

ORDINANCE NO. 2089

An ordinance related to Wages and Fringe Benefits
For Lieutenants and Sergeants commencing

At a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 4th day of December, 2017, a quorum being present and a majority of the Board voting therefore, said Board does ordain as follows:

SECTION 1

That the Village Board of the Village of Shorewood does hereby approve a wage plan and fringe benefits for employees who obtain the rank of Lieutenant or Sergeant with the Police Department as stated in the Village Human Resource Manual adopted by the Village Board. A copy of the exhibit is available for inspection at Shorewood Village Hall and as attached.

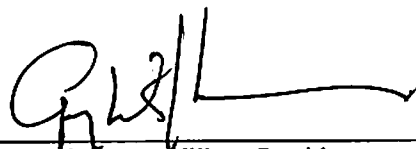
SECTION 2

That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION 3

That this ordinance shall be in force and take effect from and after its passage.

PASSED AND ADOPTED this 4th day of December, 2017, by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin.



Guy W. Johnson, Village President

Countersigned



Sara Bruckman, Village Clerk

EXHIBIT A

VILLAGE OF SHOREWOOD LIEUTENANTS AND SERGEANTS OF THE POLICE DEPARTMENT WAGE AND FRINGE BENEFITS

COVERAGE

The provisions contained in this Exhibit A cover Lieutenants and Sergeants, hereinafter referred to as "employee" or "employees," unless specifically provided otherwise.

WAGES

Lieutenants and Sergeants must have an hourly rate that consists within the minimum and maximum of the pay ranges as stated in the Village Human Resource Manual adopted by the Village Board.

WORK HOURS AND OVERTIME

A. — The scheduling of hours worked and duty shifts will remain under the control and discretion of the Chief of the Police Department. Lieutenants are not eligible for any overtime payments whatsoever. Overtime, however, shall be paid to Sergeants at the rate of time and one half (1-1/2) based on the standards set forth in the Human Resource Manual. Briefing time of fifteen (15) minutes prior to the start of a shift shall be compensated as follows. Subject to provisions of Federal and State law:

1. — Sergeants shall have the option of having overtime paid in cash or compensatory time off.
2. — Compensatory time off, if requested by the Sergeant, shall be at the discretion of the Chief or his/her designee.

Regulation of compensatory time for Sergeants shall remain within the guidelines set forth in the Fair Labor Standards Act where it applies to law enforcement personnel, and that the work period shall be twenty-eight (28) days in length. Wages received while in training will be limited to eight (8) hours of straight time per day.

B. — A recall of a Sergeant to duty for any reason will be paid at the rate of time and one half (1-1/2) with a minimum guarantee of three (3) hours.

C. — A guaranteed minimum of three (3) hours at time and one half (1-1/2) will be paid for court time for all off duty Sergeants.

D. — Overtime will only commence upon reporting for duty and end upon completion of said duty. Travel time reporting for duty, and travel time after completion of duty will not be considered compensable unless traveling in a department vehicle. All time spent using a department vehicle traveling to and from a destination point while on official police business or at the direction of the Chief of Police, shall be compensable time and the employee shall be considered on duty. The Village will make a vehicle available for all Village related business unless circumstances exist that preclude the Village from being able to make a vehicle available. If a vehicle is not available, then the employee will take his own car and collect mileage from the Village. In this case the employee will not be considered on duty until the employee reaches the point of destination and will be considered off duty as soon as he leaves the point of destination provided that he is through working for the

day. If there is more than one point of destination which the employee will be required to attend on Village business, then all travel time between point of destination will be considered as on duty time. The Village may, if the situation warrants it, direct the employee to use his vehicle to attend a school or training seminar. Mileage on a regularly scheduled work day will be the mileage in excess to that the employee would travel from their home to work and back. On an off day, all mileage to and from a seminar or training will be paid. Wages received while in training will be limited to eight (8) hours of straight time per day.

I. — Any Sergeant who is ordered to be on a standby status by the Chief of Police or by the court shall receive compensatory time off for that time on a straight time rate basis. Each member shall notify the Department Shift Commander at the start and conclusion of the "standby" period. Any Sergeant who fails to give notification as above set forth and give the shift commander such information as he/she may require, shall forfeit "standby overtime." Sergeants who are in court and are told to be on standby will not have the option of remaining at court at the overtime rate.

F. — Briefing Time: Sergeants accrue 3.75 hours per month or 45 hours per year. Lieutenants will receive 5 flex days that will be taken during the year based on a schedule mutually agreeable to the employee and the Chief of Police.

