

## **Chapter 15**

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## **ARTICLE I.**

### **IN GENERAL**

#### **DIVISION 1.**

### **EMPLOYMENT RELATIONS**

#### **Sec. 15-1. Purpose.**

The purpose of this chapter is to establish and maintain a written code of sound employment policies that provide the basic principles by which the county governs its employment relations. The policies shall be based on the following objectives:

- (1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge, skills which may include open competition of qualified applicants for initial appointments;
- (2) Providing equitable and adequate compensation for all employees;
- (3) Recognizing good job performance, rewarding exceptional performance and correcting inadequate performance in a fair and timely manner;
- (4) Assuring fair treatment of all applicants and employees in all aspects of personnel administration without regard to use or non-use of lawful products off of the employer's premises during nonworking hours, political affiliation, race, creed, ancestry, color, national origin, sex/gender, sexual orientation, age (40 and over), handicap/disability, arrest/unrelated conviction record, marital status, military/service/veteran status, genetic information, religion or other protected status, and with proper regard for their rights as citizens;
- (5) Protecting employees against coercive political activities and prohibiting the use of official authority for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (6) Providing training programs to enhance the knowledge, proficiency, ability and skills of employees.

#### **Sec. 15-2. Applicability.**

(a) Unless otherwise specified herein, this chapter shall apply to human resources administration for all positions, employees and departments of the county, except as otherwise provided by state statute, federal law or otherwise expressly provided herein. In the event of conflict with state statute or federal law, the state statute or federal law shall control.

(b) This chapter shall apply to union represented employees where the collective bargaining agreement does not address the particular issue.

(1) When any provision of a collective bargaining agreement is in conflict with or is more generous than this chapter, the provisions of the collective bargaining agreement shall apply.

**Sec. 15-3. Manner of implementing policy; interpretation; enforcement.**

(a) The county administrator is authorized to promulgate such administrative procedures as may be necessary to carry out the provisions of this chapter.

(b) Any county board supervisor or department head aggrieved by an interpretation by the director of the provisions of this chapter, or administrative procedures promulgated hereunder, may appeal such decision to the county administrator. Interpretations of the county administrator shall be subject to review by the human resources committee.

(c) Nothing herein shall preclude a department head from establishing additional work rules within the scope of their authority, provided such additional rules are not in conflict with this chapter or a collective bargaining agreement.

**Sec. 15-4. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly gives a different meaning:

*Accrued benefits* means paid time-off benefits earned by an employee and available for use and includes vacation, sick leave, compensatory time or holiday time

*Allocation* means the initial assignment of a position to the appropriate job classification and pay range.

*Anything of value* means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under Wis. Stats. § 19.56, political contributions which are reported under Wis Stats. ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

*Appointing authority* shall mean the county board, in the case of the county administrator. In the case of appointment of those department heads enumerated in subsection 15-6(f), the appointing authority shall be the county administrator, subject to the affirmative vote of a majority vote of a quorum of the county board. Appointing authority shall mean the appropriate department head in the case of all other positions.

*Associated*, when used with reference to an organization, means any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

*Casual employee* means an employee irregularly scheduled on an as-needed basis. The casual employee does not perform a schedule of work that is uniform in nature; does not have work reserved for him or her; does not have an assurance of a relatively equal portion of available work; and is free to accept or reject available work.

*CDEB professional employee* means an employee of the Children With Disabilities Education Board who holds the position of teacher or speech correctionist, which positions were formerly represented by the Lakeland Education Association.

*Charge (in-charge or IC) premium* means an amount paid in addition to an employee's base pay for hours actually worked when the employee is temporarily assigned out-of-class to perform supervisory duties.

*Classification* means the job title assigned to a position.

*COBRA* means the Consolidated Omnibus Budget Reconciliation Act.

*Committee* means the human resources committee.

*Competitive means* is the filling of a vacant and/or reallocated/reclassified position through a formal job posting that includes an application and selection process.

*Demotion* means the transfer of an employee from a position in a higher pay range to another position in a lower pay range.

