



**VILLAGE OF JACKSON
PERSONNEL COMMITTEE MEETING AGENDA**

Thursday, August 15, 2024 at 6:30 PM

Jackson Municipal Complex
Village Board Room
N168W19851 Main Street
Jackson, WI 53037

1. Call to Order and Roll Call
2. Approval of Minutes for the Personnel Committee Meetings of June 27, 2024, and July 23, 2024
3. Review and Discussion of Amendments to Chapter 6 of the Village of Jackson Employee Handbook Regarding Controlled Substances and Alcohol Testing Policy, and Appendices
4. Side Letter Agreement with Jackson Professional Police Association - Detective Position
5. Proposed 2025 Staffing and Wage Adjustments
6. Closed Session Pursuant to Wis. Stats. § 19.85(1)(c) “considering employment, promotions, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility,” and § 19.85(1)(e) "deliberation or negotiation of the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."

The closed session is for the purpose of:

1. Reviewing the Side Letter Agreement with Jackson Professional Police Association for the position of Detective
 2. Discussing information of specific employees related to Proposed 2025 Staffing and Wage Adjustments
7. Reconvene in Open Session with Possible Action Related to the Subject of the Preceding Closed Session
8. Citizens/Village Staff to Address the Personnel Committee
9. Adjourn

Persons with disabilities requiring special accommodations for attendance at the meeting should contact the Administration Department at the Jackson Municipal Complex at least one (1) business day prior to the meeting.

It is possible that members of the Village Board may attend the above meeting. No action will be taken by any governmental body at this meeting other than the governmental body specifically referred to in this meeting notice. This notice is given so that members of the Village Board may attend the meeting without violating the open meeting law.

MINUTES
PERSONNEL COMMITTEE MEETING
Thursday, June 27, 2024 at 10:15 AM
Personnel Committee Meeting

1. Call to Order and Roll Call

The meeting was called to order at 10:15 AM by Pres. Heckendorf.

Members Present: Pres. Heckendorf and Tr. Kruepke. Tr. Emmrich arrived at 10:37 AM.

Members Excused: None

Members Absent: None

Staff Present: Administrator Jen Heidtke, Attorney Gulya, Police Chief Ryan Vossekul, Police Lieutenant Todd Fristed, Treasurer Darlene Smith, Clerk Anastasia Gonstead, Officer Jennifer Gerke, Officer John Joerger, and Attorney for the Police Union.

Trustees Present in Audience: None

2. Approval of Minutes for the Personnel Committee Meeting of May 14, 2024

The motion to approve the minutes for the Personnel Committee meeting of May 14, 2024 was made by Tr. Kruepke and seconded by Pres. Heckendorf.

Vote: 2 ayes, 0 nays. Motion carried.

3. Collective Bargaining Negotiations with Jackson Professional Poice Association, WPPA-LEER

Administrator Heidtke indicated to the Body they wanted to proceed into closed session to begin negotiations.

4. For purposes of meeting for collective bargaining, as provided for in Wis. Stats. § 19.82(1), the Committee is not required to comply with Wisconsin's Open Meetings Laws. Nonetheless, the Committee provides notice of Closed Session pursuant to Wis. Stats. § 19.85(1)(c) "considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility," and § 19.85(1)(e) "deliberating or negotiation the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."

The closed session is for the purpose of:

1. Engaging in collective bargaining with Jackson Professional Police Association
2. Discussing collective bargaining strategy without Jackson Professional Police Association

The motion to proceed into closed session pursuant to Wis. Stats. §19.85(1)(c) and

§19.85(1)(e) was made by Pres. Heckendorf and seconded by Tr. Kruepke. A roll vote was taken:

Pres. Heckendorf: Aye

Tr. Kruepke: Aye

Vote: 2 ayes, 0 nays. Motion carried. The meeting proceeded into closed session at 10:17 AM. Those present included all those indicated in the Call to Order and Roll Call, absent Clerk Gonstead. Tr. Emmrich joined the closed session upon his arrival.

5. Reconvene in Open Session with Possible Action Related to the Subject of the Preceding Closed Session, Including Taking Any Other Action Involving Collective Bargaining

The motion to reconvene in open session was made by Tr. Emmrich and seconded by Tr. Kruepke.

Vote: 3 ayes, 0 nays. Motion carried. The meeting reconvened in open session at 3:34 PM.

6. Citizens/Village Staff to Address the Personnel Committee

None.

7. Adjourn

A motion to adjourn the meeting was made by Tr. Kruepke and seconded by Tr. Emmrich.

Vote: 3 ayes, 0 nays. Motion carried. The meeting was adjourned at 3:34 PM.

Respectfully Submitted,
Anastasia Gonstead - Village Clerk

MINUTES
PERSONNEL COMMITTEE MEETING
Tuesday, July 23, 2024 at 11:30 AM
Personnel Committee Meeting

1. Call to Order and Roll Call

The meeting was called to order at 11:30 AM by Pres. Heckendorf.

Members Present: Pres. Heckendorf, Tr. Emmrich, Tr. Kruepke.

Members Excused: None

Members Absent: None

Staff Present: Administrator Jen Heidtke, Treasurer Darlene Smith, Police Chief Ryan Vossekuil, Police Lt. Todd Fristed, Officer Jennifer Gerke, Officer John Joerger, Sgt. Justin Brinks, Attorney Luke Wagner for the Police Union and Attorney Kyle Gulya.

Trustees Present in Audience:

2. Approval of Minutes for the Personnel Committee Meeting of June 27, 2024

The motion to approve the minutes for the Personnel Committee meeting of June 20, 2024 was made by Tr. Emmrich and seconded by Tr. Kruepke.

Vote: 3 ayes, 0 nays. Motion carried.

3. Collective Bargaining Negotiations with Jackson Professional Police Association, WPPA-LEER

Administrator Heidtke indicated to the Body they wanted to proceed into closed session to begin negotiations.

4. For purposes of meeting for collective bargaining, as provided for in Wis. Stats. §19.82(1), the Committee is not required to comply with Wisconsin's Open Meetings Laws. Nonetheless, the Committee provides notice of Closed Session pursuant to Wis. Stats. §19.85(1)(c) "considering employment, promotions, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility," and §19.85(1)(e) "deliberating or negotiation the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."

The closed session is for the purpose of:

1. Engaging in collective bargaining with Jackson Professional Police Association
2. Discussing collective bargaining strategy without Jackson Professional Police Association

The motion to proceed into closed session pursuant to Wis. Stats. § 19.85(1)(c) and

§19.85(1)(e) was made by Pres. Heckendorf and seconded by Tr. Kruepke. A roll vote was taken:

Pres. Heckendorf: Aye

Tr. Kruepke: Aye

Tr. Emmrich: Aye

Vote: 3 ayes, 0 nays. Motion carried. The meeting proceeded into closed session at 11:32 AM. Those present included all those indicated in the Call to Order and Roll Call.

5. Reconvene in Open Session with Possible Action Related to the Subject of the Preceding Closed Session

The motion to reconvene in open session was made by Pres. Heckendorf and seconded by Tr. Emmrich.

Vote: 3 ayes, 0 nays. Motion carried. The meeting reconvened in open session at 2:31PM.

6. Citizens/Village Staff to Address the Personnel Committee

None.

7. Adjourn

A motion to adjourn the meeting was made by Tr. Kruepke and seconded by Tr. Emmrich.

Vote: 3 ayes, 0 nays. Motion carried. The meeting was adjourned at 2:32 PM.

Respectfully Submitted,
Jennifer Heidtke - Village Administrator



MEMO

TO: Brian Heckendorf, Village President; Personnel Committee

FROM: Jen Heidtke, Village Administrator; Darlene Smith, Village Treasurer

RE: Proposed Changes to the Employee Handbook – Chapter 6 Controlled Substances and Alcohol Testing Policy and Appendices

DATE: August 8, 2024

Background

One of the final sections of the Employee Handbook to amend includes Chapter 6 and Appendices. All proposed changes are subject to review and approval of the Village Board. All changes as proposed were reviewed by legal counsel and the Village's insurer Cities and Villages Mutual Insurance Company (CVMIC). One final review of the introductory section of the handbook will commence with Staff in August and be publicly reviewed in September.

Chapter 6 – Controlled Substances and Alcohol Testing Policy

Minor additions were made to this chapter regarding the inclusion of oral specimens to be collected. There was also clarifying verbiage added to illustrate the way in which post-accident testing shall be legally completed.

Appendices – A through F

Revisions to Appendix A, B, C, D, E and F were largely changes recommended by legal counsel. Appendix F was modified by Staff in an effort to simplify the forms in the Handbook. Forms related to ADA requests have also been added at the request of the Village's insurance provider CVMIC. Removal of forms was prompted by the lack of a form's use or lack of uniformity between departments.

Potential Motion:

Recommendation for Village Board to approve the amendments to Chapter 6 and Appendices of the Employee Handbook.

Attachments:

1. Redline Copy of Proposed Chapter 6 Policies and Appendices
2. Clean Copy of Proposed Chapter 6 Policies and Appendices – 2024 Draft Employee Handbook

SECTION 6: CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY

6.01 Purpose

This policy is made in coordination with Section 1.04 setting forth the Village's intent to provide a Drug and Alcohol-Free Workplace. The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by employees of the Village of Jackson. This policy is intended to be consistent with and in compliance with the U.S. Department of Transportation Federal Highway Administration's (FHWA) controlled substances and alcohol testing rules, regulations, and procedures contained in Title 49 CFR and any other applicable federal and state regulations. ~~but goes beyond those regulations in that it is intended to be applicable to all employees of the Village of Jackson, except as provided otherwise in this policy.~~ Nothing herein shall preclude the Village from establishing rules, regulations, policies and/or procedures governing the misuse of alcohol and/or the use of controlled substances, consistent with the Village's rights and obligations.

Whenever a trained shift officer has a reasonable suspicion to believe that a Village employee has violated the alcohol and/or controlled substance prohibitions of this policy, they will complete a Reasonable Suspicion Checklist (found in Appendix ~~EF~~ – Sample Forms.) If reasonable suspicion is determined, the procedure will be followed using 6.03 XVII and 6.06 IV.

6.02 Applicability

This policy applies to every employee of the Village of Jackson, except as provided otherwise in this policy. Specific information about what categories of employees is subject to alcohol and controlled substances testing is contained in Appendix ~~ED~~.

Employees who do not hold a Commercial Driver's License (CDL) may also be subject to reasonable suspicion testing.

This policy is not intended to and shall not supersede, replace, or override any other Village policy on any subject, including, but not limited to, controlled substances and alcohol policies already in existence.

6.03 Definitions

I. Alcohol

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

II. *Alcohol Concentration (or content)*

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.

III. *Alcohol Test*

An alcohol test is a test conducted by a Breath Alcohol Technician, using an Evidential Breath Testing Device to measure the amount of alcohol concentration in a volume of breath, or any other test used to detect the presence of alcohol that is approved by the Federal Highway Administration.

IV. *Alcohol Use*

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

V. *Breath Alcohol Technician (BAT)*

A Breath Alcohol Technician is a person who instructs and assists employees in the alcohol testing process and who operates the evidential breath testing device.

VI. *Oral Fluid Specimen & Fluid Specimen Test*

A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection. Oral fluid specimen collection is not utilized by the Village unless required by law. Tests are to be conducted in accordance with 49 C.F.R. Appendix B to Part 40 and other relevant provisions of 49 C.F.R. Part 40, *et seq.*

VII. *Village-Designated Representative*

Village Department Heads serve as Village-Designated Representatives and are the primary contact persons for departments under their authority, designated to receive all communications and test results from the Medical Review Officer, the Breath Alcohol Technician, the Oral Specimen Technician, the Substance Abuse Professional, and the laboratories, and are authorized to take immediate action to remove employees under their authority from safety-sensitive duties and to make required decisions in the testing and evaluation process. The Village Administrator is the designated contact person for Village employee inquiries regarding this policy.

