



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department, Committee, Agency, Corporation, Quasi-Municipal, Corporation, or Sub-unit thereof.

Meeting of the:	Human Resources Committee
Date/Time:	Monday, June 8, 2020 at 4:30 PM
Location:	City Hall (407 Grant Street) – Council Chambers – 1 st Floor
Members:	Becky McElhaney (Chair), Dawn Herbst (Vice Chair), Lou Larson, Michael Martens, James Wadinski

AGENDA ITEMS FOR CONSIDERATION

- 1.) Approval of 3/9/20 and 5/11/20 Minutes.
- 2.) Human Resources Report for May.
- 3.) Discussion and Possible Action updating the City's DOT Alcohol and Anti-Drug Policy to comply with recent DOT regulations (Clearinghouse).
- 4.) Discussion and Possible Action Restructuring Police Department Clerical Staffing.
- 5.) Discussion and Possible Action on the City's Revised Policy for Employees with Symptoms or Exposure of Novel COVID-19 (Coronavirus).
- 6.) Adjournment.

***Due to the COVID-19 pandemic, this meeting is being held in person and via teleconference. Members of the media and the public may attend in person, subject to the social distancing rules of maintaining at least 6 feet apart from other individuals, or by calling 1-408-418-9388. The Access Code is 146 788 3895. Password: C86Ajr6VpQ (964586090 from phones)**

Individuals appearing in person will either be seated in the Council Chambers or an overfill room, subject to the social distancing rules. Space will be available on a first come, first served basis. All public participants' phones will be muted during the meeting. Members of the public who do not wish to appear in person may view the meeting live over the internet by <https://waam.viebit.com/?folder+ALL>, on the City of Wausau's YouTube Channel <http://www.tinyurl.com/WAAMedia>, live by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>.

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 06/01/2020 at 3:30 PM

Questions regarding this agenda may be directed to the Human Resources Office at (715) 261-6630.

It is anticipated that each item listed on the agenda may be discussed, referred, or acted upon unless it is noted in the specific agenda item that no action is contemplated. It is possible that members of, and possibly a quorum of members of other committees of the Common Council of the City of Wausau may be in attendance at the above mentioned meeting to gather information. No action will be taken by any such group at the above mentioned meeting other than the committee specifically referred to in this notice.

"In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call Human Resources at (715) 261-6630 or the City's ADA Coordinator at (715) 261-6620 or e-mail clerk@ci.wausau.wi.us at least 48 hours prior to the scheduled meeting or event to request an accommodation."

Other Distribution: Alderpersons, Mayor, Department Heads, Union Presidents.

DRAFT

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION**

DATE/TIME: March 9, 2020 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Council Chambers
MEMBERS PRESENT: Gary Gisselman, Dawn Herbst, Michael Martens, Tom Neal
MEMBERS ABSENT: Becky McElhaney
Also Present: Mayor Mielke, T. Vanderboom

Vice Chair Martens called the Human Resources Committee meeting to order at 4:30 p.m.

Approval of 1/13/2020 Minutes.

Motion by Neal to approve the January 13, 2020 Human Resources Committee meeting minutes. Second by Herbst. No comments. All ayes. Motion passes 4-0.

Human Resources Reports for January.

Vanderboom indicated that the report was included in the packet and would answer any questions. Neal said it seemed pretty straight forward to him and would move to put it on the record. Martens asked if a motion was needed to approve it; Vanderboom said no. No questions were asked.

Discussion and Possible Action Creating a Mechanic Incentive Pay for DPW Streets and Maintenance Employees.

Vanderboom said that the request came from the Public Works Director, Eric Lindman, and it is a way to incentivize career development for the City's mechanics. Vanderboom said that the last time the City recruited for the mechanic position, it took two recruitments to fill the position with someone who did not have the preferred certifications, so this is a way to incentivize the mechanics to increase their skills.

Lindman said that he talked with the Fleet Supervisor and the Fleet Manager for options regarding the mechanic positions. They decided instead of creating different levels of mechanics (Mechanic I, Mechanic II, etc.) that it would be best to stay with one mechanic job description with minimal requirements to increase the candidate pool when recruiting, and to create incentive pay for certifications that they obtain. Lindman also feels it will be a good retention tool since employees who receive certifications will receive a bump in pay, and it will be good for the organization to have employees with more skills obtained by the certifications. Vanderboom explained that if the organization would require a list of certifications at the time of application, we would limit our candidate pool. By letting the employees gain the certifications while employed, we can broaden our candidate pool and help train people up in their positions.

Neal said he had one question before the meeting about the fiscal impact that was already answered. Another question he had was if the City's compensation for mechanics is competitive. Lindman said that with all the benefits that are offered, he feels that we're still a little below market but that most places probably require certifications for hire that we don't. Lindman said that unlike most service mechanics, our mechanics work on a wide variety of vehicles and equipment not only for DPW but also for Fire and Police, so they need to be able to troubleshoot on many different types of equipment. Neal also asked about retention of mechanics. Lindman said that the department has recently lost a number of long-term (30+ year) employees, but the incentive pay with help with the employees that have been hired recently.

Gisselman asked if other employees receive incentives in their positions. Lindman said that for water and sewer there are some incentives. Vanderboom said that the Fire and Police union contracts have some incentives listed. Gisselman asked if other positions have any; Vanderboom said that for most other positions, the certifications are needed in order to perform the basic job duties, whereas these certifications increase the employees' skills.

Vanderboom explained that the certifications for the mechanics are not required, but rather optional; they are still able to perform the basic job duties without them. Gisselman then asked about the rate per certification and how the City came up with the numbers. Vanderboom said that most municipalities do not provide such as incentive, but one that was found offered 10¢ and hour per certification, up to 80¢. Vanderboom said that the Fleet Supervisor suggested the incentive rates and that the City would be paying for certifications that are valuable for the employees to have rather than just any certification an employee wants to get. Lindman said he also went through all the information with the Fleet Supervisor and HR Director and believes that they fairly calculated the value for each certification based on certification level and time needed to obtain.

Martens asked if the City pays for the cost of the training and materials. Lindman said that he is open to sharing in the cost for employees to get the certifications, but it was not something that is included in this item. Vanderboom said that the Employee Handbook has language about training costs and when the City will assist if it is able. Vanderboom said that department training budgets could be used for something like this. Martens asked if Lindman knew how many certifications the current staff has; Lindman said that one employee has everything but is not sure of the other mechanics. Vanderboom said that if this item passes the Common Council, the employees would need to provide documentation of their certifications in order to receive the incentive; employees would not be required to retake any certifications that they already possess.

Motion by Gisselman to approve creating a Mechanic Incentive Pay for DPW Streets and Maintenance Employees. Second by Herbst. No further discussion took place. All ayes. Motion passes 4-0.

Future Agenda Items.

Neal indicated that in the Mayor's Welcoming and Inclusivity Committee they discussed if methodologies are in place to increase diversity in recruitment. Neal said he talked with the Police Chief and they had sent staff to job fairs in Madison, Milwaukee and the Twin Cities areas and wondered if the City could attend job fairs like this in places with different populations to get more interest in positions with the City of Wausau. Vanderboom said that this can be added as an agenda item.

Adjournment.

Motion by Herbst to adjourn. Second by Neal. All ayes. Meeting adjourned.

Rebecca McElhaney
Human Resources Committee, Chair

DRAFT

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION**

DATE/TIME: May 11, 2020 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Council Chambers
MEMBERS PRESENT: Dawn Herbst, Lou Larson, Michael Martens, Becky McElhaney, James Wadinski
MEMBERS ABSENT:
Also Present: Mayor Rosenberg, T. Vanderboom

City Clerk Leslie Kremer took rollcall for members and called the Human Resources Committee meeting to order at 4:30 p.m.

Select a Chairperson and Vice Chairperson for 2020-2022 term.

Kremer opened up nominations for a Chairperson. Herbst nominated McElhaney. Kremer asked if there were any other nominations. With no other nominations, Kremer asked for all those in favor to indicate so. All members in favor. No members opposed. McElhaney is named as Chairperson for the Human Resources Committee for the 2020-2022 term. Kremer handed the meeting over to McElhaney.

McElhaney asked for nominations for Vice Chair. McElhaney nominated Herbst. McElhaney asked for any other nominations. No other nominations were brought forward. All members in favor of nominating Herbst as Vice Chair. No members opposed. Herbst is named as Vice Chairperson for the Human Resources Committee for the 2020-2022 term.

Establish Regular Meeting Date and Time for 2020-2022 term.

Herbst said that the Human Resources Committee has been meeting on the second Monday of the month at 4:30 p.m. and asked if everyone is available. No objections were made to this date and time, and therefore it will remain the same. McElhaney said that sometimes the committee does not have items and may be canceled, so members should watch their emails.

Adjournment.

McElhaney adjourned the meeting at 4:36.

Rebecca McElhaney
Human Resources Committee, Chair

**HR PERFORMANCE REPORT****Core Services*****Classification & Compensation***

Open Reclassification Requests

Current Job Position	Current Salary Range	Requested Job Position	Requested Salary Range	Request Date

Completed Reclassification Requests

Original Job Position/Salary Range	Requested Job Position/Salary Range	Approved Job Position/Salary Range	Request Date	Council Approval Date

Employee Benefits

Family Medical Leave (YTD)

Requests Received	Approved	Pending	Denied/Canceled
48	34	3	9 2

Reasons why denied under FMLA

Paperwork not returned	Insufficient years of service/hours	Condition does not qualify	Paperwork not authentic
9			

Workers Compensation (YTD)

Number of Claims	Lost Time	Medical Only
11	4	7



HR PERFORMANCE REPORT

Employee and Labor Relations

Grievances (YTD)

Number of Grievances	Open Grievances	Closed Grievances	ATU (Metro) Grievances	WPPA (Police) Grievances	WFA (Fire) Grievances
3	1	2	2	0	1

Open Grievances

Employee Name	Union	Issue	Date Filed	Status

Closed Grievances

Employee Name	Union	Issue	Date Filed	Status

**HR PERFORMANCE REPORT***Recruitment & Selection***New Hires**

Employee Name	Department	Job Title	Hire Date
Seth Cate	Police	Police Officer	1/22
Mai Vang	Finance	Administrative Assistant III	1/13
Korey Radkowski	DPW	Street Maintainer	1/20
Andrew Kutchenriter	Police	Police Officer	1/23
Hnia Thao	Police	Police Officer	1/23
Gregory Radke	DPW	Street Maintainer	1/27
Lauryn Erdman	Police	Crime Response Specialist	1/30
Betsy Duginski	Comm Dev Authority	Administrative Assistant I	2/03
Leslie Kremer	Finance	City Clerk	2/24
Dylan Landwehr	DPW	Street Maintainer	2/24
Brandon Tousignant	Fire	Firefighter/Paramedic	2/24
Zachary Becker	Fire	Firefighter/Paramedic	2/24
David Briggs	Fire	Fire Training Division Chief	3/11
Sean Fitzgerald	Community Development	Business Development Specialist	5/05

Separations YTD

Total Number of Separations	Resignations	Retirements	Terminations
17	8	5	4

Promotions/Transfers

Employee Name	Old Job Position	New Job Position	Previous Incumbent	Effective Date
Marlon Marks	Firefighter/Paramedic	Engineer	Guy Skidmore	1/12
Mary Jordam	Administrative Asst. III	Administrative Asst. II	Teri Daigle	3/30
Ryan Dwelly	Sewer Maintainer	Collections System Supervisor	Ken Rye	4/20
Nicholas Gehring	Firefighter/Paramedic	Engineer	Andy Adrian	5/07

**HR PERFORMANCE REPORT****Active Recruitments**

Job Title	# of Vacancies	Date Vacant	Status
Police Officer	3	1/2, 1/3, 4/24	Conditional Offer Candidates In Process
Administrative Assistant II (Municipal Court)	1	2/7	Initial Phone Screening Complete
Administrative Assistant III (Finance)	1	(New Position 10/8/19)	Conditional Offer Candidate In Process
Sewer Maintainer	3	(New Position 3/3), 4/20, 5/1	Interview Complete
Plant Maintenance Mechanic	2	(New Position 3/3), 4/1	Interviews Complete
Lab Technician	1	2/7	Conditional Offer Candidate In Process
Water Distribution Maintainer	1	3/3	Interviews Complete
Equipment Services Mechanic	1	2/18	Reposting Position
Firefighter/Paramedic	3	1/7, 1/12, 6/1	Conditional Offer Candidates In Process