*Department head* means the holder of the following public offices and positions: each elected officer, administrator – LHCC, deputy county administrator--finance, health and human services director, human resources director, information technology director, land use and resource management director, director--central services, UW-extension chairperson, veteran's service officer, and Walworth County children with disabilities education board administrator.

*Director* means the human resources director.

*Elected officer* means the holder of the elective office of clerk of circuit court, county clerk, district attorney, register of deeds, sheriff, or treasurer.

*Employee* means any person who performs services for the county for wages, but shall not include an independent contractor.

*Exempt* means, for purposes of wage administration, positions which are either classified as executive, administrative, or professional as defined under the provisions of the Fair Labor Standards Act ("FLSA").

*FLSA* means the Fair Labor Standards Act of 1938, as amended.

*FMLA* means the federal or state Family and Medical Leave Acts.

*Full-time equivalent* or *FTE* means the ratio of full-time hours at which a position is authorized. For example, a position budgeted at 1,040 hours would have an FTE of 0.5 (1,040/2,080).

*Gift* means the payment or receipt of anything of value without valuable consideration.

*HIPAA* means the Health Insurance Portability and Accountability Act.

*Immediate family* means:

- An individual's spouse; and,
- An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

*Independent contractor* means an individual worker who is not an employee and who performs work or services for the county meeting the conditions for an independent contractor as specified under Wis. Stats. § 102.07(8)(b).

*IRS* means the Internal Revenue Service.

*Job transfer* means the transfer of an employee from a position to another position, due to promotion, demotion or lateral transfer.

*Lateral transfer* means the transfer of an employee from a position to another position, each assigned to the same or comparable pay range.

*Limited term* means a position established only for a period of up to one year and that no longer exists after expiration of the limited period.

*LTD* means long-term disability insurance.

*Managerial employee* means an employee who has the authority to significantly affect the nature and direction of the county's operations through the formulation, determination and implementation of public program and policy. Such activities include, but are not limited to, budgeting, writing and submitting grant applications, preparing annual plans, recommending the kind and level of services to be provided, establishing service specifications on which competitive bids are received, evaluating bids, providing effective recommendations to the county, recommending the kind and number of employees to be utilized in providing services, the kind and number of capital improvements to be made or the systems by which services will be provided, including whether to use outside contractors.

*Non-productive time* means any wages paid for time spent away from work including, but not limited to, vacation time, sick time, compensatory time off, holiday off, holiday bank used, bereavement leave, jury duty and workers compensation time off.

*Non-represented employee* means an employee holding a position that the Wisconsin Employment

Relations Commission has not certified as being represented by a collective bargaining unit.

*Organization* means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

*Productive time* means any work time an employee is physically present and performing work.

*Promotion* means the transfer of an employee from a position in a lower pay range to another position in a higher pay range.

*Reallocation* means the assignment of a position to a different pay range resulting from a logical change in the duties and responsibilities of the position.

*Reclassification* means a change in job title for an existing position.

*Red-circled pay rate* means a base pay rate received by an employee which is above the pay range maximum for the classification of the employee's position.

*Regular employee* means an employee scheduled to perform a full-time (40 or more hours per week) or part-time (less than 40 hours per week) schedule of work that is uniform in nature; normally has work reserved for him or her; has an assurance of a relatively equal portion of available work; and is not free to reject available work.

*Regular status date* means the effective date of an employee's appointment to a regular position, excluding a temporary, casual or limited term assignment.

*Shift premium* means an amount paid in addition to an employee's base pay for hours worked during specified hours or days of the week.

*Stand-by pay* means an amount paid to an employee during assigned off-duty periods for being available and able to report to work.

*Straight time* means any hours not meeting the definition of overtime or compensatory time.

*Student intern* means a position established in cooperation with a high school, vocational school, or university to provide work experience or apprenticeship to the student while enrolled in school.

*Termination* means the permanent separation of an employee from employment.

*Volunteer* means an individual who performs service for the county for civic, charitable or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Services rendered are offered freely and without pressure or coercion, direct or implied, from the county, and the individual is not otherwise employed by the county to perform the same type of services as those for which the individual proposes to volunteer.