VIII. Confirmation Test

- A. For alcohol testing, a confirmation test means a second test following a screening test with a result of 0.0 or greater. Confirmation of the screening test must be by an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL), and must be capable of printing out each test result; sequentially numbering each test; distinguishing alcohol from acetone at the 0.0 alcohol concentration level; performing an external calibration check; testing an air blank; and printing the manufacturer's name for the device, its serial number, and the time of the test.
- B. For controlled substance testing, a confirmation test means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite which is independent of the screen test, and which uses a different technique and chemical principle from that of the screen test to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

IX. Controlled Substance

Controlled substances include cocaine metabolites, marijuana metabolites, opiate metabolites, amphetamines, and phencyclidine, and any other substance determined by the Department of Transportation to be a controlled substance.

X. Controlled Substance Test

A method of determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR ~~40.5~~Part 40, *et seq.*

XI. Evidential Breath Testing Device (EBT)

An evidential breath testing device is a device for the evidential testing of breath at the .02 and .04 alcohol concentrations, approved by the National Highway Traffic Safety Administration (NHTSA) and placed on the NHTSA's Conforming Products List for "Evidential Breath Measurement Devices" and identified on the Conforming Products List as conforming with the model specifications available from NHTSA's Traffic Safety Program.

XII. Essential Job Functions

All duties performed by the Village employee consistent with their duties under relevant job description, law, or policy, or as otherwise assigned by the Village. Essential job functions include, but are not limited to, safety-sensitive functions.

XIII. Follow-up Test

A follow-up test is an alcohol and/or controlled substance test administered to a Village employee who has violated the prohibitions of this policy and who has been permitted to return to duty after passing a return-to-duty alcohol and/or controlled substances test.

XIV. Medical Review Officer (MRO)

A Medical Review Officer is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving and reviewing laboratory results generated by the Village's drug testing program and evaluating medical explanations for certain drug test results.

XV. Post-Accident Test

A post-accident test is an alcohol and/or controlled substance test administered to a Village employee following an accident.

- A. The alcohol test shall take place within eight (8) hours and the controlled substance test shall take place within thirty-two (32) hours to be admissible.

XVI. Pre-employment Test

A pre-employment test is an alcohol and/or controlled substance test administered to an operator of commercial motor vehicle prior to the first time said individual performs a safety-sensitive function for the Village.

XVII. Random Test

A random test is an alcohol and/or controlled substance test administered to a Village employee who has been randomly selected by a scientifically valid method from among the pool of Village employees subject to such tests.

XVIII. Reasonable Suspicion Test

A reasonable suspicion test is an alcohol and/or controlled substance test administered to a Village employee because of a Trained Shift Officer's reasonable suspicion that the Village employee has violated the alcohol or controlled substance prohibitions of this policy. A reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the Village employee. Regarding the observations for reasonable suspicion to require a Village employee to undergo a controlled substance test, they may include indication of a chronic condition and withdrawal effects of controlled substances.

~~XVIII~~IX. Refusal to Submit

(To an alcohol, ~~or~~ controlled substance, **or oral specimen test**) means any of the following:

- A. A Village employee fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Village of Jackson, consistent with DOT agency regulations, after being directed to do so by the Village of Jackson. This includes the failure of an employee to appear for a test when called;
- B. A Village employee fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences, a pre-employment test is not deemed to have refused to test;
- C. A Village employee fails to provide a urine **or oral** specimen for any drug test required under this policy. Provided, that an employee who does not provide a urine **or an oral** specimen because ~~he or she has~~ **they have** left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- D. In the case of a directly observed or monitored collection in a drug test, a Village employee fails to permit the observation of monitoring of the employee's provision of the specimen;
- E. A Village employee fails to provide enough urine **or oral specimen** when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- F. A Village employee fails to or declines to take a second test the employer or collector has directed the employee to take;

- G. A Village employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Village-Designated Representative. 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;
- H. A Village employee fails to cooperate with any part of the testing process; or
- I. A Village employee is reported by the MRO as having a verified adulterated or substituted test result.

XX. Safety-Sensitive Function

All time from the time a Village driver (driver means an operator of a commercial motor vehicle) begins to work or is required to be in readiness to work, until the time ~~he/she is~~ they are relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- A. All time at a Village facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Village.
- B. All time inspecting equipment as required by 49 CFR 392 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- C. All time spent at the driving controls of a commercial motor vehicle in operation.
- D. All time, other than driving time, in or upon any commercial motor vehicle.
- E. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

XXI. Return to Duty Test

A return-to-duty test is an alcohol and/or controlled substance test administered to a Village employee who has violated the prohibitions in this policy prior to the Village employee being permitted to return to duty.

XXII. Screening Test (also known as an initial test)

- A. In alcohol testing, a screening test means an analytical procedure to determine whether a Village employee may have a prohibited concentration of alcohol in a breath or saliva specimen.
- B. In controlled substance testing, a screening test means a test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
- C. In oral specimen testing, a screening test means an analytical procedure to determine whether or not a Village employee may have a prohibited concentration of controlled substances or their metabolites in a saliva specimen.

XXIII. Substance Abuse Professional (SAP):

A substance abuse professional is a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission; or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse; or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor) who meets the requirements of 49 CFR 40.281.

XXIV. Suspension

An employee temporarily relieved of duty and sent home for a specific length of time with or without pay.

XXIV. Trained Shift Officer

A trained shift officer is any Village of Jackson department head or supervisor who has received a minimum of sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on controlled substances use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

6.04 Prohibitions

I. Alcohol and Controlled Substances

- A. A Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions while the Village employee has an alcohol concentration of 0.0 or greater.
- B. A Village employee is prohibited from performing essential job functions within four (4) hours after using alcohol.
- C. A Village employee is prohibited from possessing an open container of alcohol on Village of Jackson premises or equipment.
- D. A Village employee is prohibited from using alcohol while on duty.
- E. A Village employee required to take a post-accident alcohol test is prohibited from using alcohol for eight (8) hours following the accident or until ~~he/she undergoes~~ **they undergo** a post-accident alcohol test, whichever occurs first.
- F. A Village employee is prohibited from refusing to submit to a post-accident alcohol, ~~or~~ controlled substance, **or oral specimen** test, a random alcohol, ~~or~~ controlled substance, **or oral specimen** test, a reasonable suspicion alcohol, ~~or~~ controlled substance, **or oral specimen** test, or a follow-up alcohol, ~~or~~ controlled substance, **or oral specimen** test.
- G. A Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the employee's ability to safely perform essential job functions.
- H. A Village employee is prohibited from reporting for duty, remaining on duty, or performing an essential job function, if the employee tests positive or has adulterated or substituted a test specimen for controlled substances.
- I. A Village employee is prohibited from refusing to submit to a return-to-duty test required under this policy.

II. Prescription Drugs

Before performing work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication or therapeutic drug containing a controlled substance or are taking any non-prescription medication or drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills, or judgment may be adversely affected using this medication. A written report of this notification is to be filed by the employee with the Village-Designated Representative. It is the responsibility of the employee to inform ~~his/her~~ **their** physician of the type of essential job functions that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of Village equipment. However, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol will be removed from ~~his/her~~ **their** position as required by the Federal Regulations and as provided in this policy, even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol or drugs. However, if the employee has notified ~~his/her~~ **their** supervisor and the testing agent/collection site of the legally prescribed medication or drug, and as a sole result, a "false positive" test occurs, such employee shall not be subject to a loss of compensation for such incident.

A legally prescribed drug is one where the employee has a prescription or other written approval from a physician for the use of the drug during 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 Village business is prohibited by Village policy.

III. Other Prohibitions

Other prohibited conduct is specified in Appendices A and B attached hereto.

6.05 Notice

Before performing an alcohol, ~~or~~ controlled substance, ~~or~~ **oral specimen** test under the requirements of the DOT rules and regulations, Village employees being tested shall be notified that the alcohol, ~~and/or~~ controlled substance, ~~and/or~~ **oral specimen** test is required by Department Rules and Regulations and meets one of the identified reasons in Section 6.06 requiring such test.

6.06 Circumstances for Controlled Substances and Alcohol Testing

All alcohol, ~~and~~ controlled substance, or specimen testing will comply with the procedures of Title 49 CFR Part 40 and any other applicable state and federal regulations. To the extent any provisions of this policy conflict with Title 49 CFR Part 40 or other applicable state and federal regulations, the applicable law will be adhered to by the Village.

I. General

Controlled substance, oral specimen, and alcohol tests required to be administered to Village employees, may be done during normal working hours. In the event there is reasonable suspicion that a Village employee is using drugs or alcohol at any time the employee is working for the Village, controlled substance, oral specimen, and alcohol tests may be administered at any time. Post-accident tests may be administered at any time in accordance with the procedures set forth herein.

II. Pre-Employment Testing

Prior to the first time an operator of a commercial motor vehicle performs a safety-sensitive function for the Village, the individual shall submit to testing for alcohol and controlled substances (which may include the use of oral specimen testing), as a condition prior to being used to perform safety-sensitive functions. This may include newly hired employees and transferred employees to a position where a safety-sensitive function will be performed and includes employees who are later required to perform safety-sensitive functions.

III. Random Testing

- A. Every Village employee who is required to maintain a commercial motor vehicle license and/or to perform a safety-sensitive function shall submit to random alcohol, oral specimen, and controlled substance testing.
- B. No fewer than 10% (or the minimum annual percentage rate proscribed by the Federal Motor Carrier Safety Administration (FMCSA) Administrator's decision at the time of the testing, if different than 10%) of the average number of Village employees which are part of the pool established by the Village-Designated Representative (which pool shall include Village employees subject to random testing) shall undergo random alcohol testing in each calendar year.
- C. No fewer than 50% (or the minimum annual percentage rate proscribed by the FMCSA Administrator's decision at the time of the testing, if different

than 50%) of the average of the average number of Village employees which are part of the pool established by the Village-Designated Representative (which pool shall include Village employees subject to random testing) shall undergo random controlled substance ~~or oral specimen~~ testing in each calendar year.

- D. The selection of Village employees for random alcohol, ~~oral specimen~~, and controlled substance testing, the timing and frequency of random tests, and the number of Village employees to be tested on any given day shall be determined by a medical facility contracted with by the Village in accordance with the DOT rules and regulations. The selection of Village employees for random testing shall be made by a scientifically valid method determined by the Village's Designated Representative. Each Village employee shall have an equal chance of being selected for testing each time selections are made. Each Village employee selected for testing shall be tested during the selection period.
- E. Random ~~controlled substances tests~~ testing under this policy shall be unannounced and shall be spread reasonably throughout the year.
- F. Village employees who are notified of selection for random alcohol, ~~oral specimen~~, and/or controlled substance testing shall proceed to the test site immediately as instructed. However, if the Village employee is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of the notification, the employee shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.
- G. A Village employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

IV. Reasonable Suspicion Testing

- A. Whenever a trained shift officer has a reasonable suspicion to believe that a Village employee has violated the alcohol and/or controlled substance prohibitions of this policy, the Village employee shall promptly submit to the required alcohol, ~~oral specimen~~, and/or controlled substance test.
- B. Alcohol testing is authorized under this section only if the observations required of the reasonable suspicion determination are made during, just

preceding, or just after the period of the workday that the Village employee is required to be following this policy.

