

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a supervisor or the **Town of Osceola** Personnel Committee, and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

#### **D. PROHIBITED CONDUCT**

1. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
2. All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions.
  - If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty.
  - The employee's supervisor or the Town's Personnel Committee will determine if the safety sensitive employee should be relieved of their on-call responsibilities.
  - If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.
3. The Town of Osceola shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
4. All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
5. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within (4) four hours of performing a safety-sensitive duty.
  - However, if a safety-sensitive employee has a concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
    - The employee's alcohol concentration measures less than 0.02; or
    - The start of the employee's next regularly scheduled duty period, but not less than (8) eight hours following administration of the test.
6. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
7. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

8. The Town of Osceola, under its own authority, also prohibits the consumption of alcohol during lunch periods, rest breaks, split shift breaks, or anytime the employee is on duty.
9. Consistent with the Drug-free Workplace Act of 1988, all Town of Osceola employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace, including Town of Osceola premises, transit vehicles, while in uniform, or while on Town of Osceola business.

#### **E. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1988, all employees are required to notify Town of Osceola management of any criminal drug statute conviction for a violation occurring in the workplace within (5) five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section H of this policy.

#### **F. TESTING REQUIREMENTS**

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40, as amended.

All covered employees shall be subject to testing prior to performing a safety-sensitive duty, for reasonable suspicion, random and following an accident. Upon notification of a drug or alcohol test, a covered employee will be instructed to proceed directly to the collection site.

A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or just after the performance of a safety-sensitive job function. Under Town of Osceola authority, a non-USDOT alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with the Town of Osceola. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section H of this policy.

##### **Pre-Employment Testing**

All applicants for covered transit positions shall undergo USDOT urine drug testing prior to the performance of a safety-sensitive functions in accordance with procedures set forth in 49 CFR Part 40. All applicants for a non-safety-sensitive position shall undergo a non-USDOT pre-employment drug test prior to hire. All offers of employment (including a transfer into a safety-sensitive position) shall be extended conditional upon the applicant passing a pre-employment drug test.

1. A safety sensitive applicant shall not be allowed to perform a safety-sensitive duty unless the applicant takes a USDOT pre-employment drug test with verified negative results.
2. A non-safety-sensitive employee shall not be placed, transferred or promoted into a covered position until the employee takes a USDOT drug test with verified negative results.
3. If the applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded, and the applicant will be referred to a **Substance Abuse Professional (SAP)**<sup>1</sup>
  - Before an applicant who fails a pre-employment drug test can be considered again for employment in a covered position, the applicant will be required to have:
    - a. A verified negative drug test.
    - b. Evidence of the absence of dependency from a SAP that complies with 49 CFR Part 40 (as amended).
4. When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with **Section H**.
5. If a pre-employment/pre-transfer test is canceled, **Town of Osceola** will require the safety-sensitive applicant to take and pass another pre-employment drug test before performing safety-sensitive functions.
6. If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.
7. A safety-sensitive applicant with a dilute negative test result will be required to retest
  - Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed by the **Medical Review Officer (MRO)**<sup>2</sup>.
8. Safety-sensitive applicants are required (even if ultimately not hired) to provide their signed written release to **Town of Osceola** requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the safety-sensitive applicant has worked for within the last two years.

<sup>1</sup> A Substance Abuse Professional (SAP) is a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap> with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

<sup>2</sup> A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. To be qualified to act as an MRO in the USDOT drug testing program an MRO must meet the requirements listed in 49 CFR Part 40 Section 40.121.

- Failure to do so will result in the employment offer being rescinded.

9. The Town of Osceola is required to ask all safety-sensitive applicants (even if ultimately not hired) if they have tested positive or refused to test a pre-employment test for a DOT covered employer within the last two years.

- If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the safety sensitive applicant must provide Town of Osceola proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

The Town of Osceola reserves the right to re-evaluate the employees job status based on the information received from the background checks.

#### Reasonable Suspicion Testing

All Town of Osceola safety-sensitive employees will be subject to a reasonable suspicion drug and/or alcohol test when Town of Osceola has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse.

Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance use or alcohol misuse.

A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Town of Osceola's authority, a non-USDOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty.

A reasonable suspicion drug test can be performed any time the covered employee is on duty.

A safety-sensitive employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section H of this policy.

A written record of the observations, which led to a drug/alcohol test, based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to Town of Osceola management and shall be attached to the forms reporting the test results.

The Town of Osceola shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in **Section H** of this policy.

Any non-safety-sensitive employees covered under the sole authority of **Town of Osceola** will also be subject to non-USDOT reasonable suspicion testing procedures modeled off the provisions in 49 CFR Part 655 and Part 40.

When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits to the abuse of alcohol or other substances to a supervisor in his/her chain of command, **Town of Osceola** shall place the employee on administrative leave in accordance with the provisions set forth in this policy. Testing in this circumstance would be performed under the direct authority of **Town of Osceola**.

Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in this policy or the associated consequences as specified in **Section H**.

#### Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

#### Fatal Accidents

As soon as practicable, all covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle resulting in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other employee whose performance may have been a contributing factor to the accident, as determined by **Town of Osceola** using the best information available at the time of the decision.

### Non-Fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

1. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a continuing factor to the accident.
2. One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
3. The vehicle is a trolley bus, rail car, trolley car, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident.

As soon as practicable following an accident, as defined in this policy, the supervisor investigating the accident will:

1. Notify the employee operating the vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test
  - a. The supervisor will make the determination using the best information available at the time of the decision.
2. Ensure that an employee, required to be tested under this section, is tested as soon as practicable following the accident, but no longer than eight (8) hours after the accident for alcohol, and no longer than 32 hours after the accident for drugs.
  - a. If an alcohol test is not performed within two hours of the accident, the supervisor will document the reason(s) for the delay.
  - b. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
3. Inform any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary

emergency medical care.

In the rare event that Town of Osceola is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Town of Osceola may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The state and local law enforcement officials must have independent authority for the test and Town of Osceola must obtain the results in conformance with state and local law.

#### Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at:

[www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates)

The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Non-safety-sensitive employees covered under Town of Osceola authority will be selected from a pool of non-USDOT covered employees.

1. Each covered employee shall be in a pool from which the random selection is made.
    - Each covered employee in the pool shall have an equal chance of selection each time the selections are made.
    - Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested.
    - There is no discretion on the part of management in the selection.
  2. Random drug testing may occur anytime an employee is on duty.
  3. Alcohol random tests can only be performed just before, during, or just after the performance of a safety-sensitive duty:
    - However, under Town of Osceola's authority, a non-USDOT random alcohol test may be performed any time the covered employee is on duty.
    - Testing can occur during the beginning, middle or an end of an employee's shift.
    - Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift.
- Employees who provide advance, verifiable notice of scheduled medical or child/family care commitments will be random drug tested no later than three

hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift.

4. Covered employees are required to proceed immediately to the collection site upon notification to report for a random drug and/or alcohol test.
5. Covered employees who are randomly selected will be sent for testing only in the period for which the selection has occurred.

#### Return-to-Duty Testing

The Town of Osceola will terminate the employment of any employee that tests positive or refuses a test as specified in this policy. In the event that the employer is required by legal authorities to reinstate the covered employee, the employer will comply with all mandated Return-to-Duty testing as follows:

- Before returning to perform a safety-sensitive function, all covered employees who previously tested positive for a prohibited drug on a DOT drug test or had a breath alcohol test result 0.04 or greater (or refused a test), must do both of the following:
  - Test negative for drugs, alcohol (below 0.02 BAC), or both
  - Be evaluated and released by the SAP, per 49 CFR Part 40, Subpart O
- For an initial positive drug test, a Return-to-Duty drug test is required and an alcohol test is allowed.
- For an initial breath alcohol test 0.04 or greater, a Return-to-Duty alcohol test is required and a drug test is allowed.
- Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual.
  - The SAP will recommend the Return-to-Duty test only when:
    - The employee has successfully completed the treatment requirement, and
    - Is known to be drug and alcohol-free, and
    - There are no undue concerns for public safety

#### Follow-Up Testing

The Town of Osceola will terminate the employment of any employee that tests positive or refuses a test as specified in this policy. In the event Town of Osceola is required by legal authorities to reinstate the covered employee, the employer will comply with all mandated Follow-Up testing as follows:

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.

The frequency and duration of the follow-up tests will be determined by the SAP, reflecting the SAP's assessment of the employee's unique situation and recovery progress.

Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or management referral, the safety-sensitive employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40, as amended.

However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations and will be conducted under **Town of Osceola** authority and performed using non-USDOT testing forms.

## **G. TESTING PROCEDURES**

### Drug Testing Procedures

All drug testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. See **Section B** for a list of drugs that will be tested.

After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a USDOT Custody and Control Form (CCF) and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory.

The test results from the DHHS certified laboratory will be reported to a **MRO**. The **MRO** will:

- Review the test results to determine whether there is a legitimate medical explanation for a confirmed positive, substituted, invalid, or adulterated test result.
- Attempt to contact the employee to notify the employee of the non-negative laboratory result and provide the employee with an opportunity to explain the confirmed laboratory test result.
- Subsequently review the employee's medical history/ medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result:
  - If no legitimate medical explanation is found, the test will be verified positive, will be considered a refusal to test, or will be cancelled and reported to the **Town of Osceola DAPM**.
  - If a legitimate explanation is found for a positive lab result, the **MRO** has the responsibility to raise fitness-for-duty considerations with **Town of Osceola** during the verification process.
    - Once verified, the **MRO** will report the test result as negative to **Town of**

**Osceola.**

- If the test is invalid without a medical explanation, a retest will be conducted under direct observation
  - Employees do not have access to a test of their split specimen following an invalid result.

**Split Sample Test**

Any covered employee who questions the results of a required drug test as stated in this policy may request that the split sample be tested. There is no split specimen testing for an invalid result.

The split sample test must be conducted at a different DHHS-certified laboratory from the laboratory that analyzed the primary specimen.

