RESOLUTION OF THE COMMON COUNCIL	
Authorizing and directing the proper city official(s) to approve *the elimination of the requirement to verify references during the hiring process. This resolution does not eliminate the ability to check references, if a need should arise. The City will continue to complete a background check for applicable positions. Reference check information is limited to dates of employment, and if authorized, salary information. The purpose of this change is to eliminate steps in the hiring process that do not add value and slow the process.* *Committee* *Personnel Committee recommends approval 3-0* *Fiscal Impact: None*	
File Number: R-25-2022	**Date Introduced:** January 25, 2022

WHEREAS, the Personnel Committee approved the recommendation to authorize the Human Resources Department to eliminate the verification of references as part of the standard hiring process. If it is determined that a reference should be verified the step can be added back into the process on an as needed basis.

WHEREAS, the Personnel Committee met on January 3, 2022 to review the request remove the reference verification as a requirement, and

WHEREAS, the Personnel Committee recommends approval (3-0) to accept the removal of the requirement to contact references now therefore,

BE IT RESOLVED by the Common Council of the City of Stoughton that the proper city official(s) be hereby authorized and directed to remove the requirement of checking references.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

_____ _____

Timothy Swadley, Mayor **Date**

Council Action: _____ ☐ **Override** **Vote** _____

Hiring Policy – Leadership

1.0 Purpose

This policy and procedure outlines the steps taken when hiring a leadership position.

2.0 Policy & Procedure

Hiring process for an existing Leadership Position: The Mayor and/or Director of Human Resources & Risk Management shall inform the Personnel Committee that a Leadership Position has been or will be vacated. The Mayor will notify the Council of the vacancy. The Mayor and the Director of Human Resources & Risk Management will review the position description and see if changes or updates are necessary. The Personnel Committee will meet to discuss the position description and review any potential changes.

If no changes to the Position Description: The Personnel Committee will provide the authorization for the Human Resources & Risk Management Director to move forward with the hiring process with no changes to the position description.

If changes to the Position Description: The Mayor and Director of Human Resources & Risk Management will review the position description and make the requested changes to the Position Description to evaluate with the Personnel Committee. The Personnel Committee will review and may recommend additional changes. Provided the Personnel Committee votes tomove the changes forward, the position description along with the recommended changes, would then be presented to the City Council for approval.

If changes for the position description are approved by the Council: The Director of Human Resources & Risk Management will begin the recruiting process once the position description changes have been approved by the City Council.

If changes for the position description are not approved by Council: No Action will be taken by Director of Human Resources & Risk Management to begin recruiting and will meet with the Mayor to discuss Council's directive, if provided.

Creating a new Leadership position:

A new Leadership Position requires the advice of the Mayor, Human Resources & Risk Management Director and the Personnel Committee and with final approval of the Council. The Personnel Committee must be provided with a Job Title, Job Description and recommended pay range as provided by the Human Resources & Risk Management Director for review. After approval by the Personnel Committee the proposed Job Description and pay range must be approved by the Council before the recruiting process begins.

Leadership positions to be filled in the Police or Fire Departments:

Police and Fire Leadership positions are directed and approved by the Police and Fire Commission (PFC).

The Director of Human Resources & Risk Management receives direction from the PFC regarding the recruiting process. The Human Resources & Risk Management Director is to attend the interviews and PFC candidate selection meeting. The creation of the position description and approval to move forward with the hiring process must be approved by the Personnel Committee and Council prior to recruiting and hiring. Leadership positions to be filled at the Library: Library Leadership positions are directed and approved by the Library Board. The Director of Human Resources & Risk Management receives direction from the Library Board regarding the recruiting process. The Human Resources & Risk Management Director is to attend the interviews and PFC candidate selection meeting. The creation of the position description and approval to move forward with the hiring process must be approved by the Personnel Committee and Council prior to recruiting and hiring. Recruitingefforts will be initiated and managed by Human Resources & Risk Management Department and in consultation with the Personnel Committee and appropriate staff, in conformance to Federal, State and local requirements.

Posting of the positions (new or replacement) internal and external recruiting will occur concurrently. The job posting will take place on the City's Website and other advertising options such as websites and/or newspaper(s) and other recruiting venues.

All applications shall be submitted to the Director of Human Resources & Risk Management for review. The Director of Human Resources & Risk Management will forward and review the applications with the Mayor and designees, if applicable, to determine which candidates will be interviewed.

