

**Village of Shorewood Hills**  
**Personnel Committee**  
Meeting Minutes - DRAFT  
Tuesday, May 9, 2023 – 5:00 pm  
Location: Virtual via Zoom

1. **Call to Order:** Chair Shabnam Lotfi called the meeting to order at 5:01 pm. Members present: Ms. Lotfi, Laura Stephenson, Greg Lampe, Erica Moeser and Revere Greist. Members absent: Mary Gulbrandsen and Cokie Albrecht. Also in attendance: Village Administrator Sharon Eveland and Administrative Services Coordinator David Sykes.
  - a. **Note compliance with open meeting law:** Ms. Eveland confirmed the meeting had been properly posted.
  
2. **Public Forum** – This is an opportunity for community members to speak to the Personnel Committee. No discussion may occur at this time except that a committee member may request to add an item to the agenda in the future. Speakers may be limited to three minutes: No public comments.
  
3. **Approval of Minutes**
  - a. **April 11, 2023:** There was a questions about a change to the February 2, 2023 minutes regarding who requested a change related to item #5 (personnel manual revisions). The recording of the meeting will need to be reviewed. Approval of the April 11, 2023 minutes was deferred until the next meeting.
  
4. **Administrator Update – Personnel vacancies, recruitments, recent starts**

Ms. Eveland reported a DPW Crewmember position remains open. We only received two applications and neither had any public works experience. She will work with the Public Works Superintendent to repost the position. Two new police officers started training at the end of April and that the Police Department is fully staffed for the first time in several years.
  
5. **Personnel Manual Revisions**
  - a. **Questions on changes from previous meeting:** The Committee reviewed the changes made to the 200- and 300-series policies at the last meeting. No further changes were suggested.
  - b. **All 400-series policies:** The Committee policies 401, 403 and 405. There was some discussion about the date set for the “Spring Fling” ½ day holiday. A question was asked if other municipalities are recognizing Juneteenth as a holiday. Ms. Eveland could not be specific but was aware that a few local municipalities have started to recognize it as a holiday.

Committee members added that now that Juneteenth is recognized as a federal holiday, the Village recognizing it as a holiday is a strong statement on inclusivity.

There was concern about a requirement to work the day before and the day after a holiday to qualify for holiday pay. The restriction was removed from the draft.

There was a discussion regarding policy 405 related to time off for civic engagement activities.

**Mr. Lampe was excused from the meeting at 6:16 pm.**

6. **Future Agenda Items** – These items are not intended to be discussed. They are intended to be a running list of projects/issues that the committee will take up in the future. Committee members

may request that an item be added to the next agenda or to this list during the meeting, but no discussion of those items may be had.

- a. **Job Descriptions** – Administrator will work on with Chair and bring to Committee when ready for review
- b. **Role of Personnel Committee** – June
- c. **Performance Evaluations** – June/July
- d. **Discussion Re: annual meeting with staff** – July

Ms. Stephenson has been frustrated with the delay in addressing the ‘Role of Personnel Committee’ item. She would like have that discussion soon and add a review of the history and purpose of the Personnel Committee to the discussion.

Mr. Greist would like to discuss an on-boarding procedure for new members of the Committee.

7. **Next Meeting Date:** June 13, 2023, at 5:00 pm. Ms. Lotfi will send out a Doodle Poll to schedule a special meeting in June to discuss the ‘Role of the Personnel Committee’ item(s).

8. **Adjournment:** The meeting was adjourned at 6:24 pm.

Respectfully submitted,

David Sykes  
Administrative Services Coordinator

# TIME AT WORK & TIME AWAY FROM WORK

- Policy 401 – Hours of Work, Meals, & Break Periods
- Policy 403 – Holidays & Leaves Around Holidays
- Policy 405 – Leave – Civic Membership
- Policy 407 – Leave – Emergency Closings
- Policy 409 – Leave – Family, Medical, & Military
- Policy 411 – Leave – ~~Paid Maternity, Parental, and Adoption~~Parental and Compassionate
- Policy 413 – Leave – Jury and Witness Duty
- Policy 415 – Leave – Voting
- Policy 417 – Leave – Unpaid Leave
- Policy 419 – Leave – ~~Funeral~~Bereavement and Emergency
- Policy 421 – Leave – Vacation, Personal Days & Sick
- Policy 423 – Leave – Bone Marrow and Organ Donation Leave
- Policy 425 – Vacation, Sick, Compensatory Leave Donation

## **POLICY 401 HOURS OF WORK, MEALS, & BREAK PERIODS**

- 1. Purpose.** To provide employees with regular work hours and work schedules while ensuring staffing coverage necessary for effective Village operations.
- 2. Business Hours.** Village ~~offices are~~ Hall is open to the public 8:00am to 4:~~03~~0pm Monday through ~~Friday~~ Thursday and 8:00am to 12:00pm Friday except for established holidays or as determined by the Board of Trustees. Individual departments may establish alternate normal business hours with approval of the Village Administrator.
- 3. Flexible Schedules.**
  - 3.1** The purpose of flexible schedules is to enhance the ability of the Village to fulfill its responsibilities, to render services to the public, and to enhance employee morale.
  - 3.2** A flexible schedule may be worked out with the prior approval of the department head or Village Administrator and the affected employee(s).
  - 3.3** The department head or Village Administrator may discontinue the flexible schedule. When discontinuing or altering an established flexible schedule, the employee will normally be provided two (2) weeks advance notice of such change.
- 4. Department Heads and Supervisory Exempt Employees.** Department heads and supervisory exempt employees will be allowed freedom for flexible work hours when personal needs and convenience demand. Exempt employees may, with the approval of their supervisor, work flexible hours. While department heads and exempt employees are generally expected to conform to the normal business hours of their departments, they are afforded flexibility in the application of their time to the responsibilities involved in managing their job responsibilities.
  - 4.1** Department Heads are exempt from completing time sheets but exempt supervisory employees may be required by their respective Department Head to fully account for all work hours on payroll sheets provided by the Village.
  - 4.2** Department Heads and exempt supervisory employees authorized exempt from completing time sheets must still account for ~~vacation and sick~~ paid benefit time taken by completing time off requests and submission of payroll sheets.
- 5. Meal Periods.**
  - 5.1** ~~Meal periods are required and must be scheduled approximately midway in an eight-hour workday.~~ The Village shall provide all employees who work at least six hours in a day a meal period. Employees scheduled to work six hours or less are not ~~required to take a~~ provided a meal period. With approval of their supervisor, employees may elect to not take their meal period.
  - 5.2** The designated meal period for all business offices should normally occur during the period of 11:00-a.m. to 2:00-p.m and must not be less than one-half hour in length.

~~5.3 Meal periods are normally one-half hour but exceptions may occur in departments required to provide shift coverage. Meal periods must not be less than one-half hour in length.~~

5.43 Meal periods will not be included in hours worked, except when the job requires that the employee remain on duty.

~~5.5 Employees who work more than six hours in a given day are required to take the scheduled meal period unless a department elects as a whole and without objection to work through lunch.~~

5.65 Employees are not allowed to work through the meal period to make up lost work time or in order to leave work early without supervisor approval.

6. **Break Periods.** Employees are entitled to one (1) paid fifteen-minute break periods for every four (4) hours worked. Departments that elect not to take the unpaid lunch break may combine the two paid break periods so long as employees remain on the job site for the entire period.

