

City of Beaver Dam
Administrative Committee Minutes
December 3, 2018

Chairperson Davidson called the meeting to order at 7:00 p.m. Present were Anderson, Nelson, Hansen, Appenfeldt, Burnett and Morgan. Also present for all or parts of the meeting were Police Chief Kreuziger, Attorney Steve Zach and Betsy Ramsdale.

Motion by Morgan, second by Nelson to approve the minutes from the November 19, 2018 Administrative Committee meeting, carried by acclamation.

After presentation of same motion by Appenfeldt, second by Hansen to approve the taxi operator license applications as presented, carried by acclamation.

After presentation and discussion of same motion by Nelson, second by Burnett to recommend approval of a resolution granting beverage operator license numbers 202 through 204, carried by acclamation.

After presentation and discussion of same motion by Hansen, second by Appenfeldt to recommend approval of a resolution authorizing an application for a Community Development Investment grant through the Wisconsin Economic Development Corporation, carried by acclamation.

After presentation and discussion of same motion by Burnett, second by Hansen to recommend approval of a resolution to charge off delinquent accounts receivable in the amount of \$4,150.34, carried by acclamation.

After presentation and discussion of same motion by Appenfeldt, second by Nelson to recommend approval of a resolution to appropriate a donation in the amount of \$1,000.00 from the Alliant Energy Foundation to the Police Department, carried by acclamation.

Attorney Zach reviewed a memo (attached) listing the substantive changes made to the Employee Handbook. After discussion of same motion by Morgan, second by Appenfeldt to recommend approval of the revised handbook to the Common Council, carried by acclamation.

Motion by Burnett, second by Hansen to enter into closed session under the provisions of 19.85 (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session or more specifically to discuss bargaining strategy and update the committee on the status of labor negotiations with the Police union, carried unanimously by roll call vote.

The committee members disbursed while in closed session at 7:58 pm.

Submitted by:
John Somers
Recording Secretary

MEMORANDUM

TO: City of Beaver Dam Common Council
FROM: Steven C. Zach
DATE: November 26, 2018
RE: Employee Handbook

John Somers and I have worked on amending the current Employee Handbook (“Handbook”). This involved reorganizing and editing it for style, eliminating sections which were not relevant to employees, and making some substantive changes based upon best employment practices.

Our goal was also to merge all current department policies into one document. There were separate policies which governed the police and fire supervisors and department polices. Where possible, we have also reflected the terms of the collective bargaining agreements with the police and fire units.

The draft presented for your review and approval has been vetted and approved by the Police and Fire Commission with respect to the employees under its supervision. It has also been vetted by the Mayor and department supervisors.

You are being provided not only with the revised Handbook, but also the former Handbook in a redlined version. This latter shows you the extent of the revisions. There were at least three more rounds of revisions after the redlined draft provided to you, but this will give you a good idea of what went into the draft Handbook proposed for approval.

What is set forth below is an itemization of those areas of the Handbook which have been substantively changed, as opposed to streamlined, edited or re-organized.

1. We removed former Section 1.01 which described the “City as a Unit of Government.” This was good information, but is not information which is relevant to a Handbook.

2. We removed the "City Rights as an Employer" section (p. 11 of former Handbook). This "management rights" language was typical in collective bargaining agreements, but is not necessary in the Handbook post Act 10. The City has these rights without having to enumerate them.
3. We have added light duty language (Section 1.07) to provide the City with the proper flexibility to consider such requests.
4. We have updated the City's FMLA, Electronic Communications, and Drug Free Workplace policies to be consistent with current law. They are now placed in an Appendix so that they can easily be amended based upon legal changes without impacting the current Handbook.
5. We deleted the "Union Rights and Activities" section (p. 22 of prior Handbook) because that is not relevant to employees. Those employees governed by a collective bargaining agreement are subject to those terms if they conflict with the Handbook.
6. We eliminated the "Work Permits for Minors" section because this is a legal hiring standard which is not relevant for a Handbook.
7. We have eliminated sections of the former Handbook setting forth the detailed process for hiring. This is not relevant for current employees or a proper subject for a Handbook. The revised section provides the City with the appropriate flexibility to hire the best qualified candidate.
8. We have eliminated the section on "Probationary Period" (p. 33). A probationary period is not relevant given that City employees are "at-will" employees. We have retained the probationary periods for the police and fire employees because they can only be disciplined for "just cause" unless they are in a probationary period. Thus, we have retained a probationary period to provide the City with greater flexibility to discipline or terminate those employees in their probationary period.
9. We have modified the "Code of Conduct" section (p. 49 -53) to eliminate the "major" and "minor" violation distinction. That established a progressive discipline which is in conflict with the "at will" standard applicable to City employees. Under the new language (§3.11), the City may impose whatever level discipline it believes is appropriate for an offense and is not locked into a formal progression. That is carried over into §§ 3.12 and 3.13. We have

updated the City's grievance policy which is required by state law to reflect the "at-will" nature of employees.

10. We have established an overtime standard consistent with the Fair Labor Standards Act (FLSA) which requires overtime pay for all hours after forty in one work week. This is different than paying overtime for hours worked in excess of the regular work day. In addition, the forty hours will be calculated based upon time actually worked and will not include time paid during a work week, but not worked (e.g., sick leave or vacation). Employees who are salaried and FLSA exempt are not paid overtime.
11. We have modified the Compensatory Time language (§4.05). Compensatory time is only available to FLSA non-exempt employees, not salaried FLSA exempt employees. The latter can request time off from a Department Head. We have also changed the cap on the amount of compensatory time that can be accumulated from 240 hours to 24 hours, which is more manageable and consistent with standard practice.
12. We have standardized the insurance continuation provisions in §5.05. Some policies had a requirement of two years of service while most had a ten year requirement. We are using the latter.
13. The police and fire bargaining unit employees have a provision in their collective bargaining agreements that provides for City payment of 25% of their health insurance premium upon retirement, in addition to use of sick leave credits, for up to five years. We have tried to bargain that provision out of those contracts, but have not succeeded in doing so. The Police and Fire Commission extended that benefit to the supervisors for equity purposes and so as to not create a disincentive of promotion in the departments, understanding that such will be an impact on its budget.
14. We will be trying to standardize the Holiday benefit with the police and fire departments (§6.01) during bargaining.
15. We have created a sick leave accumulation cap of 1,000 hours for employee hired after January 1, 2017, consistent with what we were able to bargain with the police and fire bargaining units (§6.04).
16. We have combined the "Medical Leave" and "Personal Leave of Absence" sections (pp. 82, 83) into §6.08 and left the determination of whether to grant

such leave and the length of time subject to the City's discretion. This makes it easier to deal with such leaves under state and federal disabilities laws, rather than having to work with a standard imposed by Handbook which may not be relevant to the particular circumstance of each situation.

17. We eliminated the Open Records and Open Meetings language because that is not relevant to an Employee Handbook.

The current Handbook draft is much shorter, is unified across the City except for provisions of the collective bargaining agreements in place, and is more readable for City employees.