Village of Weston, Wisconsin

OFFICIAL MEETING AGENDA OF THE PERSONNEL COMMITTEE

The Regular meeting of the Village of Weston Personnel Committee, composed of five (5) members, will convene at the Weston Municipal Center, Board Room, 5500 Schofield Ave., Weston, on **Monday, February 15, 2016, at 4:30 p.m.** to consider the following matters:

A. Opening of Session.
- **1.** Meeting called to order by Trustee Ziegler at 4:30 p.m.
- **2.** Clerk will take attendance and roll call
- **3.** Request for silencing of cellphones and other electronic devices.
- **4.** Acknowledgment of visitors if any.

B. Comments from the public on matters pertaining to committee business and oversight.

C. Presentations.

D. Business Items for consideration, discussion, and action.
- **5.** Meeting minutes from January 18, 2016.
- **6.** Recommendation to make modifications to Section 7.07 "Call-in-Pay" and Section 7.08 "On Call Pay / Stand-by-Duty" of the Village of Weston Policies and Procedures Handbook.
- **7.** Update on Carlson Dettmann Training.
- **8.** Update on Lumin Training.
- **9.** Update on recruitments and searches.

E. Reports.
- **10.** Clerk / Employee Resources Manager
- **11.** Administrator

F. Remarks from Committee; discuss items to be included for the next Personnel Committee agenda.

G. Set next meeting date for **Mon, March 21st, 2016**.

H. Announcements.
- Save the date: 20th Anniversary Celebration – Friday, March 11th, 2016 @ Dale's Weston Lanes.

I. Adjourn.

WITNESS: My signature this 12th day of February, 2016.

Sherry Weinkauf
Weston Village Clerk

This notice was posted at the Municipal Center, and on the Village's website at www.westonwi.gov, and was emailed to local media outlets (Print, TV, and Radio) on 2/12/2016 @ 4:30 p.m. A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above noticed meeting in order to gather information. No actions to be taken by any other board, commission, or committee of the Village, aside from the Board of Trustees. Should a quorum be other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting. Any person who has a qualifying disability as defined by the Americans with Disabilities Act requires that meeting or material to be in accessible location or format must contact the Weston Municipal Center at 715-359-6114, by 2pm the Friday prior to the meeting so any necessary arrangements can be made to accommodate each request.

Village of Weston, Wisconsin
REGULAR MEETING OF THE PERSONNEL COMMITTEE
February 15th, 2016

MEETING PACKET COVER SHEET
AGENDA ITEM – D.5.

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Village of Weston, Wisconsin
MEETING MINUTES OF THE PERSONNEL COMMITTEE
Monday, January 18, 2015, at 4:30 p.m.

A. Opening of Session.

1. **Meeting called to order by Trustee Ziegler at 4:30 p.m.**
2. **Clerk will take attendance and roll call**

Roll call indicated 4 members were present.

Member	Present
Ziegler, Jon	YES
Berger, Scott	YES
Hegg, Robin	NO (excused)
Pagel, Deb	YES
Penza, Don	YES

Village Staff in attendance: Guild, Jacobs, Higgins, Weinkauf, Hodell, Osterbrink, Crowe, and Mroczenski.

3. **Request for silencing of cellphones and other electronic devices.**
Ziegler requested the silencing of cellphones.

4. Acknowledgment of visitors if any.

B. Comments from the public on matters pertaining to committee business and oversight.
No comments.

C. Presentations.
No presentations.

D. Business Items for consideration, discussion, and action.

5. **Aquatic Center 2016 Season Recruitment and Lifeguard Incentive Program.**
Osterbrink reported this item was referred back to Personnel Committee for discussion and possible action. Mroczenski said there is a shortage of lifeguards in the area. There is a saturation of pools in the area and staffing is down. He has been discussing this issue with the other communities to come up with some kind of a solution. It was indicated that Mroczenski is now certified to train lifeguards, but the Village does not have a pool to use for training. Mroczenski said he hires 30 to 35 guards each year. He explained the incentives. There was a short discussion on work hours and returning guards.

Motion by Berger, second by Penza to approve the proposed Aquatic Center 2016 season recruitment and lifeguard incentive program.

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Ziegler, Jon	YES
Berger, Scott	YES
Hegg, Robin	-
Pagel, Deb	YES
Penza, Don	YES

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6. **Convene into closed session under Wisconsin State Statutes 19.85 (1) (c) for the purpose of considering the employment, compensation, or performance evaluation data of any employee over which the governmental body has jurisdiction or exercises responsibility to consider compensation and performance evaluation data of Administrative Specialist/Deputy Clerk (materials for this agenda item will not be included in the meeting packet, but will instead be transmitted to Committee members via email).**

   Motion by Berger, second by Pagel to convene to closed session at 4:48 p.m.

   Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Ziegler, Jon	YES
Berger, Scott	YES
Hegg, Robin	-
Pagel, Deb	YES
Penza, Don	YES

7. **Reconvene into Open Session;**
   The members reconvened to open session at 4:51 p.m.

8. **<u>Update on recruitments and searches</u>;**
   Guild referred to an employee organizational chart. He said there are a number of vacant positions. Donna Stroik has accepted an offer of employment as the Deputy Finance Director. Guild said the vacant Administrative Support Specialist/Deputy Clerk position has been split between several other staff members. We will now hire another fulltime position in the Finance Department. Staff plans to have some inexpensive remodeling done so that the Clerk can be moved to the front office. The interviews for the Utility Maintenance Worker/Operator have been completed. An offer has been made to an applicant for the Assistant Building Inspector/Code Enforcement Officer. We are also recruiting for a Refuse and Recycling intern and Park and Public Works Maintenance Worker.

9. **<u>Recommendation to create a new position entitled Administrative Specialist – Finance Department and place the position on Grade on the Carlson Dettmann Pat Matrix. Recommendation to authorize Administrator to begin recruitment and selection process for this position.</u>**

   Motion by Ziegler, second by Pagel to approve creating a new position entitled Administrative Specialist – Finance Department and place the position on Grade G of the Carlson Dettmann Pat Matrix, and authorize Administrator to begin recruitment and selection process for this position

   Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Ziegler, Jon	YES
Berger, Scott	YES
Hegg, Robin	-
Pagel, Deb	YES
Penza, Don	YES

10. **<u>Acknowledge Hiring of Donna Stroik as Deputy Finance Director, with appointments as a Deputy Treasurer and Deputy Clerk of the Village of Weston</u>.**

    Motion by Pagel, second by Penza to acknowledge the hiring of Donna Stroik as Deputy Finance Director, with appointments as a Deputy Treasurer and Deputy Clerk of the Village of Weston once contingencies are all met.

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11. **Update on Carlson Dettmann;**
Guild gave an update on the proposed Carlson Dettman training for 2016. He also said Carlson Dettman offered their services for union negotiations at no additional charge. He will mention this to the Police Chief.

12. **Update on Lumin Training;**
Guild said additional funds have been set aside for 12 other employees to complete the same kind of training that the Department Directors did in 2015.

E. Reports.

13. **Clerk / Employee Resources Manager**
Weinkauf gave an update on the employee biometric screenings. She said these screenings will be held in February. Some of the employees are currently participating in a wellness challenge. She also reported she hopes to complete the employee total compensation statements earlier this year. She is also working on W2 reconciliations.

14. **Administrator**
Guild talked about the need for more storage space and the possible options. He also said the Board of Trustees recently approved a policy which requires all wage adjustments to become effective on a date at the beginning of a payroll period and not on a specific calendar date.

E. Remarks from Committee; discuss items to be included for the next Personnel Committee agenda.
Penza recognized the Finance Department for their achievement in receiving a 2014 Comprehensive annual financial report award.

F. Set next meeting date for **Mon, February 15th, 2016**.

H. Announcements.

- **Save the date: 20th Anniversary Celebration – Friday, March 11th, 2016 @ Dale's Weston Lanes.**
Guild invited the members to the 20th Anniversary celebration.

I. Adjourn.

Motion by Pagel, second by Penza to adjourn the Personnel Committee meeting at 5:15 p.m.

Yes Vote: 4 **No Votes: 0** **Abstain: 0** **Not Voting: 1** **Result: PASS**

Member	Voting
Ziegler, Jon	YES
Berger, Scott	YES
Hegg, Robin	-
Pagel, Deb	YES
Penza, Don	YES

Sherry Weinkauf, Village Clerk

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Village of Weston, Wisconsin
REGULAR MEETING OF THE PERSONNEL COMMITTEE
February 15th, 2016

MEETING PACKET COVER SHEET
AGENDA ITEM – D.6.

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Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**KEITH DONNER, DIRECTOR OF PUBLIC WORKS AND UTILITIES**
ITEM DESCRIPTION:	**CHANGES TO SECTION 7.07 "Call-in Pay" and SECTION 7.08 "On Call Pay / Stand-by Duty" OF THE VILLAGE OF WESTON POLICIES AND PROCEDURES HANDBOOK AS AUTHORIZED BY ACTION OF THE BOARD OF TRUSTEES ON NOVEMBER 16, 2015.**
DATE/MTG:	**PERSONNEL AND BOARD OF TRUSTEES, FEBRUARY 15, 2016**
POLICY QUESTION:	Should the Board of Trustees approve the recommended modifications to Section 7.07 "Call-in Pay" and Section 7.08 "On Call Pay / Stand-by Duty" of the Village of Weston Policies and Procedures Handbook as authorized by action of the Board of Trustees on November 16, 2015.
RECOMMENDATION TO:	I make a motion that the Board of Trustees approve the recommended modifications to Section 7.07 "Call-in Pay" and Section 7.08 "On Call Pay / Stand-by Duty" of the Village of Weston Policies and Procedures Handbook as authorized by action of the Board of Trustees on November 16, 2015.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☐ Ordinance	☐ Proclamation
☐ Administrative Order	☒ Policy	☐ Reports
☐ **Expenditure**	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item: _____
☐ Budgeted Expenditure: _____
☐ Budgeted Revenue: _____

STATUTORY / RULEMAKING / POLICY REFERENCES:

☐ WI Statue: _____
☐ WI Administrative Code: _____
☐ Case Law / Legal: _____
☐ Municipal Code: _____
☐ Municipal Rules: _____

PRIOR REVIEW: **Staff, Village Legal Counsel, Personnel Committee, Board of Trustees**

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BACKGROUND: The background related to this item from original discussion is among the attachments. Village legal counsel has also reviewed the materials and provided a verbal summary/opinion related to the concepts of "engaged to wait" and "waiting to be engaged." The proposed handbook language does not violate labor law.

☐ Supplemental Briefer for Agenda Items under Consideration

☒ Attachments: Minutes of Joint meeting of Personnel Committee and Board of Trustees of 11/16/15, Items F,26 and E,29
Marked up Sections 7.07 and 7.08 of Employee Handbook;
Clean copy of Sections 7.07 and 7.08 with proposed edits,
Original Request for Consideration and Staff Report for 11/16/15 meetings

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Village of Weston, Wisconsin
JOINT MEETING MINUTES OF THE BOARD OF TRUSTEES, FINANCE COMMITTEE, AND PERSONNEL COMMITTEE
Monday, November 16, 2015

A. Opening of Session.

1. **Meeting called to order by President Ermeling at 6:00 p.m.**
2. **Finance Committee meeting called to order by Chairperson Berger.**
3. **Personnel Commission meeting called to order by Chairperson Ziegler.**
4. **Pledge of Allegiance to the Flag.**
5. **Clerk will take attendance and roll call.**

Roll call indicated 6 Board of Trustees' members present.

Trustee	Present
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Vacant	NO

Roll call indicated 4 Finance Committee members present.

Member	Present
Berger, Scott	YES
Ermeling, Barb	YES
Bender, Bob	YES
Yaeger, Dick	YES
Sukup, Carrie	NO

Roll call indicated 5 Personnel Committee members present.

Member	Present
Ziegler, John	YES
Berger, Scott	YES
Hegg, Robin	YES
Pagel, Deb	YES (left the meeting at 6:20)
Penza, Don	YES

Village Staff in attendance: Guild, Jacobs, Higgins, Weinkauf, Hodell, Wodalski, Osterbrink, Wehner, and Parker. Everest Metro Chief Sparks and SAFER Deputy Chief Finke were also in attendance.

6. **Request for silencing of cellphones and other electronic devices.**
7. **Acknowledgment of visitors if any.**
8. **Recess Finance Committee until Agenda Items #F.**
   Berger recessed the Finance Committee until Agenda Item F.
9. **Recess Personnel Committee until Agenda Items #E.**
   Ziegler recessed the Personnel Committee until Agenda Item E.