7. **Scheduling Meal and Break Periods.** Department Heads or their designees are responsible for scheduling meal and break periods to ensure that adequate staff coverage is provided.

## POLICY 403 HOLIDAYS & LEAVES AROUND HOLIDAYS

1. **Purpose.** To identify employee holidays and to establish a consistent procedure for scheduling and payment.

2. **Holidays Observed.** The following holidays will be observed.

New Year's Day	Labor Day
Martin Luther King Jr. Day	Thanksgiving Day
<u>Spring Fling (Friday after April election)</u>	Day after Thanksgiving Day
Memorial Day	Christmas Eve Day
<u>Juneteenth</u>	New Year's Eve Day
Independence Day	New Year's Day
The Board may elect to close for additional holidays. Doing so does not create an expectation of future closures.	

3. **Eligibility.**

3.1 Regular full-time employees are eligible to receive compensation for holidays. Regular part-time employees who are scheduled to work an average of at least twenty (20) hours each week are entitled to half the holiday benefit. In order to receive holiday pay, employees must work the day before and the day after each holiday with the exception of normal days off, approved vacations, or excused absences. Employees who call in sick immediately before or immediately after a holiday may be required to furnish a physician's certification of illness in order to receive holiday or paid benefit time. Providing such certification does not guarantee qualification for holiday pay.

- 3.2 Employees on short- or long-term disability or worker's compensation are not eligible for holiday pay.
- 3.3 Employees returning from an unpaid leave of absence will not receive holiday pay until returning to their normal work schedule for one full pay period prior to the holiday.

4. **Compensation.** Employees will receive eight (8) hours of holiday pay for observed holidays.

5. **Work on Observed Holidays.** In cases where a full-time non-exempt employee is required to work on an observed holiday, the employee shall be paid their rate of pay (either OT or straight-time) for hours worked plus the hours worked paid at a holiday premium rate of half the employee's straight time rate or employees may elect to receive an equivalent number of compensatory hours in addition to the eight hours holiday pay. Employees will not receive more than eight (8) hours of holiday pay regardless of how many hours the employee worked on the holiday.

5.1 Examples.

5.1.1 An employee who worked eight (8) hours of overtime on a holiday would be paid eight (8) hours of overtime plus eight (8) hours of straight-at half-time, plus eight (8) hours of holiday pay.

5.1.2 An employee who worked eight (8) hours of regular time on a holiday would be paid sixteen-eight (168) hours of straight time, plus eight (8) hours at half-time plus eight (8) hours of holiday pay.

5.2 Salaried Staff ~~Working a Non-traditional Schedule.~~ Salaried employees ~~working a non-traditional work schedule, such as a 6/3 rotation,~~ who are required to work on a holiday will be provided a holiday premium for hours worked at half the employee's straight time rate~~number of vacation hours equivalent to the number of hours the employee had to work,~~ not to exceed eight (8) hours for full holidays and four (4) hours for half holidays. This is in addition to the holiday hours assigned to the holiday worked. Such vacation hours shall be awarded in the same pay period in which the employee had to work.

5.3 Part-time Employees. Part-time police officers and regular part-time personnel who work on Village holidays receive pay at the overtime rate regardless of whether they have more than forty (40) hours worked.

6. **Holidays Falling on a Weekend.** Whenever any of the observed holidays falls on a Saturday, the preceding Friday will be observed as the holiday, and when falling on a Sunday, the succeeding Monday will be observed as the holiday. When Christmas Eve falls on Friday and Christmas Day on Saturday, the preceding Thursday and Friday will be observed as the holidays. When Christmas Eve falls on a Sunday and Christmas Day on Monday, the following Monday and Tuesday will be observed as the holiday, ~~unless otherwise determined by the Village Administrator.~~ The Village Administrator is authorized to make adjustments to the observed holiday schedule if relevant to the payroll process.

6.1 Exception. Employees with a schedule that normally includes weekend work shall receive holiday compensation on the actual date of the holiday if that holiday falls on a Saturday or Sunday.

7. Religious Holidays. The Village respects the right of each employee to worship as their faith dictates. Any employee wishing to observe a religious holiday may use vacation, personal leave, or compensatory time to substitute on an hour for hour basis. Supervisors should make every effort to accommodate time off requests for observing religious holidays.

## POLICY 405 LEAVE – CIVIC MEMBERSHIP

1. **Purpose.** To grant time away from work with pay for full-time employees to attend regular meetings of civic groups of which they are a member or official or to attend such meetings by invitation.
2. **Policy.** Employees may be excused by the department head or, in the case of a department head, by the Village Administrator to attend such meetings. Attendance is subject to the staffing needs of the Department.
3. **Award.** Full-time employees are awarded sixteen (16) hours each year for Civic Leave beginning on the first full pay period of each calendar year after one year of employment. This paid benefit time is not subject to payout upon separation from employment and is not eligible for carry-over.

## **POLICY 407 LEAVE – EMERGENCY CLOSINGS**

1. **Purpose.** To provide a plan for employees in the event of an emergency closing due to inclement weather or other emergency situation. As a general practice, the Village of Shorewood Hills makes every effort to maintain its normal schedule of operations. The Village of Shorewood Hills will close all or parts of operations only in cases of extreme emergency caused by impassible roads, restricted visibility, violent weather, energy loss, or other conditions seriously endangering the health and safety of employees and/or the general public.
2. **Reporting to Work.**
  - 2.1 Each employee accepts the responsibility for reporting to work at the regularly scheduled time, regardless of prevailing weather conditions.
  - 2.2 Employees not reporting to work will not be paid, however, such employees may use vacation or compensatory time to minimize or avoid a loss of wages as a result of the absence.
3. **Responsibility to Close.** In the event the Village of Shorewood Hills is forced to close or delay the opening, the decision will be made by the Village Administrator with approval of the ~~Village Board~~ Village President.
4. **Official Announcements.** When the Village Administrator determines that it is necessary to close or delay the opening of various operations, the starting time will be communicated to department heads via email and by phone who are, in turn, responsible for notifying their employees.
5. **Village Closures.**
  - 5.1 In the event the Village Administrator determines the weather is sufficiently severe enough or is expected to become sufficiently severe enough to warrant closing down all non-essential operations, the closure will be treated as a paid holiday for all employees eligible for holiday pay.
  - 5.2 Employees who are considered essential and who are required to report to work during a closure will be paid as if they are working on a holiday. Holiday pay for closures is limited to the number of hours provided as holiday pay for the closure to non-essential employees. Salaried employees who are required to work during an emergency closure will be provided a half-time holiday premium by submitting those hours worked, up to the maximum allowed, as overtime hours on the employee's time sheet.
6. **Essential Personnel.** For the purposes of this policy, essential personnel include ~~all employees of the Police Department~~ sworn law enforcement officers and all employees of the Public Works Department. The

Village Administrator is authorized to designate additional employees as essential or to temporarily 42ndesignated employees as essential based on the circumstances of the emergency situation.

**8. Employees Who Desire to Leave Early.** Employees who desire to leave early when operations have not been shut down may do so with the approval of the department head. Employees will only be paid for the time actually worked, but they may use vacation time or compensatory time to minimize or avoid loss of wages as a result of the absence.

**8.1 Making Up Lost Time.** With approval from the respective department head, employees may make up lost time so long as the make-up time is within the same week as the delayed opening or closure.

