

SUBJECT: RULES OF CONDUCT

Purpose: To ensure orderly and efficient operations and to provide the best possible work environment, the City of Madison requires employees to follow rules of conduct that will protect the interests and safety of all clients, co-workers, and members of the general public.

Policy: Committing any of the acts on the list below may be sufficient grounds for disciplinary action ranging from reprimand to immediate discharge, depending upon the seriousness of the offense and/or the number of infractions.

Unacceptable Conduct:

A. General

1. Discourteous or abusive behavior toward a client, co-worker, or member of the general public.
2. Insubordination including disobedience, disrespect, failure to perform work assignments or duties, or failure to accept direction from authorized personnel.
3. Negligence in the performance of assigned duties, loafing, loitering, or engaging in unauthorized personal business during work hours.
4. Failure to provide accurate and complete information whenever an authorized person requires such information.
5. Giving false information or falsification of any record, including but not limited to, timesheets, payroll, or itineraries.
6. Unauthorized disclosure of any confidential information or record.
7. Engaging in a work slowdown, work stoppage, or attempting to interrupt or impede the performance of work in any way.
8. Failure to maintain the appropriate qualifications for the performance of job duties or failure to report any change or loss of said qualifications.

B. Attendance

1. Lack of adherence to prescribed work times, including, but not limited to tardiness, leaving prior to quitting time, and failure to observe time limits of breaks and lunches.
2. Unexcused absence or excessive absenteeism.
3. Failure to inform the appropriate person of the inability to report for work or the need to leave work for any reason.

C. Personal Actions and Appearance

1. Engaging in unruly, abusive, violent, bullying, or other threatening or intimidating behavior or language during work hours or while on the work premises, as prohibited by APM 2-25.
2. Reporting to work under the influence of any drug, controlled substance, or alcohol, or using such during working hours, unless such drug can be safely taken and is prescribed by a physician.
3. Knowingly making any false or malicious statement concerning any client, coworker, or member of the general public.

4. Failure to follow a safety practice, rule, or procedure causing real or potential danger to self, others, or property.
5. Failure to report an injury or illness to relevant supervisory or management personnel in a timely manner.
6. Smoking in unauthorized areas, including City vehicles. (This includes electronic cigarettes.)
7. Harassment or discrimination on the basis of a person's race, sex (gender), religion, creed, color, age, disability/handicap, marital status, HIV status, source of income, familial status, ancestry or national origin, sexual orientation, arrest record, conviction record, current or past military service, less than honorable discharge, use or non-use of lawful products off the employer's premises during non-work hours (notwithstanding the exceptions noted in Sec. 111.35, Wis. Stats.), physical appearance, political beliefs, or the fact that a person is a student, as prohibited by APM 3-5.
8. Engaging in any illegal activity during work hours or while on the work premises.
9. Inappropriate dress or personal hygiene that adversely affects the performance of the individual or fellow employees, departmental operations, or constitutes a health or safety violation.
10. Engaging in political activity or other conduct as prohibited by Madison General Ordinance 3.35, Code of Ethics.
11. Engaging in horseplay, roughhousing, disorderly or mischievous behavior during work hours or while on work premises.
12. Any other conduct that would inhibit the ability of the individual, fellow employees, or management to adequately carry out duties and functions.

D. Use of City Equipment, Materials, and other Property

1. Inappropriate, unauthorized, or careless use of department materials or equipment, or other property including, but not limited to, excessive personal use of telephones or computers.
2. Theft, unauthorized possession, removal, or destruction of City or other person's property or salvaging as prohibited by APM 2-19.
3. Unauthorized entry to City property including, but not limited to, unauthorized entry outside of assigned work hours or to restricted areas.
4. Failure to report any accident, no matter how minor, involving a City vehicle or personal vehicle being used for City business.
5. Operating a City vehicle without the appropriate licensing or endorsements, or failure to report any change or loss of required licensing or endorsements.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace, however rules are also provided by other City APMs, ordinances, department/division work rules, standard operating procedures, or commonly accepted standards for reasonable conduct (common sense).

Authority: The Human Resources Director shall maintain and interpret this policy.



Paul R. Soglin
Mayor

APM No. 2-33
October 06, 2014

Original APM dated 11/12/2004
(Revised 10/12/2005)

SUBJECT: VOLUNTEERS/UNPAID INTERNS

Purpose: The City of Madison recognizes that community volunteers can substantially enhance the ability of the City to provide services to its citizens. In addition, the use of unpaid interns provides valuable education to students and allows students an opportunity to learn about public employment as a possible career. However, volunteers and interns may potentially expose the City to liability for actions that occur while volunteers/unpaid interns are performing services on behalf of the City. This APM spells out the procedures the City should follow when seeking volunteers and unpaid interns in order to minimize risk.

Volunteer Defined: A volunteer is a person who provides services of their own free will that are recognized and authorized by the City and who neither receives, nor expects to receive, any kind of pay or compensation for their services—with the possible exception of specific out-of-pocket reimbursements such as meals or mileage for driving responsibilities.¹ A person is not a volunteer if that person works for the City in the same capacity for which s/he wishes to volunteer (i.e., Employees in the Clerk's Office may not volunteer to register voters on Election Day).