The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample.

The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee.

The **Town of Osceola** will ensure that the cost for the split specimen is covered in order for a timely analysis of the sample. However, **Town of Osceola** will seek reimbursement for the split sample test from the employee if the result of the split specimen analysis confirms the original result.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. Within the one-year period, the MRO, employee, employer or a DOT agency may request in writing that a specimen be retained for an additional period of time (e.g. for the purpose of preserving evidence for litigation or a safety investigation).

**Direct Observation Conditions**

Consistent with 49 CFR Part 40 (as amended), observed collections<sup>3</sup> are required in the following circumstances:

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<sup>3</sup> 49 CFR Part 40.67, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended, outlines when and how a directly observed collection is conducted.

1. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports there was not an adequate medical explanation for the result.
2. The MRO reports the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed.
3. Anytime the collector observes materials brought to the collection site or the covered employee's conduct clearly indicates an attempt to tamper with a specimen.
4. The laboratory reports to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reports the specimen as negative-dilute and requires a second collection under direct observation.
  - See 49 CFR 40.197(b)(1)
5. The original specimen appeared to have been tampered with.
  - See 49 CFR 40.65(c)(1)
6. The temperature on the original specimen was out of range.
  - See 49 CFR 40.65(b)
7. The test is a return-to-duty test or follow-up test.

#### Direct Observation Procedures

The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device. The direct observation must be conducted by a person of the same gender as the employee being tested.

#### Split Specimen Testing

Employees do not have access to a test of their split specimen following an invalid result.

#### Negative Dilute

If there is a negative dilute test result, **Town of Osceola** will require that one additional retest be conducted. The result of the second test will be the test of record.

When a negative dilute result of 2-5 mg/dl is reported by the MRO, the covered employee will be required to undergo another test. The MRO will direct the test to be conducted under direct observation.

#### Alcohol Testing Procedures

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety

Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT).

Alcohol screening tests may be performed using a non-evidential testing device, which is also approved by NHTSA. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the privacy of the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.
- The confirmatory test must occur using a NHTSA-approved EBT operated by a trained BAT.
  - The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test.
  - The EBT will identify each test by a unique sequential identification number.
  - This number time and unit identifier will be provided on each EBT printout.
  - The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee.
- An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered to have a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in **Section H** of this policy.
- Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in **Section H** of this policy.
- An alcohol concentration of less than 0.02 will be considered a negative test.

The **Town of Osceola** affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign Step 2 of the ATF will be considered a refusal to submit to testing.

## **H. RESULT OF DRUG/ALCOHOL TEST VIOLATION**

Following a positive drug or alcohol test result – blood alcohol content (BAC) at or above 0.04 – or test refusal, the covered employee will be immediately removed from their safety-sensitive duty and referred to a SAP.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours, unless a retest results in the employee's BAC being less than 0.02.

Any covered employee that has a verified positive drug or alcohol test, or who refuses to test, will be immediately removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to at least (2) two Substance Abuse Professionals and will be terminated.

The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider.

A voluntary referral does not shield an employee from:

1. Disciplinary action or guarantee employment with Town of Osceola and
2. The requirement to comply with drug and alcohol testing.

No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP.

Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

## **I. TEST REFUSALS**

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety sensitive functions and referred to a SAP.

Refusals to test are listed in 49 CFR Part 40 (as amended); 49 CFR 40.191 (as amended) for drug tests, and 49 CFR 40.261 (as amended) for breath tests. An up-to-date copy of 49 CFR Part 40 is available upon request.

### Drug Test Refusals

An employee is considered to have refused to take a drug test if the employee:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
2. Fails to remain at the testing site until the testing process is complete.
  - An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
3. Fails to provide a urine specimen.

- An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen.
  5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
  6. Fails or declines to take an additional drug test **Town of Osceola** or collector has directed you to take.
  7. Fails to undergo a medical examination or evaluation, as directed by the **MRO** or as directed by the **Town of Osceola** DAPM.
    - In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
      - If there was no contingent offer of employment, the **MRO** will cancel the test.
  8. Fails to cooperate with any part of the testing process; for example:
    - Refuses to empty pockets when directed by the collector.
    - Behaves in a confrontational way that disrupts the collection process.
    - Fails to wash hands after being directed to do so by the collector.
  9. For an observed collection, fails to follow the observer's instructions to raise and lower clothing and to turn around to permit the observer to determine the presence of a prosthetic or other device that could be used to interfere with the collection process.
  10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
  11. Admits to the collector or **MRO** that the specimen was adulterated or substituted.
  12. The **MRO** verifies a test result as adulterated or substituted.
  13. Fails to remain readily available for testing following an accident, including notifying a supervisor of their location if they leave the scene of the accident prior to submission to such tests.

#### Alcohol Test Refusals

An employee is considered to have refused to take an alcohol test if the employee:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable USDOT agency regulations, after being directed to do so by the employer.
  - This includes the failure of an employee to appear for a test when called by a Third-Party Administrator (TPA).
2. Fails to remain at the testing site until the testing process is complete.
  - An employee who leaves the testing site before the testing process commences (see 49 CFR 40.243(a)) for a pre-employment test is not deemed to have refused to test.
3. Fails to provide an adequate amount of saliva or breath for any alcohol test required by this part or DOT agency regulations.
  - An employee who does not provide an adequate amount of breath or saliva because he or she has left the testing site before the testing process for a pre-employment test has not deemed to have refused to test.
4. Fails to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
5. Fails to undergo a medical examination or evaluation, as directed by **Town of Osceola**.
6. Fails to sign the certification at Step 2 of the ATF (Alcohol Testing Form).
7. Fails to cooperate with any part of the testing process.
8. Fails to remain readily available for testing following an accident, including notifying a supervisor of their location if they leave the scene of the accident prior to submission of such tests.
9. Fails to take an additional test when directed by **Town of Osceola** or collector.

## **J. VOLUNTARY SELF-REFERRAL**

Any employee who has a drug and/or alcohol use problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Town of Osceola, Manager/Drug and Alcohol Program Manager, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

A voluntary referral does not shield an employee from disciplinary action or guarantee employment with Town of Osceola.

In the instance of a self-referral or a management referral, disciplinary action against the employee shall include mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan and execution of a return to work agreement.

Failure to execute or remain compliant with the return-to-work agreement shall result in termination from Town of Osceola employment.

## **K. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR 40.149 (a)(5) and (c), as amended, for a positive test or test refusal are not subject to arbitration.

## **L. PROPER APPLICATION OF THE POLICY**

The Town of Osceola is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

## **M. EDUCATION AND TRAINING**

Every covered employee will:

1. Receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, each as amended.

2. If desired, ~~u~~Undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment.
- o The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty may take will receive:

1. 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use (FTA Training Video: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DrugAwarenessVideo/Default.aspx>), and
2. 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. (FTA Training Video: <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/ReasonableSuspicion.aspx>)

Information on the signs, symptoms, health effects, and consequences of alcohol misuse can be found using resources listed in **Attachment C** of this policy.

The Town of Osceola will display on its website informational material and if available, display and distribute a community service hot-line telephone number for employee assistance.

## **N. RECORDS MANAGEMENT**

According to 49 CFR Parts 655 and 40, each as amended, the following minimum record retention schedule shall be maintained by **Town of Osceola**. Sometimes, additional records will be kept to thoroughly document the decision-making process.

### Record Retention Schedule

<u>Record</u>	<u>Retention Period (Years)</u>
- <u>Alcohol Tests Results &lt; 0.02</u> - <u>Records of Negative Test Results</u>	<u>1</u>
- <u>Education and Training Records</u> - <u>Evidential breath device calibration documentation</u>	<u>2</u>
- <u>Information obtained through previous employer record checks</u>	<u>3</u>
- <u>Records of covered employee verified positive drug test results</u> - <u>Alcohol test results with readings of 0.02 or greater</u> - <u>Documentation of refusal to take required drug or alcohol test</u> - <u>Documentation of employee disputes</u> - <u>Employee evaluation and referrals</u> - <u>Annual MIS reports</u>	<u>5</u>

## Type of Records

The following specific records will be maintained:

1. Records related to general policies and procedures:
  - a. Current policy statement listing effective date and the approval by the highest-ranking official of Town of Osceola.
  - b. Employee and new hire policy receipt acknowledgements.
  - c. Previous policy statements listing effective dates and the corresponding approvals by the highest ranking official.
  - d. Employee and new hire policy receipt acknowledgements.
2. Records related to employee training:
  - a. Training materials on drug use awareness and alcohol misuse, including a copy of Town of Osceola's policy on prohibited drug use and alcohol misuse.
  - b. Names of covered employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training.
  - c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion.
  - d. Certification that any training conducted complies with the requirements for such training.
3. Records related to the collection process:
  - a. Collection logbooks, if used.
  - b. Documents relating to the random selection process.
  - c. Documents generated in connection with decisions:
    - i. To administer reasonable suspicion drug or alcohol tests
    - ii. On post-accident drug and alcohol testing
  - d. MRO documents verifying existence of medical explanation of the inability of a covered employee to provide an adequate urine or breath sample.
4. Records related to test results:
  - a. Transit Provider's copy of the CCF.
  - b. Documents related to the refusal of any covered employee to submit to a required test.
  - c. Documents presented by a covered employee to dispute the result of a test
5. Records related to referral and return to duty and follow-up testing:
  - a. Records concerning a covered employee's entry into and completion of the treatment program recommended by the SAP.
6. Records related to the employers MIS annual testing data:
7. Records related to credentials documenting that each service agent (i.e. MRO, SAP, Certified Labs, etc.) meets the minimum basic knowledge, qualifications training, certification/examination, error-correction training, and refresher training
  - a. If the service agents maintain these records, the employer should perform and keep documents of periodic spot checks to ensure that the minimum requirements are met.

## Location of Records

Drug and alcohol testing records shall be maintained by the Town of Osceola DAPM in a secure manner so that disclosure of information to unauthorized persons does not occur.