## **POLICY 409 LEAVE – FAMILY, MEDICAL, & MILITARY**

**1. Purpose.** Child rearing, family illness, employee medical leave, and military call-to-duty and military caregiver leave are available to employees as specified below and to the extent covered by state and federal family, medical and military leave. The intent of this Policy is to comply with both the Wisconsin and federal Family and Medical Leave Acts. Should this policy conflict in any way with the applicable federal and state statutes or regulations, the statutes, or regulations will control.

**2. Eligibility.** The Village of Shorewood Hills does not meet the legal stipulations to require it to provide FMLA coverage, however, the Village currently voluntarily has decided to provide this coverage to eligible employees. Employees who have been employed by the Village for twelve (12) months and who have worked one thousand (1,000) hours during the preceding fifty-two (52) weeks are eligible for the leaves provided under Wisconsin law. Employees who have been employed by the Village for twelve (12) months and who have worked one thousand (1,250) hours during the preceding fifty-two (52) weeks are eligible for the leaves provided under federal law.

### **3. Length of Leave.**

**3.1** The federal Family and Medical Leave Law provides a combined total of twelve (12) weeks of family and medical leave for various purposes described below in a calendar year and an additional fourteen (14) weeks of military caregiver leave as described below.

**3.2** Wisconsin law provides six (6) weeks of child-rearing leave, two (2) weeks of family illness leave, and two (2) weeks of employee medical leave in a calendar year.

**3.3** Wisconsin and Federal leaves provided for the same purposes run concurrently; that is, they do not “stack.” If the leave is a Village provided leave, plus federal and state FMLA leave as well, the leaves run concurrently. For example, an absence for a work or non-work related illness or injury that qualifies as employee paid benefit time is also deducted from an employee’s FMLA leave entitlements under the state and federal laws if the medical condition qualifies as a “serious health condition” under those laws.

**3.3.1** Use of paid benefit time due to the birth or adoption of a child is the exception to this policy and will not run concurrently with federal and state FMLA when using vacation time or compensatory time.

### **4. Notice of Eligibility for and Designation of FMLA Leave.**

**4.1** Employees requesting FMLA leave are entitled to receive written notice from the Village telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of (1)



their rights and responsibilities in connection with such leave; (2) the Village's designation of leave as FMLA qualifying or non-qualifying, and if not FMLA qualifying, the reasons why; and (3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

- 4.2** The Village may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the Village's failure to designate leave as FMLA qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the Village and employee can mutually agree that leave be retroactively designated as FMLA leave.

## **5. Employee FMLA Leave Obligations.**

- 5.1** Notice of the Need for Leave. Employees who take FMLA leave must timely notify the Village of their need for FMLA leave. Employees should request FMLA leave in writing whenever possible. The following describes the content and timing of such employee notices.
- 5.1.1** Content of Employee Notice. To trigger FMLA leave protections, employees must inform the Village of the need for FMLA qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically or explaining the reasons for leave so as to allow the Village to determine that the leave is FMLA qualifying. For example, employees might explain that:
- 5.1.1.1** A specific medical condition renders them unable to perform the functions of their job;
  - 5.1.1.2** They or a covered family member are under the continuing care of a health care provider for a specific medical condition;
  - 5.1.1.3** A specific medical condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness incurred in the line of duty;
  - 5.1.1.4** They are pregnant or have been hospitalized overnight; or
  - 5.1.1.5** The leave is due to a qualifying exigency caused by a covered military member being on active duty or called to active duty.
- 5.1.2** Calling in "sick," without providing the reasons for the needed leave, will NOT be considered sufficient notice for FMLA leave.
- 5.1.3** Employees must respond to the Village's questions to determine if absences are potentially FMLA qualifying. If an employee fails to explain the reasons for FMLA leave, the leave may be denied. When an employee seeks leave due to FMLA-qualifying reasons for which the Village has previously provided FMLA-protected leave, he or she must specifically reference the qualifying reason for the leave or the need for FMLA leave.
- 5.1.4** Timing of Employee Notice. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days-notice is not possible, or the approximate timing of the need for leave is not foreseeable employees must provide the Village with notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days-

notice for foreseeable leave, without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

## **6. Basic FMLA Leave Entitlements.**

### **6.1 Childbirth/Adoption Leave.**

**6.1.1 Purpose.** Unpaid child rearing leave may normally be used within sixteen (16) weeks prior to, or within twelve (12) months following.

**6.1.1.1** The birth of the employee's natural child; or

**6.1.1.2** The placement of a child with the employee for adoption or as a precondition to adoption under section 48.90(2) of the Wisconsin Statutes, but not both; or

**6.1.1.3** The placement of a child with the employee for twenty-four (24) hour foster care that is made by or with agreement of a government agency.

**6.1.2 Length of Child Rearing Leave.** No employee may take more than twelve (12) weeks of federal child rearing leave in a calendar year. In addition, no more than twelve (12) weeks federal leave can be taken for the birth of any one child. If both the mother and father of a child are employed by the Village, and they both desire child rearing leave, they are generally only entitled to a combined total leave of twelve (12) weeks between both employees. Child-rearing leave provided under federal law runs concurrently with the six (6) weeks of child-rearing leave provided under Wisconsin law.

**6.1.3 Intermittent/Partial Leave Absences.** For the first six (6) weeks of leave within sixteen (16) weeks prior to or after the child-rearing event, an employee may take child rearing leave as an intermittent or as a partial absence from employment in increments of less than their full normal work day. An employee who does so will schedule the intermittent or partial absence so it does not unduly disrupt the Village's operations. To comply with this requirement, an employee is to provide the Village, in writing, the employee's proposed schedule of intermittent or partial absences no less than one (1) week before the schedule of absences is to commence. The schedule must be of a sufficient definiteness that the Village is able to schedule replacement employees, if necessary, to cover the absences. Partial or intermittent leave must commence within sixteen (16) weeks before or after birth, adoption, or foster placement of a child. Leave cannot be taken intermittently or as a partial absence before or beyond sixteen (16) weeks of the event, unless previously approved in advance. Rather, any remaining child-rearing leave must be taken in a single block.

**6.1.4 Scheduling Child Rearing Leave.** An employee is expected to submit a written request for child rearing leave no less than thirty (30) calendar days before the leave is to commence and must schedule the leave after reasonably considering the Village's needs. If the date of the birth, adoption, or foster care placement requires leave to begin sooner, the employee will provide notice as soon as practicable.

**6.2 Family Illness Leave.** Unpaid family illness leave may be used to care for the employee's spouse, child, parents, or spouse's parent (i.e., parent-in-law), or domestic partner as defined by law or a domestic partner's parent as defined by law, who has a serious health condition.

**6.2.1 Length of Family Illness Leave.** No employee may take more than twelve (12) weeks of federal family illness leave for the employee's spouse, child, or parents in a calendar year. The federal leave generally runs concurrently with the two (2) weeks of family

illness leave provided under state law in a calendar year. A maximum of two (2) weeks of family illness leave may be taken for a spouse's parent (i.e., a parent-in-law), a domestic partner, or a domestic partner's parent, in a calendar year, in addition to the twelve (12) weeks of federal FMLA leave.

**6.3 Employee Medical Leave.** Unpaid medical leave may be used by an employee who has a serious health condition which renders the employee unable to perform his or her job duties.

**6.3.1** No employee may take more than twelve (12) weeks of federal employee medical leave in a calendar year. This leave generally runs concurrently with the two (2) weeks of employee medical leave provided under state law in a calendar year.