- C. An employee shall be subject to reasonable suspicion alcohol testing following the determination that reasonable suspicion exists to require the Village employee to undergo such test.
- D. A trained shift officer who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the Village employee.
- E. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, a Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions while under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, until: i) an alcohol test is administered and the employee's alcohol concentration measures less than 0.0; or ii) twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this policy concerning the use of alcohol.
- F. A written record shall be made of the observations leading to an alcohol, **oral specimen**, or controlled substance reasonable suspicion test and shall be signed by the trained shift officer who made the observations within twenty-four (24) hours of the observed behavior or before the results of the controlled substance **or oral specimen** test are released, whichever is earlier.

V. Post-Accident Testing

- A. Any Village employee who was operating a vehicle who is involved in an accident shall be subject to post-accident alcohol, **oral specimen**, and controlled substance testing as soon as practicable following the accident **if the following occurs:**
 - 1.CDL Holder post-accident testing requirements (49 CRF Part 382.303)**
 - a. There is a fatality; or**
 - b. The employee is cited for a moving violation; and either:**
 - c. The vehicle is towed from the scene; or**
 - d. Someone is medically evacuated from the scene.**

2. Non-CDL positions post-accident testing occurs only after an accident if there is Reasonable Suspicion to do this or, if a law enforcement officer requires the test.

- B. A Village employee subject to post-accident testing shall be subject to a breath alcohol test no later than eight (8) hours following the accident and to a controlled substances test no later than thirty-two (32) hours following the accident.
- C. A Village employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit the Village employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- D. If, in the sole discretion of the Village-Designated Representative it is necessary to assure the fairness and appropriateness of the investigation, an outside law enforcement agency may be called in to assist in any necessary investigation.

VI. *Return to Duty Testing*

If a Village employee has an alcohol test result indicating an alcohol concentration of greater than 0.0, the Village employee shall be sent home for the remainder of the shift without pay, the Village employee shall be prohibited from performing ~~his/her~~ **their** essential job functions for a minimum of twenty-four (24) hours following administration of the test and until the employee presents proof and retest resulting in a reading of 0.0. A Village employee who has undergone an alcohol test with a result of greater than 0.0, or who has tested 'confirmed positive' for controlled substances, shall not be permitted to perform essential job functions unless:

- A. The Village employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the Village employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
- B. Following a determination by a substance abuse professional that the Village employee needs assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the Village employee

has complied and remains in compliance with all prescribed or recommended education and/or treatment programs.

- C. The Village employee has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of greater than 0.0 before returning to duty if the Village employee has violated the alcohol prohibitions; and
- D. The Village employee has undergone a return-to-duty controlled substance **or oral specimen** test with a result indicating a verified negative result for controlled substance use if the Village employee has violated the controlled substance prohibitions.
- E. The cost of return-to-duty testing shall be the responsibility of the employee. The employee shall not receive pay for time spent with return-to-duty testing. Return-to-duty testing must be done before an employee can return to work.

VII. Follow-up Testing

A Village employee who has undergone an alcohol test with a result of greater than 0.0 or who has tested “confirmed positive” for controlled substances, who is subject to, and has complied with, the return-to-duty testing provisions above, and who has been permitted to return to work shall be subject to the following:

- A. The Village employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the Village employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
- B. The Village employee shall be subject to unannounced follow-up testing.
- C. The number and frequency of the tests are to be determined by the substance abuse professional but must consist of at least six (6) tests during the first twelve (12) months following the employee’s return to work. Follow-up testing may be done for up to sixty (60) months. The substance abuse professional may terminate such tests at any time after the first year of testing if he or she determines the tests are no longer necessary.
- D. The Village Employee shall be subject to such follow-up testing for both alcohol misuse and use of controlled substances if the substance abuse professional determines testing for both alcohol and controlled substances is recommended.

- E. The cost of follow-up testing shall be the responsibility of the employee.
- F. Controlled substance **or oral specimen** testing shall be conducted by a DHHS-certified laboratory and in accordance with procedures set out in Appendix B.
- G. The cost of return-to-duty testing shall be the responsibility of the employee. The employee shall not receive pay for time spent with return-to-duty testing.
- H. A substance abuse professional service (SAP) is available through each of the health care programs offered by the Village. It will be the responsibility of the employee to schedule appointment(s) with the SAP as part of the follow-up testing procedure. Each health care program has cost and/or time limits for coverage. The employee will be responsible for all costs associated with treatment services of the substance abuse professional above and beyond benefits covered under **his/her their** health plan.

6.07 Consequences for Village Employees in Violation of These Rules

- 1. A Village employee shall not be permitted to perform essential job functions if the Village employee has engaged in conduct prohibited by this policy until or unless the employee successfully completes the return-to-duty process, including any follow-up testing requirements as provided above.
- 2. A Village employee tested under this policy who is found to have an alcohol concentration of greater than 0.0 shall not be permitted to perform or continue to perform essential job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test, and until they present proof and retest resulting in a reading of 0.0.
- 3. A Village employee who violates any of the requirements of this policy shall be subject to the penalty provisions in the Federal Regulations and the provisions of Appendix **DE**.
- 4. Any Village employee who refuses to submit to a required alcohol, **oral specimen**, or controlled substances test shall be relieved of duty and subject to disciplinary action.
- 5. Discipline guidelines are included in Appendix **DE**.

6.08 Confidentiality

1. All records required to be maintained under the FHWA Rules and Regulations shall be maintained in a secure location with controlled access.
2. Upon written request, a Village employee is entitled to copies of any records pertaining to the Village employee's use of controlled substance, **oral specimen**, or alcohol, including any records pertaining to ~~his/her~~ **their** alcohol, **oral specimen**, or controlled substance tests.
3. Records shall be made available to a Village employee's subsequent employer upon receipt of a written request from a Village employee subject to the express terms of the Village employee's request.
4. The Village may disclose information pertaining to a Village employee that is required to be maintained under the FHWA Rules and Regulations to the decision maker in a lawsuit, grievance, or other proceeding initiated by, or on behalf of, the Village employee, and including but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the Village employee, and arising from a positive alcohol, **oral specimen**, and/or controlled substance test or a refusal to test (including, but not limited to, adulterated or substituted test results) administered in accordance with the FHWA Rules and Regulations, or from the Village's determination that the Village employee engaged in conduct prohibited by Village Rules and Regulations and/or the FHWA Rules and Regulations.
5. The Village will release information regarding a Village employee's records as directed by the specific written consent of the Village employee authorizing release of the information to an identified person.

APPENDIX A
Testing Procedures for Alcohol

1. Village employees directed to undergo alcohol testing shall proceed immediately to the designated test site as instructed.

Random testing will be conducted on site.

After-hours testing and reasonable suspicion testing will be conducted at a medical facility contracted with by the Village.
2. Village employees shall follow all procedures and instructions given by the Breath Alcohol Technician (BAT) including completing, signing, initialing, and/or dating any required forms or logbooks. Failure to do so shall be considered a refusal to test.
3. The testing site shall provide visual and aural privacy to the Village employee, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel, and materials for the collection and analysis of breath and/or saliva samples shall be provided at the location where the testing is conducted, along with a suitable clean surface for writing.
4. No unauthorized persons shall be permitted access to the testing site and no one other than BATs or other employees have the site shall have access to the site when the EBT remains unsecured. No one other than the BAT, the employee, or a DOT agency representative may witness the testing process.
5. In unusual circumstances where a testing site fully meeting all the visual and aural privacy requirements of Paragraph 3 is not readily available (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the visual and aural privacy requirements of Paragraph 3, above. In such cases, the Village employee shall be provided visual and aural privacy to the greatest extent practicable.
6. The BAT shall supervise only one alcohol test for only one Village employee at a time and shall not leave the alcohol testing location while the testing procedure for a given Village employee is in progress, except to notify a supervisor or contact a Village-Designated Representative for assistance in case an employee or other person obstructs, interferes with, or unnecessarily delays the testing process.
7. Upon entering the test site, the Village employee shall be required to provide the BAT with positive identification. Positive identification may take the form of a photo I.D. card issued by the Village, or a federal, state, or local government, or identification by a supervisor or Village official. On request of the Village employee, the BAT shall provide positive identification to the Village employee.

8. If a screening test of a Village employee indicates a breath alcohol concentration of 0.0, no further alcohol testing of that Village employee shall be conducted during this testing event.
9. If the result of a screening test of a Village employee indicates a breath alcohol concentration of 0.0, the BAT shall transmit this result to the Village in a confidential manner, and the Village shall receive and store the information to ensure that confidentiality is maintained.
10. If the result of a screening test of a Village employee indicates a breath alcohol concentration of greater than 0.0, the Village employee shall be required to undergo a confirmation test.
11. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the Breath Alcohol Testing Form and logbook entry. The BAT shall provide the Village employee with Copy 2 of this form.
12. If a BAT, other than the one who conducted the screening test, is conducting the confirmation test, the Village employee shall be required to provide positive identification in accordance with Paragraph 7 above, to the new BAT, and the Village employee may request positive identification of the new BAT.
13. The Village employee shall not eat, drink, put any object or substance into ~~his/her~~ their mouth, and to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screening test and shall not be less than fifteen (15) minutes.
14. The confirmation test shall be conducted within thirty (30) minutes of the completion of the screening test.
15. If a BAT, other than the one who conducted the screening test, is conducting the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The Village employee shall then complete Step 2 on the form, signing the certification. Refusal of the Village employee to sign the certification shall be deemed a refusal to test.
16. Refusal by the Village employee to complete and sign the Breath Alcohol Testing form, to provide an adequate amount of breath (subject to the steps set forth in Paragraph 18), or otherwise to fail to cooperate with the testing process in a way that prevents the completion of the test, shall be deemed a refusal to test, and shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated, and the BAT shall immediately notify the Village-Designated Representative.
17. If a screening or confirmation test cannot be completed, or if an event occurred that would invalidate the test, the BAT shall, if practicable, begin a new screening or

confirmation test, as applicable, using a new Breath Alcohol Testing form with a new sequential test number.

18. If Village employee is unable or alleges that ~~he or she is~~ **they are** unable, to provide an amount of breath sufficient to permit a valid breath test, the BAT shall again instruct the Village employee to attempt to provide an adequate amount of breath.
 - a. If the Village employee refuses to make the attempt, the BAT shall immediately inform the Village-Designated Representative and note the fact on the Remarks line. This is a refusal to test.
 - b. If the Village employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol form and immediately inform the Village-Designated Representative.
 - c. If the Village employee attempts and fails to provide an adequate amount of breath, the Village shall direct the Village employee to obtain within five (5) days, an evaluation from a licensed physician who is acceptable to the Village, and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen, regarding the Village employee's medical inability to provide an adequate amount of breath.
 - d. If the licensed physician determines, in ~~his/her~~ **their** reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the Village employee from providing an adequate amount of breath, then the test is cancelled. The physician shall provide to the Village a written statement of the basis for ~~his/her~~ **their** conclusion.
 - e. If the licensed physician, in ~~his/her~~ **their** reasonable medical judgment, is unable to determine that a medical condition has, or with a high degree of probability, could have, precluded the Village employee from providing an adequate amount of breath, the Village employee's failure to provide an adequate amount of breath shall be deemed a refusal to take a test. The physician shall provide to the Village a written statement of the basis for ~~his/her~~ **their** conclusion.