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B. Correspondence and comments from the public.

10. Comments from the public on issues, which the Finance and, Personnel Committees has oversight over or on business items that might be recommended to the Board of Trustees, or matters which the Board of Trustees has oversight over.

Ermeling asked if there were any comments. There were no comments.

C. Special Legislative Action by Board of Trustees.

11. Acknowledge Clerk's certification of resignation of Trustee Sharon Jaeger.

Motion by White, second by Ziegler to acknowledge the Clerk's certification of Trustee Sharon Jaeger resignation.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Vacant	-

12. Nomination of Karen Schmutzler to complete remaining vacant Trustee term.

Motion by Ermeling, second by White to nominate and approve Karen Schmutzler complete the remaining vacant Trustee term. Weinkauf swore in Schmutzler and an Oath of Office was signed by Schmutzler and notarized by Weinkauf.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Vacant	-

D. Presentations.

13. Draft FY2016 Budget and Draft Financial Plan.

Guild gave a presentation on the proposed 2016 budget

a) **Clerks.**
Weinkauf reviewed her significant changes to the proposed budget.

b) **Parks.**
Osterbrink reviewed his significant changes to the proposed budget.

c) **Planning/Development.**
Higgins reviewed her significant changes to the proposed budget.

d) **Public Works.**
Donner and Wodalski reviewed their significant changes to the proposed budget.

e) **Taxpayers.**
Hodell reviewed her significant changes to the proposed budget.

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f) **Technology.**
Crowe reviewed his significant changes to the proposed budget.

Guild continued his budget presentation. There was a lengthy discussion on borrowing as it relates to streets and building projects. He distributed a copy of a proposed resolution endorsing changes to the term limits of the WI Board Commissioners of public lands state trust fund loan program and a resolution endorsing a premier resort area tax in the Village. He also distributed information regarding a vehicle registration fee or wheel tax. He also reported the public budget hearing is scheduled for November 30th at 6:00 p.m.

E. Consent Business Items – Personnel Committee Recommendations.
Ziegler indicated the Personnel committee members were back from recess

14. Recommend adjustments to Village Organization chart.
15. Recommend adjusting all values on pay matrix by 0.73%, which is CPI for 2015.
16. Recommend the following actions related to the Weston Aquatic Center:
a) **RFC for Employee Incentives.**
b) **RFC for Seasonal Park Maintainer Wage Rate Increase.**
c) **RFC for WAC Wage Scale.**
Penza has concerns with giving incentives and bonuses. Osterbrink explained staff's proposed plan. Osterbrink said the parameters can be changed .This is just a proposal. Hegg asked about performance expectations. Guild suggested this item be deferred to the next Personnel Committee meeting.

Motion by Berger, second by Ziegler to defer this item to the next Personnel Committee meeting.

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Ziegler, John	YES
Berger, Scott	YES
Hegg, Robin	YES
Pagel, Deb	-
Penza, Don	YES

17. Complying with Section 5.07 of the Personnel Policy Procedure Handbook:
a) **Recommend adjusting the Director of Planning and Development position from Grade N to Grade O.**
b) **Recommend adjusting the Deputy Finance Director position from Grade K to Grade L.**
c) **Recommend adjusting the Municipal Maintenance Worker and Utility Maintenance Operators positions from Grade G to Grade H.**
d) **Recommend adjusting the Utility Clerk position from Grade F to Grade G.**
18. Complying with Section 5.10 of the Personnel Policy Procedure Handbook:
a) **Recommend new position Utility Maintenance Senior Operator; place on Grade I.**
b) **Recommend new position Works Maintenance Senior Operator; place on Grade I.**
c) **Recommend new position Assistant Building Inspector/Code Enforcement Officer; place on Grade H.**
d) **Recommend new position Works Maintenance Operator; place on Grade H.**
e) **Recommend new position Utility Maintenance Worker; place on Grade G.**
f) **Recommend new position Office Assistant; place on Grade E.**
g) **Recommend new position Refuse/Recycling Intern; place on Grade D.**
h) **Recommend new position Seasonal Public Works Maintainer; place on Grade C.**
i) **Recommend new position Seasonal Parks Maintainer; place on Grade B.**

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19. **Recommend new positions AC Head Lifeguard, AC Lifeguard, AC SlideTop/Cashier, and Ice Rink Attendant; place on Grade A.**
20. **Recommend final adjustments to Section 5.10 class/comp pay matrix as presented.**
21. **Recommend amending PP&P Handbook 10.03(6)(a)(ii) to include Assistant Building Inspector and Assistant Planner.**
22. **Recommend hiring an Assistant Building Inspector/Code Enforcement Officer.**
23. **Recommend hiring a Park Maintainer.**
24. **Recommend fy16 contract for services with Carlson Dettman.**
25. **Recommend fy16 contract for services with Lumin.**

Motion by Penza, second by Berger to approve Consent Items E.14 to E.15 and E.17 to E.25.

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Ziegler, John	YES
Berger, Scott	YES
Hegg, Robin	YES
Pagel, Deb	-
Penza, Don	YES

26. **Recommend PW Director Proposal for Stand-by pay adjustments.**
Donner explained the proposal for stand-by and call time pay. He recommends the stand-by pay for the street division first responder be $90 and the utility first responder be $180. He also recommends the issue be further researched in 2016. White asked if these were rotated assignments. Donner said yes. There was a short discussion on response time and employee expectations while on call. Penza said he is concerned with doubling the fee from $90 to $180. Donner said he was using other comparisons. There was a short discussion regarding the budget impact. ***Motion by Berger, second by Ziegler to approve the proposed stand-by pay adjustments, per the recommendation of Donner.***

Yes Vote: 3 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Ziegler, John	YES
Berger, Scott	YES
Hegg, Robin	YES
Pagel, Deb	-
Penza, Don	NO

27. **Personnel Committee Recommendations Removed from Consent (if any).**
Item numbers 16 and 26 were removed from consent. See specific item for discussion and action.

28. **Recess Personnel Committee until Agenda Items.**
Ziegler adjourned the Personnel Committee at 8:28 p.m.

F. Consent Business Items – Finance Committee Recommendations.

29. **Recommend Personnel Committee Agenda Items #14 - #26.**
30. **Recommend tax rate increase of 3.44%.**
31. **Recommend Refuse/Recycling rate of $155/year.**
32. **Recommend raising Room Tax Rate to 8%**
33. **Recommend transferring current balance of Room Tax Fund into CIP fund.**

Motion by Bender, second by Yaeger to approve Consent items F.29 to F.33.

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Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Berger, Scott	YES
Ermeling, Barb	YES
Bender, Bob	YES
Yaeger, Dick	YES
Sukup, Carrie	-

34. Recommend contract with Ehlers to perform water/sewer utility rate case analysis.
Yaeger asked if this was an application for their services. Guild said this is to do the study. He said staff does not have time to do this. Donner said this is only the water rate analysis and not sewer. ***Motion by Yaeger, second by Bender to approve a contract with Ehlers to perform a water/sewer utility rate case analysis.***

Yes Vote: 4 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

Member	Voting
Berger, Scott	YES
Ermeling, Barb	YES
Bender, Bob	YES
Yaeger, Dick	YES
Sukup, Carrie	-

35. Finance Committee Recommendations Removed from Consent (if any).
Item number 34 was pulled from consent. Please see the specific item for discussion and action.

36. Recess Finance Committee.

G. Consent Business Items – Board of Trustees.

37. Approve Personnel Committee Recommendations #14 - #26.
It was indicated not to take any action on Item #16. The item was deferred. White asked how long the Village would have contracted services with Carlson Dettman and Lumin Advantage Consulting (E.24 and E.25). Guild said this is the last year with Carlson Dettman for contracted services, but noted anytime the Village requests a position to be re-rated the Village will get charged $250. Guild said the contact with Lumin Advantage Consulting should cover the majority of employee training programs that the Village is looking to accomplish. He does not anticipate this contract to be as big as the current contract in future years.
Motion by White, second by Ziegler to approve the Personnel Committee recommendations #14 and #15 and #17 to #26.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Schmutzler	YES

38. Approve Finance Committee Recommendations #30 - #34.
39. Approve Ordinance No 15-027 Amending Certain Chapters of the Municipal Code.

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40. Approve Ordinance No. 15-028 regarding Weights and Measures.
White asked for a subsection reference to be fixed under (c)(2). He also asked about fees. Jacobs said the Finance Committee asked staff to find out what other communities are charging. Staff will continue to work on that. White asked if this would be included in the schedule of fees. Guild said yes. White said this ordinance should be included in Chapter 91.
Motion by White, second by Schuster to approve Ordinance No. 15-028 regarding Weights and Measures, contingent on making the necessary corrections mentioned above.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Schmutzler	YES

41. Approve Jeremy Wheeler, new agent for Pick N Save, 2806 Schofield Avenue.
42. Approve Operator Licenses.
43. Deny Operator License for Preston Zyduck.
Motion by White, second by Schuster to deny the Operator License for Preston Zyduck, per the recommendation of Chief Sparks.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Schmutzler	YES

44. Resolution 2015-026 – Adjustments to Class/Comp Pay Matrix.
45. Resolution 2015-035 – Hiring an Assistant Building Inspector.
46. Resolution 2015-036 – Hiring a Refuse and Recycling Summer Intern.
47. Resolution 2015-037 – Moving Weston Elementary School polling place to Professional Development Center.
48. Resolution 2015-038 – Hiring a Parks Maintainer/Municipal Maintenance Worker.
49. Approve Board of Trustee Minutes from November 2 and November 9, 2015
White said the November 9th minutes indicated he opened the meeting and did not close. He asked for the minutes to show that he did close the hearing. Staff will correct the minutes.
50. Board of Trustee Business Items Removed from Consent (if any).
Items #37, #40, #43 and #49 were removed from consent. Discussion and action taken under specific item number.

Motion by Schuster, second by Schmutzler to approve Consent Items #38 - #39 and #41 - #42 and #44 to #48 and #50. Q/Jacobs pointed out that under #30 the Board is not approving the tax rate, but making the recommendation to approve at the public hearing.

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Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Schmutzler	YES

H. Reports from Committees, including draft meeting minutes.

51. Community Life, and Public Safety (per Schuster/Hodell).

52. Community Development Authority (per Berger/Guild).

53. Finance (Per Berger/Jacobs).

54. Parks and Recreation (per Ostrowski/Osterbrink).

55. Personnel (Per Ziegler/Weinkauf).

56. Plan Commission (Per White/Higgins).

57. Property & Infrastructure.

58. Zoning Board of Appeals.

There were no draft minutes attached to the agenda packet, and this item was referred to the next meeting.

I. Reports from Departments

59. Clerk.

Weinkauf asked if there were any questions. There were none.

60. Fire & EMS.

Finke gave an update on a recent EMS call that involved a choking patient. He also reported the Department recently assisted with a couple of fires in Mosinee.

61. Finance.

Jacobs reported the Assessor is currently working on sending out personal property assessment forms. He also reported the proposed total combined tax rate increase will be 40 cents.

62. Parks & Recreation.

Osterbrink asked for questions. There were none.

63. Planning & Development.

Higgins said staff completed the America Recycles Day event this past week.

64. Police.

Sparks reported on the illegal gambling machines at the Shell gas station on Schofield Avenue. He also reported the ad for the new clerical position has been posted. The Department is also working on the recruitment of a police officer.

65. Public Works & Utilities.

Donner reported the leaf pick up is now winding down.

66. Taxpayer Relations.

Hodell asked if there were any questions. There were none.

67. Technology Services.

Crowe asked if there were any questions. There were none.

J. Regular New Business

68. Nominations and selection of Village Vice-President.

Guild said staff is working on a draft ordinance that relates to this item. This will come before the Board of Trustees on November 30th. Ermeling said she feels it is important to have another person take care of the President's duties in his or her absence.

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69. **Recommendation from Finance Department to create a policy which requires all 2016 wage adjustments, and future adjustments, for the EMPD, SAFER, and Village, be changed on a date at the beginning of a payroll period and not on a specific calendar date.**
Guild explained the past issues with payroll. He would like to see all departments practice the policy of assigning pay increases or adjustments on the beginning of a payroll period instead of a specific calendar date. White asked about honoring a union contract that currently exists. Guild said if the contract is a specific calendar date then we would have to honor that.
Motion by Schuster, second by Ziegler to approve creating a policy which requires all 2016 wage adjustments, and future adjustments, for the EMPD, SAFER, and Village, be changed on a date at the beginning of a payroll period and not on a specific calendar date.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Schmutzler	YES

K. Report from the Administrator.
Guild reported his cell phone is not working and is in the process of getting it fixed. The budget documentation was emailed to the Board. Staff can provide a paper copy if requested.

