



City of Appleton

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

Meeting Agenda Human Resources Committee

Monday, May 11, 2015

5:00 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-2004 5-11-15.pdf](#)
[Mayor Rates 4-27-15.pdf](#)

Legislative History

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

[15-488](#) Request City Attorney salary for
2016 - 2017
2017 - 2018
2018 - 2019
2019 - 2020

Attachments: [Attorney Rates 4-27-15.pdf](#)

Legislative History

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

6. Information Items

[15-719](#) Informational report on the 2014 Pay for Performance results for non union employees.

Attachments: [Pay for Performance memo 5-9-15.pdf](#)

[15-680](#) ORGANIZATIONAL MATTERS:
Elect a Vice-Chair
Set Meeting Date and Time
Designate a contact person

[15-545](#) Recruitment Status Report 5-7-15

Attachments: [RSR thru 5-8-15.pdf](#)

[15-546](#) Changes to Restricted Duty Policy

Attachments: [Restricted Duty revised 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](#)

[15-718](#) Changes to Public Records Policy

Attachments: [Public Records Policy 5-11-15.pdf](#)
[Public Records Policy-Exhibit 1.pdf](#)

[15-789](#) Changes to the Moving Expense policy

Attachments: [Moving Expenses Policy.pdf](#)

[15-728](#) H.R. Working agenda 5-11-15

Attachments: [HR Committee Working Action Agenda 5-11-15.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.

Question on agenda contact Director Behnke at 832-6426.



City of Appleton

100 North Appleton Street
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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	Attorney with Non- rep increases	Attorney	Salary	Mayor with Non- rep increases	Mayor	Salary	WRS Elected Employee
2003				\$87,505			\$76,478			
2004	1.50%			\$88,818	1.50%	\$88,816	\$77,625	1.50%	\$77,625	
2005	3.00%			\$91,482	1.50%	\$90,147	\$79,954	1.51%	\$78,790	
2006	3.00%			\$94,227	1.50%	\$91,499	\$82,353	1.51%	\$79,976	
2007	2.75%			\$96,818	3.37%	\$92,872	\$84,617	3.47%	\$81,182	
2008	2.00%			\$98,754	2.08%	\$96,000	\$86,310	3.47%	\$84,000	
	1.00%			\$99,742			\$87,173			
2009	2.00%			\$101,737	2.08%	\$98,000	\$88,916	2.38%	\$86,000	
	1.00%			\$102,754			\$89,805			
2010	2.00%			\$104,809	3.06%	\$101,000	\$91,601	2.33%	\$88,000	
	1.00%			\$105,857			\$92,517			
2011	0.00%		5.80%	\$105,857	2.97%	\$104,000	\$92,517	3.41%	\$91,000	6.65%
2012	0.00%		5.90%	\$105,857	0.0%	\$104,000	\$92,517	0%	\$91,000	7.05%
2013	1.00%	1%*	6.65%	\$106,916	2%	\$106,080	\$93,443	1%	\$91,910	7.00%
2014	2.00%	2%	7.00%	\$109,054	2%	\$108,202	\$95,311	1%	\$92,829	7.75%
2015	1.50%	1.75%	6.80%	\$110,690	2%	\$110,365	\$96,741	2%	\$94,686	7.70%
23.75%			32.15%	24.06%			23.57%			36.15%

2006 + \$.20 quid

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

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



"...meeting community needs...enhancing quality of life."

Human Resources Department
100 N. Appleton Street
Appleton, WI 54911
Phone: (920) 832-6455
Fax: (920) 832-5845

May 1, 2015

Chairperson Konetzke and Human Resource Committee Members

Re: 2014 Pay for Performance (P4P) Data

Dear Chairperson Konetzke and Human Resources Committee Members:

Last year I shared the 2013 P4P data to give you all some perspective on the recently adopted pay plan (attached). Below is the P4P recap for 2014:

254 Employees were over the Control Point (Market)

13 of those employees (5%) received a score of "below target"	(0% P4P adjustment)
41 of those employees (16%) received a score of "on target"	(0% P4P adjustment)
133 of those employees (52.4%) received a score of "above target"	(0.88% P4P adjustment)
65 of those employees (25.6%) received a score of "exemplary"	(1.75% P4P adjustment)
2 of those employees (1%) was a late year new hire and received no score	(0% P4P adjustment)

160 Employees were under the Control Point (Market)

9 of those employees (5.6%) received a score of "below target"	(0% P4P adjustment)
39 of those employees (24.4%) received a score of "on target"	(0.88% P4P adjustment)
63 of those employees (39.3%) received a score of "above target"	(1.75% P4P adjustment)
38 of those employees (23.8%) received a score of "exemplary"	(2.63% P4P adjustment)
11 of those employees (6.9%) were late year new hires and received no score	(0% P4P adjustment)

All of the non-represented employees were eligible for a 1.5% general pay adjustment provided their performance was on-target.

76 employees did not receive any P4P for a total increase of 1.5% (general pay adjustment only)

172 employees received an additional .88% P4P for a total increase of 2.38%

128 employees received an additional 1.75% P4P for a total increase of 3.25%

38 employees received an additional 2.63% P4P for a total increase of 4.13%

103 employees out of 399 were rated as "exemplary" (24.9%)

196 employees out of 399 were rated as "above target" (47.3%)

80 employees out of 399 were rated as "on target" (19.3%)

22 employees out of 399 were rated as "below target" (5.3%)

13 employees out of 399 were not rated (new hires) (3.2%)

Sincerely,

Sandy Behnke
HR Director
City of Appleton



"...meeting community needs...enhancing quality of life."

Human Resources Department
100 N. Appleton Street
Appleton, WI 54911
Phone: (920) 832-6455
Fax: (920) 832-5845

May 9, 2014

Chairperson Konetzke and Human Resource Committee Members

Re: 2013 Pay for Performance (P4P) Data

Dear Chairperson Konetzke and Human Resources Committee Members:

I wanted to share some data related to the 2013 Pay for Performance plan that was put into place for non-represented employees to give you all some perspective on the newly adopted pay plan. Our initial data shows the following:

237 Employees were over the Control Point (Market)

13 of those employees (5.5%) received a score of "below target"	(0% P4P adjustment)
76 of those employees (32%) received a score of "on target"	(0% P4P adjustment)
108 of those employees (45.6%) received a score of "above target"	(1% P4P adjustment)
39 of those employees (16.5%) received a score of "exemplary"	(2% P4P adjustment)
1 of those employees (.4%) was a late year new hire and received no score	(0% P4P adjustment)

162 Employees were under the Control Point (Market)

6 of those employees (3.7%) received a score of "below target"	(0% P4P adjustment)
55 of those employees (34%) received a score of "on target"	(1% P4P adjustment)
66 of those employees (40.7%) received a score of "above target"	(2% P4P adjustment)
30 of those employees (18.5%) received a score of "exemplary"	(3% P4P adjustment)
5 of those employees (3.1%) were late year new hires and received no score	(0% P4P adjustment)

All of the non-represented employees were eligible for a 2% general pay adjustment provided their performance was on-target.