**6.4 Military Call to Duty Leave.** Federal unpaid call-to-duty leave may be used as a result of a qualifying exigency arising from an employee's spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty status in Armed Forces in support of a contingency operation.

**6.4.1** Qualifying exigencies may include attending certain military events, arranging for alternative child-care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**6.4.2** An eligible employee is entitled to twelve (12) weeks of call-to-duty leave in a twelve (12) month period.

**7. Injured/Ill Service member Caregiver Leave.** In addition to the basic FMLA leave entitlements discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up 26 weeks of military caregiver leave during a single 12-month period to care for the service member with a serious injury or illness incurred in the line of duty.

**7.1** A "covered service member" means a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. A member of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness renders the service member medically unfit to perform duties of the member's office, grade, rank or rating.

**7.2** "Next of kin" of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority. Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members will be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual will be deemed to be the covered service member's only next of kin.

**7.3 Length of Leave.** Leave to care for a service member will only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. For purposes of military caregiver leave, the single 12-month

period begins on the first day an eligible employee takes leave to care for the injured service member. A separate caregiver leave can be taken for each covered service member and/or for each new injury/illness.

## **8. Scheduling Family Illness, Employee Medical, and Military Caregiver Leave.**

**8.1 Medical Necessity.** An employee may schedule family illness, employee medical, or military caregiver leave as medically necessary. An employee must consider the needs of the Village when scheduling leave. When medically necessary, an employee may take the leave as an intermittent or as a partial absence from employment in increments of less than their full normal work day. The lowest increment may be the lowest increment that the Village permits for any other type of leave, paid or unpaid. An employee who does so will schedule the intermittent or partial absence so it does not unduly disrupt the Village's operations. To comply with this requirement, an employee is to provide the Village, in writing, with the employee's proposed schedule of partial absences as soon as possible after the employee learns of the probable necessity of such leave.

**8.2 Planned Treatment.** When planning medical treatment, employees must consult with the Village and make a reasonable effort to schedule treatment so as not to unduly disrupt the Village's operations, subject to the approval of the health care provider. Employees should consult with the Village prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the Village and the employee, subject to the approval of the health care provider. If an employee providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to fulfill this obligation, the Village may require the employee to attempt to make such arrangements, with approval of the health care provider.

**8.3 Intermittent/Reduced Schedule Leave.** When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, employees must, upon request, advise the Village of the reason why such leave is medically necessary. In such instances, the Village and employee will attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Village's operations, subject to the approval of the health care provider.

## **9. Serious Health Condition/Medical Certification Supporting Need for Leave.**

**9.1 Submission of Certifications.** Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications establishing that a "serious health condition" as described in Section 9.2 of this policy is involved and supporting their need for FMLA leave. There generally are three types of FMLA medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

**9.1.1** It is the employee's responsibility to provide the Village with timely, complete and sufficient medical certifications. Whenever the Village requests an employee to provide a FMLA medical certification, the employee must provide the requested certification within 15 calendar days after the Village's request, unless it is not practicable to do so despite the employee's diligent, good faith, efforts. The Village will inform the employee if a submitted medical certification is incomplete or insufficient and provide the employee with at least seven calendar days to cure deficiencies. The Village may deny FMLA leave to an employee who fails to timely cure deficiencies or otherwise fails to timely submit requested medical certifications.

- 9.1.2** With the employee’s permission, the Village (through individuals other than an employee’s direct supervisor) may contact the employee’s health care provider to authenticate or clarify medical certifications. If an employee chooses not to provide the Village with authorization allowing it to clarify or authenticate a certification with a health care provider, the Village may deny FMLA leave if the certification is unclear and a serious health condition cannot be verified.
- 9.1.3** Whenever the Village deems it appropriate to do so, it may waive its right to receive timely, complete, and/or sufficient FMLA medical certifications.

## **9.2 Types of Certifications.**

- 9.2.1 Initial Medical Certifications.** Employees requesting leave because of their own, or a covered relative’s, serious health condition, or to care for a covered service member, must supply a medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If an employee provides at least 30 days’ notice of medical leave, he or she should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.
- 9.2.1.1** A “serious health condition” is considered to be a disabling physical or mental illness, injury, impairment, or condition involving any of the following.
- 9.2.1.1.1** Inpatient care in a hospital, nursing home, hospice, or residential medical facility; or
  - 9.2.1.1.2** Outpatient care that requires continuing treatment or supervision by a health care provider.
  - 9.2.1.1.3** The federal FMLA leave includes a more detailed and expansive definition of a “serious health condition” described in the medical certification form, which is provided to an employee if the employee is required to submit a medical certification form from his/her physician, certifying that a “serious health condition” within the meaning of law is involved.
  - 9.2.1.1.4** If the Village has reason to doubt an initial medical certification, it may require an employee to obtain a second opinion at the Village’s expense. If the opinions of the initial and second health care providers differ, the Village may, at its expense, require an employee to obtain a third final and binding certification from a health care provider designated or approved jointly by the Village and the employee.
- 9.2.2 Medical Recertification.** Depending on the circumstances and duration of FMLA leave, the Village may require an employee to provide a recertification of a medical condition giving rise to the need for leave. The Village will notify the employee if recertification is required and will give the employee at least 15 calendar days to provide medical recertification.
- 9.2.3 Return to Work/Fitness for Duty Medical Certifications.** An employee returning to work from FMLA leave that was taken because of the employee’s own serious health condition that made the employee unable to perform his/her job duties must provide the Village

with a medical certification confirming the employee is able to return to work and the employee's ability to perform the essential functions of the employee's position. The Village may delay and/or deny job restoration until an employee provides a requested return to work/fitness-for-duty certification.

### **9.3 Certifications Supporting Need for Military Family Leave.**

**9.3.1** Upon request, the first time an employee seeks leave due to a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the Village may require the employee to provide (1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or called to active duty status and the dates of the covered military member's active duty service and (2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. An employee will provide a copy of new active duty orders or other documentation issued by the military for qualifying exigency leaves arising out of a different active duty or call to active duty status of the same or a different covered military member.

**9.3.2** When leave is taken to care for a covered service member with a serious injury or illness, the Village may require the employee to obtain certifications completed by an authorized health care provider of the covered service member. In addition, the Village may request that the certification submitted by the employee set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

## **10. Using Paid Leave While on Unpaid FMLA Leave.**

**10.1** Wisconsin FMLA. While on Wisconsin FMLA leave (including when running concurrently with federal FMLA leave), an employee may elect to use any accrued Village provided paid time while taking unpaid FMLA leave.

**10.2** Federal FMLA. When solely utilizing federal FMLA leave, an employee is required to utilize certain accrued Village provided paid benefit time while on FMLA leave. However, an employee's use of Village provided paid time off must comply with the terms and conditions of the Village paid time off policy.

**10.3** The substitution of paid time for unpaid FMLA leave time usually does not extend the length of FMLA leave – the paid time runs concurrently with an employee's FMLA entitlement.

**10.3.1** Exception to Concurrency of FMLA and paid time. If an employee elects to use compensatory, sick, or vacation time for maternity, parental, or adoption leave, the employee may elect to use FMLA leave at a later time so long as the FMLA leave is taken within the timeline specified by the FMLA.

**10.4** Leaves of absence taken in connection with a paid or unpaid disability leave plan or worker's compensation injury/illness run concurrently with any FMLA leave entitlement. Upon written request, the Village may allow employees to use accrued paid time to supplement any paid disability or worker's compensation benefits.