APPENDIX B
Testing Procedures for Controlled Substances

1. Village employees directed to undergo a controlled substance test shall proceed immediately to the designated collection site as instructed.
2. Village employees shall follow all procedures and instructions given by the collection site person. Failure to do so shall be considered a refusal to test.
3. The collection site person shall collect a urine sample from the Village employee in accordance with the Department of Health and Human Services- (DHHS) approved procedures. **For directly observed collections, the collector shall be the same gender as the employee. For direct observation collections involving transgender or nonbinary individuals, an oral fluid collection must be used.**
4. Village employees shall provide at least forty-five (45) ml of urine for testing. Village employees who fail to provide at least forty-five (45) ml of urine shall be subject to the provisions of paragraph 18, below.
5. The collection site person shall divide the specimen into two containers. One container shall contain at least thirty (30) ml of urine and shall be the primary specimen. The other container shall contain at least fifteen (15) ml of urine and shall be the split specimen.
6. Both containers shall be secured in a plastic bag with Copy 1 of the chain of custody form and shipped in a single shipping container to the laboratory.
7. The laboratory shall log in the split specimen with the split specimen seal remaining intact. The laboratory shall store the split specimen securely in accordance with approved procedures.
8. The primary specimen shall undergo a screening test for the presence of controlled substances. If the screening test detects the presence of controlled substances, the primary specimen shall undergo a confirmation test.
9. If the result of the test of the primary specimen is “negative”, the laboratory may discard the split specimen.
10. The MRO shall review all primary specimen results. If the result of the test of the primary specimen is confirmed ‘positive’ for the presence of controlled substances, the MRO shall notify the Village employee that he/she has seventy-two (72) hours in which to request a test of the split specimen.
11. If the primary specimen tests confirmed positive for the presence of controlled substances, the Village employee may request verbally or in writing that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) or drug metabolite(s) for which a positive test result was obtained in the test of the primary specimen. The MRO shall honor such request if it is made within seventy-two (72) hours of the Village employee having been notified of a verified positive test result. The Village employee shall be responsible for all costs associated with having the split specimen tested. Provided however, that in the event the split specimen test fails to

reconfirm the original test, the Village shall assume all costs associated with having the split specimen tested.

12. If the Village employee has not contacted the MRO within seventy-two (72) hours, the Village employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified “positive” test, or other circumstances, unavoidably prevented the Village employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the Village employee's failure to contact the MRO within seventy-two (72) hours, the MRO shall direct analysis of the split specimen, as applicable, to be performed.
13. If the result of the test of the primary specimen is positive, the laboratory shall retain the split specimen in frozen storage for the same period of time that it is required to retain the primary specimen, which is a minimum of one year or longer if the MRO, the Village employee, the Village, or a DOT agency requests in writing within the one-year period that the laboratory retain the specimen for an additional period of time.
14. If the MRO directs the first laboratory in writing to forward the split specimen to a second DHHS-certified laboratory, the second laboratory shall analyze the split specimen by Gas Chromatography/Mass Spectrometry (GC/MS) to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen. Such GC/MS confirmation shall be conducted without regard to the cutoff levels established by DHHS. The split sample shall be retained in long-term storage for a minimum of one year or longer if the MRO, the Village employee, the Village, or a DOT agency requests in writing within the one-year period that the laboratory retain the specimen for an additional period.
15. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.
16. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is invalid, the MRO shall cancel the test and report the cancellation to the Village-Designated Representative and the Village employee.
17. A Village employee whose primary specimen tests “confirmed positive” for the presence of controlled substances and who requests, in accordance with Paragraph 11 above, that the split specimen be tested, shall not be permitted to perform essential job functions pending the outcome of such test, but shall be suspended without pay and subject to further disciplinary action. However, if the test of the split specimen does not reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the Village employee shall be paid his/her straight time salary for all regularly scheduled shifts he or she would have worked had the suspension not occurred.
18. a. If the Village employee is unable to provide the required forty-five (45) ml of urine, the Village employee shall be instructed to drink not more than forty (40) ounces of fluids and, after a period of up to three (3) hours, again attempt to provide a complete sample using a fresh collection container. The original

insufficient specimen shall be discarded, except where the insufficient specimen was out of temperature range or showed evidence of adulteration or tampering.

- b. If the Village employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the laboratory shall notify the Village-Designated Representative of the Village employee's inability to provide an adequate sample.
- c. The Village-Designated Representative must, after consulting with the MRO, direct the employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. Upon completion of the examination of the referral physician's recommendations, the MRO shall report his/her determination as to whether the employee has a medical condition that has, or with a high degree of probability, could have precluded the employee from providing enough urine, to the Village Designated Representative in writing.
- d. If the MRO determines that there is no adequate medical explanation for the failure to provide an adequate sample, the Village employee shall be deemed to have refused to test.

APPENDIX C

Oral Specimen Collection

Any oral specimen collection conducted by the Village shall be conducted in accordance with applicable provisions of 49 C.F.R. Part 40, *et seq.* Employees should direct their attention in particular to 49 C.F.R. § 40.73.

APPENDIX ~~CD~~

Employees Covered by This Policy

Any full-time, part-time, paid-on-call firefighter, temporary or seasonal employee; or volunteer of the Village is required to comply with the provisions of the Village of Jackson Controlled Substances and Alcohol Testing Policy, except as provided otherwise in this policy.

The Period of Day Which Village Employees are Required to Comply

A Village employee is required to comply from the time the Village employee begins to work or is required to be in readiness to work until the time ~~he/she is~~ **they are** relieved from work and all responsibility for performing work.

Contacts – Information and Assistance

Village-Designated Representatives – Village Department Heads

Designated Contact Person – Village Administrator

Substance Abuse Professional (SAP) –

1. Aurora **Occupational** Healthcare, West Bend, WI, **(262)338-5388**
2. **Froedtert Occupational Medicine Clinic, West Bend, WI, (262) 253-5150**

APPENDIX DE
Addendum to Drugs and Alcohol Policy

I. Pay Status

All time spent undergoing required alcohol, oral specimen, or controlled substance testing, including travel time, shall be paid in accordance with applicable provisions of a pay policy of the Village, except that an alcohol test as described in Paragraph 1, below must be done on an employee's own time, prior to the start of ~~his/her~~ their regular shift.

II. Discipline

Consistent with this policy, the employer may take disciplinary action based on non-compliance with this policy by an employee and specifically for actions as follows:

A. Minor Infraction

If an employee tests positive for alcohol of greater than 0.0, the employee will at a minimum be placed on leave without pay for a minimum of twenty-four (24) hours following the administration of the test. The employee will also be subject to discipline as determined by the Village. Employees who are retained after the review of their employment status will be permitted to return to work as determined by the Village but not less than twenty-four (24) hours following administration of the test, provided they present proof and retest resulting in a reading of 0.0. This retest must be conducted at the Village's selected testing site and employees must make their own arrangements and pay for the retest. Failure to obtain the necessary negative test result by the next regularly scheduled shift shall be considered a refusal to test and will result in disciplinary action.

B. Major Infraction

1. If a Medical Review Officer (MRO) verifies that a urine drug test is positive, the employee shall be subject to disciplinary action, up to and including discharge.
2. If a BAT reports that a breath test is equal to or exceeds 0.0, that employee shall be subject to disciplinary action, up to and including discharge.
3. Any employee who refuses to submit to a urine drug and/or breath alcohol test shall be subject to discharge.

SPLIT SAMPLE TESTING FORM

Date _____

Donor's Name _____

Donor's Firm _____

Address _____

Department/State/Zip _____

Phone Number _____

Fax Number (if known) _____

Dear Dr. _____

I request that the original specimen provided by me and tested for drugs at
_____ be retested at the laboratory below:

(Name of Laboratory)

Lab Name _____

Address _____

Department/State/Zip _____

I understand that I am responsible for the shipping fees, lab retest fees and the Medical Review Officer's fees.

I have enclosed a (money order) (cashier's check) in the amount of \$_____.

Very truly yours,

Signature of Donor

Print Name of Donor

Social Security Number

Date of Original Collection

Specimen Number

Donor Phone Number

Donor Address: _____

APPENDIX F – SAMPLE FORMS



Reasonable Suspicion Checklist

Employee Name: _____

- | | | | | |
|----------------|--|--|---|---|
| 1. Walking: | ☐ Stumbling
☐ Unsteady | ☐ Staggering
☐ Unable to walk | ☐ Falling
☐ Holding-on | ☐ Swaying |
| 2. Standing: | ☐ Swaying
☐ Sagging | ☐ Rigid
☐ Feet wide apart | ☐ Staggering | ☐ Unable to Stand |
| 3. Speech: | ☐ Slurred | ☐ Incoherent | ☐ Rambling | ☐ Slow |
| 4. Appearance: | ☐ Disheveled
☐ Only partially dressed | ☐ Dirty | ☐ Clothes have an unpleasant odor
☐ Obvious/excessive stains | |
| 5. Smell: | ☐ Odor of alcohol | ☐ Unusual or pungent | ☐ Excessive use of cologne | |
| 6. Demeanor: | ☐ Hostile
☐ Fighting | ☐ Paranoid
☐ Apologetic | ☐ Drowsy
☐ Grandiose | ☐ Crying
☐ Easily agitated |
| 7. Face: | ☐ Flushed | ☐ Pale | ☐ Sweaty | ☐ Sagging |
| 8. Eyes: | ☐ Bloodshot | ☐ Dilated | ☐ Glassy | ☐ Drooping |

Time of witnessed behavior: ____:____ ☐ a.m. ☐ p.m.

Location: _____

Other observations: _____

Manager's Signature: _____

Date: _____

Second Observer: _____

Time: ____:____ ☐ a.m. ☐ p.m.

Date: _____

Job Title: _____

Time: ____:____ ☐ a.m. ☐ p.m.

Village of Jackson
Travel Authorization Request

NOTE: This form may be used for multiple travelers if they have the same official duty station and travel itinerary. If more space is needed, attach an additional sheet with the travelers' names and social security number. Fill in this form as completely and accurately as possible, estimating high when unsure of exact amounts. Amending authorizations after a trip can delay travel reimbursements.

Request Type:	Authorization #:	Travel Dates:		
Reason for Travel:				
Name:		Social Security #:		
Address:				
City:		State:	Zip Code:	
Trip Itinerary				
		<i>Per Diem Rates</i>		
<u>From: City, State</u>	<u>To: City, State</u>	<u>Lodging</u>	<u>Meals</u>	<u># of Days</u>

SUPERVISOR APPROVAL REQUIRED FOR TRAVEL

Supervisor's Name:	Signature:	Date of Approval:

Expense Reimbursement Log

For: _____
Print Employee Name

DATE (mm/dd/yyyy)	DESCRIPTION (Include Purpose of Travel, Business Name, and Cities of Travel From – To – Return)	MILES	PUBLIC TRANSIT	MEALS			TOTALS \$
				Morning	Noon	Evening	
							\$
							\$
TOTAL MILES		MILES @ \$.565					
DATE	OTHER AUTHORIZED EXPENSES – Description and Attach Original Receipts (Other expenses reimbursed <u>ONLY</u> if previously authorized.)						
Consumer Statement: I declare, under penalties of discipline, that this account of travel and expenses is true and correct. This claim represents reasonable and actual expenses that were incurred by me. No portion of this claim was covered by any other source and ONLY THOSE SERVICES PREVIOUSLY AUTHORIZED are included in this Expense Reimbursement request.				TOTAL AMOUNT DUE		\$	
Signature				Date Signed			
Authorized Approval				Date Signed			

Village of Jackson
Citizen Complaint Form

Date of Complaint:	Referral Department:	Referred By:
Name of Complainant:	Address:	Phone/Email:

Nature of complaint, concern, or request:

Please provide as much detail as possible to assist the department that will work to resolve the issue.