G. — Training: When training is requested by the employee and is not departmentally required, such training must be approved by the Chief of Police. The Chief or his/her designee can change the employee's work schedule to accommodate the school and department.

VACATION

Vacations will be granted to employees in accordance with the Human Resource Manual.

Vacation selection shall be in accordance with the procedure set forth in Appendix "A" which is attached to this document and made a part thereof.

HOLIDAYS

Employees shall receive eleven (11) holidays under the following provisions:

A. — At the discretion of the Chief, the holidays may be given in the form of time off on a straight time basis, or the holidays may be paid as provided in paragraph B below. Whenever possible the Chief shall give consideration to the request of the employees of the department with regard to such holidays. Holidays in the form of time off will not be assigned unless requested by the employee.

B. — Payment for holidays not taken or previously requested and approved shall be made on the last pay period in October on a separate paycheck and shall be for eight (8) hours at straight time of the employee's hourly rate in effect on the last pay period in October. Calculations for holidays will be made on an October 1 cut-off date in each calendar year to be paid on a separate check. Employees will receive compensation at the previous year's rates at straight time for three holidays. Employees will receive compensation at the current year's rates at straight time for the remaining eight holidays. Compensation for these holidays will be applied to the last payroll in October. All times hereafter will follow the ordinance language as described.

C. — For purposes when an employee first begins employment or resigns employment with the Village, an employee will accrue holidays when they occur in the calendar based on the ten holidays listed in the Village of Shorewood Human Resources Manual. President's Day will serve as the additional holiday lieutenants and sergeants are able to accrue.

RETIREMENT

A. ~~The retirement of employees will be governed by the applicable Wisconsin State Statutes, Village Ordinances and General Rules of the Shorewood Police Department subject to Federal Law.~~

B. ~~Employees who contemplate retirement shall give the Chief of Police or his/her designee sixty (60) days written notice of the employee's effective retirement date. Compliance with this section shall make employees eligible for a cash payout of briefing time earned but not used at the time of retirement. Failure to comply with this section shall cause said employees to lose their compensable briefing time earned if not used before retirement.~~

~~The Village's contribution of an employee's share of pension under the Wisconsin Retirement System for those employees covered under this contract shall be the difference between the employee's contribution and the full employee's share. Effective January 1, 2015, employee shall contribute an amount equal to the contribution by the Shorewood Police Association members or the amount mandated by state law, if applicable.~~

CLOTHING ALLOWANCE

A. ~~Employees shall be entitled to a clothing allowance to be accumulated in a drawing account for the purpose of purchasing all leather goods pertinent to the uniform, uniforms, equipment, and for the purpose of cleaning uniforms. For all uniformed employees, the clothing allowance shall be five hundred seventy five dollars (\$575). The Chief of Police shall have complete discretion in the approval or disapproval of items eligible for purchase. Payments from such allowance are to be made to the vendor or to the employee, if he/she has paid the bill, upon presentation of an itemized voucher verified and approved by the Police Chief and allowed by the Village Board. Any unused accumulation in any drawing account shall at all times remain the property of the Village and a part of the general fund; under no circumstances shall it be considered as salary. Any unused accumulation in any drawing account at the end of each calendar year may be carried over into the following year.~~

B. ~~The Village agrees to reimburse any employee who damages his/her clothing or personal items while acting in their official capacity as a law enforcement officer, provided however, personal items that are replaced shall not be replaced for a cost exceeding one hundred dollars (\$100) per incident, subject to the approval of the Chief of Police. Payment for these replaced items shall not be deducted from the officer's personal clothing allowance account.~~

C. ~~The Village will provide armor vests to employees who request them. Employees who have a vest provided by the Village shall be required to wear the vest at all times, unless the employee is in training, in court, teaching a class, or any other event which is mutually agreed to by the Police Chief or his/her designee and the employee that a vest is not required to be worn.~~

EDUCATIONAL INCENTIVE PROGRAM

A. — Employees will be reimbursed for tuition and books paid for successful completion (i.e. "B" or better) of undergraduate college-level courses which are job-related and approved by the Chief, such as courses required for obtaining a bachelor's degree in Law Enforcement or Criminal Justice. Such reimbursement shall be limited to a maximum of one hundred fifty dollars (\$150) per credit, per course. Master's Degree-level courses shall be reimbursed, limited to a maximum of two hundred dollars (\$200) per credit, per course.

B. — Prior to enrolling in any course covered herein, the employee shall submit to the Chief of Police a description of the course in addition to tuition costs to be reimbursed.

