

CITY OF STEVENS POINT

PERSONNEL COMMITTEE AGENDA

Monday, December 12, 2016 – 6:55 p.m.

(or immediately following previously scheduled meeting)

Lincoln Center – 1519 Water Street

[A quorum of the City Council may attend this meeting]

Discussion and action on:

1. Amendment to Administrative Policies 1.07 (Harassment), 3.01 (Standard Benefits – Minnesota Life Insurance and Temporary and Part-Time Employees) and 3.06 (Holidays).
2. Adjourn into closed session (approximately 7:35 p.m.) pursuant to Wisconsin State Statute 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session for:
Update date on bargaining with the Stevens Point Police Officer's Organization.
3. Reconvene into open session (approximately 10 minutes after adjourning into closed session).
4. Recommendation of the 2017 – 2018 Stevens Point Police Officer's Organization Agreement.
5. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 a.m. to 4:00 p.m.

**** CITY OF STEVENS POINT ****
ADMINISTRATIVE POLICY

Policy Title: Harassment

Policy No. 1.07

Date of Issuance: December 18, 1989

Revision Date: June 17, 2013

Policy Statement

This defines the harassment policy of the City of Stevens Point.

- I. **Purpose:** The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment, discrimination and retaliation.

- II. **Policy:** It is the policy of the City of Stevens Point that all employees have the right to work in an environment free of all forms of harassment and retaliation. The City will not tolerate, condone, or allow harassment or retaliation by any employee or other non-employees who conducts business with the City. The City considers harassment, discrimination and retaliation of others to be forms of serious employee misconduct. Therefore, the City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, discrimination and retaliation. 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.

- III. **Prohibited Activity & Responsibility**
 - a. Sexual Harassment

Definition: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment.

b. Harassment

Definition: Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.

1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person, including non-employee members of the public.
2. Employees shall not make offensive or derogatory comments to any person, including non-employee members of the public, either directly or indirectly, based on age, gender identity and/or gender expression, ancestry, arrest & conviction record, color, creed, disability, genetic testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex (including sexual harassment), sexual orientation, use or nonuse of lawful products of the employer's premises during non-working hours, and declining to attend a meeting or participate in any communication about religious or political matters. 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.

c. Retaliation

Definition: Any materially adverse action taken against an employee or applicant because of protected conduct, such as reporting or investigating harassment as defined in this policy, is prohibited. The scope of retaliation goes beyond workplace-related or employment-related actions and includes conduct that would dissuade a reasonable worker from making or supporting a charge of discrimination. The significance of any given act of retaliation may depend upon the particular circumstances, but must be considered "materially adverse", thus separating significant from trivial harms that normally will not deter discrimination victims from filing a complaint.

1. Retaliation against any employee or applicant for filing a harassment or discrimination complaint, for assisting, testifying or participating in the investigation of such a complaint, or for requesting a protected leave of absence or reasonable accommodation, is illegal and is prohibited by the City and by federal statutes.
2. Retaliation can occur from a variety of sources, including co-workers, supervisors or elected officials.
3. Examples of conduct that may be considered materially adverse retaliation include, but are not limited to the following:
 - Discharge
 - Demotion or not promoting

- Reduction in pay
- Reassignment of job duties
- Giving a less distinguished job title
- Filing false criminal charges against an employee
- Significantly diminishing an employee's responsibilities
- Unwarranted negative performance evaluations (impacting promotional opportunities and/or salary increases)
- Increased scrutiny of employee's work
- Refusing to restore lost leave time
- Isolation or shunning an employee

5. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and is subject to discipline up to and including termination.

