

Title 3

HUMAN RESOURCES

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Chapter 3.01

OBJECTIVES AND SCOPE

Sections:

3.01.001	Purpose.
3.01.005	Scope and collective bargaining obligations.
3.01.010	Definitions.
3.01.020	Interpretation.

3.01.001 Purpose. The general purpose of the human resources code is to establish a system of personnel administration that meets the social, economic and program needs of the county. It shall be the responsibility of every member of the supervisory staff to administer these policies in a fair and impartial manner. The system shall foster recruiting, selecting and advancing employees on the basis of their relative ability, common knowledge and skills, including open competition of qualified applicants for initial appointments. (Ord. 151-10, Sec. 13, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.3 (part), 1980).

3.01.005 Scope and collective bargaining obligations. County employees, other than supervisory, confidential, managerial or executive, have the right to organize, join and participate in any employee organization, freely and without fear of penalty or reprisal, as provided for in the Municipal Employment Relations Act, Wis. Stat. § 111.70, which includes provisions for the resolution of impasses. Where provisions of duly negotiated employee contracts are in conflict with the Federal Merit System standards, bargaining should attempt to assure future compliance.

A. This code shall apply to personnel administration for all employees and departments of the county except as otherwise provided. Students engaged in field training, volunteer workers, and persons employed to make or conduct a temporary special inquiry, investigation or examination on behalf of the county board or committee of jurisdiction shall not be covered by the provisions of this code.

B. This code shall apply to employees not covered by collective bargaining agreements and to employees so covered when specific contracts do not apply to the contrary.

C. In instances where these provisions are in conflict with Wis. Stat. § 59.26, the latter provision shall prevail. (Ord. 147-54, 2003; Ord. 144-24, Sec. 11, 2000; Ord.141-03, Sec.1, 1997; Ord. 128-25 Sec.1, 1984; Ord. 80-81/276, Sec.3 (part), 1980).

3.01.010 Definitions. The following words and phrases as utilized in this title of the code shall be afforded the definitions hereunder set forth, unless a different meaning is specifically afforded to the word or phrase via definition established in another title of this code or from the context:

A. "Anniversary date" means the date an employee begins regular or project employment.

B. "Appointing authority" means the person, governing body or designee thereof which has the authority granted by law or ordinance to appoint an individual to or remove an individual from positions in county service. The county administrator shall appoint heads of all departments and offices and the head of each department or office shall appoint all subordinate personnel.

C. "Classification" means the job title assigned to a position.

D. "Compensatory time" means those hours worked in excess of the normal work week which may be used as time off from a regular work schedule in accordance with specified guidelines.

E. "Committee" means the committee on human resources.

F. "Department head" means any county official who has the responsibility for the operation of a county department.

G. "Director" means the human resources director.

H. "Emergency" means a sudden and unforeseen combination of circumstances which calls for immediate action and leaves no time for deliberation.

J. "Entry pay rate" means the rate of pay at which a new employee shall normally be placed when employed and is designated as Step A in the annual salary range schedule.

K. "Full-time equivalent" or "FTE" means the percentage of full-time employment that a position represents.

L. "Grievance" means a written complaint regarding the interpretation or application of the human resources code or administrative decisions affecting employee working conditions.

M. "Immediate family" includes the employee's spouse, child, parent, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.

N. "In-kind wages" means the dollar value of property or services furnished to an employee by the county in lieu of money wages.

O. "In-range increment" means a step increase within a salary range.

Q. "Limited term employment" means employment in a short-term position for a period not to exceed 6 months.

R. "Merger" means that 2 or more departments are organized into one department with one department head and one department title.

S. "Non-represented employees" means those employees in positions which are not represented by a collective bargaining agent recognized by the Wisconsin Employment Relations Commission.

T. "Regular employee" means employment in a position which normally requires actual performance of at least 600 hours per year in a planned undertaking which is a regular and continuing function of the county and expected to last more than 2 years.

U. "Project employment" means employment for at least 600 hours per year in a position authorized for a period greater than 6 months but less than 2 years for a planned undertaking which is not a regular function of the employing department and which has an established probable date of termination.

V. "Protected class" means a group whose members possess factors or characteristics specifically identified through legislation, regulations, and executive orders as constituting prohibited basis for discrimination in service delivery and employment. These are enumerated at 3.10.001.

W. "Red-circle" means a salary level which exceeds a salary step of the salary range assigned to a particular position.

X. "Reorganization" means a change in a department's responsibilities have occurred that:

1. Adds new duties requiring creation of new position titles;
2. Deletes existing responsibilities resulting in staff reduction;
3. Substantially modifies existing positions; and
4. Combines 2 or more of the above changes.

Y. "Seasonal employment" means employment in a position not more than 180 continuous calendar days, including weekends, county-observed holidays and other days incorporating both voluntary and/or involuntary leave.

Z. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical acts of a sexual or sex-based nature where (1) submission to such conduct is made a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) when such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

AA. "Supervisor" means the governing body, department head or designee thereof which is responsible for the work product, control, direction of work assignments and the evaluation of subordinate employees.

BB. "Temporary employment" means employment in a position which normally requires the actual performance of duty less than 600 hours per year. (Ord. 155-16, Sec. 1-3, 2011; Ord. 155-4, Sec. 1, 2011; Ord. 153-13, Sec.7 & 8, 2009; Ord 151-35, Sec. 2, 2007; Ord. 151-10, Sec. 14, 2007; Ord. 150-27, 2006; Ord. 147-54, 2003; Ord.139-86, Sec.5, 1995; Ord.138-70, 1994; Ord. 137-08, Sec. 1, 1993; Ord. 135-93, Sec.1, 1991; Ord. 127-1, Sec.3, 1983; Ord. 126-34, Sec.1, 1982; Ord. 126-15, Secs.3 (part) and 4, 1982; Ord. 1-82/473, Sec. 1m, 1982; Ord. 81-82/183, Sec.1 (part), 1981; Ord. 80-81/276, Sec.3 (part), 1980).

3.01.020 Interpretation. In the event of any ambiguity or conflict in the human resources code, the corporation counsel shall be consulted and requested to render an opinion regarding the appropriate construction. (Ord. 151-10, Sec. 15, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.3 (part), 1980).

Chapter 3.03

ORGANIZATION AND ADMINISTRATION

Sections:

- 3.03.010 Purpose.
- 3.03.020 Responsibility and authority.

3.03.010 Purpose. In order to establish and maintain a human resources program for the county, this chapter shall establish a clear understanding of responsibility and authority. Proper organization and delegation of authority are essential to effective and efficient county government administration and management. (Ord. 151-35, Sec. 4, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.5 (part), 1980).

3.03.020 Responsibility and authority.

- A. The county board shall:
1. Authorize by ordinance any amendments to the human resources code;
 2. Confirm non-elected department head appointments;
 3. Authorize the creation, abolition or reclassification of all regular and project positions pursuant to Chapter 3.15; and
 4. Appropriate funds for all authorized personnel positions.
- B. The committee on human resources shall perform those functions provided in 2.04.440 and Title 3 and shall establish pay rates for seasonal employees.
- C. The county administrator shall perform those human resources functions provided in Chapter 2.06 and Title 3, and review all amendments to the human resources code prior to submission to the board.
- D. The director shall:
1. Administer the human resources code and Human Resources Manual and perform those functions provided therein;
 2. Lead strategic efforts and make operational decisions in all areas of personnel management including employment and recruiting, training and development, classification and compensation, benefits, employee relations, labor negotiations, personnel records and health and safety;
 3. Make recommendations regarding overall personnel resource strategic and workforce planning;
 4. Develop and maintain classification plans;
 5. Review reorganization recommendations made by department heads to outline appropriate action for the board;
 6. Approve setting the salary of new employees above the minimum;
 7. Approve exceptions to benefits policy;
 8. Approve travel costs of applicants;
 9. Monitor temporary assignments and use of overtime; and
 10. Maintain a list of regular and project position titles.
- E. Department heads shall:
1. Enforce the human resources code as it pertains to their respective departments, and keep employees informed of its provisions;
 2. Recommend to the director any amendments to the human resources code which would improve county operating efficiency or employment relations;
 3. Delegate appropriate authority to subordinate supervisory personnel in enforcing the code; and
 4. Immediately notify the director of any known changes in personnel and participate in the selection of replacement employees.
- F. Supervisory personnel may, if delegated by the department head, enforce human resources policies. (Ord. 155-16, Sec. 4, 2011; Ord. 151-10, Sec. 16, 2007; Ord. 147-54, 2003; Ord.141-06, Sec.1, 1997; Ord.139-86, Sec.6, 1995; Ord. 135-74, Sec. 1 & 2, 1992; Ord. 126-62, Sec.3, 1983; Ord. 80-81/276, Sec.5 (part), 1980).

Chapter 3.05

RECORDS AND TRANSACTION MANAGEMENT

Sections:

- 3.05.010 Purpose.
- 3.05.020 Responsibility and authority.
- 3.05.030 Inspection and confidentiality of records.

3.05.010 Purpose. Personnel records are essential to provide factual data about an individual's employment with the county. They serve as a basis to evaluate qualifications for promotion or transfer and determine the status, eligibility, rights and benefits of employees. The documents in the employee's personnel file vitally affect the rights and benefits of employees and serve to support management decisions. (Ord. 147-54, 2003; Ord.141-69, Sec.5, 1997; Ord. 80-81/276, Sec.11 (part), 1980).

3.05.020 Responsibility and authority.

- A. The human resources director shall:
 - 1. Establish, maintain and coordinate personnel transactions and records for all county employees;
 - 2. Maintain a central personnel file for each county employee showing name, address, birth date, title, salary, changes in status, annual performance ratings and such other pertinent information necessary for effective personnel administration and for compliance with federal and state laws;
 - 3. Advise and assist department heads and the county administrator on all county personnel transactions, records and systems procedures; and
 - 4. Notify the finance department on all matters affecting payroll changes.
- B. Department heads shall:
 - 1. Initiate and process transactions that affect their employees using forms provided or approved by the director;
 - 2. Maintain a record of each employee's compensatory time, where applicable, to justify compensable time off work; and
 - 3. Promptly notify the director of all changes in personnel information affecting records and payroll, including change of address, name, marital status, change of dependency, leaves of absence or other pertinent information and the date of such change.
- C. All employees shall notify their supervisor of any changes which affect their personal status, such as changes in name, address, telephone number, marital status or eligible dependents. (Ord. 147-54, 2003; Ord.141-69, Secs.6-7; Ord.141-06, Sec.9, 1997; Ord. 81-82/473, Secs.14--16, 1982; Ord. 80-81/276, Sec.11 (part), 1980).

3.05.030 Inspection and confidentiality of records.

A. General information. Information as to the name, dates of employment, classification title and salary of county employees is available for public inspection at times in accordance with procedures prescribed by the director.

B. Confidential personnel records. Other employee information not designated in A., shall be considered confidential and shall be available to the county administrator, the corporation counsel, the employee's supervisor, department head, human resources department and appropriate standing committee or body on a need-to-know basis as necessary in order to perform their respective duties.

1. Employee requests for personnel records. An employee or his or her representative shall, upon written request, be allowed to inspect any documents in the employee's personnel file. The inspection shall take place during working hours in the human resources department.

2. Third party requests for personnel records. When a third party request is made for personnel records, the director shall deny the request, shall balance the interests of the public to be informed in public matters against the harm to employee reputations which would likely result from the inspection and disclosure and release the records or release the records only after a notice of impending release and the of right judicial review have been provided to the employee, all in conformance with the Wisconsin Public Records Law.

C. Medical records. The right of an employee or his or her representative to inspect personnel records includes the right to inspect any personal medical records maintained by the county. An employee must execute a medical release before his or her medical records are released to his or her representative or a third party. If the director believes that disclosure of an employee's medical records would have a detrimental effect on the employee, the employer may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family. (Wis. Stat. § 103.13(5)). Requests by third parties must be accompanied by a written release from the employee.

D. Applications. An applicant for a position may indicate in writing that he or she does not wish his or her identity to be revealed. Except with respect to an applicant who is selected as a final candidate (1 of top 5) for a position, the County may not provide access to any record related to the application that may reveal the applicant's identity. (Ord. 151-10, Sec. 18, 2007; Ord. 147-54, 2003; Ord. 144-24, Sec. 12, 2000; Ord.141-06, Sec.10, 1997; Ord. 128-25, Sec.6, 1984; Ord. 80-81/276, Sec.11 (part), 1980).

Chapter 3.10

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Sections:

- 3.10.001 Equal employment opportunity policy.
- 3.10.005 Sexual harassment.
- 3.10.010 Affirmative action program.
- 3.10.020 Affirmative action officer.
- 3.10.030 Affirmative action plan adopted by reference.
- 3.10.040 Grievances under this chapter.

3.10.001 Equal employment opportunity policy. The county shall foster to the fullest extent practicable the employment of all properly qualified individuals regardless of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state or use or nonuse of lawful products off the employer's premises during nonworking hours. (Ord. 147-54, 2003; Ord. 135-93, Secs.2 & 3, 1991; Ord. 131-61, Secs. 1 & 2, 1987; Ord. 128-11, Sec.2, 1984; Ord. 80-81/276, Sec.4 (part), 1980).

3.10.005 Sexual harassment.

A. Harassment of any employee by another employee, agent or official of the county, client, vendor, or visitor shall not be tolerated. This includes but is not limited to harassment aimed at an individual based on the individual's age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state or use or nonuse of lawful products off the employer's premises during nonworking hours. While a more detailed definition of sexual harassment is stated in E., its application to other forms of harassment must be recognized and similar harassment on any basis is prohibited.

B. Any person who harasses another shall be subject to disciplinary action, up to and including termination.

C. Any form of retaliation against complainants or individuals who provide information relative to harassment complaints is prohibited.

D. Individuals who engage in retaliation shall be subject to disciplinary action up to and including termination.

E. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature where (1) submission to such conduct is made a term or condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) when such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

F. Any employee who feels that he or she has been the victim of harassment or has observed the harassment of another should immediately report the harassment to any of the following individuals: any supervisor or department head; the county administrator; the affirmative action officer in the human resources department; the corporation counsel; an assistant corporation counsel.

G. Any incident of harassment reported to a supervisor, department head or the county administrator shall be forwarded to the affirmative action officer and corporation counsel to promptly and thoroughly investigate all charges and ensure all necessary steps are taken to eradicate harassment.

1. The affirmative action officer and corporation counsel will determine how the investigation will be conducted and whether it is to be conducted internally or externally.

a. All investigations will be given top priority and completed as quickly as possible.

b. All employees shall cooperate fully and completely with the investigation.

c. Confidentiality shall be honored to the extent possible. Information provided will be shared only on a "need to know" basis.

2. Once the investigation is completed and reviewed with corporation counsel, prompt and effective remedial action shall occur in all cases in the event that harassment is discovered.

3. After the investigation is complete and remedial measures have been taken, the situation shall be reviewed on a period basis to ensure it has effectively been resolved and the harassment eradicated. (Ord. 151-10, Sec. 19, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.16 (part), 1980).

3.10.010 Affirmative action program. In order to maximize compliance with equal employment opportunity policy, the county shall establish, implement, and maintain an effective affirmative action program. Such program shall determine job categories in the county in which members of protected classes may have a lower representation than their availability in the county's total labor force of persons with the requisite qualifications. Further, the affirmative action program should seek to identify employment policies and practices that may act as barriers to the appropriate and full utilization of protected class members in the county's work force. (Ord. 147-54, 2003; Ord. 130-81, Sec.1, 1987; Ord. 80-81/276, Sec.4 (part), 1980).

3.10.020 Affirmative action officer. The affirmative action officer shall be responsible for administration of the affirmative action plan, shall be responsible for administration of the affirmative action program and shall have full access to all departmental records, policies and procedures, rules and regulations, including personnel files, documents, background investigation reports and other informational documents relating to the recruitment and employment transactions affecting county employees and applicants. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.4 (part), 1980).

3.10.030 Affirmative action plan adopted by reference. There is adopted by reference the Eau Claire County affirmative action plan, under date of March, 1984. The original copy of said plan shall be maintained and shall be open for inspection in the office of the county clerk. Amendments thereto shall be approved by the county board and incorporated therein as though fully set forth and when adopted, have the same force and effect as the original plan. (Ord. 147-54, 2003; Ord. 128-11, Sec.3, 1984; Ord. 80-81/276, Sec.4 (part), 1980).

3.10.040 Grievances under this chapter. Any employee or applicant, feeling personally aggrieved by the action of any person obligated to administer equal employment opportunity policy shall refer such matter directly to the affirmative action officer, the director or the corporation counsel. (Ord. 147-54, 2003; Ord. 128-11, Sec.4, 1984; Ord. 80-81/276, Sec.4 (part), 1980).

Chapter 3.15

POSITION ADMINISTRATION

Sections:

- 3.15.010 Purpose.
- 3.15.020 Administration.
- 3.15.030 Position establishment.
- 3.15.040 Position descriptions.
- 3.15.050 Procedure for reviewing, adding or changing positions.
- 3.15.600 Reorganization or merger of county departments.
- 3.15.070 Regular and project position titles.

3.15.010 Purpose. The purpose of position administration is to provide an efficient organization of work which provides maximum economy and efficiency in providing public services. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.6 (part), 1980).

3.15.020 Administration. The director shall be responsible for the administration of all positions authorized by the board or committee, ensuring that employees receive the proper pay and benefits as determined by the status of the position occupied. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.6 (part), 1980).

3.15.030 Position establishment.

- A. Authorization for all regular or project positions or changes therein is subject to the recommendation of the governing committee, the committee and approval by the board.
- B. Authorization for all limited term, temporary and seasonal positions or changes therein shall be approved by the director, subject to departmental budgetary constraints.

C. Each position shall be designated as regular, project, limited term, temporary or seasonal and the annual scheduled hours for the position determined. (Ord. 155-16, Sec. 5, 2011; Ord. 153-13, Sec. 1, 2009; Ord. 147-54, 2003; Ord. 134-24, Sec. 1, 1990; Ord. 130-37, Sec.1, 1986; Ord.85-86/24, Sec.1, 1985; Ord.80-81/276, Sec.6 (part), 1980).

3.15.040 Position descriptions. Position descriptions are necessary to establish a distribution of duties and responsibilities that employees are expected to perform, to classify positions correctly, to fix the appropriate pay for such positions and to develop valid employee selection procedures.

A. New positions. The department head shall submit a completed position requisition and supporting documentation to the director. The director or designee shall prepare a new position description.

B. Changes in position descriptions. The department head shall notify the director when changes in duties and responsibilities of positions occur. Changes will be made by the director or designee by amendment to the position description unless they are so substantial as to make preparation of a new description desirable.

C. Records. An official position description for each county position shall be maintained in the human resources department and, if required by law or regulation, in the individual personnel folder. (Ord. 151-10, Sec. 20, 2007; Ord. 147-54, 2003; Ord.141-68, Sec.1-2, 1997; Ord. 85-86/24, Sec.2, 1985; Ord. 80-81/276, Sec.6 (part), 1980).

3.15.050 Procedure for reviewing, adding or changing positions.

A. Budgetary process. All requests for new or changed positions shall be processed as provided in the Human Resources Manual as part of the county budgetary process. Positions that have been vacant for 365 days or more will be reviewed by the committee and are subject to deletion.

B. Project positions. When the end date of a project position is reached prior to the expiration of 2 years, such position cannot be extended unless the extension is approved by the director and the committee.

C. Salary range determination. The appropriate salary range for non-represented positions shall be determined pursuant to the Human Resources Manual and for positions included in certified bargaining units the director shall enter into collective bargaining to determine the appropriate salary, subject to approval of the board.

D. Position reclassification procedure. Employees shall use the procedure enumerated in the Human Resources Manual, using forms prescribed by the human resources department.

