

STATE OF WISCONSIN
Town of Conover
Vilas County

Chapter 1 – General Government

1.01 Elected Officials. The elected official of the Town shall be a Town Chairperson and 4 supervisors. Terms of office shall be for two (2) year terms.

- (1) Terms of office which will expire after 11:59 pm on the day of April’s Annual Town Meeting.

1.02 Appointed Officials. The following Town Employees/Officials shall be appointed in the manner and for the term indicated:

Official	How Appointed	Term
Clerk/Treasurer	Town Board (3/5)	1-3 years
Deputy Clerk/Treasurer	Clerk Treasurer	Indefinite
Foreman Public Works	Town Board (3/5)	Indefinite
Fire Chief	Active Fire Members	1 year
EMT/Ambulance Director	Town Board (3/5)	Indefinite
Assessor	Town Board (3/5)	Indefinite
Auditor	Town Board (3/5)	Indefinite
Town Attorney	Town Board (3/5)	Indefinite
Animal Control	Town Board (3/5)	Indefinite

1.03 Oaths and Bonds. Elected and appointed officials shall take and file the official oath within 5 days after notice of the election or appointment and shall execute and file the official bond as required by State Statutes and General Code.

1.04 Removals and Vacancies.

- (1) Elected Officials may be removed as provided in WS 17.13(1) and 17.16 and vacancies filled according to WS 17.23.
- (2) Appointed Officials may be removed by 3/5 vote by the Town Board. Vacancies may be caused by WS 17.03 and other reasons for termination will be defined in job descriptions/roles and responsibilities by specific role. Vacancies will be filled as provided by 17.23.

1.05 Compensation. The compensation of all elected and appointed officials, including member of board and commissions, shall be determined by the annual Town Meeting or the Town Board, where applicable when authorized under WS 60.10(2)(k)

- (1) Salaries and compensation rates of elected officials shall not be increased or reduced during their terms of office.
- (2) Except for offices combined under WS 60.305, no Town officer shall be compensated for acting in more than one official capacity or office of the Town at the same time.

1.06 Town Chairperson and Supervisors.

- (1) Election and Term, see 1.01
- (2) Authority. The Town Board shall have all powers of the Town not specifically given to some other body or officer. Except as otherwise provided by law, the Town Board has power over property, finances, highways, streets, utilities and the public service; may act for the government and good order of the Town for its commercial benefit and for the health, safety, welfare and convenience of the public; and may carry its powers into effect by license, regulations, suppression, borrowing, taxation, special assessment, appropriate imposition of forfeitures and other necessary or convenient means. The Town Board may appoint such officials from time to time as may be deemed necessary for the benefit of the community. In addition, the Board shall have the powers enumerated in WS 60.22 and may exercise powers enumerated in WS 60.23. The powers hereby conferred shall be in addition to all other grants and shall be limited only expressed language.
- (3) Other Provisions. See also Chapter 2 of this General Code.

1.07 Assessor

- (1) Appointment and term. See 1.02 of the chapter.
- (2) Powers and Duties. Shall perform such other duties as shall be prescribed by State law, supervisory personnel of the State Department of Revenue and the Town Board, including attendance at all meetings of the Board of Review. See WS 60.307

1.08 Town Attorney

- (1) Appointment and term. See 1.02 of this chapter.
- (2) Powers and Duties. The Town Attorney shall perform such duties as directed by the Town Board

1.09 Clerk/Treasurer.

- (1) Appointment and term. See 1.02 of the chapter.
- (2) Powers and Duties. The Clerk/Treasurer shall have such powers and perform such duties as prescribed by State Law and directed by the Town Board. See WS 60.33

1.10 Animal Control Officer.

- (1) Appointment and term. See 1.02 of the chapter.
- (2) Powers and Duties. The animal control officer purpose is to pick up, report and place stray dogs and is assigned by the Town Board.
- (3) Clerk's office providing forms and making payment of \$30 per call with mileage of picking up and delivering animal to Vilas County at the rate provided by the IRS in the Federal Tax Code.