DRUG TESTING POLICY AND PROCEDURE

Employees shall be subject to the Drug Testing Policy and Procedure attached hereto as Appendix B.

ADDITIONAL EMPLOYMENT

A. — Members of the Shorewood Police Department may engage in outside employment or work when they are not scheduled for work with the Shorewood Police Department or are not so engaged in duty. Such outside employment or work shall be limited to off-duty hours and shall be considered supplementary and secondary to their duties as members of the Shorewood Police Department.

B. — The primary responsibility and obligation of each member of the Shorewood Police Department is to the Village of Shorewood as an employee; that such employment shall take precedence at all times over any other employment members of said Department may engage in; that such supplementary or secondary employment shall not interfere or conflict with their duties as members of the Shorewood Police Department or be of such a nature as to embarrass the Village of Shorewood.

C. — Members of the Police Department who engage in such outside employment will not conduct any business related to such outside employment on Village premises or during hours in which such employees are working for the Shorewood Police Department. It is further agreed and understood by the parties herein that such members so engaged in outside employment shall not advertise said outside employment either directly or indirectly on Village premises or during duty hours with the Police Department.

D. — Prior to accepting or undertaking any employment, an employee shall furnish to the Chief of the Police Department a statement setting forth the name of his employer or indicate if self-employed, verifying the statement of the employee and agreeing to all of the terms and conditions of such part-time employment and provisions in this agreement.

E. — In addition to the information required under section "D" above, said member shall, prior to undertaking any part-time employment, waive, in writing, any and all claims for sick leave compensation or any other benefits arising by reason of the fact that such disability occurred while he was engaged in part-time employment.

F. — No member shall engage in any part-time employment, which employment requires the securing of a taxi cab owner or operator's license, or a liquor, beer or bartender license, or which employment requires the securing of a license from the Village of Shorewood.

G. — In the event the Chief is of the belief that any part-time employment is decreasing the efficiency of the

~~member, or interfering with his availability for duty, he may order the member to terminate his part-time employment. The member upon receipt of such order, shall terminate his employment immediately. He may, however, appeal from the determination of the Police Chief to the Board of Police Commissioners. The appeal shall be made in accordance with such rules and regulations as the Board shall establish. The decision of the Board of Police Commissioners shall be subject to judicial review ordinarily available with respect to decisions of the Board of Police Commissioners.~~

APPENDIX A

VACATION SELECTION

In order to ensure flexibility and equity in the matter of vacation selections by Departmental personnel, the following procedures will be followed:

1. — Available vacation time for purposes of selection will be the first Saturday in January to the third Friday in December.
2. — Vacations must be selected on a Saturday through Friday basis in blocks of a week at a time; provided, however, it is understood that a week of vacation is equal to five vacation days.
3. — Prime vacation time shall be considered the last Saturday in May through the first Friday in September inclusive. Only one selection of a week or a block of consecutive weeks may be made during this time. Additional weeks or non-consecutive weeks must be selected outside of the prime vacation time range.
4. — Departmental vacation selections will be implemented by the use of a vacation sign-up sheet passed among all employees with appropriate weekly blanks for the initial and last name of the selecting employee.
5. — Vacation selections by individuals will be made as follows:
 - A. — Only one Sergeant or Lieutenant from the same shift may be on vacation at the same time. The Lieutenants will have first vacation selection in each year.
 - B. — No Sergeant or Lieutenant can schedule vacation during the last two (2) weeks of the year (holiday season). It will be up to both Sergeants and Lieutenants to work out who will cover their respective shifts.
 - C. — Every employee may keep the vacation sign-up list for a maximum of four (4) "working days". The list must be returned to the Chief's designee who will pass it on to the next senior employee. Failure to return the list to the Chief's designee after four (4) "working days" will result in the offending employee losing his/her turn and must wait until everyone else on their shift makes their selection first before making theirs.
6. — After vacations are selected, modifications or changes will be allowed in accordance with the above policy procedure with the approval of the Chief of Police and/or his/her designee.

APPENDIX B

DRUG TESTING POLICY AND PROCEDURE

I. Purpose

The purpose of this policy is to provide all sworn employees of the Police Department with notice of the provisions of the Department Drug Testing Program.

II. Discussion

It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable employee drug testing program.

The law enforcement profession has several uniquely compelling interests that justify the use of employee drug testing. The public has a right to expect that those who are sworn to protect them are, at all times, both

physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health, and thus job performance.

Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in that integrity are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore in order to ensure the integrity of the department and to preserve public trust and confidence in a fit and drug-free law enforcement profession, this department shall implement a drug testing program to detect prohibited drug use by sworn employees.

III. Definitions

A. — "Sworn Employee" means those full-time employees who have been formally vested with full law enforcement powers and authority.

B. — "Supervisor" means those sworn employees assigned to a position having day-to-day responsibility for supervising subordinates, or are responsible for commanding a work element.

C. — "Drug test" means the compulsory production and submission of urine by an employee, in accordance with departmental procedures, for chemical analysis to detect prohibited drug usage.

D. — "Reasonable suspicion" means that quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts, and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person to suspect that the individual is or has been using drugs while on or off duty.

F. — "Officer" means all full-time sworn officers of the Shorewood Police Department.

IV. Procedures

A. — Prohibited Activity

The following rules shall apply to all applicants, probationary, and sworn employees while on and off duty:

1. — No employee shall illegally possess any controlled substance.

2. — No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.

3. — Any employee who unintentionally ingests, or is made to ingest, a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.

4. — Any employee having a probable basis to believe that another employee is illegally using or is in possession of any controlled substance, shall immediately report the facts and circumstances to his/her supervisor.

5. — Discipline of sworn employees for violation of this policy shall be in accordance with the due process rights provided in the department's discipline and grievance procedures.

~~—————~~ B. ~~—————~~ Applicant Drug Testing

~~1. ——— Applicants for the position of sworn law enforcement officer shall be required to take a drug test as a condition of employment during a pre-employment medical examination.~~

~~2. ——— Applicants shall be disqualified from further consideration for employment under the following circumstances:~~

- ~~1) Refusal to submit to a required drug test; or~~
- ~~2) A confirmed positive drug test indicating drug use prohibited by this policy.~~

~~—————~~ C. ~~—————~~ Probationary Employee Drug Testing

~~All probationary employees shall be required, as a condition of employment, to participate in unannounced drug tests prior to the completion of the probationary period. The frequency and timing of such testing shall be determined by the Chief of Police or his/her designee.~~

~~—————~~ D. ~~—————~~ Employee Drug Testing

~~Sworn officers will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use as provided below:~~

~~1. ——— A supervisor may order an employee to take a drug test upon documented reasonable suspicion that the employee is or has been using drugs. A summary of facts supporting the order shall be made available to the employee prior to the actual test.~~

~~2. ——— A drug test will be administered as part of all promotional procedures.~~

~~3. ——— Sworn officers, as a condition of their employment, shall submit to random drug testing no more than one time in a calendar year.~~

~~4. ——— Any sworn officer of this department who is directly involved in a serious incident defined by the following cases:~~

~~1) ——— Discharge of a firearm at a human being or a vehicle in which human beings are contained;~~

~~2) ——— Auto accident involving an officer's vehicle in which a personal injury occurs and which requires a report as defined by Wisconsin State Statute 346.70;~~

~~may be required by the supervisor to participate in a drug screening test immediately following the event, or as soon as the tactical situation allows. A directly involved officer is the officer who actually discharges the weapon in case #a, and is the driver of the police vehicle in case #b. If the involved officer is injured and unable to produce a urine sample, the employee agrees to a blood test and agrees to allow the results of the test to be released to the employer.~~

~~5. ——— Any officer, who in the carrying on of his/her duties, ingests, either directly or indirectly, any drug or narcotic substance, is required to document, as soon as possible thereafter, such contact. Documentation should occur in writing explaining all circumstances, and the employee's supervisor should be notified as soon as possible. Drug tests will be administered and no disciplinary action will be taken if the tests are positive under the following conditions:~~

~~1) The officer was in physical danger if he did not ingest the drug or narcotic substance.~~

~~2) Nothing in this policy shall be construed as granting permission for officers and/or narcotics agents to ingest any illegal drug, marijuana, narcotic substance, or controlled substance under any circumstances except as cited in #5a~~

~~6. On a yearly basis, random drug testing may be conducted on up to five sworn employees of the Police Department, including the employees covered by this ordinance.~~

~~1) The random selection pool may include all officers.~~

~~2) The random selection of the names will be observed by the Chief of Police or his/her designee.~~

~~7. Any employee required to comply with this procedure on off-duty time shall be entitled to overtime pursuant to department policy.~~

~~E. Drug Testing Procedures~~

~~1. The testing procedures and safeguards provided in this policy to ensure the integrity of department drug testing shall be adhered to by all personnel administering drug tests.~~