101 employees did not receive any P4P for a total increase of 2% (general pay adjustment only)

163 employees received an additional 1% P4P for a total increase of 3%

105 employees received an additional 2% P4P for a total increase of 4%

30 employees received an additional 3% P4P for a total increase of 5%

69 employees out of 399 were rated as "exemplary" (17.3%)

174 employees out of 399 were rated as "above target" (43.6%)

131 employees out of 399 were rated as "on target" (32.8%)

19 employees out of 399 were rated as "below target" (4.8%)

6 employees out of 399 were not rated (new hires) (1.5%)

Sincerely,

Sandy Behnke
HR Director
City of Appleton

**RECRUITMENT STATUS REPORT
UPDATES THRU 5-8-15**

STAFF PERSON	POSITION	DEPT.	Date of Vacancy	RTF Approval Date	# of Openings	STATUS
KIM	Service Person	DPW	4/3/15	3/25/15	1	Resignation of Nick Rogan References and medical pending on final candidate
	Laborer Eligibility List	DPW	Anticipated	6/23/14 4/6/15	2 + Elig List	Medical and references pending on next candidate 1 added to eligibility list
	Inventory Control Clerk	DPW	4/10/15	4/6/15	1	Jason VanRossum starting 5/11/15
	Assistant General Manager	VT	2/2/15	1/9/15	1	Resignation of Sal LaPuma Daniel Sandmeier starting 6/23/15
	PT Bus Driver Eligibility List	VT	2/9/15 6/26/15	1/26/15 Pending	2 + Est. New Elig List	Vacancy of Elizabeth Kirk and Kari Boardman Application deadline date 5/10/15
	PT Service Person	VT	4/20/15	4/15/15	1	Resignation of Chab Vue Application deadline date 5/10/15
	Liquids Operator	Utilities	4/24/15 Mid-2015 (transfer of Corey Dixon)	4/15/15 4/6/15	2	Resignation of Tim DeGroot Application deadline 5/10/15 Applicant testing at Bordini Center
	Operations Foreman	DPW	6/1/15	5/6/15	1	Gary Klein's retirement and the re-assignment of Erick Cardew Internal interviews 5/15/15
	Operator II – Sewer Crew	DPW	5/15/15	Pending	1	Tony Foytik resignation
JAY	Police Officer	Police	N/A	N/A	Elig List	Six candidates ready for PFC and additional Chief interviews in process
	Community Service Officer	Police	NA	3/20/14	3 + Elig List	Backgrounds pending on 3 candidates Two conditional offers extended medicals are pending
	Fire Fighter	Fire	Over-hire 3/2/15	4/1/15 2/3/15	2 + Elig List	Backgrounds pending on 3 candidates
	Library Page (6108)	Library	NA	5/6/15	1 + Elig List	Application deadline 5/17/15
	Help Desk Analyst	IT	1/29/15	2/11/15	1	Michael Race start date 5/18/15
	Battalion Chief – Fire Prevention and Education	Fire	NA (re-organization)	4/1/15	1	Top candidate to Dr. Childs on 5/8/15

TOTAL POSITIONS OPEN = 20 TOTAL ELIGIBILITY LISTS = 6

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 reorganization pending
	Lead CSO	Police	4/16/15	3/24/15	1	Hiring process suspended indefinitely. APD reorganization being proposed
	Administrative Assistant (Half-time)	Health	1/5/15	Pending	1	Request on hold.
KIM	Operator I – Street	DPW	5/1/15	4/15/15	1	Rudy Borneman retirement Will run process in planned order in connection with TO change
	Operator I – Street	DPW	TO Change	TO Change	1	Working with department to fill TO change vacancies in a specific order
	Operator I – Storm Water	DPW	TO Change	TO Change	2	Working with department to fill TO change vacancies in a specific order
	Arborist	DPW	TO Change	TO Change	1	Working with department to fill TO change vacancies in a specific order
	Operations Crew Leader – Street	DPW	TO Change	TO Change	1	Working with department to fill TO change vacancies in a specific order
	Operations Crew Leader – Water (2 nd shift) (position was previously Op II – Water)	DPW	3/5/15 TO Change	TO Change	1	Working with department to fill TO change vacancies in a specific order

TOTAL POSITIONS ON HOLD = 10 TOTAL ELIGIBILITY LISTS = 0

CITY OF APPLETON POLICY	TITLE: RESTRICTED DUTY POLICY	
ISSUE DATE: July 2004	LAST UPDATE: July 26, 2005 June 2009 May 2013 March 2015	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	POLICY APPLICATION: All City Employees	TOTAL PAGES: 9
Reviewed by Legal Services Date: June 2009	Committee Approval Date: February 9, 2005 September 23, 2009 February 6, 2012	Council Approval Date: February 16, 2005 October 21, 2009 February 15, 2012

I. PURPOSE

The purpose of this policy is to establish guidelines for temporary limited term restricted duty assignments and to outline the process and administration of the City's restricted duty program.

II. POLICY

It is the policy of the City of Appleton to allow employees, when possible, the opportunity to work in a limited term restricted duty assignment, where the employee is unable to perform full and regular duty due to an injury, illness, ~~or~~ pregnancy, **childbirth or related medical condition**. The availability of limited term restricted duty assignments is exclusively determined by the City and is not intended to constitute a long-term or permanent assignment.

This policy does not limit the rights of employees to seek reasonable accommodations as provided under the Americans with Disabilities Act (ADA).

III. DISCUSSION

The City is committed to providing work, when possible, for employees who have been restricted by a physician because of an injury, illness, ~~or~~ pregnancy, **childbirth or related medical condition**. Restricted duty is temporary and all assignments must be within the employee's documented medical restrictions. Every effort will be made to place employees in positions within their own departments, but if necessary, employees will be placed wherever an appropriate assignment is available. Restricted duty may be at a different location, with different hours and different duties than performed in the employee's ~~pre-injury/illness~~ **regular** position.

There is no guarantee of restricted duty work. The City of Appleton may not be able to place all employees with work restrictions on restricted duty assignments. The amount and type of restricted duty work may vary from time to time based on the changing needs of the organization, budget, work restrictions, availability of work, and skill level of the employee. Other considerations may include, but are not limited to, whether the employee is taking corrective steps to resolve their medical issue, as well as the employees past pattern of restricted duty usage. Provisions of restricted duty work are at the

discretion of the City of Appleton as it determines is in its best interest at the time. Nothing in this policy shall alter, amend or add to the benefits provided to employees through a collective bargaining agreement or other contractual agreement.

IV. DEFINITIONS

- A. **Restricted duty:** A temporary duty assignment, less arduous than the employee's regular job assignments.
- B. **Work-related injury/illness:** Any injury/illness that occurs in the course of and arises out of employment.
- C. **Non work-related injury/illness:** Any injury or illness that does not occur in the course of or arise out of employment.
- D. **Limited Term Assignment:** A non-permanent assignment of short duration, in which the nature and conditions of such assignment do not permit attainment of permanent status for that assignment.