## Information Disclosure

Records will be released to the entities/individuals listed below in the following circumstances:

1. The employee, upon written request, is entitled to obtain copies of any record(s) pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records.
  - a. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications.
  - b. Employees may not have access to SAP follow-up testing plans.
2. The Town of Osceola DAPM and other management personnel for records of a verified a positive drug/alcohol test.
3. A third party only as directed by specific, written instruction of the employee.
4. A subsequent employer
  - a. Only upon receipt of a written request from the employee.
5. The National Transportation Safety Board (NTSB) during an accident investigation.
6. An agency with regulatory authority over Town of Osceola or any of its employees, such as the USDOT or WisDOT.
7. The adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test.
  - a. The records will be released to the decision-maker in the proceeding.
8. A federal, state, or local safety agency with regulatory authority over Town of Osceola or the employee.
9. In cases of a contractor or subrecipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.
10. To the decision-maker in a criminal or civil action proceeding resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to Town of Osceola to release the information.
  - a. Town of Osceola will release the information with a binding stipulation that it will only be released to parties of the proceeding.

///

If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of 49 CFR Part 40 (as amended), necessary legal steps to contest the issuance of the order will be taken.

## ATTACHMENT A – SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s):

Town of Osceola: Town Board Personnel Committee

Collection Site – #1

<b>Name:</b>	Osceola Medical Center
<b>Address:</b>	2600 65 <sup>th</sup> Ave., Osceola, WI 54020
<b>Phone:</b>	715-294-4538

Third Party Administrator (TPA)

<u>Third Party Administrator</u>	
<b>Name:</b>	Bellin Health
<b>Email:</b>	Gina.pesmark@bellin.org
<b>Address:</b>	1920 Libal Street, Green Bay, WI 54301
<b>Phone:</b>	920-430-4557

Medical Review Officer (MRO)

Primary – MRO: Determined by Osceola Medical Center

DHHS Certified Laboratory – Primary Lab: Determined by Osceola Medical Center

Substance Abuse Professional (SAP)

Per 49 CFR 40.287, Town of Osceola is required to provide each employee (including an applicant or new employee) who violates a USDOT drug and alcohol regulation a listing of at least (2) two readily available SAPs.

Note: Town of Osceola is responsible under the federal regulations to ensure the SAPs listed for a referral are actually USDOT-qualified SAPs.

A list of USDOT qualified SAPs in Wisconsin can be found using this link: [www.saplist.com](http://www.saplist.com)

**ATTACHMENT B – SAFETY  
SENSITIVE POSITIONS**

The table below outlines all the safety sensitive positions covered by this policy.

<b><u>Check All that Apply</u></b>	<b><u>TITLE</u></b>	<b><u>Testing Authority</u></b>
X	Public Works Supervisor	<u>FTA</u>
X	Public Works Staff (including full time and ad hoc/temporary)	<u>FTA</u>

**Note:**

Volunteer drivers are not subject to testing unless the volunteer is required to hold a CDL or receives remuneration in excess of expenses incurred while engaged in safety sensitive functions.

## ATTACHMENT C – RESOURCES

Note: Always consult FTA's website for the most current version.

### USDOT Office of Drug and Alcohol Policy and Compliance

USDOT Office of Drug and Alcohol Policy and Compliance (ODPAC)

<http://www.dot.gov/ost/dapc/>

What Employers Need to Know About DOT Drug and Alcohol Testing

[https://www.transportation.gov/odapc/employer\\_handbook](https://www.transportation.gov/odapc/employer_handbook)

What Employees Need to Know About DOT Drug and Alcohol Testing

<https://www.transportation.gov/odapc/employee-handbook-english>

ODPAC – Email Notification Updates

[https://www.transportation.gov/odapc/ListServe\\_Notices](https://www.transportation.gov/odapc/ListServe_Notices)

### Federal Transit Administration (FTA)

Federal Transit Administration: <https://www.transit.dot.gov/>

FTA – Legislation and Regulations

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/Regulations/Default.aspx>

FTA – Regulation Updates

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/Newsletters/Topics.aspx>

MIS – Drug and Alcohol Reporting: <https://www.transportation.gov/odapc/MISreporting>

Best Practices Manual: FTA Drug and Alcohol Testing Program

<https://www.transportation.gov/odapc/best-practices-dot-random-drug-and-alcohol-testing>

Prescription and Over-the-Counter Medications Toolkit

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Publications/DocumentInfo.aspx?DocID=223>

### Training Information

FTA Training

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/Training/Default.aspx>

RTAP Scholarship Program: <http://www.dot.wisconsin.gov/localgov/transit/rtap.htm>

Alcohol Facts and Statistics

<https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/alcohol-facts-and-statistics>

**APPENDIX BC**

**Receipt of Gifts and Gratuities Prohibited and Disclosure of Interest in Legislation**

**RECEIPT OF GIFTS AND GRATUITIES PROHIBITED.**

- (1) No employee or official of the Town, or their immediate family or an organization for which the employee or official is associated, shall receive or offer to receive, either directly or indirectly, any gift, gratuity or anything of value ~~in excess of \$25~~ which he/she is not authorized to receive from any person if such person:
  - (a) Has or is seeking to obtain contractual or other business or financial relationship with the Town Board; or
  - (b) Conducts operations or activities which are regulated by the Town; or
  - (c) Has interests which may be substantially affected by the Town Board.
- (2) The receipt of any gift, gratuity or anything of value, as denoted above, is contrary to the public policy of the Town.

**DISCLOSURE OF INTEREST IN LEGISLATION.**

- (1) Any member of the Town Board who has a financial interest or personal interest in any proposed legislation before the Town Board shall disclose on the records of the Town Board the nature and extent of such interest and recuse themselves as appropriate.
- (2) Any other Town official or employee who has a financial or personal interest in any proposed legislative action of the Town Board and who participates in discussion with or gives an official opinion or recommendation to the Town Board shall disclose on the records of the Board the nature and extent of such interest.

**APPENDIX CD**

**EMPLOYEE GRIEVANCE FORM**

Employee Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Employee Contact Information: (provide phone numbers, mailing address, etc.)

Grievance Level (check one): (Step 1) Meeting with Personnel Committee ☐  
(Step 2) Request for Impartial Hearing ☐  
(Step 3) Appeal to Town Board ☐

**This section to be completed for Step 1 only:** Describe the grievance: state all relevant facts, including time, place of incident being grieved, names of persons involved, steps taken to informally resolve the grievance, etc. Attach additional sheets if needed.

☐ Additional sheets attached

Describe relief sought:

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Submitted

For office use only:

Date received: \_\_\_\_/\_\_\_\_/20\_\_\_\_

Clerk's initials: \_\_\_\_\_

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## APPENDIX E

### EMPLOYEE'S REPORT OF INJURY FORM

**Instructions:** Employees shall use this form to report all work related injuries, illnesses, or "near miss" events (which could have caused an injury or illness) – *no matter how minor*. This helps us to identify and correct hazards before they cause serious injuries. This form shall be completed by employees as soon as possible and given to a supervisor for further action.

I am reporting a work related: <input type="checkbox"/> Injury <input type="checkbox"/> Illness <input type="checkbox"/> Near miss	
Your Name:	
Job title:	
Supervisor:	
Have you told your supervisor about this injury/near miss? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date of injury/near miss:	Time of injury/near miss:
Names of witnesses (if any):	
Where, exactly, did it happen?	
What were you doing at the time?	
Describe step by step what led up to the injury/near miss. (continue on the back if necessary):	
What could have been done to prevent this injury/near miss?	
What parts of your body were injured? If a near miss, how could you have been hurt?	
Did you see a doctor about this injury/illness? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, whom did you see?	Doctor's phone number:
Date:	Time:
Has this part of your body been injured before? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, when?	Supervisor:
Your signature:	Date:

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**Supervisor's Accident Investigation Form**

Name of Injured Person

Date of Birth Telephone Number

Address

City State Zip

(Circle one) Male Female

What part of the body was injured? Describe in detail.

What was the nature of the injury? Describe in detail.

Describe fully how the accident happened? What was employee doing prior to the event? What equipment, tools being using?

Names of all witnesses:

Date of Event Time of Event

Exact location of event:

What caused the event?

Were safety regulations in place and used? If not, what was wrong?

Employee went to doctor/hospital? Doctor's Name

Hospital Name

Recommended preventive action to take in the future to prevent reoccurrence.

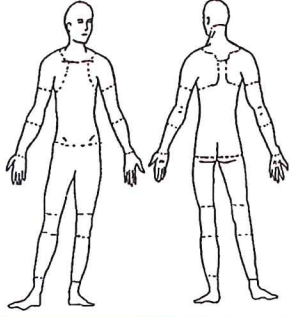
Supervisor Signature Date

## Incident Investigation Report

**Instructions:** Complete this form as soon as possible after an incident that results in serious injury or illness.  
(Optional: Use to investigate a minor injury or near miss that *could have resulted in a serious injury or illness.*)

This is a report of a: <input type="checkbox"/> Death <input type="checkbox"/> Lost Time <input type="checkbox"/> Dr. Visit Only <input type="checkbox"/> First Aid Only <input type="checkbox"/> Near Miss	
Date of incident:	This report is made by: <input type="checkbox"/> Employee <input type="checkbox"/> Supervisor <input type="checkbox"/> Team <input type="checkbox"/> Other _____

### Step 1: Injured employee (complete this part for each injured employee)

Name:	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	Age:
Department:	Job title at time of incident:	
Part of body affected: (shade all that apply)  	Nature of injury: (most serious one) <input type="checkbox"/> Abrasion, scrapes <input type="checkbox"/> Amputation <input type="checkbox"/> Broken bone <input type="checkbox"/> Bruise <input type="checkbox"/> Burn (heat) <input type="checkbox"/> Burn (chemical) <input type="checkbox"/> Concussion (to the head) <input type="checkbox"/> Crushing Injury <input type="checkbox"/> Cut, laceration, puncture <input type="checkbox"/> Hernia <input type="checkbox"/> Illness <input type="checkbox"/> Sprain, strain <input type="checkbox"/> Damage to a body system: <input type="checkbox"/> Other _____	This employee works: <input type="checkbox"/> Regular full time <input type="checkbox"/> Regular part time <input type="checkbox"/> Seasonal <input type="checkbox"/> Temporary
		Months with this employer  Months doing this job:

### Step 2: Describe the incident

Exact location of the incident:	Exact time:
What part of employee's workday? <input type="checkbox"/> Entering or leaving work <input type="checkbox"/> Doing normal work activities <input type="checkbox"/> During meal period <input type="checkbox"/> During break <input type="checkbox"/> Working overtime <input type="checkbox"/> Other _____	
Names of witnesses (if any):	

<b>Number of attachments:</b>	<b>Written witness statements:</b>	<b>Photographs:</b>	<b>Maps / drawings:</b>
What personal protective equipment was being used (if any)?			
Describe, step-by-step the events that led up to the injury. Include names of any machines, parts, objects, tools, materials and other important details.			
Description continued on attached sheets: <input type="checkbox"/>			

Step 3: Why did the incident happen?	
<b>Unsafe workplace conditions: (Check all that apply)</b> <input type="checkbox"/> Inadequate guard <input type="checkbox"/> Unguarded hazard <input type="checkbox"/> Safety device is defective <input type="checkbox"/> Tool or equipment defective <input type="checkbox"/> Workstation layout is hazardous <input type="checkbox"/> Unsafe lighting <input type="checkbox"/> Unsafe ventilation <input type="checkbox"/> Lack of needed personal protective equipment <input type="checkbox"/> Lack of appropriate equipment / tools <input type="checkbox"/> Unsafe clothing <input type="checkbox"/> No training or insufficient training <input type="checkbox"/> Other: _____	<b>Unsafe acts by people: (Check all that apply)</b> <input type="checkbox"/> Operating without permission <input type="checkbox"/> Operating at unsafe speed <input type="checkbox"/> Servicing equipment that has power to it <input type="checkbox"/> Making a safety device inoperative <input type="checkbox"/> Using defective equipment <input type="checkbox"/> Using equipment in an unapproved way <input type="checkbox"/> Unsafe lifting <input type="checkbox"/> Taking an unsafe position or posture <input type="checkbox"/> Distraction, teasing, horseplay <input type="checkbox"/> Failure to wear personal protective equipment <input type="checkbox"/> Failure to use the available equipment / tools <input type="checkbox"/> Other: _____
Why did the unsafe conditions exist?	
Why did the unsafe acts occur?	
Is there a reward (such as "the job can be done more quickly", or "the product is less likely to be damaged") that may have encouraged the unsafe conditions or acts? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: _____	
Were the unsafe acts or conditions reported prior to the incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have there been similar incidents or near misses prior to this one? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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**Step 4: How can future incidents be prevented?**

**What changes do you suggest to prevent this incident/near miss from happening again?**

- ☐ Stop this activity    ☐ Guard the hazard    ☐ Train the employee(s)    ☐ Train the supervisor(s)  
☐ Redesign task steps    ☐ Redesign work station    ☐ Write a new policy/rule    ☐ Enforce existing policy  
☐ Routinely inspect for the hazard    ☐ Personal Protective Equipment    ☐ Other: \_\_\_\_\_

What should be (or has been) done to carry out the suggestion(s) checked above?

Description continued on attached sheets: ☐

**Step 5: Who completed and reviewed this form? (Please Print)**

Written by:

Title:

Department:

Date:

Names of investigation team members:

Reviewed by:

Title:

Date:

RECORDS DESTRUCTION LIST  
SUMMARIZED

as of 8/31/2023

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# OF BOXES MARKED FOR DESTRUCTION THUS FAR:		32
		as of
		PROPOSED
<b>Tax Roll/Assessment:</b> 1999-2008 (box 1); 2009-2013 (box 2); 1858, 1861, 1864, 1882; 1885-1961; 1965-2001		28-Jun-2023
<b>Highway Record</b> Dec. 3, 1877 to Mar. 21, 1889 (1 large book)		
<b>Administrative (General)</b> 1893-1900s (misc content)		
<ul style="list-style-type: none"> <li>• WI Town Officers' Handbook: one from 1994 and two 2017 editions; We have the latest edition (2023)</li> <li>• WI Town Law Forms: 2015-2018 editions; We have the latest edition (2021-2022)</li> <li>• WI Statutes: 2017-18 editions (1-6); All latest statute information is available online</li> </ul>		
<b>Timesheets</b> 1980-1992; 1994-1997		
<b>Charitable Fund</b> 1968-2011		
<b>Election Records</b> ballot samples, final results, tally sheets, poll worker lists: 1992-Spring 2011		
<b>Operator &amp; Liquor Licenses:</b> 1965-1993; 2006-2017 (in storage room)		
<b>Retail Class A and Class B Liquor License Petitions:</b> 1957-1975		
<b>East Lake School - Payment Receipts</b> Apr 1951-Sept 17, 1953; July 1944-Sept '53; Feb 1874-Jun 1943		12-Jul-2023
<b>Election Records</b> Apr 2014-Apr 2019; Feb-Nov 2020; Feb 16 and Apr 6 2021		

RECORDS DESTRUCTION LIST  
SUMMARIZED

as of 8/31/2023

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Misc. Content Box: 1893-early 1900s	13-Jul-2023 to Aug TBM
Cigarette License log: 1950-1967; 1982-1987	
Municipal Court Records: 2008-2010 (Predominately Citations, some Distribution of Funds, and a couple of Auditor Reports)	
Payment Receipts and Income Surtax documentation: 1918-1925	
School District Tax Levy Payments, High School Attendance ('Tuition Statements') documentation, and School Money Apportioned: 1864-1875; 1916; 1919-1926	
Income Tax Settlement Documentation including Tax Apportionment: 1917-1918	
Aetna Insurance Company Policy for Town Board of Supervisors: 1923; 1926; 1930-1936; 1951-1956	
Hartford Accident & Indemnity Co. Policy: 1933	
Soo Line Industrial & Real Estate Commissioner Letter to Town for removal of gravel: 1947	
Audit Report: Yr ending March 28, 1917	
Election Poll Lists and Canvass Results: Nov. 1900; Apr. 1901; Nov 1902; Apr. 1903; Apr and Nov 1904; Apr and Nov 1922; Apr, Sept, and Nov 1924; April and Sept 1925; Apr and Sept 1926; Apr 1927; Apr and Sept 1928; Apr 1929; Sept 1930; Apr 1931; Sept 1932; Apr and Aug 1935; Apr 1937; Nov 1938; Sept 1938; Apr 1941; Apr 1942; Aug and Nov 1944; Apr 1947	
East Lake School District Disbursement and Receipt Journal and Misc Bank Statements and Receipts: Feb 1874-Jun 1943; July 1944-Sept. 1953	
Real Estate Field Books: 1931-1933	
Laws of WI Concerning of Towns Powers & Duties of Town Officers and Boards of Supervisors: 1879, Nov 1923	
Election Law Manuals: Sept. 1886, 1898, 1900, January 1, 1906, 1912	
Laws of WI Related to Common Schools: 1934	

RECORDS DESTRUCTION LIST  
SUMMARIZED

as of 8/31/2023

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3/10/2003 to 3/29/06 Town Board meetings (packets), incldg Annual and Special TBMs (Minutes Separately Stored)	Aug TBM
4/11/2006 to 3/12/2007 Town Board meetings (packets) (Minutes Separately Stored)	to
4/10/2007 to 10/5/2009 SPECIAL Town Board meetings (packets) (Minutes Separately Stored)	Sept TBM
9/21/2009 to 12/26/2012 Town/Town Board meetings (packets) (Minutes Separately Stored)	
11/13/2000 to 2/10/2003 Town Board/Special TBMs, Town meetings (packets) (Minutes Separately Stored)	
7/8/1999 to 10/23/2000 Town Board, Town, incldg Plan Commission meetings (packets) (Minutes Separately Stored)	
11/27/2000 to 9/25/2006 Plan Commission meetings (packets) (Minutes Separately Stored)	
11/27/2007 to 2012 Plan Commission meetings (packets) (Minutes Separately Stored)	
Sand Lake Boat Launch Renovation (2001-2002) (excluding Construction Plans which must be retained 'life of structure')	
Liquor and Operator License applications 2000; 2006-2017	
2003 and 2004 County Reports: Equalized Value, Apportionment, Assessment/Sales Ratio Analysis, Condensed Sales Summary	
2004, 2010, 2011 Board of Review Objections	
2011-2015 BOR meeting admin materials (Minutes Separately Stored)	
2011-2013 BOR meeting admin materials Assessor's Final Reports: Years 2011, 2014	

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516 East Avenue North  
P. O. Box 216  
Dresser, WI 54009-0216  
Office: 715-755-3060  
Fax: 715-755-2271

## TOWN OF OSCEOLA

Polk County, Wisconsin

### Position Description

Position Title: Clerk

Objective: Under the general direction of the town board of the Town of Osceola and Wisconsin State Statutes, this position plans and administers the administrative functions of the Town of Osceola by performing the following duties personally or through subordinates.

Reports to: Town Board

Supervises: None

Job Classification: Non-exempt

Working Hours: Position is a .6 position (part-time) and the town office should be open with regular, posted, office hours. The actual office hours are at the discretion of the Town Board and the Clerk. It will be necessary to attend frequent meetings in the evenings.

#### Position Duties:

In compliance with Wisconsin State Statutes 60.33 and 60.3444, performs the following statutory duties which are common to all Clerks in the State of Wisconsin.