Vacant Positions (Not Being Recruited)

Job Title	Number of Vacancies	Date Vacant	Status
Bus Operator I	1		On hold

Human Resource Committee Packet

June 8, 2020

Agenda Item
Discussion and Possible Action Updating the City's DOT Alcohol and Anti-Drug Policy to Comply with Recent DOT Regulations (Clearinghouse).
Background
The Federal Motor Carrier Administration (FMCSA) established the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse). This new database contains information pertaining to violations of the U.S. Department of Transportation (DOT) controlled substances (drug) and alcohol testing program for holders of CDLs. The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), consortia/third party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees. The Clearinghouse final rule requires the following: • Employers must query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads. • Employers must annually query the Clearinghouse for each driver they currently employ. The Clearinghouse provides FMCSA and employers the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol program violations and ensure that such drivers receive the required evaluation and treatment before operating a CMV on public roads. Specifically, information maintained in the Clearinghouse enables employers to identify drivers who commit a drug or alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations). Records of drug and alcohol program violations will remain in the Clearinghouse for five years, or until the driver has completed the return-to-duty process, whichever is later. (From https://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse)
Fiscal Impact
None

Human Resource Committee Packet

June 8, 2020

Staff Recommendation
HR staff, with the assistance of CVMIC, updated the City's policy to reflect the changes necessary to comply with recent regulation changes. I recommend approving the revised policy.
Staff contact: Toni Vanderboom (715-261-6634)



POLICY

DATE: February 28, 2020
TITLE: DOT – Regulated Employee Alcohol Misuse Prevention and Anti-Drug Policy
ISSUER: Human Resources
COVERAGE: All employees
AUTHORITY: Risk Management Committee
DURATION: Indefinite, review in 2022

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I. Purpose

The Federal Motor Carrier Safety Administration (FMCSA) has issued federal regulations (49 CFR Parts 40 and 382) implementing the provisions of the Federal Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license (CDL). These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees involved in safety-sensitive functions. The purpose of this policy is to establish an alcohol and controlled substances testing program to help prevent accidents, injuries, and property damage resulting from the misuse of alcohol and the use of controlled substances by drivers of commercial motor vehicles. Consequently, the City of Wausau has established the following alcohol misuse prevention program and anti-drug program as well as subsequent enforcement of violations for its employees conducting safety-sensitive functions.

Program Contact

For additional information or questions, please refer to the Designated Employee Representative (DER); **Human Resources Department, City Hall, (715) 261-6630.**

II. Policy

The City of Wausau recognizes that the use and/or abuse of alcohol or controlled substances by drivers of our commercial motor vehicles present a serious threat to the safety and health of the driver and the general public. It is the policy of the City of Wausau that its drivers should be free of drugs and alcohol at all times while performing any work for the organization, or while on any City of Wausau property. In order to further the goal of obtaining a drug-free and alcohol-free environment, and to be in full compliance with the DOT-regulated testing requirements of 49 CFR Parts 40 and 382, the City of Wausau has implemented a drug and alcohol testing program which is designed to help reduce and prevent vehicle accidents and injuries to the organization's employees and the public, to discourage substance use and alcohol abuse, and to reduce absenteeism, accidents, health care costs, and other drug and alcohol-related problems.

III. Definitions

For the purposes of this policy, the following definitions will apply:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low weight alcohols including methyl and isopropyl alcohol.

Alcohol Use means the consumption of any beverage, mixture or preparation, including medications, containing alcohol.

Breath Alcohol Technician (BAT) means an individual certified as trained to operate an Evidential Breath Testing Device (EBT) and proficient in breath testing procedures.

Canceled Test means, in controlled substance testing, that a test that has been declared invalid by the MRO. A canceled test is neither positive nor negative.

Collection Site means a place where individuals present themselves for the purpose of providing body fluids or tissue samples to be analyzed for controlled substances, or to provide a breath sample to be analyzed for alcohol concentration.

Commercial Motor Vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport property or passengers if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of the towed unit with a gross vehicle weight of 10,000 pounds; or
2. Has a gross vehicle weight of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers inclusive of the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which requires the vehicle to display a placard.

Controlled Substance under DOT rule means marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP) or other substances later defined by DOT as controlled substances.

Designated Employer Representative (DER) is an individual identified by the employer as able to receive communications and test results from service agents and is authorized to immediately remove employees from safety-sensitive functions and make decisions in the testing and evaluation processes. The DER must be an employee of the City of Wausau.

Evidential Breath Testing Device (EBT) is a device designed to measure alcohol concentration from breath samples which has been approved by the National Highway Traffic Safety Administration.

Laboratory means a laboratory for conducting drug testing that is approved by the Department of Health and Human Services.

Medical Review Officer (MRO) means a licensed doctor of medicine or osteopathy with the knowledge of drug abuse disorders that is retained by the organization to conduct and analyze drug tests in accordance with DOT rules.

Safety-Sensitive Function means the following on duty functions:

1. All time waiting to be dispatched;
2. All time inspecting, servicing or conditioning any commercial motor vehicle;
3. All driving time, i.e. all time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform a safety-sensitive function.

Substance Abuse Professional (SAP) is a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

IV. POLICY COVERAGE

This policy applies to every employee ("driver") who performs "safety sensitive functions" in association with the operation of a commercial motor vehicle in commerce in any state, and is subject to the commercial driver's license requirements of part 383 of this subchapter.

Drivers are also governed by the City of Wausau's Non-DOT Drug and Alcohol Use Policy. In addition, transit (bus) drivers may be subject to drug and alcohol testing requirements as outlined in 49 CFR Part 655 and their department specific policy.

Condition of Employment

All drivers subject to this policy are required to submit to DOT drug and alcohol testing and therefore, it is a condition of employment.

V. PROHIBITED CONDUCT

Federal Regulations prohibit the City of Wausau's drivers from engaging in the following conduct:

1. Using or possessing alcohol while on duty. **Note:** Federal regulations include medications containing alcohol in the substances banned from use or possession in the workplace. Therefore, drivers should not report for duty while using or possessing medication if such medication contains any measurable amount of alcohol;
2. Using alcohol within eight (8) hours following an accident, unless the employee has already undergone DOT-regulated post-accident drug and alcohol testing or is not required to undergo post-accident drug or alcohol testing;
3. Reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater;
4. Consuming any amount of alcohol within four (4) hours before reporting for duty;
5. Using controlled substances while on duty, unless the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
6. Reporting for duty or remaining on duty if the employee tests positive for controlled substances or has adulterated or substituted a specimen for controlled substances; or
7. Refusing to submit to any alcohol or drug testing required by this policy.

Refusal to Test

Refusal to test, in addition to #7 above, includes:

- Failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so. This includes the failure of an employee to appear for a test when called.
- Failing to remain at the testing site until the testing process is complete (except in a pre-employment testing situation when an applicant leaves the testing site before the testing process commences);
- Failing to provide a urine specimen for any drug test;

- Failing to provide an adequate amount of saliva or breath for any alcohol test;
- Failing to permit a directly observed or monitored collection in a drug test;
- Failing to provide a sufficient amount of urine for the drug test or sufficient breath specimen when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failing or declines to take an additional drug test the employer or collector has directed the driver to take;
- Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process or as directed by the employer associated with a shy bladder or insufficient breath sample. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test;
- Failing to sign the certification at Step 2 of the alcohol testing form;
- Failing to cooperate with any part of the drug and/or alcohol testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- For an observed collection, failing to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observed to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
- Admitting to the organization, collector or MRO that he/she has adulterated or substituted the specimen;
- Providing a specimen that the MRO has determined to have been tampered with, verified adulterated or substituted;
- Failing to comply with any follow-up testing plan/criteria.

VI. CONSEQUENCES

Removal from Position

1. Any driver who engages in prohibited conduct, or otherwise violates the DOT/FMCSA regulations will immediately be removed from his/her covered position, including the operation of a commercial motor vehicle and the performance of any safety sensitive duties.
2. The driver shall not return to or assume any DOT covered position with this organization until and unless he/she completes the Substance Abuse Professional evaluation, referral, and education/ treatment process detailed in [Subpart O](#) of 49 CFR Part 40.

3. A driver with an alcohol test result equal to or greater than 0.020 but less than 0.040, will immediately be removed from his/her position for a mandatory period of twenty-four (24) hours. When a reasonable suspicion drug and/or alcohol test cannot be administered and the employee's behavior or appearance suggests alcohol misuse or use of a controlled substance, he/she will immediately be removed from his/her position for a mandatory period of twenty-four (24) hours.

Disciplinary Action

In addition to above, any employee who violates any of the rules set forth in this policy is subject to discipline, up to and including termination.

VII. EFFECTS, SIGNS & SYMPTOMS

Intervention

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. If substance abuse is contributing to an employee's poor performance, ignoring or avoiding it will not help the situation. An employee's use or misuse of alcohol or controlled substances may be the root of the performance problem; however, substance abuse on the part of someone close to the employee also could be the source. Inevitably, the abuse of alcohol or other controlled substances leads to costly and potentially dangerous consequences unless action is taken to confront the issue.

Impact on Health, Work, & Personal Life

The impact of an individual's substance use and/or abuse extends beyond them. Impaired employees endanger themselves, fellow workers, and the general traveling public. Employees with alcohol are less productive and more likely to injure themselves or other persons in an accident. Alcohol abusing employees increase the costs related to lost productivity, absenteeism, loss of trained personnel, theft, and treatment and deterrence programs.

The struggle for answers about alcohol and drug problems can be difficult. Without expert assessment and diagnosis, it can entail an exhausting search without easy resolution. But confidential diagnosis and assistance can be helpful at any point along the continuum, and it is better to seek and get such help sooner rather than later.

VIII. REQUIRED TESTS

Refusal to submit to a required test will result in removal of that driver from his or her assignment(s) which, in turn, may result in discipline up to and including termination. The City of Wausau will test drivers in the following situations:

1. Pre-Employment Testing

Any individual not currently employed by the City of Wausau who is applying for a safety-sensitive position shall be required to undergo pre-employment controlled substance testing after a conditional offer of employment has been extended.

Prior to the first time an existing employee performs safety-sensitive functions for the organization (i.e. new position, promotion, job transfer, etc.); the employee shall be required to undergo testing

for controlled substances. A positive result will result in a disqualification from further consideration for the vacancy or eligibility list. Any applicant or existing employee who refuses to undergo such alcohol or drug testing will be disqualified from further consideration for employment in that safety-sensitive position.

Per §382.701 and effective January 6, 2020, The City of Wausau will obtain driver consent and subsequently conduct a pre-employment full query of the Drug and Alcohol Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a control substance, in violation of §382.213. Please note: The City of Wausau will conduct both electronic queries in the Clearinghouse and manual offline inquiries to previous employers for pre-employment driver investigations.

The City of Wausau will not allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substance test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge, as defined at §382.107, that the driver used alcohol on duty in violation of §382.205, used alcohol before duty in violation of §382.207, used alcohol following an accident in violation of §382.209, or used a controlled substance in violation of §382.213, except where a query of the Clearinghouse demonstrates:

- A. That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, Subpart O, achieves a negative return-to-duty test result; and completes the follow-up tests plan prescribed by the SAP.
- B. That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with §40.307 and specified in the SAP report required by §40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in part 40, Subpart O, and achieve a negative return-to-duty test result, and the City of Wausau assumes the responsibility for managing the follow-up testing process associated with the testing violation.

2. Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle, the City of Wausau shall test the driver for alcohol and controlled substances in the following situations:

- A. The accident involves a human fatality, each surviving driver is subject to testing whether they were at fault or not;
- B. The driver has received a citation and the accident involved bodily injury requiring immediate medical attention from the accident scene; and/or
- C. The driver has received a citation and the accident involved disabling damage causing vehicle or vehicles to be towed from the scene of the accident.