V. PROCEDURES

- A. Employee:
Employees who are not on worker's compensation and are requesting limited term restricted duty shall submit to their immediate supervisor a completed "Request for Limited Term Restricted Duty" form (Exhibit I) and an "Employee Work Restrictions" form (Exhibit II) completed by the treating physician. The supervisor will sign the acknowledgement and forward to the Human Resources Generalist.
- B. Human Resources Generalist shall:
 - 1. Review the request.
 - 2. Determine if there is a restricted duty work assignment that meets the employee's skills and medical restrictions. When necessary, the employee shall use accrued sick leave or may be placed on medical leave of absence until a request is approved.
 - 3. Contact the employee's supervisor or department coordinator about the availability of restricted duty assignment that meets the employee's medical restrictions within the employee's department. If no work is available within the employee's department, the Human Resources Generalist will search the restricted duty project list for other suitable assignments outside the employee's department.
 - 4. Contact the employee's department director or designee about the availability of a suitable assignment outside the employee's department and obtain approval from the department director or designee for such assignment. The Human Resources Generalist shall also secure approval of the department director or designee of assignments of other city employees to their department.
 - 5. Notify the employee of approval or denial of the request. (Exhibit III)
 - 6. If approved, notify the department coordinator and restricted duty assignment supervisor that an employee is being assigned. (Exhibit IV)

VI. ELIGIBILITY

1. Work-related injury/illness

An employee who has suffered a work-related injury/illness is eligible for limited term restricted duty subject to availability of work, skill level, and documented medical restrictions.

An employee with a work-related injury/illness who is offered and refuses a limited term restricted duty assignment may forfeit wage benefits under the Worker's Compensation Act.

While on limited term restricted duty for a work related injury or illness, employees will continue to receive their regular rate of pay. If an employee is only eligible for part-time work in a restricted duty capacity, the remaining time lost will be paid according to applicable contractual agreements, policy and/or the Worker's Compensation Act.

2. Non work-related injury/illness ~~and~~ pregnancy, **childbirth or related medical condition**

An employee who has suffered a non-work-related injury/illness, ~~or~~ is pregnant **or has a related medical condition** may be eligible for limited term restricted duty subject to availability of work, skill level, and documented medical restrictions.

The maximum time that an employee with a non-work related injury/illness shall be allowed to work on limited term restricted duty is twelve (12) calendar weeks (cumulative) in a twelve (12) month period measured from the date that the limited term restricted duty assignment is approved. The week in which modified duty begins shall count as week one, even if only a partial week was worked on modified duty. All partial weeks of modified duty shall be counted as a full week. A calendar week is defined as Monday through Sunday.

~~The maximum time that an~~ Employees who is pregnant shall be allowed to work on limited term restricted duty ~~is~~ **for** twenty four calendar weeks (cumulative) for each pregnancy, **childbirth or related medical condition**, measured from the date that the limited term restricted duty assignment is approved. The week in which modified duty begins shall count as week one, even if only a partial week was worked on modified duty. All partial weeks of modified duty shall be counted as a full week. A calendar week is defined as Monday through Sunday.

An employee who has concluded his/her maximum allowable time on restricted duty assignment and who is not able to return to full duty, will be placed on medical leave of absence in accordance with contract provisions and/or City policy, and in accordance with the Family Medical Leave Act (FMLA).

While on limited term restricted duty for a non-work related injury/illness or for pregnancy, **childbirth or related medical condition**, an employee may receive a rate of pay different from his/her regular rate. The employee may be paid at a rate that is consistent with the job he/she is performing on restricted duty and not necessarily the employee's regular rate of pay.

D. RESPONSIBILITIES

1. Employee's Responsibilities

- a. All employees are expected to follow their physician's recommendations, medical restrictions, and limitations, at all times, both on and off the job. Any employee, whether on or off duty, who disregards his/her restrictions or engages in conduct inconsistent with those restrictions may be subject to discipline, up to and including discharge.

Under no circumstances shall an employee perform work that is outside of the physician's work restrictions.

- b. Employees are expected to cooperate fully with the City and return to work on either full duty or restricted duty as quickly as possible. Additionally, employees with a work-related injury or illness are expected to cooperate fully with the City's third-party administrator.
 - c. Employees will be required to comply with all other rules and regulations while working on restricted duty assignment.
 - d. Employees are responsible for furnishing a written updated "Employee Work Restrictions Form" of their medical condition to the Human Resources Generalist after each physician's visit or at thirty (30) day intervals from their last physician's visit.
 - e. Employees will be expected to submit a completed "Employee Work Restrictions" form or an equivalent physicians certification form prior to returning to full duty. Employees may be subject to a fit for duty evaluation prior to returning to unrestricted duty.
 - f. Employees are expected to work diligently and efficiently to the best of their ability or assignment may be terminated.
2. Supervisor's Responsibilities
- a. Supervisors shall be responsible for monitoring that employees do not perform work outside of the treating physician's restrictions. This includes monitoring the authorized number of hours the employee is released to work on restricted duty.
 - b. Supervisors are required to maintain strict confidentiality regarding the employee's injury, illness, pregnancy, **childbirth or related medical condition** and/or limitations.
 - c. Supervisors of the department/division that has the restricted duty assignment shall be responsible for the supervision of the employee assigned to perform the assignment.
 - d. Supervisors are responsible for contacting the Human Resources Generalist regarding any problems with performance and/or limitations involving the employee on restricted duty.
 - e. Supervisors are responsible for submitting the appropriate paperwork to the HR Safety Coordinator regarding request for restricted duty assignments.
3. Human Resources Generalist Responsibilities
- a. The Human Resources Generalist shall be responsible for managing the restricted duty program including coordination and priority of restricted duty projects and coordination of a department contact list.
 - b. The Human Resources Generalist shall monitor the length of time an employee is working on restricted duty assignment to ensure compliance with the maximum allowable time for non-work-related and pregnancy, **childbirth or related medical condition** restricted duty assignment.
 - c. The Human Resources Generalist shall ensure that the restricted duty assignment is within the employee's work restrictions.
 - d. The Human Resources Generalist shall be responsible for securing approval from the department director or designee before placing an employee on assignment within their

department and before placing one of their employees on an assignment in another department.

4. Department Coordinator Responsibilities

- a. Each department contact coordinator shall be responsible for timely response to the HR ~~Safety Coordinator~~ **Generalist** in updating the restricted duty project list and shall keep the Human Resources Generalist informed on the status of restricted duty projects.
- b. Each department coordinator shall be responsible for coordinating an employee's assignment to restricted duty within their respective departments. This shall include working with the supervisor of the restricted duty assignment and forwarding a copy of the Department Notification of Restricted Duty Assignment form (Exhibit IV) to the supervisor.

5. Department Director or designee responsibilities

- a. Department directors or designees shall be responsible for approving all restricted duty requests for their employees.
- b. Department directors or designees shall be responsible for approving assignments of other city employees to their department.

E. PRIORITY OF ASSIGNMENT

Requests for limited term restricted duty assignments will be prioritized based on the following:

1. Work-related injury/illness,
2. ~~Pregnancy~~
3. Non work-related injury/illness, **pregnancy, childbirth or related medical condition**

Employees already working a limited term restricted duty assignment may be displaced from an assignment to accommodate a subsequent work-related request for limited term restricted duty assignment. Assignment of limited term restricted duty shall be at the discretion of the Human Resources Department.