The Interview Panel will consist of the Mayor or designee, a Personnel Committee Alderperson, if available, or non-Personnel Committee Alderperson. Other participants may include appropriate City employee(s) or non-City employee(s) with the appropriate technical/professional background.
Director of Human Resources & Risk Management or their designee will participate in all interviews. The Interview Panel may help develop questions for the prospective interviewees and develop benchmark answers for those questions. The Director of Human Resources & Risk Management will provide the interview protocol and forms to be used by the InterviewPanel.

The Interview Panel will interview up to five (5) candidates. Following the interview, the panel will discuss the candidates and determine if a second round of interviews are needed of if they have a recommendation for hire. It is recommended but not required that members of Leadership be given the opportunity to participate in the interview process through a second round of interviews. Final applicant or applicants for all Leadership positions are screened by Human Resources & Risk Management which includes: Background check, Drug/Alcohol screening, physicals, reference verification if applicable and any otherscreening of testing that is deemed necessary for the position.

Human Resources & Risk Management will send a contingent offer of employment to the candidate. The offer will include the position title, compensation, status along with the start

date and time. Orientation of the new employee will be conducted by the Human Resources & Risk Management Department. The Orientation will include the required new hire paperwork. The Work Rules and Safety Rules will be distributed to the new employee and reviewed with the employee by the Leadership member for the Department or the immediate Supervisor. Specific safety rules, all work rules and department specific polices will be reviewed and discussed with the Supervisor or Department Head.

3.0 Exhibits / Appendices / Forms

4.0 Document History

5.0 Council Approved

August 24, 2021

Background Checks Policy

1.0 Purpose

The City of Stoughton believes that hiring qualified individuals to fill positions contributes to the overall success of the City. Background checks serve as an important part of the selection process. This type of information is collected as a means of promotinga safe and productive work environment for current and future City employees.
Background checks also help the City obtain additional applicant related information that helps determine the applicant's overall employability and future conduct/performance, ensuring the protection of the employees, citizens, property and information of the City.

2.0 Policy Details

The City may conduct a background check on prospective employees and/or candidates with a contingent offer of employment. A background check provides the City an opportunity to obtain information from other sources about the candidate's work history, determine to what extent the work experience of the candidate is related to City needs and to identify job related concerns.

The City follows this procedure for volunteers or applicants for volunteer positions with the City (for example volunteers serving vulnerable populations, handling financial transactions, or representing the City with the general public).

A. Employment Eligibility

The City is required by law to check identity and authorization for employment in the United States. The Bureau of Citizenship and Immigration Services (BCIS) provides the I-9 form for the City to utilize in documenting verification of employment eligibility. This must be verified by the examination of acceptable documents presented by the candidate for employment and completion of the I-9 form within three (3) business days of hire. The I-9 form will be completed by the Human Resources & Risk Management Department.

B. Verification of Submitted Application Information

The City may seek confirmation of background data (such as dates of employment, salary, position and duties, education and professional licenses) andcompetency with respect to certain job-related skills (such as attendance, dependability, judgment and initiative). Background checks of all regular and volunteer City positions except minors.

C. Past Employer Checks

The City may contact a candidate's previous employer(s). The candidate's current employer(s) will only be contacted after agreement from the candidate. The Human

Resources & Risk Management Director or their Designee will contact the candidate's immediate Supervisor(s).

D. Criminal Records

Applicants are required to respond to questions regarding convictions and pendingcriminal charges, if applicable, on the City's employment application.
Pending criminal charges and conviction history information may not be used against candidates for employment, unless the conviction or pending criminal charge substantially relates to the circumstances of the particular job. In reviewing applicable convictions and pending charges, the City will consider the relationship between the conviction and the position, the nature of the conviction, the number of convictions, rehabilitation efforts and the applicant's fitness for the job.

E. National Criminal Records & Caregiver Background Checks for Applicants, Employees and Volunteers

Police and Dispatch applicants, applicants or volunteers serving vulnerable populations, who work with children or who qualify as a "caregiver" under Wisconsin law (Chapter HFS12 of the Wisconsin Administrative Code) may have a national criminal records check screening completed, including caregiver check through the Wisconsin Department ofHealth and Family Services (as required). The purpose of this criminal history check will beto determine if a prospective or current employee or volunteer has been convicted for acrime that affects their ability to provide for the safety and well-being of children, the elderly or individuals with disabilities. Fingerprints may be obtained by going to the City's Police Department.
A review of driving records is required for all City positions that involve operation of a motor vehicle. Prior to an offer of employment or promotion to a position that requires driving, the City may review the records indicated below against a specific set of screening criteria to evaluate whether the record is acceptable, questionable or unacceptable. In addition, the screening may also take into account how much experience is needed, and what types of vehicles and/or equipment the candidate used in the past.