1. Serves as clerk of the town board and town meetings under Wisconsin State Statute 60.4315.
2. Serves as clerk of the town board, attends meetings of the board and keeps a full record of its proceedings.
3. Performs the duties required by Wisconsin State Statutes chapters 5 through 12 relating to election administration.
4. Transmits to the county clerk, within 10 days after election or appointment and qualification of any town supervisor, treasurer, assessor or clerk, a written notice stating the name and post office address of the elected or appointed officer and promptly notifies the county clerk of any subsequent changes in such offices.
5. Executes the conveyance of real property of the Town of Osceola
- 6.5. Publishes and/or posts ordinances and resolutions as required under Wisconsin State Statutes 60.80.
- 7.6. Gives notice of annual and special town meetings as required under Wisconsin State Statutes 60.11(5) and 60.12(3).
- 8.7. Complies with subchapter II of chapter 19 of Wisconsin State Statutes concerning any record of which the clerk is as legal custodian of town records, and is responsible for complying with requests under the public records law, s. 19.34. Maintains, preserves and disposes of town records in accordance with WI Stat. 19.21, and the General Records Schedules created by the Wisconsin Public Records Board.
- 9.8. Issues any license or permit granted by the town board when the required fee has been paid.
10. Performs the clerk's duties under Wisconsin State Statutes chapters. 115 to 121 relating to public instruction
9. Files with town board approved claims as required under Wisconsin State Statute 60.44(2)(c).

**Commented [C1]:** Confusing to include as this duty is rarely used and is already covered by including reference to WI stat. 60.33

**Commented [C2]:** Confusing to include as this duty is rarely used, mostly applies to school district clerks, and is already covered by including reference to WI stat. 60.33

~~11.10.~~ Within 10 days after the clerk's election or appointment, reports his or her name and post office address to the administrator of each cooperative educational service agency which contains any portion of the town. Also reports to the administrator the name and post office address of each school district clerk within 10 days after the name and address is filed in the clerk's office.

~~11.~~ Makes and keeps in the clerk's office a map of the town, showing the exact boundaries of school districts within the town.

~~12.~~ Maintains a finance book, which contains a complete record of the finances of the town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to town finances prescribed by the town board.

~~13.~~ Apportions, as provided by law, tax revenues collected by the town for schools.

~~12.14.~~ Notifies the treasurer of the county in which the town is located, by February 20, of the proportion of property tax revenue and of the credits under Wisconsin State Statute 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the town.

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~~13.~~ Performs the duties specified in Wisconsin State Statutes chapters 80 to 82, relating to highways, bridges and drains

Commented [C3]: Confusing to include as this duty is rarely used and is already covered by including reference to WI stat. 60.33

~~14.15.~~ Performs all other duties required by law, ordinance or lawful direction of the town meeting or town board.

~~15.16.~~ Acts as Clerk of the Town of Osceola; reports to the Town Board, submits recommendations on Town policies and services, implements policy decisions, and advises the Town Board of municipal matters.

~~16.17.~~ Administers ~~the following~~ licensing and permit programs (dog licenses are administered by the Treasurer), e.g.:

- Building permits
- Fire/burning permits
- Second-hand dealers license
- ~~Dog license~~
- Liquor Server/Operators licenses

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~~18.~~ Performs clerk duties related to property assessments, open book, and board of review in accordance with Wisconsin Statute 70 and the town Ordinance Chapter 2.

~~19.~~ Annually, under WI Stat. 70.65, prepares the tax roll and delivers it the town treasurer by December 8<sup>th</sup> or by the 3rd Monday in December per WI Stat. 74.03. Handles claims for unlawful or excessive taxes pursuant to WI Stat. 74.35 or WI Stat. 74.37, and charge backs, as applicable.

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~~20.~~ Responsible for performing the functions in Wisconsin Statutes chapters 5-12 relating to elections, e.g. providing election notices, scheduling election workers, supervising completion of paperwork, maintaining and testing election equipment and swearing in newly elected officials.

~~17.21.~~ Participates in committees, municipal organizations and associations to keep abreast of current municipal developments.

~~18.22.~~ Provides public relations services and represents the Town of Osceola at regional and state functions.

~~19.23.~~ Reviews and approves purchases of materials within budgetary guidelines and in accordance with Town purchasing policies.

~~20.24.~~ Prepares annual informational enclosures and coordinates mailing of property tax statements with the Town Treasurer.

~~21.~~ Establishes public office hours in light of community needs and convenience.

~~22.25.~~ Plans, organizes, and administers programs and procedures pertaining to municipal services.

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## Position Description: Clerk

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~~23,26.~~ In accordance with Wisconsin Statute 60.37(3)(b), the town Clerk shall perform all lawful duties assigned by the town board which do not conflict with duties and powers conferred by law on other town officers.

~~24,27.~~ Performs all other duties as requested to fulfill the objectives of the Town.

~~25,28.~~ Keeps Office and Town Hall (including bathrooms) clean.

The above statements are essential functions of this position and are intended to describe the general nature and level of the work performed by employee assigned to this classification. They are not intended to be construed as an exhaustive list of all responsibilities of personnel so classified.

Knowledge & Skills

1. Working knowledge of computers and modern office practices and procedures. Some knowledge of accounting principles and practices.
2. Knowledge of state laws, municipal government, administration, budgeting and governmental accounting.
3. Ability to draft correspondence to town residents, town officials, for board and town meeting minutes, etc.
4. Ability to follow instructions, both oral and written.
5. Skill in operation of listed tools and equipment.
6. Ability to effectively meet and deal with the public; ability to handle stressful situations, present self in a professional manner and appearance.
7. Ability to perform mathematical computations accurately and quickly.
8. Ability to accurately record and maintain records; ability to establish and maintain effective working relationships with employees, other departments, officials and the public, ability to communicate effectively verbally and in writing; ability to plan, organize and supervise election and clerical workers, perform work responsibly with independence and discretion and meet deadlines.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Must be self motivated to complete assigned and routine tasks independently and on time.

Education:	High school degree or GED in minimum requirement. Additional degree or certification such as Business Administration, Office Management preferred.
Experience:	Minimum of 3 years of progressively responsible experience. In addition, experience in using Word Processing, Excel software systems.
Driver's License:	Possesses and maintains a valid drivers license.
Language:	Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, and government regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information, respond to questions of officials, clients, customers, and the general public in English.
Reasoning Ability:	Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical and legal instructions in both mathematical and verbal form and deal with several abstract and concrete variables.

## Position Description: Clerk

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Computer Skills: Must have basic knowledge of ~~the~~ computers including Microsoft Word, Microsoft Excel, ~~QuickBooks~~, Internet and e-mail use; knowledge of QuickBooks or similar financial accounting system helpful.

Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel, reach with hands and arms, and talk or hear. The employee is occasionally required to climb or balance and stoop, kneel, crouch or crawl. The employee may occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, depth perception, and ability to adjust focus.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate. The schedule for this position is flexible, recognizing that there are posted regular office hours, and may require frequent evening-~~or weekend~~ hours.

516 East Avenue North  
P. O. Box 216  
Dresser, WI 54009-0216  
Office: 715-755-3060  
Fax: 715-755-2271

# TOWN OF OSCEOLA

## Polk County, Wisconsin

### Position Description

Position Title: Treasurer

Objective: Under the general direction of the town board of the Town of Osceola and Wisconsin State Statutes, this position plans and administers the administrative functions of the Town of Osceola by performing the following duties personally or through subordinates.

Reports to: Town Board

Supervises: None

Job Classification: None-Exempt

Working Hours: Position is a .3-4 (part-time) and the ~~town office should be open with regular, posted, office hours. The~~ actual office hours are at the discretion of the Town Board and the Treasurer. It will be necessary to attend frequent meetings in the evenings.

#### Position Duties:

In compliance with Wisconsin State Statutes ~~60.33 and~~ 60.34, performs the following statutory duties which are common to all ~~T~~treasurers in the State of Wisconsin.

1. Performs all of the duties relating to taxation required of the town treasurer under Wisconsin State Statutes chapters 70 to 79.
2. Complies with subchapter II of chapter 19 of the Wisconsin State Statutes, concerning records of which the treasurer is legal custodian.
3. Files all accounts approved by the town board or allowed at town meetings and enters a statement of the accounts in the town's record books;
4. Maintains and processes payroll for Town employees, processes payroll deductions, payroll reports and records.
- ~~5. Files with the town board claims approved by the clerk, as required under Wisconsin State Statute 60.41 (2)(e)~~
- ~~6. Maintains a finance book, which contains a complete record of the finances of the town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to town finances prescribed by the town board~~
- ~~7. Apportions, as provided by law, tax revenues collected by the town for schools.~~
- ~~8.5. Notifies the treasurer of the county in which the town is located, by February~~ Receives and takes charge of all money belonging to the town, or which is required by law to be paid into the town treasury, and disburses the money under Wisconsin State Statute 66.0607.
- ~~9.6.~~ Keeps an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. Issues numbered receipts for all

Commented [C1]: Is this referencing bank/credit accounts? Wording may need clarification added to so indicate.

## Position Description: Treasurer

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funds received. At the request of the town board, presents the account books, and any supporting documents requested, to the board (~~Wisconsin Statute 60.34(1)(b)~~).