An employee working restricted duty assignment will stay on restricted duty, provided there is restricted duty work available until one of the following:

- The restricted duty assignment is completed.
- The employee is released to full duty by the treating physician.
- The physician determines that the employee is permanently disabled from performing their job.
- The employee has reached the maximum time allowed for restricted duty assignment.

F. RETURN TO WORK

Prior to returning to work, the employee may be required to undergo a fit for duty examination with a doctor chosen by the City or may be required to sign an authorization allowing the City physician to speak with the employee's treating physician. This decision will be at the sole discretion of the employee's Department Director and Human Resources Director.

The employee must have his/her physician complete the "Employee Work Restriction" form (Exhibit II) or equivalent form indicating that the employee is able to return to work without restrictions. This form must be submitted to the employee's supervisor prior to returning to work. The supervisor will forward a copy to the Human Resources Generalist.

EXHIBIT I
REQUEST FOR LIMITED TERM RESTRICTED DUTY

TO: Supervisor/Human Resources Generalist

FROM:

DATE:

I am requesting limited term restricted duty. With this request, I am providing a physicians certification, which outlines my limitations/abilities and possible duration.

While working in restricted duty status, I understand the following rules will apply:

1. While on limited term restricted duty, my assignment will depend on the work available and the nature of my injury/illness. My work week/hours may be adjusted to facilitate this duty assignment. The City reserves the right to discontinue limited term restricted duty assignments at any time.
2. I will follow all applicable City Policies and departmental rules and regulations while working in a limited term restricted duty capacity. This shall include reporting time worked, reporting timely to work, reporting any medications that I may be on, etc...
3. I will follow all the physician's recommendations, medical restrictions and limitations at all times both on and off the job.

I have read the above as well as the Restricted Duty Policy, and agree to limited term restricted duty status as outlined in both. I further understand that this arrangement is temporary and is an accommodation for my temporary medical restrictions.

Signed: _____

Date: _____

Name: _____
(print)

Supervisor Acknowledgement _____

Date _____

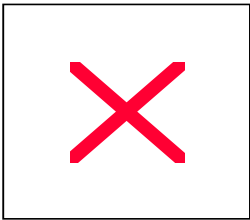


EXHIBIT II EMPLOYEE WORK RESTRICTIONS

Patient Name: _____

Current Job: _____

Physician Name (please print): _____

Phone: _____ Fax: _____

Date you saw patient: ____-____-____ Time In: _____ Injury Date: ____-____-____

Patient Description of
Injury: _____

Diagnosis: _____

Treatment: _____

Prescription strength meds orders ☐ Yes ☐ No. Meds: _____

Plan: _____

DISPOSITION: 1. ☐ Patient is unable to work at this time.
2. ☐ Recommend his/her return to work with no limitations on (DATE): _____
3. ☐ He/She may return (DATE) _____ with a daily time limitation of _____
and/or with the following limitations until _____ or until re-evaluation on _____.

Part Time ☐ 1st Shift ☐ Sun. ☐ Thurs. ☐

Full Time ☐ 2nd shift ☐ Mon ☐ Fri. ☐
Seasonal ☐ 3rd shift ☐ Tues ☐ Sat ☐
Temporary ☐ Swing ☐ Wed ☐
Next scheduled work day ____ Shift ____
Shift Supervisor: _____

CHECK ONLY AS RELATES TO ABOVE CONDITION

☐ **SEDENTARY WORK.** Lifting 10 pounds maximum and occasionally lifting and/or carrying such articles as dockets, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required only occasionally and other sedentary criteria are met.

☐ **LIGHT WORK.** Lifting 20 pounds maximum with frequent lifting and/or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree or when it involves sitting most of the time with a degree of pushing and pulling of arms and/or leg controls.

☐ **LIGHT MEDIUM WORK.** Lifting 30 pounds maximum with frequent lifting and/or carrying of objects weighing up to 20 pounds.

☐ **MEDIUM WORK.** Lifting 50 pounds maximum with frequent lifting and/or carrying of objects weighing up to 25 pounds.

☐ **LIGHT HEAVY WORK.** Lifting 75 pounds maximum with frequent lifting and/or carrying of objects weighing up to 40 pounds.

☐ **HEAVY WORK.** Lifting 100 pounds maximum with frequent lifting and/or carrying of objects weighing up to 50 pounds.

OTHER INSTRUCTIONS AND/OR LIMITATIONS:

	N	O	F	C	
Sitting/Driving					Lab Work Yes ___ No ___
Standing/Walking					
Climbing					X - Rays Yes ___ No ___
Bending					
Kneeling/Squatting/Crawling					
					R L BIL
Reaching-Horiz./push-pull					
Reaching-Vert./above shoulder					
Gross Handling					
Finger Manipulation					
Single Grasping					
Repetitive Foot Movement					

SCHEDULED APPOINTMENTS:

SCHEDULED APPOINTMENTS:

☐ Referral ☐ Clinic _____ Date: _____ Time: _____ ☐ Referral ☐ Clinic _____ Date: _____ Time: _____

Time Out: _____ ☐ Called Employer Date _____ Signature _____

I hereby authorize my attending physician and/or hospital to release any information or copies thereof acquired in the course of my examination or treatment for the injury identified on this form to my employer or his representative.

PATIENT'S SIGNATURE

Date

PHYSICIAN'S SIGNATURE

Date

EXHIBIT III

**RESPONSE TO
EMPLOYEE REQUEST FOR
LIMITED TERM RESTRICTED DUTY ASSIGNMENT**

Employee Requesting Restricted Duty: _____

Employee Department: _____

I have received your release to restricted duty dated _____. The City of Appleton currently **does/does not** have work available that meets the restrictions placed by your physician.

You should report to _____, _____ at _____ on _____.
(person) (location/site) (time) (date)

Your work schedule shall be _____ to _____ from
(day of week) (day of week)

_____ to _____. Your rate of pay will be \$_____/hour.
(start time) (end time)

This assignment will include but may not be limited to :

At this time I anticipate this assignment to be available until _____. Extensions or future assignments will be evaluated as your restrictions are updated from your physician. Per the Restricted Duty Policy you are eligible for a maximum of _____ months of restricted duty.

If you have any questions please feel free to call me at 832-6458.

Human Resources Generalist _____ Date: _____

Employee Acceptance: _____ Date: _____

Department Director's authorization: _____ Date: _____

(or Designee)

cc: Department Contact
Supervisor

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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.

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

CITY OF APPLETON PERSONNEL POLICY	TITLE: PUBLIC RECORDS POLICY	
ISSUE DATE: 2010	LAST UPDATE:	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	AUDIENCE: All Employees & Volunteers	TOTAL PAGES: 10
Reviewed by Attorney's Office Date: April 2010	Finance and Administration Committee Approval Date: June 23, 2010	Council Approval Date: July 7, 2010

I. PURPOSE

To establish guidelines and processes regarding identification, retention and dissemination of public records.