L. Remarks from Trustees (No actions will be taken as a result of this agenda item).
No comments.

M. Remarks from the President (No actions will be taken as a result of this agenda item).
Ermeling thanked everyone for their well wishes.

N. Discuss items to be included for next Board agenda (No actions will be taken as a result of this agenda item).

O. Set next meeting date for Mon, November 30, 2015.

P. Adjourn.
Motion by Ziegler, second by Berger to adjourn the meeting at 9:00 p.m.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

Trustee	Voting
Ermeling, Barb	YES
Berger, Scott	YES
Ostrowski, Kevin	YES
Schuster, Fred	YES
Ziegler, Jon	YES
White, Loren	YES
Schmutzler	YES

Sherry Weinkauf, Village Clerk

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CHAPTER 7

WORK SCHEDULING

Sec. 7.01. Work Schedules.
Sec. 7.02. Time Keeping.
Sec. 7.03. Payroll.
Sec. 7.04. Flex Time.
Sec. 7.05. Shift Differential.
Sec. 7.06. Overtime.
Sec. 7.07. Called-into-Work.
Sec. 7.08. Stand By and On-Call.
Sec. 7.09. Jury Duty.
Sec. 7.10. Severe Weather.
Sec. 7.11. Telework and Telecommuting.

Sec. 7.01. Work Schedules.

(1) The normal workday shall commence at 8:00 a.m. and end at 4:30 p.m. with a ½ hour unpaid lunch period. A Department Director may determine a different start and end time to better serve the public and/or to meet operational needs. The workday for full-time employees will generally be considered eight (8) hours and the work week will generally be considered forty (40) hours. The work week shall begin at 12:00 a.m. on Monday and run through 11:59 p.m. on the following Sunday.

(2) Work schedules for employees vary throughout the Village organization. Scheduled hours of work are set by the Village. Supervisors will advise employees of their individual work schedules. Staffing needs and operation demands may necessitate variations in starting and ending times, days of the week worked, as well as variations in the total hours that may be scheduled each day and week. Except for positions that the employer requires to be staffed at all times, an employee may not combine paid time off with hours actually worked to exceed his or her normally scheduled hours.

(3) The Village places great emphasis on good attendance. Absence or tardiness places an extra burden on co-workers and undermines the efficient operation of the department. Regular attendance is expected of every employee. It is each employee's responsibility to be on the job on time each day, and fully able and ready to work. Although there are justifiable reasons to take time off from work, each employee's employment assumes his or her availability for work. Employees are expected to arrive at work on time, return from scheduled rest breaks and lunch breaks on time and to work until the job is completed, work day ends, or the employee is relieved from duty.

(4) An employee who anticipates being absent or tardy must call in to report the absence or tardiness as soon as possible before their shift. Departments may have their particular requirements.

(5) Absenteeism or tardiness may lead to discipline, including discharge and may also be taken into consideration when the Village reviews each employee for wage changes or promotion. Absenteeism is defined as the practice of regularly staying away from work or school without good reason. Two or more unexcused tardiness incidents constitute habitual tardiness or a pattern of tardiness and will be considered excessive.

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(6) Employees assigned to restricted duty shall work the hours and days when work is available within their restrictions and adequate supervision can be provided.

(7) A Department Director, based on operational necessity, budget allocation, and grant funding (if applicable) has the authority to allow an employee to combine paid time off hours with time actually worked to exceed his/her normally scheduled hours.

Sec. 7.02. Time Keeping.

All non-exempt employees must accurately record time worked on a time card for payroll purposes and are required to record their own time at the beginning and end of each work period, and before and after any unpaid break. Employees must record their time whenever they leave the building for any reason other than Village business or with prior approval from the supervisor. Filling out another employee's time card, allowing another employee to fill out your time card, or altering any time card will be grounds for discipline.

No work shall be performed by employees prior to their clocking or logging in at the start of their work day, during their lunch break when they are clocked out, or after they have clocked out at the end of their work day. No one in the Village of Weston has the authority to ask, or encourage, or insinuate that you should work off the clock.

Employees may use paid-time off in units of 1 hour/60 minutes.

Sec. 7.03. Payroll.

Village employees shall participate in the Village's direct deposit program and are paid on a bi-weekly basis. The payroll workweek begins on Sunday at 12:01 am and ends on the following Saturday at 12:00 midnight. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on a bank holiday, employees will be paid on the day prior to the bank holiday.

The Village of Weston is required to make certain deductions from your paycheck each time one is prepared. This includes federal income taxes and your contribution to Social Security, where applicable and as required by law. These deductions will be itemized on your payroll statement. The amount of the deductions may depend on your earnings and the information you furnish on your W-4 form regarding the number of dependents/exemptions you claim. Any change in name, address, telephone number, marital status or number of exemptions must be reported to Employee Resources Manager immediately to ensure proper credit for tax purposes. The W-2 form you receive for each year indicates precisely how much of your earnings were deducted for these purposes. Any other mandatory deductions to be made from your paycheck, such as court-ordered garnishments, will be explained whenever the Village is ordered to make such deductions.

The Village reserves the right to make deductions and/or withhold compensation from an employee's paycheck as long as such action complies with applicable state and federal law. In addition, it may be possible for you to authorize the Village to make additional deductions from your paycheck for extra income taxes, contributions to retirement savings programs or insurance benefits (if eligible).
Every effort is made to avoid errors in an employee's paycheck. If you believe an error has been made or you have a question about your pay, notify Employee Resources Manager immediately. If you believe your pay has been improperly docked, notify Employee Resources Manager immediately. The Village will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly.

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Sec. 7.04. Flex Time.

Employees may be permitted alternative working hours provided that:

(1) The Department Director approves the alternative schedule.

(2) Service to the public during the normal workday hours remains unaffected by the alternative schedule.

(3) Non-exempt employees should maintain the same hours worked or paid in a work week. Exempt employees should maintain the same hours worked or paid in a pay period.

(4) In the case of absences, employees may use an amount of paid leave equal to that day's scheduled hours or they may flex up their work hours that week (non-exempt staff) or pay period (exempt staff) to reach their regularly scheduled hours.

Sec. 7.05. Shift Differential.

Any regular employee whose assigned to work a schedule that requires four (4) or more work hours after 5:00 p.m. shall receive forty-five cents per hour ($.45/hour) in addition to their regular hourly rate. For any regular employee whose assigned to work a schedule that requires four (4) or more work hours after 12:00 midnight shall receive sixty cents per hour ($.60/hour) in addition to their hourly rate. No differential shall be paid for an employee working overtime.

Sec. 7.06. Overtime.

(1) Overtime work begins to accrue after the completion of 40 hours actual time worked.

(2) Prior approval by supervision or management must be obtained for all overtime hours worked. Overtime work is to be held to a minimum consistent with the needs of the service. It is the responsibility of each department to explore all possible alternatives before a decision is made to require employees to work on an overtime basis. Further, it is the responsibility of each department to ensure that the provisions of overtime pay are administered in the best interest of Village service. Each department should develop internal controls that provide a means of reviewing and evaluating the use of overtime.

(3) Overtime shall be compensated for non-exempt employees at one and one half (1 ½) times the employee's hourly rate of pay. Overtime is defined as any hours worked in excess of 40 hours per week. Hours worked on Saturday or Sunday for work that is not regularly scheduled is considered overtime and shall be compensated at one and one (1 ½) times.

(4) Non-Exempt Staff: The Village non-exempt staff will be eligible for overtime payment (time and one-half) according to the Fair Labor Standards Act requirements.

- Administrative Support Specialists
- Arborist / Parks Maintenance Worker
- Fleet Supervisor
- Fleet Maintenance Worker
- Municipal Maintenance Worker
- Parks Maintenance Worker
- Street Supervisor

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- Utility Maintenance Worker
- Utility Supervisor
- Interns
- Seasonal

(5) Exempt Staff: The Village exempt staff will not be eligible for overtime unless listed in the Professional/Administrative overtime option.

- Administrator
- Aquatic Center Manager
- Building Inspector/Building Manager
- Clerk/Employee Resources Manager
- Communications & Marketing Specialist
- Deputy Finance Director/Treasurer
- Deputy Director of Public Works and Utilities
- Finance Director/Treasurer
- Parks, Forestry, & Grounds Director
- Planning & Development Director
- Public Works and Utilities Director
- Taxpayer Relations Director
- Technology Service Director

(6) The Village Administrator may declare an emergency during periods of disruption resulting from accidents, acts of God, or events of crisis proportions. Department Directors will notify employees by any means available and may instruct them to deploy from home, job, or any other place for the purpose of alleviating such emergency situations. Failure to report to duty under these circumstances may be grounds for disciplinary action.

Sec. 7.07. Call-~~in~~ Time Pay.

When employees of the Services Division, ~~Public Works Department within either the Streets Division or the Utility Division~~ are called in to work from home by phone or by pager, after the completion of their regular scheduled shift, they shall receive a minimum of two hours of their regular rate (defined as Call-Time Pay). Upon arrival from call in, the employee's eight hour day begins.

If an employee ~~member of the Utility Division~~ is called in (by pager or phone) they will ~~only~~ receive Call Time Pay ~~two hours of their regular rate~~ only if they physically respond to the call or document in writing that the issue was mitigated by phone. In addition, response to additional calls within the first two hours of response to the first call cannot be claimed as a separate call-in event.

All employees serve in a state of "waiting to be engaged" and are subject to call-in at any time during any day of the year as the needs of the public may require to maintain public health, safety, and welfare. If said overtime is scheduled the day before or during the regular shift, the employee will not receive Call ~~in~~ Time-Pay.

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Sec. 7.08. On Call Pay / Stand-By Duty.

Utility employees shall be assigned weekly standby duty on a rotation basis in order to respond to events occurring outside the workday. The employee designated for standby duty is required to carry a pager and to take a service vehicle home Monday through Sunday night of the designated week. The employee will be compensated $180.00 per week to carry the pager. The employees shall remain alcohol free during the week he / she carries a pager. During an employee's standby week, he / she shall perform required equipment checks and water quality sampling / testing between 7:00 a.m. and 10:00 a.m. on Saturday, Sunday and any holiday that falls within that week and shall be compensated a minimum of four (4) hours worked each day at the rate of one and one-half times his / her regular hourly rate for work on those days.

A Public Works employee may be assigned weekly standby duty to serve as first responder for events occurring outside the workday. The employee designated for standby duty is required to carry a pager and may take a service vehicle home Monday through Sunday night of the designated week. The employee will be compensated $90.00 per week to carry the pager. The employee shall remain alcohol free during the week he / she carries a pager

Sec. 7.09. Jury and Witness Duty.

An employee, when subpoenaed in connection with Village business or called upon to serve jury duty or as a witness, shall receive the regular rate of pay for such time actually required to be in Court based upon the employee's standard (scheduled) work day, excluding shift differential. The employee must return any compensation, less mileage payment, received through Jury Pay or Witness Fee to the Village. If an employee is excused from jury duty, or as a witness, on a particular day, he/she shall return to work, if there are two (2) or more hours remaining in the work day.

Sec. 7.10. Severe Weather.

Employees are expected to report to work at their regularly scheduled time regardless of prevailing weather conditions. Any employee experiencing difficulty in complying with this directive shall immediately call and advise the supervisor of the problem. If the employee is unable to contact the supervisor, the employee shall leave the message with the department secretary or whomever else the employee is able to contact in the department.

Employees not reporting to work or employees who are permitted to leave early due to an inclement weather situation may use paid time off or may take leave without pay with Department Director approval. Medical Leave Bank time may not be used. Employees must obtain approval from their supervisors before leaving the work site.

Village buildings will not close in inclement weather. Offices and departments must maintain at least the minimum staff required to provide essential services to the public. Department Directors shall determine who may be allowed to leave during inclement weather situations.

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Sec. 7.11. Telework and Telecommuting.

Village permits occasional "ad hoc" telecommuting on an individual basis whereby employees are allowed to perform normal job duties and responsibilities through the use of computers or other telecommunications, at home or another place apart from the employee's usual place of work. Telework requests will be considered on an individual basis to determine if the employee has the necessary skills and abilities to be a telecommuter and if the specific duties and responsibilities to be done as telework can be achieved and measured.

Telework requests should be discussed with your immediate supervisor and Department Director. The Department Director should contact the Administrator to discuss the telework plan. An official telework agreement outlining work hours, duties, outcomes, communications, equipment, etc. must be signed by the telecommuter, the telecommuter's Department Director, and the Employee Resource Manager, prior to beginning telework.