Testing Timeframes

The alcohol breath test should be administered within 2 hours, but must be administered no later than 8 hours following the accident, and the drug test must be administered within 32 hours of the

accident. If the alcohol test is not administered within 2 hours of the accident, or a drug test within 32 hours of the accident, the supervisor will complete a report explaining the reasons for the delay in conducting the test.

Driver Obligations

A driver who is subject to post-accident testing shall remain readily available and may not take any action to interfere with the testing or the results of the testing.

The driver shall notify his/her immediate supervisor as soon as possible if they are involved in an accident. After the initial call to the employer, the driver is required to remain in contact with his/her supervisor with any subsequent information pertinent to the accident, including contact by any law enforcement agency, issuance of a citation, etc.

The driver shall allow law enforcement to conduct their investigation. It is possible for a federal, state, or local law enforcement official to direct an employee, who is in the course of conducting the City of Wausau business, to submit to drug and/or alcohol testing. In this case, the employee shall provide the results of that testing to the employer as soon as they become available. These results may be used in lieu of or in addition to post-accident testing outlined in this section.

3. Random Testing

Drivers are subject to unannounced DOT/FMCSA random drug and alcohol testing. Testing percentages are established annually by the FMCSA. The random selection process ensures that each driver has an equal chance of being selected and tested. Some drivers may be tested more than once each year; some may not be tested at all depending on the random selection. However, once a driver has been notified of his/her selection for testing, they must immediately report for testing. Failure to show for a test within a reasonable time from the time of notification or interfering with the testing process is considered a refusal to test. An employee shall only be tested for alcohol during, just before or just after the performance of safety sensitive functions.

4. Reasonable Suspicion Testing

An employee is required to submit to an alcohol or controlled substance test upon a trained (*in accordance with this policy and Section 382.603 requirements*) supervisor's reasonable suspicion to believe that the employee is in violation of this policy. The determination of reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. The supervisor who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.

Under DOT regulations, alcohol testing is only authorized if observations are made during, just preceding or just after the period of the work day that the employee is required to be in compliance (during, just before or after the employee has performed safety-sensitive functions). However, the City of Wausau policy requires that reasonable suspicion alcohol testing shall be performed at any time during an employee's work day.

Under DOT regulations, the employee will not be permitted to perform safety sensitive functions until: (1) an alcohol test is administered and the alcohol concentration measures less than 0.02; or (2) 24 hours have elapsed following the determination that there was reasonable suspicion to test

the employee. However, the City of Wausau's policy requires that an employee will not be returned to work until confirmed test results are obtained.

If an alcohol test is not administered within two (2) hours following the reasonable suspicion determination, the supervisor must prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the reasonable suspicion determination, the supervisor must cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. In addition, the driver will be out of service for 24 hours.

The supervisor who made the observations shall provide a report that contains the observations leading to an alcohol or controlled substances reasonable suspicion test within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

Procedure for reasonable suspicion testing

- A. Upon the employee's removal from the job site, the supervisor should contact the Human Resource Department. If contact cannot be made at that time, the supervisor should proceed to the next step of this procedure and make contact with the Director of Human Resources as soon thereafter as possible.
- B. The supervisor is to then take the employee or arrange a ride to the collection site for drug and/or alcohol testing. The supervisor must remain at the site until the test is completed. The supervisor may call a cab for transportation.
- C. If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours, after the supervisor makes the reasonable suspicion determination, the supervisor will complete a report explaining the reason for the delay in conducting the test. If the alcohol test is not conducted within eight (8) hours after the supervisor makes such reasonable suspicion determination, or if the drug test is not conducted within twenty-four (24) hours after such determination, the supervisor will complete a report explaining the reasons why the test was not conducted.
- D. Once the drug and/or alcohol test has been completed the supervisor is to make arrangements for the employee to be taken home. The employee will not be permitted to drive their own car home at that time. The employee may have a family member or a friend pick them up or the supervisor may pay for a cab to take the employee home.
- E. The employee is to be advised not to report to work. The City of Wausau will contact the employee once the test results are known (this normally takes 24-48 hours) and a decision has been made as to the employee's status.
- F. The results of the drug and/or alcohol test will be sent directly to the Human Resource Department. When the results are obtained, the employee's supervisor and department head will meet with the Director of Human Resources to determine the appropriate course of action to be taken.
- G. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not

discuss the suspected reason for a referral or termination with anyone who does not need to know.

- H. Once the test has been completed and the employee has been taken home, the supervisor must submit a written report to the Human Resource Director outlining in detail what happened and what behavior was observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report is to be done within 24 hours of testing.

5. Return-to-Duty/Follow-up Testing

The requirements for return-to-duty testing must be performed in compliance with the Substance Abuse Professional process detailed in Subpart O of 49 CFR Part 40. In summary, the driver shall not return to a driver position, with the City of Wausau unless and until he/she completes all requirements of Subpart O. Once those requirements have been met, the driver must complete and receive negative test results associated with return-to-duty testing. The alcohol test must be .000.

The requirements for follow up testing must be performed in compliance with the Substance Abuse Professional process detailed in Subpart O of 49 CFR Part 40. In summary, once the driver returns to his/her position, they will be subject to a follow up testing plan as prescribed by the Substance Abuse Professional. Follow up testing includes, but is not limited to, a minimum of six unannounced follow up tests in the first twelve months of returning to his/her position. Additional testing may occur for up to forty-eight months following the initial first twelve-month period.

IX. DRUG AND ALCOHOL CLEARINGHOUSE QUERIES

In addition to the required pre-employment Clearinghouse full query, and effective January 6, 2020, the City of Wausau will also conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing as defined in 49 CFR Part 382 to determine whether information exists in the Clearinghouse about those employees.

To conduct the annual query referenced above, the City of Wausau will obtain the individual driver's consent and may conduct a "limited" query to satisfy the annual query requirement. The limited query will tell the City of Wausau whether there is information about the individual driver in the Clearinghouse but will not release that information to the City of Wausau. The individual driver may give consent to conduct limited queries that is effective for more than one year.

If the limited query shows that information exists in the Clearinghouse about the individual driver, the City of Wausau must conduct a full query, within 24 hours of conducting the limited query. If the City of Wausau fails to conduct a full query within 24 hours, the City of Wausau must not allow the driver to continue to perform any safety-sensitive functions until the City of Wausau conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined §382.701(d).

X. REPORTING TO THE CLEARINGHOUSE

The City of Wausau must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- (i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;

- (ii) A negative return-to-duty test result;
- (iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;
- (iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector; and
- (v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §40.307, 40.309, and 40.311 of the drug and alcohol regulations.

The information required to be reported under section must include, as applicable:

- (i) Reason for the test;
- (ii) Driver's name, date of birth, and CDL number and State of issuance;
- (iii) Employer name, address, and USDOT number;
- (iv) Date of the test;
- (v) Date the result was reported; and
- (vi) Test result. The test result must be one of the following:
 - (A) Negative (only required for return-to-duty tests administered in accordance with §382.309);
 - (B) Positive; or
 - (C) Refusal to take a test.

For each report of a violation of 49 CFR 40.261(a)(1) [refusal to test for alcohol] or 40.191(a)(1) [refusal to test for controlled substances], the employer must report the following information:

- (i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
- (ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);
- (iii) Documentation, including, but not limited to, electronic mail or other correspondence, or any affidavit, showing that C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to §382.705(b)(6) of this section when the reported refusal occurred (if applicable); and
- (iv) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under §382.705(b)(3).

Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at §382.107, of:

- (i) On-duty alcohol use pursuant to §382.205;
- (ii) Pre-duty alcohol use pursuant to §382.207;
- (iii) Alcohol use following an accident pursuant to §382.209; and
- (iv) Controlled substance use pursuant to §382.213.

For each violation in which the employer obtains actual knowledge, as defined at §382.107, the employer must report the following information:

- (i) Driver's name, date of birth, CDL number and State of issuance;
- (ii) Employer name, address, and USDOT number, if applicable;
- (iii) Date the employer obtained actual knowledge of the violation;
- (iv) Witnesses to the violation, if any, including contact information;
- (v) Description of the violation;
- (vi) Evidence supporting each fact alleged in the description of the violation required under paragraph §382.705(b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to §382.121), correspondence, or other documentation; and
- (vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph §382.705(b)(4) of this section.

Reporting Entities and Circumstances

Reporting entity	When information will be reported to clearinghouse
Prospective/Current Employer of CDL Driver	—An alcohol confirmation test with a concentration of 0.04 or higher. —Refusal to test (alcohol) as specified in 49 CFR 40.261.
	—Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	—Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
	—Negative return-to-duty test results (drug and alcohol testing, as applicable)
	—Completion of follow-up testing.
Service Agent acting on behalf of Current Employer of CDL Driver	—An alcohol confirmation test with a concentration of 0.04 or higher. —Refusal to test (alcohol) as specified in 49 CFR 40.261.
	—Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	—Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
	—Negative return-to-duty test results (drug and alcohol testing, as applicable)
	—Completion of follow-up testing.

MRO	—Verified positive, adulterated, or substituted drug test result.
	—Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191.
SAP	—Identification of driver and date the initial assessment was initiated.
	—Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing.

XI. DRIVER CONSENT AND ACCESS TO THE CLEARINGHOUSE

The City of Wausau cannot query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining driver consent. The City of Wausau must retain the consent for 3 years from the date of the last query. Written consent for limited queries can be obtained by using the “General Consent for Limited Queries of the FMSCA – Drug and Alcohol Clearinghouse Form” which is attached to this policy.

Before the City of Wausau may access information contained in the driver’s Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the City of Wausau access to the following specific records:

- A. A verified positive, adulterated, or substituted controlled substances test result;
- B. An alcohol confirmation test with a concentration of 0.04 or higher;
- C. A refusal to submit to a test in violation of §382.211;
- D. An employer’s report of actual knowledge, as defined at §382.107, of:
 - (i) On duty alcohol use pursuant to §382.205;
 - (ii) Pre-duty alcohol use pursuant to §382.207;
 - (iii) Alcohol use following an accident pursuant to §382.209; and
 - (iv) Controlled substance use pursuant to §382.213;
- E. A SAP report of the successful completion of the return-to-duty process;
- F. A negative return-to-duty test; and
- G. An employer’s report of completion of follow-up testing.

The City of Wausau cannot permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by the paragraphs of this section.

A driver granting consent must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with §382.701(a)(2) or (b)(3).

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

XXI. CLEARINGHOUSE RECORDKEEPING

The City of Wausau must retain for 3 years a record of each query and all information received in response to each query made. As of January 6, 2023, an employer who maintains a valid registration with the Clearinghouse fulfills this requirement.

XIII. SELF ADMISSION

The City of Wausau strives to maintain a safe and drug free work environment. Alcohol and drug use on the job poses a serious threat to the safety of our employees and the general public. However, the organization also understands the addictive nature of alcohol and certain drugs. The organization greatly values and cares about all employees, and will make every effort to assist any employee who comes forward and admits the need for help or treatment. To this end, the City of Wausau has created a qualified self-admission program as detailed in its Non-DOT policy which complies with the DOT regulations by incorporating the following required elements:

- The City of Wausau will not take any adverse action (loss of seniority, position, title, etc.) against any employee who makes a voluntary admission of having an alcohol or drug problem.
- In the event of a voluntary self-admission, the organization is required to remove the employee from performing, and the employee will be prohibited from performing, or continuing to perform, any safety sensitive functions.
- Self-admitting employees will be given the opportunity to seek treatment (at the employee's expense). The organization shall ensure that the employee is provided sufficient opportunity to seek evaluation, education or treatment to establish control over his or her drug or alcohol problem;
- In order to be permitted to resume performing safety sensitive functions for the City of Wausau.
- The organization must be satisfied with and approve the employee's treatment option/program.
- The employee must successfully complete the treatment program, and provide documentation/certification of completion (as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor).

Further, the City of Wausau must ensure that:

- Prior to the employee participating in a safety sensitive function, the employee shall undergo a return-to-duty test (at the employee's expense) with a result indicating an alcohol concentration of less than 0.02; and/or
- A return-to-duty controlled substance (at the employee's expense) test with a verified negative test result for controlled substances use; and
- The organization may incorporate employee monitoring and include non-DOT follow-up testing (at the employee's own expense).

