

**CODE OF ORDINANCES**  
Town of Willard, Rusk County, Wisconsin

**CHAPTER 15**  
**PERSONNEL MANAGEMENT**

**15.01 AUTHORITY, STATEMENT OF PURPOSE**

- (1) PURPOSE.** The purpose of this ordinance is to establish specific qualifications, duties, powers, and terms of employment for Town employees to promote a positive and safe working environment.
- (2) AUTHORITY.** The Town Board has the specific authority under the State of Wisconsin Statutes, and the Town's Village Powers, to adopt and enforce this ordinance.
- (3) ADOPTION OF ORDINANCES.** By adoption of this ordinance, the Town Board has confirmed the specific statutory authority, powers, and duties noted in the specific sections of this ordinance and has established by these sections the powers and duties of the Town Board, all Town employees, established specific qualifications, duties, powers, and terms of employment for Town employees.
- (4) SEVERABILITY.** Every provision of this ordinance shall be considered separable. The invalidity of any section, clause, provision, or portion thereof shall not affect the validity of any other portion of this ordinance.

**15.02 DEFINITIONS**

- (1) Full-time.** Full-time Town employees shall be considered employees who work for, and are employed by, the Town for 2080 hours or more over a consecutive twelve (12) month period.
- (2) Actual Address.** Actual address means the residential street address, school address, work address, or any portion thereof of any employee.
- (3) Personally-Identifying Information.** Personally identifying information includes, but is not limited to, social security number, birth date, phone, and actual address.
- (4) Toxic materials.** For the purpose of this ordinance, the term **'toxic materials'** refers to toxic substances, infectious agents, harmful physical agents, or pesticides.

**15.03 GENERAL COMPLIANCE**

- (1) The Town Board has, by this ordinance, designated itself** as the general authority to hire, appoint, compensate, promote, train, educate, transfer, demote, suspend, discipline, terminate, and establish any other terms and conditions of employment for Town employees. This designation is subject to: any Federal and State laws, any Town ordinance, any labor contracts, and any employee contracts between the Town and any Town employee.
- (2) This ordinance includes** full-time, part-time, and limited-term employees of the Town unless specifically so noted in each section.

**15.04 GENERAL POLICY**

- (1) The Town,** its officers, and its employees will comply with Federal and State laws, Federal and State regulations, and this ordinance relating to any employment, including hiring, education, training, compensation, promotion, transfer, suspension, lay-off, demotion, discipline, and termination of Town of Willard employees.
- (2) The Town policy recognizes** the provisions of the Federal Fair Labor Standards Act (FLSA), Wisconsin Statutes, and Wisconsin Administrative Code, including (Wisconsin Wages and Hours Law) DWD 274.08, the Minimum Wage Law, Chapter 104 Wisconsin Statutes.
- (3) Employment at Will.** Any Town employee may be terminated at any time without charge, cause, or without hearing subject to compliance by the Town with applicable Federal and State laws, Federal and State regulations, and Town ordinances.
- (4) Discrimination.**
  - (a) **The Town,** its officers, and its employees will comply with Federal and State laws, Federal and State regulations, and this ordinance relating to any possible employment discrimination by the Town.
  - (b) **Anti-Discrimination and Whistle-Blowing.** The Town shall not discharge or discriminate against any Town employee or Town officer because that employee:
    1. Files a report with the State of Wisconsin Department of Workforce Development.
    2. Institutes, or caused to be instituted, any action or proceedings relating to occupational safety and health matters under Wisconsin Statutes.
    3. Testifies or will testify in such a proceeding.
    4. Reasonably refuses to perform a task that represents a danger of severe injury or death.

5. Exercises any other right related to occupational safety and health which is afforded by Wisconsin Statute.
- (c) **Notification.** Whenever any Town employee believes discrimination occurred, the employee shall notify the Town Clerk of the alleged discrimination. This notice to the Town Clerk shall be deemed the knowledge of the alleged discrimination.
1. The Town Clerk shall apprise the Town Board of any claim of discrimination.
  2. The Town Clerk shall apprise the Town Board of any Town employee who reasonably, or unreasonably, refuses to perform a task which the employee claims is a danger of severe injury or death.