6. Monitoring to ensure that retaliation does not occur is the responsibility of the Mayor, department head and supervisors.

d. Covered Individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, elected officials and appointed boards and commissions.

e. Supervisory Responsibilities

1. Each supervisor shall be responsible for preventing prohibited activities as defined above by:

- Monitoring the work environment on a daily basis for signs that harassment or retaliation may be occurring;
- Training and counseling all employees on what constitutes harassment, sexual harassment and retaliation, on the types of behavior prohibited by the City's policy and procedures for reporting and resolving complaints of harassment or retaliation.
- Stopping any observed conduct that may be considered harassment or retaliation, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
- Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending an investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish

the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

f. Employee Responsibilities

1. Each employee is responsible for assisting in the prevention of harassment and retaliation through the following acts: Refraining from participation in, or encouragement of actions that could be perceived as harassment or retaliation. Reporting acts of harassment or retaliation to a supervisor; and encouraging any employee who confides that he or she is being harassed, discriminated or retaliated against to report these acts to a supervisor.

g. Complaint Procedures

1. Any employee encountering harassment or retaliation is encouraged but not required to inform the person engaging in harassment or retaliation that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is encouraged to document all incidents of harassment and retaliation in order to provide the fullest basis for investigation.
2. Any employee who has unsuccessfully attempted to terminate the harassment or retaliation by means of Section 1 and who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment or retaliation, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the City Attorney or Mayor. 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 or retaliation, any witnesses to the incident(s) and the date(s) on which it occurred.
3. An employee should utilize the City's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with either or both of the following:
 - i. State of Wisconsin – Equal Rights Division
201 East Washington Avenue
Madison, WI 53703
Phone: 608-266-6860
 - ii. Equal Employment Opportunity Commission

210 Martin Luther King Boulevard
Madison, WI 53703
Phone: 608-266-4910

4. Any supervisor who either observes an act of harassment or retaliation or receives a report of such acts shall as soon as is practicable refer the matter to the Human Resources Manager. The Human Resources Manager, in conjunction with the City Attorney, shall proceed as follows:
 - i. If the matter involves allegations of criminal activity, such as battery, rape or attempted rape, the City Attorney shall refer the matter to the Chief of Police as soon as possible for further investigation and inform the Mayor of such referral.
 - ii. Upon receiving a referral under this section, the City Attorney and Human Resources Director shall determine whether the allegations, if substantiated, would possibly constitute a violation of this policy. If so, the City Attorney and Human Resources Director shall meet with the appropriate department head to determine a course of action for investigating the allegations. In the event that a department head or elected official is alleged to have committed a violation of this policy, the City Attorney and Human Resources Director shall refer the matter to the Personnel Committee. Following such referral, the Common Council may retain an independent investigative authority outside of the city government to perform an investigation.
 - iii. The investigation shall result in a written description of the overall findings, a determination as to whether harassment or retaliation have occurred, and which persons, if any, participated in or encouraged the harassment or retaliation.
 - iv. Any allegations of harassment or retaliation by City employees which are found to be substantiated shall be addressed under the City policy for discipline. Any substantiated reports of harassment or retaliation by elected officials shall be forwarded to the Personnel Committee for possible further action, up to and including action for removal from office under applicable Wisconsin Statutes.
 - v. A file of harassment, discrimination and retaliation complaints shall be maintained in a secure location. The Mayor shall be provided with a written summary of any such complaint upon the conclusion of the investigation.
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. Any allegations of retaliation of this type shall be addressed as indicated in this policy.

6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
7. Employees accused of harassment and/or retaliation may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment or retaliation claim.

IV. DEFINITIONS

- a. Harassment on any basis (race, sex, age, disability etc.) exists whenever: Submission to harassing conduct is made, either explicitly or implicitly, 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.
- 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. Other Forms of Harassment: Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, 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.
- d. 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.
- e. Retaliation (addressed under Title VII of the Civil Rights Act of 1964): It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor management committee controlling apprenticeship or other training or retraining, including on the job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he/she has opposed any practice made an unlawful employment

practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

- 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. 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.

HARASSMENT/DISCRIMINATION/RETALIATION COMPLAINT FORM

Name of Complainant: _____

Date: _____

Date of Incident: _____

Time: _____

Location of Incident: _____

Name of Witnesses to the Incident [Include email / telephone number if known]: _____

Details of the Incident [Attach additional pages if necessary]: _____

Have you reported this or similar behavior before [If so, please indicate to whom and date reported]?

Have you discussed this complaint with anyone else [If so, please indicate to whom and date discussed]?

