

**RESOLUTION 2011-79**

11-9-11

**RESOLUTION BY THE ADMINISTRATION, PERSONNEL, POLICY AND LEGAL  
COMMITTEE ADOPTING WORK RULES FOR VILLAGE OF STURTEVANT  
DEPARTMENT OF PUBLIC WORKS EMPLOYEES**

WHEREAS, certain actions by the State of Wisconsin render certain work rules contained in the collective bargaining agreement between the Village of Sturtevant and Teamsters Union Local 43 ( January 1, 2009 through December 31, 2010) no longer applicable; and

WHEREAS, the Village of Sturtevant is attempting to provide continuity for the Department of Public Works.

NOW THEREFORE, BE IT RESOLVED that the Village of Sturtevant Board of Trustees that it hereby adopts the Work Rules for the Sturtevant Department of Public Works Employees dated 11-9-11 as set forth in Exhibit "A" which is attached hereto and incorporated herein by reference effective immediately A copy of the Work Rules for the Sturtevant Department of Public Works Employees dated 11-9-11 as set forth in Exhibit "A" shall be kept on file with the Village Clerk and a copy shall be distributed to all Sturtevant Department of Public Works employees at such time as the rules take effect.

BE IT FURTHER RESOLVED by the Village of Sturtevant Board of Trustees that the Work Rules for the Sturtevant Department of Public Works Employees dated 11-9-11 as set forth in Exhibit "A" are subject to further modification and change by the Sturtevant Board of Trustees at any time at the Board's discretion.

BE IT FURTHER RESOLVED by the Village of Sturtevant Board of Trustees that this resolution replaces and supersedes Resolution 2011-23.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 15<sup>th</sup> day of November, 2011.

Village of Sturtevant

By \_\_\_\_\_  
Steven Jansen, President

Attest \_\_\_\_\_  
Mary Cole, Village Clerk

## **EXHIBIT A RESOLUTION 2011-79**

### **WORK RULES FOR EMPLOYEES OF DEPARTMENT OF PUBLIC WORKS**

11-09-11

These Work Rules set forth certain employment guidelines for employees of the Department of Public Works. Employees of the Public Works Department are also covered by the Personnel Policy Manual to the extent that the Manual does not conflict with these rules. These rules are not intended as and do not constitute an employment contract. The final interpretation and implementation of any of the policies and procedures in these rules are vested solely with the Village. The policies and procedures are subject to review and change from time to time by the Village Board with or without notice. All employees covered by these rules are considered to be "employment at will" employees. These "employment at will" employees may be involuntarily terminated at any time with or without cause.

#### **MANAGEMENT RIGHTS**

The Employer has all of the customary and usual rights, powers, functions and authority of a municipal corporation.

#### **HOURS OF WORK, PREMIUM PAY, and JURY DUTY**

The regular work week of a full-time employee shall be forty (40) hours, Monday through Friday inclusive. The regular daily starting time of a full-time employee shall be 7:00 A.M. The regular work week days and starting time for all or some of the employees may be changed by the Employer at any time for any reason.

The lunch period for each department is to be set by the Employer, but shall not be longer than one hour, or shorter than one-half (1/2) hour.

An employee shall receive one and one-half (1 1/2) times his basic hourly wage for all work performed by him in excess of eight (8) hours in anyone day or in excess of forty (40) hours in anyone week. In addition, an employee shall receive one and one-half (1 1/2) times his basic hourly wage for all work performed by him on Saturdays and Sundays unless Saturday and/or Sunday are part of the regular work week for that employee for that week as determined by the Employer.

Overtime pay equal to two (2) times an employee's basic hourly wage shall be paid for all work performed by him on a designated holiday, in addition to his regular holiday pay. Overtime work will be distributed by the Employer among the full-time employees as equally as possible, taking into consideration the skill and ability of employees to perform the overtime work required, and such decision shall be made by the Employer at Employer's discretion.

All employees shall perform overtime work whenever required by the Employer, unless unable to do so by reason of illness or other incapacity.

The employees shall be notified twenty-four (24) hours in advance when being requested to work overtime except in cases of emergency. If all available employees refuse overtime work, the Employer has the right to hire outside labor.

An employee called back to work after having completed his regular day's work shall be given not less than two (2) consecutive hours of work and shall receive one and one-half (1 1/2) times his basic hourly wage for all work performed by him while on such call back. No lunch time shall be taken by an employee on call back until completion of four (4) hours of duty.