The City will perform the following driving record reviews:

1. Driver License verification: A candidate's license will be verified to ensure that it has not expired, and to confirm the listed operating classes (A, B, C, D, M), endorsements (T, P, N, H, X) and any restrictions (i.e. air brakes, corrective lenses, etc.)

2. Motor Vehicle Record (MVR) review: This details the accident and traffic history of a candidate over the previous three-year period, and will be compared against the following MVR qualification guidelines to determine if the driving record is acceptable.
    a. Minimum Qualification Guidelines: The following are minimum driver qualification guidelines for consideration by the City:
        1. Must have a valid Driver's License at time of appointment and be maintained during their incumbency.

2. Meet the minimum posted licensing requirements for the position.
3. Condition of Employment: It is a condition of employment for City employees who operate motor vehicles or equipment to have an acceptable driving record. Based on the Motor Vehicle Record (MVR) review, a candidate will not be considered for employment if any of thefollowing have occurred during the last three-year period:
4. Conviction of a felony related to the job position.
5. Conviction for the sale, handling or use of drugs.
6. Cancellation, declination or non-renewal of vehicle insurance.
7. Conviction of a drug or alcohol offense while driving.

3. Suspension or revocation of Driver's License. The following violations (defined below) may impact whether a candidate obtains employment with the City:

1. One or more Type A violations in the preceding three-year period.
2. Two or more Type B violations in the preceding three-year period.
3. Three or more Type C violations in the preceding three-year period.
4. One Type B violation and two Type C violations in the preceding three-year period.
   a. Type A Violations: Includes, but not limited to: driving with a revoked or suspended license, DWI, reckless driving, fleeing or evading police, resisting arrest, hit and run, failure to report an accident, involuntary manslaughter or negligent homicide using a motor vehicle, operating a motor vehicle for the commission of a felony, excessive speeding (16 mph above the posted speed limit), and drag racing.
   b. Type B Violations: All vehicle accidents, regardless of fault.
   c. Type C Violations: Includes all moving violations not classified as Type A or B: speeding, improper lane change, failure to yield, failure to obey a traffic signalor sign, and careless driving.
   d. Type D Violations: Includes all non-moving violations: illegal parking and vehicle defects. CDL Operators will be requested to provide a ten-year employment history as part of the application process (per Federal DOT standard 49 CFR), and must comply with the City Drug and Alcohol-Free Workplace Policy and consent to testing as defined by the DOT and City policy.

G. Background Investigations

A background investigation may be conducted for select City positions, due to the sensitive nature or type of work performed, if required by the position description. Generally, a background investigation attempts to gather information determined to be relevant to a candidate's performance of a job. For example, the Law Enforcement Standards Board describes the background investigation as a search of information relevant to the issue of whether the candidate possesses the following five (5) Performance-Related Behavioral Characteristics: dependability, honesty, judgment, social stability, and assertiveness. The background investigation goes beyond contacting individuals identified in a candidate's application as "references", and may include any one of the following: personal data, residence information, family relationships, personal references, education, military service, employment, financial history, civil/criminal

litigation history, motor vehicle and driver's license history. The following City positions require background investigations as part of the selection process: Police and Department Heads. Psychological evaluations are required for Police and Dispatch.

H. Credit Checks

City positions that have responsibility for initiating or affecting financial transactions may be required to submit to a credit check. These responsibilities may include, but are not limited to: collecting or handling cash or checks, writing checks or approving them, access to a direct money stream or being a fiduciary to the City.

For any position where a consumer or credit check is required, the check will be conducted by a consumer reporting agency, and will be held in compliance with all Federal and State statutes and collected consistent with the guidelines set forth by the Fair Credit Reporting Act (FCRA).

1. Prior to requesting the FCRA report, the City will notify the candidate or employee with a conspicuous written disclosure (in a document separate from the application) indicating a report will be requested and obtain their written authorization.
2. The City will provide certification to the consumer reporting agency that compliance with the FCRA and all other applicable equal employment opportunity laws and regulations will be adhered to.
3. Prior to taking an adverse action based on the report, a *pre-adverse action disclosure notice* will be provided to the candidate or employee that includes a copy of the individual's consumer report and a copy of the Federal Trade Commission's (FTC) document "A Summary of Your Rights Under the Fair Credit Reporting Act", which includes their ability to dispute inaccurate information. Once notified, the candidate or employee will be given the opportunity to correct or explain any information included in the report before the City takes the adverse action.
4. The City will provide written notification to the candidate or employee of the following: (1) the adverse action taken; (2) the name, address and telephone number of the consumer reporting agency that furnished the consumer report; (3) a statement that the consumer reporting agency that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; (4) a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and their right to an additional free consumer report from the agency upon request within 60 days.