Unpaid Intern Defined: An unpaid intern is a trainee under the Fair Labor Standards Act. A trainee may be excluded from coverage by the Fair Labor Standards Act if the following criteria are met:

1. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school.
2. The training is for the benefit of the trainee.
3. The trainee does not displace regular employees, but works under close observation.
4. The employer that provides the training derives no immediate advantage from the activities of the trainee, and on occasion the operations may actually be impeded.
5. The trainees are not necessarily entitled to a job at the completion of the training period.
6. The employer and the trainee understand the trainee is not entitled to wages for the time spent in training.

Student interns are not considered employees when they are hired through a school program and when they are involved in education or training programs that are “designed to provide students with professional experience in the furtherance of their education and training and are academically oriented for their benefit.” (*Wage and Hour Opinion Letter, Jan. 28, 1988*) In addition, the DOL will not consider a student an employee where the student will receive college credit for performing an “internship...which involves the students in real-life situations and provides the students with educational experiences unobtainable in a classroom setting.” (*Wage and Hour Opinion Letter, May 10, 1983*)

Volunteer Policy: Departments that use volunteers must be aware of and abide by the information provided in this APM.

Pay for Volunteers: By definition, a volunteer is someone who performs a service without salary or remuneration. This is outlined in detail in the Fair Labor Standards Act. In fact, inappropriately

¹ Volunteers under age 18 will need written parental/legal guardian consent in order to serve as a volunteer.

compensating a volunteer may convert the volunteer into an employee—making the City liable for underpaid wages and other benefits. However, the Fair Labor Standards Act has established circumstances in which it is appropriate to provide compensation to volunteers.

Exceptions under which a volunteer may accept compensation:

- A uniform allowance or cleaning expenses;
- Out-of-pocket expenses for meals and transportation;
- Tuition, meals, and transportation costs for when a volunteer is attending a class intended to teach them about the volunteer services they intend to perform; and
- Nominal fees.

Before providing any compensation to a volunteer, please consult with the Human Resources Department and/or the Office of the City Attorney to ensure that such payments will not violate the Fair Labor Standards Act.

Pay for Interns: If a department is hiring an intern under the Management Intern hourly classification, then this APM does not apply. Generally an unpaid intern should not expect any compensation. However, if a department is seeking to hire an unpaid intern but wishes to pay a stipend or other form of compensation, Human Resources must be involved in ensuring that the arrangement complies with the provisions of the Fair Labor Standards Act. This will generally involve the department creating a position description for the intern and Human Resources reviewing the position description to ensure the proposed arrangement does not violate the Fair Labor Standards Act.

Liability for Volunteers and Unpaid Interns:

- General Liability Insurance - The City's general liability insurance provides that any expressly authorized volunteer (includes unpaid interns) of the City while acting within the scope of their volunteer responsibilities is covered as an insured under the policy, subject to its terms, conditions, and exclusions.

If a volunteer's actions cause physical injury or property damage to another and the injured party files a claim or suit against the volunteer, the City's insurer will defend the volunteer and be responsible for any financial judgment incurred, provided the volunteer was acting within the scope of his or her responsibilities, gives notice of the claim to the City, and cooperates in the defense or litigation.

- Automobile Liability Insurance - The City's automobile liability insurance shall cover a volunteer as a supplement to the volunteer's private automobile insurance. The City's automobile liability policy insures the actions of a properly sanctioned City volunteer while operating the volunteer's privately owned vehicle, subject to the following:
 - The volunteer's personal automobile insurer is "primary," i.e., responds first to any such liability.

- The City's insurance shall respond on an "excess" basis to provide protection for expressly authorized volunteers performing volunteer services on behalf of the City. "Excess" coverage means the City's insurance shall respond to such liability only after all other insurance available to the volunteer is exhausted, and subject to its terms, conditions, exclusions.
- The City shall not provide protection for the volunteer for damage to the volunteer's own automobile. The volunteer's personal automobile insurer should respond to such a loss if the volunteer has purchased physical damage insurance on their automobile.

Please Note: Coverage is not provided while the volunteer is going to or coming from the volunteer's normal volunteer work site. **Volunteers shall not be allowed to operate City-owned vehicles.**

- Medical Expenses Incurred by Volunteers in Performance of Their Duties - Volunteers are not covered by workers' compensation. Similarly, the City does not provide any coverage for medical expenses incurred as a result of an injury sustained by a volunteer.