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Sec. 7.04. Flex Time.

Employees may be permitted alternative working hours provided that:

(1) The Department Director approves the alternative schedule.

(2) Service to the public during the normal workday hours remains unaffected by the alternative schedule.

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Sec. 7.05. Shift Differential.

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(1) Overtime work begins to accrue after the completion of 40 hours actual time worked.

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(3) Overtime shall be compensated for non-exempt employees at one and one half (1 ½) times the employee's hourly rate of pay. Overtime is defined as any hours worked in excess of 40 hours per week. Hours worked on Saturday or Sunday for work that is not regularly scheduled is considered overtime and shall be compensated at one and one (1 ½) times.

(4) Non-Exempt Staff: The Village non-exempt staff will be eligible for overtime payment (time and one-half) according to the Fair Labor Standards Act requirements.

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- Arborist / Parks Maintenance Worker
- Fleet Supervisor
- Fleet Maintenance Worker
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- Utility Maintenance Worker
- Utility Supervisor
- Interns
- Seasonal

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- Aquatic Center Manager
- Building Inspector/Building Manager
- Clerk/Employee Resources Manager
- Communications & Marketing Specialist
- Deputy Finance Director/Treasurer
- Deputy Director of Public Works and Utilities
- Finance Director/Treasurer
- Parks, Forestry, & Grounds Director
- Planning & Development Director
- Public Works and Utilities Director
- Taxpayer Relations Director
- Technology Service Director

(6) The Village Administrator may declare an emergency during periods of disruption resulting from accidents, acts of God, or events of crisis proportions. Department Directors will notify employees by any means available and may instruct them to deploy from home, job, or any other place for the purpose of alleviating such emergency situations. Failure to report to duty under these circumstances may be grounds for disciplinary action.

Sec. 7.07. Call Time Pay.

When employees of the Services Division, are called in to work from home by phone or by pager, after the completion of their regular scheduled shift, they shall receive a minimum of two hours of their regular rate (defined as Call-Time Pay). Upon arrival from call in, the employee's eight hour day begins.

If an employee is called in (by pager or phone) they will receive Call Time Pay only if they physically respond to the call or document in writing that the issue was mitigated by phone. In addition, response to additional calls within the first two hours of response to the first call cannot be claimed as a separate call-in event.

All employees serve in a state of "waiting to be engaged" and are subject to call-in at any time during any day of the year as the needs of the public may require to maintain public health, safety, and welfare. If said overtime is scheduled the day before or during the regular shift, the employee will not receive Call Time-Pay.

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Sec. 7.08. On Call Pay / Stand-By Duty.

Utility employees shall be assigned weekly standby duty on a rotation basis in order to respond to events occurring outside the workday. The employee designated for standby duty is required to carry a pager and to take a service vehicle home Monday through Sunday night of the designated week. The employee will be compensated $180.00 per week to carry the pager. The employees shall remain alcohol free during the week he / she carries a pager. During an employee's standby week, he / she shall perform required equipment checks and water quality sampling / testing between 7:00 a.m. and 10:00 a.m. on Saturday, Sunday and any holiday that falls within that week and shall be compensated a minimum of four (4) hours worked each day at the rate of one and one-half times his / her regular hourly rate for work on those days.

A Public Works employee may be assigned weekly standby duty to serve as first responder for events occurring outside the workday. The employee designated for standby duty is required to carry a pager and may take a service vehicle home Monday through Sunday night of the designated week. The employee will be compensated $90.00 per week to carry the pager. The employee shall remain alcohol free during the week he / she carries a pager

Sec. 7.09. Jury and Witness Duty.

An employee, when subpoenaed in connection with Village business or called upon to serve jury duty or as a witness, shall receive the regular rate of pay for such time actually required to be in Court based upon the employee's standard (scheduled) work day, excluding shift differential. The employee must return any compensation, less mileage payment, received through Jury Pay or Witness Fee to the Village. If an employee is excused from jury duty, or as a witness, on a particular day, he/she shall return to work, if there are two (2) or more hours remaining in the work day.

Sec. 7.10. Severe Weather.

Employees are expected to report to work at their regularly scheduled time regardless of prevailing weather conditions. Any employee experiencing difficulty in complying with this directive shall immediately call and advise the supervisor of the problem. If the employee is unable to contact the supervisor, the employee shall leave the message with the department secretary or whomever else the employee is able to contact in the department.

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Sec. 7.11. Telework and Telecommuting.

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Telework requests should be discussed with your immediate supervisor and Department Director. The Department Director should contact the Administrator to discuss the telework plan. An official telework agreement outlining work hours, duties, outcomes, communications, equipment, etc. must be signed by the telecommuter, the telecommuter's Department Director, and the Employee Resource Manager, prior to beginning telework.

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Village of Weston, Wisconsin
AGENDA ITEM COVERSHEET
Requested for Official Consideration and Review

REQUEST FROM:	**KEITH DONNER, DIRECTOR OF PUBLIC WORKS AND UTILITIES**
ITEM DESCRIPTION:	**PROPOSED CHANGES TO SECTION 7.07 "Call-in Pay" and SECTION 7.08 "On Call Pay / Stand-by Duty" OF THE VILLAGE OF WESTON POLICIES AND PROCEDURES HANDBOOK.**
DATE/MTG:	**PERSONNEL AND BOARD OF TRUSTEES, NOVEMBER 16, 2015**
POLICY QUESTION:	Should the Board of Trustees modify Section 7.07 "Call-in Pay" and Section 7.08 "On Call Pay / Stand-by Duty" of the Village of Weston Policies and Procedures Handbook to add compensation for stand-by duty pay for the Streets Division and increase the compensation for stand-by duty pay in the Utilities Division, as recommended by the Director of Public Works & Utilities?
RECOMMENDATION TO:	I make a motion that the Board of Trustees increase stand-by duty pay for the utilities first responder to $180 per week and implement stand-by duty pay for the streets division first responder at a rate of $90 per week and make appropriate changes to the employee handbook Sections 7.07 and 7.08. I also recommend the issue be further researched for further modifications by October 31, 2016.

LEGISLATIVE ACTION:

☒ Acknowledge/Approve	☐ Ordinance	☐ Proclamation
☐ Administrative Order	☒ Policy	☐ Reports
☐ **Expenditure**	☐ Procedure	☐ Resolution

FISCAL IMPACT ANALYSIS:

☐ Budget Line Item: _____
☐ Budgeted Expenditure: _____
☐ Budgeted Revenue: _____

STATUTORY / RULEMAKING / POLICY REFERENCES:

☐ WI Statue: _____
☐ WI Administrative Code: _____
☐ Case Law / Legal: _____
☐ Municipal Code: _____
☐ Municipal Rules: _____

PRIOR REVIEW: **Staff**

BACKGROUND: The Village is a service organization which is relied upon 24 hours per day, 365 days per year. Stand-by duty pay for Utility personnel serving in a first responder role has not increased for at least 10 years. No provisions have been made for Street personnel serving in a first responder role. It is recommended to increase the Utility stand-by pay to $180 per week and implement $90 per week stand-by pay for the Streets Division.

☒ Supplemental Briefer for Agenda Items under Consideration
☒ Attachments

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Village of Weston, Wisconsin
AGENDA ITEM LEGISLATIVE ANALYSIS
Supplemental Briefer for Agenda Items under Consideration

From: Keith Donner, Director of Public Works & Utilities
Date/Mtg: Monday, November 16, 2015
Re: Recommendation of the Director of Public Works to Modify Section 7.07 "Call-in Pay" and Section 7.08 "On Call Pay / Stand-by Duty" of the Village of Weston Policies and Procedures Handbook.

1. Policy Question:

Should the Board of Trustees modify Section 7.07 "Call-in Pay" and Section 7.08 "On Call Pay / Stand-by Duty" of the Village of Weston Policies and Procedures Handbook to add compensation for stand-by duty pay for the Streets Division and increase the compensation for stand-by duty pay in the Utilities Division, as recommended by the Director of Public Works & Utilities?

2. Purpose:

The Director of Public Works & Utilities is feedback from Village policymakers regarding the recommendations for compensation for those individuals serving in a stand-by role as first responder for Street and Utility issues which occur during hours outside the regularly scheduled work day.

3. Background:

Historically the Village of Weston has asked non-exempt employees in the Utility Division to serve in a stand-by duty role as first responder for issues occurring outside of regularly scheduled work days. The assignment of stand-by duty has been made to one individual during a week extending from the end of the workday on Monday and the beginning of the workday on the following Monday. The duty rotates among the utility operators. The explanation of the responsibilities during the stand-by duty assignment are described in Sections 7.07 and 7.08 of the "Village of Weston Employee Personnel Policies and Procedures Handbook," copy attached. The duties are to respond to any calls received related to utility issues during hours outside an employee's work shift and check wells on weekends and holidays. Call time and time worked are compensated for at applicable hourly rates. Employees take a Village vehicle home and are allowed to use the vehicle so that any calls can be responded to as timely as possible. Employees are expected to remain alcohol free during this time.

The compensation for the individual serving in the stand-by duty role has been $90.00 for the week for at least 10 years, if not more. The compensation rate was established under previous collective bargaining agreements along with the expectations of duties for the individual serving in the stand-by duty role as first responder. In the years leading up to Act 10 both the stand-by duty compensation and hourly pay rates for the bargaining unit membership were frozen.

Following the retirement of the Operations Manager in 2006 and, the re-structuring of non-exempt positions at that time, the most senior working foreman has taken on the duties of "Snow Boss" – the street operations first responder making determinations of resource deployment for winter precipitation events. The "Snow Boss" has not been compensated for serving in this role. The "Snow Boss" did not carry a pager until about 2013. The "Snow Boss" has been allowed to take home a village vehicle while on duty. The duty has not been rotated, but certainly could be.

The Director recommends some changes to the stand-by duty provisions in the employee handbook relative to the Department of Public Works and Utilities.

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4. Issue Analysis:

In the absence of a labor agreement compensation for employees serving in stand-by roles becomes subject to Federal and State Labor Law. The Director is not a labor law expert, but has obtained information regarding applicable provisions of the Fair Labor Standards Act (FLSA) and a few cases which seem to have relevance to the village's practices. The bottom line on case reviews seems to be that each situation is reviewed on its own merits. For example, the fact that an employee is required to carry a pager is not the deciding factor in whether an employee must be compensated for their time outside of the regular work day. Whether employees are allowed to conduct their own personal business during their time outside of the normal work day is a factor, as is the frequency of expected calls.

FLSA makes reference to the situations of employees "waiting to be engaged" or "engaged to wait." The following is the Director's understanding of the 2 situations.

"Waiting to be engaged" is a situation where an employer has included an expectation that the employee needs to provide notice of how they can be contacted should an after-hours event occur requiring a call-in. Employees are not prevented from conducting personal business during their time away from the work place. The best example of this is a snow event for the majority of the staff. The expectation of how the employees can be contacted has been addressed now with cellular telephones for which each employee now receives a reimbursement. The Director's interpretation is that employees "waiting to be engaged," – anyone not carrying a pager – are not required to be compensated other than for call time and time worked.

"Engaged to wait" is the situation where an employee is essentially continuing to serve the employer during time away from the workplace. It is the Director's interpretation that those employees serving in the stand-by duty role and carrying the pager for the village are "engaged to wait." The ability and expectation to use the village vehicle during this time has these employees in the employer's service during this time. Whether the village vehicle is involved may not even be a determining factor.

The Director's take on the situation from the perspective of FLSA may be oversimplified. The 3 cases included as attachments seem to have some direct correlation to the village's utility division situation yet, they have not been determined to be situations in which the stand-by personnel are required/entitled to compensation outside of regular hours. Whether there would or should be some consideration for staff "put on notice" of an impending snowfall event is also something that has not been explored.

Aside from requirements of FLSA there are common sense issues to consider as well as equity issues relative to the practices of other agencies and internally.

The village is a service organization and must have systems and policies in place to be able to provide service 24 hours per day, 365 days per year. The practice of assigning stand-by duty as public works and utility first responders during nights, weekends and holidays assures that there is a first response to situations which occur during those times. The practice of assigning this duty to non-exempt staff, or at least staff that customarily performs the work, reduces overall response time when situations like a sewer back-up, a water main break, or snow event occur.

In the interest of common sense, those persons serving in the stand-by duty role as first responder are making adjustments to their normal routine during that time and there should be compensation for this. Current practice is to compensate utility personnel, but not the "Snow Boss" in the streets division. Changes should be considered.