Employees who admit to alcohol misuse or controlled substances use, are subject to the above procedures, but will not be subject to the referral, evaluation and treatment requirements set forth in 49 CFR Part 40, Subpart O, provided that:

- The driver does not self-identify in order to avoid testing under the requirements of this policy;
- The driver does not make the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting for duty); and

- The driver does not perform a safety-sensitive function until the City of Wausau is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

XIV. TESTING PROCEDURES

Drug testing establishes the presence of a drug or drugs at or above the minimum cut-off concentration levels. The drugs for which tests are conducted include, but are not limited to, marijuana (THC), cocaine, amphetamines, phencyclidine (PCP), and opioids. The cut-off concentration levels for these substances are consistent with those defined in 49 CFR Part 40.

Alcohol testing determines the presence of alcohol based on alcohol concentration levels. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Before the testing process can begin, the employee must present a valid photo ID (such as a driver's license, state issued identification card, employer ID, etc.).

Alcohol Testing

Initial Testing

An alcohol testing form (ATF) is used to document the alcohol testing process. The Breath Alcohol Technician (BAT) will conduct an initial breath test and if the result is 0.020 or greater, a confirmation test is required. The collector completes Step 1 and the employee is required to sign Step 2 in order for the test to proceed. The employee provides an adequate amount of breath so the device can analyze it and provide the result. The BAT and employee observe the test results, which are then recorded on the ATF. If the test result is less than .020, the result is considered negative. The collector completes Step 3 and the collection process is complete. If the initial test result is 0.020 or greater, the employee is required to complete a confirmation test.

Confirmation Testing

A 15-minute wait period will be observed prior to the confirmation test being administered. The wait period allows an opportunity for any accumulation of residual mouth alcohol to dissipate and will prevent an artificially high reading. The confirmation test result is administered following an air blank on the testing device. Once the results are received, they must electronically print on ATF.

Confirmation test result equal to or less than 0.019 is considered negative; no further action is required. Confirmation test result equal to or greater than .020 but less than .040 requires the employee to immediately be removed from his/her position for a minimum of 24 hours or until their next regularly scheduled shift. An alcohol test result equal to or greater than 0.040 is considered a positive test result. The employee is directed to read and sign Step 4; if the employee refuses to sign Step 4, it will have no bearing on the result, but will be documented on the ATF.

The confirmation test results are those the organization will rely on when determining further action, if any.

DOT Drug Testing

The drug testing processes and protocols are compliant with those mandated by 49 CFR Part 40. The collector utilizes a custody and control form to document the collection process. The collector will provide a brief summary regarding the steps to complete the collection process. The driver is provided privacy to provide his/her specimen, immediately returns the specimen to the collector, and observes the temperature along with the collector. The collector splits the specimen into bottles A & B, seals each container and dates the label. The employee initials each label. The paperwork and specimens are sent to a laboratory certified by the U.S. Department of Health and Human Services.

Laboratory

The laboratory is certified by the U.S. Department of Health and Human Services and utilizes approved techniques and equipment to analyze the specimen. The laboratory conducts validity testing to determine if the specimen is consistent with normal human urine and to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. Drug testing establishes the presence of a drug or drugs at or above the minimum cut-off concentration levels.

For initial drug testing, an immunoassay technique is used. If the presence of drugs is detected at or above the minimum cut-off concentration levels, a confirmation test is required. For confirmation testing, a second analytical procedure is conducted by gas chromatography/ mass spectrometry (GC/MS) technology. The procedure is used to further support a validity test result and/or identify and quantify the presence of a specific drug or drug metabolite at or above the minimum thresholds.

All test results are reported to the Medical Review Officer.

Medical Review Officer (MRO)

The MRO serves as an independent, impartial gatekeeper regarding the accuracy and integrity of the drug testing program. As a safeguard to quality and accuracy, the MRO reviews each test for accuracy.

When the laboratory reports non-negative results (i.e., confirmed positive, adulterated, substituted, or invalid drug test result), the MRO conducts a verification process with the employee. During this process, he/she will obtain information to determine if an alternative medical explanation for the test result exists.

If the MRO determines that a legitimate medical use exists, the drug test result is reported as negative to the employer. However, even if there is a legitimate medical explanation and verifies a test negative, the MRO has a responsibility to raise fitness-for-duty considerations with the employer.

When no legitimate medical reason is established, the MRO will report the applicable result to the employer.

XV. CONTROLLED SUBSTANCES/ OTC/ PRESCRIPTION MEDICATIONS

Before performing any work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication, therapeutic drug (to include the use of CBD Oils), or any non-prescription (over-the-counter) drug especially if it contains any measurable amount of alcohol or if it

carries a warning label that indicates the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication. It is the responsibility of the employee to inform their physician of the type of safety-sensitive function that they perform in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of their duties or operation of the City of Wausau, vehicle and other equipment. However, as required by the Federal Regulations, any employee who uses or possesses medication containing alcohol or any substance which would cause a positive test while on duty or who tests positive for alcohol or controlled substance(s) will be removed from his or her position, and subject to the provisions of this policy, even though the reason for the positive test is the fact that the employee's prescription medication contains alcohol or a controlled substance.

A legally prescribed drug is one in which the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing the City of Wausau's business or on City of Wausau's property is prohibited by this policy.

Special Note for Rx Opioids:

Historically, the DOT's regulation required the MRO to report your medication use/medical information to a third party (e.g. your employer, health care provider responsible for your medical qualifications, etc.), if the MRO determines in his/her reasonable medical judgement that you may be medically unqualified according to DOT Agency regulations, or if your continued performance is likely to pose a significant safety risk. The MRO may report this information even if the MRO verifies your drug test result as 'negative'.

As of **January 1, 2018**, prior to the MRO reporting your information to a third party you will have up to five days to ensure your prescribing physician contacts the MRO. Under DOT rule, **the driver is responsible for facilitating the contact between the MRO and the prescribing physician**. The prescribing physician should be willing to state to the MRO that you can safely perform your safety-sensitive functions while taking the medication(s), or consider changing your medication to one that does not make you "medically unqualified" and/or does not pose a significant safety risk.

If the MRO and prescribing physician cannot agree on a resolution regarding the prescription and conclude the driver must remain "medically unqualified" the City of Wausau will either place the driver on administrative leave, offer modified duty, not to include performance of any safety sensitive functions, and/or evaluate if the driver qualifies under FMLA as appropriate. During this time, as the driver is unable to perform safety sensitive functions and likely unable to perform all the essential functions of their job, an ADA interactive process may begin, as required, to help determine reasonable accommodations (if any) for the driver.

XVI. CONFIDENTIALITY OF RECORDS

Procedures used for drug and alcohol testing follow the requirements of 49 CFR Part 40 to protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver. The City of Wausau will strictly adhere to all standards of confidentiality to ensure drivers testing records and results will be released only to those authorized by the FMCSA rules to receive such information.

XVII. EMPLOYEE EDUCATION

As required by Federal Regulations, supervisors of CDL holders will be required to attend two hours of drug and alcohol education. One hour will cover alcohol misuse and the other hour will cover controlled substances use. The training shall cover the physical, behavioral, speech, and work performance indicators of probable alcohol misuse and use of controlled substances. Documentation of this training will be maintained by Human Resources and will be available for review.

For regulated employees who possess a CDL, the City of Wausau will also provide each employee with a copy of this policy relating to drug and alcohol use. This policy provides basic information concerning the effects of alcohol and controlled substances use on a person's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management (see below).

XVIII. CERTIFICATE OF RECEIPT

The City of Wausau shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of this policy and materials. The organization shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

XIV. AFFECTS OF ALCOHOL AND DRUGS ON THE BODY

ALCOHOL

A central nervous system depressant, alcohol is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse.

How Much is Too Much?

Consider that a 12-ounce beer, a 5-ounce glass of wine, and a 1.5 ounce shot of liquor contain about the same amount of alcohol. For the average to larger person (170#) and petite to small person (125#) the following approximate BACs can be expected:

	<u>170# person</u>	<u>125# person</u>
1 drink in 1 hour	.015%	.025%
2 drinks in 1 hour	.04%	.075%
7 drinks in 1 hour	.10%	.175%

The Removal of Alcohol From The Body

- ▲ Blood alcohol concentrations in the average person usually decrease at the rate of .012 to .02% per hour

- ▲ For a given person, the rate of elimination is nearly constant regardless of the % of alcohol in the body
- ▲ Coffee, cold showers, and exercise do not quicken sobriety.

To demonstrate this, here is a chart that shows what happens when a person goes to bed intoxicated with a blood alcohol level of .250

<u>Time</u>	<u>Activity</u>	<u>Blood Alcohol</u>
1:00 AM	Goes to Bed	.250
5:00 AM	Get Up for Work	.190
7:00 AM	Reports for Work	.160
8:00 AM	Still Legally Intoxicated	.145
9:00 AM	Driving Erratically	.140
11:00 AM	Still Legally Intoxicated – car	.100
3:00 PM	Quitting Time – Still Intoxicated CDL	.040

Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause permanent brain damage. On the average, heavy drinkers shorten their life span by about 10 years.

Other Effects:

- * greatly impaired driving ability
- * reduced coordination and reflex action
- * impaired vision and judgment
- * impaired vision and judgment
- * inability to divide attention
- * overindulgence (hangover) can cause
- * headaches/unclear thinking
- * nausea/unsettled digestion
- * dehydration/aching muscles

1. MARIJUANA

Marijuana is also called grass, pot, weed, Mary Jane, herb joint, reefer, among other street names. Marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentrations and coordination, such as driving.

NOTE: While alcohol dissipates in a matter of hours, marijuana stays in the body for four weeks or more!

Other Effects:

- ▲ driving impaired for at least 4-6 hours after smoking 1 joint
- ▲ restlessness, inability to concentrate
- ▲ increased pulse rate and blood pressure
- ▲ altered sense of identity
- ▲ impaired memory, dulling of attention
- ▲ hallucinations, fantasies and paranoia
- ▲ reduction or temporary loss of fertility

2. COCAINE

Cocaine is a stimulant drug, which increases heart rate and blood pressure. As a powder, it is inhaled, ingested, or injected. It is often called “coke” snow, blow, nose candy, and white. Cocaine is also used as a free-base cocaine known as crack or rock, which is smoked.

The most dangerous effects of crack is that it can cause vomiting, rapid heart rate, tremors, and convulsive movements. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing and heart beat are depressed – leading to death.

Other Effects:

- ▲ a rush of pleasurable sensation
- ▲ heightened, but momentary feeling of confidence, strength and endurance
- ▲ paranoia, mood swings, anxiety
- ▲ irritation of the nostrils and nasal membrane
- ▲ reduced sense of humor
- ▲ compulsive behavior such as teeth grinding or repeated hand washing

3. AMPHETAMINES:

Amphetamines can cause increased heart and respiratory rates, and promote a feeling of alertness and an increase in speech and general physical activity. It is often called speed, uppers, pep pills, black beauties, bennies and hearts.

NOTE: People with a history of sustained low-dose use often become dependent and believe they need the drug to get by. These users frequently keep taking amphetamines to avoid the “down” mood or crash they experience when the ‘high’ wears off.

Even small infrequent doses can produce toxic effects in some people. Restlessness, anxiety, moody swings, panic, heart beat disturbances, paranoid thoughts, hallucinations, convulsions, and coma have been reported. Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry, dull hair. Heavy, frequent doses can produce brain damage resulting in speech disturbances.

Other Effects:

- * loss of appetite
- * exaggerated reflexes
- * distorted thinking
- * irritability, anxiety, apprehension
- * increased heart rate
- * short term insomnia
- * difficulty focusing eyes
- * increased blood pressure
- * perspiration, headaches, dizziness

4. OPIOIDS

Opioids, including heroin, morphine, and codeine are narcotics used to relieve pain and induce sleep. Common street names include, "junk", "smack", "brown sugar", "Harry" or "big H".

NOTE: Heroin accounts for 90% of the narcotic abuse in this country.

Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot even be obtained with a physician's prescription.

Other Effects:

- * short-lived state of euphoria
- * impaired driving ability
- * drowsiness followed by sleep
- * constipation
- * decreased physical activity
- * reduced vision
- * change in sleep habits
- * possible death

5. PHENCYCLIDINE (PCP):

Also called angel dust, rocket fuel, super kools, and killer weed, it was developed as a surgical anesthetic in the late 50's. Later, due to unusual side effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today, it has no lawful use and is no longer legally manufactured.