II. DISCUSSION

A representative government is dependent upon an informed electorate. It is the City of Appleton's policy that all persons are entitled to the greatest possible information regarding the affairs of their government and the official acts of those officers and employees who represent them. Further, providing persons with such information is an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information.

Therefore, the City of Appleton does hereby adopt and incorporate, as though fully set forth herein, the provisions of Wisconsin's Public Records Laws, sec. 19.31 through 19.39, Wisconsin Statutes, inclusive of all future amendments and revisions to such sections of the Wisconsin Statutes. The following provisions are intended to supplement, not to replace, or to supplant, the Wisconsin Public Records Laws or the provisions of State Statute 43.30 regarding Library records. (Please note: for purposes of this policy as it applies to Library records, when the City's ~~Technology Services~~ **Information Technology** Director is referenced, this title shall be replaced with the Library's Network Services Supervisor.) Information regarding release of personnel information can also be found in the City of Appleton Records Retention Policy. In addition, information about retention and dissemination of specific department documentation (e.g., Police reports) can be found in individual City departmental policies.

Violations of this policy will result in discipline, up to and including termination of employment.

III. ROLES & RESPONSIBILITIES

A. Records Custodians and Alternate Custodians

- 1. Role:** While Wisconsin State Statute sec. 63.09 (11)(a) makes the City Clerk the physical custodian of many records, for purposes of this policy, a custodian is an officer, department head or division head of the City of Appleton who is designated by the Mayor to keep and preserve

public records, or who is required by law to file, deposit, or keep such public record in his/her office, or is lawfully in possession or lawfully entitled to possession of public records. The City Clerk is the legal custodian of the records of the Common Council and for all Common Council boards, committees, and commissions. Each alderperson shall be the custodian of their individual official records, such as their correspondence, memorandums, and e-mail. For every department or division, the Department Director is the custodian of records for their agency. Every custodian of records shall designate ~~in writing~~ one or more employees to act in his or her absence as an alternate custodian of such records.

2. **Responsibilities:** Custodians are vested with full legal power to render decisions and carry out the duties of the City under this policy. Each custodian shall establish a procedure for handling records and shall see that all of their employees entrusted with records are informed of these procedures. If a custodian has any question about granting or denying a request to inspect or copy any record, he or she should consult with the **Legal Services Department City Attorney**.

~~Each custodian and alternate custodian shall receive training regarding public records laws as soon as practicable upon receiving these duties. Custodians and alternate custodians are personally responsible for keeping current with any developments or advancements in records keeping and the Wisconsin Public Records Laws.~~

B. Procedures

All requests for public records should be forwarded to the departmental custodian or his/her alternate within 24 hours of receipt. When request is received, the Custodian/Alternate should follow these steps (see Exhibit 1):

1. DETERMINE THE RESPONSE TO THE REQUEST

The Wisconsin Public Records Law dictates that certain actions must be taken with regards to oral requests for records and those certain more formal actions are taken in response to written requests for records. However, the state law does not expressly state how to respond to the following methods of communication. Therefore, requests made by the following means shall be responded to as follows:

a. E-mail

A request made by e-mail may be responded to via e-mail or in writing and shall have all of the formalities as though the request was made in writing.

b. Voice-mail

A request made by voice-mail shall be responded to as though it were made orally.

c. Instant Messaging/Text Messaging

A request made in either such manner shall be treated as an oral request.

2. TREAT CERTAIN DATA AS RECORDS

The Wisconsin Public Records Law provides little or no guidance as to whether the raw and perishable data of the following technologies qualify as records that must be maintained.

Therefore the Common Council determines the following status of these technologies:

a. E-mail

The data in an e-mail message may constitute a public record and is subject to maintenance as a public record. The data in an e-mail is subject to the same analysis under the public records statutes as an equivalent paper or hard copy record. The ~~Technology Services~~ **Information Technology** Director is responsible for ensuring that all e-mails are properly preserved for such analysis.

Special Rules Regarding Reproduction of E-mail Records

i. Reproducing E-mails Dated Earlier than December 31st, 2007

E-mails dated December 31st, 2007 or before, and all current and past email sent or received through the Library's email server, are not stored in an archive. The restoration and location of these e-mails is difficult and labor intensive, and in some cases not possible. Such requests often take more than thirty (30) days to comply with due to labor and technical issues. Custodians who receive requests for these records should inform the requestor of these issues. Such requests must be immediately forwarded to the ~~Technology Services~~ **Information Technology** Director who may prepare an estimate of the actual, necessary, and direct cost of locating such records and whom shall provide technical assistance to the custodian.

ii. Reproducing E-mails Dated January 1st, 2008 or later

All City of Appleton e-mail transactions dated January 1st, 2008 or later have been preserved in a searchable data archive. When requests are made for such records, custodians should clarify with the requestor, the various search terms, and e-mail boxes that the requestor would have the City search for. Once the requestor has specified search terms, the custodian should contact the ~~Technology Services~~ **Information Technology** Director for technical assistance in fulfilling the request.

iii. E-mail chains

E-mails are often sent to multiple recipients. A requestor will be provided with one copy of such an e-mail and all responses to that e-mail. Unless a requestor specifically requests otherwise, they will not be provided with multiple copies of such an e-mail showing receipt by each of the designated e-mail recipients.

b. Voice-mail

A voice-mail message is not a public record and voice-mail messages do not have to be maintained as public records. These messages are the functional equivalent of phone conversations which are not public records. Additionally, these messages also share many of the attributes of "personal notes" which are not public records either. Finally, these messages cannot be indexed or maintained in any manner that would allow for their easy classification, searching, or retrieval.

c. Instant Messaging (IM)/Text Messaging (TM)

The data involved in IM/TM communications is not subject to maintenance as a public record. IM/TM has all of the attributes of instantaneous exchange of ideas, as does a regular telephone conversation. Furthermore, the data exchange has the same technological issues as to capturing and storage of data that is present with regards to voice-mail with an additional concern - the raw data is often only briefly stored or not stored at all by the third party vendors or hosts that provide these services. Thus, this technology is even closer to a true telephone conversation than are voice-mails. Therefore, City employees and officials shall refrain from using such services for official communications purposes or for matters that would result in a public record if another format such as e-mail or written communications were employed, unless the employee or official preserves a copy of such communications by either copying them to their e-mail account, downloading the communications to their City computer, making a computer file of the communications or by printing and retaining a copy of such communications.

d. Voice Over the Internet Protocol (VOIP)

The City does not monitor nor record the data associated with the conversations that occur over VOIP. Such conversations are the very same real time voice communications as standard telephone conversations that are not public records. The only difference between these communications is the medium employed in transmitting the voice communications from one participant in the conversation to all others involved in the conversation.

e. Audio, Video, Data Transmissions & Communications

Although audio, video, data and radio transmissions and communications may be processed through City computers, the City does not routinely copy the data nor maintain records of such communications. Whenever the City copies, records, or maintains copies or recordings of such communications or transmissions, those copies may constitute public records that are subject to records requests and which must be maintained according to the appropriate records retention schedule. The Outagamie County 9-1-1 center is the custodian for police and fire radio communications.

