

Chapter 9 OFFICERS AND EMPLOYEES

- 9.01 Purpose
- 9.02 Scope
- 9.03 Rights of village
- 9.04 Appointed officials
- 9.05 Clerk-treasurer-coordinator powers and duties
- 9.06 Director of Public Safety Powers and Duties (9.06 modified and amended 7/19/2014)
- 9.07 Public works director powers and duties
- 9.08 Hiring hourly personnel
- 9.09 Work hours
- 9.10 Disciplinary action
- 9.11 Grievance and appeals (recreated 12/12/2011)
- 9.12 Personnel records
- 9.13 Performance review
- 9.14 Weekly salaried employee payroll procedures

9.01 Purpose

The purpose of this chapter shall be to establish a personnel administration system that meets the needs of the Village of Lake Delton government. This system shall include policies and procedures to recruit, select, develop and maintain an effective, efficient and responsible work force for the village that meets all federal fair employment practices, laws and affirmative action guidelines. This chapter shall be based on the following objectives:

- A. To recruit, select and advance employees on the basis of the relative knowledge, abilities and skills.
- B. To provide equitable compensation for all employees.
- C. To require adequate job performance, reward exceptional performance, and correct inadequate performance in a fair and timely manner.
- D. To assure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political or religious affiliation or beliefs, race, color, creed, national origin, sex, age, marital status, ancestry, arrest record, conviction record or handicap; and with proper regard for their rights as citizens.
- E. To protect employees against coercive political activities.
- F. To provide an opportunity to appeal personnel decisions.

9.02 Scope

This chapter shall govern personnel policies and procedures for all employees and departments of the village except the following positions shall be exempted:

- A. Members of the Lake Delton village board.
- B. Members of boards, commissions, and committees when they are acting in that capacity.
- C. Volunteer workers.
- D. Employees represented by unions are exempted from specific provisions of this chapter to the degree that relevant collective bargaining agreements have specific contrary provisions, in which cases such agreements supersede.

9.03 Rights of village

The village board shall have all the rights among others:

- A. To direct all operations of the village.
- B. To maintain efficiency of village operations.
- C. To take whatever action is necessary to comply with state or federal law.
- D. To introduce new or improved methods or facilities.
- E. To change existing methods or facilities.
- F. To determine the kinds and amounts of services to be performed as pertains to village operations; and the number and kind of classifications to perform such services, subject to the provisions of s. 62.13(5m), Wis. Stats, as applicable to the dismissal and re-employment of employees.
- G. To contract out for goods and services.
- H. To determine methods, means and personnel by which village operations are to be conducted.
- I. To establish reasonable work rules and schedules of work.
- J. To hire, promote, transfer, schedule and assign employees to positions within their respective departments in the village.
- K. To suspend, demote, discharge and take other disciplinary action against employees for just cause.
- L. To relieve employees from their duties because of lack of work or any other legitimate reasons.
- M. To take whatever action is necessary to carry out the functions of the employer in situations of emergency.

9.04 Appointed officials

A. Offices. The following offices shall be filled by appointment by a majority vote of the village board for an indefinite term, subject to removal by a 5/7's vote of the village board for incompetence, misconduct, inefficiency or failure to perform duties:

- 1. Clerk-treasurer-coordinator
- 2. Chief of police
- 3. Duties of the building inspector
- 4. Duties of the well inspector
- 5. Duties of the plumbing inspector
- 6. Duties of the zoning administrator

B. Compensation. The village board shall determine compensation for each office at the time of hiring.

C. Vacancies. Whenever a vacancy in the office of village clerk-treasurer-coordinator, chief of police, or director of public works shall occur, the village board shall immediately proceed to secure a list of candidates for consideration by the board for appointment. Each candidate shall file an application stating in detail his/her education, experience and other qualifications. The village board may provide additional testing and or screening to ascertain the fitness of each candidate.

