

## Chapter 2: Officers, Bodies, & Employees

### 2-1 Volunteer accounts authorized under Wis. Stat. § 66.0608.

- A. The Town grants the members of any fire department, emergency medical technician department, or first responder department serving the Town the exclusive control over the deposit and expenditure of volunteer funds of such a department.
1. "Volunteer funds" means funds that are raised by the members of the volunteer department, by other volunteers, or by donation to the volunteer department, for the benefit of the volunteer department.
  2. The department shall use an account in the name of the department in a public depository.
  3. "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state which receives or holds any public deposits or the local government pooled investment fund.
  4. The respective department's Chief or that person's designee is designated as the department member who shall have control over the deposit and expenditure of the volunteer funds.
  5. Specific uses of the volunteer funds shall be determined by the Chief or that person's designee.
  6. The Chief or that person's designee shall provide to the Town Board a report describing the collection, deposit and uses made of the volunteer funds upon its request.
  7. Notwithstanding this Ordinance volunteer funds shall remain the property of the Town until the funds are disbursed.

### 2-2 Board of Review.

- A. Alternate members for Board of Review.
1. Pursuant to Wis. Stats. §§ 70.47(1) & (6m)(c), the Town establishes and shall maintain a public list of names of persons eligible and appointed

by the Town Board to serve as alternate members of the Board of Review.

2. The list shall be arranged and maintained by the Town Clerk in a priority order of probable and likely service as an alternate and kept in the office of the Clerk. The Town Clerk shall notify any named member who has been lawfully removed under Wis. Stats. §§ 70.47(6m)(a) or (b), and shall then notify the alternate member of his or her appointment to replace another member of the Board of Review. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Wis. Stat. § 19.59, shall then take the oath of office and act as a member of the Board of Review under Wis. Stat. § 70.47(6m) (c).
3. In addition, the appointed Town Clerk (if there is one), if a resident of the Town, is appointed with this Ordinance as a regular voting member of the Board of Review.

B. Confidentiality of income and expense records.

1. The Town provides by this Ordinance for the confidentiality of information about income and expenses that is provided to the Assessor pursuant to Wis. Stat. § 70.47(7)(af), with the necessary exceptions for persons using the information in the discharge of duties imposed by law or the duties or their office or by order of a court.
2. Information provided to the Town pursuant to Wis. Stat. § 70.47(7)(af) is not subject to the right of inspection and copying pursuant to Wis. Stat. § 19.35(1), the state public records law, unless a court determines that it is inaccurate.

C. Procedures and criteria for allowing alternative forms of sworn testimony.

1. Pursuant to Wis. Stat. § 70.47(8) the Board of Review may consider requests from a property owner or the property owner's representative to appear before the Board under oath by telephone or to submit written statements under oath to the Board of Review.
2. In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
  - a. The legal requirement to provide notice of intent to appear at Board of Review must be satisfied; and

- b. An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the Board of Review as required by law.
  - c. If the two requirements above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the Town Clerk. Such requests must be submitted in time to be considered by the Board at the first meeting of the Board of Review.
3. The Board may consider any or all of the following factors when deciding whether to grant or deny the request:
- a. The requester's stated reason(s) for the request as indicated on the PA-814;
  - b. Fairness to the parties;
  - c. Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony;
  - d. Ability to cross examine the person providing the testimony;
  - e. The Board of Review's technical capacity to honor the request; and
  - f. Any other factors that the Board deems pertinent to deciding the request.
- D. The Town Board shall set forth the salaries of the members of the Board of Review.

2-3 Election workers.

- A. The Town Clerk shall have discretion to reduce the required number of election officials at a polling place from 7 to 5 or 3.
- B. The Town Clerk shall have discretion to utilize one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

- C. The Town Clerk shall have discretion for the selection of alternate officials or the selection of two (2) or more sets of officials to work at different times on election day, and may establish different working hours for different officials assigned to the same polling place.

2-4 Parliamentary Procedure.

- A. Members of a Town body may fully participate in meetings via teleconference or videoconference.
- B. Any participation in a meeting under Section 2-4.A must still comply with the Wisconsin Open Meetings law, Wis. Stat. ch. 19 subch. V.