f. Audio/Video Recordings

Unless otherwise provided herein, public records are subject to requests and must be maintained according to the retention schedules published herein.

i. Rewritable Recording Systems

Those systems where the recordings are routinely overwritten by newer recordings, such as in continuous loop videotape or digital video written to a camera's hard drive or memory, such data does not constitute a record unless it is further downloaded, printed or separately preserved to memorialize some event or proceeding. Until such time as these recordings are downloaded, printed, or separately preserved, these recordings do not have to be preserved and, as the recording equipment programs/protocols may dictate, can be overwritten, erased or otherwise destroyed. However, if such data is downloaded, printed, or separately preserved it shall be treated as a record and shall be retained in accordance with the retention schedules.

ii. Recordings made for the purpose of preparing minutes of meetings

In accordance with sec. 19.21(7), Wis. Stats., any tape recording of a meeting, as defined in sec. 19.82(2), Wis. Stats., by any City body as defined by sec. 19.82(1), to include each City board, commission and committee, may be destroyed, overwritten, or recorded over no sooner than ninety (90) days after the minutes have been approved and published if the purpose of the recording was to take minutes of the meeting.

g. Electronic Document Files

Where records, as that term is defined in sec. 19.32(2) Wis. Stats., exist in an electronic format only, such electronic records shall be maintained according to the appropriate retention schedule. Where both hard copy (i.e., paper) and electronic copies of a record exist they shall each be subject to public records requests. However, when the custodian has designated electronic records as the official records, only the electronic copy shall be retained and made available for inspection under the public records laws. Where the custodian has not made such a designation, only the hard copy shall be subject to inspection as a public record and the electronic copies shall be treated and disposed of as draft documents that do not need to be maintained beyond creation of the final hard copy.

h. Electronic logs/Temporary data files

These logs and temporary data files provide detailed information about the design and functionality of the City's computer network. These logs are routinely overwritten on a daily basis due to the high volume of traffic that is being logged. Unrestricted access to these logs and files would constitute a breach of system security and leave the system vulnerable to exploitation and hacking. In order to ensure network security, these logs are available to ~~Technology Services~~ **Information Technology** Director's authorized staff only. These determinations apply to the following types of logs and data files:

i. Syslogs for network electronic devices

All logs created by network devices such as firewalls, routers, switches, etc., which are used for monitoring and trending computer network traffic patterns and/or detecting unauthorized network traffic.

ii. Network server security, application and event logs

These logs are used to monitor activity on City network servers including successful/unsuccessful login attempts, file system access, hardware performance, etc. These logs provide detailed information about City network account ID's, file system structure, and hardware profiles.

iii. Network security appliance logs

All logs created by network security devices such as the anti-virus appliance, anti-SPAM appliance, content filtering appliance, etc., which are used to monitor specific types of unauthorized or malicious traffic on the city network. These logs identify specific network traffic patterns and/or protocols that are allowed or disallowed on the city network.

iv. Application logs

These logs are used to monitor activity on various database applications, but do not

contain specific audits of database transactions. These logs can contain version information, program variables and programming logic.

i. Emerging Technologies and Records Retention

As new information technologies emerge the ~~Technology Services~~ **Information Technology** Director shall evaluate these technologies and their benefit to City operations. The Director shall consider whether any of these technologies provide the capacity to archive public records created by these technologies. Whenever it is economically and practically feasible to archive records created by such technologies, archiving shall be incorporated into any deployment of the technologies. Whenever the technologies do not provide for such archiving capabilities, the ~~Technology Services~~ **Information Technology** Director shall consider whether the benefits of employing such technologies outweigh the risks that some public records may not be retained by deployment of such technologies. Where such benefits outweigh these risks City employees shall refrain from using such technologies for official communications purposes or for matters that would result in a public record if another format such as email or written communications were employed. In the event that such technologies are used for such communications purposes, the employee shall preserve a copy of such communications by either copying them to their e-mail account, downloading the communications to their City computer, making a computer file of the communications or by printing and retaining a copy of such communications. The ~~Technology Services~~ **Information Technology** Director shall also ensure that, as soon as practical and economically feasible, archiving systems are obtained for any information technology that is deployed without an archiving system.

j. Use of Technologies to Avoid Duty to Preserve Public Records Prohibited

No City employees or volunteers shall use or employ any form of communications or information technology with the intent or design to circumvent the records retention requirements of this ordinance. For example, Text Messaging shall not be used in lieu of e-mail to share or create a public record above. In addition, City officials (e.g., alderpersons) shall not use personal e-mail accounts in lieu of City-supplied e-mail accounts for official City business communications.

3. PROVIDE ACCESS TO RECORDS AND COLLECT FEES

a. Identify Format for Delivery of Records

Except as otherwise provided by law, any requester may receive or inspect a record in the very same format in which the City maintains the record. However, whenever it is necessary to redact or excise portions of a record in order to comply with the Wisconsin Public Records Laws, the redactions shall be made with the assistance of the ~~Technology Services~~ **Information Technology** Department. Whenever electronic redaction or excisions cannot be done in a secure manner that preserves such redactions and prevents the viewing of the redacted information, then such redactions should be made by hand, not electronically, and the requestor shall only receive a hard copy of the redacted record. **The review of all requests for copies of records shall be made by the custodian of the record or designee. A requestor may not use a smart phone, camera or other device to copy or photograph records.** A requestor may not be charged for the time necessary to review a record and to redact or excise non-releasable materials.

b. E-mail Records

When practicable, records may be e-mailed to the requestor. In order to ensure the integrity of City records, any e-mailed document shall be converted to a secure format prior to sending the document to anyone outside of the City government. There shall not be any reproduction charge for e-mailing records; however, such records may still be subject to payment of a location fee as established in sec. 19.35(3)(c), Wis. Stats.

c. Collect Fees

i. Reproduction Fees

To the extent possible, the ~~Technology Services~~ **Information Technology** Director and the Finance Director shall develop a uniform fee schedule for the reproduction of records that shall be used by every department and division. Such schedule shall include the following provisions and considerations:

- a.) Fees imposed upon records requestor may not exceed the actual, necessary and direct costs of reproducing and/or transcribing of the record, unless a fee is otherwise specifically established or authorized by state or federal law.
- b.) If the record exists in such a format that it cannot be easily reproduced, such as a mock-up of a building, then the custodian may photograph the record and may charge the requestor for the actual, necessary, and direct costs of such photographing and photographic processing.
- c.) The fee schedule for photocopying records shall be:

No charge for copying records of which in the normal course of business ten (10) or more copies are made, such as agendas, minutes and reports;

Full cost of reproduction for materials such as films, tapes, computer printouts, etc. not otherwise identified in the schedule developed under this subsection. In such cases, the department/division head who is the records custodian, in consultation with the Director of Finance, must determine the costs for reproduction of such records. The determination of these costs shall be made by utilizing a practice or factors that are as uniform as practicable across City departments/divisions.

ii. Other Fees

a.) Location Fee

If the cost of locating a requested record is fifty dollars (\$50) or more, the requester shall pay the full cost, as determined by the department or director. Such cost shall not exceed the actual, necessary and direct cost of locating such record. Whenever it is determined that such location costs will exceed fifty dollars (\$50), the requestor shall be required to post a deposit with the custodian that is equal to the reasonable good faith estimate of such costs.

b.) Mailing Fee

Custodians shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or record that is mailed or shipped to the requester.

iii. Fee Waivers

A custodian may provide copies of a record without charge or at a reduced charge where the department director determines in writing that waiver or reduction of the fee is in the public interest.

iv. Prepayment of Fees

Custodians may require prepayment by a requester of any fee or fees imposed if the total amount exceeds five dollars (\$5) and a custodian shall require prepayment by a requester of any fee or fees imposed if the total amount exceeds fifty dollars (\$50). If prepayment is required, the custodian shall not process the request until such prepayment has been posted with the custodian.