NOTE: PCP is a very dangerous drug. It can produce violent and bizarre behavior even in people not otherwise prone to such behavior. More people die from accidents caused by erratic behavior produced by the drug than from the drug's direct effect on the body.

PCP scrambles the brain/s internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult.

Other Effects:

- * impaired driving ability
- * perspiration
- * Incomplete verbal responses
- * drowsiness
- * repetitive speech patterns
- * blank stare

* thick, slurred speech

* involuntary eye movement

Additional information about the City of Wausau's Drug & Alcohol Program is available from:

Designated Employer Representative (DER):

Name: **Human Resources Department** Phone: **(715) 261-6630**

EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and return this page to the City of Wausau's Designated Employee Representative, safety Manager or other identified the City of Wausau manager.

I acknowledge that I have received the City of Wausau's Drug and Alcohol Testing Policy and that this policy has been reviewed with me in a training session conducted by the City of Wausau. I understand that the terms described in this policy may be altered, amended, or changed by the City of Wausau, at any time or in order to comply with changes or revisions to federal law, with or without prior notice.

PRINTED NAME _____

SIGNATURE _____

DATE _____

GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)

Drug and Alcohol Clearinghouse

I, _____, hereby provide consent to the City of Wausau to conduct annual limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse, for the duration of my employment with the City of Wausau.

I understand that if the limited query conducted by the City of Wausau indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City of Wausau without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the City of Wausau to conduct a limited query of the Clearinghouse, the City of Wausau must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature

Date

CITY OF WAUSAU'S LIST OF APPROVED TREATMENT PROGRAM OPTIONS

1. Ascension Employee Assistance Program, (800)540-3758



Wausau Police Department

515 Grand Ave

Wausau, WI 54403

Ph. 715-261-7800

April 21, 2020

Re: Police Department Clerical Structure

To: Human Resources Committee

Executive Summary

A 40 hour/week clerical employee recently resigned her position. After evaluating our clerical staffing structure, it is our request to alter our structure to reduce from 5 positions to 4 positions. This will change our structure from 4.0 FTE (with 5 employees) to 3.7 FTE (with 4 employees). The total clerical budget will remain the same.

Current Clerical Staffing Structure

Prior to the resignation of a 40 hour/week clerical employee, our staffing level consisted of the following:

1. One - 32 hour/week Administrative Assistant III employee
2. Two - 40 hour/week Administrative Assistant II employees
 - a. One of these positions is classified as an Administrative Assistant III, but is being filled by a person who is an Administrative Assistant II.
3. One - 28 hour/week Administrative Assistant II employee
4. One - 20 hour/week Administrative Assistant II employee

This structure allowed for 160 hours of clerical work to be completed on a weekly basis with five employees.

Proposed Clerical Staffing Structure

Following is the staffing level we are proposing:

1. One - 40 hour/week Administrative Assistant III employee
2. Two - 40 hour/week Administrative Assistant II employees
3. One - 28 hour/week Administrative Assistant II employee

This structure allows for 148 hours of clerical work to be completed on a weekly basis with four employees. No new employees would be hired under this proposal.

Note: This proposal eliminates the second Administrative Assistant III position and changes the classification of that position to Administrative Assistant II. This leaves three Administrative Assistant II employees and one Administrative Assistant III.

Benjamin Bliven
Chief

Matthew Barnes
Deputy Chief

Todd Baeten
Patrol Captain

Benjamin Graham
Detective Captain



Wausau Police Department

515 Grand Ave

Wausau, WI 54403

Ph. 715-261-7800

Cost of Proposal

The total change in our clerical budget under this proposal is \$0. Because one employee would be changing from part time to full time, there are additional benefit costs of \$6,446.97. However, because we are reducing the total number of clerical hours by 12 hours per week (624 hours annually), we are reducing the clerical salary budget by \$12,480. We request the difference (\$6,000) be put into our clerical overtime budget.

Thank You,

Benjamin K. Bliven
Chief of Police
Wausau Police Department

Benjamin Bliven
Chief

Matthew Barnes
Deputy Chief

Todd Baeten
Patrol Captain

Benjamin Graham
Detective Captain

Human Resource Committee Packet

June 8, 2020

Agenda Item
Discussion and Possible Action Restructuring Police Department Clerical Staffing.
Background
On June 10, 2019 the Human Resources Committee moved to reclassify a 32 hour/week Administrative Assistant II position in the Wausau Police Department to a 32 hour/week Administrative Assistant III position, with a fiscal impact of approximately \$29,500 annually. This brought the Police Department administrative staffing structure to: • 1 Part-Time Administrative Assistant III (32 hours) • 1 Full-Time Administrative Assistant III (underfilled as an Administrative Assistant II) • 1 Full-Time Administrative Assistant II • 1 Part-Time Administrative Assistant II (28 hours) • 1 Part-Time Administrative Assistant II (20 hours) The department has recently experienced a vacancy in the Full-time Administrative II position, and made the following staffing changes: • 1 Full-Time Administrative Assistant III • 1 Part-Time Administrative Assistant III (32 hours, underfilled as an Administrative Assistant II) • 1 Full-Time Administrative Assistant II • 1 Part-Time Administrative Assistant II (28 hours) • 1 Part-Time Administrative Assistant II (20 hours – vacant) The department has requested consolidating the hours available to increase one part-time position to full-time status, and reclassifying the 32 hour position back to an Administrative Assistant II. This results in an increase in benefit costs, which the department proposes to offset by eliminating 12 hours/week at the Administrative Assistant II level. The reclassification would remove the department's ability to promote a part-time Administrative Assistant II to the III level in the future. The requested staffing structure is: • 1 Full-Time Administrative Assistant III • 2 Full-Time Administrative Assistant II • 1 Part-time Administrative Assistant II (28 hours)
Fiscal Impact
None.
Staff Recommendation
Approve staff restructuring as requested.

Human Resource Committee Packet

June 8, 2020

CITY OF WAUSAU
POLICY FOR EMPLOYEES WITH SYMPTOMS OR EXPOSURE OF NOVEL COVID-19 FLU (CORONAVIRUS)

Effective: March 18, 2020

Revised: ~~March 31, 2020~~ June 1, 2020

BACKGROUND

The Centers for Disease Control is responding to an outbreak of respiratory disease caused by novel (new) coronavirus that has been named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019” (abbreviated “COVID-19”). On January 30, 2020 the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the outbreak of COVID-19 a “public health emergency of international concern” (PHEIC). On January 31, Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 11, the WHO characterized COVID-19 as a pandemic. On March 13, the President of the United States declared the COVID-19 outbreak a national emergency.

Coronaviruses are a large family of viruses that are common in people and many different species of animals, including camels, cattle, cats, and bats. Rarely, animal coronaviruses can infect people and then spread between people such as with MERS-CoV, SARS-CoV, and now with this new virus (named SARS-CoV-2). This is the first pandemic known to be caused by the emergence of a new coronavirus.¹

Marathon County will take appropriate measures to limit or slow any further spread of this disease in our workplace, schools and community. People who are actively sick with COVID-19 can spread the illness to others; therefore it is important that employees with symptoms consistent with COVID-19 minimize their exposure to others. This policy addresses employment considerations in relationship to the exclusion, either voluntary or mandatory, of City employees from employment based on possible COVID-19.

The City of Wausau ~~continues is still determining the most effective way~~ to respond to the ~~developing~~ COVID-19 challenge. The health and wellbeing of our employees and the citizens of Wausau are of utmost importance to the City. The content of this policy may be revised by Human Resources staff, with approval from the Mayor and/or Council as appropriate, as procedures and public health recommendations change. The Human Resources Department continues to monitor progress of federal legislation governing COVID-19 responses, and will continue to update this policy as needed.

COVID-19 SYMPTOMS

People with COVID-19 have a wide range of symptoms reported, ranging from mild symptoms to severe illness. Symptoms may appear 2-14 days after exposure to the virus. Symptoms include, but are not limited to:

- Cough
- Shortness of breath or difficulty breathing
- Fever
- Chills
- Muscle pain
- Sore throat
- New loss of taste or smell²

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People who are sick with influenza-like illness (~~fever plus at least cough or shortness of breath~~) should stay home and minimize contact with others, ~~including avoiding travel, for at least 72 hours after your fever is gone and at least 7 days have passed since symptoms first appeared, except to get medical care or for other necessities.~~ If you think you may have been exposed to COVID-19, contact your healthcare provider and track your symptoms. Seek Emergency Medical attention if you have trouble breathing, a persistent pain or pressure in the chest, new confusion, inability to wake or stay awake, or if you have bluish lips or face. ~~(Your fever should be gone without the use of fever-reducing medicine.) If you will be tested to determine if you are still contagious, you can leave the home when you no longer have a fever, other symptoms have improved, and you received two negative tests in a row 24 hours apart.~~^{2,3}

Employees who exhibit influenza-like symptoms as described above, or suspect an exposure to someone suffering from COVID-19, are required to report that information to their supervisor before returning to work. Suspected exposures should contact the Marathon County Health Department at 261-1900 for guidance.

PREVENTION

The health of staff and the community is the highest priority within the City of Wausau. As such, all employees are expected to follow CDC, Wisconsin Health Department and Marathon County Health Department recommendations regarding the COVID-19 virus.

Individuals have an important role in protecting themselves and their families.

- Stay informed. Health officials will provide additional information as it becomes available.
- Employees should take these everyday steps to protect your health and lessen the spread of this new virus:
 - Cover your nose and mouth with a tissue when you cough or sneeze. Throw the tissue in the trash after you use it.
 - Wash your hands often with soap and water, especially after you cough or sneeze. Alcohol-based hand cleaners are also effective and will be available in your department.
 - Avoid touching your eyes, nose or mouth. Germs spread this way.
 - Clean and disinfect high-touch surfaces in your home, and to the extent possible avoid touching high-touch surfaces in public places.

- Avoid close contact. Whenever possible, maintain 6 feet distance between yourself and others. Do not gather in groups and stay out of crowded places.
- Cover your mouth and nose with a cloth face cover when you are around others, unless you have an underlying condition which prevents the wearing a face cover.
- If you are sick, you may be sick for a week or longer. You should stay home and keep away from others as much as possible, including avoiding travel and not going to work or school, ~~for at least 72 hours after your fever is gone except to get medical care or for other necessities until you meet the recommended guidelines~~ (https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprevent-getting-sick%2Fwhen-its-safe.html). ~~(Your fever should be gone without the use of over-the-counter fever-reducing medicine.)~~ If you leave the house to seek medical care, call ahead and wear a facemask, if available and tolerable, and cover your coughs and sneezes with a tissue. In general, you should avoid contact with other people as much as possible to keep from spreading your illness, especially people at increased risk of severe illness from influenza. Stay in a specific “sick room” and limit contact with people and pets.
- Employees are expected to follow the CDC prevention guidelines found at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevent-spread.html> and <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>
- For more information, visit the CDC website at <https://www.cdc.gov/coronavirus>

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The virus is thought to spread mainly from person-to-person. However, as a prevention technique, the CDC recommends that individuals perform routine environmental cleaning. Guidance on cleaning protocols can be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html>.

- ~~Routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label.~~
- ~~No additional disinfection beyond routine cleaning is recommended at this time.~~
- ~~Provide disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) can be wiped down by employees before each use.³~~

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City of Wausau Building Maintenance contacted the cleaning contractor responsible for City buildings, and they have assured that their staff received training regarding the current health crisis. However, all departments are strongly encouraged to establish appropriate in-house environmental cleaning procedures.

The City of Wausau also issued the following guidance in response to the Safer at Home order to support the health of both employees and residents:

- Employees shall wherever possible suspend any non-essential meetings, or replace in-person meetings with virtual meetings.

- Whenever possible, ridership in City vehicles (excepting transit) shall be limited to one person. This may require temporary reassignment of City vehicles.
- All City equipment and work places shall be sanitized by the operator/employee at the start of each shift.
- Lunch or break room access is restricted to food storage and food prep wherever possible. If not possible, the space shall be sanitized frequently and employees must practice appropriate social distancing protocol.