9.05 Clerk-treasurer-coordinator powers and duties

The village clerk-treasurer-coordinator, subject to the limitations defined in resolutions and ordinances of the village of Lake Delton and Wisconsin State Statutes, in addition to the duties and responsibilities as village clerk-treasurer, shall be the village's chief administrative officer, responsible only to the village board through the village president for the purpose of coordinating the village's business and affairs and its various departments, committees and joint municipal enterprises, pursuant to the statutes of the state of Wisconsin, the ordinances of the village of Lake Delton, and the resolutions and directions of the village board, with powers and duties as follows:

A. General duties.

1. Carry out all the village board's directives that require administrative implementation, reporting promptly to the village president and village board any difficulties encountered therein.
2. Be responsible for the administering all day-to-day operations of the village government including the monitoring the enforcement of all village ordinances and state statutes.
3. Serve as ex officio nonvoting member of all village boards, commissions, and committees, except as specified by the village board or the Wisconsin Statutes.
4. Keep informed concerning current county, state and federal legislation and administrative rules affecting the village and submit appropriate reports and recommendations to the village board.
5. Represent the village matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Village Board.
6. Establish and maintain procedures to facilitate communications between citizens and the village government to assure a responsible official promptly attends to complaints, grievances, recommendations and other matters, and assure all such matters are expeditiously resolved.
7. Establish and maintain procedures to facilitate communications between the board, its committees and the village departments; notify appropriate department heads and board members of scheduled meetings and coordinate the flow of information throughout the village government.

B. Responsibilities to the village board

1. Attend all meetings of the Village Board, unless excused by a majority of the Board, or the Village President, and assist the President and the Trustees as required in the performance of their duties;
2. In coordination with the Village President ensure that the agenda is prepared for all meetings of the Village Board, together with such supporting material as may be required; to notify all board members, committee members and department heads of meetings with nothing herein being construed as to give the Coordinator authority to limit or in any way prevent matters from being considered by the Village Board.
3. Assist in the preparation of ordinances and resolutions as requested by the Village President or Trustees, or as needed.
4. Keep the Village Board regularly informed about the activities of the Clerk-Treasurer-Coordinator's office by oral or written report at regular meetings of the Board.

C. Budgeting and purchasing.

1. Be responsible for preparing the annual village budget, in accordance with such guidelines as the village board may provided and in coordination with the department heads, for the village board's review and approval.
2. Administer the budget as adopted by the village board.

3. Report regularly to the village board on the village's current fiscal position.
 4. Supervise the village's accounting systems and ensure these systems employ methods in accord with current professional accounting practices and the Wisconsin State Statutes.
- D. Clerk-treasurer. The clerk-treasurer shall have the following powers and duties, subject to the direction of the village board:
1. Perform any duties prescribed by law relative to elections, keep subject to inspection all election returns required to be filed in his/her office, and notify persons elected or appointed to village offices.
 2. Transmit to the county clerk, within ten (10) days after election or appointment and qualification, a certified statement of the name and term for which elected or appointed, of the president, clerk-treasurer and assessor; and to the clerk of the Circuit Court immediately after their election or appointment and qualification, a like statement of the time and term for which elected or appointed of every municipal judge or chief of police of the village.
 3. Attend all village board meetings; record and sign the proceedings thereof and all ordinance, rules, bylaws, resolutions and regulations adopted; and countersign and keep a record of all licenses, commissions and permits granted or authorized by them, and keep the following books: A minute book for all elections, general or special; full minutes of all proceedings of the board of trustees; titles of all ordinances, rules, regulations and bylaws with reference to the book and page where the same may be found; an ordinance book in which shall be recorded at length in chronological order all ordinances, rules, regulations and bylaws; a finance book in which shall be kept the full and complete record of the village's finances, showing the receipts, the date, amount and sources thereof, and the disbursements, with the date, amount and object for which paid out; and enter into such other matters as the board prescribes and such other books as the board directs.
 4. Countersign and cause to be published or posted every ordinance, bylaw or resolution as required by law, and have proper proof thereof made and filed.
 5. Be the custodian of the corporate seal, and file as required by law, and safely keep all records, books, papers or property belonging to, filed or deposited in his/her office and deliver the same to his/her successor when qualified; permit any person with proper care to examine and copy any of the same, and make and certify a copy of any thereof when required, upon payment of the proper fees.
 6. Draw and countersign all orders on the village treasury ordered by the board.
 7. Make and transmit to the county clerk a statement showing the assessed valuation of all the property in the village and separately the amount of all taxes levied therein, including highway and street taxes, for the current year, and the purposes for which they were levied.
 8. Notify the Sauk County clerk by February 15 of each year of the proportion of property tax revenue and of the credits under s. 79.10, Wis. Stats, that the county clerk is to disburse to each taxing jurisdiction located in the village.
 9. Receive all monies belonging or accruing to the village or directed by law to be paid to the treasurer.
 10. Deposit upon receipt the village's funds in the name of the village and in the public depository the board designated.
 11. Disburse funds for payroll, payroll taxes and payroll related expenses as the board authorized those amounts or result from the board's authorization as they become due. Disburse funds for payment of contractual obligations that the village has incurred for materials, services,