E. FTE changes. The director shall have the authority to approve an increase in the full-time equivalency (FTE) of any part-time position as long as sufficient funds exist in the appropriate department budget. (Ord. 153-13, Sec. 2-4, 2009; Ord. 151-10, Sec. 21, 2007; Ord. 147-54, 2003; Ord.141-92, Sec.48, 1998; Ord.141-68, Secs.3-4; Ord.141-06, Sec.2, 1997; Ord. 137-08, Sec.2, 1993; Ord. 133-70, 1989; Ord. 132-52, Sec.1, 1988; Ord. 130-37, Sec.2, 1986; Ord. 85-86/24, Secs. 3,4, 1985; Ord. 127-55, Sec. 1, 1983; Ord. 81-82/183, Sec.2, 1981; Ord. 80-81/276, Sec.6 (part), 1980).

3.15.060 Reorganization or merger of county departments. Proposed departmental reorganizations or mergers will follow the procedures enumerated in the Human Resources Manual. (Ord. 151-10, Sec. 22, 2007; Ord. 147-54, 2003; Ord.138-71, 1994; Ord. 136-41, 1992; Ord. 80-81/276, Sec.6 (part), 1980).

3.15.070 Regular and project position titles.

A. The director shall maintain a list of regular and project position titles used in county service which shall include the position title, number of positions per position title, full time equivalency (FTE), salary code and any contingent conditions for specific positions. The list is available from human resources by request.

B. Position title changes. Authorization for all title changes is subject to the recommendations of the governing committee and director and approval by the committee. (Ord. 155-16, Sec. 6, 2011; Ord. 155-16, Sec. 5, 2011; Ord. 153-13, Sec. 5, 2009)

(Ord. 153-13, Sec. 6, 2009 REPEALED CHAPTER 3.18)

Chapter 3.20

COMPENSATION AND SALARY ADMINISTRATION:
ELECTED AND OTHER OFFICIALS

Sections:

- 3.20.001 Elected officers and officials compensation.
- 3.20.005 Salaries of elected officers.
- 3.20.010 Benefits of elected officials.
- 3.20.020 County board of supervisors compensation.
- 3.20.030 Committee meeting defined.
- 3.20.040 County board committee per diems.
- 3.20.045 County board chair per diem and expense authorization.
- 3.20.050 County board mileage allowance.
- 3.20.060 Compensation of county governing bodies.
- 3.20.070 Compensation prohibited.
- 3.20.080 Authorized per diem compensation.
- 3.20.090 Compensation of other officials.
- 3.20.100 Compensation claims and payments.

3.20.001 Elected officers and officials compensation.

A. Prior to May 1st of each even numbered year the committee shall review salaries of all county elected officials and make recommendations by ordinance to the board in accordance with Wis. Stat §§ 59.22(1)(a) and for each position up for election.

B. The salaries of all elected officers shall be in lieu of all fees, including all per diem and other forms of compensation for services rendered. All fees collected by such officers shall be remitted to the county treasurer as provided in Chapter 4.05.

C. Prior to November 1st, of each odd numbered year the committee shall review and recommend to the board, by ordinance, salary and per diem schedules for the full terms of the county supervisors to be next elected, as provided by law. (Ord. 150-013; Sec. 1, 2006; Ord 147-101; Sec. 1, 2004; Ord. 147-54, 2003; Ord.141-03, Sec.1, 1997; Ord. 136-70; Ord.136-15, 1992; Ord. 134-05, Sec.2, 1990; Ord. 126-7, Secs.3--5, 1982; Ord. 81-82/43, Secs.3 and 4, 1981; Ord. 80-81/276, Sec.7 (part), 1980).

3.20.005 Salaries of elected officers.

A. The salaries of all elected officers shall be paid in accordance with Chapter 4.07.

B. Commencing January 1, 2011, the annual salaries of the elected officials for calendar year 2011 shall be as follows:

- 1. Clerk of circuit court \$60,651
- 2. County clerk \$55,977
- 3. County sheriff \$80,711

- 4. County treasurer \$55,977
- 5. Register of deeds \$55,977

C. Commencing January 1, 2012, the annual salaries of the elected officials for calendar year 2012 shall be as follows:

- 1. Clerk of circuit court \$60,651
- 2. County clerk \$57,376
- 3. County sheriff \$80,711
- 4. County treasurer \$57,376
- 5. Register of deeds \$57,376

D. Commencing January 1, 2013, the annual salaries of the elected officials for calendar year 2013 shall be as follows:

- 1. Clerk of circuit court \$61,864
- 2. County sheriff \$82,325

E. Commencing January 1, 2014, the annual salaries of the elected officials for calendar year 2014 shall be as follows:

- 1. Clerk of circuit court \$63,101
- 2. County sheriff \$83,972 (Ord. 154-5, Sec. 1-2, 2010; Ord. 152-002, Sec. 2, 2008; Ord 150-013; Sec. 3, 2006).

3.20.010 Benefits of elected officials.

A. The provisions of 3.35.050, 3.35.060, 3.35.070 B. and D. and 3.35.090 shall apply to elected officers.

B. The provisions of 3.35.080 shall apply to all elected officials.

C. No elected official shall be eligible for unemployment compensation pursuant to the provisions of Wis. Stat. §108.02(15)(f.).

D. The office of each elected officer is declared to be a full-time position. No occupant thereof may engage in any outside employment contrary to Chapter 3.50 or if such employment conflicts with or affects the performance of the duties of said officer. (Ord. 150-004, Sec. 1, 2006; Ord. 147-54, 2003; Ord. 127-45, Sec.1, 1983; Ord. 126-7, Secs.6 and 7, 1982).

3.20.020 County board of supervisors compensation.

A. The compensation for each member of the county board shall be paid monthly by the county treasurer on the payroll date falling no earlier than the 7th day but not later than the 20th day of each month as follows:

- 1. Chair: \$4,675 per year at \$389.58 per month;
- 2. First vice chair: \$1,836 per year at \$153 per month;
- 3. All others: \$1,326 per year at \$110.50 per month;
- 4. A pro rata adjustment shall be made for portions of months not served in such capacities.

B. The compensation provided in A. shall be for all services for the county except as provided in 3.20.040. (Ord. 151-040, Sec. 1-2, 2008; Ord. 147-54, 2003; Ord. 145-65, Sec. 1, 2001; Ord.143-57, 1999; Ord.140-38, Sec.2, 1996; Ord.137-73, 1993; Ord.135-60, Sec. 1, 1991; Ord.131-46, Sec.1, 1987, Ord. 126-39, Secs.1-4, 1982; Ord.79-80/244, Sec.1, 1979; Ord.361-77, Sec.2, 1977).

3.20.030 Committee meeting defined. "Committee meeting" as used in this chapter shall mean:

A. The convening of a standing, select or special committee of the county board or a subcommittee thereof for duly authorized purposes under Wis. Stat. ch. 19, subch. V, and the rules of the county board wherein an agenda is published, a quorum is present and regular business is conducted;

B The attendance by a supervisor at a meeting of any other board, council, commission, or committee, without enumeration, to which he or she has been appointed by the county board or the chair thereof as the official permanent county representative, and at meetings of subcommittees thereof to which said supervisor has been appointed by the chair of such body.

C. The attendance of a member of the human resources committee at collective bargaining negotiation sessions, mediation sessions, grievance or interest arbitration hearings, unit clarification hearings, prohibited practice hearings or any other hearing authorized under the Wisconsin Municipal Employment Relations Act.

D. The following do not constitute meetings and therefore do not qualify for per diem payments; ribbon cuttings, ground breakings meals not in conjunction with approved meetings, award ceremonies, sporting events, taxpayer alliance meetings and political forums. (Ord 151-40, Sec. 3-4, 2008; Ord. 151-10, Sec. 24, 2007; Ord. 147-54, 2003; Ord. 146-77, 2003; Ord.139-53, 1995; Ord.126-55, Sec.1, 1982; Ord. 126-39, Sec.7, 1982; Ord.361-77, Sec.4, 1977).

3.20.040 County board committee per diems.

A. Each supervisor shall be paid a per diem of \$25.00 for each committee or county board meeting he or she attends, except for committee meetings scheduled within 1 hour prior to a county board meeting or held during a county board recess. No per diem shall be allowed to any supervisor for attending the meeting of a committee to which he or she has not been appointed as provided by resolution or ordinance unless the chair of the committee certifies in writing that his or her attendance was requested.

B. The director shall prepare committee attendance report forms providing the following: the name of the committee; date, time and place of the meeting; a list of members in attendance; a list of persons not members whose attendance was requested by the chair; a certificate to be signed by the chair assuring compliance with A. and 3.20.030; and a certificate to be signed by the county clerk or his or her designee assuring compliance with C.

C. The completed committee attendance forms as provided in B. shall be transmitted promptly by the committee chair after each meeting to the county clerk who shall certify that said meeting was publicly noticed as required by Wis. Stat. §19.84, and shall thereafter transmit said form to the human resources department.

D. Where 2 or more committees meet jointly, the chair of each committee shall complete a separate committee attendance report form for submission as provided in this section.

E. Any supervisor failing to answer at least half of all roll call votes at any meeting of the board shall be considered absent for per diem payment purposes. (Ord. 152-34, Sec. 1, 2008; Ord. 151-10, Sec. 25, 2007; Ord. 147-54, 2003; Ord.141-63, 1997; Ord. 135-60, 1991; Ord. 133-68, Ord. 133-57, 1989; Ord. 131-46, Secs.2 & 3, 1987; Ord. 130-46, Sec.1, 1986; Ord. 127-60, Sec.2, 1983; Ord. 126-76, Secs.6 (part), 7, 1983; Ord. 126-39, Secs.5, 6, 6m, 1982; Ord. 81-82/344, Sec.1, 1981; Ord. 80-81/244, Sec.1, 1980; Ord. 79-80/244, Sec.2, 1979; Ord. 361-77, Sec.3, 1977).

3.20.045 County board chair per diem and expense authorization. All county board chair per diems authorized in this chapter and travel and training expenses authorized in the Human Resources Manual require approval of the finance and budget committee. (Ord. 151-10, Sec. 26, 2007; Ord. 147-54, 2003; Ord.146-76, 2003).

3.20.050 County board mileage allowance.

A. Each supervisor shall, for each day he or she attends a meeting of the board or for attendance at not to exceed 2 committee meetings in any 1 day, receive a mileage allowance for each mile traveled in going to and returning from the meeting by the most usual traveled route at the rate established in the Human Resources Manual as the standard mileage allowance; but subject to the limitations in the Human Resources Manual for out-of-county committee meetings. The standard mileage allowance shall be paid to any county supervisor who travels to a meeting, which is cancelled due to a lack of a quorum.

B. Nothing in this section shall be construed to prohibit claims for travel expense reimbursement by any supervisor for authorized travel within or without the county on official county business not constituting a committee meeting as defined in 3.20.030. All such claims shall be subject to the provisions of the Human Resources Manual. (Ord. 151.10, Sec. 32, 2007; Ord. 147-54, 2003; Ord.139-88, 1995; Ord. 138-28, 1994; Ord. 126-55, Sec.2, 1982; Ord. 126-39, Sec.8, 1982; Ord. 361-77, Sec.5, 1977).

3.20.060 Compensation of county governing bodies.

A. Each member of a county governing body created under 2.05.001 shall be paid the per diem authorized in 3.20.080, except that members who are county supervisors shall be compensated under 3.20.040 A.

B. Each member of a county governing body created under 2.05.001, any commission, board, committee, advisory committee, council or authority created by ordinance or resolution, and of a special committee under 2.04.150 shall receive mileage reimbursement, except that members who are county supervisors shall be allowed mileage under 3.20.050.

C. Mileage reimbursement shall be paid for each mile traveled in going to and returning from a meeting of any governing body or subcommittee thereof authorized under B. by the most usual traveled route at the rate established in the Human Resources Manual as the standard mileage allowance, subject to the limitations in the Human Resources Manual for out of county travel. The standard mileage allowance shall be paid to any committee member authorized to receive mileage reimbursement who travels to a meeting which is cancelled due to lack of a quorum. (Ord. 151-10, Sec. 28, 2007; Ord. 147-54, 2003; Ord. 138-28, 1994; Ord.135-36, Sec.2, 1991; Ord. 126-53, Sec.4 (part), 1982).

3.20.070 Compensation prohibited.

A. No per diem shall be paid to any county elected officer or employee under 3.20.060, nor to any other member of a county governing body unless authorized in this chapter.

B. It is the policy of the county board that members of advisory committees serve without per diem compensation. (Ord. 147-54, 2003; Ord. 126-53, Sec.4 (part), 1982).

3.20.080 Authorized per diem compensation.

A. Board of land use appeals, ADRC subcommittee on Older Americans Act programs, human services board, land conservation commission, veterans service commission not to exceed 6 meetings per calendar year, local emergency planning committee and housing authority, and aging and disability resource center board: \$25;

B. Airport commission: \$75 per month for attendance at the regularly scheduled monthly meeting. (Ord. 152-31, Sec. 8, 2008; Ord. 151-42, Sec. 2, 2008; Ord. 147-54, 2003; Ord. 143-80, 1999; Ord. 136-42, 1992; Ord. 134-60, Sec. 2, 1990; Ord. 134-53, 1990; Ord. 131-46, Sec.5, 1987; Ord. 127-60, Sec.1, 1983; Ord. 126-53, Sec.4 (part), 1982).

3.20.090 Compensation of other officials.

A. The officials named in this section shall be compensated at the rates fixed herein.

B. Each such official shall receive reimbursement only for mileage, meals and lodging expenses incurred in the course of his or her duties, in accordance with the Human Resources Manual.

C. Compensation rates:

1. Commissioners of condemnation (Wis. Stat. § 32.08(4)): \$20 per hour, except for the chair at \$25 per hour;

2. County board of canvassers (Wis. Stat. § 7.60): \$8 per hour, except for county elected officials or employees;

3. Court commissioners appointed under Wis. Stat. § 757.68, shall be paid reasonable compensation as fixed by the circuit court but not more than the hourly equivalent of the salary of a circuit court judge as determined by the county finance director;

4. Grand and petit jurors and talesmen (Wis. Stat. § 756.25): \$25 per day or \$12.50 per half-day;

5. Local assessors, clerks and other officials, for attending any meeting directed by the State Department of Revenue under Wis. Stat. § 73.06(1): \$18 per day plus the standard county mileage allowance in the Human Resources Manual;

6. Circuit court officers shall be paid the hourly rate established at salary grade 801 step A, with a minimum 2 hours of call-in time on days where circuit court officers report for work and court is cancelled;

7. Except for mileage, witnesses paid per statute.

D. The director and the finance director shall assure compliance with this chapter, and shall recommend appropriate revisions in the compensation schedules to the committee prior to November 1st annually. (Ord. 151-10, Sec. 30, 2007; Ord. 147-54, 2003; Ord.141-71, Sec.1; Ord.141-58; Ord.141-03, Sec.1; Ord.140-107, Sec.1; 1997; Ord.137-38, 1993; Ord.135-84, 1992; Ord. 134-64, 1991; Ord. 134-54, 1990; Ord. 131-52, Sec.1, Ord. 130-59, Secs.1-3, 1987; Ord. 129-77, Secs.1,2, 1986; Ord. 129-46, Sec.1, 1985; Ord. 127-60, Sec.3, 1983; Ord. 127-30, Secs.1, 2, 1983; Ord. 126-76, Secs.3, 4, 1983; Ord. 126-53, Sec.5 (part), 1982).

3.20.100 Compensation claims and payments.

A. The finance director or designee shall prepare a separate attendance form for meetings of county governing bodies created under 2.05.001. The form shall contain certificates substantially similar to those under 3.20.040 B. Completed forms shall be filed promptly with the county clerk after each meeting by the chair of the governing body. The clerk shall certify whether the meeting was publicly noticed as required under Wis. Stat. § 19.84, and shall thereafter transmit the form to the finance department.

B. Each supervisor appointed under 3.20.030 B. or C. shall promptly after the meeting file with the chair of the county board a certificate of attendance. If the supervisor attended the meeting, the chair shall execute and file the certificate with the finance department. The finance director or designee shall prepare appropriate certificate forms.

C. No per diem claims shall be allowed if not filed within 60 days of the date of the committee meeting and in accord with this section.

D. No claim for per diem or mileage for meetings attended pursuant to 3.20.030 B. or C. may be made or allowed if the member appointed is entitled to receive per diem or mileage reimbursement equal to or greater than that allowed under this chapter from any other source. If the per diem or mileage reimbursement from such source is less than the amount allowed under this chapter, the member may submit a claim to the county for the difference between the amount allowed by this chapter and the amount received.

E. All claims under this section shall include the claimant's certification that the claim is true and correct, and that no portion of the amount claimed was previously reimbursed by the county or by any other source. (Ord. 147-54, 2003; Ord.140-107, Secs.2-3, 1997; Ord. 126-76, Secs.5, 6(part), 8, 1983).

Chapter 3.25

NON-REPRESENTED SALARY PLAN

Sections:

- 3.25.001 Purpose.
- 3.25.005 Definitions.
- 3.25.010 Adoption of Hay study position content evaluation and salary plan for non-represented positions.
- 3.25.020 Salary policy determination.
- 3.25.030 Salary plan administration.
- 3.25.040 Employee transactions.
- 3.25.050 Position evaluation board.
- 3.25.060 Appeal of position content evaluations.

3.25.001 Purpose. The purpose of this chapter is to adopt a uniform non-represented employee salary plan. The salary and benefits provided by the county to its non-represented employees are for the purpose of obtaining and retaining competent individuals to perform services which the county is either required to or is discretionarily providing to its residents. The county will provide these salaries and benefits on the basis of internal equity, and external competitiveness if fiscally feasible. (Ord. 147-54, 2003; Ord. 79-80/391, Sec.3 (part), 1980).

3.25.005 Definitions. The following definitions shall be utilized in this chapter unless the context indicates otherwise:

A. "Position content value points" means a quantitative value determined for each non-represented position relative to all other positions utilizing the Hay Guide Chart - Profile Method whereby position components of know-how, problem-solving, accountability and working conditions are quantified.

B. "Salary policy line" means the graphic representation of the salary level determined by the board as being necessary to maintain internal equity and external job market competitiveness.

C. "Salary range" means a defined level within the salary schedule including steps established at D.

D. "Salary step" means that position within a salary range for particular positions in which a non-represented employee shall be placed. The salary steps shall include Step A, entry level, and Steps B, C, D, E, F, G and H which shall be salary opportunity incremental increases available pursuant to 3.25.030 (Ord. 147-54, 2003; Ord. 143-50, 1999; Ord. 133-86, Secs. 1 & 2, 1990; Ord. 81-82/183, Sec.5, 1981; Ord. 79-80/391, Sec.3 (part), 1980).

3.25.010 Adoption of Hay study position content evaluation and salary plan for non-represented positions. The board hereby adopts and implements the position content evaluation and salary plan for non-represented positions prepared for Eau Claire County in January, 1980, by Hay Associates, Chicago, Illinois. The components of the plan shall be hereinafter specified. (Ord. 147-54, 2003; Ord. 79-80/391, Sec.3 (part), 1980).

3.25.020 Salary policy determination.

A. The director or designee shall annually:

1. Prepare statistical data on the county's internal salary practice and external prevailing rate data and develop appropriate models; and
2. Recommend to the committee the position of the salary policy line for the next budget year and compute implementation cost.

B. The committee shall:

1. Review the salary policy line as recommended by the director and make its final recommendations to the committee on finance and budget for evaluation of fiscal impact and to the board for final adoption by resolution; and
2. Review annually in-kind wages attributable to particular positions and approve necessary adjustments as recommended by the director.

C. The non-represented employees' salary range schedule shall be adopted annually by the board by resolution.

D. The salary range assignment of all positions shall be based upon the position content value points.

E. An employee in a red-circle position has the option of electing an annual salary adjustment in an amount equal to ½ that which is provided for other positions, or remaining at the red-circle rate until the salary falls within the established salary range. Such election shall be made once. Annual adjustments to a red-circle salary shall continue to be granted at the lesser rate until the salary falls within the established salary range.