The Director has gathered some information related to compensation for stand-by duty and public works first responders. Unfortunately the data is not very comprehensive since some agencies have responded to requests, but most have not. For those that have provided information, here are some of the situations

City of Wausau 9% of hourly compensation for hours outside of normal work day (128 hours); responders also compensated for call time or time worked whichever is greater.

Manitowoc Public Utilities $350.00 per week, ½ hour credit for resolving issues by telephone.

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Racine Water Utility $55.00 per day

Kenosha Water Utility 1 hour of pay at 1-1/2 times wage rate for Mon – Fri, 2 hours of pay at 1-1/2 times for Saturday, Sunday and holidays.

Shawano Municipal Utilities 13.5 times hourly pay rate for typical week (see attached). Unclear if this is for water or electric. Also include standby provisions for "on-call/snow duty."

Whether employees are compensated for stand-by duty as first responder is subject to the interpretations of FLSA. It appears the amount of compensation is left to the individual employer.

The Director's opinion is that compensation for the utility first responder and streets first responder/"Snow Boss" are appropriate. Compensation for the utility first responder should be increased and compensation for the streets division should be instituted. However, the Director also recognizes that there seems to be variability among the various agencies as to how the compensation is determined.

Prior to preparation of this report a budget item was included in the 2016 budget proposals to increase the stand-by duty pay for the utility division to $180 per week and institute stand-by duty for the streets division in the amount of $90 per week. The proposal was based on the recognition the stand-by duty pay had not increased for utilities for many years and that some stand-by duty pay would be appropriate as a matter of equity for the streets division. The lesser compensation in the streets division is from discussion that typically streets division "Snow Boss" duty involves situations which are more predictable, whereas utility issues are more random and unpredictable.

Since there is evidence this issue should be further vetted, perhaps in planning for budget year 2017, the Director recommends the stand-by duty pay for the Utilities Division be increased to $180 per week and that the stand-by duty pay for Streets Division ("Snow Boss") be instituted for $90.00 per week, as an interim step. The Director further recommends the issue be more thoroughly researched and a recommendation for additional adjustments made by the end of the 3rd quarter of 2016 for consideration in budget preparation for 20217.

5. Fiscal Impact:

In preparing budget proposals for calendar year 2016 the Director has included the recommended stand-by duty pay rates of $180 per week for utilities and $90 per week for streets. The total amounts for utilities and streets are $9,360 and $4,680, respectively.

6. Statutory References:

References to FLSA have been made in the issue analysis. The proposal to compensate for stand-by duty is legal. The amount of compensation is discretionary. Additional compensation for "Snow Boss" duty and year-round streets division coverage is a new proposal.

7. Prior Review:

This issue has been briefly discussed with Administrator Guild on several occasions, but not at great length. The Director has been tasked with making a recommendation on the subject. There are some concerns regarding internal equity. Most recently there has been concern expressed about maintaining equity with neighboring communities. The recommended changes are on interim step toward reaching more external equity.

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8. Policy Choices:

Here are your choices.

1. Endorse the Director's recommendation to increase stand-by duty pay for the utilities first responder to $180 per week and implement stand-by duty pay for the streets division first responder at a rate of $90 per week and make appropriate changes to the employee handbook Sections 7.07 and 7.08. Also recommend the issue be further researched for a recommendation of further changes by October 31, 2016.
2. Recommend further review of the topic before making any recommendations.
3. Some other alternatives.
4. Reject recommendations of any changes to stand-by compensation for public works first responders.

9. Recommendation:

10. I recommend that the Board of Trustees increase stand-by duty pay for the utilities first responder to $180 per week and implement stand-by duty pay for the streets division first responder at a rate of $90 per week and make appropriate changes to the employee handbook Sections 7.07 and 7.08. I also recommend the issue be further researched for further modifications by October 31, 2016.

11. Legislative Action:

12. I move that the Board of Trustees increase stand-by duty pay for the utilities first responder to $180 per week and implement stand-by duty pay for the streets division first responder at a rate of $90 per week and make appropriate changes to the employee handbook Sections 7.07 and 7.08. I also recommend the issue be further researched for further modifications by October 31, 2016.

13. Attachments:

Section 7 of the Village of Weston Employee Policies and Procedures Handbook
FLSA Case Reviews
- 2009, Water Utility
- 2008 Ambulance Service
- 2008 FLSA analysis of 3 basic questions.

Shawano stand-by pay policies
Table of estimated stand-by pay compensation

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Employee Personnel Policies and Procedures Handbook

V8 – Final; 6/09/2014

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CHAPTER 7

WORK SCHEDULING

Sec. 7.01. Work Schedules.
Sec. 7.02. Time Keeping.
Sec. 7.03. Payroll.
Sec. 7.04. Flex Time.
Sec. 7.05. Shift Differential.
Sec. 7.06. Overtime.
Sec. 7.07. Called-into-Work.
Sec. 7.08. Stand By and On-Call.
Sec. 7.09. Jury Duty.
Sec. 7.10. Severe Weather.
Sec. 7.11. Telework and Telecommuting.

Sec. 7.01. Work Schedules.

(1) The normal workday shall commence at 8:00 a.m. and end at 4:30 p.m. with a ½ hour unpaid lunch period. A Department Director may determine a different start and end time to better serve the public and/or to meet operational needs. The workday for full-time employees will generally be considered eight (8) hours and the work week will generally be considered forty (40) hours. The work week shall begin at 12:00 a.m. on Monday and run through 11:59 p.m. on the following Sunday.

(2) Work schedules for employees vary throughout the Village organization. Scheduled hours of work are set by the Village. Supervisors will advise employees of their individual work schedules. Staffing needs and operation demands may necessitate variations in starting and ending times, days of the week worked, as well as variations in the total hours that may be scheduled each day and week. Except for positions that the employer requires to be staffed at all times, an employee may not combine paid time off with hours actually worked to exceed his or her normally scheduled hours.

(3) The Village places great emphasis on good attendance. Absence or tardiness places an extra burden on co-workers and undermines the efficient operation of the department. Regular attendance is expected of every employee. It is each employee's responsibility to be on the job on time each day, and fully able and ready to work. Although there are justifiable reasons to take time off from work, each employee's employment assumes his or her availability for work. Employees are expected to arrive at work on time, return from scheduled rest breaks and lunch breaks on time and to work until the job is completed, work day ends, or the employee is relieved from duty.

(4) An employee who anticipates being absent or tardy must call in to report the absence or tardiness as soon as possible before their shift. Departments may have their particular requirements.

(5) Absenteeism or tardiness may lead to discipline, including discharge and may also be taken into consideration when the Village reviews each employee for wage changes or promotion. Absenteeism is defined as the practice of regularly staying away from work or school without good reason. Two or more unexcused tardiness incidents constitute habitual tardiness or a pattern of tardiness and will be considered excessive.

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(6) Employees assigned to restricted duty shall work the hours and days when work is available within their restrictions and adequate supervision can be provided.

(7) A Department Director, based on operational necessity, budget allocation, and grant funding (if applicable) has the authority to allow an employee to combine paid time off hours with time actually worked to exceed his/her normally scheduled hours.

Sec. 7.02. Time Keeping.

All non-exempt employees must accurately record time worked on a time card for payroll purposes and are required to record their own time at the beginning and end of each work period, and before and after any unpaid break. Employees must record their time whenever they leave the building for any reason other than Village business or with prior approval from the supervisor. Filling out another employee's time card, allowing another employee to fill out your time card, or altering any time card will be grounds for discipline.

No work shall be performed by employees prior to their clocking or logging in at the start of their work day, during their lunch break when they are clocked out, or after they have clocked out at the end of their work day. No one in the Village of Weston has the authority to ask, or encourage, or insinuate that you should work off the clock.

Employees may use paid-time off in units of 1 hour/60 minutes.

Sec. 7.03. Payroll.

Village employees shall participate in the Village's direct deposit program and are paid on a bi-weekly basis. The payroll workweek begins on Sunday at 12:01 am and ends on the following Saturday at 12:00 midnight. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on a bank holiday, employees will be paid on the day prior to the bank holiday.

The Village of Weston is required to make certain deductions from your paycheck each time one is prepared. This includes federal income taxes and your contribution to Social Security, where applicable and as required by law. These deductions will be itemized on your payroll statement. The amount of the deductions may depend on your earnings and the information you furnish on your W-4 form regarding the number of dependents/exemptions you claim. Any change in name, address, telephone number, marital status or number of exemptions must be reported to Employee Resources Manager immediately to ensure proper credit for tax purposes. The W-2 form you receive for each year indicates precisely how much of your earnings were deducted for these purposes. Any other mandatory deductions to be made from your paycheck, such as court-ordered garnishments, will be explained whenever the Village is ordered to make such deductions.

The Village reserves the right to make deductions and/or withhold compensation from an employee's paycheck as long as such action complies with applicable state and federal law. In addition, it may be possible for you to authorize the Village to make additional deductions from your paycheck for extra income taxes, contributions to retirement savings programs or insurance benefits (if eligible).
Every effort is made to avoid errors in an employee's paycheck. If you believe an error has been made or you have a question about your pay, notify Employee Resources Manager immediately. If you believe your pay has been improperly docked, notify Employee Resources Manager immediately. The Village will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly.

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Sec. 7.04. Flex Time.

Employees may be permitted alternative working hours provided that:

(1) The Department Director approves the alternative schedule.

(2) Service to the public during the normal workday hours remains unaffected by the alternative schedule.

(3) Non-exempt employees should maintain the same hours worked or paid in a work week. Exempt employees should maintain the same hours worked or paid in a pay period.

(4) In the case of absences, employees may use an amount of paid leave equal to that day's scheduled hours or they may flex up their work hours that week (non-exempt staff) or pay period (exempt staff) to reach their regularly scheduled hours.

Sec. 7.05. Shift Differential.

Any regular employee whose assigned to work a schedule that requires four (4) or more work hours after 5:00 p.m. shall receive forty-five cents per hour ($.45/hour) in addition to their regular hourly rate. For any regular employee whose assigned to work a schedule that requires four (4) or more work hours after 12:00 midnight shall receive sixty cents per hour ($.60/hour) in addition to their hourly rate. No differential shall be paid for an employee working overtime.

Sec. 7.06. Overtime.

(1) Overtime work begins to accrue after the completion of 40 hours actual time worked.

(2) Prior approval by supervision or management must be obtained for all overtime hours worked. Overtime work is to be held to a minimum consistent with the needs of the service. It is the responsibility of each department to explore all possible alternatives before a decision is made to require employees to work on an overtime basis. Further, it is the responsibility of each department to ensure that the provisions of overtime pay are administered in the best interest of Village service. Each department should develop internal controls that provide a means of reviewing and evaluating the use of overtime.

(3) Overtime shall be compensated for non-exempt employees at one and one half (1 ½) times the employee's hourly rate of pay. Overtime is defined as any hours worked in excess of 40 hours per week. Hours worked on Saturday or Sunday for work that is not regularly scheduled is considered overtime and shall be compensated at one and one (1 ½) times.

(4) Non-Exempt Staff: The Village non-exempt staff will be eligible for overtime payment (time and one-half) according to the Fair Labor Standards Act requirements.

- Administrative Support Specialists
- Arborist / Parks Maintenance Worker
- Fleet Supervisor
- Fleet Maintenance Worker
- Municipal Maintenance Worker
- Parks Maintenance Worker
- Street Supervisor

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- Utility Maintenance Worker
- Utility Supervisor
- Interns
- Seasonal

(5) Exempt Staff: The Village exempt staff will not be eligible for overtime unless listed in the Professional/Administrative overtime option.

- Administrator
- Aquatic Center Manager
- Building Inspector/Building Manager
- Clerk/Employee Resources Manager
- Communications & Marketing Specialist
- Deputy Finance Director/Treasurer
- Deputy Director of Public Works and Utilities
- Finance Director/Treasurer
- Parks, Forestry, & Grounds Director
- Planning & Development Director
- Public Works and Utilities Director
- Taxpayer Relations Director
- Technology Service Director

(6) The Village Administrator may declare an emergency during periods of disruption resulting from accidents, acts of God, or events of crisis proportions. Department Directors will notify employees by any means available and may instruct them to deploy from home, job, or any other place for the purpose of alleviating such emergency situations. Failure to report to duty under these circumstances may be grounds for disciplinary action.

Sec. 7.07. Call-in Pay.

When employees of the Public Works Department within either the Streets Division or the Utility Division are called in to work from home by phone or by pager, after the completion of their regular scheduled shift, they shall receive a minimum of two hours of their regular rate (defined as call time). Upon arrival from call in, the employee's eight hour day begins.