utilities or other items as such payments become due. Disburse funds upon the board's authorization for all other expenses or obligations.

12. Keep accurate details of the accounts of all transactions under paragraph 11 above, showing when, to whom, for what amount, and for what purpose all payments are made, in books provided by the village board, and preserve all vouchers filed in the office.
13. Render an account and settlement of all official transactions monthly to the board and at all other times when the board requires for such periods of time as are requested and annually report to the board the results of the independent audit of the village's finances.
14. Deliver to the successor, when qualified, all books of account, papers and property of the office, and all money on hand as clerk-treasurer.
15. Upon receipt of the tax roll, and while acting as tax collector, exercise the same powers and perform the same duties as are by law conferred upon and required of town treasurers in s. 60.34, Wis. Stats.
16. Make recommendations from time to time for improving the quality and efficiency of the services performed by the village.
17. Prepare the agenda and order of business for all board and committee meetings.
18. Assist in preparation of the annual village budget.
19. Perform all other duties as are required by law or the village board.

9.06 Director of Public Safety Powers and Duties.

The Village Director of Public Safety shall serve at the pleasure of the Village Board and shall have the following powers and duties, subject to the direction and approval of the Village Board:

- A. General Duties. Reports from time to time, as may be required by the Village Board, on any matter related to the public safety. Plans, directs, manages and oversees the activities and operations of law enforcement, fire suppression and prevention, emergency medical services, disaster response and general community support services.
- B. General Powers with Respect to the Police Department. The Director of Public Safety shall have the following general powers and duties with respect to the police department, along with such other specific powers and duties as may be enumerated in this Article or as may be granted by the Village Board:
 1. Exercises control of all matters and property relating to and connected with the police department, and control over all its operational functions;
 2. Determines and implements policies, methods and means by which operations are conducted;
 3. Participates in the development and administration of the police department budget; approves expenditures and implements budgetary adjustments as appropriate and necessary;
 4. Manages the development and implementation of departmental training goals, objectives and priorities consistent with state and federal best practices; monitors and documents maintenance of training standards by police department members;
 5. Establishes appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly;
 6. Administers and oversees the appointment, transfer, discipline and termination of police department members pursuant to applicable rules, regulations and laws;
 7. Makes recommendations to the Village Board regarding police department member compensation and benefits;
 8. Responds to and may command police and/or fire emergencies or community disasters.

C. General Powers with Respect to the Fire Department. Under general administrative direction of the Delton Fire and Ambulance Commission (DFAC), the Director of Public Safety shall have the following general powers and duties with respect to the fire department, along with such other specific powers and duties as may be enumerated in this article or as may be granted by DFAC or the Village Board.