Best Practices Regarding Volunteers/Unpaid Interns: All volunteers and unpaid interns need to be screened to ensure they have the necessary skills and abilities to carry out the tasks they will be expected to perform and to minimize the risks of any claims against either the volunteer/intern or the City. In order to meet this goal, the following process is outlined to ensure that the volunteer/intern will be successful and helpful to the City:

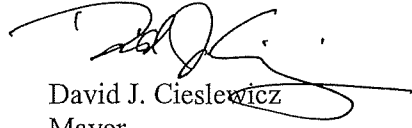
- Volunteer Application - All volunteers and unpaid interns should fill out a volunteer application, separate from a regular City of Madison application. The application will be available on-line on employeenet.
- Interviews - All volunteers/interns should go through an interview process. This may be a face-to-face interview, phone interview, or other type of interview. The purpose of the interview is to ensure that the volunteer/intern is aware of the duties and responsibilities of the position and for the City to evaluate whether the volunteer or intern will be effective in carrying out the duties and responsibilities.
- Criminal Background Checks - All volunteers/interns who will have direct contact with the public, especially children and those in vulnerable conditions, should have a background check done before beginning their volunteer/intern position. Departments can choose to do background checks on other volunteers/interns depending on the nature of the volunteer activity. Questions regarding the use of background checks for volunteers/interns should be referred to Human Resources.
- Reference Checks - Departments should conduct reference checks on all volunteers/interns subject to a criminal background check or on all volunteers/interns who are volunteering in a position that requires specialized education or skills.
- Driver's Record Check - If a volunteer/intern is expected to use a personal vehicle during the course of the volunteer work, a driver's license and record check should be performed and

the volunteer/intern must provide proof of insurance in compliance with State law (Wis. Stats. 344.01) before the volunteer/intern is allowed to drive as part of the volunteer work. Departments should obtain evidence of continued coverage if the volunteer's insurance expires during the period the volunteer's services are engaged.

- Welcome letter - Departments should send a welcome letter to all volunteers/interns confirming the volunteer appointment and the duties and responsibilities expected of the volunteer/intern. Depending on the volunteer's duties, the letter could contain the department requesting the volunteer, the location of the assignment, the name of the department supervisor, contact number for the department supervisor, days and hours needed, length of time needed, specific description of expected volunteer duties, required qualifications and skills, if applicable, resources available to the volunteer and, if needed, the necessary training for the volunteer to effectively perform their assignment. The purpose of the welcome letter is to establish that the person is authorized to serve as a volunteer/intern and perform services on behalf of the City.
- Training - Volunteers and interns should be trained on their specific duties and responsibilities. (A position description is a useful tool here as well.) However, volunteers/interns should also receive training on significant APMs, such as APM 2-33 Work Rules, APM 3-5 Prohibited Harassment and/or Discrimination, APM 2-25 Workplace Violence, and APM 5-2 Vehicle Accident Reporting and Investigation (including the completion of the Vehicle Accident Report and Incident Report), as well as department-specific policies and procedures.
- Confidentiality - Department heads/supervisors shall instruct volunteers and interns of their responsibility in maintaining the confidentiality of all proprietary or privileged information they may have access to during the performance of their volunteer duties.
- Identification - Volunteers should wear a City-issued volunteer identification badge when performing their volunteer duties and responsibility for the City. The volunteer identification badge is only used when volunteering for the City and at no other time.
- Safety - Volunteers and interns should be instructed in pertinent safety policies and procedures including such items as emergency evacuation and sheltering plans, safety rules, security procedures and proper use of personal protective equipment.
- Thank You letter - Departments should send a letter thanking the volunteer/intern when the volunteer/intern ends service with the City. This is done to recognize the service the volunteer/intern has provided and to document that the volunteer/intern is no longer authorized to perform services on behalf of the City.

No Discrimination: For all activities related to the recruitment and retention of volunteers, the City does not discriminate against or exclude individuals based on their ethnic origin, color, religion, gender, sexual orientation, personal appearance, age, physical or mental disability, veteran status, or inability to speak English. Individuals requesting accommodations or accessibility information should inform the department head/supervisor at the initial screening interview.

Enforcement: The Human Resources Director, in conjunction with the Office of the City Attorney and the City's Risk Manager, will be responsible for interpreting and enforcing the provisions of this APM.



David J. Cieslewicz
Mayor

APM No. 2-44
October 1, 2010

Volunteer Employment Application

for the CITY OF MADISON, WISCONSIN



APPLICATION INFORMATION - Please read carefully. Please print or type all information requested on the application form.

APPLICATION FOR POSITION OF:				DEPARTMENT/DIVISION:					
LAST NAME: (PRINT CLEARLY)				FIRST NAME:				MIDDLE NAME:	
PRESENT ADDRESS (NUMBER, STREET):				CITY:		STATE:		ZIP CODE:	
MAILING ADDRESS - IF DIFFERENT THAN ABOVE (NUMBER, STREET):				CITY:		STATE:		ZIP CODE:	
HOME PHONE:		CELL PHONE:		BUSINESS PHONE:		E-MAIL ADDRESS:			
Have you ever used another name? Please list: _____								<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever been employed by the City of Madison?								<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Current Dept/Dates _____				<input type="checkbox"/> Permanent <input type="checkbox"/> Hourly					
<input type="checkbox"/> Previous Dept/Dates _____				<input type="checkbox"/> Permanent <input type="checkbox"/> Hourly					
Have you ever been terminated for cause or resigned to avoid being discharged by the City of Madison?								<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have you ever been terminated, discharged or resigned from any other employer to avoid being discharged?								<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please explain on a separate sheet of paper. Indicate employer and date.									