If a member of the Utility Division is called in (by pager or phone) they will only receive two hours of their regular rate only if they physically respond to the call or document in writing that the issue was mitigated by phone. In addition, response to additional calls within the first two hours of response to the first call cannot be claimed as a separate call-in event.

If said overtime is scheduled the day before or during the regular shift, the employee will not receive call in time.

Sec. 7.08. On Call Pay / Stand-By Duty.

Utility employees shall be assigned weekly standby duty on a rotation basis in order to respond to events occurring outside the workday. The employee designated for standby duty is required to carry a pager and to take a service vehicle home Monday through Sunday night of the designated week. The employee will be compensated $90.00 per week to carry the pager. The employee's shall remain alcohol free during the week he / she carries a pager. During an employee's standby week, he / she shall perform required

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equipment checks and water quality sampling / testing between 7:00 a.m. and 10:00 a.m. on Saturday, Sunday and any holiday that falls within that week and shall be compensated a minimum of four (4) hours worked each day at the rate of one and one-half times his / her regular hourly rate for work on those days.

Sec. 7.09. Jury and Witness Duty.

An employee, when subpoenaed in connection with Village business or called upon to serve jury duty or as a witness, shall receive the regular rate of pay for such time actually required to be in Court based upon the employee's standard (scheduled) work day, excluding shift differential. The employee must return any compensation, less mileage payment, received through Jury Pay or Witness Fee to the Village. If an employee is excused from jury duty, or as a witness, on a particular day, he/she shall return to work, if there are two (2) or more hours remaining in the work day.

Sec. 7.10. Severe Weather.

Employees are expected to report to work at their regularly scheduled time regardless of prevailing weather conditions. Any employee experiencing difficulty in complying with this directive shall immediately call and advise the supervisor of the problem. If the employee is unable to contact the supervisor, the employee shall leave the message with the department secretary or whomever else the employee is able to contact in the department.

Employees not reporting to work or employees who are permitted to leave early due to an inclement weather situation may use paid time off or may take leave without pay with Department Director approval. Medical Leave Bank time may <u>not</u> be used. Employees must obtain approval from their supervisors before leaving the work site.

Village buildings will not close in inclement weather. Offices and departments must maintain at least the minimum staff required to provide essential services to the public. Department Directors shall determine who may be allowed to leave during inclement weather situations.

Sec. 7.11. Telework and Telecommuting.

Village permits occasional "ad hoc" telecommuting on an individual basis whereby employees are allowed to perform normal job duties and responsibilities through the use of computers or other telecommunications, at home or another place apart from the employee's usual place of work. Telework requests will be considered on an individual basis to determine if the employee has the necessary skills and abilities to be a telecommuter and if the specific duties and responsibilities to be done as telework can be achieved and measured.

Telework requests should be discussed with your immediate supervisor and Department Director. The Department Director should contact the Administrator to discuss the telework plan. An official telework agreement outlining work hours, duties, outcomes, communications, equipment, etc. must be signed by the telecommuter, the telecommuter's Department Director, and the Employee Resource Manager, prior to beginning telework.

This page reserved for the purpose of printing.

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United States Department of Labor

Wage and Hour Division

Wage and Hour Division (WHD)

Opinion Letters - Fair Labor Standards Act

FLSA2009-17

January 16, 2009

Dear **Name***:

This is in response to your letter requesting an opinion regarding hours worked under the Fair Labor Standards Act (FLSA)* for on-call employees.

Your client, a Special Services District (District), is a nongovernmental water company that maintains the following guidelines for on-call employees:

- Employees are on-call after normal working hours. On-call hours are assigned on a rotating basis for a one-week period. Employees are on-call approximately every eight weeks, and they may switch schedules with other employees.
- The District provides the on-call employee a mobile telephone and a vehicle with necessary tools, should they need to respond to an emergency.
- Employees are not restricted to any location while on-call, but are expected to respond within 45 to 60 minutes of receiving an emergency call.

The travel time to an emergency location is approximately 5 to 20 minutes. You state that emergency calls occur two to five times per month and, on nights on-call employees receive calls, they typically do not receive more than one call. The average work time after arriving at the emergency location is five to ten minutes.

We address each of your questions separately:

Q1. Is the District responsible for paying an employee for being on-call even if not called to an emergency?

A1. Whether on-call time constitutes hours worked depends upon the employee's ability to use the on-call time for his or her own purposes. Under 29 C.F.R. § 785.17,

> [a]n employee who is required to remain on call on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while "on call." An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call.

From the facts presented, the District does not need to compensate employees while on call. Employees are on call for a one-week period approximately every eight weeks, and may switch schedules with other employees. Emergency calls occur two to five times per month; on nights employees receive an emergency call, they typically do not receive more than one call. On-call employees are expected to respond to emergency calls within 45 to 60 minutes, and the travel time to emergency locations is approximately 5 to 20 minutes. Thus, the District's on-call requirements are not so restrictive as to constitute hours worked. *See* Wage and Hour Opinion Letters August 12, 1997 and November 19, 1985 (copies enclosed).

Q2. Is the District responsible for compensating employees only for the actual time spent receiving and responding to an emergency call?

A2. As discussed in the response to your first question, whether employees must be compensated for the time they are on call is a question of fact that depends upon whether the conditions are so restrictive or the calls are so frequent that the employees cannot effectively use the time for personal purposes. From the facts presented, the District does not need to compensate employees while on call. However, the time spent on the actual job assignment after responding to a call must be counted as compensable hours worked. *See* Wage and Hour Opinion Letter April 20, 1994 (copy enclosed).

Q3. Is the District responsible for compensating the travel time of an on-call employee called to an emergency?

A3. Determining whether travel time constitutes hours worked depends upon the kind of travel involved. The principles of travel time are discussed generally in 29 C.F.R. §§ 785.33 - .41. "[I]f an employee who has gone home after completing his day's work is subsequently called out at night to travel a substantial distance to perform an emergency job for one of his employer's customers[,] all time spent on such travel is working time." 29 C.F.R. § 785.36. Therefore, if the employee travels a substantial distance to an emergency site, the travel time would be compensable. As to the situations where the employee is called to a regular work site, including a regular client site, the Wage and Hour Division (WHD) takes no position whether such time is compensable and therefore, for enforcement purposes, treats such travel time as not compensable. 29 C.F.R. § 785.36; *see* Field Operations Handbook § 31c06(b). *Cf. Jonites v. Exelon Corp.*, No. 05-C-4234, slip op., 2007 WL 2198380, at **6-7 (N.D.Ill. July 30, 2007) (holding that such travel time is not compensable based in part on WHD's non-enforcement policy set forth in FOH § 31c06(b)), *aff'd*, 522 F.3d 721 (5th Cir. 2008).

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issues addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that this letter is responsive to your inquiry.

Sincerely,

Alexander J. Passantino
Acting Administrator

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*** Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. § 552(b)(7).**

* Unless otherwise noted, any statutes, regulations, opinion letters, or other interpretive material cited in this letter can be found at www.wagehour.dol.gov.

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United States Department of Labor

Wage and Hour Division

Wage and Hour Division (WHD)

Opinion Letters - Fair Labor Standards Act

FLSA2008-8NA

May 23, 2008

Dear **Name***:

This is in response to your request for an opinion regarding the application of the Fair Labor Standards Act (FLSA) to employees of an ambulance rescue service. You ask whether the on-call time spent by rescue employees is considered hours worked under sections 6 and 7 of the FLSA.* We conclude, based on the facts presented, that with respect to the winter season on-call time is compensable under the FLSA. For non-winter seasons, however, the on-call time is not compensable.

You state that your non-profit ambulance rescue service responds to emergency calls in two small communities. The service employs two paid employees and has 23 volunteers who work without compensation.

According to your letter, the ambulance service operates as follows: The employee reports to the squad house from 8:00 a.m. to 4:00 p.m. and is paid an hourly wage for this time. In addition, the employee is on call from 6:00 a.m. to 8:00 a.m. and from 4:00 p.m. to 6:00 p.m. five days a week without compensation. If an emergency call occurs during the on-call period, the employee drives his or her vehicle to the squad house, picks up the ambulance, and responds to the call. The on-call employee must stay within a specific area and must respond—with the ambulance—to the call within eight minutes. The employee is paid one and one half times his or her hourly rate for the time spent on the emergency call. The number of calls to which the employee must respond varies. In the winter, the calls may occur every day. During the rest of the year, the employee may be called once or twice a week or, in some weeks, not at all.

In a follow-up telephone conversation, you stated that the on-call employees use pagers while on call. You also stated that it takes more than eight minutes to drive to the squad house from some towns within the coverage area; the on-call employee must wear identifying attire, such as a jacket, when reporting; and that it is unlikely that the two paid employees could exchange their on-call duties with any of the volunteers. You further stated that although there are disciplinary penalties for failing to meet the response time, there is no history of discipline taken against employees who fail to respond within eight minutes. You inquire whether the on-call time is hours worked when there is no call, and the employee must stay in the coverage area and respond within eight minutes.

Whether hours spent on call are compensable hours of work is a question of fact to be decided in the context of a given case, based upon a variety of criteria. As explained in 29 C.F.R. § 785.17, "[a]n employee who is required to remain on the employer's premises or so close thereto that he cannot use the time effectively for his own purposes is working while 'on call.'" Furthermore, "[a]n employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached is not working while on call." Id. Where an employee who is on call is free to come and go as he or she pleases and is also able to engage in personal activities during periods of idleness while subject to call, such time need not be compensated. *See* 29 C.F.R. § 553.221(d). These principles also apply where an employee is required to carry a paging device and to report to work or otherwise to respond (e.g., telephone in) within a specified period of time. If the calls are so frequent or the on-call time conditions so restrictive that the employee cannot effectively use the on-call time for his or her own purposes, the on-call waiting time would constitute hours worked. See Wage and Hour Opinion Letters May 28, 1998, August 12, 1997, and April 20, 1994 (copies enclosed).

As the Supreme Court has explained, where the facts demonstrate that an employee has been hired to spend time waiting to respond to the employer's needs, the employee is traditionally described as having been "engaged to wait," and such time constitutes compensable hours of work. Armour & Co. v. Wantock, 323 U.S. 126, 133 (1944). On the other hand, where the restrictions on the employees' activities do not prevent them from pursuing their normal pursuits, such employees are described as "waiting to be engaged," and such time is not compensable. Skidmore v. Swift & Co., 323 U.S. 134, 139 (1944). The federal courts evaluate a variety of factors when determining whether an employee can use on-call time effectively for personal purposes, such as whether there are excessive geographical restrictions on an employee's movements, whether the frequency of calls is unduly restrictive, whether a fixed time limit for response is unduly restrictive, whether the employee could easily trade on-call responsibilities, whether use of a pager could ease restrictions, and whether the on-call policy was based on an agreement between the parties. *See Reimer v. Champion Healthcare Corp., 258 F.3d 720, 724-25 (8th Cir. 2001); Pabst v. Okla. Gas & Elec. Co., 228 F.3d 1128, 1132 (10th Cir. 2000); Ingram v. County of Bucks, 144 F.3d 265, 268 (3d Cir. 1998); Owens v. Local No. 169, Ass'n of W. Pulp & Paper Workers, 971 F.2d 347, 351 (9th Cir. 1992); Renfro v. City of Emporia, 948 F.2d 1529, 1537 (10th Cir. 1991); Cross v. Ark. Forestry Comm'n, 938 F.2d 912, 916 (8th Cir. 1991); Bright v. Houston Nw. Med. Ctr. Survivor, Inc., 934 F.2d 671, 678 (5th Cir. 1991).* This list is illustrative, not exhaustive, and no one factor is dispositive.

In applying these factors, the court in Pabst held that the on-call time was compensable where technicians were required to respond within 10 or 15 minutes to alarms sent to their pagers or home computers. They often could respond by computer, but other times had to appear in person. They received three to five alarms per 15-hour shift and could not easily rotate or trade shifts. 228 F.3d at 1131. In *Reimer*, the court held that the on-call time was not compensable where nurses had to be reachable by telephone or beeper, had 20 minutes to report to the hospital if called in, and typically received not more than one call per shift. The court found that they could "pursue a virtually unlimited range of activities in town or at home," such as playing sports, going shopping, and visiting friends and neighbors. 258 F.3d at 725.