1.11 Foreman, Public Works

- (1) Appointment and term. See 1.02 of this chapter.
- (2) Powers and Duties. The Public Works Foreman shall perform such duties as directed by the Town Board and outlined in the Foreman's Job Description.

1.12 Director, EMT/Ambulance

- (1) Appointment and term. See 1.02 of this chapter.
- (2) Powers and Duties. The Director shall perform such duties as directed by the Town Board and outlined in the Director's Job Description.

PUBLIC RECORDS AND PROPERTY

1.13 POLICIES. The following policies relating to the release, inspection and the reproduction of public records and property are hereby enacted:

(1) **DESIGNATION OF PUBLIC RECORDS:**

The Town Board hereby recognizes and designates all of the records of the Town Board, its committees, commissions, boards and authorities created by ordinance or resolution as defined by WS 19.32(2), as public records and documents subject to release, inspection and reproduction as required by law.

(2) **DESIGNATION OF THE OFFICIAL LEGAL CUSTODIAN OF THE RECORDS:**

The Town Board hereby designates the position of the Town Clerk as the official legal custodian of the public records of the Town. It shall be the responsibility of the Clerk to execute all duties and responsibilities of the Town, pursuant to Wisconsin's Public Records and Property law, WS 19.21 and 19.31 through 19.39.

(3) **POWERS OF THE OFFICIAL LEGAL CUSTODIAN:**

All requests for the release, inspection or reproduction of the public records of the Town shall be directed or referred to the Town Board's Official legal custodian.

(4) **PROCEDURE FOR THE RELEASE, INSPECTION AND REPRODUCTION OF RECORDS:**

(a) The Town Board hereby adopts an official notice as the office procedure of the Town in responding to requests for release, inspection or reproduction of the records and property of the Town.

(b) This notice is intended to provide all necessary information which might be required by a member of the public in order to obtain access to the records and property of the Town. Any questions in regard to this notice shall be directed to the official legal custodian of the records of the Town.

(c) This notice may be modified from time to time by Town Board action, but absent of such modification, the decisions of the official legal custodian of the records of the Town shall be in conformity with its provisions.

(5) **COSTS FOR THE LOCATION AND/OR REPRODUCTION OF RECORDS/PROPERTY OF THE TOWN:**

The Town Board authorizes the Official Legal Custodian to charge fees associated with public records requests by using the DOJ guidelines and suggested charges.

(6) **RECORD PRESERVATION.**

(a) The records of the Town shall be retained and preserved by the Official Legal Custodian as required by all applicable laws and no records shall be destroyed with the prior written approval of the custodian.

(b) No record of the Town shall be destroyed after the receipt of a request for such record until after the request is granted or until any dispute concerning the request has been completely and finally resolved.

- (7) INDEMNIFICATION OF THE TOWN OFFICIAL LEGAL CUSTODIAN OF THE RECORDS: Any costs or fees incurred by the official legal custodian of the records of the Town shall be directly reimbursed by the Town to the custodian and shall not be treated as personal liability of the custodian.

PERSONNEL POLICIES

1.14 WORK RULES DEFINED Work rules are defined as, and limited to, rules official adopted by the Town of Conover, within its discretion, which regulates the personal conduct of employees. Work rules are not intended to limit the right of Employees, but rather to define those rights. The Town Board considers discipline as a corrective action necessary to the overall improvement of the operation of the Town. Work rules included as Appendix II in the Union Contract of November 2000 for employees in the Public Works Department.

WORK RULES Town of Conover Appendix II

Work Rules are defined as, and limited to, rules officially adopted by the Town of Conover, within its discretion, which regulates the personal conduct of employees. These Personnel Policies are not a Contract for employment and shall never be construed as a Contract for employment and are merely rule to govern the conduct of employees working for the Town of Conover.