4. TIME FOR COMPLIANCE AND RESPONSE TO REQUESTS

a. Time

The fulfillment of public records requests is a high priority for the City. Therefore, each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of her/his determination to deny the request in whole or in part and the reasons therefore. If a request may take more than ten (10) business days to process, then the custodian must respond to the requestor within those 10 days with an estimate of when such processing shall be completed and an explanation of the reasons supporting that estimate.

b. City Attorney Consultation Required

Before any custodian may deny access to any records or portion thereof, the custodian must consult with the City Attorney. Such consultation shall occur as soon as practicable after the custodian has assembled and reviewed the requested record. In any response to a requestor, the custodian shall include a statement that he or she consulted the City Attorney regarding the denial of access to any records. Any denial of access made by a custodian without such consultation and statement is not considered a response from the City of Appleton.

5. DO NOT DESTROY RECORDS - NO DESTRUCTION OF RECORDS WHILE A REQUEST IS PENDING OR WHILE A DENIAL OF A REQUEST IS BEING APPEALED.

No custodian may destroy any record at any time after the receipt of a request for inspection or copying of the record until after the request is granted or until at least sixty (60) days after the date that the request is denied. If any legal action is pending regarding or related to the record, the record may not be destroyed without the express authorization of the City Attorney. No record that is the object of or which has been produced pursuant to a discovery order or a subpoena may be destroyed without the express consent of the City Attorney.

No record may be destroyed that has been identified as, or that may have value as, evidence in

any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.

6. RETAIN RECORDS - RETENTION SCHEDULES

The City, in accordance with sec. 19.21(4)(b) and 16.61(3)(e). Wis. Stats. adopts the following records retention schedules. (Note: the Appleton Public Library shall follow its own records retention schedule set 2/27/2006.)

a. Retention Schedule For Records Created Prior to June 1, 2010

All records created or maintained prior to June 1, 2010 shall continue to be preserved in accordance with the records retention schedules existing at the time the records were created.

b. Retention Schedule For Records Created June 1, 2010 and thereafter

For all records created June 1, 2010 and thereafter, the City Clerk, in consultation with the City Attorney, shall develop the City of Appleton's Records Retention Schedule and such records shall be maintained in accordance with the provisions of that schedule. Such schedule must be approved by the Wisconsin Public Records Board. In the event that such a records retention schedule is not approved by the Wisconsin Public Records Board, all previously adopted City records retention schedules shall remain in full force and effect until such time as a records retention schedule is adopted in accordance with this subsection.

c. Compliance with Federal or Other Retention Requirements

Notwithstanding the City of Appleton Records Retention Schedule set forth above, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.

d. Offer of Records to State Historical Society before Destruction

The City is required to offer all obsolete records to the State Historical Society in accordance with sec. 19.21(4)(a), Wis. Stats., prior to destruction of those records. The ~~Technology Services~~ **Information Technology** Director or any department/director may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value.

Any City officer, or the director of any department or division of City government may, with the approval of the Mayor, and after consulting with the ~~Technology Services~~ **Information Technology** Director, retain and preserve public records in his/her possession by means of microfilm, or another reproduction method, optical imaging or electronic formatting. Such records shall meet the standards for photographic reproduction set forth in sec. 16.61(7)(a) and (b), Wis. Stats. (2001-2002 Wis. Admin. Code § PR 1 (current through Wis. Admin. Reg. No. 467, Nov. 1994) and Wis. Admin. Code § Adm. 12 (current through Wis. Admin. Reg. 554, Feb. 2002)). Such records shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and this policy.

The original hardcopy of any document or record which has been converted to and which is also maintained as a microfilm, optical imaging, electronic formatting, or other reproduction in accordance with this section may be destroyed in compliance with this policy.

PROCEDURES

for records not specifically identified by Chapter 19 in the Wisconsin State Statutes

1. Determine the Response to the Request

<u>How Requested</u>	<u>Response</u>	<u>Considerations</u>
By e-mail	Via e-mail or in writing	Should have all formalities as though the request was made in writing
By voice-mail	Responded as though it were made orally	
By Instant or Text Messaging	Treat as an oral request	

2. Treat Data as Records:

	<u>Action Needed</u>	<u>Considerations/Notes</u>
Email - Dated earlier than 12/31/07	Immediately forward requests to TS Director	Not stored in archive
Email - Dated 1/1/08 or later	Requestor should specify terms of search, then custodian should contact the TS Director for technical assistance.	Preserved in a searchable data archive
Email chains	Treat as email (noted above)	Requestor will not be provided with multiple copies of such an email showing receipt by each of the designated email recipients
Voice-mail	Do not need to be retained	Do not need to be maintained as they are recorded
Instant Messaging (IM)/Text Messaging (TM)	Do not need to be retained.	Not subject to maintenance as a public record
Voice Over the Internet Protocol (VOIP)	Do not need to be retained	Not monitored or recorded – similar to standard telephone
Audio, Video, Data Transmissions & Communications	If copied or recorded, maintain as a public record and according to records retention schedule	Not routinely copied or maintained
Audio/Video Recordings	Recordings made for purpose of preparing minutes of meetings: may be destroyed, overwritten, recorded over no sooner than 90 days after minutes are approved & published	Rewritable Recording Systems: Not constituted as a record unless downloaded, printed or separately preserved
Electronic Document Files	Maintained according to appropriate retention schedule.	If both electronic and paper copies exist, they shall each be subject to public records request.
Electronic logs/Temporary data files	Contact TS Director if requested	<ul style="list-style-type: none"> • Routinely overwritten on a daily basis • TS Director's authorized staff to have access only
Emerging Technologies and Records Retention	If technologies are used for City communication purposes, copy them to e-mail account, download to City computer, make computer file, print and retain	TS Director will determine which technologies outweigh the risks that some public records may not be retained by deployment of such technologies.
Use of Technologies to Avoid Duty to preserve Public Records Prohibited	Do not use any form of communications with the intent to circumvent the records retention requirements	Ex: Text messaging not to be used in lieu of e-mail to share or create a public record