EDUCATION & TRAINING

GRAMMAR & HIGH SCHOOL (Circle highest year completed)												NAME AND LOCATION OF HIGH SCHOOL												Do you have a GED or a High School Equivalency Diploma? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable											
1 2 3 4 5 6 7 8 9 10 11 12																																			
TRAINING BEYOND HIGH SCHOOL (College or University, Nursing, Business College, or other schools you have attended) Under credits earned, indicate "Q" for Quarter Hours and "S" for Semester Hours																								CIRCLE THE NUMBER OF YEARS IN COLLEGE OR UNIVERSITY 1 2 3 4 5 6 7 8											
NAME & LOCATION OF INSTITUTION								DATES ATTENDED FROM TO				CREDITS EARNED				MAJOR FIELD				GPA/BASE				DEGREE CONFERRED & YEAR											
Describe any education or training not covered above (vocational school, correspondence courses, service schools, in-service training), which you feel is relevant to the job for which you are applying. Include relevant licenses, certificates or other information you feel might be pertinent to the position. (BE SPECIFIC)																																			

WORK / VOLUNTEER EXPERIENCE

Give a sample of any relevant employment, self-employment, military service or volunteer experience to the position for which you are seeking to volunteer.

EMPLOYER	YOUR TITLE	NAME & PHONE NO. OF SUPERVISOR	
ADDRESS OF BUSINESS (Street, City, Zip Code)		REASONS FOR LEAVING	
YOUR DUTIES		\$	
		FROM (Month & Year)	TO (Month & Year)
		<input type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME (_____ hours per _____)	
EMPLOYER	YOUR TITLE	NAME & PHONE NO. OF SUPERVISOR	
ADDRESS OF BUSINESS (Street, City, Zip Code)		REASONS FOR LEAVING	
YOUR DUTIES		\$	
		FROM (Month & Year)	TO (Month & Year)
		<input type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME (_____ hours per _____)	

AVAILABILITY

DAYS OF WEEK AND TIME AVAILABLE		DATES YOU PLAN TO VOLUNTEER	
MONDAY		FROM:	TO:
TUESDAY		NUMBER OF HOURS YOU PLAN TO VOLUNTEER	
WEDNESDAY		PER DAY:	PER WEEK:
THURSDAY		PLEASE NOTE UNIQUE CIRCUMSTANCES	
FRIDAY			
SATURDAY			
SUNDAY			

BACKGROUND

WHY WOULD YOU LIKE TO VOLUNTEER?

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REFERENCES

NAME	ADDRESS	PHONE NO.	RELATIONSHIP
NAME	ADDRESS	PHONE NO.	RELATIONSHIP
NAME	ADDRESS	PHONE NO.	RELATIONSHIP
NAME	ADDRESS	PHONE NO.	RELATIONSHIP

IN CASE OF EMERGENCY, PLEASE NOTIFY

NAME	ADDRESS	PHONE NO.	RELATIONSHIP
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PARENTAL CONSENT: (To be completed if applicant is under 18 years of age)

I give my consent for my child named in this application to provide volunteer services to the City of Madison. I also give the City of Madison my consent to obtain any emergency medical treatment necessary for the safety of my child.

Signature of Parent/Guardian_____
Date**APPLICATION CERTIFICATION STATEMENT:** (Please sign and date the following statement)

I certify that all answers to the questions in this application are true, and I agree that any misstatements or omissions of fact will cause forfeiture on my part of rights to employment in the City service. I authorize the City to make inquiries and receive any information about my suitability for employment. I give permission to persons contacted to provide true and accurate information. I forever waive and release any person or organization for any result of providing, obtaining or acting upon such information. A copy of this authorization shall be as effective and valid as the original.

Applicant's Signature_____
Date

SUBJECT: PROHIBITED HARASSMENT AND/OR DISCRIMINATION POLICY

The City of Madison is committed to providing equal employment opportunities for all persons and to providing a work environment free from harassment and discrimination. The goal is to achieve and maintain a respectful and welcoming workplace for all members of the community. To that end, this policy will be liberally construed and strictly enforced so as to achieve these goals. Harassment, discrimination and retaliation are prohibited conduct and violations of this policy will not be tolerated.

This policy applies to the delivery of City services/goods and to the official interactions of City employees with other members of our community. This policy also applies to conduct that occurs at the workplace and at any location that can be reasonably regarded as an extension of the workplace.

Managerial and supervisory employees are expected to serve as role models and to demonstrate their commitment to this policy in their everyday conduct. Any such employee who fails to take appropriate action upon observing an act prohibited by this policy, or who fails to take appropriate action upon receiving a complaint of a violation of this policy, is guilty of misconduct. Managerial employees are required to promptly notify their Department/Division Head, in writing, of all instances of known, observed and/or reported discrimination, harassment and/or retaliation.