EMPLOYEES OF THE TOWN OF CONOVER ARE PROHIBITED FROM COMMITTING ANY OF THE FOLLOWING ACTS:

I. WORK PERFORMANCE

1. Insubordination, including disobedience, failure or refusal to follow written or oral instruction of supervisory authority, or to carry out work assignments.
2. Neglecting job duties or responsibilities as defined by job descriptions.
3. Loafing, loitering, sleeping or engaging in unauthorized personal business.
4. Disclosure of confidential information or records.
5. Falsifying records or giving false information to other agencies or private organizations or to the employees responsible for record keeping.
6. Failure to observe all safety rules and practices including the use of protective equipment and clothing or in the operation of vehicles and equipment.
7. Failure to report accidents or injuries including traffic accidents.

II. ATTENDANCE AND PUNCTUALITY

1. Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time of a shift or failure to notify the proper authority of impending absence or tardiness.
2. Unexcused or excessive absenteeism.
3. Leaving the place of duty or a work shift without permission.

4. Failure to observe the time of lunch, rest or wash up periods.
5. Abuse of sick leave.

III. PERSONAL ACTION AND APPEARANCE WHILE ON DUTY

1. Horseplay, including practical jokes, pushing, running or throwing objects, will not be tolerated.
2. Failure to observe no smoking regulations.
3. Littering or creating unsanitary conditions.
4. Unauthorized solicitation of funds or donations for any purpose while on the job.
5. Unauthorized distribution of printed matter on Town property.
6. Gambling of any form.
7. Engaging in unauthorized political activity while on duty.
8. Selling commercial products or services while on the job.
9. Any behaviors that may be deemed inappropriate by the Board of Supervisors.

IV. OUTSIDE ACTIVITIES AND EMPLOYMENT

1. Transacting business as an employee or representing the of Town with any business entity in which the employee has an interest, except as is authorized by law.

V. CONDITIONS OF EMPLOYMENT

1. All Town of Conover Employees must have a telephone.

VI. USE OF PROPERTY

1. Abuse of or misuse of Town or private property, equipment or material.
2. Stealing or unauthorized possession of Town or private property, equipment or material.
3. Unauthorized posting or removing of notices or signs on Town property.
4. Unauthorized use of Town property or equipment, including vehicles, phones, computer equipment or mail service.
5. Unauthorized entry to Town property outside of assigned hours of work.

VII. PERSONAL ACTIONS

1. Threatening, attempting or inflicting bodily injury while on duty.
2. Threatening, intimidating, interfering with, or using abusive language toward others while on duty.
3. Unauthorized possession of weapons while on duty.
4. Possession of or use of alcoholic beverages or narcotics while on duty for the Town or on Town property.
5. Reporting for work in an unsafe condition, or under the influence of alcoholic beverages or narcotics.
6. Engaging in criminal activity while on duty.
7. Unauthorized lending, borrowing or duplication of Town keys.
8. Failure to submit to inspection, any personal packages take from the

employee's work are when requested.

9. Soliciting or accepting any unauthorized compensation, reward or gift from outside sources for any matter related to the employee's job as an employee of the Town. (Does not include Christmas gifts)

VIII. DRIVING RECORD

1. Maintaining a valid driver's license (commercial if required) and an acceptable, satisfactory driving record as described in the Commercial Motor Vehicle Safety Act of 1986 and State of Wisconsin Statutes 343 and 346, is mandatory. All employees must also be insurable by the Town of Conover Conover's current insurance carrier. Therefore, suspension or revocation Of an employee's license, after a review of the situation, may result in termination.
2. It is the responsibility of all employees to report to the Town of Conover all moving motor vehicle violations that the employee has or receives. Failure to do so may be grounds for dismissal.

If any of the above listed acts are determined, the Board will follow the following disciplinary actions:

- Verbal Warning and request for documentation as appropriate.
- Written Warning and disciplinary action if deemed necessary; included withholding of pay or suspension
- Dismissal or termination

1.15 EMPLOYEE GRIEVANCE PROCEDURE TOWN OF CONOVER (Vilas County)

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

Definitions for terms used in this document:

"Days": means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.