F. Salary policy line market exceptions may be made by the committee in the event that external conditions, properly documented by the director, are found to exist for certain occupations. Any exceptions to the salary policy line must be reviewed annually by the director to determine if justification continues to exist for such exceptions. Under no circumstances shall a position be re-evaluated to obtain a higher number of position content value points solely to achieve the same effect as a salary policy line market exception. (Ord. 147-54, 2003; Ord.142-81, 1999; Ord. 89-90/274, 1990; Ord. 81-82/183, Sec.6, 1981; Ord. 79-80/391, Sec.3 (part), 1980).

3.25.030 Salary plan administration.

A. Entrants to vacant positions, either new hires or promoted employees, shall normally commence working at the entry level salary Step A; however, an entrant may be assigned at a higher starting salary step subject to approval of the director under the following conditions:

1. The entrant must have substantial experience immediately usable in the new position; or
2. Market conditions must demand a higher starting salary step; or
3. Salary compression from subordinate positions requires a higher starting salary.

B. Employees shall be eligible to request movement to the B salary step a minimum of 6 months after placement at the A step. Requests for in-range progression to the C, D, E, F, G and H salary steps may be made at 1 year intervals after each placement at the immediate preceding step, except that a reclassification shall not affect the established 1-year intervals, including where the employee is at Step H. Requests by department heads shall be approved or denied by the county administrator. Requests by supervisory and support personnel shall be tendered for approval to the director by the appointing authority. Such in-range progressions shall not be automatic. Approval thereof shall be based upon the individual's performance evaluation, indicating satisfactory performance and achievement in the accountabilities attributed to the position which he or she fills. An employee who has received an unsatisfactory performance evaluation, is serving a disciplinary suspension or who has received a written warning of performance deficiencies when the warning includes a time limit within which the deficiencies must be corrected, shall not be eligible for a step increase until a minimum of 3 months have passed after a satisfactory performance evaluation is received, the disciplinary suspension is completed or the performance deficiencies are corrected within the time limit given. Approval or denial of a step increase shall be at the discretion of the county administrator for department heads and at the discretion of the director for supervisory and support personnel upon recommendation by the appointing authority.

C. Vacant positions covered by the salary plan shall be subject to review by the director and the respective department head and possible re-evaluation by the position evaluation board, prior to recruitment and selection of a replacement employee.

D. All new or modified positions shall be subject to review and evaluation by the position evaluation board which shall report its determination to the committee. Changes in position content evaluation points shall become effective no later than 90 days after approval of the requested change by the appropriate governing committee. Changes effective beyond 90 days shall be made retroactive to the 91st day after approval of the requested change by the appropriate governing committee.

E. All positions will be reviewed and evaluated by the position evaluation board within a 5-year period. The position evaluation board will report its determinations to the committee annually, and subsequent changes in position content value points will become effective no later than October 1 of the year in which the position was evaluated.

F. The director or designee shall maintain records on the position content value point determinations of all non-represented positions, including the date of evaluation and the effective date of implementation as approved by the county board. (Ord 152-09, Secs. 1&2, 2008; Ord. 147-54, 2003; Ord. 145-05, Sec. 1, 2001; Ord. 0144-02, 2000; Ord.141-92, Sec.50, 1998; Ord. 134-46, 1990; Ord. 134-24, Sec.6, 1990; Ord. 133-86, Sec. 5, 1990; Ord. 131-58, Sec.1, 1987, Ord. 130-14, Secs.1,2, 1986; Ord. 85-86/25, Secs. 5,6, 1985; Ord. 128-33, Secs. 1, 2, 1984; Ord. 81-82/183, Secs.7--10, 1981; Ord. 79-80/391, Sec.3 (part), 1980).

3.25.040 Employee transactions. The following actions may affect the pay status of an employee:

A. New employees.

1. An employee appointed to a regular or project position shall be paid at the entry level rate for the position to which appointed and progress to additional in-range steps, if any, in accordance with the appropriate salary schedule, except as provided in 3.25.030 A.

2. An employee appointed to a non-regular position, except a project position, shall be paid at the entry level rate for the position to which appointed and shall not be eligible for further in-range rate increases. If an appropriate pay range does not exist for a non-regular position, the rate of pay shall be determined by the director, subject to the approval by the committee.

B. An employee returning to county employment after a termination that was without a re-employment commitment by the county shall be considered a new employee.

C. Promotion. When a regular employee is transferred to a position having a higher salary range, the employee shall be advanced to that step in the pay range providing the minimum increase in salary, except as provided in 3.25.030 A.

D. Demotion. Except as provided in J., a regular employee assigned to another position with a lower salary range shall receive the maximum rate in the lower salary range which is less than or equal to the employee's rate at the time of demotion.

E. Lateral transfer. When an employee is transferred to another position with an equivalent pay range, the employee shall continue to receive the same salary.

F. An employee temporarily assigned to a position with a higher maximum salary range for a period of at least 30 days shall be paid at least at the lowest step within the salary range for the temporarily assigned position which affords a salary increase over the employee's current rate, retroactive to the date of temporary assignment subject to the approval of the committee.

G. Assignment differential. An employee assigned to 2 positions on a regular basis, one of which has a higher salary range, shall receive an assignment differential equal to the difference in the salary rates for the positions for all hours worked in the position with the higher salary range.

H. Employee reclassification. An employee reclassified as part of a designed and designated career progression shall receive the minimum rate providing a salary increase. Such reclassifications shall be based upon the individual's demonstrated capacity to perform tasks which require a higher degree of functional skills or attainment of specified additional training, subject to recommendation of the department head and approval of the director.

I. Position reclassification and reallocation. Positions shall be reclassified and reallocated to a salary range to reflect an appropriate classification and salary range as duties and responsibilities substantially change. Incumbents in such positions shall receive the same salary step if the salary range is unchanged, the minimum salary step providing a salary increase if reallocated to a higher salary range, and the salary step providing the least salary reduction if reallocated to a lower salary range, except that the committee may approve that the salary rate of the incumbent be red-circled.

J. In-range steps and unpaid absences. The period of service required between in-range step increases shall be extended by the amount of time an employee is on unpaid leave or layoff exceeding 15 days. (Ord. 147-54, 2003; Ord.141-70, Secs.2-3; Ord.141-45, Sec.1, 1997; Ord. 134-03, Sec.13, 1990; Ord. 85-86/25, Secs. 1-4, 1985; Ord. 126-13, Secs. 1 and 2, 1982; Ord. 81-82/514, Secs. 1 and 2, 1982; Ord. 81-82/183, Sec.3, 1981; Ord. 80-81/276, Sec.7 (part), 1980).

3.25.050 Position evaluation board.

A. The position evaluation board shall consist of 10 members appointed by the chair of the county board and subject to confirmation of the board.

B. Two members of the county board shall be appointed to said board.

1. One of the two members appointed from the county board shall be a member from the committee on human resources.

C. The following departments shall be represented on said board by non-represented employees:

1. The human services department;
2. The highway department;
3. The human resources department;
4. The sheriff's department;
5. Two non-represented employees from a department other than the above;
6. Two members shall be chosen from the private sector in the Eau Claire

community.

D. The county administrator shall recommend candidates for membership to the chair of the county board. Members should have considerable knowledge of position functions and departmental operations within their interest area and should also demonstrate ability to analytically perform position analysis responsibilities.

E. Each non-represented employee appointment shall be for a 3-year period with the term of office commencing the 3rd Tuesday of April annually.

1. Each member shall serve no more than two consecutive terms.

2. After completion of two consecutive terms, employees shall not be re-appointed to said committee until another two consecutive terms have commenced.

F. The appointment of the two county board members and two community members shall be for a 2-year period only.

G. Beginning April 2007, the terms for membership shall be staggered with two new members assigned each year.

H. The position evaluation board shall have the following duties and responsibilities:

1. Evaluation of all new and modified positions to ascertain the position content value points according to the system authorized in 3.25.010;

2. Review of any position evaluation that the committee requests to be re-examined;

3. The sole determination of position content value points, except as provided in 3.25.060 D., and the reporting of its determination to the committee.

I. All new members of the position evaluation board shall be trained in the position evaluation methodology and processes in order to maintain the validity and integrity of the entire position evaluation program.

J. All position content value points established by the position evaluation board shall be reported to the committee which shall make its recommendation by resolution to the county board for its consideration and approval.

K. No member of the position evaluation board shall participate in any evaluation of his or her respective position. (Ord. 151-35, Sec. 3, 2007; Ord. 151-10, Sec. 31, 2007; Ord. 150-47, 2007; Ord. 147-54, 2003; Ord.141-26, Sec.12, 1997; Ord.140-117, Secs.13-14, 1997; Ord.141-06, Sec.24, 1997; Ord.139-21, 1995; Ord. 138-25, 1994; Ord. 137-54, 1993; Ord. 133-85, 1990; Ord. 85-86/25, Secs. 7,8,10, 1985; Ord. 127-49, Secs. 6, 7, 1983; Ord. 79-80/391, Sec.3 (part), 1980).

3.25.060 Appeal of position content evaluations.

A. Appeals shall be restricted solely to issues based on job content or job content comparisons to other non-represented county positions. Appeals may not be made based on the pricing of positions as reflected through the salary policy formula adopted by the county board.

B. All appeals must be submitted to the director in writing on forms provided by the director, shall be signed by the employee, and shall contain the department head's recommendation.

C. The director shall present the appeal, with a recommendation, to the position evaluation board.

D. In the case of appeals in top management or human resources department positions, the committee may refer such appeals to a consultant for a recommendation on position content value points. (Ord. 151-10, Sec. 32, 2007; Ord. 147-54, 2003; Ord. 134-37, 1990; Ord. 133-101, 1990; Ord. 85-86/25, Sec.9, 1985).

Chapter 3.30

OVERTIME AND COMPENSATORY TIME

Sections:

- 3.30.010 Definitions.
- 3.30.020 Overtime and compensatory hours construed.
- 3.30.030 Exempt employees.
- 3.30.040 Positions granted additional personal holidays.
- 3.30.050 Non-exempt employees.
- 3.30.060 Reports.

3.30.010 Definitions.

A. "Exempt" refers to employees that are covered under the Fair Labor Standards Act (FLSA) and exempt from FLSA overtime rules and pay provisions as defined by the Department of Labor Wage and Hour Division.

B. "Non-exempt" refers to employees that are covered under the Fair Labor Standards Act (FLSA) and subject to FLSA overtime rules and pay provisions as defined by the Department of Labor Wage and Hour Division. (Ord. 153-30, Sec. 1, 2010; Ord. 147-54, 2003; Ord.141-06, Sec.18, 1997; Ord.140-122, 1997; Ord.140-81; Ord.139-97, Sec.3, 1996; Ord. 133-12, 1989; Ord. 130-15, Sec.1, 1986; Ord. 129-8, Sec.1, 1985; Ord. 128-25, Sec.8, 9, 1984; Ord. 127-56, Sec.1, 1983; Ord. 80-81/276, Sec.15 (part), 1980).

3.30.020 Overtime and compensatory hours construed.

A. Paid vacation and nonproductive holiday hours will be considered as hours worked for purposes of determining overtime and compensatory hours and pay.

B. Employees on conference, convention or seminar leave, as provided in the Human Resources Manual, except those job titles listed in 3.35.040 J. will, upon prior approval of the appropriate department head or immediate supervisor, earn overtime or compensatory time for hours exceeding their normal work schedule resulting from travel time as a driver or a passenger or for extended meetings during such leave. (Ord. 153-30, Sec. 1, 2010; Ord. 147-54, 2003; Ord. 144-76, 2001; Ord.142-98, Sec.3, 1999).

3.30.030 Exempt employees. Exempt employees, other than those designated in 3.35.040 J., will be given compensatory time off on an hour-for-hour basis for all hours worked in excess of 40 hours per week, subject to the following administrative procedures:

A. All excess hours must be approved of in advance by the department head. In the case of department heads, all excess hours will be reported to the county administrator and approved prior to crediting to accrued compensatory time.

B. Compensatory time may be accumulated to a maximum of 40 hours, and must be used before vacation and personal holiday benefits, except where use of compensatory time would forfeit accumulated vacation and personal holiday benefits.

C. Department heads are responsible for administration of compensatory time and usage and will be required to justify any payout of compensatory time. (Ord. 153-30, Sec. 1, 2010; Ord. 147-54, 2003; Ord. 131-06, Sec.1, 1987; Ord. 130-15, Sec.1, 1986; Ord. 80-81/276, Sec.15 (part), 1980).

3.30.040 Positions granted additional personal holidays. In lieu of overtime pay and compensatory time off, staff designated in 3.35.040 J. will be granted additional personal holidays as provided therein. (Ord. 153-30, Sec. 1, 2010; Ord. 147-54, 2003; Ord. 131-04, Sec.1, 1987; Ord. 80-81/276, Sec.15 (part), 1980).

3.30.050 Nonexempt employees.

A. All excess hours must be approved of in advance by the department head.

B. Nonexempt employees will be paid time and one-half their regular hourly rate for all time worked in excess of 40 hours per week.

C. All paid overtime must be authorized by the department head or designee and is subject to budgetary limitations.

D. In lieu of overtime pay, nonexempt employees may be granted compensatory time off at time and one-half hours for each overtime hour worked in excess of 40 hours per week.

E. Compensatory time may be accumulated to a maximum of 40 hours, and must be used before vacation and personal holiday benefits, except where use of compensatory time would forfeit accumulated vacation and personal holiday benefits.

(Ord. 155-3, Sec. 1, 2011; Ord. 153-30, Sec. 1, 2010; Ord. 147-54, 2003; Ord.141-60, Sec.9, 1997; Ord.80-81/276, Sec.15 (part), 1980).

3.30.060 Reports. The finance director or designee will present a quarterly report to the county board summarizing by department all compensatory time and overtime provided under this chapter. (Ord. 153-30, Sec. 1, 2010; Ord. 151-10, Sec. 33, 2007; Ord. 147-54, 2003; Ord. 136-47, 1992; Ord. 130-15, Sec.3, 1986; Ord. 126-10, Secs.1--3, 1982; Ord. 80-81/276, Sec.15 (part), 1980).

Chapter 3.35

EMPLOYEE BENEFITS

Sections:

- 3.35.010 Eligibility.
- 3.35.020 Paid vacations.
- 3.35.030 Paid sick leave.
- 3.35.040 Paid holidays.
- 3.35.050 Group health insurance.
- 3.35.060 Group life insurance.
- 3.35.070 Retirement.
- 3.35.080 Social security.
- 3.35.090 Deferred compensation.
- 3.35.100 Group disability plan.
- 3.35.110 Flexible spending account.
- 3.35.115 Health Trust Account
- 3.35.120 Roth IRAs.
- 3.35.125 EdVest college savings program.
- 3.35.130 County-sponsored memberships.
- 3.35.140 Civic memberships.

3.35.010 Eligibility.

A. Regular full-time employees. Individuals appointed to full-time regular positions normally scheduled to work a minimum of 1,716 annual hours shall be eligible for all employee benefits in this chapter.

B. Regular part-time employees. Individuals appointed to part-time regular positions normally scheduled to work a minimum of 1,200 annual hours shall be eligible for all employee benefits in this chapter, except that those benefits provided under 3.35.020 through 3.35.050, shall be ½ the full-time benefits unless otherwise specified. Individuals appointed to part-time regular positions normally scheduled to work less than 1,200 annual hours shall be eligible for all employee benefits in this chapter, except those provided in 3.35.020 through 3.35.050.

C. Project employees. Individuals appointed to project positions shall receive employee benefits as provided in A. and B., excluding retirement and group life insurance benefits provided in 3.35.060 and 3.35.070, respectively.

D. Non-regular employees except project employees. Individuals appointed to non-regular positions, except project positions, shall be eligible only for benefits provided under 3.35.080, 3.35.130 and 3.35.140.

E. Federal or state programs. Employee benefits for individuals appointed to non-regular positions under unemployment work-relief or work-training programs shall be determined by the director in accordance with the terms of such program grants and this chapter. (Ord. 155-16, Sec. 8, 2011; Ord. 147-54, 2003; Ord. 80-81/276, Sec.14 (part), 1980).

3.35.020 Paid vacations.

A. Every permanent full-time employee shall accrue vacation benefits pursuant to the following table:

<u>Years of Continuous Service</u>	<u>Biweekly Accrual, Hours</u>	<u>Equivalent Annual Vacation</u>	<u>Maximum Accrual, Hours</u>
Anniversary date to 5th anniversary	3.1	10 days	140
5th anniversary to 10th anniversary	4.7	15 days	180
10th anniversary to 15th anniversary	6.2	20 days	240
15th anniversary and over	7.700	25 days	280

B. Introductory employees. New employees shall accrue but may not use vacation benefits during the initial 6 month employment period.

C. Accumulation. No employee shall earn the equivalent of a biweekly accrual of vacation credit during a biweekly period when the employee is on unpaid absence or suspension for 5 or more working days without pay, except employees on worker's compensation leave.

D. Minimum usage. Vacation must be taken in a minimum of ½ hour increments.

E. Vacation pay rate. Vacation pay shall be computed on the pay rate in effect on the employee's last pay period prior to taking vacation, excluding overtime or premium pay.

F. Scheduling. The department head shall determine the number and classification of employees on vacation at any time.

G. Illness during a vacation period. An employee on vacation who subsequently becomes ill or who has a family member as defined by this code or applicable collective bargaining agreement become ill may not transfer vacation hours to sick leave hours.

H. Separation pay. Employees with at least 6 months of regular or project service who subsequently leave the employ of the county in good standing and upon giving notice as required in 3.70.050 D. 1., or employees separated by the county for other than disciplinary or performance reasons per 3.80, shall receive payment for any vacation time accrued to the last day worked. (Ord. 155-16, Sec. 9, 2011; Ord 148-45, Sec. 1, 2004; Ord. 147-54, 2003; Ord.139-107, Sec.1, 1996; Ord. 137-92, Sec. 1, 1994; Ord. 134-57, Sec.1, 1990; Ord. 134-07, Sec.1, 1990; Ord. 133-82, Sec.3, 1990; Ord. 131-93, Sec.1; Ord. 131-82, Sec.1, 1988; Ord. 126-22, Sec.1, 1982; Ord. 80-81/276, Sec.14 (part), 1980).

3.35.030 Paid sick leave.

A. Accumulation. Regular full-time employees shall accrue paid sick leave benefits at the rate of 3.7 hours per biweekly pay period, accumulative to a maximum of 720 hours. No employee shall earn the equivalent biweekly accrual of sick leave credit during any biweekly period when the employee is absent 5 or more working days without pay or suspended without pay, except employees on worker's compensation leave.

B. Notice required. To qualify for paid sick leave benefits the employee shall notify the department head or designee within 1/2 hour of the start of a normal workday, except in the case of extreme emergency.

C. Sick leave defined. Sick leave shall be granted upon adequate notice for absence which is due to an employee's personal illness, bodily injury, or exposure to a contagious disease; or to receive bona fide medical, chiropractic, dental or optical treatments when it is not possible to schedule such appointments outside normal working hours.

D. Sick Pay Rate. Paid sick leave shall be computed on the base pay rate in effect on the employee's last pay period prior to the sick leave absence, excluding any overtime or premium pay.

E. Probationary employees. New employees shall accrue but may not use sick leave benefits during the initial 6-month employment period.

F. Verification and medical release. All paid sick leave claimed by an employee shall be subject to verification by the department head or designee, and the director or county administrator may require a medical excuse before payment of sick leave, or a medical release upon return to service. An employee required to submit a medical excuse, medical consent to work or physician's certificate must do so within the pay period. This documentation must be turned into the finance department along with all required payroll documentation or the employee will not receive sick pay for the hours concerned. If the paid sick leave qualifies as FMLA, the appropriate medical certification form shall be used.