All employees are required to cooperate fully with any investigation into alleged violations of this APM. Although a pattern of conduct is usually required for purposes of civil liability, the City does not condone any act of harassment, discrimination or retaliation. Engaging in any such prohibited conduct could result in disciplinary action being taken against the offender, up to and including discharge from City employment.

Definitions

“Complainant” is any person that reports a violation of or who files a complaint under this policy.

“Discrimination” occurs when any employment decision that affects the terms or conditions of employment, such as recruitment/hiring, lay-offs/firings, pay, promotions/demotions, training, transfers/assignments, or leave/benefits is motivated, at least in part, by the employee’s membership in a protected class.

“Harassment” includes verbal abuse, epithets, and vulgar or derogatory language, display of offensive cartoons or materials, mimicry, lewd or offensive gestures and telling of offensive jokes motivated by a person’s membership in a protected class. The behavior can be any of the three following subcategories: “**quid pro quo**” the request for sexual favors in exchange for some other favorable employment action or in exchange for the promise to refrain from taking negative employment action; “**hostile environment**” coworker to coworker behavior composed of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment, and finally, “**respondeat superior**” which occurs whenever a Department/Division Head, manager or supervisor, engages in any act of harassment. Harassment becomes a violation of this policy whenever an employee engages in any of the activities described above or in any similar behavior based upon a person’s membership in a protected class.

“Protected Class” means a person’s race, sex (gender), religion, creed, color, age, disability/handicap, marital status, HIV status, source of income, familial status, ancestry or national origin, sexual orientation, arrest record, conviction record, current or past military service, less than honorable discharge, use or non-use of lawful products off the employer’s premises during non-work hours (notwithstanding the exceptions noted in Sec. 111.35, Wis. Stats.), physical appearance, political beliefs, or the fact that a person is a student.

“Respondent” is any person alleged to have violated this policy.

“Retaliation” is any adverse employment action and/or any adverse action to include any act of revenge, reprisal, intimidation or coercion directed at an employee and motivated by the belief that the employee has either opposed a violation of this policy, has filed a complaint under this policy, has participated in an investigation of a complaint filed under this policy, or has exercised any other right under this policy.

“Sexual Harassment” is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to: the repeated making of unsolicited, inappropriate gestures or comments; the display of sexually graphic materials not necessary for work purposes; preferential treatment or the promise of preferential treatment in return for submitting to or engaging in sexual conduct; or repeatedly asking someone for a date after having been turned down. Such conduct is considered a violation of this policy when:

1. Submission to such conduct is made openly or by implication a term or condition of an individual’s employment; or
2. Submission to or the rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or
3. Such conduct is patently offensive and unreasonably interferes with the individual’s work performance or creates an intimidating, hostile or offensive work environment.

Reports and Investigations of Alleged Violations

1. **Confidentiality Protected:** A high degree of confidentiality is necessary to foster effective resolutions to complaints filed under this policy. Wherever possible, complaints are to be maintained and processed in a manner that can protect confidentiality of all parties within the boundaries of federal, state and local laws. These prohibitions shall not apply to communications between a City employee and their chosen representative/personal attorney.

Investigators shall maintain their notes and reports in a confidential manner that restricts access to individuals who have an official reason for accessing those materials. Upon completion of an investigation, the Investigators will forward their records to the Department of Civil Rights for storage in accordance with the City’s records retention policies; unless the complaint is against the Department of Civil Rights, in which case the records will be forwarded to the Human Resources Department.

2. **Right to File a Complaint:** All City employees are strongly encouraged to report any violations of this policy. No employment or disciplinary action will be taken against any employee who makes a good faith complaint even if the investigation fails to substantiate any or all allegations of the complaint. Employees who are witness to a violation of this policy have standing to file a complaint. At their option, employees may file their complaints with any of the following:
 - a. Their supervisor;
 - b. Their Department/Division Head
 - c. The Department of Civil Rights
 - d. The Mayor’s Office, if the complaint relates to the conduct of a Department/Division Head or a Mayoral Staff person.

No person may require the employee to file a complaint with him or her nor may they prohibit an employee from filing their complaint with any other person. No employee shall be discouraged from filing a complaint under this policy. A copy of each written complaint must be forwarded to the Department of Civil Rights as soon as is reasonably practicable after it has been made. No employee may file a complaint in bad faith and without a reasonable basis to support the allegations contained in their complaint.

3. **Form of Complaint:** Complaints may be made orally or in writing. The recipient of an oral complaint shall reduce the allegations to writing. The Department of Civil Rights shall create and distribute a complaint form to facilitate the recording of complaints and to promote the uniformity of information gathered in response to such reports. The form shall also capture the resolution to the matter which the complaining employee requests. If the complaint implicates both this policy and other City policies/procedures, the relevant agencies will work together to investigate and resolve the matter. A copy of the complaint shall be forwarded to the appropriate Department/Division Head, the City Attorney, the Department of Civil Rights Director and, if the complaint relates to the conduct of a Department/Division Head or a Mayoral Staff person, the Mayor. A copy of the complaint form is attached to this policy (see Attachment 1).