## **11. Insurance and Benefits.**

**11.1** Payment of Premiums. While an employee is on FMLA leave, the Village will maintain group health insurance coverage under the conditions that applied before the leave began. If prior to the leave, the employee was required to participate in the premium payments, the employee is required to continue with payment of his/her share of the premiums while on leave. An employee's failure to make the required payments may result in termination of the employee's insurance coverage.

**11.1.1** Unless the Village notifies employees of other arrangements, whenever employees are receiving pay from the Village during FMLA leave, the Village will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employees was actively working. If FMLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the Village.

**11.2** **Termination of Benefits.** The Village's obligation to maintain health benefits will stop if and when (1) an employee informs the Village of intent not to return to work at the end of the leave period; (2) the employee fails to return to work when the leave entitlement is used up; or (3) the employee fails to make any required payments while on leave after appropriate waiting periods and time periods as specified by law. The Village's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the Village will send a letter notifying the employee that coverage will be dropped on a specified date unless the payment is received before that date.

**11.3** **Recovery of Premium Payments.** If the Village chooses to do so, it may pay an employee's required premium payments while the employee is on leave. If the Village does so and an employee does not immediately repay the Village upon the employee's return to work, the Village will deduct the amount of the payments from the employee's paycheck.

**11.3.1** The Village has the right to collect from an employee the health insurance premiums the Village paid during a period of unpaid leave if the employee does not return to work after the leave entitlement has been exhausted or expired. Such premium amounts may be deducted from any compensation owed to the employee upon termination of employment. An employee must return to work for at least thirty (30) calendar days in order to be considered to have "returned" to work. However, an employee's liability to repay health insurance premiums does not apply if his/her failure to return to work is due to a serious health condition or specific circumstances beyond the control of the employee.

## **12. Return from Leave.**

**12.1** An employee returning from family and/or medical leave can return to his or her old position, if vacant, at the time the employee returns to work. If the position is no longer vacant, the employee may be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

**12.2** The determination as to how an employee is to be restored to "an equivalent position" upon return from FMLA leave is made on the basis of established policies and practices, and provisions of the federal FMLA.

**13. Outside Employment.** An employee who is solely utilizing federal FMLA leave (i.e., Wisconsin FMLA leave has been exhausted) and/or a Village provided and approved leave, is prohibited from working for

another employer while on federal FMLA leave. Employees should contact the Village Administrator if they have any questions regarding this policy.

## **POLICY 411 LEAVE – PAID ~~MATERNITY, PARENTAL, & ADOPTION~~ & COMPASSIONATE**

**1. Purpose.** To grant time away from work with pay ~~for the~~ to enable the employee to care for and bond with a newborn, a newly adopted child, birth of the employee’s child or the placement of a child with the employee for adoption or a child placed in the home as a precondition to adoption under Section 48.90(2) of the Wisconsin Statutes or in the event of a miscarriage or stillbirth for compassionate purposes to support the mental health and well-being of Village employees., but not both.

**2. Eligibility.** All regular full-time employees of the Village who have been employed as full-time employees for at least twelve (12) consecutive months are entitled to the leave provided for in this section once for each birth or adoption instance once per rolling 12-month period calendar year. Multiple children in one birth or adoption count as one birth or adoption instance.

### **2.1 Exclusions.**

**2.1.1** Sperm donors do not incur a qualifying event under this policy.

~~2.1.2 Still births are not covered under this policy.~~

**2.1.3** Serving as a surrogate does not incur a qualifying event under this policy but an employee that serves as a surrogate may utilize sick and vacation leave as needed.

## **3. Definitions**

**3.1 Parent.** A person identified on a child(ren)’s birth certificate, adoption certificate, certified copy of a foreign adoption order that has been registered with the State of Wisconsin, or other legal document certifying an adoption.

**3.2 Qualifying Event for Parental Leave.** The live birth or adoption of a child on or after ~~March 12, 2018~~ the date this policy goes into effect. For foreign adoptions, the qualifying event is the date the child enters the United States.

~~3.3 Qualifying Event for Compassionate Leave. The miscarriage or stillbirth of a child or the death of a minor child on or after the date this policy goes into effect.~~

## **4. Length of Leave.**

~~4.1 Maternity Leave. An eligible employee who gives birth is entitled to 240 hours of paid maternity leave after the birth of the child(ren) to be taken within the first twelve (12) weeks following birth of the child(ren).~~

**4.2<sup>1</sup> Parental Leave.** An eligible employee ~~who is a non-carrying parent is entitled to eighty is~~ entitled to 320 hours (80) hours of paid parental leave after the birth of the child(ren) or following the adoption or placement of the child(ren) for adoption. Parental leave may be taken intermittently within sixteen (16) weeks of the qualifying event. Parental leave used after the 16<sup>th</sup> week must be used in one continuous block. Parental leave must be taken within one (1) year of the birth or placement. ~~to be taken within the first twelve (12) weeks following the birth of the child(ren).~~

**4.2 Compassionate Leave.** An eligible employee is entitled to forty (40) hours of compassionate leave after a qualifying event. Compassionate leave must be taken consecutively



immediately following the qualifying event. Compassionate leave can be combined with Emergency or Bereavement Leave in **Policy 419**

~~4.3 **Adoption Leave.**— An eligible employee who becomes an adoptive parent is entitled to eighty (80) hours of paid adoption leave to be taken within the first twelve weeks following adoption or placement of the child(ren). This leave may be split between post-adoption and post-placement.~~

**5. Dual-employed parents.** When both parents are employed by the Village, both parents are entitled to their respective leaves. One parent may elect to donate their leave to the other but the number of hours is calculated using the donor's current rate of pay. The Village Administrator is responsible for calculating the donated leave hours.

**6. Concurrency with FMLA.** Paid ~~maternity, parental, and adoption~~parental and compassionate leave run concurrently with FMLA.

## **POLICY 413 LEAVE – JURY AND WITNESS DUTY**

**1. Purpose.** Employees are encouraged to appear before a court, public body, or commission in connection with Village business or for witness duty when subpoenaed to do so. Employees are excused from work to fulfill their civic responsibilities when required.

### **2. Compensation for Jury Duty.**

**2.1** Employees who are called for jury duty will receive regular Village wages that normally would have been paid during the period required for jury duty, up to a maximum of 160 hours per year. Exceptions to this limit may be authorized by the Village Administrator.

**2.2.** Jury duty pay will be calculated on the employee's base rate times the number of hours the employee would have otherwise worked on the day of the absence.

**2.3** Employees will return any jury duty or witness fees less travel allowance and any jury duty pay earned to the Village (payroll department).

**2.4** Should an employee not be selected to serve on a jury panel or should jury duty end prior to the end of the employee's work day, the employee will report back to work within one hour of dismissal by the court, except in limited circumstances with approval of the Department Head or Village Administrator.

**2.5** In order to be compensated for hours missed, the employee must bring back a statement from the Court regarding the time frame the employee was in attendance.

### **3. Compensation for Witness Duty.**

**3.1** If employees have been subpoenaed or otherwise requested to testify as witnesses in connection to business with the Village of Shorewood Hills, but not as a plaintiff against the Village, they will receive time off with pay for the entire period of witness duty.

**3.2** Employees will be granted unpaid time off to appear in court as a witness when requested or subpoenaed to appear in litigation which is not connected with Village business. Employees may use any available paid leave benefit to receive compensation for the period of this absence.