G. Termination pay. Upon termination, except discharge for disciplinary or performance reasons per 3.80, an employee with 10 years or more of creditable employment in a regular or project position shall have the option to either be paid 1/3 of the accumulated sick leave balance to a maximum of 240 hours, or apply 1/3 of the accumulated sick leave balance to a maximum of 240 hours toward payment of health insurance premiums. An employee with 20 years or more of creditable employment in a regular or project position and 50 years of age shall receive 100% of the accumulated sick leave balance with the following options:

1. All accumulated sick leave hours may be applied to health insurance premiums or approved health related expenses, or

2. Payment of ½ the accumulated sick leave balance to a maximum of 360 hours, and apply the remaining ½ of the accumulated sick leave balance toward payment of health insurance premiums or approved health related expenses.

H. Use for family illness. Accumulated sick leave may be used for a non-represented employee's spouse, children, mother, father, sister, brother, or any family member residing in the employee's household.

I. Low usage incentive. Full-time employees who have used sick leave amounting to less than 24 total hours in a calendar year, shall have the option of receiving pay for the difference between the amount used and the 24 hour total, to be deducted from their sick leave amount. Use of bereavement leave shall not be calculated toward the 24 hour total. The amount of pay per hour shall be based on the employees current hourly wage. Payment shall be made no later than the 2nd pay date of the following year. (Ord. 155-16, Sec. 10, 2011; Ord. 151-37, Sec. 2, 2007; Ord. 148-45, Sec. 2, 2004; Ord. 147-54, 2003; Ord.141-70, Sec.5; Ord.141-06, Sec.13, 1997; Ord.139-97, Sec.1, 1996; Ord. 136-85, Sec. 1-2, 1993; Ord.134, Sec.2, 1990; Ord.133-84; Ord.133-82, Sec.5, 1990; Ord. 131-82, Sec.2, 1988; Ord. 131-60, Sec.1, 1987; Ord. 129-52, Secs. 1,2, 1985; Ord. 80-81/276, Sec.14 (part), 1980).

3.35.040 Paid holidays.

A. Observed holidays. The following holidays are observed by the county and shall be granted to regular full-time employees with pay, except as otherwise provided in this section:

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
Independence Day	One half (½) workday on Christmas Eve
4 personal holidays	Christmas Day

B. Personal holidays.

1. Personal holidays are credited to each employee on January 1st of each year and must be taken during such calendar year or be forfeited. The positions listed in 3.35.040 J. shall only be eligible for 3 personal holidays. No carry-over from year to year is allowed.

2. Personal holidays shall be taken on days chosen by the employee and approved by the department head, and in the case of department heads by the county administrator. Such holidays shall be taken in minimum ½ hour increments.

3. Probationary employees shall not take personal holidays during the initial 6-month employment period.

4. Separation pay. Employees with at least 6 months of regular or project service who subsequently leave the employ of the county in good standing and upon giving notice as required in 3.70.050 D. 1., or employees separated by the county for other than disciplinary or performance reasons per 3.80, shall receive payment for unused personal holidays.

C. Holiday pay. Employee holiday pay shall be computed by multiplying the base rate in effect immediately prior to the holiday by the number of hours the employee works in a regularly scheduled workday.

D. Holidays falling on a weekend. Whenever any of the holidays in A., except personal holidays, shall fall on Saturday, the preceding Friday shall be observed as the holiday, and when falling on Sunday, the succeeding Monday shall be observed as the holiday.

E. Work required on a holiday. Employees who are eligible for holiday pay and normally scheduled to work on a holiday shall work on that holiday and shall receive holiday pay in addition to straight-time pay. Employees required to work on a holiday outside the normal schedule shall receive holiday pay in addition to the straight-time or overtime pay that would normally have been paid had the holiday not occurred.

F. Holiday within a paid absence. In the event a holiday occurs within a paid absence, the holiday shall be charged against holiday hours. However, any employee who reports being sick or having a family member as defined by this county code or applicable collective bargaining agreement being sick immediately before or after an observed holiday may be required to furnish a physician's certificate of illness in order to receive holiday or sick leave pay.

G. Holiday within an unpaid absence. Holidays falling within any unpaid period of absence, except for worker's compensation leave, shall be without pay.

H. Holiday after last day worked. Employees with at least 6 months of regular or project service who subsequently leave the employ of the county in good standing and upon giving notice as required in 3.70.050 D. 1., or employees separated by the county for other than disciplinary or performance reasons per 3.80, shall receive payment only for holidays occurring prior to the last day actually worked.

I. Observance of Christmas Eve half-holiday. When Christmas Day falls on a Saturday and is observed the preceding Friday, or December 24th, the Christmas Eve half-holiday shall be observed the preceding Thursday or December 23rd. When Christmas Eve falls on a Saturday or Sunday, it shall be observed the preceding Friday.

J. Other staff. The county administrator shall be granted 10 additional personal holidays each calendar year in lieu of overtime pay or compensatory time off with 5 days credited to the accumulated leave on May 1st of each year, and 5 days credited to the accumulated leave on September 1st each year. Other staff designated herein shall be granted 5 additional personal holidays each calendar year prorated with the 1st calendar year calculated from the 1st day of employment. Thereafter one half of the personal holidays will be credited to the employee's accumulated leave on May 1st each year and the other one half will be credited on September 1st each year. Such additional days may be taken during the introductory period.

1. Human resources director;
2. Superintendent of buildings and grounds;
3. Highway commissioner;
4. Highway patrol superintendent;
5. Corporation counsel;
6. Airport manager;
7. Director of department of human services;
8. Director of planning and development;
9. Finance director;
10. Children's court services director; and
11. Family court commissioner.

(Ord. 155-16, Sec. 11-13, 2011; Ord. 151-10, Sec. 34, 2007; Ord. 148-45, Sec. 3, 2004; Ord. 147-54, 2003; Ord. 143-04; Ord. 142-95, Secs. 1-2, 1999; Ord. 142-54, Secs. 1-2, 1998; Ord. 141-06, Sec. 14, 1997; Ord. 139-107, Sec. 2, 1996; Ord. 135-78, Sec. 1, 1992; Ord. 134-7, Sec. 2; Ord. 133-82, Sec. 5, 1990; Ord. 131-80, Ord. 131-82 Sec. 3, 1988; Ord. 130-40, Sec. 1, 1986; Ord. 129-69, Sec. 1, 1986; Ord. 127-29, Sec. 1, 1983; Ord. 80-81/276, Sec. 14 (part), 1980).

3.35.050 Group health insurance.

A. Health insurance options. The county shall provide health insurance for employees which may include a standard group health insurance plan and/or health maintenance insurance "HMO" plan. The county will offer a lower priced wellness option for such plan(s), based on whether an employee and spouse have a physical examination. Annual physical examinations during a calendar year will qualify employees for the wellness option in the succeeding calendar year.

1. Eligible full-time employees shall contribute 10% effective July 1, 2011 and 12% effective December 31, 2011 of the premium payment for the HMO plan.

2. Eligible part-time employees as defined in 3.35.010 B. shall contribute 10% effective July 1, 2011 and 12% effective December 31, 2011 of the premium payment for a single HMO plan or 58% of the premium payment for a family HMO plan.

3. Ineligible part-time employees may participate by paying the entire premium.

4. The county shall contribute up to the amount described in 1. and 2. for eligible employees electing to participate in other county offered health insurance plan(s). The additional cost will be paid by the employee.

B. Effective date. Health insurance coverage shall be effective the 1st day of the month following the month of hire, provided the employee has completed an application prior to the effective date. Employees not applying during the introductory period may subsequently attain coverage only by submitting evidence of insurability acceptable to the insurance carrier.

C. Incentive payment. Eligible employees electing to not be covered by the county health insurance plan, who prove that they, their spouse, and dependents have health insurance coverage from another source, shall be compensated by the county in the amount of \$100 per month. Eligible employees electing to take a single health insurance plan and who prove that their spouse and dependents have health insurance coverage from another source, shall be compensated by the county in the amount of \$50 per month. At any time the employee may elect to have health insurance reinstated, and payment curtailed, without evidence of insurability. Eligible employees opting to delete or reduce coverage must inform the county in writing. Such deletion or reduction shall take effect on January 1st of the subsequent year.

D. Payment of employee share of premium. Any employee required to pay all or any portion of the health insurance premium shall make such payment by payroll deduction, except as provided in F.

E. Spouse also employee. The county shall provide coverage under only 1 family plan or 2 single plans when spouses are county employees.

F. Coverage upon separation.

1. Employees discharged for disciplinary or performance reasons per 3.80 shall have insurance coverage only through the month in which the discharge is effective.

2. Employees on unpaid leave or layoff, and retired employees or their surviving spouses may continue insurance under the county plans by remitting monthly premiums by check or money order to the human resources office. Insurance shall be canceled if the employee or retiree fails to remit payment upon notice of delinquency. Employees on FMLA shall continue to pay their contribution, but shall be allowed a 30-day grace period to pay and the county shall give a 15 day notice of intent to cancel.

3. Employees receiving worker's compensation payments shall have their premiums paid by the county for a period of 1 year.

4. Employees may qualify for continued coverage under Wis. Stat. §632.897 and/or COBRA.

G. Waiver of coverage.

1. Any employee who is eligible to be covered by group health insurance and who fails to apply for coverage as provided in B. shall be considered to have waived coverage. The affected employee shall be notified of said constructive waiver and may, within 10 days of such notice, cancel the constructive waiver by submitting an application for health insurance coverage to the finance department.

2. Any employee may elect to decline or cancel health insurance coverage by signing a waiver form provided by the finance department and filing it with the finance department.

3. A waiver shall be effective upon receipt by the finance department or, in the case of cancellation, on the 1st day of the month following receipt by the finance department. Any waiver may be withdrawn prior to its effective date.

3. Any waiver shall become void upon acceptance by the insurance carrier of an application for insurance requiring evidence of insurability.

H. Group dental plan. The County shall make available to non-represented employees a group dental plan. Those non-represented employees who participate in the plan shall pay the entire premium. (Ord. 155-16, Sec. 14, 2011; Ord. 155-001, Sec. 1, 2011; Ord. 153-24, Sec. 1, 2009; Ord 152-33, Sec. 1, 2008; Ord. 151-37, Sec. 1, 2007; Ord. 151-35, Sec. 5, 2007; Ord. 151-002, 2007; Ord. 149-031, Sec. 1, 2005; Ord. 148-45, Sec. 4, 2004; Ord. 148-14, Sec. 1, 2004; Ord. 147-101, Sec. 2, 2004; Ord. 147-54, 2003; Ord.143-85; Ord.142-95, Sec.2, 1999; Ord.152-54, Secs.4-5, 1998; Ord.141-64 Sec.2; Ord.141-7, Sec.4, 1997; Ord.137-118, 1994; Ord.137-97, Sec.1, 1994; Ord.136-85, Sec. 4-6, 1993; Ord.136-07, 1992; Ord.133-83; Ord.133-82, Sec.6, 1990; Ord.131-82, Sec.4, 1988; Ord.131-66, Sec.1, 1987, Ord.81-82/376, Sec.1, 1982; Ord.80-81/276, Sec.14 (part), 1980).

3.35.060 Group life insurance.

A. The county shall participate in the Wisconsin Group Life Insurance Program as provided in Wis. Stat. § 40.70 through 40.74. All regular employees and elected officers shall be eligible to participate, except those who have elected to waive said insurance.

B. The maximum post retirement reduction of insurance for employees or elected officers shall be 75% of the insurance in force at the time of retirement.

C. Effective January 1, 1983, the county shall participate in the Spouse and Dependent Life Insurance Program pursuant to the provisions of Wis. Admin. Code ch. ETF 60 for its eligible employees and elected officers with the total cost paid by the employee or elected officer.

D. The employee or elected officer share of the premium for insurance provided in this section shall be paid by payroll deductions.

E. Effective July 1, 1984, the county shall participate in the additional group life insurance program pursuant to the provisions of Wis. Stat. § 40.03(6)(b) for its eligible employees and elected officials with the total cost paid by the employee or elected official.

F. Effective July 1, 1995, the county shall participate in the supplemental group life insurance program pursuant to the provisions of Wis. Stat. § 40.03(6)(b) for its eligible employees and elected officials with the total cost paid by the employee or elected official.

G. Effective February 1, 1998, the county shall participate in the additional group life insurance program pursuant to the provisions of Wis. Stat. § 40.03(6)(b) for its eligible employees and elected officials with the total cost paid by the employee or elected official. (Ord. 155-16, Sec. 16, 2011; Ord. 147-54, 2003; Ord.141-61, 1997; Ord.138-108, 1995; Ord.127/78, Sec.1, 1984; Ord. 126-38, Sec.1, 1982).

3.35.070 Retirement.

A. Retirement plans. All regular employees shall be covered under the provisions of the Wisconsin Retirement Fund as required by law, except county extension agents employed under cooperative agreements with the UW-Extension who shall be covered by the provisions of the State Teachers Retirement Fund.

B. Employee contributions. Effective the first day of the first pay period after March 13, 2011 employees will pay one-half of all actuarially required contributions and protective service employees will pay one-half of the actuarially required contributions for general participants to the Wisconsin Retirement Fund.

C. Compulsory retirement. Employee retirements shall comply with federal and state law.

D. Annuity plan estimates. Employees contemplating retirement shall notify the human resources department at least 3 months prior to planned retirement to obtain annuity plan estimates. (Ord. 155-16, Sec. 17, 2011; Ord. 155-001, Sec. 2, 2011; Ord. 154-27, Sec. 1, 2011; Ord. 153-24, Sec.2, 2009; Ord. 153-9, Sec. 1, 2009; Ord. 151-10, Sec. 35, 2007; Ord. 147-54, 2003; Ord.139-97, Sec.2, 1996; Ord. 136-85, Sec. 7, 1993; Ord.134-47, 1990; Ord. 130-44, Secs.1,2, 1986; Ord. 80-81/276, Sec.14(part), 1980).

3.35.080 Social security. The county shall provide social security coverage to all employees under the Federal Old Age, Survivors, Disability and Health Insurance System pursuant to the provisions of Wis. Stat. § 40.41 (l), except for exemptions provided by law. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.14 (part), 1980).

3.35.090 Deferred compensation. All eligible county employees and elected officers shall be afforded the opportunity to voluntarily participate in the Eau Claire County employees deferred compensation plan pursuant to the rules, terms and conditions outlined in the plan. (Ord. 147-54, 2003; Ord. 127-45, Sec.4, 1983).

3.35.100 Group disability plan. The county shall offer a group long-term disability plan. Employees shall be solely responsible for making all premium payments. Employees working 30 or more hours per week are eligible. Applications for the group disability plan must be submitted to the finance department by the 6-month anniversary date of employment. Employees transferring from part-time positions to positions allocated at 30 hours or more per week shall have 30 days from the date of transfer to enroll in the group disability plan. Thereafter enrollment shall only be applicable during the annual open enrollment period (December 1 through December 15). (Ord. 147-54, 2003; Ord.141-73, 1998; Ord.138-07, 1994).

3.35.110 Flexible spending account. Pretax deductions for flexible spending accounts for employee costs of medical insurance premiums, dependent care expenses, and unreimbursed medical expenses shall be allowed if, and only if, there is enough employee participation so there is no net cost to the county. Newly hired employees may participate in the flexible spending account upon completion of six months of employment. (Ord. 147-99, 2004; Ord. 147-54, 2003; Ord. 144-11, 2000; Ord. 137-77; Ord. 136-109, 1993).

3.35.115 Health trust account. Pursuant to Section 105 (h) in Section 106 of the Internal Revenue Code of 1986 as amended, the County shall make available a health trust account to which employees contribute as follows:

A. Employees retiring with 100% payout of sick leave shall contribute all of the second half of such payout to the health trust account.

B. Employees may contribute additional funds at retirement into the health trust account. Employees may contribute additional cash to the account equal to the value of accumulated vacation at retirement for non-health usage.

C. Employees will annually contribute 100% of the employer's share of the health insurance deductible which has not been reimbursed to the health trust account.(Ord 152-33, Sec. 2, 2008)

3.35.120 Roth IRAs. The county shall make deductions for Roth IRAs through a provider designated by the county for employees who wish to enroll. (Ord. 147-54, 2003; Ord.142-06, 1998).

3.35.125 EdVest college savings program. The county shall make available the EdVest Section 529 college savings program (Ord. 147-54, 2003; Ord. 146-42, 2002).

3.35.130 County-sponsored memberships. County-sponsored memberships in technical and professional organizations of direct benefit to the county may be paid only if specifically designated in a department budget and a sufficient appropriation is made. (Ord. 147-54, 2003; Ord.141-06, Sec.16, 1997; Ord. 138-67, 1994; Ord. 136-89, 1993; Ord. 128-73, Sec.1, 1985; Ord. 127-28, Secs. 1--7, 1983; Ord. 126-67, Sec.1, 1983: Ord. 80-81/276, Sec.14 (part), 1980).

3.35.140 Civic memberships. Employees may be excused with pay by the department head or, in the case of department heads, by the county administrator to attend regular meetings of civic groups of which they are a member or official or to attend such meetings by invitation, subject to the staffing needs of the department. (Ord. 147-54, 2003; Ord.141-06, Sec.17, 1997; Ord. 80-81/276, Sec. 14 (part), 1980)

Chapter 3.40

CONDITIONS OF EMPLOYMENT

Sections:

- 3.40.010 Work schedules.
- 3.40.020 Meal and break periods.
- 3.40.030 Emergency absences and shut-down of facilities.
- 3.40.040 Safety and health.
- 3.40.050 Safety shoe cost deferral.
- 3.40.060 Prescription safety glasses cost deferred.

3.40.010 Work Schedules.

A. Normal work schedule. The normal full-time work schedule of county employees shall be 40 hours per week, Monday through Friday, with the following exceptions:

1. In those departments where the nature of the work requires 12-hour workdays, the normal full-time work schedule shall be an average 42 hours per week.

2. In departments where services are provided on a 24-hour a day or 7 days a week basis, employees may be assigned varying or rotating work schedules to meet requisite staffing needs.

3. The foregoing full-time work schedules are for hours worked under normal conditions, but shall not be a guarantee of hours to be worked or a guarantee of pay for hours not worked. Employees shall work required overtime.

B. Alternative work schedules. Alternative work schedules may be authorized by the department heads when it is determined that so doing is in the best interest of the county and that services and efficiency would not be impaired.

C. Hours worked. Hours worked shall include all time elapsed from the time an employee begins employment until work is completed for the day, excluding unpaid meal periods and non-work related absences. Arriving early or leaving late for the employee's personal convenience shall not be included in hours worked. (Ord. 151-39, Sec. 1-4, 2007; Ord. 147-54, 2003; Ord. 144-101, Sec. 5, 2001; Ord. 142-39, Sec.4, 1998; Ord. 141-26, Sec.11 ; Ord. 140-117, Sec.12, 1997; Ord. 127-49, Secs.3, 4, 1983; Ord. 81-82/513, Sec.1, 1982; Ord 80-81/276, Sec.16 (part), 1980)

3.40.020 Meal and break periods.

A. Meal periods. Meal periods shall be scheduled midway in an 8-hour workday. Meal periods are normally 1 hour, but may be reduced to ½ hour, subject to approval of the department head or supervisor. Meal periods shall not be included in hours worked, except when the job requires that the employee remain on duty and is subject to call, or when the meal period is less than ½ hour. Employees may not forego the meal period in order to shorten the workday.

B. Break periods. Employees may leave their workstation for a break period during each ½ of an 8-hour work shift. Break periods shall be of no more than 15 minutes duration. Break periods are not accumulative, cannot be used to extend meal periods or shorten the workday, and if not taken are forfeited.

C. Department heads or their designees shall be responsible for scheduling meal periods and breaks to ensure that adequate staff coverage is provided. The designated meal period for all business offices shall normally occur during the period of 11:00 a.m. to 2:00 p.m. (Ord. 151-16, Sec. 1, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.16 (part), 1980).