#### **15.05 APPLICATION, HIRING, PROMOTION, ORIENTATION, TRAINING, AND PROBATION POLICY.**

- (1) **General Application Process.** In developing, preparing, and approving an employment application process and policy for prospective Town employees, the Town Board shall follow and develop appropriate application procedures to reasonably assure that qualified and capable persons are employed by the Town as Town employees. These applications shall at minimum require: The Town Board has approved a general employment application form outlined in Appendix O. This form may be revised by Resolution.
- (2) **Hiring and Promotion Procedures.** In the actual hiring process, the Town of Willard shall follow certain procedures to reasonably assure that properly qualified persons are employed by the Town of Willard in Town employee positions.
- (a) **Job Description.** All Town of Willard employment positions must have a detailed job description. These job descriptions shall be reviewed and updated, if necessary, every three (3) years. The Willard Town Chairman shall be responsible to develop new job descriptions. These new job descriptions shall be presented to the Town Board for approval. No prospective employee shall be offered any employment if they do not meet the minimum standards for the position for which they apply.
- (b) **Initial Approval Action.**
1. Any person may refer any potential job applicant to the Town Clerk.
  2. If any officer or employee of the Town makes an oral or written request for the hiring of any employee in the Town, the request first must be submitted to the Town Chairman for review and approval.
- (c) **Designated Agent.**
1. The Town Board may delegate any portion of the production of application forms, search for qualified applicants, recruitment, interviewing, or the selection of finalist.
  2. The formal hiring shall be completed by the Town Board.
- (d) **Receipt of Application.** Once approved by the Town Board, the Town may proceed to fill the position of employment.
1. The Town Clerk shall, at minimum, post in three (3) usual and customary places for notices in the Town the employment opening with the appropriate job description. This notice shall be posted for a period of seven (7) days. This notice will state the job description and the need to complete and file a written job application form with the Town Clerk.
  2. The Town Board may decide, at its discretion, to publish the employment opening with the job description in the official newspaper along with other publications or any other media. The Town Board of the Town shall make the final decision as to the extent and amount of recruitment that will occur for any employment opening.
  3. The written applications for the job openings shall be filed with the Town Clerk.
  4. Upon notice by the Town Clerk, if an application is determined to be incomplete, the applicant may resubmit an application.
  5. If a person is disqualified for the employment opening based on the application, the Town Clerk will inform the person of the disqualification, and the application deficiency for being disqualified.
  6. Any application for a job opening received by the Town Clerk which is false, untrue, or fraudulent with intent to mislead in any manner will subject the applicant to automatic disqualification for the job opening by the Town Board. If the applicant is now employed by the Town the employee may be subject to immediate involuntary termination, discharge, or discipline by the Town Board.
- (e) **Qualifications for Employment.**
1. If a suitably qualified applicant is found the Town Board may hire the applicant. The Town Board may hire any person with or without a formal interview. The Town Board shall be the sole determinant of qualifications for the position of employment. The qualifications for the job, imposed by the Town Board, must be directly related to the successful and capable performance of the position of employment.
  2. A physical examination may be required of all new or rehired Town employees. If required under Wisconsin Statutes the cost of the physical examination will be paid by the Town. The physical examination shall be conducted by a physician selected by the Town.

- (f) **Exemptions from Hiring and Promotion Procedures.** The hiring, promotion procedures, and requirements in this section do not cover Town elected or appointed officials (full-time or part-time).

**(3) Orientation and Probation.**

- (a) **The Town shall** prepare and maintain a general Orientation and Probation Program for any newly hired employees.
- (b) **The Orientation and Probation Program** shall contain oral and written information regarding the Town, along with oral and written information, related to the specific employment position. The Orientation and Probation Program shall commence within seven (7) days after employment and shall end at the end of the probation period. At a minimum the Orientation and Probation Program shall contain information related to the following policies:
1. Promotion, Education, and Training
  2. Personal Conduct and Work Rules
  3. Family and Medical Leave
  4. First Aid
  5. Safety, Injury, and Employee Right to Know
  6. Excused and Unexcused Absence
  7. Pay Schedule and Expense Reimbursement
  8. Testing
  9. Ethics
  10. Job Evaluation
- (c) **Probation Periods.** All newly hired Town employees will have a twelve (12) month probation period. At any time during the original probation period, the Town Board reserves the right to extend any newly hired employee's probation period for up to an additional twelve (12) months.