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	<u>Action Needed</u>	<u>Considerations/Notes</u>
E-mail - Dated earlier than 12/31/07	Immediately forward requests to IT Director	Not stored in archive
E-mail - Dated 1/1/08 or later	Requestor should specify terms of search and contact the TS Director for technical assistance.	Preserved in a searchable data archive
E-mail chains	Treat as e-mail (noted above)	Requestor will not be provided with multiple copies of such an e-mail showing receipt by each of the designated email recipients
Voice-mail	Do not need to be retained	Do not need to be maintained as they are recorded
Instant Messaging (IM)/Text Messaging (TM)	Do not use for official communications purposes	Not subject to maintenance as a public record
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Emerging Technologies and Records Retention	If technologies are used for communication purposes, copy them to e-mail account, download to City computer, make computer file, print and retain	IT Director will determine which technologies outweigh the risks that some public records may not be retained by deployment of such technologies
Use of Technologies to Avoid Duty to Preserve Public Records Prohibited	Do not use any form of communications with the intent to circumvent the records retention requirements	Ex: Text messaging not to be used in lieu of e-mail to share or create a public record

CITY OF APPLETON PERSONNEL POLICY	TITLE: Moving Expenses	
ISSUE DATE: November 3, 1999	LAST UPDATE: October 18, 2000 March 7, 2005 June 5, 2009 May 2011 June 2011	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	AUDIENCE: Non Represented Employees	TOTAL PAGES: 2
Reviewed by Attorney's Office Date: October 21, 1999 —— June 8, 2009	Committee Approval Date: October 28, 1999 -February 28, 2007 -September 23, 2009 -May 9, 2011	Council Approval Date: November 3, 1999 March 7, 2007 October 21, 2009 May 18, 2011

I. ——— PURPOSE

The purpose of this policy is to identify the circumstances where employees may receive moving expenses.

II. ——— POLICY

——— Moving Expenses

The City shall participate in the cost of moving newly appointed Department heads who are required to establish and maintain residency the City of Appleton:

This policy may be extended to other positions upon the recommendation of the Director of Human Resources and the approval of the HR Committee and the Common Council.

III. ——— DISCUSSION

The extent of the City's participation in such costs shall be determined by the Director of Human Resources on a case by case basis, but shall not exceed the cost of packing, moving, and unpacking the furniture, appliances and personal effects of the employee and his/her family. Moving costs for the following shall not be included unless specifically authorized by the Human Resources Committee:

Motor Vehicles
Trailers
Fire Wood
Recreational Vehicles
Boats

~~In addition to payment for the pack and move, the Director of Human Resources shall be authorized to pay an \$800 stipend for miscellaneous travel and temporary housing expenses. The stipend is considered taxable earnings and will be reported on the employee's W-2 form.~~

~~It will be understood that when the City of Appleton has paid for moving related expenses, the employee will be expected to continue employment for a period of one year. When an employee voluntarily ends employment prior to one year from the date of the move, the City of Appleton will require repayment of the moving expenses on a pro-rated basis. The pro-ration will be based on the number of full months worked.~~

~~IV. PROCEDURES~~

~~The employee will be required to obtain and provide to the Director of Human Resources three estimates for moving expenses. The employee may select a mover of choice; however, the reimbursement amount will not exceed the lowest estimate. Upon selecting a mover, the employee shall inform the Director of Human Resources. The Human Resource Department will contact the vendor and arrange for a direct bill to the City of Appleton.~~

			HR Committee Working Action Agenda					Revision Date: 5/11/2015
Budget / Action Category	Project	Status	Projected Resolution Date	Dates Critical	Process Point	Committee/Council Accountability	Action Needed	NOTES
					*Pending *Stalled	*Active *Complete	*Informational *Direction *RATIFICATION	Note: Items involving contract negotiations or arbitrations may need closed session discussion prior to Committee and Council action.
14010 General Administration:								
Compensation Plan:	Reconvene Compensation Team-Review of plan	Open	12/31/2015		Active		Informational	Team meeting to review plan and to discuss enhancements to administration of the plan
PE System Implementation								
	Performance Management System:	Open			Active		Informational	Ongoing training and enhancement of PE system
								Work through technology issues
Health Care Reform	Health Insurance Planning and Administration:	Open		9/30/2015	Active		Informational	Meeting with Finance on forecast projections.
Employee Clinic	Discussion with Outagamie County and Appleton Area School District about an employee clinic	Open	12/31/2015	Ongoing	Active		Ratification	Presentations by 2 Provider groups and 2 Independent groups were held last week-starting process for ROI information
Plan Design	Discussion future benefit design and modifications	Open	12/31/2015	9/30/2015	Active		Ratification	Introducing Biometric testing incentives. 2016-Employee only, 2017 and 2018-EE and Spouse and 2019-Results. Proposal to Council later this year for approval
							Informational	Urgent care and Smart Choice MRI
Policy Updates:								
	Accident Reporting and Investigation	OPEN	12/30/2015		Active		Ratification	HR Staff Reviewing
	Attendance	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	FLSA	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	FMLA	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	Media Relations	OPEN	12/31/2015		Active		Ratification	HR Staff working with Communications Coordinator
	Moving Expense	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	Public Records	OPEN	12/30/2015		Active		Ratification	HR Staff Reviewing
	Right to Know	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	Telecommuting	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	Training and Development	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	Travel	OPEN	12/31/2015		Active		Ratification	Waiting for new form (Finance)
	Volunteers	OPEN	12/31/2015		Active		Ratification	HR Staff Reviewing
	Identity Theft	OPEN	12/31/2015		Active		Ratification	Finance Staff Reviewing
	Voluntary Benefits:							
	Deferred Compensation Benefit	OPEN	12/31/2015		Active		Informational	Advisory Team #3-April 14, 2015

Budget / Action Category	Project	Status	Projected Resolution Date	Dates Critical	Process Point	Committee/Council Accountability	Action Needed	NOTES
	Identity Theft Insurance	OPEN	12/31/2015		Active		Informational	Not pursuing at this time
	Accident, Disease, Critical Care Insurance	OPEN	12/31/2015		Active		Informational	Pursuing Accident Insurance for employees
14020 Recruitment:	Recruitment Processes	OPEN	ONGOING		Active		Informational	Please refer to the Recruitment Status Report
	Vacation Exceptions	OPEN	ONGOING		Active		Informational	Facilities Manager - Mike Dietzen hired with 5 years service.
								Engineering Technician - Kurtis Geiger for 2015 given 10 days vacation
								Deputy Director PRFM - Thomas Flick hired with 8 years of service.
								Engineering Technician - Josh Felhofer for 2015 given 10 days vacation
								Assistant GM (VT)-Daniel Sandmeier hired with 5 years of service credit.
14030 Labor Relations:								
	Labor Relations:							
Valley Transit (Teamsters)	Valley Transit:							Settled through 2016
Police (APPA)	Appleton Professional Police Association:							Settled through 2016
Fire (IAFF)	Appleton Professional Fire Fighters-Local #257:							Settled through 2016
14040 Staff Development and Training:								
	Training and Staff Development	OPEN	ONGOING		Active		Informational	Please refer to the 2015 Budget for objectives
	HealthSmart Initiatives	OPEN	ONGOING		Active		Informational	Will discuss 2015 objectives with Committee