4. **Employee Safety Assessment:** If a complaint raises serious questions regarding the safety of any employee, the Department/Division Head shall assess the need to relocate the alleged offender or to take other measures to provide for a safe and secure workplace environment. The complainant should be reassigned only as a last resort temporary measure that should be undertaken only after consultation with the City Attorney, the Human Resources Director and the Department of Civil Rights.
5. **Offer of EAP:** Any employee involved in an investigation should be notified of the availability of confidential assistance, counseling and referral through the City's Employee Assistance Program.
6. **Investigation of Complaints:** Department/Division Heads shall appoint a competent neutral member of their management team to conduct an immediate investigation into alleged violations of this policy. The Department of Civil Rights Director shall appoint a member of his/her staff to coordinate the investigation. Investigations of complaints filed under this policy must be given the highest priority. Such investigations should be promptly initiated and swiftly completed.

If, assuming all the allegations in a complaint are true, the complaint fails to state a basis upon which to believe a violation of this policy has occurred, the Department of Civil Rights Director, at his/her discretion, may refer the complaint to such other agency as he/she deems appropriate.

7. **Mayor to Appoint Investigator for Complaints Against Department/Division Heads/Mayoral Staff:** The Mayor shall be responsible for appointing an investigator for any complaint made that a Department/Division Head or mayoral staff member has violated the provisions of this policy. The Mayor may even contract with a non-city employee to conduct the investigation. The Mayor shall be responsible for developing any corrective action plan and may consult with whomever (s)he desires in that process.
8. **Complaints Regarding the Conduct of Elected Officials:** Elected officials of the City of Madison are obligated to abide by the requirements of this policy. City government has limited or no effective means of disciplining its elected officials for violations of this policy. The most effective remedies for such violations are those belonging to the electorate - i.e. the power of the ballot box. However, the City has a legal obligation to investigate any allegations of such violations by its elected officials. Persons having such complaints should file them using the procedures set forth in this policy. Any person receiving a report or a complaint alleging a violation of this policy by an elected official shall forward such information to the Department of Civil Rights Director, the Human Resources Director and the City Attorney who shall then jointly conduct a prompt, thorough and fair investigation into such allegations. The elected official being investigated shall receive the Notice of Investigation as set forth below. The Department of Civil Rights Director, the Human Resources Director and the City Attorney shall, upon completion of their investigation, issue a public report in compliance with sec. 19.356, Wis. Stats., redacting such information as necessary to protect the identity of the complainant and the cooperating witnesses.
9. **Notice of Investigation:** The Department/Division Head (or the Mayor under Para. 7) shall provide each respondent with notification that a complaint has been filed. Such person shall be provided a copy of the complaint unless doing so would present a danger of physical harm to the complainant or would present a substantial risk of impeding the investigation. The respondent shall also be reminded that such investigations are confidential and that retaliation is prohibited. The respondent shall be further advised that the complaint contains only allegations and that an investigation is being commenced to determine whether any violations occurred. A copy of the Notice of Investigation is attached to this policy (see Attachment 2).
10. **Withdrawal of a Complaint:** A complainant may withdraw their complaint at any time. However, before the City will allow such a person to withdraw their complaint, the investigators must first determine that there is no probable cause to believe that a violation of this policy has occurred and that the complainant's desire to withdraw the complaint is not motivated by a fear of retaliation or is the result of actual retaliation. The appropriate Department Head and the Department of Civil Rights Director shall jointly determine whether to discontinue the investigation. In the case of a complaint against a Department/Division Head/Mayoral Staff Member, such determination shall be made by the Mayor.

11. **Final Investigative Report:** The Investigator(s) shall prepare a final report which details the allegations made, the investigative measures undertaken, a summary of witness statements and the investigators' findings and conclusions. The investigators may consult with the City Attorney and the Department of Civil Rights Director in preparing this report. The emphasis of this report shall be upon determining what actually happened and whether any allegations of the complaint are sustained. This report shall not make any recommendations for discipline nor for corrective action. This report is due to the Department/Division Head within 15 days of the close of the investigation. The Department/Division Head shall determine whether to accept the report or to order additional investigation. A copy of this report shall be forwarded to the City Attorney and the Department of Civil Rights Director who may have 15 days to provide comment and review.

If the investigation involves allegations against a Department/Division Head, or a mayoral staff member, the report will be forwarded to the Mayor. A copy of this report shall be forwarded to the City Attorney and the Department of Civil Rights Director who has 15 days to provide comment and review.