Do you know of any documents that may be relevant to this matter [Please attach]?

How would you like this matter resolved? _____

The foregoing information is true and correct to the best of my knowledge.

Signature: _____

Date: _____

Intake Signature: _____

Date: _____

~~The most productive and satisfying work environment is one in which is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination that is offensive, impairs morale, and undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization.~~

~~All employees have a right to work in an environment free from discrimination and harassing~~

~~conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over), disability, sex, arrest or conviction record, marital status, sexual orientation, membership in the military reserve or use of or nonuse of lawful products away from work is expressly prohibited under this policy. Harassment on any of these bases is also illegal under Section 111.31-111.39, Wisconsin Statutes.~~

~~This policy will be issued to all current employees and during probation of new employees.~~

~~Definitions~~

~~In general, harassment means persistent and unwelcome conduct or actions on any of the bases underlined above. Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature.~~

~~Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to:~~

- ~~• The repeated making of unsolicited, inappropriate gestures or comments;~~
- ~~• The display of offensive sexually graphic materials not necessary for work.~~

~~Harassment on any basis (race, sex, age, disability, etc.) exists whenever:~~

- ~~• Submission to harassing conduct is made, either explicitly or implicitly, 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.~~

~~Recognizing Harassment~~

~~Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. All forms of gender harassment are covered. Men can be sexually harassed; men can harass men;~~

~~Women can harass other women. Offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors.~~

~~Some examples:~~

Verbal:

Jokes, insults and innuendoes (based on race, sex, age, disability, etc.), degrading sexual remarks, referring to someone as a “stud”, “hunk” or “babe”; whistling, cat calls; comments on a person’s body or sex life, or pressures for sexual favors.

Non-Verbal:

Gestures, staring, touching, hugging, patting, blocking a person’s movement, standing too close, brushing against a person’s body, or display of sexually suggestive or degrading pictures, racist or other derogatory cartoons or drawings.

Grievance Procedure

Any employee who believes he or she is being harassed, or any employee, who becomes aware of harassment should promptly notify his or her supervisor. If the employee believes that the supervisor is the harasser, the supervisor’s supervisor should be notified. If an employee is uncomfortable discussing harassment with his or her supervisor, the employee should contact the Human Resources Department. Information on your right to file a state or federal harassment complaint is also contained below.

Upon notification of a harassment complaint, a confidential and impartial investigation will be promptly commenced and will include direct interviews with involved parties and where necessary with employees who may be witnesses or have knowledge of matters relating to the complaint. The parties of the complaint will be notified of the findings and their options.

Non-retaliation

This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment. Such retaliation is also illegal under Section 111.322(2m), Wisconsin Statutes.

Disciplinary Action

The City of Stevens Point views harassment and retaliation to be among the most serious breaches of work place behavior. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination can be expected.

For more information on filing complaints:

State of Wisconsin
Department of Workforce Development
Equal Rights Division
Civil Rights Bureau

~~201 East Washington Avenue
Room A300
P.O. Box 8928
Madison, WI 53708~~

~~Telephone Number: (608)266-6860
TTY Number: (608)264-8752~~

**** CITY OF STEVENS POINT ****
ADMINISTRATIVE POLICY

Policy Title: Standard Benefits

Policy No. 3.01

Date of Issuance: December 18, 1989

Revision Date: 2-90, 5-90, 10-93, 8-03, 3-07, 9-08, 3-10, 6-13, 11-13, 2-14, 7-14, 11-14,
12-14, 1-15, 2-15, 9-15

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4. Group Life Insurance

- A. The City pays for a \$5,000 term policy for each regular employee, with the exception of those on the Teamster Health Plan. The City has the right to select a company of its choice (currently Standard Life). This policy is effective the first of the month following the date of hire and terminates the end of the month in which you cease city employment. If you continue to work past 65 the policy value reduces to 65% at age 65; 50% at age 70 and 35% at age 75.

Hourly Employees of the Water/Wastewater Department are eligible for life insurance coverage through the Teamster Health Plan.