### **4. Documentation.**

**4.1** Employees are required to provide copies of the jury duty summons or the subpoena to their supervisors as soon as possible.

- 4.2 Employees are expected to report for work whenever the court schedule permits.
- 4.3 Employees are required to provide court documentation for all time away from work.
- 5. **Reporting to Work.** When possible, employees are to work their regularly scheduled hours that do not conflict with the jury or witness duty.
- 6. **Benefits.** Paid time off benefits will accrue during unpaid ~~jury-witness~~ duty leave.
- 7. **Overtime Calculation.** For the purposes of calculating overtime, time served on jury or witness duty does not count as time worked.

**POLICY 415 LEAVE – UNPAID**

- 1. **Purpose.** To provide an option for employees to be off without pay due to extenuating circumstances for an extended period of time.
- 2. **Policy.**
  - 2.1 An unpaid leave may only be granted when it is reasonably expected that the employee will return to employment when the condition(s) necessitating the leave permit, subject to the staffing needs of the department, and when granting a leave is in the best interest of the Village.
  - 2.2 Unpaid leaves are without pay and may only be requested after all compensatory time, vacation time, and sick time have been exhausted, unless otherwise prohibited by law.
  - 2.3 Paid benefit time and holiday benefits will be suspended during the leave and will resume upon the employee’s return to their normal work schedule for one full pay period.
- 3. **Authorization.**
  - 3.1 Short Term. 30 days or less. May be granted by the ~~department head~~Village Administrator.
  - 3.2 Extended Leave. Over 30 Days. Any unpaid leave request extending over 30 days will be submitted ~~in writing to the department head. The department head will submit their recommendation to the Village Administrator for review and approval or denial.~~to the Village Board for consideration.
  - ~~3.3 Personal leave. Personal leave may be granted by the Village Administrator for up to 3 months for the employee’s personal convenience or to relieve hardship to the employee and his or her immediate family.~~
  - ~~3.4 Educational leave. The Village Administrator may grant employees an unpaid leave to further their education. Any expenses incurred will not be reimbursed by the Village. Such leaves in aggregate will not exceed 24 months in any 5-year period.~~
  - 3.54 Extended Leave. Employees who are not eligible for participation under the Family Medical Leave Act and have exhausted their accumulated paid benefit time ~~will~~may be granted a leave of absence, supportable by medical evidence, of up to six (6) months inclusive of paid benefit time.
- 4. **Procedure.**

- 4.1 Any employee request for an unpaid leave will be submitted in writing to the department head at least 30 days in advance and will state the reason for such leave and the period of time to be absent. The 30-day notice may be waived under emergency circumstances by the Village Administrator.
- 4.2 Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.
- 4.3 Employees will make their own arrangements in advance for payment of benefits for any full calendar month they are on leave of absence by remitting monthly premium payments to the ~~finance department~~Administration Department. Insurances will be cancelled if the employee fails to remit payment upon notice of delinquency.

**5. Return to Active Employment.**

- 5.1 An employee may return to work at an earlier date than scheduled if approved by the ~~department head~~Village Administrator.
- 5.2 The employee will be eligible for reinstatement to a vacant position or equivalent position, provided stated qualifications are met. If no vacant position is available for which the employee is qualified, the employee will be terminated.
- 5.3 Any employee failing to return to work upon expiration of unpaid leave will be considered to have resigned, not in good standing.

**6. Leave restrictions.**

- 6.1 Unpaid leave of absence will not be granted ~~for periods exceeding 6 months~~ to permit an employee to seek other employment or work at some other paid employment except for military service.

**7. Appendices.**

- 7.1 Unpaid Leave of Absence Request Form (Appendix 417 A)

**POLICY 417 LEAVE – VOTING**

1. **Purpose.** To encourage employees to fulfill their civic responsibilities by participating in elections.
2. **Time Off to Vote.**
  - 2.1 If employees are unable to vote in an election during their nonworking hours, the Village of Shorewood Hills will grant up to 3 consecutive hours of unpaid time off to vote, in compliance with Wis. Stat. §6.76.
  - 2.2 The Village of Shorewood Hills may specify the time during the day that leave can be taken.
3. **Requesting Time Off.**
  - 3.1 Employees are to request time off to vote from their supervisor at least two working days prior to Election Day.
  - 3.2 Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift or at another alternative time; whichever provides the least disruption to the normal work schedule.

- 3.3 Employees are not entitled to paid leave. Employees who choose to exercise their right to take time off from work to vote may use accumulated paid benefit time or the absence may be treated as excused without pay.

**POLICY 419 LEAVE – ~~FUNERAL~~BEREAVEMENT & EMERGENCY**

1. **Purpose.** To support employees during periods of bereavement.

2. **Policy.**

2.1 Immediate Family. For the purposes of this policy only, immediate family is defined as spouse, domestic partner, or child. Employees are eligible for up to ~~twenty-four~~forty (40) hours of ~~funeral~~bereavement leave for the death of an immediate family member.

2.2 Extended Family. For the purposes of this policy only, ~~immediate-extended~~ family member is defined as ~~wife, husband, father, mother, parent, parent-in-law, grandfather, grandmother, grandparent,~~ guardian, ward, ~~sister, brother, sibling, child, or~~ grandchild, ~~mother-in-law, father-in-law, grandfather-in-law, grandmother-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.~~ Employees are eligible for up to twenty-four (24) hours of bereavement leave for the death of an extended family member.

2.3 Other Family. The Village Administrator may authorize eight (8) hours of ~~funeral~~bereavement leave for a family member not listed if the Village Administrator determines that the employee had a relationship with the deceased that would warrant funeral leave based on the recommendation of the Department Head.

3. **Use of Sick Leave.** Employees may use up to twenty-four (24) hours of sick leave to attend the funeral of a family member not covered by ~~funeral~~bereavement leave. Extensions of the use of sick leave for this purpose or for an additional bereavement period for the death of an immediate family member may be authorized by the Village Administrator under limited circumstances.

**POLICY 421 VACATION, PERSONAL DAYS, & SICK LEAVE**

1. **Purpose.** Vacation is intended to reward employees for their service to the Village and to provide employees with a break from their normal routine so that they can become refreshed and recharged before returning to work. Sick leave is intended to ensure that the workforce remains at home when they are too ill to work and also helps stop the spread of illness in the workplace. Sick leave is also intended to allow employees to address their physical and mental health needs and that of their dependents. The use of sick leave to care for other immediate family members on a limited basis may be approved by the Village Administrator.

2. **Eligibility.** Regular full-time employees are eligible for all the benefits documented herein. Regular part-time employees, scheduled for an average of twenty (20) hours per week qualify for half of the benefits documented herein. ~~Temporary;~~ and seasonal employees are not eligible for benefits.