Signature of Complainant

Expense/Mileage Reimbursement Form

Village of Jackson

Employee Name: _____

Employee Dept: _____

Manager: _____

The 2024 As of February 2024 the IRS standard mileage rate is 67 cents per mile. Please visit (insert link) for the most up to date reimbursement mileage rate.

Purchase Date	Item Description	Total
	GL Account Code:	
	GL Account Code:	
	GL Account Code:	
	GL Account Code:	
	GL Account Code:	
	Grand Total	

*****Please ensure that all receipts and/or invoices for items listed above are attached to this form. Receipts must be itemized to be reimbursed. *****

☐ I certify that the expense(s) listed above are accurately recorded and represent only expenditures made for business purposes.

Employee Signature: _____

Date Submitted: _____

Approving Manager Signature: _____

Date Approved: _____

VILLAGE OF JACKSON

Americans With Disabilities Act ADA Employee Accommodation Request

Protection is afforded under the ADA to a qualified individual with a disability, who can perform the essential functions of the position, *with or without reasonable accommodation*.

Instructions: Please complete the form and attach supporting documentation from your physician and a return-to-work authorization (as appropriate). Submit completed form to the Village's Title I ADA Coordinator Darlene Smith, Village Treasurer/HR Assistant.

Name:

Address:

Department:

Position

Supervisor:

Telephone Numbers: Work:

Home:

Other:

I. Accommodation Request: Please list accommodations requested and reason for request:

Signature:

Date:

VILLAGE OF JACKSON

ADA Request for Reasonable Accommodation or Modification

Your Name: _____ Email Address: _____

Your Address: _____ City: _____ State: _____

Phone Number: _____

Program, service or event for the request: _____

Location of program, service or event: _____

Date of program, service or event (Enter as MM/DD/YYYY): _____

I am requesting the following accommodation or modification (Circle One):

Wheelchair Access ASL Interpretation Services Printed Material in Alternate Format

Modification of Policy or Procedures Other: _____

If you request printed material please describe the material and desired format type:

If you selected other please describe your request in more detail:

Please provide any additional details necessary to process this request:

*All forms shall be given or sent to the Village of Jackson Title II ADA Coordinator Jacqueline Schuh, Village Clerk, N168W19851 Main St., Jackson WI 53037 or emailed to jackie.schuh@villageofjacksonwi.gov

EMPLOYEE ACKNOWLEDGEMENT

I, _____, hereby acknowledge receipt of the Village of Jackson Employee Handbook ("Handbook"), **as updated and approved by the Village Board on September 10, 2024**, which incorporates by reference all Appendices, on _____. I understand that the Handbook has been developed for the general guidance of employees and that it is my responsibility to read and acquire an understanding of the information contained in the Handbook and to comply with the policies contained in the Handbook. I have been advised that the Village Administrator is available to answer any questions I may have **concerning regarding** the Handbook or any Village policies, benefits and/or procedures. Furthermore, I acknowledge that none of the statements, policies, procedures, rules, or regulations contained herein constitutes a guarantee of employment, a guarantee of any other right or benefit, or a contract of employment, express or implied. I have entered my employment relationship with the Village voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Village can terminate the relationship at-will, with or without cause, at any time with or without notice, so long as there is no violation **of an employment agreement** or applicable federal or state law.

Since the information, policies, and benefits described herein are necessarily subject to unilateral change by the Village, **at any time and with or without notice to the extent permitted by law**, I acknowledge that revisions to this handbook may occur, ~~except to the Village's policy of employment at will.~~

Further, these policies do not supplant State or Federal law, Village ordinances, Civil Service procedures, or **legally binding union agreements**. If there is a conflict, the State or Federal law, Village ordinance, Civil Service procedures, or ~~collective bargaining~~ **legally binding union agreements** will prevail.

I recognize that the Handbook, although assigned to me, is considered the property of the Village and I will return it upon separation from the Village.

Employee Signature

Date

Supervisor Signature

Date

After you have read and signed this page, please detach the page from the handbook and return to the Village Administrator for placement in your personnel file.

SECTION 6: CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY

6.01 Purpose

This policy is made in coordination with Section 1.04 setting forth the Village's intent to provide a Drug and Alcohol-Free Workplace. The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by employees of the Village of Jackson. This policy is intended to be consistent with and in compliance with the U.S. Department of Transportation Federal Highway Administration's (FHWA) controlled substances and alcohol testing rules, regulations, and procedures contained in Title 49 CFR and any other applicable federal and state regulations. Nothing herein shall preclude the Village from establishing rules, regulations, policies and/or procedures governing the misuse of alcohol and/or the use of controlled substances, consistent with the Village's rights and obligations.

Whenever a trained shift officer has a reasonable suspicion to believe that a Village employee has violated the alcohol and/or controlled substance prohibitions of this policy, they will complete a Reasonable Suspicion Checklist (found in Appendix F – Sample Forms.) If reasonable suspicion is determined, the procedure will be followed using 6.03 XVII and 6.06 IV.

6.02 Applicability

This policy applies to every employee of the Village of Jackson, except as provided otherwise in this policy. Specific information about what categories of employees is subject to alcohol and controlled substances testing is contained in Appendix D.

Employees who do not hold a Commercial Driver's License (CDL) may also be subject to reasonable suspicion testing.

This policy is not intended to and shall not supersede, replace, or override any other Village policy on any subject, including, but not limited to, controlled substances and alcohol policies already in existence.

6.03 Definitions

I. Alcohol

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

II. *Alcohol Concentration (or content)*

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.

III. *Alcohol Test*

An alcohol test is a test conducted by a Breath Alcohol Technician, using an Evidential Breath Testing Device to measure the amount of alcohol concentration in a volume of breath, or any other test used to detect the presence of alcohol that is approved by the Federal Highway Administration.

IV. *Alcohol Use*

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

V. *Breath Alcohol Technician (BAT)*

A Breath Alcohol Technician is a person who instructs and assists employees in the alcohol testing process and who operates the evidential breath testing device.

VI. *Oral Fluid Specimen & Fluid Specimen Test*

A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection. Oral fluid specimen collection is not utilized by the Village unless required by law. Tests are to be conducted in accordance with 49 C.F.R. Appendix B Part 40 and other relevant provisions of 49 C.F.R. Part 40, *et seq.*

VII. *Village-Designated Representative*

Village Department Heads serve as Village-Designated Representatives and are the primary contact persons for departments under their authority, designated to receive all communications and test results from the Medical Review Officer, the Breath Alcohol Technician, the Oral Specimen Technician, the Substance Abuse Professional, and the laboratories, and are authorized to take immediate action to remove employees under their authority from safety-sensitive duties and to make required decisions in the testing and evaluation process. The Village Administrator is the designated contact person for Village employee inquiries regarding this policy.

VIII. Confirmation Test

- A. For alcohol testing, a confirmation test means a second test following a screening test with a result of 0.0 or greater. Confirmation of the screening test must be by an Evidential Breath Testing (EBT) device listed on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL), and must be capable of printing out each test result; sequentially numbering each test; distinguishing alcohol from acetone at the 0.0 alcohol concentration level; performing an external calibration check; testing an air blank; and printing the manufacturer's name for the device, its serial number, and the time of the test.
- B. For controlled substance testing, a confirmation test means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite which is independent of the screen test, and which uses a different technique and chemical principle from that of the screen test to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

IX. Controlled Substance

Controlled substances include cocaine metabolites, marijuana metabolites, opiate metabolites, amphetamines, and phencyclidine, and any other substance determined by the Department of Transportation to be a controlled substance.

X. Controlled Substance Test

A method of determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR Part 40, *et seq.*

XI. Evidential Breath Testing Device (EBT)

An evidential breath testing device is a device for the evidential testing of breath at the .02 and .04 alcohol concentrations, approved by the National Highway Traffic Safety Administration (NHTSA) and placed on the NHTSA's Conforming Products List for "Evidential Breath Measurement Devices" and identified on the Conforming Products List as conforming with the model specifications available from NHTSA's Traffic Safety Program.

XII. Essential Job Functions

All duties performed by the Village employee consistent with their duties under relevant job description, law, or policy, or as otherwise assigned by the Village. Essential job functions include, but are not limited to, safety-sensitive functions.

XIII. Follow-up Test

A follow-up test is an alcohol and/or controlled substance test administered to a Village employee who has violated the prohibitions of this policy and who has been permitted to return to duty after passing a return-to-duty alcohol and/or controlled substances test.

XIV. Medical Review Officer (MRO)

A Medical Review Officer is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving and reviewing laboratory results generated by the Village's drug testing program and evaluating medical explanations for certain drug test results.

XV. Post-Accident Test

A post-accident test is an alcohol and/or controlled substance test administered to a Village employee following an accident.

- A. The alcohol test shall take place within eight (8) hours and the controlled substance test shall take place within thirty-two (32) hours to be admissible.

XVI. Pre-employment Test

A pre-employment test is an alcohol and/or controlled substance test administered to an operator of commercial motor vehicle prior to the first time said individual performs a safety-sensitive function for the Village.

XVII. Random Test

A random test is an alcohol and/or controlled substance test administered to a Village employee who has been randomly selected by a scientifically valid method from among the pool of Village employees subject to such tests.

XVIII. Reasonable Suspicion Test

A reasonable suspicion test is an alcohol and/or controlled substance test administered to a Village employee because of a Trained Shift Officer's reasonable suspicion that the Village employee has violated the alcohol or controlled substance prohibitions of this policy. A reasonable suspicion determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the Village employee. Regarding the observations for reasonable suspicion to require a Village employee to undergo a controlled substance test, they may include indication of a chronic condition and withdrawal effects of controlled substances.

XIX. Refusal to Submit

(To an alcohol, controlled substance, or oral specimen test) means any of the following:

- A. A Village employee fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Village of Jackson, consistent with DOT agency regulations, after being directed to do so by the Village of Jackson. This includes the failure of an employee to appear for a test when called;
- B. A Village employee fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences, a pre-employment test is not deemed to have refused to test;
- C. A Village employee fails to provide a urine or oral specimen for any drug test required under this policy. Provided, that an employee who does not provide a urine or an oral specimen because they have left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- D. In the case of a directly observed or monitored collection in a drug test, a Village employee fails to permit the observation of monitoring of the employee's provision of the specimen;
- E. A Village employee fails to provide enough urine or oral specimen when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- F. A Village employee fails to or declines to take a second test the employer or collector has directed the employee to take;

- G. A Village employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Village-Designated Representative. 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;
- H. A Village employee fails to cooperate with any part of the testing process; or
- I. A Village employee is reported by the MRO as having a verified adulterated or substituted test result.

XX. *Safety-Sensitive Function*

All time from the time a Village driver (driver means an operator of a commercial motor vehicle) begins to work or is required to be in readiness to work, until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- A. All time at a Village facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Village.
- B. All time inspecting equipment as required by 49 CFR 392 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- C. All time spent at the driving controls of a commercial motor vehicle in operation.
- D. All time, other than driving time, in or upon any commercial motor vehicle.
- E. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

XXI. *Return to Duty Test*

A return-to-duty test is an alcohol and/or controlled substance test administered to a Village employee who has violated the prohibitions in this policy prior to the Village employee being permitted to return to duty.

XXII. Screening Test (also known as an initial test)

- A. In alcohol testing, a screening test means an analytical procedure to determine whether a Village employee may have a prohibited concentration of alcohol in a breath or saliva specimen.
- B. In controlled substance testing, a screening test means a test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
- C. In oral specimen testing, a screening test means an analytical procedure to determine whether or not a Village employee may have a prohibited concentration of controlled substances or their metabolites in a saliva specimen.

XXIII. Substance Abuse Professional (SAP):

A substance abuse professional is a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission; or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse; or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor) who meets the requirements of 49 CFR 40.281.