**(4) TRAINING AND EDUCATION.**

- (a) Where there may be routine exposure to any toxic materials, the Town Chair shall provide an education and training program before assigning a Town employee to his or her initial workplace.
- (b) The Town Board must approve the reimbursement of costs, expenses, and the maximum allowable amount of reimbursement for employee training and education before these costs are incurred.

**(5) PERSONAL CONDUCT AND WORK RULES.** The written Personnel Conduct Policy and Program of the Town shall be developed, implemented, and administered to encourage courteous, non-discriminatory, respectful, and legal behavior among all Town employees during working and non-working hours.

**(6) COMPENSATION, REIMBURSEMENT, AND HOURS OF WORK.** The Town has provided for the salary and wages and reimbursement of expenses incurred by Town employees. By this ordinance, the Town Board has determined the salary and wage schedule, except for the Town Board of supervisors, and has determined who is eligible for expense reimbursement, which expenses are reimbursable, and the amount of reimbursement. Expenses reimbursed under this ordinance, and Wisconsin Statutes, include but are not limited to:

1. Traveling expenses, including mileage, lodging, and meal expenses.
  2. Costs associated with programs of individuals related to offices or employment.
  3. Except for offices combined according to Wisconsin Statutes, the Town shall not compensate a Town officer for acting in more than one official capacity or office in the Town at the same time.
- (b) **Wage and Salary Approval.** Wages and salaries for the Town employees are outlined in Appendix I.
- (c) **Reimbursement of Costs and Expenses.** The Town Board has established a reimbursement mileage rate, as outlined in Appendix I, for any motor vehicle travel to and from any location by the shortest safe distance by a privately owned vehicle.
- (d) **Compensation.** The Town Board will set salaries and wages on an annual basis.
- (e) **Hours of Work.** The Town Board shall approve the hours of work for all Town employees. The starting time for work will be established by the Town Chairman. The Town Board may, at its discretion, establish different hours of work, days of work, and breaks not contrary to any labor union agreement or employment contract. The starting time and hours of work, for part-time and limited-time employment, will be set by the Town Board.
- (f) **Overtime.** The Town Board shall establish an overtime policy for Town employees receiving an hourly wage, per diem, or salary in accordance with the provisions of the Federal Fair Labor Standards Act (FLSA), Wisconsin Statutes, and Wisconsin Administrative Code (Wisconsin Wages and Hours Law) DWD 274.08.
- (g) **Compensatory Time.** Compensation time may be allowed, with the approval of the Town Board, if in compliance with Federal and State laws when approved.

## **15.06 RECORDKEEPING AND NOTIFICATION OBLIGATIONS**

- (1) RECORDS REQUIRED.** Certain records are required by State and Federal Wage and Hour Laws.
- (2) CONFIDENTIAL INFORMATION.** The Town may declare certain information confidential. The Town Board shall be responsible to declare that any information requested of the Town is confidential. The Town Board shall also be responsible to release to the requesting Town employee, or another person, any information, data, and materials that it did not declare as confidential.
- (3) IDENTITY PROTECTION.** If an employee submits a written request that the Town keeps the employee's personally-identifying information private, the Town Clerk may not disclose any record in his or her possession that would reveal the employee's personally-identifying information to the public, except when required by Federal law, State law, or court order.
- (4) RECORDS OF INJURY OR EXPOSURE.**
  - (a) The Town Clerk shall** maintain records of Town employee work-related injuries and illnesses and shall make reports of these injuries and illnesses to the State of Wisconsin Department of Workforce Development.
  - (b) The Town Clerk shall** maintain records of any exposures, by Town employees to toxic materials, as required by the State of Wisconsin Department of Workforce Development for monitoring measuring. The Town Board shall be provided by the Town Clerk with any information regarding any monitoring or measuring of these toxic materials.
  - (c) The Town Clerk shall** promptly notify a Town employee who has been or is being exposed to any toxic material or harmful physical agent at a level that exceeds that prescribed by the safety and health standards of the State of Wisconsin Department of Workforce Development. The Town employee shall be informed by the Town Clerk of any corrective action taken by the Town. The Town Board shall be fully informed by the Town Clerk regarding the exposures and the corrective action options to be taken by the Town.