I. Record-keeping

Information attained as part of the background checks process will be usedas part of the employment process and will be kept strictly confidential. The Human Resources & Risk Management Director will store and maintain the information obtained aspart of a background check. Any City employee who has authority to conduct a background check should forward all pertinent documentation to the Human Resources & Risk Management Director. The Human Resources & Risk Management Director and the Human

Resources & Risk Management Generalist will only have access to this information, which will be kept separate from the employee's personnel file.

J. Legal Restrictions

Background checks must be conducted in compliance with anti-discrimination laws. Therefore, inquiry about an applicant's race, color, sex (including pregnancy and sexual orientation), national origin, age, disability, religious observation or practice, ancestry, creed, handicap, marital status, arrest record, conviction record, sexual orientation, membership in the National Guard, State defense force on any reserve component of the military force of the United States or this State, use or nonuse of lawful products off the employer's premises during non-working hours, unfair honesty testing, genetic testing or any other protected class under Federal, State or local law is expressly prohibited.

The background check procedure should not question reference givers in a manner which elicits information specifying the candidate's membership in a protected class. The only information that can be collected is that pertaining to the quality and quantity of work performed by the applicant, the applicant's education, and other issues that impact the workplace.

The City will make inquiries regarding criminal records during the pre-employment or contingent offer State. However, in keeping with the Wisconsin Fair Employment Act, this information will not be used as a basis for denying employment, unless the circumstances of the conviction or pending criminal charge (arrest) substantially relate to the circumstances of the particular job applied for.

K. Providing References

Wisconsin law allows references to be given to prospective employers in good faith and protects employers from civil liability for reference provided in good faith. Per Wisconsin State Statute 985- 487(2) "*An employer who, on the request of an employee or a prospective employer of the employee, provides a reference to that prospective employer is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from all civil liability that may result from providing that reference. The presumption of good faith under this subsection may be rebutted only upon a showing by clear and convincing evidence that the employer knowingly provided false information in the reference, that the employer made the reference maliciously or that the employer made the reference in violation of ss. 111.322*". All inquiries regarding a current or former City employee must be referred to the Human Resources & Risk Management Director, including telephone and written requests.

Information is not provided over the telephone. The Human Resources & Risk Management Department must have a signed release from the employee. Reference letters are prohibited from being issued on any current or former City employee, without prior permission from the Human Resources & Risk Management Director.

No other data or information regarding any current or former City employee, or their employment with the City will be furnished unless the employee authorizes the City to furnish this information in writing that also releases the City from liability in connection with furnishing of this information or the City is required by law to furnish the information.

3.0 Procedures

Guidelines for Conducting Reference Checks

Reference checks are conducted by the Human Resources & Risk Management Department. Human Resources & Risk Management will verify that the City application box that gives authorization for the City to contact references is checked. The following guidelines should be utilized to help prepare for the reference check.

1. Following the interview, it will be determined for which candidate(s) the Human Resources &Risk Management Department is to verify references.
2. Contact the former employer(s) first. In each contact, request the name of others who worked with the candidate and know their performance.
3. Contact may also be made with anyone who may have knowledge about the candidate, or who may direct the City to someone else.
4. Complete the reference check form.

4.0 Exhibits / Appendices / Forms

5.0 Council Approved

August 24, 2021

Limited Part-Time or Seasonal Hiring Policy

(600-1199 hours annually)

1.0 Purpose

This policy outlines the limited Part-Time and seasonal hiring process.

2.0 Policy Details

1. Human Resources & Risk Management receives the Request for Personnel Form from the Department Head.
2. Human Resources & Risk Management works with the Department Head to determine recruiting methods including posting on the City's Website. Recruiting may include other recruiting websites, association websites, newspapers etc.
3. All interested parties must complete and submit an application form to Human Resources & Risk Management by the application deadline to be considered.
4. Applications will be screened by Human Resources & Risk Management to determine if the candidate meets the minimum requirements. Testing may be used.
5. Review of application form with emphasis on:

    a) Past work experience
    b) Past experience directly relating to the job
    c) Education
    d) Attained job related skills
    e) Certifications or licenses

6. Depending on the responsibility of the position reference checks may be completed.
7. Department Head and Human Resources & Risk Management will interview the top final candidates. The Interview panel is optional.
8. Provide the candidate with following information pertaining to job:

    a) Duration of employment
    b) Wages
    c) Duties and Responsibilities

9. Human Resources & Risk Management will offer the position(s) to individual(s) selected.
10. Human Resources & Risk Management will send notice to individuals not selected.
11. Orientation and Training - Completed by Human Resources & Risk Management and the department for which they will be working.