12. **Corrective Action Plan:** Within 10 days of the receipt of the Final Investigative Report the Department/Division Head shall develop a Corrective Action Plan, in consultation with the Department of Civil Rights, the Human Resources Department and the City Attorney's Office, that addresses the proper courses of action to be undertaken for any sustained allegations of a complaint. The Corrective Action Plan shall encompass steps the Department/Division Head feels are necessary to correct and/or prevent future violations of this policy. These plans may include a requirement of mediation between the Complainant and the Respondent or any other individual(s). Copies of the final plan should be provided to the Department of Civil Rights Director, the Human Resources Director and the City Attorney. Final responsibility for disciplinary action resides with the Department or Division Head. If the investigation involves allegations against a Department/Division Head or Mayoral Staff Member the Mayor will prepare a Corrective Action Plan.
13. **Follow Up Contact:** The Complainant and the Respondent shall be notified of the results of the investigation by the Department of Civil Rights employee responsible for coordinating the investigation. Such notification shall be made as soon as practical after the final investigative report has been approved or as soon as practical after the Corrective Action Plan has been implemented, whichever event occurs last. If any allegations of a complaint are sustained, the employee's Department/Division Head should periodically make contact with the Complainant and affected employees to determine whether any employee has been the subject of any retaliation and whether the prohibited conduct has ceased.

Training Responsibilities

1. **Obligations of Department/Division Heads:** Department/Division Heads must take affirmative steps to ensure equal employment opportunities for all City employees. While such affirmative management will take many forms, the following steps are required:
 - A. Accept and announce responsibility for equal employment opportunities for employees of her/his department, division or work unit. Announce that all reported incidents of discrimination will be fully investigated and that proven violations will be met with appropriate sanctions, including, if indicated, disciplinary actions up to and including discharge.
 - B. Circulate this memorandum to all employees, at least once a year and review this policy with all lead-workers, supervisors and managers at least once each year. Ensure that, at the earliest date that training is available, arrangements are made for current, newly appointed or temporary supervisory personnel to attend City of Madison training on Conducting Employee Misconduct Investigations.
 - C. Cooperate with the Department of Civil Rights, the City Attorney's Office and the Human Resources Department in the development and implementation of necessary orientation, training and education programs aimed at defining and preventing violations of this policy. Ensure that all

employees receive this training as part of their new employee orientation training and at reasonable intervals throughout their careers with the City.

2. **Obligations of the Department of Civil Rights:** the Department of Civil Rights is the lead administrative unit for promoting the protections guaranteed under this policy. Its representatives function as a resource tool for all City employees, including managers and supervisors. The Department shall develop and provide training and education programs for all employees, including specialized training for supervisors, to help promote this policy and the goals embodied therein.



Paul R. Soglin
Mayor

APM No. 3-5
February 28, 2012

Original APM dated 8/30/1996
(Revised 10/17/2000, 9/25/2005)

SUBJECT: WEB LINKING POLICY

Purpose of the City's Internet Website

The City's Vision Statement is: "The City of Madison will be a safe and healthy place for all to live, learn, work and play." The City's website can facilitate that vision by providing useful information to its citizens, visitors and businesses. The City's website is used to enhance and promote the City, to make people aware of available community services, and to provide information about the City's operations and activities. The City's website is not a public forum for expressive activity. The City employs this website expressly for the purpose of expressing the City's messages and its vision of the City. This website thus constitutes an exercise of the City's government speech and not the creation of a public forum.¹

Background

Having a presence on the World Wide Web allows the City to link to other organizations' websites consistent with the above purpose. This is typically done in order to provide related information to someone coming to the City's website. The City exercises no editorial control over any of the information contained in these other organizations' websites. In addition, the City has no control over decisions made by these other organizations as to what websites to which they decide to link. As a result, it is possible that someone starting with the City's website could eventually link to information which may not be related to the City, or that the viewer may find offensive, or which may negatively impact the City's Vision Statement. Such links may interfere with the purpose to which the City's website is dedicated. While this cannot be totally prevented, we can attempt to minimize the probability of it happening by developing some guidelines that can be used in determining whether the City should link to an organization's website.

This APM applies to all City agencies.

Guidelines For Site Inclusion

- Government sites
- Tourism sites related to the greater Madison area
- Sites which contain community information, e.g., civic, recreational, educational and the like, for the greater Madison area
- Local news media sites or articles of relevance to the City of Madison
- School sites
- Library sites
- Sites which contain regional cultural information
- Benevolent and charitable organizations' sites that provide or promote local community services
- Sites for organizations which are funded by the City, e.g., through Community Services or CDBG
- Sites of non-profit professional organizations of which the City or its agencies are members

¹ See Pleasant Grove City, Utah v. Sumnum, 129 S.Ct.1125, 172 L.Ed.2d 853 (2009).

- Sites which contain information related to the greater Madison area deemed to be of use to the City, its citizens, visitors, or businesses
- Sites of a similar character to sites listed above which would likewise support the City's Vision Statement

Guidelines For Site Exclusion

- Sites containing information promoting any illegal activities
- Sites for which the focus is to market a particular commercial service or product (see Acknowledgements below)
- Sites containing information which would violate any of the City's Affirmative Action Policies, Equal Opportunity Ordinance, Ethics Ordinance, or which may be in violation of any other City ordinances, or State or Federal laws
- Sites unrelated to the City of Madison and the surrounding community
- Sites for a specific political candidate or political party—rather, the City may link to independent organizations such as the League of Women Voters
- Sites containing material which is harmful to minors
- Sites which are not consistent with the purpose of the City's Internet Website set forth above
- Sites containing material which is obscene, profane, defamatory, libelous or fraudulent

Acknowledgements

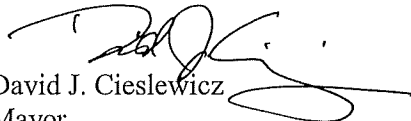
From time to time, a for-profit commercial company may partner with the City on a particular project and/or they may contribute towards a project. An acknowledgement for that company's contribution can be made. Including the company's logo along with the acknowledgement is also acceptable. In keeping with the above guidelines, no direct link should be made to the company's web pages.