Based on the situation you describe, it is our opinion that the time spent waiting on call during the winter season is sufficiently restrictive to make it compensable under the FLSA. We base this conclusion on the following combination of factors: the extremely short in-person response time, which precludes the effective use of the on-call time for all but the narrowest range of personal purposes, all of which must take place within a restricted geographic area to allow for such a rapid response; the high number of call-ins (requiring one response every four hours); the apparent impossibility of trading on-call responsibilities because both employees are on call five days per week; and the inability to turn down any of the call-ins. Given the very short in-person response time, the employees' use of a pager provides only limited relief. It is also our opinion that during the non-winter seasons, if the frequency of calls is as described in your letter (once or twice per week, and in some weeks none), the time spent waiting on call would not be compensable. *See Dinges v. Sacred Heart St. Mary's Hospitals*, 164 F.3d 1056, 1058 (7th Cir. 1999) (finding that emergency medical technician were able to use on-call time effectively for their own purposes where they were subject to a seven minute response time but received calls on less than 50% of their on-call shifts); *Andrews v. Town of Skiatook*, 123 F.3d 1327, 1330-32 (10th Cir. 1997) (finding that emergency medical technicians were able to use on-call time effectively for their own purposes where established practice required them to respond and be rolling on a call within 5-10 minutes but they were only called back on 16-23% of on-call shifts). If, however, the frequency of

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calls in the non-winter months were to increase (as you indicated in the follow-up conversation may have occurred), the employees' ability to use the on-call time effectively for their own purposes would need to be reevaluated. Similarly if the frequency of calls in winter months were to decrease to fewer than, on average, one call per four-hour shift, the conclusion that the employees are unable to use the on-call time for their own purposes would need to be reevaluated.

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issue addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that this letter is responsive to your inquiry.

Sincerely,

Monty Navarro
Fair Labor Standards Team
Office of Enforcement Policy

*** Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. § 552(b)(7).**

* Unless otherwise noted, any statutes, regulations, opinion letters, or other interpretive material cited in this letter can be found at www.wagehour.dol.gov.

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United States Department of Labor

Wage and Hour Division

Wage and Hour Division (WHD)

Opinion Letters - Fair Labor Standards Act

FLSA2008-14NA

December 18, 2008

Dear **Name***:

This is in response to your request for an opinion regarding whether the on-call period you describe constitutes hours worked under the Fair Labor Standards Act (FLSA).* It is our opinion that the on-call period is not compensable under the FLSA.

You state that the on-call employee must be reachable at all times, abstain from alcohol or other substances, and report to work within one hour of notification. Call-backs are rare. You ask the following:

1. What restrictions can an employer impose during on-call periods?

2. Is the employer responsible for compensation when restrictions are imposed during on-call periods?

3. Is the number of call-backs a factor in determining whether the on-call period is compensable?

Whether time spent on call is compensable is a question of fact decided in the context of each case. Under 29 C.F.R. § 785.17, an on-call employee who is not required to remain on the employer's premises, but is only required to notify the employer where he or she may be reached is not working while on call. This is true so long as the employee is free to engage in personal activities when he or she is on call. *See* Wage and Hour Opinion Letter September 3, 1999 (copy enclosed). These principles also apply when an employee must carry a pager and report to work within a specific, reasonable time period. *Id.* The on-call time is compensable, however, when the on-call conditions are so restrictive or the calls so frequent that the employee cannot effectively use that time for personal purposes. *See* 29 C.F.R. § 553.221(d).

The federal courts examine a variety of factors when determining whether an employee can use on-call time effectively for personal purposes, such as whether there are excessive geographical limitations on an employee's movements, whether the frequency of calls received or a fixed time limit for response is unduly restrictive, whether the employee could easily trade on-call responsibilities, whether use of a pager could ease restrictions, and whether the on-call policy is based on an agreement between the parties. *See Reimer v. Champion Healthcare Corp.*, 258 F.3d 720 (8th Cir. 2001); *Pabst v. Okla. Gas & Elec. Co.*, 228 F.3d 1128 (10th Cir. 2000); *Ingram v. County of Bucks*, 144 F.3d 265, 268 (3d Cir. 1998); *Owens v. Local No. 169, Ass'n of W. Pulp & Paper Workers*, 971 F.2d 347, 351 (9th Cir. 1992); *Renfro v. City of Emporia*, 948 F.2d 1529 (10th Cir. 1991); *Cross v. Ark. Forestry Comm'n*, 938 F.2d 912, 916 (8th Cir. 1991); *Bright v. Houston Nw. Med. Ctr. Survivor, Inc.*, 934 F.2d 671 (5th Cir. 1991). This list is illustrative, not exhaustive, and no one factor is dispositive.

As noted above, the number of calls received while on call is a relevant factor in determining whether the on-call period is compensable under the FLSA. In *Bright*, for example, a hospital required its on-call biomedical equipment repair technician to be reachable by beeper, remain sober, and arrive at the hospital within approximately 20 minutes after being called. The technician received calls while on call an average of 4-5 times per week. The Fifth Circuit concluded that the employee was able to use the on-call time "effectively for his own personal purposes" and, as such, the time spent on call was not compensable. *Id.* at 677-78. On the other hand, in *Renfro* the Eleventh Circuit concluded that on-call time was compensable for firefighters who were required to wear pagers and respond to callbacks within 20 minutes, and received an average of three to five calls, and as many as 13 calls, in a 24-hour on-call period.

Based on the information you have given us, it is our opinion that the requirements imposed by the employer in your case are not so restrictive to convert on-call periods into hours worked under the FLSA. Moreover, the call-backs are rare. Accordingly, we conclude that the on-call periods are not compensable under the FLSA. *See* Wage and Hour Opinion Letter May 28, 1998; Wage and Hour Opinion Letter June 30, 1994; Wage and Hour Opinion Letter July 20, 1993 (copies enclosed).

Your letter also states that the employer restricts on-call employees from working overtime and disciplines employees who refuse to follow its on-call restrictions. While the FLSA provides many labor standards, it does not generally regulate work schedules and work assignments. It does not require employers to pay for the inconvenience of being on call if such periods are not otherwise compensable. Also, disciplinary actions resulting from an employee's refusal to be on call is not within the FLSA's purview. Such matters are usually resolved privately between employers and employees or their authorized representatives.

This opinion is based exclusively on the facts and circumstances described in your request and is given based on your representation, express or implied, that you have provided a full and fair description of all the facts and circumstances that would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your letter might require a conclusion different from the one expressed herein. You have represented that this opinion is not sought by a party to pending private litigation concerning the issues addressed herein. You have also represented that this opinion is not sought in connection with an investigation or litigation between a client or firm and the Wage and Hour Division or the Department of Labor.

We trust that this letter is responsive to your inquiry.

Sincerely,

Monty Navarro
Office of Enforcement Policy
Fair Labor Standards Team

*** Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. § 552(b)(7).**

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DOUBLE-TIME PAY

Double-time pay will be paid for hours worked on actual and observed holidays recognized by these policies for non-exempt employees.

COMPENSATORY TIME

Non-exempt Employees shall be offered the ability to convert overtime payments to compensatory time as authorized by the Fair Labor Standard's Act by executing an agreement with the Employer. Employees will be allowed to accumulate a continuing balance of forty (40) hours compensatory time.

EMPLOYEE CALL-IN

From time to time, the Employer may need to call-in employees to work outside of their scheduled shift. Non-exempt employees called outside of their regular scheduled shift, but not shift extensions, will receive a call-in monetary stipend equal to one and one-half (1.5) times regular rate of pay with the actual time worked applied toward the 40 hour work week. If an employee is called in again within two (2) hours of the first call, the employee will not receive additional call-in stipend; however, they would still apply their actual time worked toward the 40 hour work week. The monetary call-in stipend cannot be translated into hours for the purposes of treatment as compensatory time or hours worked. If an employee is called in and the work takes longer than three hours to complete then there will be no stipend and the hours will be applied toward the 40 hour work week.

Employees called-in on an actual or observed holiday will receive the call-in stipend plus double time an employee's regular hourly rate for actual hours worked.

STANDBY DUTY

For Public Works Department: Employees will receive the equivalent of one hour pay for each day, Monday through Saturday, and the equivalent of two hours pay for each Sunday or Holiday that they are assigned "on-call/snow duty". At the employees' option, they can either receive pay for "on-call/snow duty" or use it as compensatory time off. Employees can trade "on-call/snow duty" days or weeks with another employee but must notify their supervisor of the change.

For Park & Recreation Department: Employees will receive the equivalent of one hour pay for each day, Friday and Saturday and the equivalent of two hours pay for each Sunday or Holiday that they are assigned to be "on-call". At the employees' option, they can either receive pay for "on-call duty" or use it as compensatory time off. Employees can trade "on-call duty" days with another employee but must notify their supervisor of the change.

For Shawano Municipal Utilities: For the purpose of providing a response to electric system outages and emergencies occurring outside of normal business hours, qualified electric utility employees may be assigned to "Standby Duty" at the discretion of the Electrical Supervisor or General Manager. Standby duty may consist of individual days, any combination of up to six (6) consecutive days, or an entire week. During the assigned standby period, the employee shall carry and respond to the designated standby duty communication device, and remain fit for duty

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and within a fifteen (15) minute response time to the SMU operations center. Employees shall not consume alcohol nor any medications that may impair their ability to perform their duties safely and efficiently in an emergency situation.

Compensation for "Standby Duty" will be paid as a monetary stipend based on the then current regular hourly pay rate of the employee assigned to standby duty. For Monday, Tuesday, Wednesday and Thursday the stipend shall equal 1.5 times the hourly pay rate per day, for Friday, the stipend shall equal 2 times the hourly pay rate and for Saturday, Sunday and observed Holidays, the stipend shall equal 3 times the hourly pay rate. A typical week of standby duty Monday through the following Sunday will result in a "Standby Duty" stipend equal to 13.5 times the hourly pay rate. Employees that respond to after-hours emergencies and calls for service while on standby duty will receive "call-in" compensation as provided for in the "Employee Call-In" section above.

EMERGENCY CLOSINGS

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt Employer operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When the decision to close is made AFTER the workday has begun, non-exempt employees will receive official notification from their immediate supervisor. In these situations, time off from scheduled work will be paid to eligible non-exempt full-time employees. When the decision to close is made BEFORE the workday has begun, time off from scheduled work will be unpaid. However, with supervisory approval, non-exempt employees may use available paid leave time, such as unused vacation benefits.

LAYOFFS

When the Employer determines that a reduction in force will require employee layoffs, the Employer will make every effort to administer layoffs in a fair and equitable manner.

BUMPING

Employees do not possess a right to "bump" other employees out of their current position in the case of layoffs.

RECALL

Employees separated under the provisions of this Section, who leave the Employer in good standing, with satisfactory performance and with no pending disciplinary actions at the time of termination shall be reinstated if their position becomes available within six (6) months of the employee's termination with benefits at time of termination.

SEVERANCE PAY

Full-time employees will be granted a minimum of four (4) week's notice or severance (at the City's/SMU's sole discretion).

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Public Works and Utility Stand-by Duty Comparisons

		Utility Foreman	Utility Operator	Fleet Foreman	Streets Operator
2015 Hourly Rate		26.43	23.76	25.73	22.82
9% of Hourly Rate		2.3787	2.1384	2.3157	2.0538

Weekly Cost of Stand-by Handled as Other Community

Wausau	9% of hourly rate	304.47	273.72	296.41	262.89
Manitowoc	$350 per week	350.00	350.00	350.00	350.00
Racine	$55 per day	385.00	385.00	385.00	385.00
Kenosha/Shawano	13.5 hrs per week	356.805	320.76	347.355	308.07
Weston	$90.00 per week	90	90		

Estimated Annual Cost of Stand-by

Wausau	9% of hourly rate	15,832.63	14,233.19	15,413.30	13,670.09
Manitowoc	$350 per week	18,200.00	18,200.00	18,200.00	18,200.00
Racine	$55 per day	20,020.00	20,020.00	20,020.00	20,020.00
Kenosha/Shawano	13.5 hrs per week	18,553.86	16,679.52	18,062.46	16,019.64
Weston	$90 per week	4,680.00	4,680.00	-	-
Alternate	$180/$90 per week	9,360.00	9,360.00	4,680.00	4,680.00

Annual estimates are assuming a single titled position covers for entire calendar year.

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Village of Weston, Wisconsin
REGULAR MEETING OF THE PERSONNEL COMMITTEE
February 15th, 2016

MEETING PACKET COVER SHEET
AGENDA ITEM – D.7.

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EMPLOYEE DEVELOPMENT/PERFORMANCE MANAGEMENT TRAINING

Village of Weston

January 2016

Presented by Jenna Bidwell

CARLSON DETTMANN CONSULTING

Leadership

“Leadership does not mean getting people to do their job, it means getting people to do their BEST!”