3. **Vacation Accrual and Carryover.** Vacation is earned and accrued on a monthly basis. Eligible ~~Full-time~~ employees will accrue vacation according to the following accrual rates the calendar year in which they complete the required years of full-time service:

Non-Management Non-Department Head

<del>Year 1-At Hire-Year 3*</del>	<del>Year 2</del> <u>1-3</u>	Year 4- <u>17</u>	Year <del>6</del> <u>18+</u>
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<del>80</del> 40 hours	<del>80</del> hours	<del>96-80</del> hours + 8 hours <u>per year</u> <u>over three</u> <u>years</u>	<del>120</del> <u>200</u> hours
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\*Vacation the first calendar year of employment is prorated

Management Department Head (or Exempt staff)

<u>Year 1-At</u> <u>Hire -</u> <u>Year 2*</u>	<u>Year 3-</u> <u>14</u>	<u>Year 15+</u>
120 hours	<del>128-120</del> hours <u>+8</u> <u>hours per</u> <u>year over</u> <u>two years</u>	<del>168</del> <u>hours</u> <u>224</u> <u>hours</u>

\*Vacation the first calendar year of employment is prorated

- 3.1 Employees shall ~~accrue~~be awarded their appropriate vacation amounts ~~on their anniversary date~~on the date of hire for the first year of employment. All future years' vacation will be distributed on January 1<sup>st</sup>.
- 3.2 Vacation is earned and accrued on a monthly basis. If an employee is terminated, an adjustment is made in the final paycheck for any vacation and personal time the employee used but to which the employee was not entitled, prorated based on each full month of service completed, and a payroll deduction, if appropriate, will be made from the last paycheck. Vacation will not accrue during unpaid leaves ~~and cannot be taken before it has been earned~~unless authorized by the Village Administrator.
- 3.3 ~~For non-exempt staff, vacation shall be used during the calendar year in which it is awarded. If not used, it is forfeited unless a carryover of vacation has been approved by the Village Administrator.~~
- 3.4 ~~Exempt employees~~All employees are entitled to a vacation carryover from one year to the next of a maximum of forty (40) hours. For exempt employees, ~~the~~ Village Administrator may authorize, on a case-by-case basis, an additional carryover or a cash payout of up to twenty-four (24) hours of vacation beyond the carry-over amount if an exempt employee is unable to use sufficient vacation hours to not be subject to forfeiture.
  - a. Exceptions for the Village Administrator must be approved by the ~~Village Board~~Village President (unless otherwise stated in the employment contract).
- 3.5 When a holiday observed by the Village falls within an employee's vacation period, the day is charged against the holiday bank and is not charged against vacation leave.
- 3.5 ~~For the purposes of this policy, management staff include all department heads, the Assistant Village Administrator, the Clerk-Treasurer, the Utility Finance Director, and the Police Captain.~~

**4. Personal Days.** All regular non-represented full-time employees will receive twenty-four (24) hours of personal time each year. Regular part-time employees working an average of at least 20 hours a week will receive a prorated portion. These hours are deposited into the employee's vacation bank and considered effective as of January 1<sup>st</sup>. Do we really need to have this be separate? Why not just increase the vacation?

~~4.1 — New employees receive their personal hours on the first day of employment but are not eligible to use them in the first ninety (90) calendar days of employment without authorization of the Department Head or Village Administrator.~~

**5. Sick Leave Accrual and Carryover.** Sick leave is accumulated at a rate of eight (8) hours per month for a total of 96 hours per year. Unused sick pay is accumulated and carried over into the subsequent calendar years for future use but shall not exceed 960 hours of accumulation.

**5.1** Sick leave cannot be utilized before it is earned unless approved by the Village Administrator.

**5.2** Sick leave will not accrue during unpaid leaves.

5.3 Any employee with more than 960 hours of sick leave as of the effective date of this manual will retain their excess sick leave hours but will not be permitted to accrue additional sick leave until their balance falls below 960 hours.

**6. Planned Absences.** Employees must request approval for paid planned absences as far in advance as practicable and must be approved in advance by the department head or designee, but not less than twenty-four (24) hours in advance. Department Heads or designees may approve planned absence requests of less than twenty-four (24) hours-notice on a case-by-case basis. Employees will follow established procedures for requesting vacation. Vacation requests may be denied based on the needs of the department and the scheduled time off of other department employees.

**7. Medical Certification/Returning to Work After Medical Absence.**

**7.1** The Village may require verification of illness.

**7.2** After a medical absence, a physician's statement may be required to be submitted to the Village (payroll department) on the employee's first day back to work, indicating the date the employee was seen and the date the employee may return to work, stating that the absence from work was medically necessary, and attesting to the employee's ability to return to work and safely perform the essential functions of the job with or without reasonable accommodation.

**7.3** A physician's statement will be required for unplanned absences after three consecutive days of illness and will be required prior to returning to work.

**7.4** Any work restrictions must be stated clearly upon the employee's return to work. Employees who have been asked to provide such a statement may not be allowed to return until they comply with this provision. Sick leave may be denied for any employee failing to meet this requirement.

**7.5** The Village has the right to obtain a second medical opinion to determine the validity of an employee's worker's compensation or illness claim, or to obtain information related to restrictions or an employee's ability to work. The Village will arrange and pay for an appropriate medical evaluation when it has been required by the Village.

**7.6** If the absence qualifies as FMLA, the Policy 409 Leaves – Family, Medical, & Military will apply. The appropriate medical certification form(s) will be required.

**8. Unpaid Leave.**

**8.1** With the exception of qualified FMLA leave, unpaid leave may not be taken until the employee’s accumulated vacation or sick leave (if applicable) has been exhausted. At no point will an employee’s vacation or sick balances be allowed to fall below zero without prior approval of the Village Administrator. Should this happen, the employee will revert to unpaid time, and if this occurs without the prior authorization of the ~~department head~~Village Administrator, the employee may be subject to corrective or disciplinary action.

**8.2** Vacation and sick leave will not accrue during unpaid leaves. Unpaid leaves may be approved in accordance with the Village personnel policies.

**9. Family Medical Leave Act.** State FMLA, employee may substitute accrued paid leave time or choose to take unpaid leave; Federal FMLA, employees may be required to use all accrued paid leave time before receiving leave without pay.

**10. Payment Upon Separation.** Regular employees who leave employ of the Village in good standing and upon giving proper notice or employees separated by the Village for other than disciplinary or performance reasons will receive payment for unused earned vacation as outlined in Policy 105 Separation from Employment and Policy.

**11. Conversion of Sick Leave.**

**11.1** Employees may convert sick leave upon full retirement, as defined by the Wisconsin Retirement System, from the Village or in the event the employee is terminated or laid off because the employee is determined to be permanently disabled and receives benefits under the Village’s long-term disability policy to pay for continued health or dental-insurance premiums. For the purposes of the Conversion of Sick Leave, “retirement” means that the employee has retired from the Village under the Wisconsin Retirement System criteria. The conversion is based on the number of years of service, with a minimum of ten full years of service, based on the percentages in the table below:

10 Years of Service	65%
15 Years of Service	<del>90</del> 80%
20 Years of Service	<del>95</del> 90%
25 Years of Service	100%

**11.2** Conversion Formula. Employee’s last 12 months’ base wage divided by two thousand eighty hours (2080) for full-time and the total number of hours worked for regular part-time multiplied by the number of hours of accumulated sick leave.

~~**11.2.1** Employees who work a six on and three off schedule will have their last 12 months’ base wage divided by one thousand nineteen hundred and forty seven hours (1947).~~

~~**11.2.2** Grandfather Clause. Employees with at least fifteen (15) full years of service as of January 1, 2020 will have their sick leave conversion calculated using wages as of the date of retirement.~~

**11.3** Employees separated for disciplinary or performance reasons or who fail to provide a two-week notice (30 days for department head ~~and administrative staff~~ positions) of intent to terminate will receive no separation benefits.