3.40.030 Emergency absences and shut-down of facilities.

A. Each employee accepts the responsibility for reporting to work at the regularly scheduled time regardless of prevailing weather conditions.

B. Employees not reporting to work shall not be paid, however, such employees may use personal holiday, accrued vacation or compensatory time to minimize or avoid a loss of wages as a result of absence. Employees may not use sick leave to avoid a loss of wages.

C. When the county administrator determines that weather is sufficiently severe to delay the opening of various operations, the starting time will be communicated to department heads and WEAU-TV 13 (NBC), WQOW TV 18 (ABC), WEUX TV 48 (FOX), WBIZ 100.7 FM, WAXX 104.5 FM and WQRB 95.1 FM. All employees that report to work at their normal

starting time or on or before the delayed starting time and who complete the workday will be paid for the full day. Employees reporting for work after the delayed start time will be paid for actual hours worked.

D. The county administrator may order certain departments providing non-essential services to be closed or staffing curtailed due to emergency conditions or inability to provide a work site. If such a decision is made prior to the start of the workday, designated local radio stations shall be contacted for announcement of closed departments at least 1 hour prior to the start of the workday, if possible, and compensation shall be pursuant to B.

E. When the county administrator determines that weather is sufficiently severe to close various operations, this information will be given to department heads. If this occurs and employees are sent home early, they will receive full pay for the day. Employees working in operations where they cannot be released early, due to the nature of the service being provided, will be required to complete the normal work day.

F. Employees who desire to leave early when operations have not been shut down may do so with approval of the department head. Such employees will be paid only for the time actually worked. (Ord. 151-16, Sec. 2, 2007; Ord. 147-54, 2003; Ord.141-06, Sec.20; Ord.140-101, 1997; Ord. 131-37, Sec.1, 1987; Ord. 129-60, Sec.1, 1986; Ord. 127-12, Sec.1, 1983; Ord. 80-81/276, Sec.16 (part), 1980).

3.40.040 Safety and health.

A. All employees shall comply with the provisions of Chapter 2.75, county safety program, as such may affect or concern their job description, work habits and work sites.

B. All employees shall comply with applicable state or federal health and safety regulations where job-related.

C. Engaging in any unsafe act shall be deemed as grounds for disciplinary action. (Ord. 155-16, Sec. 18, 2011; Ord. 147-54, 2003; Ord. 144-24, Sec. 18, 2000; Ord. 80-81/276, Sec.16 (part), 1980).

3.40.050 Safety shoe cost deferral. The safety coordinator shall review all employee positions and determine on the basis of work performed, work areas and job sites, the need for the employees filling such positions to wear safety shoes. Safety shoes shall be required to be worn by these workers in an effort to prevent foot injury. This requirement is designed to comply with OSHA codes, 29 CFR 1910.132 and .136. The selection of safety shoes shall be in accordance with ANSI Z41 (1991). For each position so designated, the county shall appropriate the sum of \$40 per calendar year so as to partially defray the cost, to the employee, of obtaining safety shoes. (Ord. 147-54, 2003; Ord.143-92, 2000; Ord.140-116, 1997).

3.40.060 Prescription safety glasses cost deferred.

A. The county shall appropriate on a biennial basis up to a maximum of \$20 for the purchase of one pair of prescription safety glasses for each employee requiring them as determined in B.

B. The department heads or immediate supervisors shall determine when safety glasses are needed for the safe performance of job duties and shall identify those employees requiring prescription safety glasses.

C. The department head or supervisor shall provide non-prescription safety glasses (complying with ANSI Z87.1) for use by employees not requiring prescription glasses.

D. Employees with assigned duties requiring use of safety glasses shall wear the safety glasses when performing work with vision hazards. Departments will be responsible for enforcement of this policy. (Ord. 147-54, 2003; Ord.141-104, Sec.1, 1998).

Chapter 3.45

EMPLOYMENT/HIRING

Sections:

- 3.45.010 Policy and scope.
- 3.45.020 Medical examinations.
- 3.45.030 Residency.
- 3.45.040 Recruitment.
- 3.45.050 Selections.
- 3.45.060 Confidentiality.
- 3.45.070 Non-regular, emergency, interim and light duty appointments.
- 3.45.080 Invalid appointments.
- 3.45.090 Probationary period.

(Ord. 155-16, Sec. 19, 2011)

3.45.010 Policy and scope.

A. It shall be the policy of the county to recruit, select and appoint the best qualified persons for positions in the county service. Recruitment and selection shall be conducted in an affirmative manner to ensure open competition, provide equal employment opportunity, and ensure non-discrimination, thereby facilitating a fair and equitable representation of all persons in the county work force and provide promotional opportunity for qualified employees.

B. The procedures in this chapter shall apply to all employees. (Ord. 147-54, 2003; Ord. 130-81, Sec.2, 1987; Ord. 80-81/276, Sec.9 (part), 1980).

3.45.020 Medical examinations.

A. The director may require employees to submit to a medical examination by a physician designated by the director:

1. Post-offer, prior to beginning actual employment, the director may condition the offer of employment on the results of the examination, provided that all entering employees in the same job category are subjected to such an examination, regardless of disability, and that confidentiality requirements are met.

2. Prior to returning to employment after an extended absence due to health conditions when there is a need to determine whether an employee is still able to perform the essential functions of his or her job with reasonable accommodation as a condition of continued employment when physical standards or medical monitoring are a federal, state or county requirement.

B. Such examinations shall measure an individual's physical capabilities to perform the job. The director shall provide forms for this purpose. Any exclusionary criteria must be job-related and consistent with business necessity and demonstrate that there is no reasonable accommodation that will enable an individual with a disability to perform the essential functions of the job.

C. The examination required under A. may be waived by the director if the employee provides at his or her own expense appropriate, recent and satisfactory physical examination results from a physician. (Ord. 147-54, 2003; Ord. 144-24, Sec. 14, 2000; Ord. 80-81/434, Sec.2, 1981; Ord. 80-81/276, Sec.16 (part), 1980).

3.45.030 Residency.

A. All department heads shall reside within 45 minutes of their permanent work location, except the county administrator shall reside within Eau Claire County. In addition, employees in positions that require the employee to be on call for emergency duty or require availability on very short notice shall reside within a reasonable proximity of their permanent work location, and shall include the following:

1. Emergency management coordinator;
2. Facilities director;
3. Maintenance supervisor
4. Highway commissioner;
5. Highway patrol superintendent;
6. Airport manager.

B. Newly hired employees in these positions shall meet the residency requirement before completion of their introductory period.

C. Employees in positions that require county residency pursuant to law or federal or state funding requirements shall meet such requirements as if written herein. (Ord. 155-16, Sec. 19, 2011; Ord. 155-15, Sec. 1, 2011; Ord. 147-54, 2003; Ord. 144-24, Sec. 16, 2000; Ord.143-76, Sec. 1-4, 1999; Ord.142-103, Sec.22, 1999; Ord.141-06, Sec.22, 1997; Ord. 134-03, Sec.18-20, 1990; Ord. 127-49, Sec.5, 1983; Ord. 80-81/276, Sec.16 (part), 1980).

3.45.040 Recruitment. The director shall develop and conduct an active recruitment program designed to meet current and projected county manpower needs. (Ord. 147-54, 2003)

3.45.050 Selections.

A. The selection process shall be based on an objective appraisal by the appointing authority of each certified applicant's capability to perform in the position, to provide career opportunities for current employees, and to meet affirmative action goals.

B. Selection of eligible certified applicants for positions shall be interviewed by the appointing authority or designees with the assistance of the director or designee, except that certified applicants for department head positions shall be personally interviewed by the appointing authority with the assistance of the director. Each interviewer shall complete an interview evaluation form, and such documentation shall be maintained by the director as justification for selecting the most qualified applicant. The director shall give each applicant interviewed written notice of selection or rejection.

C. The director shall be responsible for insuring that screening and selection criteria are based on a thorough and realistic appraisal of the position requirements. In developing these criteria, the director and the appointing authority may confer as necessary with consultants and others familiar with the position requirements or methods of measurement.

D. Selection criteria. Determination of the most qualified applicant shall be based on evaluation of job-related selection criteria including but not limited to:

1. Experience, education, skills and abilities, which are directly related to successful job performance;
2. Analysis of pre-employment, but post-offer medical examination reports where physical factors are a bona fide occupational qualification;
3. Investigation of criminal conviction records when job related; and
4. Pre-employment inquiries to obtain past performance information from former employers.

E. Final selection for appointment. The appointing authority shall make the final selection and appointment to the position, subject to the following:

1. First consideration shall always be given to the most qualified applicant as determined by the evaluation of selection criteria for the position.

2. When 2 or more final applicants are determined to be equally qualified, special consideration shall be given to:

- a. Career opportunities for current employees;
- b. Reinstatement opportunities for former employees eligible for reinstatement;
- c. Employment opportunities for underutilized groups as identified in the county's affirmative action plan.

3. If none of the certified applicants are selected for appointment, the appointing authority shall provide the director justification for rejection. The director shall, upon determining such reasons to be valid, direct new recruitment efforts and/or certify other eligible applicants. (Ord. 147-54, 2003; Ord. 130-81, Sec.3, 1987; Ord. 81-82/473, Secs.2 (part) and 3--7, 1982; Ord. 80-81/276, Sec.9 (part), 1980).

3.45.060 Confidentiality.

A. The appointing authority and all other persons participating in the selection process shall exercise every precaution to insure the highest level of integrity and security of personnel records. Only the director, his or her designees, the appointing authority and the governing committee may handle confidential recruitment and selection materials records.

B. All applications are considered confidential. Applicants may inspect their own application but may not review the applications of other applicants. (Ord. 147-54, 2003; Ord. 81-82/473, Sec.8, 1982; Ord. 80-81/276, Sec.9 (part), 1980).

3.45.070 Non-regular, emergency, interim and light duty appointments.

A. Interim appointments. Except as provided in B., whenever a vacancy occurs in any position or when a leave of absence for 30 days or more has been granted to an employee under 3.65.010 or 3.65.050, the appointing authority may, with the approval of the director, employ a limited term or temporary employee or temporarily reassign a current employee of that department to fill the position for the duration of the leave of absence or until a regular appointment is made.

B. Acting department heads. Whenever a vacancy occurs in the office of any department head appointed under 3.01.010 B. or when a leave of absence for 30 days or more has been granted to a department head under 3.65.010 or 3.65.050, the county administrator shall designate a qualified acting department head to serve for the duration of the leave of absence or until a regular appointment as department head is made.

C. Non-regular appointments. All selections for appointments to limited-term, temporary or seasonal positions shall be made by the appointing authority from applications on open file, if available, or otherwise through external recruitment sources. The acceptance or refusal by an eligible applicant for project or non-regular appointment shall not affect eligibility for regular appointment.

D. Emergency appointment. The director may authorize the appointment of temporary employees under emergency conditions for a period not to exceed 90 days so long as sufficient funds are available. Such appointments shall be considered at the committee's next regular meeting following such action.

E. Federal or state programs. Appointment of individuals to positions funded under federal or state grants as part of an unemployment work-relief or work-training program is not considered regular employment. Appointment to these positions shall be in accordance with this chapter and any preferential hiring requirements of such programs.

F. Light duty appointments. Employees injured on the job and receiving worker's compensation may be able to work a light duty schedule within their job title upon physician's approval. These light duty appointments are temporary measures until the employee has recuperated and can return to their job or it is shown they cannot return to their pre-injury duties. Such employees shall be appointed upon the approval of the director and after the appropriate supervisor has developed a work schedule detailing specific duties and the number of daily work hours. The light duty schedule shall be for a maximum of 6 weeks. Employees may return to their regular work schedule on or before the conclusion of the 6 weeks of light duty upon physician's approval. Employees unable to resume a regular work schedule at the conclusion of such 6 weeks shall be reviewed by the director, department head and supervisor. If the light duty job is extended, the extension shall be in writing re-emphasizing the temporary nature of the job and state a new end date, not to exceed 6 months. (Ord. 155-16, Sec. 20, 2011; Ord. 147-54, 2003; Ord. 141-70, Sec. 4; Ord. 141-45, Sec. 2; Ord. 141-06, Sec. 7, 1997; Ord. 139-61, 1995; Ord. 131-90, Secs. 1&2, 1988; Ord. 126-64, Sec. 1, 1983; Ord. 80-81/433, Secs. 1, 2, 3, 1981; Ord. 80-81/276, Sec. 9 (part), 1980).

3.45.080 Invalid appointments. Any person appointed or employed contrary to this chapter shall be paid by the person or persons so employing or appointing that compensation agreed upon for any service performed. No such person or persons shall be reimbursed by the county for any sums so paid. (Ord. 147-54, 2003; Ord. 80-81/276, Sec. 9 (part), 1980).

3.45.090 Introductory period. A person employed in a regular or project position or promoted as provided in 3.25.040 shall, immediately following the date of employment or promotion, serve an introductory period of 6 months, except that department heads and supervisors shall serve an introductory period of 12 months.

A. An employee shall be considered to have successfully completed the introductory period unless the employee has been notified in writing by the appointing authority of the unsuccessful completion of the introductory period at which time the employee shall be dismissed. The director shall be notified of any employee failing the introductory period.

B. Introductory employees have no recourse under the grievance procedure identified at 3.80.010. (Ord. 155-16, Sec. 21, 2011; Ord. 147-54, 2003; Ord. 134-24, Sec. 3, 1990; Ord. 133-82, Sec.1, 1990; Ord. 80-81/276, Sec.9 (part), 1980).

Chapter 3.50

CONFLICT OF INTEREST

Sections:

3.50.001	Purpose.
3.50.005	Definitions.
3.50.010	Specific conflicts enumerated.
3.50.020	Prohibited contracts with the county.
3.50.030	Public purpose doctrine.
3.50.040	Incorporation of state statutes.
3.50.050	Sanction for violations.
3.50.060	Forfeiture schedule.
3.50.070	Political activity.
3.50.080	Outside employment.
3.50.090	Nepotism.
3.50.100	Solicitations and sales.

3.50.001 Purpose. The proper operation of a democratic and representative government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for improper personal gain; and that conflicts between private interests and public responsibilities be avoided. In recognition of these goals, there is established a code of ethics to establish guidelines for ethical standards of conduct for such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosure by such officials and employees of private interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are declared to be in the best interests of the county. (Ord. 147-54, 2003; Ord.136-11, Sec.1, 1992; Ord.81-82/132, Sec. 1 (part), 1981).

3.50.005 Definitions.

A. "Person" means any individual, corporation, partnership, joint venture, association or organization.

B. "Financial interest" means any interest which yields, directly or indirectly, a monetary or other material benefit to the county officer or employee or to any person employing or retaining services of the county officer or employee.

C. "Anything of value" means any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but DOES NOT INCLUDE such things as compensation and expenses paid by the state or county, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.

D. "Privileged information" means any written or oral material related to county government which has not become part of the body of public information and which is designated by statute, court decision, lawful order, ordinance, resolution or custom as privileged.

E. "Official" means all county department heads or directors, county supervisors, and all other county elected officers, except judges and district attorneys.

F. "Employee" means all persons filling an allocated position of county employment and all members of boards, committees, and commissions except those individuals included in E.

G. "Immediate family" means an individual's spouse; and an individual's relative by marriage, lineal decent, or adoption who receives, directly or indirectly, more than ½ of his or her support from the individual or from whom the individual receives, directly or indirectly, more than ½ of his or her support. (Ord. 147-54, 2003; Ord. 136-11, Sec. 2, 1992)

3.50.010 Specific conflicts enumerated. The following conflicts of interest shall be expressly prohibited:

A. Incompatible employment. No public official or employee shall engage in or accept private employment or render services to any other governmental body or to anyone in the private sector which would tend to be incompatible with the proper discharge of his or her duties, unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

B. Representing private interests before agencies or courts. No elected public official or employee who is admitted to practice law shall represent, as an advocate any private interests, other than his or her own or that of his or her family, in any proceeding adverse to the county before any federal or state court or agency.

C. Disclosure of confidential information. No public official or employee shall, without proper authorization, disclose confidential information, nor use such information to advance the actual or anticipated financial or personal interests of him or herself or others.

D. Gratuities or kickbacks.

1. An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person, which may impair his or her independence of judgment or action in the performance of his or her official duties.

2. No payment of a gratuity or kickback shall be made by or on behalf of any person and be accepted by any public official or employee as an inducement or reward for the latter's action in procuring the award of any contract or order.

3. It is not a conflict of interest for an official or employee to receive a gift or gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

E. Failure to disclose interest in legislation.

1. The following persons on behalf of themselves or their families shall disclose the nature and extent of any personal or financial interest in proposed legislation before the county board:

a. County board members; and

b. Public officials or employees who have been asked to render official opinions or recommendations to the county board on the legislation.

2. The disclosure shall be made before any debate commences upon the particular legislation and shall consist of an announcement to be recorded in the journal of proceedings and a request to abstain from voting. Notwithstanding abstention from voting as may be allowed by the board, it shall be the responsibility of each employee or public official to personally ascertain that such actions do not conflict with Wis. Stat. § 946.13.

F. Nepotism forbidden. Public officials and employees are forbidden from engaging in nepotism, as applied at 3.50.090, and are further forbidden from using their positions to influence the county to employ in any capacity whatsoever, or otherwise retain the services of, as an independent contractor or agent, a member of his or her immediate family.

G. Use of position to compel charitable contributions, donations or induce business. Public officials are forbidden from using their positions to influence employees to make political campaign contributions, secure other donations to causes, public or private, or to engage in business transactions in which they have a personal or financial interest.

H. Conducting private business on county premises and time. Public officials and employees are forbidden from conducting their personal or private business while they are on county premises and engaged in their public duties. (Ord. 147-54, 2003; Ord. 139-16, Sec.1, 1995; Ord. 136-11, Sec. 5 & 6, 1992; Ord. 81-82/380, Secs.1, 2, 1981; Ord. 81-82/132, Sec.1 (part), 1981).

3.50.020 Prohibited contracts with the county.

A. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the county involving a payment or payments of more than \$3,000 within a 12 month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the county board. Further, pursuant to Wis. Stat. § 946.13, an official or employee is prohibited from participating in the formation of a contract(s) with Eau Claire County involving receipts or disbursements of more than \$15,000 in any year.

B. Contracts are not prohibited if they are with, or tax credits or payments are received by, public officers or employees for wildlife damage claims or abatement under Wis. Stat. § 29.598, for farmland preservation under Wis. Stat. ch. 71, subch. IX and Wis. Stat. § 91.13, soil and water resource management under Wis. Stat. § 92.14, soil erosion control under Wis. Stat. § 92.10, 1985, animal waste management under Wis. Stat. § 92.15, 1985, or non-point source water pollution abatement under Wis. Stat. § 281.65. (Ord. 147-54, 2003; Ord.141-81 Sec.1; Ord.141-03, Sec.1, 1997; Ord.136-11, Sec.7, 1992)

3.50.030 Public purpose doctrine.

A. Use of public property. No public official or employee shall request or permit the use of county services or of county-owned vehicles, equipment, materials or property for non-official purposes or for personal profit or convenience, except when such services are generally available to the public-at-large. This prohibition shall not apply to the use of county vehicles or property for personal convenience, sufficiently related to job requirements of an officer or employee, as approved and regulated by the county board or as provided pursuant to a contract with a collective bargaining unit.

B. Obligations to citizens. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. (Ord. 147-54, 2003; Ord.136-11 Sec.8, 1992; Ord.81-82/132, Sec.1 (part), 1981).

3.50.040 Incorporation of state statutes.

A. In addition to Wis. Stat. § 946.13, referred to in 3.50.020, the following provisions of the Wisconsin Statutes are incorporated by reference and made a part of this chapter:

1. Section 19.01, Oaths and bonds;
2. Section 19.21, Custody and delivery of official property records.
3. Section 19.81-19.89, Open meetings with governmental bodies.
4. Section 19.59, Codes of ethics for local government officials, employees

and candidates.