-Harvey Mackay, best selling author

High-Performance Managers

Strengths-Based

Gallup's research identified the following about high-performance managers as it pertains to strengths:

- Believe that a person's talents are his or her best opportunity for success
- Are mindful of their own individual talents and assume responsibility for developing them
- Understand and appreciate their employees' talents and strengths and use this information to set each person uniquely up for success

High-Performance Managers
Engagement-Focused

Gallup's research identified the following about high-performance managers as it pertains to engagement:

- Authentically care about each person on their team and help each employee grow within his or her role
- Build a team culture of collaboration and partnership
- Focus on the engagement of their employees and team and put systems in place to ensure that employees' workplace needs are met

High-Performance Managers

Performance-Oriented

Gallup's research identified the following about high-performance managers as it pertains to performance:

- Set clear performance goals and expectations
- Measure the right outcomes
- Provide feedback and direction that help their employees and teams make the right decisions and take action

Gallup Researchers' Discoveries

- Teams that focus on strengths every day have 12.5% greater productivity
- People who focus on using their strengths are SIX TIMES more likely to be engaged in their jobs
- Workgroups with high employee engagement levels experience 22% higher profitability and 21% higher productivity
- Teams with high employee engagement levels experience 37% lower absenteeism and 10% higher customer ratings
- On average, only about half of workers are clear about what they are supposed to do at work
- Nearly nine of out ten employees who report having someone at work who encourages their development are classified as "engaged", while one in ten are considered "not engaged" and less than 1% are "actively disengaged"

Purpose of the Employee Development/Performance Management Program

- Communicate the needs and expectations for each position
- Discuss how job responsibilities relate to other team member's responsibilities and the overall goals of the Village
- Discuss and address barriers to success
- Discuss goals and how employees use their talents to achieve goals
- Address any job performance concerns
- Identify training needs
- Discuss career aspirations and how to support them

Expectations

- Not a one-time event
- Lead conversations with positive intent
- Provide generous and specific appreciation for staff
  - Understand how each direct report appreciates being recognized and make effort to provide appropriate recognition
- Encourage employee development and make strengths a part of your conversations

Good Leaders

- Provide praise and show appreciation often
  - Q4: In the last seven days, I have received recognition or praise for doing good work.

- Provides immediate and appropriately delivered corrective guidance when needed.
  - Q6: There is someone at work who encourages my development.
  - Q9: My fellow employees are committed to doing quality work.
  - Q11: In the last six months, someone at work has talked to me about my progress
  - Q12: This last year, I have had opportunities at work to learn and grow.

The Golden Rule

NO SURPRISES!

Feedback

- Gentle ‘Art’ of:
  - Praising or criticizing
  - with JUSTIFICATION
  - another person’s behavior through discussion

SELF-AWARENESS

Evaluation and Rater Bias

- Everyone has natural biases
- If you understand them, you can make an effort to avoid making a rating error because of them.

Common Rating Errors

The Halo Effect –

One predominant factor coloring your opinion of other factors.

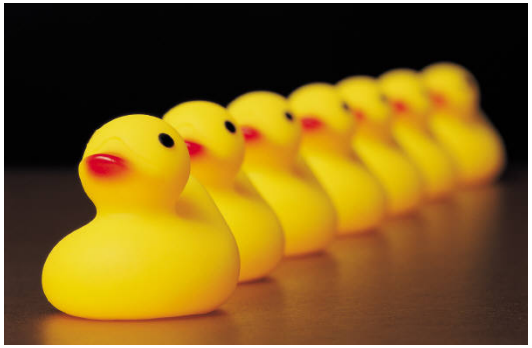
Recency Error –

Rating only on recent performance. Need to focus on the entire review period.

Common Rating Errors (Continued)

Central Tendency –

Evaluating everyone average on all factors to avoid having to explain differences in ratings.



Grouping –

Poor performance to group characteristics

"Everyone is late" or "Nobody does complete write-ups on complaints".

Common Rating Errors (Continued)

Sunflower Effect –

Rating everyone high to make the rater look good.

Favoritism –

Overlooking the poor performance of “nice” or favored employees.

Common Rating Errors (Continued)

Similar to Me –

Rating people more favorably who are more like the rater in attitude and background.

Contrast Effect –

Evaluating a person relative to other people in the work unit rather than how well the person is fulfilling the requirements of the job.

Common Rating Errors (Continued)

Holding a Grudge –

Never letting go/never forgetting a previous negative behavior.

Personality versus Behavior

Personality: Individuality; psychological, emotion and intellectual physical characteristics

Behavior: Conduct, mode of action and manners of deportment

Reminder

As always:

CONSIDERATION SHOULD BE GIVEN TO ONLY PERFORMANCE <u>SPECIFICALLY</u> RELATED TO THE JOB.

Factors such as race, national origin, gender, religion, age, veteran status, or disability should not and cannot be considered.

Employee Development Review Form

New form

Guidelines for rating system

PERFORMANCE RATING SCALE

5-SUBSTANTIALLY EXCEEDS EXPECTATIONS: This is a rating given when the employee's performance is an exception among the workforce in this area. This is a difficult rating to achieve and only given when an employee's performance has consistently and significantly exceeded the standard in the area being rated.

4-EXCEEDS EXPECTATIONS: This rating is given when an employee's performance frequently and consistently over the evaluation period exceeds the standard requirements for successful performance in the area being rated.

3-MEETS EXPECTATIONS: This rating is given when an employee is a steady, reliable performer and whose actions/behaviors consistently contribute to the success of the department and the Organization.

2-NEEDS IMPROVEMENT OR DEVELOPING: This rating is given when an employee is not performing at the expected levels of standard performance and needs to make some improvements, or the employee is still learning key aspects of the factor being evaluated.

1-UNACCEPTABLE: This rating is given when an employee is significantly not meeting the expected standards in this area. Immediate improvement is required.

Calibration

- Ensures a level playing field
  - Neutralizes effect of “tough evaluators” and “easy evaluators”
- Best if done “prior”
- Hold discussions
- Benefit exposes talented employees to full leadership team
- Crucial to be face to face

Village Administrator Involvement

- Meet with the Village Administrator prior to meeting with individual employees.
  - Purpose: review overall evaluation of each employee through a conversation focused on the manager's team

- Provides opportunity for the Village Administrator to provide any feedback on concerns or accolades for individual employees

Strengths and the Appraisal

- 2 tools
  - Name It! Claim It! Aim It!
    - Employee to complete prior to the meeting
  - Strengths Profile
    - Manager complete a portion prior to the meeting and work with Employee to finish at the appraisal meeting

CONDUCTING THE PERFORMANCE REVIEW

Setting up the Meeting

- 2-3 weeks in advance
  - Provide blank copy of the evaluation tool to employee
  - Ask employee to review form and come prepared to have a discussion
  - Stress that meeting will be an interactive conversation aimed at improving performance
- Reserve a meeting room
  - Private space
- Mutual agreeable meeting time
- Schedule sufficient time to focus on the review

Planning for the Meeting

- Provide a comfortable environment
  - Setting the tone
  - If you are worried, have HR join you

- Plan for open dialogue
  - Guideline: 20% Past, 80% Future
  - Ask questions, get input, ask for ideas
  - Focus on performance NOT personalities

Questions to Consider

- Does my employee know what is expected?
- What contribution is my employee making?
- What contribution should my employee be making?
- Is my employee working near his/her potential?
- What strengths does this employee have that can be harnessed?

Getting Prepared

- Current Job Description
- Collect & Review Notes
- Be Specific – have examples
  - Positive examples
  - Lead with strengths when addressing areas for improvement
- Employee Generated Solutions

Typical Employee Expectations

- Be treated with respect
- Ask questions
- Explain how I feel
- Express my views
- Make mistakes
- Say, “I don’t understand”
- Receive my review on time

Typical Evaluator Expectations

- Ask questions
- Can consult others
- Can say “no” to unreasonable requests
- Adjourn a meeting if need be
- Not be dependent on employee’s approval

Types of Questions

- Open
- Reflective
- Comparative
- Focused
- Hypothetical
- Link
- Closed
- Leading
- Multiple

Meeting Etiquette

- No interruptions
- Respect Confidentiality
- No defensiveness

Starting the Meeting

- Be Prompt
- Set a comfortable tone
- State the objective of the appraisal
- Start with the lighter “stuff”
- Encourage the employee to do most of the talking

Challenging Conversations

- Performance issues are a part of this process
- No one likes conflict
- Prepare
  - Concern should be documented with specific dates and examples
  - Should never be the first time the employee is hearing of the concerns – No surprises
- Lead with Positive Intent
- Remain Calm and Stay in Control

Plan for the Employee’s Future

- Career aspirations, potential growth
- Training opportunities
  - Identify specific opportunities
- Specific job related goals
- Specific timelines for completion

Goal Setting

“Many people fail in life, not for the lack of ability or brains, or even courage, but simply because they have never organized their energies around a goal.”

- Elbert Hubbard, Philanthropist

Concluding the Meeting

- Review measurable targets
  - Be very specific in what action needs to be taken
  - Specific dates for completing the actions
  - Step by step instructions for meeting expectations
- Provide the employee with a copy of the review
- Ask the employee to sign the evaluation
  - Signature does not imply agreement
- Set up the next date for follow-up conversations
- Encourage the employee
  - Even if it was a difficult conversation
  - “I am confident you will be able to make these changes and I look forward to watching you excel in your job.”
  - “I am glad we had this time to have this conversation. I enjoy working with you and look forward to continuing to work with you to achieve our goals.”

After the meeting

- Document any commitments you made to your employee
  - Did you tell him/her you would check into a training session?
- Sign the form yourself and turn it into Human Resources
- After all reviews are completed, a management team meeting should be help to discuss how the process went
  - Changes that need to be made

Potential Pitfalls

- Lack of objective statements
- Failure to consider the total performance
- Inadequate record keeping
- Failure to establish milestones for progress review
- No clear and open communication channels

GOALS

SMART Goals

S: Specific (specific, stretching)

M: Measurable (meaningful, motivational)

A: Attainable (agreed upon, aligned, action-oriented)

R: Realistic (relevant, rewarding, results-oriented)

T: Time-Based (timely, tangible, trackable)

“S”: Specific

- Well defined, clear; specific goals have a much greater chance of being achieved
  - Who: Who is involved? Are there others who should have the same goal?
  - What: What do I want accomplished?
  - Where: Do I need to identify a location?
  - When: Establish a time frame
  - Which: Identify requirements and constraints
  - Why: Specific reasons, purposes (strategic plan?)

“M”: Measurable

- Concrete criteria for measuring progress
- Keep everyone on track
- How much?
- How many?
- How will we know when it has been accomplished?

“A”: Attainable & Aligned

- Goals should <u>not</u> be easy. Goals should be a stretch, yet attainable

- Aligned with the organization’s strategic plan

“R”: Realistic

- Willing and able to do within the availability of time, knowledge and resources
- Every goal must represent substantial progress
- High goals – more motivational force

Important: The employee must believe the goal can be accomplished

“T”: Timely

- Every goal should be grounded within a time frame
- Time frames give a sense of urgency
- Too much time can affect performance

NAME IT! CLAIM IT! AIM IT!

WITH WHICH OF YOUR SIGNATURE THEMES (TOP FIVE) DO YOU MOST STRONGLY IDENTIFY? WRITE THAT THEME NAME BELOW.

_____

(Theme)

Name It!

What words or phrases in this theme description resonate strongly with you?

Claim It!

When has this theme helped you be successful in the past?

How does this theme help you be successful in your role?

Aim It!

In what two ways could you start using this theme more intentionally tomorrow?

To help you get started, read the action items provided in your report for this theme.

1

2

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STRENGTHS PROFILE FOR _____

TOP FIVE SIGNATURE THEMES:

_____

_____

_____

_____

_____

MOST IMPORTANT TASKS, RESPONSIBILITIES, AND EXPECTATIONS OF THIS TEAM MEMBER'S ROLE:

TEAM MEMBER'S STRENGTHS (THE VALUE THIS PERSON BRINGS TO THE TEAM):

MOTIVATIONAL FACTORS (THE THINGS THAT MOTIVATE AND INSPIRE THIS PERSON):

GOALS AND ASPIRATIONS:

CHALLENGES:

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MANAGING TO STRENGTHS

TEAM MEMBER'S TOP FIVE SIGNATURE THEMES:	MANAGER'S TOP FIVE SIGNATURE THEMES:

How are you both similar? What strengths do you have that make you similar?

How are you both different? How do your differences complement each other?

Does this team member have an opportunity to do what he or she does best every day? What adjustments, if any, can you make to use this team member's strengths to the fullest extent?

How do you take ownership for this team member's strengths? What adjustments, if any, can you make to ensure the best use of this person's strengths and to meet his or her motivational and developmental needs?

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