Disclaimer

The City of Madison is not responsible for the content of any website to which it provides a link.

Decision Making Authority

Individual Department or Division Heads or their designees are responsible for deciding whether to include a link to another website on their department/division webpage. Prior to making this decision, such person shall consult with the Information Technology (IT) Director or his/her designee. The decision of the City as to whether to link to another website is a matter purely within the discretion of City officials and is not subject to review or appeal. However, any denial of a request to provide a link should be documented and forwarded to the IT Director. Links will be removed if found to violate this APM.


David J. Cieslewicz
Mayor

APM No. 3-13
December 10, 2010

FROM THE OFFICE OF THE MAYOR

ADMINISTRATIVE PROCEDURE
MEMORANDUM NO. 3-18

SUBJECT: Use of City of Madison Logo

Purpose: The City of Madison's official logo, as set forth below, is a symbol of authority and jurisdiction of the City. As such, it is a valuable asset of the City and its citizens. To guarantee only appropriate uses are made of the City's official logo the following APM is promulgated.

Definition: "City logo" or "logo" means that logo recorded July 2, 2014 with the Wisconsin Department of Financial Institutions, as illustrated below:



Official Use: The official City logo is a trademarked property of the City. Use of the City logo shall be for official purposes only or as authorized by the Mayor's Office. The following are pre-approved official uses:

1. Use of the logo on any official City of Madison document, including but not limited to, stationery, letterhead, report and report covers, envelopes, memorandums, faxes, employee and elected officials' business cards, official website(s), building signage, name tags and name plates.
2. Use of the logo by the Greater Madison Chamber of Commerce, for their marketing materials, on their website, and in their printed materials for marketing efforts to businesses, attractions and development.
3. Use of the logo by an entity approved by the Mayor's Office for apparel purchased by City employees and elected officials, provided those purchases are transacted while the employees and elected officials are still serving the City in their official capacities.
4. Reproduction of the City logo for illustrative purposes by the news media if the reproduction in the news media is incidental to the publication or broadcast. Nothing in this APM is intended to prohibit a characterization of the City logo from being used in political cartoons.

Permissible Uses with Approval: Any request for use of the City logo shall be submitted in writing to the Mayor's Office (or designee) at least four (4) weeks in advance of the date needed. The Mayor (or designee), in consultation with the City Attorney's Office (or designee), shall decide whether to approve the requested use. The Mayor's Office (or designee) will send a written response to the requestor within five (5) business days of the decision by the Mayor. The following uses of the logo require approval from the Mayor's Office:

1. Specific events benefitting the City of Madison.
2. Specific events in which the City of Madison is either a sponsor of the event or the event host.
3. Museums, libraries, historical organizations and other similar kinds of organizations that provide cultural resources to City of Madison residents and visitors to the City.
4. Private foundations and entities that are primarily dedicated to supporting a program or initiative advanced and/or operated by the City.

Prohibited Uses:

1. The City logo shall not be used in connection with any election issue, electioneering, or campaign related to any election issue.
2. The City logo shall not be used in connection with any advertisement or promotion for any product, service, business, organization or event without prior approval from the Mayor's Office.
3. With the exception of the official uses listed above, the City logo may not be placed or used on a product or article (including articles of clothing) if that product or article will be sold to the public or end user of the product or article. With prior approval from the Mayor's Office, and with the express assurance from the requestor that the product or article will be offered without charge to the public or the end user of the product or article, the City logo may appear on that product or article of clothing.
4. Any symbol that imitates the City logo or that is deceptively similar in appearance to the City logo.
5. Any improper or unapproved use of the logo not specifically described in the City of Madison Logo Style Guidelines, <http://www.cityofmadison.com/employeeenet/resources/logo/>.

Reservation of Rights: The City of Madison reserves the right to deny a requested use of the City logo to any business, organization or entity if the City determines the business, organization or entity does not meet the criteria set forth in this APM. This APM may be revised at any time, without prior notice, when a revision of this APM is deemed by the Mayor's Office and/or the City Attorney's Office to be in the best interests of the City of Madison.

Penalty for Violation: Any person, organization or entity who willfully violates this APM shall be subject to any and all remedies available to the City under the law, including a suit for damages or injunctive relief.

A handwritten signature in black ink, appearing to read "Paul R. Soglin". The signature is fluid and cursive, with a large initial "P" and a stylized "S" at the end.

Paul R. Soglin
Mayor

APM No. 3-18
December 5, 2014