GOVERNOR'S STAY AT HOME ORDER CONTINUITY OF OPERATIONS

~~On Tuesday, March 24, 2020 Governor Evers issued a Safer at Home order, to be effective from March 25, 2020 until Friday, April 24, 2020. Under this order, individuals are ordered to stay at home or place of residence, although individuals may leave their home or residence to perform essential activities of daily living. The order goes on to state that individuals may leave their homes or residences to perform essential government functions.~~

~~To comply with this order~~ The City of Wausau is dedicated to managing resources to ensure that the City may continue operations during a pandemic. ~~To this effect,~~ Department Directors designated all employees based on operational need into three categories:

1. Required employees: Required employees are critical to business operations and must report to work or work in the field to perform their required duties. These employees may be required to report on a modified schedule according to department needs.
2. Required remote employees: Required remote employees are critical to business operations but can perform all or part of their duties remotely. Those employees are required to complete a Temporary Work at Home request form and follow the guidance under "Alternate Work Arrangements and Telecommuting" below.
3. Non-required employees: Non-required employees shall not report to work unless instructed to do so by their Director.

Any employee may be re-designated as the COVID-19 virus continues to impact the City's operations. Also, employees may be assigned to perform essential work in other units for which they may be qualified and/or can safely perform the work. If an employee is reassigned to perform other essential work, they will continue to be paid according to their regular pay rate. Reasonable exemptions from reassignment based on high-risk status may apply, as determined by the Human Resources Department. An employee who fails to report during his/her regular work hours, or refuses a work reassignment, may be subject to discipline up to and including discharge, and will not be eligible for pay during the time period where work was offered and available.

~~The City of Wausau also issued the following guidance in response to the Safer at Home order:~~

- ~~Employees shall suspend any non-essential meetings, or replace with virtual meetings.~~

- ~~• Whenever possible, ridership in City vehicles (excepting transit) shall be limited to one person. This may require temporary reassignment of City vehicles.~~
- ~~• All City equipment and work places shall be sanitized by the operator/employee at the start of each shift.~~
- ~~• Lunch or break room access is restricted to food storage and food prep wherever possible. If not possible, the space shall be sanitized frequently and employees must practice appropriate social distancing protocol.~~

TELECOMMUTING

In an effort to slow the transmission of the disease, and in response to hardships developing from school closures, employees may request permission to work from home. Normally, these arrangements are heavily restricted under City policy. However, in response to the ~~Governor's~~ Safer at Home order current pandemic, departments that are able to have employees work from home are authorized to do so. This accommodation may not be possible for all employees, and may only be possible for a limited number of employees. The Department Director must determine what is appropriate for each individual situation. Department Directors should work with CCIT to ensure that telecommuting options are possible with the current technology available to the City, and that proper information security protocols are observed. Employees who are granted a telecommuting accommodation under this policy should be aware that this accommodation is temporary in nature, and may be revoked by the City. All telework accommodations granted under this policy will end when public health conditions related to the COVID-19 virus no longer require these extraordinary measures, as determined by the Mayor and/or Common Council. Employees being granted a telecommuting accommodation must complete a Temporary Work at Home Request Form, available in the Human Resources Department or on the City's intranet, prior to beginning to telecommute. City-owned equipment remains the property of the City of Wausau and must be returned to the workplace at the end of the temporary telecommunicating assignment.

Barring authorization from the Mayor or Council, all departments are expected to maintain service to the citizens of Wausau. Any decisions related to closure of departments or services require the approval of the Mayor or action by the Common Council.

ALTERNATE WORK ARRANGEMENTS

Another effort to slow the transmission of the disease is alternate work arrangements. Department Directors may establish schedules designed to limit employee contact, and to attempt to preserve the health of employees as required to maintain department operations. All alternate work schedules must be approved by the Mayor or Common Council, either in writing or via public action, prior to implementation. All alternate work arrangements resulting in a reduction in hours have been ended. All other alternate schedules are anticipated to be ended by the end of June. However, the Mayor or Common Council may approve this response measure again in the future, should it be needed.

If an employee is assigned a reduced or altered schedule because of the emergency, that employee shall be guaranteed 100% of their normal bi-weekly base pay (see below for the exclusions to this guarantee.) An employee who is assigned an alternate work schedule that represents a reduction in hours shall use the pay code "Covid Shift Pay" to document the hours below the normal schedule and to receive normal hourly compensation for those hours. Use of the "Covid Shift Pay" does not deduct accrued time from an employee's leave bank, and is WRS reportable.

Salary continuation for alternate work schedules does NOT guarantee that an employee under quarantine order, out sick, or caring for a covered relative will maintain 100% pay. Employees will not maintain their current salary if the City of Wausau institutes a furlough or layoff. The City cannot extend this salary continuation guarantee to grant-funded positions unless the grant-funding allows, and does not extend to represented employees unless the labor organization representing the employees enters into a Memorandum of Understanding with the City. This policy only guarantees continued pay if a Department Director reduces an employee's schedule based on the needs of the City, and does not prohibit the City from amending or ending this guarantee based on future needs.

Alternate work arrangements resulting in lost time, and any pay practices affected or changed by an alternate work arrangement must be approved by the Mayor or Council prior to implementation.

TRAVEL RESTRICTIONS AND POST-TRAVEL QUARANTINE

The City of Wausau has restricted all work travel to locations with widespread or ongoing community spread of COVID-19, and is prohibiting all non-essential work travel outside of Marathon County. Employees are required to report all out-of-state travel to their supervisors before their date of departure. If an employee needs to travel out of Marathon County for essential work reasons, that travel must be approved by the Mayor with a recommendation from the Department Director.

The CDC has issued travel guidelines and recommendations regarding travel on their website at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html> and the Wisconsin Department of Health Services has travel guidelines and recommendations available at dhs.wisconsin.gov/covid-19/travel.htm. The City of Wausau is requiring employees follow CDC, Wisconsin Health Department, and Marathon County Health Department recommended guidelines for quarantine after travel. As of May 26, 2020 the CDC is advising individuals to stay home and monitor their health for 14 days upon return from any international travel and the Wisconsin Department of Health Services is asking individuals to monitor for symptoms for 14 days after domestic travel. In other words, if you travel to an area where the CDC, Wisconsin Health Department or Marathon County Health Department is recommending a 14 day quarantine, the City of Wausau will not allow you to return to work until 14 days after your return. As of March 17, 2020, the CDC and Wisconsin Health Department are recommending a 14 day quarantine after travel to a country with a Level 3 Travel notice (<https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>) or states

with sustained community transmission (<https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>).

~~An employee who travels to a location subject to quarantine before the effective date of this policy is eligible for sick leave and other paid leave usage to cover a recommended quarantine period. Please note that an employee who travels to a Country with a Level 3 Health Notice or an area with community spread of COVID-19 after the effective date of this policy will not be eligible to use any paid leave for the required quarantine period. Effective April 1, 2020, an employee subject to quarantine after travel may be eligible for protection and pay under the Families First Coronavirus Response Act.~~

EXCLUSION FROM EMPLOYMENT

The City of Wausau will take appropriate action to prevent, suppress and control COVID-19 and other communicable diseases. In order to maintain a safe work environment, the City of Wausau may exclude certain employees from employment if:

- ~~• they are experiencing symptoms similar to or been diagnosed with COVID-19. The City of Wausau may also exclude employees from employment if~~
- ~~• they are subject to a quarantine order by a local, state or federal health official~~
- ~~• they are identified by a Health Department as having been in "close contact" with someone who has been diagnosed with COVID-19.~~

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Employees should first be given the opportunity to voluntarily leave the workplace and utilize sick or other paid leave balances. If the employee refuses, the employer may then exclude him/her from employment.

Individuals who are excluded from employment under this protocol will be given an Exclusion from Employment Notification Form (EENF) and will be directed to go home and will not be allowed to return to their worksite until ~~one of the following conditions is met~~ the conditions or either the test-based or symptom-based strategy have been met. :

- ~~• At least 72 hours after his/her fever is gone has elapsed, other symptoms have improved, and at least 7 days have passed since symptoms first appeared. (Employee fever should be gone without the use of fever-reducing medicine.)~~
- ~~• Fever is gone (without use of fever-reducing medicine), other symptoms have improved, and receipt of two negative tests in a row 24 hours apart.~~
- ~~• A medical provider or a local, state, or federal health official or their representative has declared the employee may return to work.~~

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The CDC provides guidance regarding return-to-work requirements at <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/hcp-return-work.html>.

No disciplinary action will result from an employee's use of sick leave based on this exclusion. Employees who are excluded from work are eligible to use sick leave for the period of exclusion, and may be eligible for Emergency Paid Sick Leave or Emergency Responder Sick Leave. An

employee's Perfect Attendance Leave eligibility will not be affected by use of sick leave arising from an exclusion from work.

LEAVE BENEFITS

SICK LEAVE: The City of Wausau has a generous sick leave policy already in place to protect employees who need to miss work due to illness. An employee may use sick leave when, due to sickness or temporary disability, the employee is unable to perform the duties of employment. Employees may also use sick leave to attend medical appointments, and to care for a member of his/her family's serious health condition. For more information on the City's sick leave policy, please visit the Employee Handbook Section 8.06-Sick leave. This policy temporarily adjusts sick leave requirements so that an employee under a "recommended quarantine" (per CDC and Health department guidelines) is eligible to use sick leave for the quarantine period, even if the employee is asymptomatic, except as established under "Travel Restrictions and Post-Travel Quarantine" above. Please see the policy below for information on the Emergency Paid Sick Leave benefit under the FFRCA and the Emergency Responder Paid Sick Leave benefit.

PERFECT ATTENDANCE LEAVE: Perfect Attendance Leave eligibility will not be affected by absences resulting from exclusion from employment or voluntary sick leave usage for illnesses consistent with COVID-19 symptoms. In order to avoid PAL ineligibility, the employee and their supervisor must certify to HR that the sick leave usage met the above criteria. The provisions under the Perfect Attendance Leave Policy remain in effect for all other sick leave usage.

FMLA: The seasonal flu and colds do not normally qualify for FMLA; however, depending upon the severity of symptoms and complications an employee may be eligible for FMLA because of a COVID-19 illness, or to care for a family member suffering from COVID-19. The Families First Coronavirus Response Act has also temporarily expanded FMLA coverage. If you think you may be eligible for FMLA, or for more information on FMLA benefits, please contact your Human Resources department.

DONATED LEAVE: The City of Wausau's Donated Leave Policy allows employees to donate vacation time to employees with a serious medical illness themselves or of an immediate family member. Information on the Donated Leave Policy is available on the City's Intranet, or by contacting the Human Resources Department.

UNPAID LEAVES OF ABSENCE: Employees may request leave without pay. Leaves shall not exceed 30 days without approval by the Human Resources Committee and Common Council. During an unpaid leave of absence longer than 5 days, no benefits shall accrue. Participation in group insurance plans can be maintained provided the employee pays the full cost.

VACATION: The City has temporarily suspended vacation maximum accrual limits in the Employee Handbook Section 8.04 – Vacation. Employees will be able to accrue vacation time above their stated maximum amount until ~~December~~ October 31st. On ~~November~~ January 1, 2021 employees will stop accruing additional time above the maximum amount of vacation and will lose any vacation accrual amounts above the maximum accrual limit in the Employee

Handbook, existing on that date. Payout of vacation benefits remains subject to the original policy (i.e. the City of Wausau will not pay out vacation balances, upon separation from service or for any other reason, above the maximum accrual amount allowable in the Employee Handbook). The suspension of vacation accrual limits does not apply to represented employees, unless the labor organization representing the employees enters into a Memorandum of Understanding with the City.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT

On March 18, 2020 President Trump signed the Families First Coronavirus Response Act (FFCRA) into law. This law is effective April 1, 2020 and ends no later than December 31, 2020. The law provided:

1. Emergency Paid Sick Leave (pay code VTO or Virus Time Off)
2. Emergency Family and Medical Leave Act Expansion

These are separate and distinct benefits, but they may overlap. For example, an employee may be able to use Emergency Paid Sick Leave during the first two weeks of his/her Emergency FMLA.

Note: If the City of Wausau institutes a furlough or layoff, employees are not eligible for Emergency Paid Sick Leave or Emergency Family and Medical Leave Act Expansion coverage.