XXIV. Suspension

An employee temporarily relieved of duty and sent home for a specific length of time with or without pay.

XXV. Trained Shift Officer

A trained shift officer is any Village of Jackson department head or supervisor who has received a minimum of sixty (60) minutes of training on alcohol misuse and an additional sixty (60) minutes of training on controlled substances use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

6.04 Prohibitions

I. Alcohol and Controlled Substances

- A. A Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions while the Village employee has an alcohol concentration of 0.0 or greater.
- B. A Village employee is prohibited from performing essential job functions within four (4) hours after using alcohol.
- C. A Village employee is prohibited from possessing an open container of alcohol on Village of Jackson premises or equipment.
- D. A Village employee is prohibited from using alcohol while on duty.
- E. A Village employee required to take a post-accident alcohol test is prohibited from using alcohol for eight (8) hours following the accident or until they undergo a post-accident alcohol test, whichever occurs first.
- F. A Village employee is prohibited from refusing to submit to a post-accident alcohol, controlled substance, or oral specimen test, a random alcohol, controlled substance, or oral specimen test, a reasonable suspicion alcohol, controlled substance, or oral specimen test, or a follow-up alcohol, controlled substance, or oral specimen test.
- G. A Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the employee's ability to safely perform essential job functions.
- H. A Village employee is prohibited from reporting for duty, remaining on duty, or performing an essential job function, if the employee tests positive or has adulterated or substituted a test specimen for controlled substances.
- I. A Village employee is prohibited from refusing to submit to a return-to-duty test required under this policy.

II. *Prescription Drugs*

Before performing work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication or therapeutic drug containing a controlled substance or are taking any non-prescription medication or drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills, or judgment may be adversely affected using this medication. A written report of this notification is to be filed by the employee with the Village-Designated Representative. It is the responsibility of the employee to inform their physician of the type of essential job functions that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of Village equipment. However, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol will be removed from their position as required by the Federal Regulations and as provided in this policy, even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol or drugs. However, if the employee has notified their supervisor and the testing agent/collection site of the legally prescribed medication or drug, and as a sole result, a "false positive" test occurs, such employee shall not be subject to a loss of compensation for such incident.

A legally prescribed drug is one where the employee has a prescription or other written approval from a physician for the use of the drug during 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 Village business is prohibited by Village policy.

III. *Other Prohibitions*

Other prohibited conduct is specified in Appendices A and B attached hereto.

6.05 Notice

Before performing an alcohol, controlled substance, or oral specimen test under the requirements of the DOT rules and regulations, Village employees being tested shall be notified that the alcohol, controlled substance, and/or oral specimen test is required by Department Rules and Regulations and meets one of the identified reasons in Section 6.06 requiring such test.

6.06 Circumstances for Controlled Substances and Alcohol Testing

All alcohol, controlled substance, or specimen testing will comply with the procedures of Title 49 CFR Part 40 and any other applicable state and federal regulations. To the extent any provisions of this policy conflict with Title 49 CFR Part 40 or other applicable state and federal regulations, the applicable law will be adhered to by the Village.

I. General

Controlled substance, oral specimen, and alcohol tests required to be administered to Village employees, may be done during normal working hours. In the event there is reasonable suspicion that a Village employee is using drugs or alcohol at any time the employee is working for the Village, controlled substance, oral specimen, and alcohol tests may be administered at any time. Post-accident tests may be administered at any time in accordance with the procedures set forth herein.

II. Pre-Employment Testing

Prior to the first time an operator of a commercial motor vehicle performs a safety-sensitive function for the Village, the individual shall submit to testing for alcohol and controlled substances (which may include the use of oral specimen testing), as a condition prior to being used to perform safety-sensitive functions. This may include newly hired employees and transferred employees to a position where a safety-sensitive function will be performed and includes employees who are later required to perform safety-sensitive functions.

III. Random Testing

- A. Every Village employee who is required to maintain a commercial motor vehicle license and/or to perform a safety-sensitive function shall submit to random alcohol, oral specimen, and controlled substance testing.
- B. No fewer than 10% (or the minimum annual percentage rate proscribed by the Federal Motor Carrier Safety Administration (FMCSA) Administrator's decision at the time of the testing, if different than 10%) of the average number of Village employees which are part of the pool established by the Village-Designated Representative (which pool shall include Village employees subject to random testing) shall undergo random alcohol testing in each calendar year.
- C. No fewer than 50% (or the minimum annual percentage rate proscribed by the FMCSA Administrator's decision at the time of the testing, if different

than 50%) of the average of the average number of Village employees which are part of the pool established by the Village-Designated Representative (which pool shall include Village employees subject to random testing) shall undergo random controlled substance or oral specimen testing in each calendar year.

- D. The selection of Village employees for random alcohol, oral specimen, and controlled substance testing, the timing and frequency of random tests, and the number of Village employees to be tested on any given day shall be determined by a medical facility contracted with by the Village in accordance with the DOT rules and regulations. The selection of Village employees for random testing shall be made by a scientifically valid method determined by the Village's Designated Representative. Each Village employee shall have an equal chance of being selected for testing each time selections are made. Each Village employee selected for testing shall be tested during the selection period.
- E. Random testing under this policy shall be unannounced and shall be spread reasonably throughout the year.
- F. Village employees who are notified of selection for random alcohol, oral specimen, and/or controlled substance testing shall proceed to the test site immediately as instructed. However, if the Village employee is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of the notification, the employee shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.
- G. A Village employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

IV. Reasonable Suspicion Testing

- A. Whenever a trained shift officer has a reasonable suspicion to believe that a Village employee has violated the alcohol and/or controlled substance prohibitions of this policy, the Village employee shall promptly submit to the required alcohol, oral specimen, and/or controlled substance test.
- B. Alcohol testing is authorized under this section only if the observations required of the reasonable suspicion determination are made during, just

preceding, or just after the period of the workday that the Village employee is required to be following this policy.

- C. An employee shall be subject to reasonable suspicion alcohol testing following the determination that reasonable suspicion exists to require the Village employee to undergo such test.
- D. A trained shift officer who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the Village employee.
- E. Notwithstanding the absence of a reasonable suspicion alcohol test under this section, a Village employee is prohibited from reporting for duty or remaining on duty requiring the performance of essential job functions while under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, until: i) an alcohol test is administered and the employee's alcohol concentration measures less than 0.0; or ii) twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this policy concerning the use of alcohol.
- F. A written record shall be made of the observations leading to an alcohol, oral specimen, or controlled substance reasonable suspicion test and shall be signed by the trained shift officer who made the observations within twenty-four (24) hours of the observed behavior or before the results of the controlled substance or oral specimen test are released, whichever is earlier.

V. *Post-Accident Testing*

- A. Any Village employee who was operating a vehicle who is involved in an accident shall be subject to post-accident alcohol, oral specimen, and controlled substance testing as soon as practicable following the accident if the following occurs:
 - 1. CDL Holder post-accident testing requirements (49 CRF Part 382.303)
 - a. There is a fatality; or
 - b. The employee is cited for a moving violation; and either:
 - c. The vehicle is towed from the scene; or
 - d. Someone is medically evacuated from the scene.

2. Non-CDL positions post-accident testing occurs only after an accident if there is Reasonable Suspicion to do this or, if a law enforcement officer requires the test.

- B. A Village employee subject to post-accident testing shall be subject to a breath alcohol test no later than eight (8) hours following the accident and to a controlled substances test no later than thirty-two (32) hours following the accident.
- C. A Village employee who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit the Village employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- D. If, in the sole discretion of the Village-Designated Representative it is necessary to assure the fairness and appropriateness of the investigation, an outside law enforcement agency may be called in to assist in any necessary investigation.

VI. *Return to Duty Testing*

If a Village employee has an alcohol test result indicating an alcohol concentration of greater than 0.0, the Village employee shall be sent home for the remainder of the shift without pay, the Village employee shall be prohibited from performing their essential job functions for a minimum of twenty-four (24) hours following administration of the test and until the employee presents proof and retest resulting in a reading of 0.0. A Village employee who has undergone an alcohol test with a result of greater than 0.0, or who has tested 'confirmed positive' for controlled substances, shall not be permitted to perform essential job functions unless:

- A. The Village employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the Village employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
- B. Following a determination by a substance abuse professional that the Village employee needs assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the Village employee

has complied and remains in compliance with all prescribed or recommended education and/or treatment programs.

- C. The Village employee has undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of greater than 0.0 before returning to duty if the Village employee has violated the alcohol prohibitions; and
- D. The Village employee has undergone a return-to-duty controlled substance or oral specimen test with a result indicating a verified negative result for controlled substance use if the Village employee has violated the controlled substance prohibitions.
- E. The cost of return-to-duty testing shall be the responsibility of the employee. The employee shall not receive pay for time spent with return-to-duty testing. Return-to-duty testing must be done before an employee can return to work.

VII. Follow-up Testing

A Village employee who has undergone an alcohol test with a result of greater than 0.0 or who has tested “confirmed positive” for controlled substances, who is subject to, and has complied with, the return-to-duty testing provisions above, and who has been permitted to return to work shall be subject to the following:

- A. The Village employee has been evaluated by a substance abuse professional who shall determine what assistance, if any, the Village employee needs in resolving problems associated with alcohol misuse and controlled substances use; and
- B. The Village employee shall be subject to unannounced follow-up testing.
- C. The number and frequency of the tests are to be determined by the substance abuse professional but must consist of at least six (6) tests during the first twelve (12) months following the employee’s return to work. Follow-up testing may be done for up to sixty (60) months. The substance abuse professional may terminate such tests at any time after the first year of testing if he or she determines the tests are no longer necessary.
- D. The Village Employee shall be subject to such follow-up testing for both alcohol misuse and use of controlled substances if the substance abuse professional determines testing for both alcohol and controlled substances is recommended.

- E. The cost of follow-up testing shall be the responsibility of the employee.
- F. Controlled substance or oral specimen testing shall be conducted by a DHHS-certified laboratory and in accordance with procedures set out in Appendix B.
- G. The cost of return-to-duty testing shall be the responsibility of the employee. The employee shall not receive pay for time spent with return-to-duty testing.
- H. A substance abuse professional service (SAP) is available through each of the health care programs offered by the Village. It will be the responsibility of the employee to schedule appointment(s) with the SAP as part of the follow-up testing procedure. Each health care program has cost and/or time limits for coverage. The employee will be responsible for all costs associated with treatment services of the substance abuse professional above and beyond benefits covered under their health plan.

6.07 Consequences for Village Employees in Violation of These Rules

- 1. A Village employee shall not be permitted to perform essential job functions if the Village employee has engaged in conduct prohibited by this policy until or unless the employee successfully completes the return-to-duty process, including any follow-up testing requirements as provided above.
- 2. A Village employee tested under this policy who is found to have an alcohol concentration of greater than 0.0 shall not be permitted to perform or continue to perform essential job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test, and until they present proof and retest resulting in a reading of 0.0.
- 3. A Village employee who violates any of the requirements of this policy shall be subject to the penalty provisions in the Federal Regulations and the provisions of Appendix E.
- 4. Any Village employee who refuses to submit to a required alcohol, oral specimen, or controlled substances test shall be relieved of duty and subject to disciplinary action.
- 5. Discipline guidelines are included in Appendix E.