1. Oversees the development of and approves, policies, methods and means by which operations are conducted;
2. Participates in the development and administration of the fire department budget; approves expenditures and implements budgetary adjustments as appropriate and necessary;
3. Supervises the development and implementation of departmental training goals, objectives and priorities consistent with state and federal best practices; monitors maintenance of training standards by fire department members;
4. Establishes appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly;
5. Administers and oversees the appointment, transfer, and discipline of fire department members pursuant to applicable rules, regulations and laws.
6. Makes recommendations to DFAC and the Village Board regarding fire department member compensation and benefits;
7. Responds to and may command police and/or fire emergencies or community disasters.

D. General Powers with Respect to Emergency Medical Services. Under general administrative direction of Dells-Delton Emergency Medical Services Commission (Commission), the Director of Public Safety shall have the following general powers and duties with respect to the Dells-Delton EMS, along with such other specific powers and duties as may be enumerated in this Article or as may be granted by the Commission or the Village Board.

1. Oversees the development of and approves policies, methods and means by which emergency medical service operations are conducted;
2. Participates in the development and administration of the Dells-Delton EMS budget; approves expenditures and implements budgetary adjustments as appropriate and necessary;
3. Supervises the development and implementation of departmental training goals, objectives and priorities consistent with state and federal best practices; monitors maintenance of training standards by Dells-Delton EMS department members;
4. Establishes appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly;
5. Administers and oversees the appointment, transfer, and discipline of Dells-Delton EMS department members pursuant to applicable rules, regulations and laws.
6. Makes recommendations to the Commission and the Village Board regarding Dells-Delton EMS department member compensation and benefits.

9.06 modified and amended by Ordinance 14-002 Passed 7/14/2104 Published 7/19/2014

9.07 Public works director powers and duties

The public work's director shall have the following powers and duties, subject to the direction of the village board:

- A. Be responsible for the administration and supervision of all maintenance, repair and construction of streets, alleys, curbs, gutters, sidewalks, bridges, street signs, house numbering, traffic-control devices, signs, markings, village buildings, parks, recreational facilities, sewers and other municipal utilities, and all machinery and equipment used in any activity under his control.

- B. Have charge of such public services as garbage and refuse collection and disposal, snow and ice removal, mosquito control and weed and algae control programs.
- C. Administer the operation and maintenance of all village-owned property, lands, buildings, improvements and equipment, and all public ways, ditches, drains and storm sewers.
- D. Keep all records and documents required by law or ordinance for activities under his/her supervision, including maps, plans and easements.
- E. Be in charge of the operation and management of the village storm sewer system and conduct inspections of sewer and water hook-ups to ensure compliance with state and village codes.
- F. Prepare and present fiscal year budget for his/her department to the village board for review and approval. Administer the department's approved budget. Review and approve all purchases charged to the department accounts.
- G. Report on a monthly basis to the village board about all approved department projects indicating completion date and costs.
- H. Assist the village engineer in drafting criteria and specifications for public-works projects, coordinate approved public-works projects with the engineer and the appropriate committee and conduct final inspections of public-works projects.
- I. Review permit applications affecting public works activities.
- J. Keep the village coordinator regularly informed of the department's activities.

9.08 Hiring hourly personnel

Whenever an appointed official desires to fill a vacancy or an approved new position, he/she shall advertise the job position in the local news media and/or trade journal. Present staff will have the right to apply to fill any vacancy. The appointed official will screen and interview the applicants under his/her jurisdiction. The appointed official will submit to the village board the names and all other relevant data pertaining to the three best applicants. Final selection will then be made by the board and the appointed official, from those applicants.

9.09 Work hours

- A. Normal hours. Hours of work for each department shall be as determined by the appointed officials and approved by the village board.
- B. Overtime/compensatory time.
 1. Appointed officials are employed in exempt positions and shall not be entitled to receive overtime pay or compensatory time unless specifically authorized by the board.
 2. The work schedule period shall be 28 days. Time worked during a work schedule period in excess of 160 hours shall be considered overtime.
 3. An employee working overtime will be allowed time and one-half (1½) off for each overtime hour worked, or, the employee will be paid at one and one-half (1½) times the regular hourly rate of pay. The choice of time off or payment is up to the employee.
 4. No employee shall be allowed to accrue more than 100 hours of compensatory time per year.
 5. Any employee shall give advance notice to his/her supervisor for approval of any anticipated compensatory time being taken off.