- ~~10-7.~~ Deposits as soon as practicable the funds of the town in the name of the town in the public depository designated by the town board.
- ~~8.~~ When money is deposited under the above paragraph, the treasurer and the treasurer's sureties are not liable for any loss as defined in Wisconsin State Statutes 34.01(2). The interest arising from the money deposited shall be paid into the town treasury.
- ~~11-9.~~ Administers dog licensing and collection of dog license tax program per Wisconsin State Statutes 174.065, 174.07-174.09.
- ~~12.~~ Notifies the treasurer of the county in which the town is located, by February 20, of the proportion of property tax revenue and of the credits under Wisconsin State Statute 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the town
- ~~13-10.~~ Participates in committees, municipal organizations and associations to keep abreast of current municipal developments.
- ~~14-11.~~ Provides public relations services and represents the Town of Osceola at regional and state functions.
- ~~15-12.~~ Reviews and approves purchases of materials within budgetary guidelines and in accordance with Town purchasing policies.
- ~~16-13.~~ Prepares annual informational enclosures and coordinates mailing of property tax statements with the Town Clerk.
- ~~17-14.~~ Collects initial tax payments through the end of January and prepares settlement calculations and documentation for the County. Responsible for collecting all property taxes, special assessments, special taxes and special charges shown on the tax roll. See WI Stat. 74.07. Issues tax receipts under WI Stat. 74.19. Required to settle for all taxes received pursuant to WI Stat. 74.23 in January and all taxes received pursuant to WI Stat. 74.25 in February. May also charge back certain delinquent personal property taxes that have been delinquent for over one year. (WI Stat. 74.42).
- ~~18.~~ Establishes public office hours in light of community needs and convenience.
- ~~19.~~ Plans, organizes, and administers programs and procedures pertaining to municipal services.
- ~~20-15.~~ In accordance with Wisconsin Statute 60.37(3)(b), the town Treasurer shall perform all lawful duties assigned by the town board which do not conflict with duties and powers conferred by law on other town officers.
- ~~21-16.~~ Performs all other duties as requested to fulfill the objectives of the Town.

Commented [C2]: Remove as the wording is vague and unclear.

Commented [C3]: Remove, as this statute reference pertains to a 'Town Administrator' Town Employee not the Treasurer role.

The above statements are essential functions of this position and are intended to describe the general nature and level of the work performed by employee assigned to this classification. They are not intended to be construed as an exhaustive list of all responsibilities of personnel so classified.

## Knowledge &amp; Skills

1. Working knowledge of computers and modern office practices and procedures. Extensive knowledge of accounting principles and practices.
2. Knowledge of state laws, municipal government, administration, budgeting and governmental accounting.
3. Ability to draft correspondence to town residents, board minutes town officials, etc.
4. Ability to follow instructions, both oral and written.

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Position Description: Treasurer

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5. Skill in operation of listed tools and equipment.
6. Ability to effectively meet and deal with the public; ability to handle stressful situations, present self in a professional manner and appearance.
7. Ability to perform mathematical computations accurately and quickly.
8. Ability to accurately record and maintain records; ability to establish and maintain effective working relationships with employees, other departments, officials and the public, ability to communicate effectively verbally and in writing; ability to plan, organize and supervise clerical workers, perform work responsibly with independence and discretion and meet deadlines.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Must be self motivated to complete assigned and routine tasks independently and on time.

Education:	High school degree or GED in minimum requirement. Additional degree or certification such as Business Administration, Office Management or Accounting preferred.
Experience:	Minimum of 3 years of progressively responsible experience. In addition, experience in using Word Processing, Excel and QuickBooks software systems
Driver's License:	Possesses and maintains a valid drivers license.
Language:	Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, and government regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information, respond to questions of officials, clients, customers, and the general public in English.
Reasoning Ability:	Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical and legal instructions in both mathematical and verbal form and deal with several abstract and concrete variables.
Computer Skills:	Must have basic knowledge of the computers including Microsoft Word, Microsoft Excel, Quickbooks, Internet and e-mail use.
Physical Demands:	<p>The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.</p> <p>While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel, reach with hands and arms, and talk or hear. The employee is occasionally required to climb or balance and stoop, kneel, crouch or crawl. The employee may occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, depth perception, and ability to adjust focus.</p>

Work Environment

Position Description: Treasurer

Page 4 of 4

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate. The schedule for this position is flexible; ~~recognizing that there are posted regular office hours~~ as set by the treasurer, and may require frequent evening ~~or weekend~~ hours.

**60.33 Duties of town clerk.** The town clerk shall:

- (1) CLERK OF TOWN MEETING. Serve as clerk of the town meeting under s. 60.15.
- (2) CLERK OF TOWN BOARD.
  - (a) Serve as clerk of the town board, attend meetings of the board and keep a full record of its proceedings.
  - (b) File all accounts approved by the town board or allowed at town meetings and enter a statement of the accounts in the town's record books.
  - (c) File with the town board claims approved by the clerk, as required under s. 60.44 (2) (c).
- (3) FINANCE BOOK. Maintain a finance book, which shall contain a complete record of the finances of the town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount and object of each disbursement; and any other information relating to town finances prescribed by the town board.
- (4) ELECTIONS AND APPOINTMENTS.
  - (a) Perform the duties required by chs. 5 to 12 relating to elections.
  - (b) Transmit to the county clerk, within 10 days after election or appointment and qualification of any town supervisor, treasurer, assessor or clerk, a written notice stating the name and post-office address of the elected or appointed officer. The clerk shall promptly notify the county clerk of any subsequent changes in such offices.
  - (c) Transmit to the clerk of circuit court, immediately after the election or appointment of any constable or municipal judge in the town, a written notice stating the name of the constable or municipal judge and the term for which elected or appointed. If the judge or constable was elected or appointed to fill a vacancy in the office, the clerk shall include in the notice the name of the incumbent who vacated the office.
- (5) SALE OF REAL PROPERTY. Execute the conveyance of real property of the town.
- (6) NOTICES.
  - (a) Publish or post ordinances and resolutions as required under s. 60.80.
  - (b) Give notice of annual and special town meetings as required under ss. 60.11 (5) and 60.12 (3).
- (7) RECORDS.
  - (a) Comply with subch. II of ch. 19 concerning any record of which the clerk is legal custodian.
  - (b) Demand and obtain the official books and papers of any municipal judge if the office becomes vacant and the judge's successor is not elected or appointed and qualified, or if any municipal judge dies. The town clerk shall dispose of the books and papers as required by law.
- (8) LICENSES. Issue any license or permit granted by the town board when presented with a receipt from the town treasurer indicating that any required fee has been paid.
- (8m) STREET TRADE PERMITS. Stamp or endorse street trade permits at the request of an employer under s. 103.25 (3m) (b).
- (8p) TRAVELING SALES CREW WORKER PERMITS. Stamp or endorse traveling sales crew worker permits at the request of an employer under s. 103.34 (11) (c).
- (9) SCHOOLS.
  - (a) Perform the clerk's duties under chs. 115 to 121, relating to public instruction.
  - (b) Within 10 days after the clerk's election or appointment, report his or her name and post-office address to the administrator of each cooperative educational service agency which contains any portion of the town. The clerk shall report to the administrator the name and post-office address of each school district clerk within 10 days after the name and address is filed in the clerk's office.
  - (c) Make and keep in the clerk's office a map of the town, showing the exact boundaries of school districts within the town.
  - (d) Apportion, as provided by law, tax revenues collected by the town for schools.

- (10) HIGHWAYS AND BRIDGES. Perform the duties specified in chs. 82 to 92, relating to highways, bridges and drains.
- (10m) NOTICE OF PROPERTY TAX REVENUE. Notify the treasurer of the county in which the town is located, by February 20, of the proportion of property tax revenue and of the credits under s. 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the town.
- (11) IN GENERAL. Perform all other duties required by law, ordinance or lawful direction of the town meeting or town board.

**History:** 1983 a. 532; 1985 a. 39 s. 17; 1989 a. 113; 1991 a. 39; 1995 a. 27; 1997 a. 27; 2003 a. 214; 2009 a. 3.

**NOTE:** 2003 Wis. Act 214, which affected this section, contains extensive explanatory notes.

The offices of president of a common school district board and chairperson of a town board within the school district and the offices of school board member and town clerk are probably compatible. 74 Atty. Gen. 50.

#### 60.44 Claims against town.

##### (1) GENERAL PROCEDURE.

- (a) Claims for money against a town or against officers, officials, agents or employees of the town arising out of acts done in their official capacity shall be filed with the town clerk as provided under s. 893.80 (1d) (b). This paragraph does not apply to actions commenced under s. 19.37, 19.97 or 281.99.
- (b) The town board shall allow or disallow the claim. Notice of disallowance shall be made as provided under s. 893.80 (1g).

##### (2) ALTERNATIVE PROCEDURE.

- (a) The town board, by ordinance, may provide a procedure for approving financial claims against the town which are in the nature of bills and vouchers. The ordinance shall provide that payment may be made from the town treasury under s. 66.0607 after the town clerk reviews and approves in writing each bill or voucher as a proper charge against the treasury, after having determined that:
  1. Funds are available under the town budget to pay the bill or voucher.
  2. The item or service covered by the bill or voucher has been duly authorized.
  3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
  4. The claim appears to be a valid claim against the town.
- (b) The town clerk may require submission of proof to determine compliance with the conditions under par. (a) 1. to 4.
- (c) The ordinance shall require that the clerk file with the town board at least monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.
- (3) COURT ACTIONS TO RECOVER CLAIMS. Subsection (2), or an ordinance adopted under that subsection, does not affect the applicability of s. 893.80. No action may be brought or maintained against a town upon a claim unless the claimant complies with s. 893.80. This subsection does not apply to actions commenced under s. 19.37, 19.97 or 281.99.

History: 1983 a. 532; 1995 a. 158; 1997 a. 27; 1999 a. 150 s. 672; 2011 a. 162.

**60.34 Duties of town treasurer.** The town treasurer shall:

**(1) RECEIVE AND DISBURSE TOWN MONEY.**

- (a) Except as provided in s. 66.0608, receive and take charge of all money belonging to the town, or which is required by law to be paid into the town treasury, and disburse the money under s. 66.0607.
- (b) Keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The treasurer shall issue numbered receipts for all funds received. At the request of the town board, the treasurer shall present the account books, and any supporting documents requested, to the board.

**(2) DEPOSIT OF TOWN MONEY.**

- (a) Deposit as soon as practicable the funds of the town in the name of the town in the public depository designated by the town board. Failure to comply with this paragraph is grounds for removal from office.
- (b) When money is deposited under par. (a), the treasurer and the treasurer's sureties are not liable for any loss as defined in s. 34.01 (2). The interest arising from the money deposited shall be paid into the town treasury.