B. Failure of public officials to comply with the provisions of law set forth in A. of this section shall constitute a violation of this chapter. (Ord. 147-54, 2003; Ord.141-81, Sec.2, 1997; Ord.136-11, Sec.9, 1992; Ord.81-82/132, Sec.1 (part), 1981).

3.50.050 Sanction for violations. Any person violating this chapter may be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each offense, subject to 3.50.060. (Ord. 147-54, 2003; Ord. 136-11, Sec.10, 1992; Ord. 129-1, Sec.1, 1985; Ord. 81-82/132, Sec.1 (part), 1981).

3.50.060 Forfeiture schedule. The following specified violations of this chapter shall be subject to the accompanying forfeiture schedule:

- A. 3.50.010 A., Incompatible employment, \$100 to \$500;
- B. 3.50.010 B., Representing private interests before county agencies or courts, \$100 to \$1,000;
- C. 3.50.010 C., Disclosure of confidential information, \$100 to \$1,000;
- D. 3.50.010 D., Gratuities or kickbacks, \$100 to \$1,000;
- E. 3.50.010 E., Failure to disclose interest in legislation, \$100 to \$250;
- F. 3.50.010 F., Nepotism forbidden, \$100 to \$250;
- G. 3.50.010 G., Use of position to compel charitable contributions, donations or induce business, \$100 to \$250;
- H. 3.50.010 H., Conducting of private business on county premises and county time forbidden, \$100 to \$200;
- I. 3.50.020, Prohibited contracts with the county, \$100 to \$1,000;
- J. 3.50.030, Public purpose doctrine, \$100 to \$1,000. (Ord. 147-54, 2003; Ord. 136-11, Sec.11, 1992; Ord. 81-82/132, Sec.1 (part), 1981).

3.50.070 Political activity. All employees and elected officials shall have the right to freely express their views as a citizen and cast their vote, subject to the following:

A. No employee or elected official shall directly or indirectly use or seek to use his or her authority or the influence of his or her position to control or modify the political action of another person.

B. No employee or elected official during his or her hours of duty shall, except as provided by law, engage in political activities including, but not limited to, the following:

1. Campaign for any candidate or political party;
2. Make campaign speeches or engage in other activity to elect a candidate;

3. Collect contributions or sell tickets to political fund-raising functions;
4. Distribute campaign material in any election;
5. Organize or manage political meetings;
6. Circulate nominating petitions;
7. Display political badges, buttons or stickers in any county building or wear

such items during working hours.

C. No employee or elected official shall at any time use any county-owned or leased equipment for any personal political activity.

D. No employee shall be removed, discharged, reduced in pay or position, or otherwise discriminated against because of the employee's political opinions or affiliations except as provided for in this section.

E. Employees whose principal employment is in a federally grant-aided program are subject to prohibitions in the Federal Hatch Political Activities Act as amended, 5 U.S.C. §§ 1501--1508. (Ord. 147-54, 2003; Ord. 144-24, Sec. 10, 2000; Ord. 80-81/276, Sec.3 (part), 1980).

3.50.080 Outside employment.

A. No employee may engage in outside employment if such employment conflicts with or affects the performance of the employee's county duties.

B. No employee may concurrently hold more than 1 county position without the written approval of the director. The director shall have authority to grant such approval up to 30 working days within the budget of the affected department(s). Such approval may be granted for combination part-time positions when it is in the best interests of the county to do so, and when such part-time positions do not represent a conflict of interest.

C. All forms of money compensation, except expense reimbursements, for outside services performed during the hours when the employee is actually providing services to the county, shall be turned over to the director for deposit with the county treasurer.

D. Failure to comply with this section shall be considered grounds for discipline. (Ord. 147-54, 2003; Ord. 144-24, Sec. 17, 2000; Ord. 136-63, 1992; Ord. 80-81/276, Sec.16 (part), 1980).

3.50.090 Nepotism.

A. Within this section "relative" shall include: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepchild, stepparent, grandchild and grandparent.

B. Relatives shall not be employed in an immediate superior-subordinate relationship.

C. No appointing authority shall hire a relative nor participate in selection and appointment procedures if a relative is an applicant under consideration.

D. The county chair shall not appoint a county board supervisor to a standing committee where a relative is an employee in the governed department.

E. No appointing authority, county board supervisor, county elected official or employee shall seek to influence the employment decisions of an appointing authority on behalf of a relative.

F. Any person who violates this section shall be subject to disciplinary action. (Ord. 147-54, 2003; Ord. 132-101, 1989; Ord. 80-81/276, Sec.18 (part), 1980).

3.50.100 Solicitations and sales. No employee or group of employees shall on behalf of the county solicit funds or other things of value from any person, nor solicit funds or sell things of value to persons on county property without first obtaining permission from the county administrator. This shall not apply to internal departmental solicitations such as farewell gifts, shower gifts, length of service gifts or donations for employee social gatherings. (Ord. 147-54, 2003; Ord.141-06, Sec.23, 1997; Ord. 80-81/276, Sec.18 (part), 1980).

Chapter 3.55

TRAINING--DEVELOPMENT--NEW EMPLOYEE ORIENTATION

Sections:

- 3.55.010 Purpose.
- 3.55.020 Human resources director responsibilities.
- 3.55.030 Department head responsibilities.
- 3.55.040 In-service training.
- 3.55.050 New employee orientation.
- 3.55.060 Personal development.

3.55.010 Purpose. The purpose of this chapter is to provide organized training programs and orientation for the purpose of increasing the knowledge, proficiency, ability and skills of public employees in order to keep personnel abreast of current developments in their occupational fields and improve the quality of service to the county. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.12 (part), 1980).

3.55.020 Human resources director responsibilities. The director shall be responsible for the overall administration and coordination of employee training and development programs. (Ord. 151-10, Sec. 37, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.12 (part), 1980).

3.55.030 Department heads responsibilities. Department heads shall provide active leadership in training and development of employees under their supervision. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.12 (part), 1980).

3.55.040 In-service training. Any department requiring special in-service training shall keep the director informed in order to keep personnel files current. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.12 (part), 1980).

3.55.050 New employee orientation. The director shall develop a program outline to orient new employees to the county work force.

A. Director. Within 72 hours of hire new employees will meet with the director or designee, who shall advise them of all general conditions of employment such as hours of work, fringe benefits, pay and pay periods, county rules, privileges and responsibilities. All required forms shall be completed and signed and relevant descriptive literature furnished.

B. Supervisor. The immediate supervisor shall orient each new employee to the conditions related to the job and work-site. Such orientation shall include introductions to fellow workers, work standards, safety regulations, break periods and other departmental working conditions.

C. County administrator. Staff designated by the county administrator shall orient all new employees to available county services, expectations of county employees, policies and procedures affecting county employees and provide mandated and non-mandated training as designated. (Ord. 147-54, 2003; Ord.143-93, 2000; Ord.141-69, Sec.8, 1997; Ord.80-81/276, Sec.12 (part), 1980).

3.55.060 Personal development. The county recognizes that relevant educational development is important to many employees in increasing personal competence in their present position or in preparation for future job opportunities. To accommodate the employee's personal development goals, the department head may authorize the employee's absence to attend classes offered by accredited educational organizations, not to exceed 5 hours in any week, subject to the staffing needs of the department. All absent hours may be charged to accrued vacation or compensatory time, or otherwise shall be without pay. The county shall not reimburse the employee for the cost of registration fees, materials or equipment. All extended absences for educational purposes shall be subject to the provisions of 3.65.010. (Ord. 147-54, 2003; Ord.141-06, Sec.15, 1997; Ord.137-97, Sec.2, 1994; Ord.137-48, Sec.3-5, 1993; Ord. 81-82/30, Secs. 1--3, 1981; Ord. 80-81/276, Sec.14 (part), 1980).

Chapter 3.60

PERFORMANCE EVALUATION

Sections:

- 3.60.010 Purpose.
- 3.60.020 Frequency of Evaluations.
- 3.60.030 Responsibility.
- 3.60.040 Salary increases.
- 3.60.050 Discipline.

3.60.010 Purpose.

A. To improve individual performance, strengthen supervisor-employee relationships, and recognize employee accomplishments and good work. Employee performance evaluations will be considered in decisions affecting placement, regular employment, salary adjustment, promotions, transfers, corrective action or dismissal, reemployment, and training. (Ord. 155-16, Sec. 22, 2011)

3.60.020 Frequency of Evaluations. At a minimum, all regular and project employees' performance will be formally reviewed according to the schedule below. However, formal performance evaluations may be completed at any time to document significant events of exceptional performance or substandard performance.

A. Annual. All regular employees will be formally evaluated on the anniversary of their original hire dates.

B. Introductory. Employees will serve an introductory period after initial hire or promotion into positions that require introductory periods. Introductory periods are as follows:

1. Six-Month Introductory Period. All employees will serve at least a six-month introductory period after initial hire, unless the position requires a one-year introductory period. Employees will be formally evaluated at month three and month five during the six months following their initial appointments.

2. One-Year Introductory Period. Supervisors, department heads, law enforcement employees, and civilian unit employees will serve one-year introductory periods. Employees will be formally evaluated at months three, five, nine, and eleven. After completing the introductory period, employees' next evaluation due dates will revert to the annual due date.

C. Special Evaluations. Employees who transfer or are promoted to new positions may be required to begin new introductory periods.

D. Temporary/Seasonal Employees. Formal written performance evaluations are required for temporary/seasonal employees. An evaluation for each employee must be completed prior to the last day of work at the end of the season or term for which they were employed. The performance evaluation will be considered in rehire and other employment decisions.

3.60.030 Responsibility. At regular intervals as stated above, employees' performance is to be evaluated and documented in written format by their immediate supervisors.

A. The human resources department will be responsible for the establishment and maintenance of lists of employees who are responsible for the completion and documentation of performance evaluations.

B. Employees responsible for the completion and documentation of performance evaluations will be advised of this responsibility by the human resources department in a timely fashion, with subsequent reminders of the due date for completion when the evaluations are thirty and sixty days late respectively. After ninety days, the employees responsible for the completion and documentation of performance evaluations will receive a final reminder and the county administrator will be notified of the outstanding performance evaluations.

C. Employees responsible for evaluating other employees will complete performance evaluation forms, hold performance evaluation meetings, and submit related documentation to the human resources department in a timely manner. All formal performance evaluations will be completed on the most current evaluation forms, as issued by the human resources department.

D. The human resources department will offer periodic training opportunities

E. The director has sole responsibility to administer Chapter 3.60.

3.60.040 Salary increases.

A. All employees responsible for evaluating other employees will submit original completed performance evaluations to the human resources department, with all necessary approvals, no later than 30 days after the date due.

B. Failure to conduct such performance evaluations constitutes unsatisfactory performance and therefore, salary increases, including incremental salary increases, cost of living adjustments, or other salary increases of an across-the-board nature, will be withheld until the requirement for performance evaluations has been satisfied.

C. The human resources department will maintain records of the performance evaluations received and will consult these records prior to the implementation of any salary increase. An employee who has had a salary increase withheld will be informed of this action by the human resources department.

D. In situations where absences from the county prevent the completion of the performance evaluation, a written request for an extension for completion will be submitted to the director and the director will review these situations.

E. Upon receipt of the delinquent performance evaluations, the human resources department will ensure that the incremental salary increases are restored at the start of the first pay period after the supervisor submits all delinquent performance evaluations.

F. Elected officials and union supervisors are exempt from the provisions outlined in this section. (Ord. 155-14, Sec. 1, 2011; Ord. 155-5, Sec. 1, 2011)

3.60.050 Discipline.

The director will discuss continued or repeated failures to comply with this policy with the county administrator for the purpose of overcoming the barriers to completion of the delinquent evaluations including training in performance evaluation processes and, if necessary, assessing the need for disciplinary action. (Ord. 151-45, Sec. 1, 2008; Ord. 148-03, 2004; Ord. 147-82, 2003; Ord. 147-54, 2003; Ord. 145-09, Sec. 1, 2001; Ord. 145-08, 2001; Ord.144-03, 2000; Ord. 136-64, 1992).

Chapter 3.65

LEAVES OF ABSENCE

Sections:

- 3.65.010 Unpaid leave of absence defined.
- 3.65.020 Paid leaves of absence defined.
- 3.65.030 Family and medical leave.
- 3.65.040 Military leave.
- 3.65.050 Worker's compensation injury leave.

3.65.010 Unpaid leave of absence defined. (excluding Family and Medical Leaves)

A. Policy statement. A leave of absence without pay may be granted to protect the length of service and benefit rights of an employee whose services might otherwise be terminated. An unpaid leave may only be granted when it is reasonably expected that the employee will return to employment when the condition(s) necessitating the leave permit, and when granting a leave is in the best interest of the county.

1. The provisions of this chapter notwithstanding, a full time employee may be excused without pay for a period not to exceed 7 calendar days and a .8 or less FTE employee may be excused without pay for a period not to exceed 14 calendar days, with supervisor approval.

2. Additional requests for unpaid leave shall be made under this policy.

B. Types of Leaves. The following types of leaves are permitted. In addition, for family and medical leaves see 3.65.030 and for military leaves see 3.65.040.

1. Personal leave. Personal leave may be granted by the director for up to 3 months for the employee's personal convenience or to relieve hardship to the employee and his or her immediate family, subject to staffing needs of the department.

2. Educational leave. The director may grant employees an unpaid leave to further their education, subject to the staffing needs of the department. Any expenses incurred shall not be reimbursed by the county. Such leaves in aggregate shall not exceed 24 months in any 5-year period.

3. Political leave. Any employee becoming a candidate for any publicly elected office shall be entitled to unpaid political leave of up to 6 months to be effective no later than the date the board of canvassers certifies that the employee has won the primary election and shall expire upon said board's certification of the general election results. Any employee assuming a county elected office shall be considered to have resigned from his or her former position, but shall be eligible for future reinstatement to a non-elective county position for which qualified if available.

C. Written request required. Any employee request for an unpaid leave shall be submitted in writing to the department head at least 30 days in advance and shall state the reason for such leave and the period of time to be absent. The 30-day notice may be waived under emergency circumstances by the authorizing party. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

D. Authorization. The department head may authorize unpaid leaves for up to 30 days subject to E. Any leave extending over 30 days shall be submitted by the department head with recommendation to the director for review and approval or denial, subject to E. The employee shall be notified of any action taken within 3 working days of the determination.

E. Leave restrictions. Unpaid leave of absence shall not be granted under the following conditions:

1. To permit an employee to seek other employment or work at some other paid employment, except as provided in the above provision for political leave.

2. For periods exceeding 1 year.

F. Benefits during unpaid leave. Benefit accruals such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment. However, the employee may continue group life and health insurances by remitting monthly premium payments to the finance department. Such insurances shall be cancelled if the employee fails to remit payment upon notice of delinquency.

G. Expiration of leave. An employee may return to work at an earlier date than scheduled if approved by the department head. Any unpaid leave over 30 days may be extended upon written request, subject to the approval of the director. Any employee failing to return to work upon expiration of unpaid leave shall be considered to have resigned, not in good standing except when a requested extension has been denied.

H. Return to service. Upon expiration of leave, excluding unpaid leaves exceeding 6 months, the employee shall be reinstated to the vacated position or equivalent position, provided stated qualifications are met. Employees on unpaid leaves exceeding 6 months shall be eligible for reinstatement to a vacant position for which qualified, if available, and if not available, the employee shall be terminated. (Ord. 153-12, Secs. 1 & 2, 2009; Ord. 151-10, Sec. 39, 2007; Ord. 147-54, 2003)

3.65.020 Paid leaves of absence defined.

A. Jury duty. An employee shall be excused from work when assigned to jury duty, provided prior notice is given to the supervisor. If the employee's absence is expected to seriously affect operations, the county may request that the employee be excused from jury duty. An employee who is excused for jury duty shall receive the regular county wages which normally would have been paid during the period required for jury duty, and the employee shall return any jury duty fees less travel allowance to the finance department to be deposited with the county treasurer. When possible, the employee is to work any of his or her regularly scheduled hours that do not conflict with the jury duty.

B. Civic leave. An employee shall be given time off with pay when subpoenaed to appear before a court, public body or commission in connection with county business. Any witness fees received, less travel allowance, shall be returned to the finance department to be deposited with the county treasurer. An employee upon request shall be given time off without pay to appear under subpoena or in their own behalf in litigation which is not connected with county business.

C. Absence due to death in family. An employee shall be excused from work for up to 5 working days for a death in the employee's immediate family, or for 3 working days for the death of a grandparent or grandchild, stepmother, stepfather, stepsister, stepbrother, stepchildren, aunts, and uncles chargeable to accrued sick leave. (Ord. 147-54, 2003)

3.65.030 Family and medical leave.

A. Family and Medical Leave Act. The county shall comply with state and federal Family and Medical Leave Acts which provide child rearing, family illness, employee medical leave, and military call-to-duty and military caregiver leave availability to employees. For additional information refer to the human resources policy and procedure manual or contact the director.

B. Benefits during leave. Employees may substitute accrued county provided paid time while taking unpaid FMLA leave; however, the substitution does not extend the length of FMLA leave.

C. Extended medical leave. Medical leave may be requested for personal illness when all FMLA leave has been exhausted. Such a request may be approved for up to 6 months by the director, and may be extended up to a maximum of 18 months by the committee upon proof of medical necessity and thereupon the employee shall be subject to the provisions of 3.70.050 E. Employees on medical leave shall provide a medical release acceptable to the county upon return to service. (Ord. 153-12, Sec. 3, 2009; Ord. 147-54, 2003)

3.65.040 Military leave.

A. Military service leave. A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees will receive partial pay for two-week training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal county base compensation and the pay (excluding expense pay) received while on military duty. The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may substitute accrued county provided paid time off for the absence.

B. Uniformed Services Employment and Reemployment Rights Act (USERRA). The county shall comply with all applicable state and federal uniformed services employment and reemployment rights laws. For additional information or questions about military leave, contact the director. (Ord. 153-12, Sec. 4, 2009; Ord. 151-10, Sec. 40, 2007; Ord. 147-54, 2003)

3.65.050 Worker's Compensation injury leave.

A. An employee who is injured on the job or suffers from job-related illness while working for the county shall become eligible for certain benefits under the Worker's Compensation Act of the state. This act provides weekly compensation payments based on the salary rate of the employee.

B. Compensation shall be paid as follows:

1. Day of injury: full pay;
2. First 3 days after injury: employee uses sick leave accrual;
3. Over 7 days: Worker's Compensation picks up first 3 days of injury; sick leave days are restored to employee's account.

C. Vacation and sick leave credits shall continue to accrue during the injury leave, and holidays occurring during such period shall be paid.

D. Employees receiving worker's compensation benefits shall be required to furnish a physician's certificate upon request of the employer, and, in all cases, shall furnish a complete medical release prior to returning to work.

E. All employees shall comply with the provisions set forth in Chapter 2.75, County Safety Program, and shall conduct themselves in a safe manner so that they do not cause injury to themselves or others. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.14 (part), 1980).

Chapter 3.70

DISCIPLINE AND TERMINATION OF EMPLOYMENT

Sections:

- 3.70.001 Departmental work rules.
- 3.70.010 Fines incurred by employees.

- 3.70.020 Discipline.
- 3.70.030 Grounds for disciplinary action.
- 3.70.040 Separations of probationary and temporary employees.
- 3.70.050 Separations of permanent and project employees.

3.70.001 Departmental work rules. Department heads may promulgate internal departmental work rules pertaining to employee conduct and performance which are necessary for providing efficient and courteous services to the public and for providing a safe work site for employees, subject to the following:

A. All such rules shall be in writing and copies shall be made available and explained to all affected employees, including notice that any violation of such rules shall be subject to disciplinary action.

B. Any rule established under this section shall be declared void if it is determined by the director to be in conflict with the human resources code or any applicable union contract, regulation or law.

C. All such rules shall be subject to prior approval by the director and current departmental work rules shall be kept on file in the human resources department. (Ord. 151-10, Sec. 42, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.16 (part), 1980).