9.10 Disciplinary action

A. Grounds. Dishonesty or falsification of records; insubordination; theft or intentional destruction of village equipment or property; unauthorized use or abuse of village equipment or property; drinking intoxicants while on duty; using drugs (other than prescribed by a physician) while on duty; being under the influence of intoxicants or drugs (other than prescribed by a physician) while on duty; fighting or creating a disturbance among fellow employees, disorderly conduct while on duty or immoral conduct; absence without leave; habitual tardiness or abuse of sick leave; use of official position or authority for personal profit or political advantage; disregard or repeated violation of safety rules and regulations; knowingly making false or malicious statements; acceptance of any gift, favor or service that might reasonably tend to improperly influence an employee in the discharge of their official duties; failure to perform assigned work in an efficient manner; being wasteful of material, property or working time; or any other circumstance that may for just cause warrant disciplinary action on a case by case basis shall be grounds for disciplinary procedures.

B. Disciplinary steps.

1. Types of corrective action include a verbal reprimand, a written reprimand, demotion, suspension up to thirty (30)-days, or discharge.

2. If the action taken is suspension, the employee must receive a written notice. Said notice must include: the specific reason for the suspension action, the length of suspension to be imposed, and the effective date. The original copy of the written notice must be directly given to the employee or mailed to the employee by certified mail with return receipt requested. A copy of the written notice must be filed simultaneously with the village clerk and village president. If the contemplated action is a suspension without pay, the employee will be provided with notice of the allegations against him/her, and an explanation of the village's evidence. The employee will then be given an opportunity to respond to the allegations. This opportunity to be heard shall be held prior to administering discipline. In the event the suspension is administered, the employee must receive written notice thereof.

3. If the action taken is discharge, the employee must receive a written notice that the village board will consider discharge. The notice must be given not less than ten (10) days nor more than thirty (30) days prior to hearing. The notice shall inform the employee of the date, time and place of the hearing. Such hearing shall be in closed session unless the employee requests open session or statutes require open session. The notice to the employee shall advise the employee of the right to hold the meeting in open session and that the employee has the right to attend, be represented by counsel and present evidence in his/her favor.

C. Commencement of disciplinary action. Discipline other than discharge may be commenced by any supervisory employee or by any appointed official with respect to any employee in his/her department. In the case of commencement of disciplinary action by a supervisory employee, the action must first be submitted in writing to the department head for approval. Discipline of any village employee, including appointed officials, may also be commenced by the village board. Discharge of any employee, whether appointed or hourly shall occur only after 5/7's vote of the village board.

9.11 Purpose: This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stats., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

9.110 Applicability: This procedure applies to all village employees, except that with regard to a police or fire employee covered by s. 61.65, Wis. Stats., or an employee covered by a collective bargaining agreement entered into under subch. IV of ch. 111, Wis. Stats., this procedure shall only apply to the extent that it does not conflict with the provisions of s. 61.65, Wis. Stats., or the collective bargaining agreement.

9.111 Definitions: The following definitions apply unless specifically modified:

"Days": except as otherwise specifically stated, when used herein, "days" means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stats.

"Disciplinary Action": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations.

"Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2., Wis. Stats. The hearing officer shall be selected by the village clerk-treasurer-coordinator. The hearing officer shall not be an employee of the village.

"Non-disciplinary action": The term "non-disciplinary action" includes verbal reprimands, notices and reminders; written reprimands; performance evaluations; documentation of employee acts and/or omissions in an employment file; non-disciplinary demotions, layoffs, changes or reductions in hours; non-disciplinary adjustments to compensation or benefits; actions taken to address job performance, such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

"Shift": means the regularly-scheduled work day for the employee.

"Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit; completion of seasonal employment; completion of temporary assignment; completion of contract; layoff or failure to be recalled from layoff at the expiration of the recall period; retirement; job abandonment ("no call, no show" or other failure to report to work); discharge due to lack of qualification or license; or any other cessation of employment not involving involuntary termination.

"Village Clerk Treasurer-Coordinator" is the Clerk-Treasurer-Coordinator, or her designee.

"Workplace Safety": means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety of the employee.

9.112 Right to File Grievance: Every employee covered by this procedure has the right to file a grievance challenging a termination, disciplinary action or workplace safety violation. An employee does not have a right to file a grievance for non-disciplinary action taken by the employer. During the processing of a grievance, the employee has the following rights:

1. The right to be assisted by a representative of his or her own choosing in person or by teleconference at any point during the grievance process.
2. The right to present evidence and call witnesses on his or her behalf.

9.113 Process and Timelines: The time for performance to comply with the requirements of this ordinance are established as follows:

1. The employee must file a written grievance with the village clerk-treasurer-coordinator within 7 days of the termination, disciplinary action or actual or reasonable knowledge of the alleged workplace safety issue. Grievance forms may be obtained from the village clerk-treasurer-coordinator. Verbal grievances will not be accepted for purposes of this procedure.
2. The village clerk-treasurer-coordinator will meet with the employee and the employee's supervisor within 7 working days of the filing of the written grievance and attempt to resolve the issues. If a mutual agreement is not reached, the village clerk-treasurer-coordinator will provide a written response upholding, modifying or dismissing the grievance within 7 working days of the meeting.
3. An employee may appeal the decision of the village clerk-treasurer-coordinator by filing a written notice of appeal with the village clerk-treasurer-coordinator within 3 days of receiving the written response. Appeal forms may be obtained from the village clerk-treasurer-coordinator.
4. Upon receipt of the appeal the village clerk-treasurer-coordinator shall appoint a hearing officer to hear the appeal and shall schedule a hearing date. The hearing date shall be scheduled at the earliest convenience of the hearing officer, not to exceed 30 days from the filing of the appeal.
5. The hearing shall be conducted at the Kay C. Mackesey Administration Building during regular work hours, except when the demands of the workplace dictate that the hearing be conducted other than during regular business hours, or the parties mutually agree on an alternate time and location.
6. The employee or supervisor may appeal the decision of the hearing officer to the village board. The written appeal must be filed within 5 days of the date that the decision is issued. Appeal forms may be obtained from the village clerk-treasurer-coordinator. The board will review the record from the hearing and arguments presented by the appellant and respondent. Argument may be made in person or in writing, at the discretion of the board. The village board may accept additional evidence and testimony if it deems necessary. The board may affirm, reverse or modify the decision and take whatever action it deems appropriate.

9.114 Time: The time for performance shall be governed by the following rules:

1. All timelines may be extended by mutual written agreement.
2. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the village clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
3. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 5 days.
4. The parties may mutually agree to waive a step or multiple steps within the procedure.
5. Granting the requested or an agreed-upon remedy resolves the grievance.
6. Failure of the employee to fully comply with the procedures and timeline may result in dismissal of the grievance.

9.115 Grievance Requirements: The written grievance must contain:

1. A statement of the specific action that is being challenged.
2. A statement of the facts surrounding the grievance.
3. The date the incident occurred or the date the alleged workplace safety concern was discovered.

4. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
5. A description of the workplace safety rule alleged to have been violated, if applicable.
6. The specific remedy requested.

9.116 Conduct of Hearing Before the Hearing Officer: Each party has the right to call witnesses on their behalf and offer evidence in support of their position. At least 3 days before the hearing the employee and village shall submit, in writing, to the hearing officer and the other party, a brief summary of the facts and arguments in support of their position, and a witness list, including a summary of the witness testimony they intend to offer at the hearing.