**(3) RECORDS.** Comply with subch. II of ch. 19 concerning records of which the treasurer is legal custodian.

**(4) TAXES.** Perform all of the duties relating to taxation required of the town treasurer under chs. 70 to 79.

**History:** 1983 a. 532; 1985 a. 25 s. 15; 1985 a. 29; 1985 a. 135 s. 85; 1985 a. 218 s. 22; 1987 a. 27, 378; 1999 a. 150 s. 672; 2001 a. 16.

## Town Clerk Job Description

FROM WTA

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Background: The town clerk is not a member of the town board of supervisors. The clerk's statutory duties are listed under s. 60.33 of the Wisconsin Statutes. The clerk does not vote on any legislative matters before the town board. The town clerk could be asked to vote on a town highway application if there are fewer than two board members able to act. See s. 82.11. Also, the town clerk, whether elected or appointed, does vote to fill any vacancy that occurs on the town board. See s. 17.25.

Town clerks have the option of appointing one or more deputies for whom the clerk is responsible. See s. 60.331. The deputy serves at the pleasure of the clerk and the deputy has no right to the office if the clerk that appointed him or her leaves office. The town board may agree to pay a deputy, but the board is not obligated to do so.

Elected clerks are not required to put in a certain number of office hours per week and set their own schedule. Appointed clerks typically have a job description or other agreement with the town board concerning expected hours of work and other terms of employment.

**Legislative:** The town clerk is responsible for taking minutes of the town board meetings and ensuring that any ordinances or resolutions adopted by the board are posted or published as required under s. 60.80. Since the clerk is not a member of the town board, the clerk may be excluded from any closed session of the town board. If the clerk is absent from a closed session, the town board would need to appoint someone (such as a supervisor) to take minutes if necessary (for example, there would need to be a record of any motions made or votes taken in the closed session).

The clerk is often delegated the responsibility of providing proper notice of town board meetings, public hearings, and other matters such as required public bidding notices.

The town clerk provides notice of the annual town meeting (if required) and other town elector meetings under s. 60.12(3), and serves as clerk of those meetings. Within 5 days of a town elector meeting, the clerk must file the minutes of that meeting in his or her office. See s. 60.15. All resolutions, motions, and other actions taken by the electors at a town elector meeting must be posted or published as required within 30 days of the meeting under s. 60.80(1)(a).

**Finance:** The town clerk is required to keep a finance book which shall contain a complete record of the finances of the town, showing the receipts, with the date, amount and source of each receipt; the disbursements, with the date, amount, and object of each disbursement; and any other information relating to town finances prescribed by the town board.

Disbursements from the town treasury must be made in accordance with s. 66.0607. A clerk must not issue an order for any disbursement that would be in excess of funds available or appropriated for the purposes for which the payment is to be made. See s. 66.0607(7). Before a claim that would put the town budget out of balance could be paid, the town board would need to amend the budget pursuant to s. 60.40(5).

Town clerks are often called upon by the town board to assist with preparation of the town budget under s. 60.40(2) and preparation of the annual financial statement pursuant to s. 60.41. In addition, clerks typically complete the "Municipal Financial Report" (also known as Form C or Form CT) as required under ss. 73.10(2) and 86.303(5) which is due on May 15<sup>th</sup> each year.

Detailed information on the procedures to be used in managing the town finances using the cash accounting method of accounting is available in a new handbook entitled, Basic Financial Administration for Wisconsin Local. Contact WTA for ordering information.

### Property Assessment:

The town clerk has the responsibility to carefully examine the assessment roll upon receipt from the assessor and prior to the board of review. The clerk is to correct all double assessments and other errors apparent upon the face of the roll. The clerk is also to add any omitted real or personal property and notify the assessor of such omissions. See s. 70.52, for more details.

The town clerk is responsible for providing notice to the public of the open book under s. 70.45 and board of review under s. 70.47(2).

An elected town clerk is a voting member of the town board of review, unless the town board has adopted an ordinance to create a citizen's board of review pursuant to s. 70.46(1). An appointed town clerk is not an automatic member of the board of review, s. 70.46(1m). This is because clerks appointed under either s. 60.10(1)(b)(2m) or s. 60.30(1e) are not required to be town residents. However, an appointed clerk who is a resident of the town may be appointed by the town board by ordinance to fill the vacancy in the board of review created by the appointed clerk position.

The duties of the town clerk for the board of review are stated in s. 70.47. The clerk is to provide the proper notices for the board of review and keep a record of the proceedings. The clerk is to swear in all persons testifying before the board of review. The clerk also provides notice of board of review decisions as required by law. The Wisconsin Department of Revenue Guide for Board of Review Members provides an excellent overview of the process.

Annually, under 70.65, the clerk is to prepare the tax roll and deliver it the town treasurer by December 8th. See s. 74.03. If the taxation district has a policy in effect under s. 74.03(2), requiring prompt refunds of excess escrow payment amounts, the tax roll may be transferred to the treasurer by the 3rd Monday in December. Contact our office for a sample prompt tax refund overpayment policy.

The clerk prepares the real and personal property tax bills and mails them out to the property owners pursuant to ss. 74.09(2) & (5). However, this authority can be delegated and the county performs this part of the process for many towns.

If a claim for unlawful or excessive taxes is allowed pursuant to s. 74.35 or s. 74.37, the clerk may seek a charge back through the Wisconsin Department of Revenue if certain conditions are met. See s. 74.41.

The clerk must also provide the notice of proportional property tax revenue and credits to the county treasurer as required under s. 60.33(10).

**Elections:**

The town clerk is responsible for performing the functions in chs. 5-12 of the state statutes relating to elections. Some of these tasks include providing election notices, scheduling election workers, supervising completion of paperwork, maintaining and testing election equipment and swearing in newly elected officials.

**Public Records:** The town clerk is often made the custodian of town records under s. 19.33. As the custodian, the clerk is responsible for complying with requests under the public records law, s. 19.34. The clerk also typically maintains, preserves and disposes of town records in accordance with s. 19.21.

The town board must adopt an approved schedule for the destruction of town records before items may be disposed of. The board may choose to adopt the Wisconsin Municipal Records Schedule which was created by the Wisconsin Historical Society. Information on the Schedule may be found on the Wisconsin Historical Society's website at the following link: <https://www.wisconsinhistory.org/Records/Article/CS3806>

**Licenses:** The clerk may issue licenses granted by the town board. See s. 60.33(8). The clerk also processes applications for alcohol licenses and provides the required notice. See s. 125.04.

**Miscellaneous additional duties:**

1. Perform the clerk's duties under chs. 115 to 121 relating to public instruction. See s. 60.33(9).
2. Perform all other duties required by law, ordinance, or lawful direction of the town meeting or town board, s. 60.33(11).

**NOTE:** See the "Calendar of Main Events" for a comprehensive timeline of events clerks should be aware of during the entire calendar year.

**Town Treasurer Job Description**

**Background:** The town treasurer's duties are listed under s. 60.34. The town treasurer is not a member of the town board of supervisors and does not vote on town board matters. In a very rare circumstance, the treasurer may be asked to vote on a town highway application. See s. 82.11(2)(b). Town treasurers may appoint a deputy under s. 60.341, for whom they are responsible. The town board is not obligated to pay the deputy.

**Finance:** The town treasurer is to receive and take charge of all money belonging to the town. As soon as practicable, the treasurer must deposit town funds in the depository designated by the town board. See ss. 60.34(1) & (2).

The town board may allow municipal fire departments, emergency medical technicians and first responders to deposit (and withdraw) certain fundraiser and donation money into a separate account by adoption of an ordinance under s. 66.0608. If no such ordinance is in place, such money should be turned over to the town treasurer for deposit into a town account. A fundraising organization that is established as a separate legal entity apart from the town would obviously be able to keep and control its own funds.

All disbursements from the town treasury must be made pursuant to s. 66.0607. The town treasurer must sign all transfer orders and checks that make disbursements from the town treasury.

The treasurer must keep an itemized account of all moneys received and disbursed, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid. The treasurer shall issue numbered receipts for all funds received. At the request of the town board, the treasurer must present the account books, and any supporting documents requested, to the board. See s. 60.34(1)(b). Many town boards ask the treasurer to give a report on the town's finances at the regular monthly board meeting. There is handbook entitled, "Basic Financial Administration for Wisconsin Local Governments" available for more information on handling the town's finances. Contact WTA for ordering information.

**Property Assessment:** The town treasurer is responsible for collecting all property taxes, special assessments, special taxes and special charges shown on the tax roll. See s. 74.07. The treasurer issues tax receipts under s. 74.19. The treasurer is required to settle for all taxes received pursuant to s. 74.23 in January and all taxes received pursuant to s. 74.25 in February. Treasurers may also charge back certain delinquent personal property taxes that have been delinquent for over one year. See s. 74.42.

**Dog Licenses:** The town treasurer is the collecting official for dog license fees, unless the town board provides by ordinance or resolution for the appointment of a different person. See s. 174.065. All owners of dogs more than 5 months old on January 1 must pay an annual dog license tax and obtain a license from the town. Upon payment of the required dog license tax and presentation of evidence that the dog is currently immunized against rabies, the collecting official must complete and issue a dog license and tag to the owner, keeping a copy of the license on file. The collecting official must assess and collect a late fee of \$5 from every dog owner who fails to obtain a license by April 1 each year. See ss. 174.05 and 174.07. Delinquent dog license fees may be collected in the same manner as personal property taxes, and dog owners who refuse to obtain a dog license must be reported to the local district attorney. See ss. 174.065 and 174.12(4).