6.08 Confidentiality

1. All records required to be maintained under the FHWA Rules and Regulations shall be maintained in a secure location with controlled access.
2. Upon written request, a Village employee is entitled to copies of any records pertaining to the Village employee's use of controlled substance, oral specimen, or alcohol, including any records pertaining to their alcohol, oral specimen, or controlled substance tests.
3. Records shall be made available to a Village employee's subsequent employer upon receipt of a written request from a Village employee subject to the express terms of the Village employee's request.
4. The Village may disclose information pertaining to a Village employee that is required to be maintained under the FHWA Rules and Regulations to the decision maker in a lawsuit, grievance, or other proceeding initiated by, or on behalf of, the Village employee, and including but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the Village employee, and arising from a positive alcohol, oral specimen, and/or controlled substance test or a refusal to test (including, but not limited to, adulterated or substituted test results) administered in accordance with the FHWA Rules and Regulations, or from the Village's determination that the Village employee engaged in conduct prohibited by Village Rules and Regulations and/or the FHWA Rules and Regulations.
5. The Village will release information regarding a Village employee's records as directed by the specific written consent of the Village employee authorizing release of the information to an identified person.

APPENDIX A
Testing Procedures for Alcohol

1. Village employees directed to undergo alcohol testing shall proceed immediately to the designated test site as instructed.

Random testing will be conducted on site.

After-hours testing and reasonable suspicion testing will be conducted at a medical facility contracted with by the Village.
2. Village employees shall follow all procedures and instructions given by the Breath Alcohol Technician (BAT) including completing, signing, initialing, and/or dating any required forms or logbooks. Failure to do so shall be considered a refusal to test.
3. The testing site shall provide visual and aural privacy to the Village employee, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel, and materials for the collection and analysis of breath and/or saliva samples shall be provided at the location where the testing is conducted, along with a suitable clean surface for writing.
4. No unauthorized persons shall be permitted access to the testing site and no one other than BATs or other employees have the site shall have access to the site when the EBT remains unsecured. No one other than the BAT, the employee, or a DOT agency representative may witness the testing process.
5. In unusual circumstances where a testing site fully meeting all the visual and aural privacy requirements of Paragraph 3 is not readily available (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the visual and aural privacy requirements of Paragraph 3, above. In such cases, the Village employee shall be provided visual and aural privacy to the greatest extent practicable.
6. The BAT shall supervise only one alcohol test for only one Village employee at a time and shall not leave the alcohol testing location while the testing procedure for a given Village employee is in progress, except to notify a supervisor or contact a Village-Designated Representative for assistance in case an employee or other person obstructs, interferes with, or unnecessarily delays the testing process.
7. Upon entering the test site, the Village employee shall be required to provide the BAT with positive identification. Positive identification may take the form of a photo I.D. card issued by the Village, or a federal, state, or local government, or identification by a supervisor or Village official. On request of the Village employee, the BAT shall provide positive identification to the Village employee.

8. If a screening test of a Village employee indicates a breath alcohol concentration of 0.0, no further alcohol testing of that Village employee shall be conducted during this testing event.
9. If the result of a screening test of a Village employee indicates a breath alcohol concentration of 0.0, the BAT shall transmit this result to the Village in a confidential manner, and the Village shall receive and store the information to ensure that confidentiality is maintained.
10. If the result of a screening test of a Village employee indicates a breath alcohol concentration of greater than 0.0, the Village employee shall be required to undergo a confirmation test.
11. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the Breath Alcohol Testing Form and logbook entry. The BAT shall provide the Village employee with Copy 2 of this form.
12. If a BAT, other than the one who conducted the screening test, is conducting the confirmation test, the Village employee shall be required to provide positive identification in accordance with Paragraph 7 above, to the new BAT, and the Village employee may request positive identification of the new BAT.
13. The Village employee shall not eat, drink, put any object or substance into their mouth, and to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screening test and shall not be less than fifteen (15) minutes.
14. The confirmation test shall be conducted within thirty (30) minutes of the completion of the screening test.
15. If a BAT, other than the one who conducted the screening test, is conducting the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The Village employee shall then complete Step 2 on the form, signing the certification. Refusal of the Village employee to sign the certification shall be deemed a refusal to test.
16. Refusal by the Village employee to complete and sign the Breath Alcohol Testing form, to provide an adequate amount of breath (subject to the steps set forth in Paragraph 18), or otherwise to fail to cooperate with the testing process in a way that prevents the completion of the test, shall be deemed a refusal to test, and shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated, and the BAT shall immediately notify the Village-Designated Representative.
17. If a screening or confirmation test cannot be completed, or if an event occurred that would invalidate the test, the BAT shall, if practicable, begin a new screening or

confirmation test, as applicable, using a new Breath Alcohol Testing form with a new sequential test number.

18. If Village employee is unable or alleges that they are unable, to provide an amount of breath sufficient to permit a valid breath test, the BAT shall again instruct the Village employee to attempt to provide an adequate amount of breath.
 - a. If the Village employee refuses to make the attempt, the BAT shall immediately inform the Village-Designated Representative and note the fact on the Remarks line. This is a refusal to test.
 - b. If the Village employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol form and immediately inform the Village-Designated Representative.
 - c. If the Village employee attempts and fails to provide an adequate amount of breath, the Village shall direct the Village employee to obtain within five (5) days, an evaluation from a licensed physician who is acceptable to the Village, and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen, regarding the Village employee's medical inability to provide an adequate amount of breath.
 - d. If the licensed physician determines, in their reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the Village employee from providing an adequate amount of breath, then the test is cancelled. The physician shall provide to the Village a written statement of the basis for their conclusion.
 - e. If the licensed physician, in their reasonable medical judgment, is unable to determine that a medical condition has, or with a high degree of probability, could have, precluded the Village employee from providing an adequate amount of breath, the Village employee's failure to provide an adequate amount of breath shall be deemed a refusal to take a test. The physician shall provide to the Village a written statement of the basis for their conclusion.

APPENDIX B
Testing Procedures for Controlled Substances

1. Village employees directed to undergo a controlled substance test shall proceed immediately to the designated collection site as instructed.
2. Village employees shall follow all procedures and instructions given by the collection site person. Failure to do so shall be considered a refusal to test.
3. The collection site person shall collect a urine sample from the Village employee in accordance with the Department of Health and Human Services- (DHHS) approved procedures. For directly observed collections, the collector shall be the same gender as the employee. For direct observation collections involving transgender or nonbinary individuals, an oral fluid collection must be used.
4. Village employees shall provide at least forty-five (45) ml of urine for testing. Village employees who fail to provide at least forty-five (45) ml of urine shall be subject to the provisions of paragraph 18, below.
5. The collection site person shall divide the specimen into two containers. One container shall contain at least thirty (30) ml of urine and shall be the primary specimen. The other container shall contain at least fifteen (15) ml of urine and shall be the split specimen.
6. Both containers shall be secured in a plastic bag with Copy 1 of the chain of custody form and shipped in a single shipping container to the laboratory.
7. The laboratory shall log in the split specimen with the split specimen seal remaining intact. The laboratory shall store the split specimen securely in accordance with approved procedures.
8. The primary specimen shall undergo a screening test for the presence of controlled substances. If the screening test detects the presence of controlled substances, the primary specimen shall undergo a confirmation test.
9. If the result of the test of the primary specimen is “negative”, the laboratory may discard the split specimen.
10. The MRO shall review all primary specimen results. If the result of the test of the primary specimen is confirmed ‘positive’ for the presence of controlled substances, the MRO shall notify the Village employee that he/she has seventy-two (72) hours in which to request a test of the split specimen.
11. If the primary specimen tests confirmed positive for the presence of controlled substances, the Village employee may request verbally or in writing that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) or drug metabolite(s) for which a positive test result was obtained in the test of the primary specimen. The MRO shall honor such request if it is made within seventy-two (72) hours of the Village employee having been notified of a verified positive test result. The Village employee shall be responsible for all costs associated with having the split specimen tested. Provided however, that in the event the split specimen test fails to

reconfirm the original test, the Village shall assume all costs associated with having the split specimen tested.

12. If the Village employee has not contacted the MRO within seventy-two (72) hours, the Village employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified “positive” test, or other circumstances, unavoidably prevented the Village employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the Village employee's failure to contact the MRO within seventy-two (72) hours, the MRO shall direct analysis of the split specimen, as applicable, to be performed.
13. If the result of the test of the primary specimen is positive, the laboratory shall retain the split specimen in frozen storage for the same period of time that it is required to retain the primary specimen, which is a minimum of one year or longer if the MRO, the Village employee, the Village, or a DOT agency requests in writing within the one-year period that the laboratory retain the specimen for an additional period of time.
14. If the MRO directs the first laboratory in writing to forward the split specimen to a second DHHS-certified laboratory, the second laboratory shall analyze the split specimen by Gas Chromatography/Mass Spectrometry (GC/MS) to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen. Such GC/MS confirmation shall be conducted without regard to the cutoff levels established by DHHS. The split sample shall be retained in long-term storage for a minimum of one year or longer if the MRO, the Village employee, the Village, or a DOT agency requests in writing within the one-year period that the laboratory retain the specimen for an additional period.
15. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.
16. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is invalid, the MRO shall cancel the test and report the cancellation to the Village-Designated Representative and the Village employee.
17. A Village employee whose primary specimen tests “confirmed positive” for the presence of controlled substances and who requests, in accordance with Paragraph 11 above, that the split specimen be tested, shall not be permitted to perform essential job functions pending the outcome of such test, but shall be suspended without pay and subject to further disciplinary action. However, if the test of the split specimen does not reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the Village employee shall be paid his/her straight time salary for all regularly scheduled shifts he or she would have worked had the suspension not occurred.
18. a. If the Village employee is unable to provide the required forty-five (45) ml of urine, the Village employee shall be instructed to drink not more than forty (40) ounces of fluids and, after a period of up to three (3) hours, again attempt to provide a complete sample using a fresh collection container. The original

insufficient specimen shall be discarded, except where the insufficient specimen was out of temperature range or showed evidence of adulteration or tampering.

- b. If the Village employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the laboratory shall notify the Village-Designated Representative of the Village employee's inability to provide an adequate sample.
- c. The Village-Designated Representative must, after consulting with the MRO, direct the employee to obtain, within five days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. Upon completion of the examination of the referral physician's recommendations, the MRO shall report his/her determination as to whether the employee has a medical condition that has, or with a high degree of probability, could have precluded the employee from providing enough urine, to the Village Designated Representative in writing.
- d. If the MRO determines that there is no adequate medical explanation for the failure to provide an adequate sample, the Village employee shall be deemed to have refused to test.

APPENDIX C
Oral Specimen Collection

Any oral specimen collection conducted by the Village shall be conducted in accordance with applicable provisions of 49 C.F.R. Part 40, *et seq.* Employees should direct their attention in particular to 49 C.F.R. § 40.73.

APPENDIX D

Employees Covered by This Policy

Any full-time, part-time, paid-on-call firefighter, temporary or seasonal employee; or volunteer of the Village is required to comply with the provisions of the Village of Jackson Controlled Substances and Alcohol Testing Policy, except as provided otherwise in this policy.

The Period of Day Which Village Employees are Required to Comply

A Village employee is required to comply from the time the Village employee begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work.

Contacts – Information and Assistance

Village - Designated Representatives – Village Department Heads

Designated Contact Person – Village Administrator

Substance Abuse Professional (SAP) – Aurora Healthcare & Froedtert Occupational Health

APPENDIX E

Addendum to Drugs and Alcohol Policy

I. Pay Status

All time spent undergoing required alcohol, oral specimen, or controlled substance testing, including travel time, shall be paid in accordance with applicable provisions of a pay policy of the Village, except that an alcohol test as described in Paragraph 1, below must be done on an employee's own time, prior to the start of their regular shift.