## 12. Vacation Service Credit at Hire.

- 12.1 ~~A department head may recommend to the~~The Village Administrator ~~that a new hire be given is~~ authorized to provide credit for length of service for employment experience directly related to the position to which the employee is being appointed or to match the current leave accrual provided by the employee's most recent employer. ~~The recommendation must be in writing and decision must~~ be based on ~~the department head's~~an assessment of the employee's qualifications beyond the minimum requirements, recruitment considerations, or service accrual provided by the employee's previous employer.
- 12.2 The length of service credit plus the employee's subsequent actual length of service with the Village will be the basis for future accrual determinations. No additional length of service credit shall be granted after initial appointment to the Village.

## 13. Restrictions.

- 13.1 An employee cannot be paid for time at work and receive vacation pay at the same time.
- 13.2 Employees who are ill should not report to work. ~~The Village Administrator and/or~~ Department Heads ~~or supervisors~~ have the right to judiciously assess the health of an employee and, if the employee is deemed too sick to work, ~~the Department Head or supervisor~~ can send the employee home.

## POLICY 423 – LEAVE – BONE MARROW AND ORGAN DONATION LEAVE

1. **Purpose.** To provide security for employees who elect to serve as a bone marrow or organ donor. The leave is only for the period necessary for the employee to undergo the bone marrow or organ donation procedure and to recover from the procedure.
2. **Eligibility.** Bone marrow and organ donation leaves only applies to a full-time employee who has worked for the Village for more than fifty-two (52) consecutive weeks and for at least one-thousand (1000) hours during that 52-week period.
3. **Paid Time Off.** When an employee qualifies for bone marrow or organ donation leave, the Village will provide paid time off while the bone marrow and organ donation leave is being used as follows:
- 3.1 Any employee who is eligible as a bone marrow donor will receive from the Village up to forty (40) hours of paid leave for the procedure and to recover from the procedure.
- 3.2 Any employee who is eligible as a human organ donor will receive from the Village up to one hundred sixty (160) hours of paid leave for the procedure and to recover from the procedure.
- 3.3 Should the leave exceed the number of hours as noted above, the employee will be required to substitute vacation, sick, or compensatory leave for the remainder of the absence.
4. **Notice.** The employee shall give the Village advance notice of the bone marrow or organ donation in a reasonable and practicable manner. The employee shall make a reasonable effort to schedule the bone marrow or organ donation procedure so that it does not unduly disrupt the Village's operations, subject to the approval of the healthcare provider of the bone marrow or organ recipient.
5. **FMLA.** Eligibility requirements for bone marrow or organ donation will normally meet requirements for FMLA and allow the Village to count the time used for these leaves against employee's FMLA entitlement. Therefore, FMLA forms are required for all bone marrow or organ donor leaves in excess



of three (3) consecutive scheduled workdays and may be required for less than three (3) days given the circumstances.

## **POLICY 425 DONATION OF SICK, VACATION, OR COMPENSATORY LEAVE**

- 1. Purpose.** To permit an employee to donate sick leave, vacation leave, or compensatory time to another employee who is experiencing an FMLA-qualifying event that is not covered by employer disability policies or compensated by Worker's Compensation. It is not intended to provide for the donation of leave for common illnesses of short duration.
- 2. Eligibility.** Only full-time employees who are not in a probationary status and are eligible to accrue paid time off but have exhausted all forms of their own paid leave, or plan on exhausting all forms of paid leave, during the qualifying FMLA leave event are eligible to request leave donations.
- 3. Responsibility.** The Village Administrator is responsible for coordinating donations, reviewing donation requests, and authorizing eligibility. Final decisions on eligibility and distribution of donated leave time rests with the Village Administrator and shall not be subject to any grievance or appeal procedure.
- 4. Procedures.** The following procedure shall be used in all cases.
  - 4.1** Upon becoming aware of a qualifying FMLA leave need, a department head shall submit a paid leave donation request to the Village Administrator.
  - 4.2** Upon verifying the need for additional paid leave, the Village Administrator shall issue a Village-wide communication by reasonable means, including by e-mail to all departments and employees advising of the leave need. Such communication shall not identify the individual with the leave need but may disclose the type of illness or injury provided the requesting employee has provided written authorization for the disclosure.
  - 4.3** Employees wishing to donate leave must complete and submit a leave donation form to the Village Administrator.
    - 4.3.1** Leave donations must be in whole hours with a minimum of four hours per donation.
    - 4.3.2** Employees may donate as many hours as they wish, but the donation may not reduce the employee's sick leave account balance below eighty (80) hours.
  - 4.4** Donated hours will be converted to dollars by the Village Administrator by multiplying the hours donated by the donor's hourly base rate of pay at the time of processing. Once the donation has been processed, neither the donor nor the recipient may revoke the transaction.
    - 4.4.1** Leave donations from one ~~major accountfund~~-(~~General Fund, Utilities, Library~~) to another will be charged against the donor's ~~accountfund~~.
  - 4.5** Donated hours shall be available to the recipient to draw upon during the qualifying leave event as needed. In no case shall donated hours be converted to cash as a lump sum payout or result in overtime payment.
  - 4.6** The Village Administrator shall cap donated hours and shall reject offers to donate additional hours if the donated hours and the accumulated paid leave hours in the residual bank would exceed the anticipated duration of the leave need. Total maximum donations for any individual leave event shall not exceed 2080 hours for those normally working 40 hours a week, ~~and 1947 hours for those normally working 37.5 hours a week.~~

- 4.7 FMLA leave shall run concurrently with donated leave for up to the first twelve weeks of the leave.
- 4.8 Recipients may refuse to accept donated hours at their discretion.
- 4.9 The Village will not inform the recipient of the name(s) of anyone donating hours or the number of hours donated.
- 4.10 Donated leave will expire and revert back to the donor one year from the date initial request for donations.

**5. Solicitation Prohibited.** Recipients are prohibited from soliciting co-workers for donations of paid leave. Donations are strictly voluntary. Any recipient found soliciting for donations of paid leave will lose all donated leave not taken.

**6. Benefits While on Donated Leave.** Sick Leave will not accrue during the use of donated leave. All other benefits will accrue and health, vision, and dental insurance will continue to operate as if the recipient were using his/her own paid benefits.

~~**POLICY 427 FIRE DEPARTMENT RESPONSE POLICY**~~

- ~~**1. Purpose.** To support the response capabilities of the Village’s volunteer Fire Department by allowing Village employees who are also a volunteer member of the Fire Department to respond to calls during the workday.~~
- ~~**2. Authorization.** An employee who is also a member of the Fire Department is authorized to immediately respond to a call when performing the duties of their regular full-time employment position. Employees should make an attempt to notify their immediate supervisor but are not required to unduly delay their response in order to provide such notification.~~
  - ~~**2.1 Exception.** Any absence that would result in a safety violation or create an undue hardship on a department must be approved by the department head or Village Administrator. Safety violations must be correctable prior to the absence being authorized.~~
- ~~**3. Pay.** An employee who responds to a call during normal working hours will receive their regular rate of pay for response hours that occur within their normal working hours. Any response time outside of their normal working hours will be paid at the current rate of pay for fire response calls and will not count as hours worked for the purposes of overtime.~~
- ~~**4. Overnight Calls.** Department Heads should make every attempt to make considerations for employees who respond to calls overnight by permitting employees to report to work late.~~

Notes:

Military Leave is called out in section 6.07 of the current manual. Based on my interpretation, it appears that, for periods of less than fifteen days of military duty, will pay the difference between the employee’s military pay and the regular rate of pay. Am I correct in this understanding? If so, do we want to continue that policy?