3.70.010 Fines incurred by employees. Any fines incurred by employees while performing official county business are the sole responsibility of the employee and may result in disciplinary action, except under situations where the fine was a direct result of an employee following the directions of the immediate supervisor. (Ord. 147-54, 2003; Ord. 80-81/276, Sec.16 (part), 1980).

3.70.020 Discipline. The purpose of discipline is to correct job behavior and performance problems of employees. Disciplinary rules and regulations shall be applied in an equitable and consistent manner, commensurate with the employee infraction.

A. Employees shall be informed of departmental standards of conduct and performance, and shall have access to all disciplinary actions recorded in their permanent personnel files.

B. Whenever an employee commits an offense warranting disciplinary action, the appointing authority or designee may take such action in accord with the following procedures, depending upon the seriousness of the offense committed:

1. For minor offenses, the employee shall be given a verbal warning, advising that another offense may result in a written reprimand or suspension. If a verbal warning is issued and this does not correct the situation within a reasonable length of time, the supervisor shall then utilize either a written reprimand or an unpaid suspension.

2. The employee may be given a written reprimand, informing him or her of the nature of the offense committed and advising him or her that failure to correct such defect will result in a suspension.

3. For a 2nd related offense which occurs within 1 year from the date of the first verbal or written warning or in the event of an initial offense which justifies such action, the employee may be suspended from work without pay for a period of time to be determined upon the basis of the seriousness of the offense committed.

C. Persons administering discipline shall systematically document each incident. The documentation shall include the employee's name, date and type of infraction, names and statements of witnesses, description of action taken and other relevant details. Copies of all written disciplinary actions shall be maintained in departmental files, filed in the employee's permanent personnel file in the human resources department, and shall be provided to the employee.

D. The appointing authority shall discuss all demotion, suspension or termination actions with the director and with the corporation counsel and, as necessary, the county administrator before he or she takes such actions, except as provided in E. In the event that the director or county administrator cannot be reached and the appointing authority believes that immediate dismissal is warranted, the employee shall be suspended pending investigation.

E. All periods of suspension shall be without pay, and in the event of exoneration all pay and benefits shall be restored.

F. Before an employee is suspended or terminated, the employee shall be given:

1. Oral or written notice of the offense/charge;
2. An explanation of the county's evidence; and
3. An opportunity to tell his or her side of the story.

G. An employee may appeal the imposition of a disciplinary action or termination through the grievance procedure set forth in Chapter 3.80. Grievances over demotions, suspensions and terminations shall commence at Step 4. (Ord. 147-54, 2003; Ord.141-92 Sec.49, 1998; Ord.141-06, Sec.21, 1997; Ord. 135-30, 1991; Ord. 81-82/473, Secs.19--21, 1982; Ord. 80-81/276, Sec.16 (part), 1980).

3.70.030 Grounds for disciplinary action. Grounds for disciplinary action shall be based on an individual review of all facts and circumstances surrounding the event and shall be inclusive of, but not limited to, the following:

A. Such acts which adversely affect ability to perform on behalf of the county, such as falsification of county records, theft or destruction of county equipment or property, or dishonesty;

B. Unprovoked insolence or disrespect on the part of the employee toward the employer, or inexcusable and substantial insubordination, inclusive of, but not limited to, a willful refusal to obey lawful and reasonable directives;

C. Unauthorized use of county owned or leased equipment or property;

D. The use of intoxicating liquors, malt beverages, or incapacitating drugs while on duty, or intoxication or incapacitation to such a degree as to interfere with the person's work product, efficiency or performance, relationship with other employees or with the public-at-large, or to create a safety hazard. The use of prescription drugs while on duty in accord with the directives of a physician shall not be subject to discipline;

E. Fighting with or provoking a disturbance among fellow employees or actions adversely and substantially affecting morale, production or efficiency;

F. Immoral or otherwise improper conduct which adversely and substantially injures or brings the county into disrepute; being charged with or convicted of a crime which is directly related to the job which the person was hired to perform; or unavailability for work due to incarceration;

G. Absence without leave when the person in question was supposed to be on duty, or a leave of absence taken for other than the reason for which it was granted;

H. Unauthorized absence and tardiness. An employee absent from duty without approval, including tardiness, shall not be paid for absent time, nor may absent time be made up. Such absences are subject to disciplinary action which may include discharge. However, it is recognized that there may be extenuating circumstances and due consideration shall be given each case;

I. Habitual tardiness or abuse of sick leave privileges;

J. Discrimination against others because of race, color, creed, national origin, political preference, sexual preference, age, sex or physical disability;

K. Violations of provisions of state law, administrative rules, the human resources code, other provisions of the code of general ordinances or departmental rules promulgated pursuant to this chapter; and

L. Other circumstances, not herein specified which, in the opinion of the corporation counsel, constitute grounds for disciplinary action. (Ord. 155-16, Sec. 24, 2011; Ord. 151-10, Sec. 43, 2007; Ord. 147-54, 2003; Ord. 80-81/276, Sec.16 (part), 1980).

3.70.040 Separations of introductory and temporary employees.

A. Introductory and temporary employees may be terminated at the appointing authority's discretion, including, but not limited to whenever their services are unsatisfactory or no longer needed, and when funding has expired. No specific advance notice is required, although as much prior notice as possible should be given to the employee.

B. Resignations shall be as provided in 3.70.050 D. except that a written resignation need only be submitted 1 week in advance.

C. Separations under this section are not subject to the grievance procedure identified in Chapter 3.80. (Ord. 155-16, Sec. 25, 2011; Ord. 147-54, 2003)

3.70.050 Separations of regular and project employees.

A. Temporary layoff. The head of each department or office may lay off employees therein on a temporary basis in the event of lack of work or funds in the department or office or where continuation of existing staffing levels would be inefficient, subject to the following:

1. No regular employee shall be laid off while there are non-regular employees serving in comparable positions within the same department.

2. All layoffs shall be based on employee performance and county service.

3. Employees laid off for one week or more shall be given 1 weeks written notice, except under emergency conditions.

4. Recall from layoff must occur within 1 year or else the layoff shall be considered a permanent separation.

B. Permanent reduction in work force. If the board eliminates a regular or project position, the employee in the position shall be given 2 weeks written notice of regular separation;

C. Disciplinary suspensions or discharge. Disciplinary suspensions or discharge shall be as provided in Chapter 3.70. Advance notice of suspension or discharge shall not be required.

D. Resignations. Resignations are voluntary acts of employees and as such shall not be recommended, suggested or otherwise solicited by the appointing authority. However, employees may be advised of their right to resign at any time before the effective date of a proposed separation for cause or disciplinary action. The following conditions shall apply in all resignations:

1. All resignations shall be by written notice delivered to the appointing authority at least 2 weeks in advance, except in the case of department heads and supervisors who shall give at least 30 days advance notice, and shall be effective upon receipt by the appointing authority or upon the date specified therein. If an employee fails to give the required notice, the employee shall be held to have resigned not in good standing, unless the director determines that acceptable reasons for a shorter notice period exist. No recruitment for a replacement employee may commence until such resignation has been submitted.

2. Employees who have submitted a resignation may, with the approval of the appointing authority, rescind the resignation prior to its effective date. No such request shall be approved if the employee's position has already been committed to a replacement.

3. Any employee on an unauthorized absence for 5 consecutive business days or who fails to report for duty within 5 business days after the expiration of leave or upon recall from layoff, shall be held to have resigned not in good standing. The director shall notify the employee of such action by personal service or certified mail.

E. Disability. An employee determined by the director to be unable to perform the essential functions of the position to which assigned due to mental or physical disability, despite reasonable accommodation, may be separated from service subject to the following:

1. Current available positions for which the employee is qualified shall be offered in writing to the employee. If the employee refuses a suitable position, it shall be so noted in the employee's personnel file and he or she shall be considered to have resigned.

2. If suitable positions are not available, the employee shall be terminated, but shall be offered the opportunity to apply for and receive special consideration in selection for any future vacant position for which qualified.

F. Training of replacement. The director may authorize the retention of the terminating employee for a period not to exceed 30 days for department heads and 15 days for all others for purposes of training and providing specific job orientation to the replacement employee, subject to budgetary limitations.

G. Resignation and use of accumulated leave. Employees who voluntarily resign may be allowed, with supervisory approval, to use up to 2 weeks of paid accumulated leave prior to the effective date of the resignation. Department heads may be allowed, upon approval of the county administrator, to use up to 30 days of paid accumulated leave prior to the effective date of the resignation.

1. Fringe benefit accumulation shall cease effective the last day actually worked.

2. Accumulated unused paid leave time shall be paid in a lump sum to the resigning employee no later than the last date on which the employee regularly would have been paid under the county's existing payroll schedule. (Ord. 155-16, Sec. 27, 2011; Ord. 147-54, 2003)

Chapter 3.75

RETURN OF COUNTY PROPERTY

Sections:

3.75.010 Return of county property.

3.75.010 Return of county property. Employees leaving county service shall return all county property on or before their last day worked. It shall be the responsibility of the department head to certify in writing to the human resources department that this has been accomplished. (Ord. 151-10, Sec. 44, 2007; Ord. 147-54, 2003; Ord. 138-81, 1994; Ord. 131-25, Sec.1, 1987; Ord. 80-81/276, Sec.17 (part), 1980).

Chapter 3.80

NON-REPRESENTED EMPLOYEES GRIEVANCE PROCEDURE

Sections:

3.80.010 Purpose and applicability.
3.80.020 Definitions.
3.80.030 General provisions.
3.80.040 Procedure for grievances concerning employee terminations and employee discipline.
3.80.050 Procedure for grievances concerning employee workplace safety.

3.80.010 Purpose and Applicability. This procedure provides an employee with the individual opportunity to address concerns regarding discipline, termination or workplace safety matters, to have those matters reviewed by an impartial hearing officer and to appeal to the county board, where appropriate, as required by Wis. Stat. 66.0509. The county expects employees and management to exercise reasonable efforts to resolve any questions, problems, or misunderstandings prior to utilizing the grievance procedure. If an employee is subject to a contractual grievance procedure, the contractual grievance procedure must be followed as applicable. This procedure does not replace or supersede any statutory provision which may be applicable to an employee's employment with the county. This grievance procedure does not create a legally binding contract or a contract of employment. (Ord. 155-16, Sec. 28, 2011; Ord. 147-54, 2003; Ord. 80-81/276, Sec.13 (part), 1980).

3.80.020 Definitions.

A. "Discipline" means an employment action that results in disciplinary suspension or disciplinary demotion/reduction in rank. "Discipline" does not include any written or verbal notices, warnings, or reminders; verbal discipline will be documented, but not subject to the grievance procedure. The purpose of written and verbal notices, warnings, or reminders is to alert the employee that failure to correct the behavior may result in disciplinary suspension, termination, or disciplinary demotion/reduction in rank.

B. "Termination" means a separation from employment by the employer for disciplinary or performance reasons. "Termination" does not include layoff, furlough or reduction in workforce, reduction in hours, job transfer or reassignment, or retirement.

C. "Employee" for purposes of the procedure for grievances concerning employee terminations and employee discipline, includes all regular full-time and part-time employees. The term "employee" excludes elected officials; individuals hired on a limited term, temporary, casual, project or seasonal basis; independent contractors; employees within their introductory period; and any employee, official or officer that serves at the pleasure of an appointing authority as provided by Wisconsin Statutes.

D. "Workplace Safety" includes any conditions of employment related to the physical health and safety of employees, including the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of personal protective equipment, and accident risks. "Workplace Safety" does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, and work schedules.

E. "Employee" for purposes of the procedure for grievances concerning workplace safety, shall include all regular full-time and part-time employee, elected officials; and, individuals hired on a limited term, temporary, casual, project, or seasonal basis. The term "employee" excludes independent contractors. (Ord. 155-16, Sec. 28, 2011; Ord. 151-10, Sec. 45, 2007; Ord. 147-54, 2003; Ord.141-06, Sec.12, 1997; Ord. 81-82/473, Sec.17, 1982; Ord. 80-81/276, Sec.13 (part), 1980).

3.80.030 General Provisions.

A. Role and Appointment of “impartial hearing officer”.

1. For purposes of this policy, the role of the “impartial hearing officer” will be to define the issues, identifying areas of agreement between the parties and identifying the issues in dispute, and to hear the parties’ respective arguments.
2. The hearing officer may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing.
3. The hearing officer will have the authority to administer oaths, issue subpoenas at the request of either party, and decide if a transcript is necessary.
4. The hearing officer may apply relaxed standards for the admission of evidence and may request oral or written arguments and replies.
5. The impartial hearing officer shall be selected by the county administrator based upon the nature of the matter in dispute.

B. Costs.

1. Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing, presenting, or defending a grievance.
2. The fees of the impartial hearing officer will be paid by the county.

C. Time Limits.

1. The term “days” as used in this provision means calendar days, excluding observed holidays as set forth in 3.35.040. The employer and grievant may mutually agree to waive time limits, in writing. If the last day on which a grievance is to be filed or a decision is to be appealed is a Saturday, Sunday or holiday as set forth in 3.35.040, the time limit is the next day which is not a Saturday, Sunday or holiday.
2. A grievance or decision or appeal is considered timely if received by the employer during normal business hours or if postmarked by 12:00 midnight on the due date.
3. The employer and grievant may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.
4. If the grievance is not answered within the time limits, the grievant may proceed to the next available step within 7 days.
5. Any issues involving the timeliness of a grievance shall be resolved by the county administrator.

D. **Scheduling:** Grievance meetings and hearings will typically be held during the grievant’s off-duty hours. Time spent in grievance meetings and hearing shall not be considered as compensable work time.

E. **Representation:** The grievant shall have the right to representation during the grievance procedure at the grievant’s expense. (Ord. 155-26, Sec. 28, 2011; Ord. 147-54, 2003; Ord. 80-81/276, Sec.13 (part), 1980).

3.80.040 Procedure for Grievances Concerning Employee Terminations and Employee Discipline:

A. **Step 1:** An earnest effort shall be made to settle the matter informally between the aggrieved employee and the employee’s immediate supervisor. If the grievance is not resolved informally, it shall be reduced to writing by the employee who shall submit it to the employee’s department head, with a copy to the human resources director.

1. The written grievance shall give a detailed statement concerning the subject of the grievance, the facts upon which the grievance is based, and indicate the specific relief being sought.

2. Time Limit: If the employee does not submit a written grievance within 14 days after the facts upon which the grievance is based first became known, or should have been known to the employee, the grievance will be deemed waived. The department head will reply in writing to the employee within 14 days after receipt of the written grievance.

B. Step 2: If the grievance is not settled in Step 1, and the employee wishes to appeal the decision, the employee shall submit the written grievance to the county administrator to request a hearing before an impartial hearing officer.

1. Time Limit: If the employee does not submit a written grievance to the county administrator requesting a hearing before an impartial hearing officer within 14 days after receipt of the department head's decision, the grievance will be deemed waived. If timely requested, the hearing will normally be scheduled within 30 days of receipt of the request for hearing.

2. The hearing officer shall determine whether the departments head's decision was arbitrary, capricious or not supported by the facts presented. At the conclusion of the hearing, the hearing officer shall render a written decision indicating the reasons for one of four decisions: 1) Sustaining the discipline/termination, 2) Modifying the discipline/termination, 3) Denying the discipline/ termination, or 4) Recommending additional investigation prior to final determination. In cases where the hearing officer recommends additional investigation, at the conclusion of the additional investigation, a second, follow-up hearing shall be scheduled. The hearing officer shall render a written decision to the employer and employee within 10 calendar days from the date of the hearing.

C. Step 3: The employer or employee may appeal the decision of the hearing officer to the county board. The decision of the governing body shall be final and binding upon the parties.

1. Time Limit: The employee or employer may request a review by the county board by filing a request with the county administrator within 14 days of receipt of the written decision of the hearing officer. The request must set forth in detail the reasons for the appeal. The non-appealing party shall have 14 days to submit a reply to the detailed request. Once the request for review and reply are received, the review will be scheduled at the board's next regularly scheduled meeting. If not timely submitted by the grievant, the grievance can no longer be addressed in the grievance procedure.

2. Level of Review: The county board shall review only the written decision of the hearing officer, the reasons for the appeal and the reply. The role of the county board, in reviewing the decision of the impartial hearing officer, is to determine whether the impartial hearing officer's decision was arbitrary, capricious, or not supported by the facts presented to the hearing officer. The county board may either uphold, modify, or reverse the decision of the impartial hearing officer. (Ord. 155-16, Sec. 28, 2011; Ord. 147-54, 2003; Ord. 80-81/276, Sec.13 (part), 1980).

3.80.050 Procedure for Grievances Concerning Employee Workplace Safety.

A. Step 1: Any employee who personally identifies, or is given information about, a workplace safety issue or incident must notify the employees department head of the issue or incident as soon as reasonably practicable. All safety issues, no matter how insignificant the situation may appear to be, must be reported.

1. Time Limit: Any workplace safety incident or issue must be reported by an employee within 24 hours after the incident or issue was raised in order to be addressed as part of the grievance procedure.

2. A written report of the incident or issue, outlining the events that transpired and proposed resolution, if any, shall be signed by all concerned parties and submitted to the human resources director within 7 days of the incident or issue for review and consideration by the loss control committee.

B. Step 2: After receipt of the written report, the loss control committee will conduct additional investigation, if required, and normally issue a final report on its findings and conclusions within 14 days of receipt of the written report. Copies of the loss control committee's final report will be given to the persons who signed the written report, as well as to the human resources director.

C. Step 3: The employee may appeal the findings and conclusions of the loss control committee and request a hearing before an impartial hearing officer.

1. Time Limit: If the employee does not submit a written grievance to county administrator requesting a hearing before an impartial hearing officer within 7 days after receipt of the loss control committee's final report, the grievance can no longer be addressed in the grievance procedure. If timely requested, the hearing will normally be scheduled within 14 days of receipt of the request for hearing.

2. At the conclusion of the hearing, the hearing officer shall record one of three outcomes and the reasons therefore:

a. Sustaining the conclusions of the loss control committee,
b. Denying the conclusions of the loss control committee and ordering additional or alternative remedial measures, if applicable, or
c. Recommending additional investigation prior to final determination. In cases where the hearing officer recommends additional investigation, at the conclusion of the additional investigation, a second, follow-up hearing shall be scheduled. The hearing officer shall render a written decision to the employer and employee within 10 calendar days from the date of the hearing.

D. Step 4: The employer or employee may appeal the decision of the hearing officer to the county board. The decision of the governing body shall be final and binding upon the parties.

1. Time Limit: The employee or employer may request a review by the county board by filing a request with county administrator within 14 days of receipt of the written decision of the hearing officer. The request must set forth in detail the reasons for the appeal. The non-appealing party shall have 14 days to submit a reply to the detailed request. Once the request for review and reply are received, the review will be scheduled at the board's next regularly scheduled meeting. If not timely submitted by the grievant, the grievance can no longer be addressed in the grievance procedure.

2. Level of Review: The county board shall review only the written decision of the hearing officer, the reasons for the appeal and the reply. The role of the county board, in reviewing the decision of the impartial hearing officer, is to determine whether the impartial hearing officer's decision was arbitrary, capricious, or not supported by the facts presented to the hearing officer. The county board may either uphold, modify, or reverse the decision of the impartial hearing officer. (Ord. 155-16, Sec. 28, 2011; Ord. 147-54, 2003; Ord. 80-81/276, Sec.13 (part), 1980).

Chapter 3.85

DEPUTY SHERIFFS*

Sections:

- 3.85.001 Purpose.
- 3.85.005 Definitions.
- 3.85.010 Classification and number of deputy positions.
- 3.85.020 Minimum qualifications.
- 3.85.030 Application and testing procedure.
- 3.85.035 Supervisory sergeant eligibility list.
- 3.85.040 Review and rating by the rating committee.
- 3.85.050 Pre-employment background investigation, physical examinations and psychological evaluation.
- 3.85.060 Appointment of permanent deputies.
- 3.85.070 Appointment of reserve deputies.
- 3.85.080 Appointment of special deputies.
- 3.85.085 Municipal police as deputies.
- 3.85.090 Terms and dismissal.
- 3.85.100 Certain deputies and posse exempt.
- 3.85.110 Recruit training.
- 3.85.120 Appointment of Undersheriff.
- 3.85.130 Promotions and assignments.