Under the FFCRA, an employer may exclude emergency responders from coverage. The Department of Labor has stated, "For the purposes of employees who may be excluded from paid sick leave or expanded family and medical leave by their employer under the FFCRA, an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19."

Following this guidance from the Department of Labor, the City of Wausau is excluding employees who are responsible for responding to medical, fire, public safety and police emergencies, as well as those employees necessary to respond to public health emergencies related to the City's water, wastewater and streets infrastructure. The following is a list of employees currently considered as emergency responders (the City may revise this list as needed as the COVID-19 emergency continues):

- All sworn Fire and Police personnel
- Wastewater staff required to maintain or operate pumps and equipment: Plant Maintenance Mechanic, Senior Plant Maintenance Mechanic, Senior Sewer Maintainer, Sewer Maintainer, Waste Water Plant Operations Technician, Collections System Supervisor, and Wastewater Lab Technician, and Wastewater Superintendent.
- Water staff required to maintain or operate pumps and equipment: Water Distribution Maintainer, Senior Water Distribution Maintainer, Water Plant Operations Technician, Water Plant Operator, and Water Operations Superintendent.
- Streets staff required to maintain infrastructure: Street Maintainer, Equipment Operator, Senior Equipment Operator, and Senior Equipment Service Mechanic, Equipment Service Mechanic, Traffic Maintainer, Fleet Supervisor, Fleet and Facilities Manager, Electrical Worker II, Electrical Worker III, Public Works Supervisor, and Public Works Superintendent.

EMERGENCY PAID SICK LEAVE

Emergency paid sick leave, or VTO, may be used when an employee is unable to work for one of the following reasons:

Self-care

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

Care of others

4. The employee is caring for an individual who is subject to an order described above, or has been advised to self-quarantine as described above.
5. The employee is caring for his/her child (as defined by the FMLA) because the child's school or place of care has been closed or is unavailable due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Full-time employees receive 80 hours of Emergency Paid Sick Leave, or VTO, and part-time employees receive Emergency Paid Sick Leave equivalent to the number of hours that employee would work on average over a two-week period. Emergency Paid Sick Leave is paid at 100% the employee's regular rate of pay up to \$511/day and \$5,110 total for reasons included under "self-care." Emergency Paid Sick leave is paid at 2/3 of an employees' regular rate of pay up to \$200/day and \$2,000 total for reasons included under "care of others."

Note: If telecommuting work is available and offered, an employee is not eligible for pay under this section of the FFRCA.

EMERGENCY FAMILY MEDICAL LEAVE ACT

The FFCRA also temporarily expanded employees FMLA rights and benefits. Effective April 1, 2020 and ending no later than December 31, 2020, all employees with at least 30 days of employment are covered by the Emergency Family Medical Leave Act.

Emergency Family Medical Leave can be used when the employee is unable to work in order to care for his/her son daughter (as defined by the Family Medical Leave Act) who is under 18 years of age if the child's school or place of care has been closed or is unavailable due to COVID-19 precautions. The employee must provide notice of leave to the City of Wausau as soon as practicable.

The FFRCA did not expand the amount of leave provided under FMLA. The normal 12 week FMLA leave limit applies.

The first 10 days of leave under the Emergency Family Medical Leave Act is unpaid. An employee can elect to use paid leave including vacation, personal, sick leave or Emergency Sick Leave during the first ten days of leave. All subsequent days of Emergency Leave under the FMLA is paid at 2/3 or the employee's normal regular rate for the number of hours the employee would otherwise have worked, up to \$200 per day and a \$10,000 maximum.

For more information on the Family Medical Leave Act, please refer to the Employee Handbook 8.07 – Family Medical Leave Policy or the Family and Medical Leave Act Policy Expansion (Public Health Emergency Leave COVID-19) & COVID-19 Paid Sick Leave Policy. Both of these documents are available on the City of Wausau Intranet or in the Human Resources Department.

EMERGENCY RESPONDER PAID SICK LEAVE

The City of Wausau is extending the following Emergency Responder Paid Sick Leave benefit, which will apply to individuals who have been exempted from coverage under the Families First Coronavirus Response Act as an emergency responder. This benefit may be used when an employee is unable to work for one of the following reasons:

- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 issued by the CDC, DHS or Marathon County Health Department.
- The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

Full-time employees receive 80 hours of Emergency Responder Paid Sick Leave, and part-time employees receive Emergency Responder Paid Sick Leave equivalent to the number of hours that employee would work on average over a two-week period. Emergency Responder Paid Sick Leave is paid at 100% the employee's regular rate of pay up to \$511/day and \$5,110 total.

Employees should use the pay code “EVTO” or “Emergency Virus Time Off” to report hours used under this benefit.

The Emergency Responder Paid Sick Leave benefit shall go into effect on April 1st, and ends no later than December 31, 2020. This benefit shall expire in conjunction with the Emergency Paid Sick Leave portion of the Families First Coronavirus Response Act.

Note: If telecommuting work is available and offered, an employee is not eligible for pay under this City policy. This benefit does not extend to represented employees unless the labor organization representing the employees enters into a Memorandum of Understanding with the City.

WORKERS COMPENSATION

Exposure to COVID-19 that arose from the employee’s work may be eligible for Worker’s Compensation. However, to be eligible for Worker’s Compensation the exposure must be proven to have occurred while the employee was performing work. The strictures surrounding COVID-related workers compensation for first responders have also been temporarily revised. Employees who believe their exposure to COVID-19 is eligible for Worker’s Compensation should follow established Worker’s Compensation policies and procedures.

¹ “Coronavirus Disease 2019 (COVID-19) Situation Summary.” *Centers for Disease Control and Prevention*, 15 March 2020, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html>.

² “Symptoms of Coronavirus.” *Centers for Disease Control and Prevention*, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms/html>.

³ “What To Do if You Are Sick.” *Centers for Disease Control and Prevention*, <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>.

³ “Interim Guidance for Businesses and Employers.” *Centers for Disease Control and Prevention*, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

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**CITY OF WAUSAU
EXCLUSION FROM EMPLOYMENT NOTIFICATION (EENF)/
FITNESS FOR DUTY/RETURN TO WORK MEDICAL RELEASE
COVID-19 (Coronavirus)**

Instructions: This form is to be used when Wausau City employees are excluded from employment in accordance with the aforementioned policy.

This section to be completed by Department Director or Authorized Designee

In accordance with the City of Wausau Policy for Employees with Symptoms or Exposure of COVID-19 Flu (Coronavirus).

_____ has been excluded from employment
(Employee Name)

Effective _____ a.m./p.m. on _____, _____, 2020
(Time) (Day) (Month) (Date)

Individuals who are excluded from employment under this protocol will be directed to go home and will not be allowed to return to work until either the conditions for symptom-based or testing-based strategy have been met. These conditions can be found at <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/hcp-return-work.html>. ÷

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~~At least 72 hours after his/her fever is gone has elapsed, other symptoms have improved, and at least 7 days have passed since symptoms first appeared. (Employee fever should be gone without the use of fever reducing medicine.)
Fever is gone (without use of fever reducing medicine), other symptoms have improved, and receipt of two negative tests in a row 24 hours apart.
A medical provider or a local, state, or federal health official or their representative has declared the employee may return to work.~~

Employees will be expected to return to work as soon as the exclusion period ends. Employees requesting additional time off once the exclusion period ends must follow their department leave rules and policies.

(Department)

(Signature of Department Director or Authorized Designee)

CORONAVIRUS DISEASE 2019 (COVID-19) SCREENING TOOL FOR CITY OF WAUSAU EMPLOYEES

The symptoms of COVID-19 include fever, cough, and shortness of breath. For most people, the immediate risk of becoming seriously ill from the virus that causes COVID-19 is thought to be low. Older adults and people of any age with underlying health conditions, such as diabetes, lung disease, or heart disease, are at greater risk of severe illness from COVID-19. Use the following checklist or the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> to help decide if you or someone in your family may have COVID-19:

- ☐ Yes ☐ No Do you have a fever of 100.4° F or greater using an oral thermometer?
- ☐ Yes ☐ No Do you have a cough?
- ☐ Yes ☐ No Do you have shortness of breath?

Seek medical advice if you

- Develop any of the above symptoms

AND

- Have been in close contact with a person known to have COVID-19 or live in or have recently traveled from an area with ongoing spread of COVID-19. Call ahead before you go to a doctor's office or emergency room. Tell them about your recent travel and your symptoms.

SHOULD I STAY HOME FROM WORK?

If you checked yes to a fever you should stay home at least 72 hours after your fever and any other symptoms are gone. People with COVID-19 should stay home until 72 hours after your fever is gone, other symptoms have improved, and seven days have passed since symptoms first appeared. Your fever and other symptoms should be gone without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). During this time:

- Stay home except to get medical care, if needed
- Avoid public areas
- Avoid public transportation
- Stay away from others
- Limit contact with pets & animals

If you think you have been exposed to COVID-19 and develop a fever and symptoms, such as coughing and difficulty breathing, call your healthcare provider for medical advice.

**CITY OF WAUSAU
TEMPORARY WORK AT HOME REQUEST FORM**

This agreement establishes the terms and conditions of telecommuting. The employees who participate in the Telecommuting Program are to follow the guidelines and policies outlined below.

1. Duration: This agreement will be valid until such time that the City of Wausau deems it canceled.
2. Work hours: Employees participating in this program are expected to work the traditional core hours of work that has been pre-established by their Department Director.
3. Pay and Attendance: All pay and leave will be based on the employee's position. The employee's time and attendance will be recorded as if performing official duties at the worksite facility.
4. Leave: Employees must obtain supervisory approval before taking leave in accordance with established department procedures. The employee agrees to follow established procedures for requesting and obtaining approval of leave.
5. Overtime: An employee working overtime approved in advance will be compensated in accordance with applicable law and rules. The employee understands that failing to obtain proper approval for overtime work may result in the agreement being canceled.
6. City Owned Equipment: In order to perform work effectively, employees may use City of Wausau equipment at the telecommuting location. However, employees are expected to maintain their devices in a manner that the equipment does not become damaged due to neglect of the equipment, lost or stolen.
7. Liability: The City of Wausau will not be responsible for damages to the employee's property resulting from telecommuting.
8. Cost: The City of Wausau will not be responsible for operating costs, home maintenance, or any other incidental costs (e.g. utilities) associated with the use of the employee's residence. The employee will be supplied with needed office supplies. Reimbursement for authorized expenses incurred while conducting official duties at the telecommuting location will need to be pre-authorized by the Department Director.
9. Workers' Compensation: The employee is covered under workers' compensation if injured while performing official duties. Telecommuting employees are responsible for notifying the City if such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite, or caused by environment of telecommuting location.
10. Work Assignment: Work Assignments will be provided by the Department Director or Supervisor which can be communicated via phone, email, or in-person. The frequency of meetings with the Department Director or Supervisor is at their discretion. The employee will complete all work assignments according to procedures determined by the Department Director or Supervisor.
11. Tax and Other Legal Implications: The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

I agree to the above terms and understand that this agreement is temporary in nature.

Print Employee Name	Employee Signature	Date	Department Director Signature	Date



**CITY OF WAUSAU
COVID-19 APPLICATION FOR LEAVE OF ABSENCE
FAMILY AND MEDICAL LEAVE ACT (FMLA)**

**TO ENSURE CONFIDENTIALITY
COMPLETE THIS FORM AND RETURN DIRECTLY TO THE HUMAN RESOURCES DEPT.**

Name: _____ Date: _____

Current Address: _____

Department: _____ Location: _____

Supervisor Name: _____ Supervisor Phone Number: _____

Position/Job Title: _____ Date of Hire: _____

Expected Leave Start Date: _____ Expected Return Date: _____

Reason for Leave: Need for leave of:

☐ Self ☐ Spouse/Domestic Partner* ☐ Child (DOB _____) ☐ Parent

Name: _____

Relationship to employee: _____

Please state the reason: _____

- ☐ Employee caring for someone in quarantine.
- ☐ Employee caring for their son or daughter due to school/daycare COVID-19 related closure.
- ☐ Employee experiencing "any other substantially similar condition specified by the Secretary of Health and Human Services".
- ☐ Employee's own COVID-19-related quarantine order from local/state/federal government.
- ☐ Employee's own COVID-19- related self-quarantine recommended by health care provider.
- ☐ Employee has COVID-19 symptoms and is seeking a medical diagnosis.
- ☐ Other (please explain): _____

While I am on leave, I would like to substitute the following paid time provided by the City.