~~2. Personnel authorized to administer drug tests shall require positive identification from each officer to be tested before they enter the testing area. This shall consist of a picture ID or driver's license.~~

~~3. A pre-test interview shall be conducted by testing personnel with each officer in order to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.~~

~~4. The bathroom facility of the testing area shall be private and secure.~~

~~5. Where the officer appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug test report form. The officer shall be permitted no more than eight hours to give a sample, during which time he/she shall remain in the testing area. Reasonable amounts of water may be given to the officer to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug test unless the officer agrees to a blood test and agrees to allow the results of the test to be released to the employer.~~

~~6. The officer shall have the right to request that his/her urine sample be split and stored in case of legal disputes. The urine samples must be provided at the same time, and marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall remain at the facility in frozen storage for one year. This sample shall be made available to the officer or his/her attorney should the original sample result in a legal dispute or the chain of custody be broken. The officer may request a second test of the master sample be performed at a NIDA certified laboratory of his/her choice and the parties mutually agree to maintain the chain of custody.~~

~~7. Specimen samples shall be sealed in the presence of the participants, labeled, and checked against the identity of the officer to ensure the results match the tested specimen. All collections are handled forensically, which means they are labeled, double sealed, double checked for accuracy and completeness, stored in a secure, locked refrigerator until testing, and accompanied by a forensic chain of custody.~~

~~8. Whenever there is a reason to believe that the officer may have altered or substituted the specimen to~~

~~be provided, a second specimen shall be obtained immediately under direct observation of the testing personnel.~~

~~F. Drug Testing Methodology~~

~~1. The testing or processing phase shall consist of a two-step procedure:~~

- ~~1) Initial screening test~~
- ~~2) Confirmation test~~

~~2. The urine sample is first tested using the initial drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending". Notification of test results to the supervisor or other departmental designee shall be held until the confirmation test results are obtained.~~

3. — A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.

4. — The drug screening tests selected shall be capable of identifying marijuana, cocaine and every major drug of abuse including heroin, amphetamines and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.

5. — Concentrations of a drug at or above the following levels shall be considered a positive test result when using a FPIA immunoassay drug screening test:

- _____ Amphetamines 500 ng/l
- _____ Barbiturates 500 ng/l
- _____ Cocaine 300 ng/l
- _____ Opiates 300 ng/l
- _____ THC 100 ng/l
- _____ PCP 25 ng/l
- _____ Benzodiazepines 200 ng/l
- _____ Methadone 25 ng/l

Concentration of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory GC/MS test on a urine specimen that tested positive using a technologically different initial screening method.

- _____ Marijuana metabolite 15*
- _____ Cocaine metabolite 150**
- _____ Opiates:
 - _____ Morphine 300***
 - _____ Codeine 300
 - Ph _____ Phencyclidine 25
- _____ Amphetamines:
 - _____ Amphetamine 500
 - _____ Methamphetamine 500
- * _____ Delta-9 tetrahydrocannabinol-9-carboxylic acid
- ** _____ Benzoylcegonine
- *** _____ 25 ng/ml if immunoassay specific for free morphine

6. — The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain of custody, technical expertise, and demonstrated proficiency in urinalysis.

7. — Officers having negative drug test results shall receive a memorandum stating that no illegal drugs were found. If the officer requests such, a copy of the letter will be placed in the officer's personnel file.

8. — Any officer who breaches the confidentiality of testing information shall be subject to discipline.

~~G. Chain of Evidence Storage~~

- ~~1. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.~~
- ~~2. Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for one year.~~

~~H. Drug Test Results~~

- ~~1. All records pertaining to department required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.~~
- ~~2. Drug test results and records shall be maintained by the Chief of Police for an indefinite period of time in a secured file.~~

~~V. Actions Taken/Positive Results~~

~~A. If an officer tests positive, and the tests identify cocaine, heroin, amphetamines, barbiturates, not prescribed by a physician, or any other major drug of abuse or illegal drug, the officer's employment may be terminated.~~

~~B. An officer who tests positive for marijuana shall be subject to discipline and referred to the Employee Assistance Program.~~

- ~~1. The officer shall be subject to mandatory random testing for a period of two years.~~
- ~~2. The Employee Assistance Program or other recognized facility at the officer's own expense shall not be a substitute for disciplinary action if other rules and regulations have been violated or crimes committed.~~
- ~~3. A second positive test for marijuana may be grounds for termination.~~

~~VI. Refusal To Submit~~

~~Officers who refuse to submit to a required drug test under this policy may be terminated from employment as an officer of the Shorewood Police Department.~~