"Discipline": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, 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.

"Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer selected by the town board is Steve Garbowicz of O'Brien, Anderson, Burgy and Garbowicz. The hearing officer shall not be an employee of the Town of Conover.

"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); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

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

Process and Timelines:

1. The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.

2. The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the Town Chair or the assigned Town Board Supervisor who shall then provide the written response.

3. The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the Town Chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.

4. The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.

5. The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the Town Chair about the request as soon as possible. The Town Board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The Town Board may sustain, deny or modify the recommendation of the impartial hearing officer. The decision of the Town Board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.

6. All timelines may be extended by mutual written agreement of the Town Board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.

7. 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 town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.

8. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.

9. The grievant and Town Board may mutually agree in writing to waive a step or multiple steps within the procedure.

10. Granting the requested or agreed upon remedy resolves the grievance.

Grievance Requirements:

The written grievance must contain:

1. A statement of the pertinent facts surrounding the nature of the grievance.
2. The date the incident occurred or the date the alleged workplace safety concern was discovered.
3. The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
4. The specific remedy requested; and
5. A description of the workplace safety rule alleged to have been violated, if applicable.

Supervisor's Response:

The supervisor's written response to the employee's written grievance must contain:

1. A statement of the date the meeting between the employee and supervisor was held.
2. A decision as to whether the grievance is sustained or denied.

Procedure Before the Hearing Officer: The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.

The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

Hearing Officer's Decision:

The hearing officer's written decision must contain:

1. A statement of pertinent facts surrounding the nature of the grievance.
2. A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
3. A statement outlining the timeline to appeal the decision.

Representation: Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

Consolidation: The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

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.

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. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half. The fees of the hearing officer will be: \$300.00 or actual invoice from the firm – whichever is lower.

Sample

**Employee Grievance Form
Town of Conover (Vilas County) Wisconsin**

Employee Name: _____

Job Title: _____

Employee Contact Information: (provide phone numbers, mailing address, etc.)

Grievance Level (check one): (Step 1) Meeting with Immediate Supervisor

(Step 2) Request for Impartial Hearing

(Step 3) Appeal to Town Board

This section to be completed for Step 1 only: Describe the grievance: state all relevant facts, including time, place of incident being grieved, names of persons involved, steps taken to informally resolve the grievance, etc. Attach additional sheets if needed.

Additional sheets attached

Describe relief sought:

Employee's Signature

Date Submitted

For office use only:

Date received: ___/___/20___

Clerk's initials: _____

Grievance Decision Form
Town of Conover (Vilas County) Wisconsin

Name of Employee: _____

Job Title: _____

----- Decision:
(Attach additional pages if necessary)

Additional sheets attached

Date Employee Grievance or Request for Hearing/Appeal Received: _____

Date of Meeting or Hearing: _____

Date of Decision: _____

Grievance Level (check one): (Step 1) Meeting with Immediate Supervisor

(Step 2) Request for Impartial Hearing

(Step 3) Appeal to Town Board

Date Employee Provided Copy of this Decision: _____

Delivery method: _____ (U.S. mail, hand delivered, etc.)

Employer or Hearing Officer Signature

(title)

The employee may request an appeal to the impartial hearing officer by filing a written request with the town clerk within 10 days of receiving the supervisor's written response. Within 10 days of receipt of the impartial hearing officer's decision, the non-prevailing party may file a written request for an appeal to the town board with the town clerk.

*****A copy of this completed form must be provided to the town clerk for record keeping purposes.**

This Ordinance 131-18 rescinds and replaces the previous Chapter One - General Government Ordinance.

Adopted this 13th day of September, 2018.

George Champeny, Chairman

Thomas Timken, Jr., Supervisor 1

Karl Jennrich, Supervisor 2

Gary Lagueux, Jr., Supervisor 3

David Hapka, Supervisor 4

Attest: _____
Kathy Mitchell, Clerk-Treasurer