An employee called into work within two (2) hours of their scheduled start time, shall receive one and one-half (1 1/2) times their hourly rate for pay for time worked until their scheduled starting time.

Volunteer work, which is not being paid for shall not be the claim of employees of the unit.

One (1) employee from the DPW shall be assigned to be "on call" each week. "On call" status means that an employee must be able to respond within one hour to an emergency and is not to drink or take any drugs or medications that would impair the employee's ability to respond to an emergency. Employer shall rotate on call status through the employees but if an employee declines on call status when assigned, he loses his rotation. The employee who is on call on the weekend shall receive sixty dollars (\$60.00) for the week. An employee assigned on call for a week shall not schedule vacation time or voluntary time off during that week unless for emergency reasons. The Village will not pay on call pay to more than one (1) employee during any week.

**Jury Duty** – covered by the Personnel Policy Manual

### **WAGES**

Those employees that are currently receiving the Water/Wastewater #4 Licensed Operator rate increase of sixty-five cents (\$.65) per hour as of January 1, 2012 shall continue to receive said rate increase after January 1, 2012 but only at a reduced rate of forty five cents (\$.45) per hour. After November 1, 2011 no additional employees shall be paid the Water/Wastewater #4 Licensed Operator rate.

The lead man shall receive sixty-five cents (\$.65) per hour above the full-time employee rate. The lead man rate will be in effect only when a lead man is assigned by the Director of Public Works.

The mechanic shall receive seventy-five cents (\$.75) per hour above the full-time employee rate for all hours worked.

The following longevity increments shall be paid to all regular employees:

Ten cents (\$.10) per hour after five (5) years of service.

Twenty cents (\$.20) per hour after ten (10) years of service.

Thirty cents (\$.30) per hour after fifteen (15) years of service

Employees shall be paid biweekly. If any such regular payday hereunder falls upon a holiday, an employee shall receive his pay on the last scheduled work day immediately preceding such holiday. An employee shall submit to the Employer, daily work slips along with punched time cards as a condition precedent to the payment of wages. Each employee shall punch only his own time card.

**Holidays and holiday pay** - covered by the Personnel Policy Manual.

### **VACATIONS**

Vacations shall be granted to an employee according to the following schedule:

A. After one (1) year of employment and each year up to five (5) years of employment - two (2) weeks or ten (10) working days if taken independently (earned at the rate of 8/10 day per month).

B. After five (5) years, add one (1) day for each year of service up to eighteen (18) years.

C. After twenty-five (25) years - twenty-five (25) days.

In the event that an employee terminates employment, he shall receive pay for such vacation time earned in accordance with the foregoing schedule which has not theretofore been taken by him, at his basic straight time hourly wage.

An employee's eligibility for vacation shall be determined as of the employee's date of employment. An employee shall request at least 24 hours in advance to use earned vacation. Employees shall be entitled to their choice of vacation time in accordance with their length of service, and in the discretion of the Employer, such vacations may be spread evenly throughout the vacation period.

All vacation earned by an employee as of January 1 of each year must be taken by the employee before the following December 31. No vacation time may be accumulated for use in any succeeding year or eligibility, and except in the event of termination, no payment in lieu of vacation time shall be made to an employee for vacation time not taken by the employee.

In the event that a holiday occurs during an employee's vacation, the holiday shall not count against the employee's vacation time.

Employer reserves the right to restrict vacation time based on the needs of the Village and Departmental operational needs.

Employees may receive additional time off without pay, pursuant to the rules set forth in the Personnel Policy Manual.

**Sick days-** covered by the Personnel Policy Manual.

### **LEAVES OF ABSENCE**

**UNION BUSINESS** The Employer agrees to grant the necessary and reasonable time off without discrimination or loss of seniority rights and without pay, to no more than one (1) employee designated by the Union to attend a labor convention or serve in any capacity or other official Union business, provided forty-eight (48) hours' written notice is given to the Employer by the Union, specifying length of time off. Due consideration shall be given to the number of people affected, in order that there shall be no disruption of the Employer's operations due to lack of available employees.

All other leaves are covered by the Personnel Policy Manual.

### **UNION ACTIVITIES**

Employer will not interfere with the rights of an employee to become and remain a member of the Union or his rights to encourage or discourage membership in the Union nor will the Employer discriminate against any employee in regard to hiring, tenure or other terms or conditions of employment by reason of the employee's exercise of the foregoing rights.

No employee shall engage in Union activities during working hours except as provided in these rules. Any accredited representative of the Union shall at all reasonable times have the right to visit any work place where any employee is employed for the purposes of inspecting working conditions.