- 3.85.140 Temporary assignments.
- 3.85.150 Outside employment.
- 3.85.160 Training of deputies.
- 3.85.170 Disciplinary and dismissal procedures.

3.85.001 Purpose.

A. The purpose of this chapter shall be to establish a civil service system under Wis. Stat. § 59.52(8), for the department of the county sheriff.

* For provisions regarding sheriffs and deputies, see WSA § 59.26; for provisions regarding county civil service systems, see WSA § 59.52(8).

B. This chapter shall apply to employees not covered by collective bargaining agreements and to employees so covered when specific bargaining agreements do not apply to the contrary. (Ord. 147-54, 2003; Ord.141-02, Sec.1, 1997; Ord. 134-03, Sec. 21, 1990; Ord. 128-23, Sec.2 (part) 1984).

3.85.005 Definitions. The following definitions apply to this chapter:

- A. "Department" means the department of the county sheriff.
- B. "Deputy sheriff" means such persons as are duly appointed by the sheriff to aid in the performance of his or her duties, as set forth at Wis. Stat. § 59.27 under his or her direction, and in the case of his or her absence or disability, or a vacancy in his or her office, who shall perform all of the duties of the sheriff during such absence or until such vacancy is filled.
- C. "Posse" shall mean adult residents of the county summoned by the sheriff to assist him or her in times of public emergency for the purpose of preserving the public peace or for the pursuit of felons.
- D. "Rating committee" means those persons designated to conduct oral interviews of applicants for permanent deputy sheriff positions and shall consist of the patrol, jail and detective captains or their designees, and 2 members of an outside law enforcement agency.
- E. "Reserve deputy sheriff" means those deputy sheriffs, not employed by the county on a permanent basis, exclusive of the posse.
- F. "Veteran" means a person, otherwise qualified under 3.85.020, who has served honorably in the U.S. Armed Forces as defined in Wis. Stat. ch. 45. (Ord. 147-54, 2003; Ord. 143-53, Sec. 5, 1999; Ord.141-112, Secs.1-3, 1998; Ord.141-03, Sec.1, 1997; Ord.139-78, 1995; Ord. 128-23, Sec.2 (part) 1984).

3.85.010 Classification and number of deputy positions.

- A. The classification and maximum number of permanent deputy sheriff positions shall be established by the county board.
- B. The maximum number of reserve deputy sheriff positions shall be 40.
- C. The sheriff may appoint up to 10 special deputy sheriffs under 3.85.080.
- D. The sheriff may appoint as deputy sheriffs any number of persons serving as municipal police, subject to 3.85.085.
- E. There shall be no honorary deputy sheriffs appointed. The county shall not assume any liability for the acts of any persons appointed in violation hereof. (Ord. 147-54, 2003; Ord. 128-23, Sec.2 (part) 1984).

3.85.020 Minimum qualifications.

- A. The following shall be the minimum qualifications for a person to be eligible to apply for or hold the position of deputy sheriff or reserve deputy sheriff:
 - 1. Citizen of the United States.
 - 2. Establish residency within 45-minute response time to the courthouse by car prior to completion of probationary period, and maintain such residency thereafter during term of appointment. Failure to meet this requirement will result in immediate revocation of the deputy's appointment by the sheriff.
 - 3. No felony convictions in any jurisdiction unless the judgment of conviction has been reversed or a complete pardon has been granted.
 - 4. Twenty-one years of age or older upon appointment.
 - 5. Documentary evidence of graduation from an accredited high school or successful completion of the General Educational Development Test.
 - 6. Associate degree or a minimum of 60 college credits in a law enforcement or closely related field.

7. Successful completion of a pre-employment physical exam, psychological exam, background check, and drug-screening test. As a condition of employment, will be required to periodically pass a physical examination and will be subject to random drug testing.

8. Successful completion of the Wisconsin Law Enforcement Certificate Training (basic recruit training) with valid certification or eligibility to receive certification.

9. Possess and maintain a valid Wisconsin Motor Vehicle Operator's License and acceptable driving record.

10. Successful completion of the entry-level law enforcement examination.

B. The minimum qualifications for a person to be eligible to apply for or hold the position of special deputy sheriff shall be as provided in A., except for 6.

C. Reserve deputy sheriffs appointed prior to June 1, 2009 are required to meet all minimum qualifications in A., except for 6.

(Ord. 153-6, Sec. 1-3, 2009; Ord. 147-54, 2003; Ord.142-98, 1999; Ord.141-112, Secs.4-5, 1998; Ord.139-24, 1995; Ord.138-20, 1994; Ord. 132-64, Sec.1; Ord. 132-51, Sec.1, 1988; Ord. 129-3, Sec.1, 1985; Ord. 128-23, Sec.2 (part) 1984; Ord. 128-23, Sec.3, 1984).

3.85.030 Application and testing procedure.

A. Every 2 years or as approved by the human resources director, applications shall be solicited and received for the position of permanent deputy sheriff. Applications shall be made through the human resources department which shall certify whether an applicant meets the qualifications under 3.85.020.

B. Each qualified applicant for permanent deputy sheriff shall be given a comprehensive written examination approved for use by the committee. Seventy percent shall be the minimum passing score.

C. The top 20 applicants passing A. and B. shall be eligible for rating committee examination under 3.85.040. (Ord. 151-10, Sec. 46, 2007; Ord. 147-54, 2003; Ord.141-112, Sec.6, 1998; Ord.140-16, 1996; Ord. 139-19, Sec.1, 1995; Ord. 136-04, Sec.1, 1992; Ord. 129-6, Secs.1,2, 1985; Ord. 128-23, Sec.2 (part) 1984).

3.85.035 Supervisory sergeant eligibility list.

A. Annually or as approved by the human resources director a supervisory sergeant test shall be administered to all qualified non-supervisory deputy sheriffs who sign up to take the test. Seventy percent shall be the minimum passing score.

B. All non-supervisory deputy sheriffs passing the written examination and having 5 years of law enforcement experience shall be eligible for rating committee examination under 3.85.040 and placement on the eligibility list.

C. The eligibility list shall be effective for 1 year from the date the human resources department completes the scoring and reduces the list to writing.

D. The eligibility list shall be used to fill vacant supervisory sergeant positions, only after such vacancies are posted and not filled under the terms of the supervisory unit collective bargaining agreement.

E. Any offer of employment shall be conditioned on the successful completion of a background investigation, physical examination and psychological evaluation as set forth in 3.85.050. The physical examination and psychological evaluation may be waived at the discretion of the sheriff and director for internal candidates who have satisfactorily completed the same previously. (Ord. 151-10, Sec. 47, 2007; Ord. 147-54, 2003; Ord.143-53, Sec. 6 and Sec. 7, 1999; Ord.141-112, Sec.7, 1998; Ord.140-60, 1996).

3.85.040 Review and rating by the rating committee.

A. Each applicant for permanent deputy sheriff qualifying under 3.85.030 and each applicant for supervisory sergeant as set forth in 3.85.035 shall be given an oral interview by the rating committee. The purpose of the oral interview and rating evaluation shall be to evaluate personal characteristics including, but not limited to, the following:

1. Appearance, manner and bearing.
2. Ability to communicate.
3. Personality.
4. Alertness.
5. Judgment.

B. Each interviewed applicant shall be given a point score by the rating committee.

C. Following completion of all interviews, the director shall provide a numerical rating 0 to 100 for each applicant to be calculated as follows:

<u>NON-SUPERVISORY</u>		<u>SUPERVISORY SERGEANT</u>	
Written Examination	30%	Written Examination	20%
Oral Interview	30%	Oral Interview	20%
Previous Experience, Education & Training	<u>40%</u>	Previous Experience, Education & Training	40%
Total	100%	Staff Recommendation	<u>20%</u>
		Total	100%

Honorably discharged war veterans shall have 5 points automatically added to this score. Honorably discharged war veterans who were wounded in combat shall have 10 points added to this score.

D. The 10 highest rated applicants, and ties, shall be placed on an eligibility list by the director according to their rating, with the highest rated applicant listed first.

E. The sheriff or his or her designee may attend interviews under A.

F. Following listing by the director, the director shall inform each interviewed applicant of his or her written examination score. (Ord. 147-54, 2003; Ord. 143-53, Sec. 8 and Sec. 9, 1999; Ord.141-112, Sec.8, 1998; Ord. 138-04, 1994; Ord. 128-23, Sec.2 (part) 1984).

3.85.050 Pre-employment background investigation, physical examination and psychological evaluation.

A. Prior to the appointment of any permanent deputy sheriff, or supervisory sergeant as qualified in 3.85.035, a background investigation, physical examination and psychological evaluation shall be conducted on the individual(s) the sheriff is considering appointing. The physical examination and psychological evaluation shall only be conducted after a conditional offer of appointment has been made. The offer shall be conditioned on successful completion of the physical examination and psychological evaluation. A physical examination for internal candidates may be waived at the discretion of the sheriff and director for those individuals having satisfactorily completed a physical.

B. For the background investigation required at A. above, the sheriff shall select an impartial, experienced permanent deputy to conduct same at county expense. The nature of such background investigation shall include, but not be limited to, a thorough check on the following:

1. Accuracy of application or resume;
2. Previous employers and work record;
3. All schools attended;
4. Present and past neighbors and landlords;
5. Character references;
6. Credit records;
7. Disposition; ethical character; honesty and trustworthiness;
8. Local, state and federal police records;
9. Driving history records;
10. Military records;
11. Any other source of information which previous contacts show to be important; and
12. Any other source of information determined from time to time by the sheriff or director or recommended by standards established by the Wisconsin Law Enforcement Standards Board.

C. If the individual(s) being considered for appointment by the sheriff lives, or has lived in a distant community, a letter from the sheriff shall be sent to the local law enforcement agency requesting that a background investigation be conducted in that locality.

D. A detailed written report on the background investigation(s) conducted pursuant to the above shall be prepared and delivered to the sheriff for his or her review.

E. The physical examination required at A. shall be conducted by a Wisconsin licensed physician at county expense subject to the following requirements:

1. A complete individual medical history shall be submitted to the examining physician.
2. The physician's written post-examination report to the sheriff must conclude, in his or her opinion, whether the individual has the ability to physically perform the essential job functions of the position with reasonable accommodation.

F. The psychological evaluation required under A. above shall be given at county expense, and shall include a professionally recognized written psychological test. Results shall be provided to the sheriff who may withdraw an offer of appointment based on the results of the psychological examination only if the decision is job related and consistent with business necessity, and no reasonable accommodation will enable the individual to perform the essential functions of the job.

G. Prior to the performance of any background investigation, psychological evaluation or physical examination under this section, the individual involved shall execute and file with the sheriff a consent and release of information form authorizing same to be conducted. Failure to promptly file same shall make the individual ineligible for further consideration or appointment.

H. The reports required in this section shall be considered confidential under 3.05.030 B., and copies of each shall be filed in the appropriate personnel file of every permanent deputy appointed under this chapter. Any information obtained for or during the medical examination and psychological evaluation shall be maintained in a location separate from the personnel file and treated as a confidential medical record with restricted access. (Ord. 147-54, 2003; Ord. 146-41, Sec. 2, 2002; Ord. 143-53, Secs. 10-15, 1999; Ord.141-112, Sec.9, 1998; Ord.139-59, Sec.1, 1995; Ord. 128-23, Sec. 2(part) 1984).

3.85.060 Appointment of permanent deputies.

A. In the event of a deputy sheriff vacancy, the sheriff shall appoint a replacement as soon as practicable from among the top 5 names on the current eligibility listing provided under 3.85.040. For subsequent vacancies, the sheriff shall continue to appoint from among the 5 names until exhausted. After exhausting the top 5 names, the next 5 names shall be considered, using the above procedure until the entire eligibility list is exhausted or a new list is established.

B. Any applicant unwilling or unable to accept appointment to a vacancy shall be removed from the eligibility list.

C. The sheriff shall notify the director of each appointment made.

D. The official oath of each deputy shall be filed with the clerk of courts immediately upon appointment.

E. Each deputy sheriff shall be deemed on probation during the year after their appointment and may be discharged by the sheriff at any time prior to termination of the probationary period. (Ord. 147-54, 2003; Ord.141-112, Secs.10-11, 1998; Ord.141-06, Sec.25, 1997; Ord. 128-23, Sec. 2 (part) 1984).

3.85.070 Appointment of reserve deputies.

A. The sheriff, subject to 3.85.010, 3.85.020, 3.85.030 B. and 3.85.050 may appoint reserve deputies.

B. 3.85.060 C., D. and E. shall apply to reserve deputies.

C. 3.85.050 B. shall apply to reserve deputies.

D. Reserve deputies shall be paid the Step A rate of the patrol and jailer process server or bailiff classification for filling shifts. They shall be paid minimum wage when attending basic recruit training to become certified and \$15.10 for all other law enforcement time. (Ord. 153-20, Sec. 1, 2009; Ord. 148-47, 2004; Ord. 147-54, 2003; Ord. 137-76, 1993; Ord. 136-28, 1992; Ord. 136-04, Sec.2, 1992; Ord. 133-32, 1989; Ord. 128-23, Sec.2 (part) 1984).

3.85.080 Appointment of special deputies.

A. The sheriff, subject to 3.85.010, 3.85.020, except (6), and 3.85.050 except that psychological evaluations shall not be required, may appoint special deputies.

B. 3.85.060 C., D. and E. shall apply to special deputies.

C. Special deputies shall be paid \$13.49 per hour for time spent physically transporting a prisoner, traveling to or from the place where a prisoner is being held or when performing other assigned duties. (Ord. 152-36, Sec. 1, 2008; Ord. 151-38, Sec. 1, 2007; Ord. 150-41, Sec. 1, 2007; Ord. 149-54, Sec. 1, 2006; Ord. 148-102, Sec. 3, 2004; Ord. 147-54, 2003; Ord. 146-57, 2002; Ord. 145-59, 2001; Ord. 143-77, 1999; Ord. 143-53, Sec. 16, 1999; Ord. 141-112, Sec. 12, 1998; Ord. 140-73, Sec. 1, 1996; Ord. 139-91; Ord. 138-100, 1995; Ord. 137-90, 1994; Ord. 135-87; Ord. 135-81, 1992; Ord. 132-94, Sec. 1, 1989; Ord. 130-32, Secs. 1, 2, 1986; Ord. 128-23, Sec. 2 (part) 1984).

3.85.085 Municipal police as deputies.

A. The sheriff may appoint any duly authorized full-time municipal police officer(s) of any municipality in the county as deputy sheriffs. Such deputies shall hold office at the pleasure of the sheriff and only during their employment as a police officer by a municipality in the county.

B. Such deputies shall only use their powers as deputy sheriffs when and as authorized by the sheriff. No such deputy shall be considered an employee of the county for any purpose and shall serve without compensation. (Ord. 147-54, 2003; Ord. 128-23, Sec. 2 (part) 1984).

3.85.090 Terms and dismissal.

A. Deputy sheriffs shall hold office on good behavior and shall not be dismissed or suspended except as provided in 3.85.170.

B. Reserve deputy sheriffs and special deputy sheriffs shall serve at the pleasure of the sheriff. (Ord. 147-54, 2003; Ord. 128-23, Sec. 2 (part) 1984).

3.85.100 Certain deputies and posse exempt. Deputy sheriffs appointed under 3.85.085 and persons appointed to a posse by the sheriff per Wis. Stat. § 59.28, are exempt from the requirements of this chapter. (Ord. 147-54, 2003; Ord. 141-03, Sec. 1, 1997; Ord. 128-23, Sec. 2 (part) 1984).

3.85.110 Recruit training.

A. Within 1 year following appointment, each deputy sheriff must successfully complete the minimum training required by the State Law Enforcement Standards Board and be certified thereby. Reserve deputy sheriffs are required to meet the training requirements for part-time officers.

B. Under justifiable circumstances, and upon request of the sheriff, the director may allow for an extension of time for an individual deputy to complete training, not to exceed maximums allowed by the State Law Enforcement Standards Board. Said board shall be notified of any extension granted.

C. Deputy sheriffs or reserve deputy sheriffs failing to meet the requirements of this section shall be dismissed. (Ord. 147-54, 2003; Ord. 141-112, Sec. 13, 1998; Ord. 139-19, Sec. 2, 1995; Ord. 128-23, Sec. 2 (part) 1984).

3.85.120 Appointment of Undersheriff.

- A. Wis. Stat. §59.26 requires the Sheriff to appoint an undersheriff. The undersheriff is responsible for executing the statutorily required duties of the sheriff in those circumstances in which the sheriff is unavailable or unable to execute those duties.
- B. The sheriff shall notify the director of the appointment.
- C. The undersheriff shall receive an annual stipend of \$1,500. (Ord. 150-005, Sec. 1, 2006)

3.85.130 Promotions and assignments. Promotions, transfers and assignments from one classification to another may be made by the sheriff. (Ord. 147-54, 2003; Ord.141-112, Sec.15, 1998; Ord. 128-23 Sec.2 (part) 1984).

3.85.140 Temporary assignments. The sheriff may temporarily assign a qualified deputy to a different classification or duty assignment. (Ord. 147-54, 2003; Ord.141-112 Sec.16, 1998; Ord.138-97, 1995; Ord.133-48, 1989; Ord.128-23, Sec.2 (part) 1984).

3.85.150 Outside employment. No deputy sheriff shall be employed in any other capacity unless such employment has been previously approved by the sheriff. (Ord. 147-54, 2003; Ord.141-112, Sec.17, 1998; Ord. 128-23, Sec.2 (part) 1984).

3.85.160 Training of deputies.

- A. The sheriff shall annually develop a plan for the internal and external training of the deputies under his or her command for the ensuing year.
- B. The sheriff may appoint 1 of his or her deputies to serve as department training officer(s) to assist him or her in coordination of training.
- C. In order to obtain re-certification by the board at the end of a deputy's 5th year of employment as a law enforcement officer a deputy must obtain either a 2-year associate degree from a Wisconsin technical college or its accredited equivalent from another state or a minimum of 60 fully accredited college-level credits. (Ord. 147-54, 2003; Ord.141-112, Sec.18, 1998; Ord. 128-23, Sec.2 (part) 1984).

3.85.170 Disciplinary and dismissal procedures.

- A. A deputy sheriff may only be suspended, demoted, dismissed or suspended and demoted for just cause. In determining whether there is just cause, the committee on human resources shall apply the standards as set forth in Wis. Stat. § 59.52(8).
- B. The committee on human resources shall act based either on its own investigation or on charges filed by the sheriff. The charges filed by the sheriff shall be filed with the chair of the committee on human resources in the human resources department. A copy of such charges shall be sent to the affected employee, employee's union representative, corporation counsel and the human resources director. The human resources director shall immediately send copies of the complaint to members of the committee on human resources.
- C. The committee on human resources chair shall establish a hearing date, time and place and send a written notice thereof to the employee, the employee's union representative, the sheriff, director and committee on human resources members. The committee on human resources may utilize a hearing officer and may take and have transcribed any testimony at the hearing.

D. At the end of the hearing, the committee on human resources may deliberate in open or closed session and then shall in open session, formally take action. The committee on human resources' decision shall be reduced to writing, shall include findings of fact and conclusions of law and shall be signed and dated by the committee chair and filed in the human resources department. The human resources director shall send a copy of the decision with a written notice stating the date the decision was filed along with appeal rights to the employee, the employee's union representative, the sheriff, corporation counsel and committee on human resources members. (Ord. 151-10, Sec. 48, 2007; Ord. 147-54, 2003; Ord.140-114, 1997).

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