141a

## Chip Sealing Roads as a Combined Effort

Farmington, Osceola, Alden, Garfield, Lincoln

Total of 12 people

2 rolling

5 trucks

2 flag

2 chip sealer

1 broom

Miles of Roads:	6
Width of road (feet):	22
Application rate mile/hour:	2
Asphalt emulsion rate gallons per square yard:	0.35
Oil cost per gallon:	\$ 2.70
Gallons of oil required:	4517.3
3/8" crushed rock pound/yard:	25
Crushed rock per ton:	\$ 33.00
Tons of rock required:	161.3
Employee Wage (\$/hour):	\$ 57.00
Dump Truck Rate Depreciation (\$/hour):	\$ 8.00
Fuel Cost per gallon:	\$ 4.29
Fuel rate gallons / hour:	5
Dump Truck Maintenance (\$/hour):	\$ 5.00
Ride-on Sweeper 8ft rental week: rental:	\$ 1,119.00
Drum Roller 84" rental week:	\$ 1,515.00
Chip Sealer Machine rental:	\$ 1,000.00

Cost per mile:

Oil	\$ 12,196.80
Crushed rock	\$ 5,324.00
Employee wage:	\$ 2,375.00
Truck cost:	\$ 717.71
Sweeper cost	\$ 466.25
Drum Roller cost	\$ 1,262.50
Chip Sealer Machine cost:	\$ 416.67
	<u>\$ 22,758.93</u>

2 people, 10 hours days, 2.5 days per town / 6 miles

1 truck, 10 hours days, 2.5 days per town / 6 miles

1 sweeper, 2.5 days per town/ 6 miles

2 drum rollers, 2.5 days per town/ 6 miles

1 chip sealer, 2.5 days per town/ 6 miles

## FW: Invitation to Meet and Discuss CIP Planning

Teresa Anderson <tanderson@msa-ps.com>

Tue 9/5/2023 8:54 AM

To: ChairLindh <chairlindh@townofosceola.com>

Cc: Joe Maki <jmaki@msa-ps.com>

Hi, Dale –

Thank you for the invitation for MSA to have a representative at the Town Board meeting this evening. Unfortunately, with the short notice, and due to many other communities moving meetings from Labor Day to this evening, we do not have a representative available to attend the meeting in Osceola today. If it would be possible to attend the October meeting, we'd be glad to present some information to the board about services that MSA can offer to the Town.

In general, MSA can assist the Town with any of the following:

1. **Planning:** Comprehensive plans, Capital Improvement Plans, Outdoor Recreation Plans, other planning needs
2. **Funding:** Assistance in finding and selecting appropriate funding programs for projects; application and administrative assistance
3. **Asset Management:** Geographic Information Systems (GIS); Asset Inventories; PASER Ratings & WISLR, etc.
4. **Design Services:** Design of infrastructure projects such as roadways (including drainage improvements), parks, boat launches, etc.
5. **Bidding Services:** For projects estimated to cost more than \$25,000 bidding is required. MSA can assist in preparing bid documents with or without design services included.
6. **Environmental Services:** wetland delineation, soil remediation or other environmental concerns
7. **Permitting Assistance:** for surface waters, wetlands, grading, erosion control, or other project-related permitting needs
8. **Construction Assistance:** for complex projects where assistance is needed in managing construction contracts and contractors

This isn't intended to be an all-inclusive list; rather I wanted to outline the general services we provide. If there are any areas of specific interest, we can be sure to bring more information on those topics to the October meeting, or whenever you are able to schedule us for a presentation. I do see that there has been some interest in Capital Improvement Planning – we can be sure to expand on that if it is of interest to the Town.

Thanks for your time. Sorry we're not able to connect this evening. If you will let us know the date for October (or whichever month works best) we will get that on our calendars.

Thanks!



**Teresa Anderson, PE** | Senior Team Leader - Engineering

MSA Professional Services, Inc.

100% Employee Owned

+1 (715) 304-0308



**From:** ChairLindh <chairlindh@townofosceola.com>

**Sent:** Thursday, August 31, 2023 1:44 PM

**To:** Drew Lindh <dlindh@msa-ps.com>

**Cc:** Joe Maki <jmaki@msa-ps.com>

**Subject:** [EXTERNAL] Re: Invitation to Meet and Discuss CIP Planning

Drew-

I trust all is well. I was wondering if MSA would like to attend our Town Board meeting on Tuesday September 5th. I realize that this is short notice. Our meeting is at 6:30 pm. You can also attend the meeting virtually through Teams.

The Board would like to consider options on potentially using MSA services on future road projects and grants. If a representative can not attend the meeting, would it be possible to get some information on the services your company can provide us.

Thanks-

**Dale Lindh**

Town of Osceola Chairman

14/c

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**From:** Drew Lindh <[dlindh@msa-ps.com](mailto:dlindh@msa-ps.com)>  
**Sent:** Wednesday, July 26, 2023 4:28 PM  
**To:** ChairLindh <[chairlindh@townofosceola.com](mailto:chairlindh@townofosceola.com)>  
**Cc:** Joe Maki <[jmaki@msa-ps.com](mailto:jmaki@msa-ps.com)>  
**Subject:** RE: Invitation to Meet and Discuss CIP Planning

Dale,

Hope things are going good at the town. I am writing to see if you are willing to have a short meeting discussing potential new funding opportunities with the Town.

Joe and I are available August 7<sup>th</sup>- 11<sup>th</sup>, 14<sup>th</sup>- 18<sup>th</sup>. If there is a time that works to meet with you and other staff interested in talking about CIP Planning that would be welcomed. Please let us know your availability, and we will be more than happy to accommodate your schedule.

Thanks,



**Drew Lindh, EIT | Graduate Engineer II - Public Works**

MSA Professional Services, Inc.

100% Employee Owned

+1 (715) 304-0310



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**From:** Drew Lindh  
**Sent:** Friday, June 2, 2023 9:23 AM  
**To:** [chairlindh@townofosceola.com](mailto:chairlindh@townofosceola.com)  
**Cc:** Joe Maki <[jmaki@msa-ps.com](mailto:jmaki@msa-ps.com)>  
**Subject:** Invitation to Meet and Discuss CIP Planning

Dale,

Today, I am reaching out to discuss a crucial topic that we believe can significantly benefit the Town—Capital Improvement Planning (CIP). We kindly request a meeting with you and your staff to introduce ourselves again and talk about CIP planning topics.

We are committed to sharing our expertise in CIP planning, including industry best practices, emerging trends, and proven strategies for successful capital improvement initiatives. By working together, we can develop a comprehensive CIP plan that addresses your organization's specific needs and goals.

We would be delighted to schedule a meeting between June 26<sup>th</sup> - June 29<sup>th</sup> and we could meet at town hall, with the staff that are interested in future improvements at the Town. Whether you prefer an in-person meeting, a virtual meeting via video conference, or a hybrid approach, we are flexible and adaptable to your preferences.

Thanks,

TOWN OF OSCEOLA  
PUBLIC WORKS COMMITTEE MEETING  
Thursday, August 10, 2023 – 7:00 A.M.

142

Meeting Minutes

The Public Works Committee for the Town of Osceola met for a regular bi-monthly meeting Thursday, August 10, 2023, at 7:00 am at the Osceola Town Hall (garage), Dresser, Wisconsin.

**Call Meeting to Order:** Chair Lindh call the meeting to order at 7:01 am.

**Verification of Meeting Posting:** It was confirmed that the notice was posted at the Town Hall, Dresser Post Office, the First National Community Bank, the Town Web site, and the Town Facebook stie.

**Present:** Chair Lindh, Todd Raddatz, Joe Gaffney

**Absent:** Supervisor Johnson

**Acceptance of Proposed Agenda:**

**Discussion about current / future road projects**

- Considered possible shoulder machine upgrades.
- Discussed future County plans for repaving County Road F
- Discussion on possible future purchase of road broom.
- Ditch mowing is behind due to tractor being in the shop. Mowing should be caught up by end of the month.
- Will start spray patching again at the end of the month.
- Road stripping to begin end of August / first of September.
- Looked at rust holes on one ton truck dump box.
- Talked about fixing gutters and replacing fallen Town Hall sign.

**Discussion about current Public Works budget:** Went over current budget and future purchases.

**Next Public Works Committee Meeting – Aug 24, 2023**

**Adjournment:**

Being no future business to come before the Public Works Committee, the Meeting was adjourned at 8:05 am.

  
\_\_\_\_\_  
Dale Lindh, Public Works Committee Member

**To be approved:** August 24, 2023

TOWN OF OSCEOLA  
PUBLIC WORKS COMMITTEE MEETING  
Thursday, August 24, 2023 – 7:00 A.M.

143

Meeting Minutes

The Public Works Committee for the Town of Osceola met for a regular bi-monthly meeting Thursday, August 24, 2023, at 7:00 am at the Osceola Town Hall (garage), Dresser, Wisconsin.

**Call Meeting to Order:** Chair Lindh call the meeting to order at 7:01 am.

**Verification of Meeting Posting:** It was confirmed that the notice was posted at the Town Hall, Dresser Post Office, the First National Community Bank, the Town Web site, and the Town Facebook stie.

**Present:** Chair Lindh, Supervisor Johnson Todd Raddatz, Joe Gaffney

**Absent:**

**Public:** James

**Acceptance of Proposed Agenda:**

**Approval of previous meeting minutes:**

**Discussion about current / future road projects**

- Discussion on possible future purchase of road broom. \$16,000 to \$20,000
- Ditch mowing: 3 passes on most all roads. Should be done in two weeks.
- Will start spray patching in September. Will buy 1,500 gallons of oil.
- Road stripping to begin end of August / first of September.
- Looked at rust holes on one ton truck dump box.
- Talked about fixing gutters and replacing fallen Town Hall sign.
- Discussion on working with other Town's to perform chip sealing next year.
- Look at costs for new double axel dump truck. Todd to compile numbers.
- Consider upgrading mower. Will look at cost saving to pay for mower.
- Tony to look at possible road grants for 93<sup>rd</sup> Ave.

**Discussion about current Public Works budget:** Went over current budget and future purchases.

**Next Public Works Committee Meeting – September 14, 2023**

**Adjournment:**

Being no future business to come before the Public Works Committee, the Meeting was adjourned at 8:30 am.

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Dale Lindh, Public Works Committee Member

**To be approved:** August 24, 2023