### **SENIORITY**

Seniority standing shall be granted to all employees except part-time, casual and seasonal employees. The standing is to be determined on the basis of actual length of

continuous service from the latest date of permanent full-time employment with the Employer.

An employee shall be probationary for the first one hundred and eighty (180) calendar days of employment. Upon completion of such one hundred and eighty (180) days of employment he/she shall be entered on the seniority list as of his/her date of hire. A probationary employee has no seniority rights and retention as an employee is entirely within the discretion of the Village. If the Village believes that an additional probationary period is necessary, such period may be extended by the Village.

During such probationary period, an employee may be discharged by Employer at any time for any reason or for no reason. All new fulltime employees shall be placed on the full-time seniority list after completing the probationary period. In all personnel actions involving classification of employees, layoff, transfers, recall or layoff employees and promotion, Employer will consider, at Employer's sole discretion:

- A. Seniority
- B. Qualifications and ability to perform the work required.

### LOSS OF SENIORITY

An employee shall lose his seniority rights for the following reasons only:

- A. If he resigns
- B. If he is discharged for just cause
- C. If without giving a reasonable excuse to the Employer, he remains absent from work for more than three (3) consecutive working days.
- D. If he fails to report to work within three (3) consecutive working days after being recalled from layoff by Employer by notice in writing via registered mail, return receipt requested, to his last known address on the Employer's record.

The seniority of a person who has been laid off and whose name is therefore not on the active payroll, shall terminate after expiration of twenty-four (24) consecutive months of unemployment from the Employer.

### LAY OFFS

In case of reduction in force or elimination of a position, Employer shall consider seniority and ability to perform the work. Employees shall be laid off at Employer's sole discretion. When the working force is to be increased after a layoff, employees will be recalled in order of seniority and the ability to perform the work for the work being recalled, at Employer's sole discretion. In the event of a layoff, Employer shall give a minimum of three (3) days notice to the affected employees.

**Health insurance benefit rules** are addressed in the Personnel Policy Manual or in a separate resolution.

### RULES AND REGULATIONS

Employer shall from time to time promulgate and post on employee bulletin boards, reasonable rules and regulations including safety rules pertaining to the terms and conditions of the employment of employees.

Commercial Driver's License (CDL). Retention of a Commercial Drivers License with the endorsements designated by the Village shall be a condition of employment.

a) Any employee who upon conviction for operating while intoxicated, or operating while intoxicated-controlled substance, loses their license and is ineligible to immediately obtain an occupational CDL will be terminated from employment with the Village.

b) Any employee who upon conviction loses his license for reasons other than those set forth above, and is ineligible to obtain an occupational CDL within sixty (60) days shall be terminated from Village employment.

Employees who are waiting to become eligible to obtain an occupational CDL pursuant to (b) above may be suspended without pay by the Village until an occupational CDL is obtained pursuant to (b) above.

In the event the Village chooses to hire an otherwise qualified applicant without a CDL, the new hire must obtain the appropriate license, with the assistance of the Village (e.g. making vehicle available during non-work hours for practice and testing), before the end of the probationary period. At Village's sole discretion, it may extend the probationary period in thirty (30) day increments if the new hire does not have a CDL.

The Village will reimburse employees for the purchase of safety glasses: One pair of lenses every year and one pair of frames every other year. Maximum to be reimbursed \$250.00 per year.

The Village has the right to set certification standards for reimbursable lenses and frames within (ANSI) guidelines.

**Discharge and discipline-** covered by the Personnel Policy Manual.

#### **GRIEVANCE PROCEDURE**

All employees are covered by the Village's Grievance Procedure as set forth in the Personnel Policy Manual or in a separate Board Resolution.

#### **PENSION PLAN**

For the period January 1, 2011 to December 31, 2011, The Employer shall contribute to the Central States, Southeast and Southwest Areas Pension Plan the sum of one hundred and nineteen dollars and thirty cents (\$119.30) per week for each non-probationary full time Department of Public Works employee.

Effective January 1, 2012 the Employer shall contribute to Central States the sum of one hundred and twenty six dollars and fifty cents (\$126.50) per week for each non-probationary full time Department of Public Works employee.

Such contribution shall commence with the first week following the end of the probationary period of such employee.

Effective January 1, 2012, each employee for which a pension contribution is being made by the Village, shall contribute \$15.00 for each weekly payment and such employee contribution shall be automatically deducted from employee's pay check by Employer.

Section 2. This Fund shall be the Central States, Southeast and Southwest Areas Pension Fund.