2-5 Elimination of tax collection bond.

- A. The Town Treasurer is exempted from giving the bond specified in Wis. Stat. § 70.67(2).
- B. The Town hereby obligates itself to pay, in case the Town Treasurer fails so to do, all state and county taxes that the Town Treasurer is required to pay to the County Treasurer.

2-6 Grievance procedure

- A. Purpose. This grievance procedure is adopted pursuant to Wis. Stat. § 66.0509(1m) and is intended to provide a timely and orderly review of disputes regarding: employee terminations, employee discipline, and workplace safety.
- B. Definitions for terms used in this procedure are the following:
  - 1. "Days" means calendar days, excluding legal holidays as defined in Wis. Stat. § 995.20.
  - 2. "Discipline" means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, nondisciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal

investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

3. "Hearing Officer" means the impartial hearing officer required pursuant to Wis. Stat. § 66.0509(1m)(d)2. The hearing officer is selected by the town board.
4. "Termination" means a discharge from employment for rule violations, poor performance, acts detrimental to the employer, other acts of misconduct, or termination of employment due to medical condition, lack of qualification, or license. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period, retirement, job abandonment ("no call, no show" or other failure to report to work), or any other cessation of employment not involving involuntary termination.
5. "Workplace Safety" means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

C. Process and Timelines:

1. The employee must file a written grievance with the Town Clerk within 10 days of the termination, discipline, or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the Town Clerk. The Town Clerk shall inform the employee's immediate supervisor and the Town Chairperson about receipt of the written grievance as soon as practicable.
2. The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the Town Clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the Town Chairperson who shall then provide the written response.

3. The employee may request an appeal to a hearing officer by filing a written request with the Town Clerk within 10 days of receiving the written response. The Town Clerk shall notify the Town Chairperson and employee's supervisor about the filing of the request for a hearing as soon as practicable. The Town shall work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
4. The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the Town Clerk with a copy of the decision for filing in the Town Clerk's office.
5. The non-prevailing party may file a written request with the Town Clerk for an appeal to the Town Board within 10 days of receipt of the hearing officer's decision. The Town Clerk shall notify the Town Chairperson about the request as soon as possible. The Town Board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The Town Board may sustain, deny, or modify the recommendation of the hearing officer. The decision of the Town Board shall be final and binding. A copy of the Town Board's decision shall be provided to the employee and filed in the Town Clerk's office.
6. All timelines may be extended by mutual written agreement of the Town Board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
7. If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the Town Clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
8. If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
9. The grievant and Town Board may mutually agree in writing to waive a step or multiple steps within the procedure.
10. Granting the requested or agreed upon remedy resolves the grievance.

D. Grievance Requirements. The written grievance must contain:

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

E. Supervisor's Response. The supervisor's written response to the employee's written grievance must contain:

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

F. Procedure Before the Hearing Officer:

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

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

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

G. Hearing Officer's Decision. The hearing officer's written decision must contain all of the following:

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

H. Representation:

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

I. Consolidation:

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

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

J. Costs:

Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half.

2-7 Plan Commission.

A. The Town shall have a 5-member Plan Commission under Wis. Stat. §§ 60.62 & 62.23.

2-8 Appointment of the Town Clerk and Treasurer.

- A. Pursuant to Wis. Stat. § 60.30(1e)(a), the office of the town clerk and the office of the town treasurer shall be filled by appointment of a majority of the members-elect of the town board.
- B. The term of office for the appointed position(s) shall be set by the town board, but may not exceed 3 years per§ 60.30(1e)(c). The town board may re-appoint the officer(s) for additional terms. However, removal by the town board during a given term of office may only be for "cause" as defined under§ 17.001 as is required by§ 60.30(1e)(f).
- C. This ordinance is subject to approval by the town electors in a referendum, which is hereby called by the Town Board to be held on November 5, 2024. The referendum questions shall be:  
  
"Shall the person holding the office of town clerk in the Town of Easton be appointed by the town board?"  
  
"Shall the person holding the office of town treasurer in the Town of Easton be appointed by the town board?"
- D. The salary of the appointed positions shall be set by the town board.

(Ord. 03/11/2025)