Water/Wastewater Management employees are provided with a \$5,000 term life insurance policy as well as a \$10,000 term life insurance policy.

- B. ~~After being employed by the City for six months, or having participated under the Wisconsin Retirement System prior to being hired by the City for a period of six (6) months, all City~~ employees are eligible to participate in the life insurance offered through the Department of Employee Trust Funds, which is handled by Minnesota Mutual Life Insurance Company. The amount of insurance is determined by the employee's previous year's annual salary (for new employees it is based on your estimated earnings in the current year) and is optional. The City pays 18% of the premium. If the employee does not wish to participate in this insurance, he/she is asked to sign a waiver. **New employees are eligible for coverage the first of the month following 30 days of employment.**

- (1) An employee may include coverage for his/her spouse and/or dependent(s). There are two separate units of spouse and dependent coverage available. The per unit monthly cost remains the same regardless of the number of dependents covered. For specific information regarding this coverage, contact the Personnel Office.

- (2) If an employee is on an authorized personal leave of absence, payment of the premium to the City Treasurer's Office will continue coverage.
- (3) If an employee becomes totally disabled as a result of injury or disease while actively employed, the City must certify the disability for an indefinite time by submitting a Waiver of Premium form to the Department of Employee Trust Funds. This will continue insurance coverage without further payment as long as the employee is totally disabled. The Employee will be asked from time to time to submit proof of his/her continued total disability.
- (4) At age 65, the face value of the policy drops to 75% of the value prior to your birthday. At age 66, it drops to 50% and at age 67 drops to 25% and remains at this level thereafter.

8. Temporary and Part-Time Employees

- A. Temporary Employees - Limited fringe benefits are provided for temporary employees. They are eligible for participation in Social Security (with the exception of employees who fall under 8B below).

Employees who work 1,200 hours in a year and have a reasonable expectation of working the following year are eligible for participation in the Wisconsin Retirement System. Those employees eligible for the Wisconsin Retirement System benefit will also be offered Income Continuation Insurance and Minnesota Mutual Life Insurance.

Health insurance will be offered only when required by applicable state and federal law, including but not limited to the Patient Protection and Affordable Care Act. Premiums will be based on the number of hours worked in the previous year as a percentage of 2080 hours.

- B. Seasonal Parks Employees and School Crossing Guards who do not qualify for the Wisconsin Retirement System will participate in a FICA Alternative Plan rather than Social Security. Employee deductions will be made in compliance with applicable federal regulations.
- C. Part-Time Employees – All benefits will be prorated based on the number of hours worked in the previous year as a percentage of 2080 hours **with the exception of the Holiday benefit, which will be administered as outlined in Administrative Policy 3.06.**

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**** CITY OF STEVENS POINT ****
ADMINISTRATIVE POLICY

Policy Title: Holidays

Policy No. 3.06

Date of Issuance: December 18, 1989

Revision Date: 1-13, 2-15, 6-16

Description: The purpose of the policy is to designate the specific paid holidays for City employees.

1. Employees are entitled to take a holiday with pay on the following occasions:

New Year's Day	Good Friday
Memorial Day	Independence Day
Labor Day	Thanksgiving Day
Christmas Eve Day	Day after Thanksgiving
Christmas	

2. If a paid holiday falls on a Saturday, City Offices are closed the preceding Friday. If a holiday falls on a Sunday, City Offices are closed the following Monday.

3. To qualify for holiday pay, an employee must work on his/her last scheduled work day before and the first scheduled work day after the holiday. For purposes of this section, absences due to vacation, sick leave or other authorized paid leave shall be counted as if the employee was present and working.

Part Time Employees

In order to administer holiday pay in a fair manner, part-time employees who have a regular assigned work schedule will receive holiday pay only when a holiday falls on a regularly scheduled work day for that employee. The part-time employee will be paid for the number of hours that they are normally assigned on that day of the week.

Part-time employees who do not have a regularly assigned schedule will receive holiday pay on a pro-rated basis, determined by the average number of hours worked per week as a percentage of a 40 hour work week. (Example: 20 hours average/40*8 hours = 4 hours of Holiday Pay).

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