3.0 Procedures

4.0 Exhibits / Appendices / Forms

5.0 Council Approved

Hiring Policy – Full & Part-Time Positions

(Does Not Include Leadership)

1.0 Purpose

This policy outlines the steps taken when a position has been approved for recruitment of a non-leadership Full-Time or Part-Time position.

2.0 Policy Details

The Department Head will review the position description to see if changes are needed.
IF NO: Go to section one (1) "Recruiting for an Existing Position with No Changes to the Position Description".
IF YES: Go to section two (2) "Recruiting for an Existing Position with Changes to the Position Description".
If creating a new non-leadership position: Go to section three (3) "Creating a New Non-Leadership Position with a New Position Description".

NOTE: Police, Fire (excluding dispatchers), and Library personnel are hired by the Police and Fire Commission and Library boards, respectively, in accordance with State Statutes. The Personnel Committee and City Council are not involved in the hiring of these positions. The Human Resources & Risk Management Department and Department Head works directly with the PFC and Library Boards in regards to job posting, candidate selection, interviews, background checks, and offer of employment. Human Resources & Risk Management and Department Head review the position description and sets the schedule for hiring with the Department Head.

I. Recruiting for an Existing Position with No Changes to the Position Description

The Department Head notifies the Human Resources & Risk Management Director and Department Head regarding the opening.
See Procedure.

II. Recruiting for an Existing position with Changes to the Position Description

Leadership contacts the Human Resources & Risk Management Director the opening along with the position description changes. The Director of Human Resources & Risk Management reviews there quested changes.

Minor changes to Position Description: wordsmithing, adding duties of the same nature; with no grade level changes: the Director of Human Resources & Risk Management will approve the changes and update the position description. Human Resources & Risk Management will start the recruiting process.

Major changes to Position Description: new duties that will affect the grading of the position. Position description will be updated and graded. The Director of Human Resources & Risk Management will meet with the Department Head to discuss pay grade and if funding is available. If yes, position description will be presented to the Mayor, Personnel and Finance Committees. If approved, the Director of Human Resources & Risk Management will present to Council for final approval.
If approved by Council approval the recruiting process will begin.
See Procedure

Creating a New Non-Leadership Position with a New Position Description
Request for a new position requires the advice of the Mayor and recommendation from the Personnel and Finance Committees to go to Council for final approval. The Department Head will work with the Director of Human Resources & Risk Management to write the position description Human Resources & Risk Management will complete the position grading. The Personnel Committee will be provided with a Position Description and recommended grade level.

If denied by the Personnel or Finance Committee: no action will be taken.

If approved by the Personnel Committee: The Director of Human Resources & Risk Management will forward the request to Finance and Council. Council will be provided with the resolution, a Position Description and recommended grade level.

If approved by Council the recruiting process will begin.
See Procedure.

3.0 Procedures

Human Resources & Risk Management will post the position. Recruiting occurs concurrently both internally and externally. The posting will take place on the City's Website and other advertising locations. An email regarding the open position is also sent to City Network employees and a hard copy posted at City Hall.

All applications shall be submitted to Human Resources & Risk Management for review. The Director of Human Resources& Risk Management will review the applications. Human Resources & Risk Management will work with the Department Head or Designee to determine the number of candidates to be interviewed (minimum of one (1) up to five (5)). Human Resources & Risk Management Department Director or Designee will select the interview panel. If possible, a member of Council will be present during interviews (does not include LTE, Part-Time or Seasonal positions).

Following the interview, the panel will discuss the candidates and determine if a second round of interviews is needed or if they have a recommendation for hire. Second interviews are not required. The final candidate is screened by Human Resources & Risk Management including: background check, drug/alcohol screening, physicals, reference verification if applicable and any other screening deemed necessary for the

position. Human Resources & Risk Management will contact the final candidate to make the contingent offer and send a contingent offer letter of employment to the candidate. Theoffer will include the position title, compensation, status along with the start date and time. Orientation of the new employee will be conducted by Human Resources & Risk Management.

Candidates who were interviewed, but not selected, may be considered for up to one year for like positions.

4.0 Exhibits / Appendices / Forms

5.0 Council Approved

August 24, 2021