Please circle your choice: Sick Leave City Vacation City Emergency Paid Sick Leave (if available)

Leave based on the serious health condition of the employee or employee's qualified family member will require completion of a medical certification form by the attending Health Care Provider.

*** Wisconsin leave is allowed for same-sex and opposite-sex domestic partners who qualify under Wisconsin law.**

Employee Name (Print)

Employee Signature

Date

**CITY OF WAUSAU FOR EMPLOYEES WITH SYMPTOMS OR EXPOSURE OF
COVID-19 (CORONAVIRUS)
FREQUENTLY ASKED QUESTIONS (FAQ)
March 16, 2020**

1. How do I know if an employee needs to be excluded from employment?

An employee should be excluded from the workplace if he/she meets any one of the following:

- is currently experiencing symptoms consistent with COVID-19 (Coronavirus) as defined by the CDC
- is diagnosed by a healthcare provider as having COVID-19

2. What do I do if an employee needs to be excluded from employment?

Supervisors should use prudent judgement when considering excluding an employee from work. Please read and familiarize yourself with the COVID-19 symptoms. CDC guidelines on COVID-19 can be found at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

Supervisors who have concerns or questions about employees must consult with the Human Resources Department or a Marathon County Health Department Representative before considering sending the employee home and excluding him/her from the workplace. If, after careful consideration and consultation, it is determined that the employee should be excluded from employment, the Department Director or authorized designee should complete the Exclusion from Employment Notification Form (EENF) and give a copy to the employee. The original EENF should be provided to Human Resources and placed in the employee medical file. Explain to the employee that he/she is being excluded from employment until he/she meets the criteria to be allowed to return.

3. What if the employee calls in sick, or voluntarily goes home because he/she suspects COVID-19?

The employee can go/stay home if he/she has the symptoms. The employee may use sick or other paid leave and should follow all departmental leave rules and policies.

Perfect Attendance Leave eligibility will not be affected by absences resulting from exclusion from employment or consistent with COVID-19 symptoms. In order to avoid PAL ineligibility, the employee and their supervisor must certify to HR that the sick leave usage met the above criteria. The employee may also be eligible for Emergency Paid Sick Leave or Emergency Responder Sick Leave, or Emergency FMLA expansion coverage. Please complete the COVID-19 Application for Leave of Absence and Human Resources will guide you through the process.

4. What if an employee calls in sick, or voluntarily goes home, and claims the illness is something other than COVID-19 (i.e back spasms, migraines, asthma attack, etc.)?

Do not assume that every employee who calls in sick as symptoms of COVID-19. If, when he/she reports back to work, he/she displays symptoms consistent with COVID-19, the protocol for exclusion should then be followed.

All City and departmental policies and procedures regarding requesting and receiving approval for sick leave will apply. Most call in policies should require that the employee speak directly with the supervisor or designated person and provide a general description of their illness.

Employees absent for reasons unrelated to COVID-19 must follow standard policies and procedures.

5. What do I do when an employee says that someone in their family, or living in their household, has COVID-19?

You should call 261-1900 and consult with someone from Marathon County Health Department.

If your employee is requesting absence to care for a family member who has been diagnosed with a confirmed or presumptive case of COVID-19, all City and departmental policies and procedures regarding requesting and receiving approval for sick leave will apply. Per City policy, an employee may use sick leave for a member of his/her family's serious health condition, where the serious health condition is certifiable under FMLA or where the immediate family member requires the constant attention of the employee. Immediate family is defined as the employee's spouse, child, parent or relative living in the same household as the employee.

6. What do I tell other employees when someone has been excluded?

Supervisors should never discuss an employee's health with any other employee. If other employees ask, you should simply state, "Just as I don't discuss your health status with other employees, I am not going to discuss his/hers with you. The employee (name) is out on leave." If employees are expressing concern about their own health safety, you should tell them that the department is following CDC and public health protocols and taking appropriate measures to ensure the safety of all employees.

7. How do I know when the employee is to be allowed to return to work?

Individuals who are excluded from employment under this protocol will not be allowed to return to work until either:

- At least 72 hours after his/her fever is gone has elapsed, other symptoms have improved, and at least 7 days have passed since symptoms first appeared. (Employee fever should be gone without the use of fever-reducing medicine.)
- Fever is gone (without use of fever-reducing medicine), other symptoms have improved, and receipt of two negative tests in a row 24 hours apart.

The employee is expected to return to work immediately once one of the above criteria has been met, unless otherwise directed by the department. If he/she chooses to remain at home because still not feeling well, all regular City and departmental sick leave policies and procedures should be followed.

8. Should I call an employee at home to get information about his/her symptoms, or an update as to his/her health status?

No. Once the employee has been excluded, it is up to the employee and/or his/her health care provider to determine his/her ability to return to the workplace.

If the employee voluntarily requests time off related to COVID-19 illness, he/she should follow all regular departmental sick leave policies and procedures, including calling in sick for each scheduled shift, unless a medical professional or health department personnel has removed the individual from work for an established period of time.

9. Is this a violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA)?

No. HIPAA provides protection of personal health information. It does not prohibit an employee from providing information to his/her employer. It is the healthcare provider's responsibility to obtain consent from the employee prior to releasing any protected health information.

10. How is the employee who has been excluded from employment to be compensated?

Employees who are excluded from employment under this policy can use sick or other accrued leave for all time away from work. The employee may also be eligible for Emergency Paid Sick Leave or Emergency Responder Sick Leave, or Emergency FMLA expansion coverage.

11. What if the employee does not have any/enough sick leave accrued?

Employees may use other paid leave benefits according to established City policies. If the employee meets the requirements, the employee may also participate in the City's Donated Leave Policy. Under qualifying circumstances, if the employee is enrolled in the benefit, the employee may apply for income continuation insurance. Employees may also request an unpaid leave of absence. City policies regarding pro-rated benefit accruals/contributions may apply for employees on unpaid leaves of absence.

12. How will the use of sick leave related to COVID-19 affect the employee's other benefits?

Perfect Attendance Leave eligibility will not be affected by absences resulting from exclusion from employment or voluntary sick leave usage for illnesses consistent with COVID-19 symptoms. In order to avoid PAL ineligibility, the employee and their supervisor must certify to HR that the sick leave usage met the above criteria.

13. Can a health employee refuse to come to work, or perform job duties because of a belief that by doing so, he or she would be at increased risk of catching COVID-19?

No. If the employee refuses, he/she may face disciplinary action as a result of refusing to work. Each situation should be reviewed on a case-by-case basis in consultation with the Human Resources Department.

14. Can an employee who is exposed to, or diagnosed with, COVID-19 file a Worker's Compensation claim?

If an employee becomes ill because of a direct workplace exposure, he/she may be entitled to injury pay under Worker's Compensation. The supervisor should report the claim, and all other Worker's Compensation protocol should be followed.

15. What if an employee requests to work from home during the period of exclusion?

An employee has been excluded from work because they are ill. They should be encouraged to focus on their recovery and not work.

16. What if an employee requests to work from home either to avoid exposure, to care for sick family members or to care for dependent children when schools are closed during the pandemic?

For many jobs, this is not possible. For some jobs, especially in management, there are things that the employee can accomplish from home. The Department Director must determine what is appropriate for each individual situation.

17. What pay can an employee use for absences caused by child care needs because schools have been closed due to COVID-19?

If an employee's child is asymptomatic, any absences related to child care remain ineligible for sick leave usage. The employee may use any paid leave other than sick leave for these absences, provided the absence is duly approved according to department rules. Starting April 1, employees may use EMFMLEA (Emergency Family Medical Leave Expansion Act) time to stay home with their child whose school or day care is closed due to COVID-19. Please complete the COVID-19 Application for Leave of Absence and Human Resources will guide you through the process.

18. Can an employee receive FMLA because of COVID-19?

Eligibility for FMLA will depend upon the severity of the symptoms and each individual situation. FMLA may be concurrently approved or designated in accordance with State and Federal laws and City of Wausau FMLA policy. The employee is required to provide the appropriate medical certification to document the serious health condition of him/herself or a qualifying family member, and must give appropriate notice according to the laws and policy. For FMLA questions call Human Resources at 261-6632.

19. During a COVID-19 outbreak can my supervisor cancel my vacation time off request that has already been approved?

Yes, your supervisor has the authority to cancel any pre-approved vacation request, especially in situations where there are serious staff shortages as a result of illness.

20. Will my healthcare plan cover medical expenses associated with treatment for influenza?

Yes, you will have the same coverage that is currently available for any emergency or non-emergency illness. Deductibles and copays will apply. Tests to diagnose COVID-19 shall be covered 100%.

21. What assistance is available to help me cope with the emotional impact of an influenza outbreak?

The City of Wausau provides resources to help employees and eligible dependents cope with these and other types of life events through its Employee Assistance Program (EAP). Call 1-800-540-3758. The EAP provides confidential, short-term counseling at no cost to the employee.

22. My Department Director has changed my work schedule. How to I record lost time?

The City of Wausau has guaranteed that an employee will continue to receive 100% of their base pay if their hours are reduced by their Department Director in response to the Covid-19 situation. If you are assigned a schedule less than your normal hours (80 hours biweekly for full-time employees, or your base part-time schedule), use the pay code COVID-19 to record and receive pay for the missing hours. If you do not know what your base pay or schedule is, contact Human Resources for information.

23. I missed work because I got sick with flu-like symptoms. My pay is guaranteed at 100% and I don't have to use my balances, right?

No. The salary guarantee only protects employees whose Department Director assigned an alternate schedule which is less hours than their normal schedule. However, you may

qualify for Emergency Paid Leave. Please complete the COVID-19 Application for Leave of Absence.

24. I am home caring for my child because their school/day care is closed. What do I do?

First, make sure you notify your employer of your need to be absent according to your department's call-in procedures. Then complete the COVID-19 Application for Leave of Absence (attached) and provide it to HR. Human Resources staff will guide you through the rest of the process.

25. I already used my allotted amount of FMLA, but now I want to use my expanded FMLA benefits. How do I do that?

The Families First Coronavirus Response Act did not expand the amount of leave available to an employee. If you have exhausted your FMLA leave, you are ineligible for more time off under the FMLA expansion. If you only used a portion of your allotted FMLA leave, you may be eligible for the remainder of your time under the FMLA expansion. Complete the Covid-19 Application for Leave of Absence and provide it to HR.

26. How do I know if I am experiencing a substantially similar condition as COVID-19 and eligible for extra Paid Sick Leave?

Good question! At this point, the Secretary of Health and Human Services, the Secretary of the Treasury and the Secretary of Labor have not specified any additional conditions under this portion of the law. If they do, this policy will be updated and shared with employees.

~~27. Do I get to stay home under Governor's Evers Safer at Home order?~~

~~Not necessarily. Your Department Director or supervisor should have told you if you are a required employee, required remote employee, or non-required employee. Only non-required employees and required remote employees are to stay home under the governor's order, and required remote employees may be required to physically report to work for a portion of their normal shift.~~

~~28.~~27. I have been reassigned to another department and I don't feel safe with the new assignment. What do I do?

Please share your safety concerns with your supervisor or Human Resources. The City of Wausau is only reassigning staff to duties they are able to safely perform.

However, your reassignment will not be ended if your only concern regarding the new assignment is risk of exposure to COVID-19 unless you meet the following criteria: you are at higher risk for severe illness according to the CDC

(<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>), if a member of your household is high risk, or you are the primary and regular caregiver for a high risk individual. An employee who misrepresents themselves in response to those questions in an effort to avoid reassignment will be subject to disciplinary action up to and including discharge. An employee who fails to report during his/her regular work hours, or refuses a work reassignment, may be subject to discipline up to and including discharge, and will not be eligible for pay during the time period where work was offered and available.

29.28. If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?

You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless the you elect to use existing vacation, personal, or medical or sick leave under your employer's policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act.

Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

(<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>)