated against based on race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy, ~~or~~ childbirth **or related medical condition**, military service, disabled veteran or covered veteran status service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours.

II. POLICY

It is the policy of the City of Appleton that all employees have the right to work in an environment free of all forms of harassment. The City of Appleton will not tolerate, condone, or allow harassment by any employees or other non-employees who conduct business with the City. The City of Appleton considers harassment and discrimination of others forms to be serious employee misconduct. Therefore, the City will take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this City policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

A. Prohibited Activity

1. No employee shall either explicitly or implicitly ridicule, or belittle any person.
2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status,

sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy, ~~or~~ childbirth **or related medical condition**, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the City of Appleton.

3. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
4. This policy covers all employees whether the unwelcome conduct originates from an employee or non-employee. Examples: customers, citizens, contractors, etc.
7. This policy covers any incident that occurs as an extension of the workplace. (See definition.) All conduct at this extension of the workplace, whether before, during, or after the event, will be considered under this policy.

B. Supervisory Responsibilities

1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes the following:
 - a. Monitoring the work environment for signs of harassment;
 - b. Informing employees on the types of behavior prohibited, and the City procedures for reporting and resolving complaints of harassment;
 - c. Stopping any observed behavior that may be considered harassment, and taking appropriate steps to intervene and report behavior, whether or not the involved employees are within his or her line of supervision, and
 - d. Taking immediate action to prevent retaliation toward the complaining party and to eliminate any similar conduct where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care shall be taken to avoid actions that appear to negatively impact the complainant. Transfer or reassignment of any of the parties involved shall be voluntary if possible and, if non-voluntary, shall be temporary pending the outcome of the investigation.
 - e. Failing to carry out these responsibilities will be considered in any

performance evaluation or promotional decisions and may be grounds for discipline, up to and including discharge.

2. Each supervisor is responsible for assisting any employee of the City who comes to that supervisor with a concern of harassment in documenting and filing a complaint with the Human Resources Department or other reporting authority as designated by the City.

C. Employee Responsibilities:

1. Each employee, including supervisors, of the City is responsible for assisting in the prevention of harassment by taking the following steps:
 - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 - b. Reporting to a supervisor super-offensive behavior such as physical grabbing, pinching or touching another employee's private areas or communication of sexual, racial, ethnic, religious or gender-based slurs;
 - c. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
2. Employees are expected to cooperate fully in any investigation, whether or not they are directly involved in the incident.

III. DEFINITIONS

- A. **Verbal Harassment:** Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.
- B. **Non-Verbal:** Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures. Any material which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.
- C. **Physical:** Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.
- D. **Other Forms of Harassment:** Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, gender identity and gender expression, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.
- E. **Harassment on any basis (race, sex, age, disability etc.) exists whenever:** Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an

employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31 -- 111.39 Wis. Stats.

- F. **Unwelcome:** Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.
- G. **Extension of the Workplace:** This policy covers any incident that occurs as an extension of the workplace. An extension of the workplace is defined as any event sponsored by the City of Appleton.

IV. PROCEDURES

- A. Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. The employee is to document all incidents of harassment to provide the fullest basis for investigation.
- B. Any employee who believes that he or she is being harassed shall report the incident(s) to his or her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead report the conduct to the Human Resources Director, Human Resources Deputy Director, Human Resources Generalist, City Attorney, Deputy City Attorney, Assistant City Attorney or another supervisor from the City.
 - 1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
 - 2. Any employee who believes it is not practical to file their complaint directly within their departmental structure must file the complaint with the Human Resources Director, Human Resources Deputy Director, Human Resources Generalist, City Attorney, Deputy City Attorney, Assistant City Attorney

After the complaint has been filed with any of the above named positions, and the complainant does not feel it has been resolved in an acceptable manner, they may file the complaint with the following:

- a. **EQUAL RIGHTS DIVISION**
201 East Washington Avenue Room 407
P.O. Box 8928
Madison, WI 53708-8928

Voice: (608) 266-6860
TDD (Hearing Impaired) (608) 264-8752
- b. **EQUAL RIGHTS DIVISION**
819 North Sixth Street Room 255
Milwaukee, WI 53203

Voice: (414) 227-4384
TDD (Hearing Impaired) (414) 227-4081

- c. EEOC
Milwaukee District Office
310 West Wisconsin Avenue
Suite 800
Milwaukee, WI 53203-2292
Voice: (414) 297-1111
TDD (Hearing Impaired) (414) 297-1115

If the employee exercises the reporting options of a, b, or c above of this section, they must file a copy of the complaint with the City Attorney within 24 hours of the filing of the complaint.

- C. The Human Resources Department shall be responsible for investigating any complaint alleging harassment or discrimination and shall do the following:
1. The internal Human Resources Department shall immediately notify the Legal Services Department if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
 2. The investigation shall include a determination as to whether other employees are being harassed by the person, and whether other persons covered by this policy participated in or encouraged the harassment.
 3. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
 4. A file of harassment and discrimination complaints shall be maintained in a secure location. The Legal Services Department shall be provided with an annual summary of these complaints.
 5. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.
 6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
 7. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
- D. Retaliation
1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the City of Appleton and by federal statutes.
 2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints. Retaliation may subject an individual to additional punishment up to and including discharge.
 3. Monitoring to ensure that retaliation does not occur is responsibility of the

supervisors.

E. Falsification or Mis-Representation of Information

An employee will be subject to disciplinary action up to and including discharge for falsifying any information or mis-representing any information required or requested as part of a complaint, investigation, or proceeding under this policy.



INVESTIGATION GUIDELINES

We are in the process of doing an investigation related to information that has been brought to the attention of the Human Resources Department.

We will be collecting the facts today. As a City employee you have an obligation to be truthful, honest and share what you know about the situation.

We will keep the information as confidential as we are able to. We cannot guarantee total confidentiality but this information will be released to only those persons with a need to know. This is an ongoing investigation and in order to preserve the integrity of the investigation you are expected to also keep the information confidential.

Any retaliation from any parties with regard to this matter is prohibited and you should contact either the Legal Services Department or the Human Resources Department immediately if this occurs.

Intentional withholding of information or dishonesty as well as retaliation could result in discipline up to and including termination.

I have received a copy of the INVESTIGATION GUIDELINES:

Name

Date