II. Discipline

Consistent with this policy, the employer may take disciplinary action based on non-compliance with this policy by an employee and specifically for actions as follows:

A. Minor Infraction

If an employee tests positive for alcohol of greater than 0.0, the employee will at a minimum be placed on leave without pay for a minimum of twenty-four (24) hours following the administration of the test. The employee will also be subject to discipline as determined by the Village. Employees who are retained after the review of their employment status will be permitted to return to work as determined by the Village but not less than twenty-four (24) hours following administration of the test, provided they present proof and retest resulting in a reading of 0.0. This retest must be conducted at the Village's selected testing site and employees must make their own arrangements and pay for the retest. Failure to obtain the necessary negative test result by the next regularly scheduled shift shall be considered a refusal to test and will result in disciplinary action.

B. Major Infraction

1. If a Medical Review Officer (MRO) verifies that a urine drug test is positive, the employee shall be subject to disciplinary action, up to and including discharge.
2. If a BAT reports that a breath test is equal to or exceeds 0.0, that employee shall be subject to disciplinary action, up to and including discharge.
3. Any employee who refuses to submit to a urine drug and/or breath alcohol test shall be subject to discharge.

SPLIT SAMPLE TESTING FORM

Date _____

Donor's Name _____

Donor's Firm _____

Address _____

Department/State/Zip _____

Phone Number _____

Fax Number (if known) _____

Dear Dr. _____

I request that the original specimen provided by me and tested for drugs at
_____ be retested at the laboratory below:

(Name of Laboratory)

Lab Name _____

Address _____

Department/State/Zip _____

I understand that I am responsible for the shipping fees, lab retest fees and the Medical Review Officer's fees.

I have enclosed a (money order) (cashier's check) in the amount of \$_____.

Very truly yours,

Signature of Donor

Print Name of Donor

Social Security Number

Date of Original Collection

Specimen Number

Donor Phone Number

Donor Address: _____

APPENDIX F – SAMPLE FORMS



Reasonable Suspicion Checklist

Employee Name: _____

- | | | | | |
|----------------|--|--|---|---|
| 1. Walking: | ☐ Stumbling
☐ Unsteady | ☐ Staggering
☐ Unable to walk | ☐ Falling
☐ Holding-on | ☐ Swaying |
| 2. Standing: | ☐ Swaying
☐ Sagging | ☐ Rigid
☐ Feet wide apart | ☐ Staggering | ☐ Unable to Stand |
| 3. Speech: | ☐ Slurred | ☐ Incoherent | ☐ Rambling | ☐ Slow |
| 4. Appearance: | ☐ Disheveled
☐ Only partially dressed | ☐ Dirty | ☐ Clothes have an unpleasant odor
☐ Obvious/excessive stains | |
| 5. Smell: | ☐ Odor of alcohol | ☐ Unusual or pungent | ☐ Excessive use of cologne | |
| 6. Demeanor: | ☐ Hostile
☐ Fighting | ☐ Paranoid
☐ Apologetic | ☐ Drowsy
☐ Grandiose | ☐ Crying
☐ Easily agitated |
| 7. Face: | ☐ Flushed | ☐ Pale | ☐ Sweaty | ☐ Sagging |
| 8. Eyes: | ☐ Bloodshot | ☐ Dilated | ☐ Glassy | ☐ Drooping |

Time of witnessed behavior: ____:____ ☐ a.m. ☐ p.m.

Location: _____

Other observations: _____

Manager's Signature: _____

Date: _____

Second Observer: _____

Time: ____:____ ☐ a.m. ☐ p.m.

Date: _____

Job Title: _____

Time: ____:____ ☐ a.m. ☐ p.m.

Expense/Mileage Reimbursement Form

Village of Jackson

Employee Name: _____

Employee Dept: _____

Manager: _____

As of February 2024, the IRS standard mileage rate is 67 cents per mile. Please visit <https://www.irs.gov/tax-professionals/standard-mileage-rates> for the most up to date reimbursement mileage rate.

Purchase Date	Item Description	Total
	GL Account Code:	
	GL Account Code:	
	GL Account Code:	
	GL Account Code:	
	GL Account Code:	
	Grand Total	

*****Please ensure that all receipts and/or invoices for items listed above are attached to this form. Receipts must be itemized to be reimbursed. *****

☐ I certify that the expense(s) listed above are accurately recorded and represent only expenditures made for business purposes.

Employee Signature: _____

Date Submitted: _____

Approving Manager Signature: _____

Date Approved: _____

VILLAGE OF JACKSON

Americans With Disabilities Act ADA Employee Accommodation Request

Protection is afforded under the ADA to a qualified individual with a disability, who can perform the essential functions of the position, *with or without reasonable accommodation*.

Instructions: Please complete the form and attach supporting documentation from your physician and a return-to-work authorization (as appropriate). Submit completed form to the Village's Title I ADA Coordinator Darlene Smith, Village Treasurer/HR Assistant.

Name:

Address:

Department:

Position

Supervisor:

Telephone Numbers: Work:

Home:

Other:

I. Accommodation Request: Please list accommodations requested and reason for request:

Signature:

Date:

VILLAGE OF JACKSON

ADA Request for Reasonable Accommodation or Modification

Your Name: _____ Email Address: _____

Your Address: _____ City: _____ State: _____

Phone Number: _____

Program, service or event for the request: _____

Location of program, service or event: _____

Date of program, service or event (Enter as MM/DD/YYYY): _____

I am requesting the following accommodation or modification (Circle One):

Wheelchair Access ASL Interpretation Services Printed Material in Alternate Format

Modification of Policy or Procedures Other: _____

If you request printed material please describe the material and desired format type:

If you selected other please describe your request in more detail:

Please provide any additional details necessary to process this request:

*All forms shall be given or sent to the Village of Jackson Title II ADA Coordinator Jacqueline Schuh, Village Clerk, N168W19851 Main St., Jackson WI 53037 or emailed to jackie.schuh@villageofjacksonwi.gov

EMPLOYEE ACKNOWLEDGEMENT

I, _____, hereby acknowledge receipt of the Village of Jackson Employee Handbook (“Handbook”), as updated and approved by the Village Board on September 10, 2024, which incorporates by reference all Appendices, on _____. I understand that the Handbook has been developed for the general guidance of employees and that it is my responsibility to read and acquire an understanding of the information contained in the Handbook and to comply with the policies contained in the Handbook. I have been advised that the Village Administrator is available to answer any questions I may have regarding the Handbook or any Village policies, benefits and/or procedures. Furthermore, I acknowledge that none of the statements, policies, procedures, rules, or regulations contained herein constitutes a guarantee of employment, a guarantee of any other right or benefit, or a contract of employment, express or implied. I have entered my employment relationship with the Village voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Village can terminate the relationship at-will, with or without cause, at any time with or without notice, so long as there is no violation or applicable federal or state law.

Since the information, policies, and benefits described herein are necessarily subject to unilateral change by the Village, at any time and with or without notice to the extent permitted by law, I acknowledge that revisions to this handbook may occur.

Further, these policies do not supplant State or Federal law, Village ordinances, Civil Service procedures, or legally binding union agreements. If there is a conflict, the State or Federal law, Village ordinance, Civil Service procedures, or legally binding union agreements will prevail.

I recognize that the Handbook, although assigned to me, is considered the property of the Village and I will return it upon separation from the Village.

Employee Signature

Date

Supervisor Signature

Date

After you have read and signed this page, please detach the page from the handbook and return to the Village Administrator for placement in your personnel file.



Taking the lead in Washington County.

MEMO

TO: Brian Heckendorf, Village President; Personnel Committee

FROM: Jen Heidtke, Village Administrator; Ryan Vossekuil, Police Chief

RE: Side Letter of Agreement for Detective Position – Jackson WPPA and Village of Jackson

DATE: August 8, 2024

Background

On July 27, 2024, Officer Jennifer Gerke accepted Chief Vossekuil's assignment to Detective for the Jackson Police Department. The promotion from Patrol Officer to Detective goes in effect on August 24, 2024. The attached Side Letter of Agreement formalizes the terms of the assignment to Detective, and addresses the schedule of wage modifications to apply to Officer Gerke.

Motion

Personnel Committee and Village Board approval of the Side Letter of Agreement for the Detective Position between the Village of Jackson and the Jackson Professional Police Association, WPPA Leer.

Attachment

1. Side Letter Village of Jackson – Detective Position

N168 W19851
Main Street
Jackson, WI 53037
Phone: 262-677-9001
Fax: 262-677-1710

www.villageofjacksonwi.gov

**SIDE LETTER OF AGREEMENT
BETWEEN
VILLAGE OF JACKSON
AND THE
JACKSON PROFESSIONAL POLICE ASSOCIATION, WPPA LEER**

THIS SIDE LETTER OF AGREEMENT (hereinafter “the Agreement”) is entered into by and between the Village of Jackson (hereinafter “the Village”) and the **JACKSON PROFESSIONAL POLICE ASSOCIATION, WPPA LEER** (hereinafter “the Association”).

WHEREAS, the Collective Bargaining Agreement between the Village and the Association contains language in Appendix A addressing pay rates for employees assigned in the Detective Position, and the Village and the Association have entered into an additional Memorandum of Understanding setting forth additional details regarding the Detective Position assignment.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties hereto agree to the following, effective on ratification of this side letter:

- A. Effective August 24, 2024, Patrol Officer Jennifer Gerke will be assigned to the Detective Position for a duration determined by the Chief of Police.
- B. Effective August 24, 2024, Officer Gerke will be paid for the Detective Position assignment pursuant to the language set forth in Appendix A of the Collective Bargaining Agreement addressing Detective Pay; however, the parties agree that Officer Gerke’s base pay, to which the Detective premium percentages listed in Appendix A are applied, will increase by 3% effective August 24, 2024 and by 4% effective August 24, 2025 in lieu of the adjustments identified in Appendix A.
- C. The provisions of the parties’ Memorandum of Understanding, as amended from time to time, regarding the Detective Position will continue to be applied for the entire duration of Officer Gerke’s assignment to the Detective Position unless terminated by the Village and Union.
- D. Upon execution, this Side Letter shall remain in effect unless the Detective Position is discontinued or terminated by the Chief of Police or unless the terms of this Side Letter are modified by the parties during bargaining.
- E. All other terms and conditions of the parties’ Collective Bargaining Agreements shall continue to apply for the entire duration of Officer Gerke’s assignment to the Detective Position. If there are conflicts between the Collective Bargaining Agreements and this Side Letter, the terms of this Side Letter shall govern.

IN WITNESS WHEREOF, the parties hereto execute and enact this Agreement on the dates indicated below.

**JACKSON PROFESSIONAL POLICE
ASSOCIATION, WPPA LEER**

DATE: _____

VILLAGE OF JACKSON

DATE: _____



MEMO

TO: Brian Heckendorf, Village President; Personnel Committee

FROM: Jen Heidtke, Village Administrator

RE: 2025 Staffing and Wage Adjustments

DATE: August 9, 2024

Background

Staff are in the process of drafting a 2025 Village budget, which will be publicly reviewed at the Budget Workshop to occur on Tuesday, October 15, 2024, as a Special Village Board meeting. Prior to fully drafting the operational budget, Staff are seeking Personnel Committee review of the following items to be include in early iterations of the 2025 budget.

1. Staffing: There are several retirements Staff are working to budget and succession plan for. Of those plans, there will be budgetary impacts during position overlap and increased expenses due to payouts of earned benefits. Lastly, an additional employee for the Police Department and Fire Department mid-year are likely to carry forward in the proposed 2025 budget but are subject to levy capacity and final review of the Board at the October Budget Workshop.
2. Wages: This matter will be discussed in closed session.

Potential Motion:

To provide staff direction related to the Staffing and Wage updates.