The hearing is not before a court of law and, therefore, the rules of evidence do not apply. The admission of testimony or other evidence shall be at the discretion of the hearing officer. The witnesses may, but need not be, sworn before testifying. All proceedings before the hearing officer will be recorded with an electronic recording device, unless both parties waive recording. The grievant shall have the burden of proof to support the grievance.

9.117 Hearing Officer's Decision: The standard of review for the hearing officer is whether or not the grievant has established, based upon the preponderance of evidence, that the actions of the employer were arbitrary, capricious or unreasonable. The hearing officer's decision shall sustain or deny the grievance. The hearing officer shall have no power to issue any remedy, but may recommend a remedy. Remedial authority shall be subject to determination by the village personnel committee, with final approval by the village board, and shall be addressed by the village board in the event the grievance is sustained and not appealed. The decision may be made on the record at the close of the hearing, or in writing within 10 days. The hearing officer's decision must contain:

1. A statement of pertinent facts surrounding the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. If the grievance is sustained, a description and explanation of the recommended remedy.
4. A notice of the right to appeal the decision to the village board and the date the appeal must be filed.

9.118 Consolidation: If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

9.119 Costs: Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. If the employee has not been suspended without pay or terminated, the hearing shall be scheduled during a regular work shift for the employee, unless the village objects. In such instances, the employee will be paid at the regular rate of pay, or at the overtime rate if applicable.

Section 9.11-9.119 recreated by Ordinance 110-007 - Passed 12/12/2011 Published 12/21/2011

9.12 Personnel records

A personnel file will be maintained for every employee and will contain records relevant to the employee's position with the village. Such records shall include, but not be limited to the following: application and reference; letter of employment; job description; salary; medical information; personal leave record; vacation record; sick leave record; compensatory time record; training activities; performance appraisal records; home address and telephone number; person to be notified in an emergency. Personnel records will be held in strictest confidence

except as provided below: The president, village board, village coordinator, department heads, and police and fire committee in the case of police department members, shall have access at any time; employees will be permitted access to their file within a reasonable time after making a request to the department head. Disclosure of an employee's personnel file is subject to written request and the employee's specific written consent authorizing the release of said information must be on file with the department head. Employee records are also subject to the provisions of s. 103.13, Wis. Stats.

9.13 Performance review

A. Probationary employees. Newly hired employees shall serve a probationary period of a minimum of s one-year duration to determine the employee is suited and qualified for the position. Probation shall be on the following terms and conditions:

1. Prior to the completing the probationary period, the department head or supervisor will provide a written evaluation of job performance to the employee and to the village clerk-treasurer-coordinator.
2. During the probation period, the employee may be discharged by written notification from the village board. Such discharge may be without cause and the probationary employee shall have no recourse to the grievance procedure.
3. When the employee has satisfactorily completed the probationary period, written notification will be submitted to the employee.
4. An employee's probationary period may be extended for a maximum of six months on a one-time basis by action of village board.

B. Annual review. The village board shall establish a schedule to annually review and evaluate all village employees prior to preparing the next annual budget. Appointed officials shall file with the village clerk-treasurer-coordinator written evaluations on forms approved by the village board, evaluating employees in their department. The appointed official completing the evaluation shall furnish to the individual employee and reviewed with said employee one copy of the completed form. One copy shall become part of the employee's permanent personnel file.

C. Appointed officials. The village board shall review and evaluate appointed officials. One copy of the completed evaluation shall be furnished to the individual appointed official. One copy of the completed evaluation shall become part of the appointed official's permanent personnel file.

9.14 Weekly salaried employee payroll procedures

A. The clerk and treasurer only shall sign payroll order checks for weekly salaried employees and the president's signature shall not be necessary to make these checks valid, and the checks may be issued after proper vouchers have been filed with the village clerk as provided by s. 66.0601, Wis. Stats.

B. The clerk, who is hereby designated to act on such claims pursuant to s. 61.51, Wis. Stats., shall audit the payroll claim before each such order check is issued.

C. The clerk shall file a certified copy of this section with the village's public depository.