## **15.07 EMPLOYEE HEALTH AND SAFETY**

- (1) GENERAL.** The Town Board shall establish and maintain a policy to promote health and safety predictions for Town employees. The Town shall comply with Wisconsin Statutes relating to the employer's duty to furnish safe employment and a safe place to work.
- (2) SAFE PLACES.** Town employees who believe a Town building or Town facility is unsafe or in need of repair shall notify the Town Clerk of such condition.
- (3) TESTING.** The Town will not use any honesty testing devices for Town employees without the approval of the Town Board.
- (4) SAFETY PROTECTION.**
  - (a)** To provide a safe place for working conditions, any Town employee who believes certain safety devices and safeguards must be obtained or maintained, or who believes that certain work methods and work processes should be changed, shall immediately notify the Town Clerk.
  - (b)** No Town employee shall remove, interfere with the use of, or damage any safety device or safeguard provided by the Town. No Town employee shall interfere with any method or process adopted for the protection of any Town employee.
  - (c)** Any Town employee who willfully violates section (b) may be subject to disciplinary action, including immediate discharge, as determined by the Town Board.
- (5) NOTICE OF TOXIC MATERIALS IN THE WORKPLACE.** The Town shall follow Federal and State guidelines for informing employees of toxic materials in the workplace.
  - (a) The Town Clerk shall** post signs in prominent places in the workplace which inform Town employees that the Town shall provide access to the information contained on the label of any toxic material, infectious agent, or pesticide with which the Town employee works or to which the Town employee is likely to be exposed.
  - (b) The Town Clerk shall** receive all requests from Town employees for information regarding toxic materials in the workplace. Upon receipt of a request for information the Town Clerk shall immediately notify the Town Board regarding this request.
  - (c) The Town shall follow** Federal and State guidelines for fulfilling written requests for information. The Town Clerk shall attempt to provide the most current and comprehensive information regarding the toxic substance reasonably available to the Town.
  - (d) The Town Clerk shall** safely secure and maintain all written materials, written requests, datasheets, and lists regarding these toxic materials.

- (e) **The Town of Willard is not** required to provide information regarding a toxic substance, infectious agent, or pesticide as noted above if the Town employee making the request has previously requested information about the toxic chemical within the proceeding twelve (12) months unless the duties of the Town employee have changed, or there is new information available concerning any of the subjects which information is requested to be provided by Section 101, Wisconsin Statutes, or by this ordinance.

**15.08 EMPLOYEE RIGHT TO KNOW**

**(1) NOTIFICATION OF RIGHTS.**

- (a) The Town Clerk shall notify all Town employees of their protection and rights by posting a summary of protections and rights in the Willard Town Hall.
- (b) The Town Clerk shall send to any parent or guardian of an employee, who is a minor, the notice of the rights that a Town employee has under Wisconsin Statutes and this ordinance.

**(2) REQUEST FULLFILLMENT.**

- (a) Except as provided in Wisconsin Statutes, any Town employee who has requested and has not received the required information about a toxic chemical in the workplace, may refuse to work with, or be exposed to, the toxic chemical until the Town supplies the information to the employee who has made this request.
- (b) It is unlawful to retaliate against any person for refusing to work with a toxic chemical before receiving the required information about the toxic chemical.

**(3) WAIVER.** No person, nor the Town, may request, or require any Town employee to waive any rights.

ADOPTED THIS 14TH DAY OF FEBRUARY, 2022

ROBERT NELSON YEA  NAY \_\_\_\_\_

MARK TAFT YEA  NAY \_\_\_\_\_

LINDA BENTLEY YEA  NAY \_\_\_\_\_

ATTEST:

MARY JANE NELSON (TOWN CLERK)