*Weekend premium* means an amount paid in addition to an employee's base pay for hours actually

worked during hours designated as weekend hours.

*Workday* means any fixed and regularly recurring period of 24 consecutive hours.

*Workweek* means any fixed and regularly recurring period of seven consecutive workdays.

*WRS* means the Wisconsin Retirement System.

#### **Sec. 15-5. Labor-management relations.**

(a) It is the policy of the county to respect the lawful rights of employees to self-organize, to bargain collectively, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(b) The director, under the supervision of the county administrator and under the policy direction of the committee, is the duly designated bargaining representative for management interests in all matters pertaining to represented employees. The committee may, in coordination with the corporation counsel and consistent with budgetary requirements, employ outside counsel for the purpose of conducting collective bargaining.

#### **Sec. 15-6. At-will employment.**

(a) All employees of Walworth County are at-will employees, with the following exceptions:

- (1) Sworn staff as their continued employment is subject to Sec. 59.26 (8)(b) of the Wisconsin Statutes.
- (2) CDEB professional employees, as their continued employment is subject to 15-1020.
- (3) Elected officials.

(b) The county may terminate the employment of an at-will employee at any time, for any lawful reason, with or without cause or notice. The designation of "limited-term" does not guarantee any period of employment. An at-will employee may terminate his/her employment at any time for any reason.

(c) This section may not be modified by any verbal or written communications of county representatives to extend for-cause protection to any at-will employee.

(d) County policies and practices with respect to any matter are not to be construed as creating any contractual obligation of the county with an at-will employee, that termination will occur only for cause.

(e) Statements of specific grounds for discipline or termination set forth herein or in any other county documents are examples which apply to "for-cause" employees only and do not restrict the right of the county to terminate at-will employees at any time, with or without cause or notice.

(f) The county administrator shall ensure that employment contracts are prepared and executed for

any department head hired or promoted after January 8, 2002 (excluding an elected official) and anyone hired through competitive means pursuant to 15-316 (b) and 15-335 (a) after the date indicated into the positions identified below.

Position	Department	Effective Date:
Comptroller	Finance	December 11, 2007
Finance Manager	Finance	April 21, 2009
Financial Systems Administrator	Finance	February 11, 2014
Deputy Director	Health and Human Services	December 11, 2007
HS Manager – Aging/Long Term Care	Health and Human Services	April 21, 2009
HS Manager – Children’s Services	Health and Human Services	April 21, 2009
HS Manager – Behavioral Health Services	Health and Human Services	January 1, 2011
HS Manager - Mental Health Recovery Services	Health and Human Services	April 21, 2009
HS Manager - Public Health	Health and Human Services	April 21, 2009
HR Generalist	Human Resources	January 1, 2013
HR Manager	Human Resources	December 11, 2007
Risk/Benefits Manager	Human Resources	February 11, 2014
Manager of IT Operations	Information Technology	December 11, 2007
Senior IT architect	Information Technology	January 1, 2014
Deputy Director	Land Use and Resource Management	December 11, 2007
Lead Investigator/Deputy Medical Examiner	Medical Examiner	January 5, 2015
Assistant DPW Superintendent - Roads	Public Works	April 21, 2009
Assistant DPW Superintendent - Shop	Public Works	April 21, 2009
County Engineer/Assistant Director	Public Works	October 8, 2013
Facilities Manager	Public Works	April 21, 2009
Highway Operations Manager	Public Works	November 9, 2010
Purchasing Manager	Public Works	March 22, 2015

- (1) The contract shall carry forth the terms of this chapter and shall be compliant with state and federal law. Terms of such contracts shall be subject to the following provisions:
- a. Any period of paid severance, or notice, may not exceed 120 days in the event of termination by the county not based on cause.
  - b. An employee may waive county-paid health insurance in exchange for an annual stipend of \$6,200.00, subject to the following terms:
    1. The election to waive insurance may be made only once, at the time the contract is executed.
    2. In the event the employee has waived insurance, the employee may elect county health insurance upon the occurrence of any COBRA-qualifying event. The stipend shall be eliminated at such time as the employee elects county health coverage.
    3. The stipend shall not be paid as a lump sum but rather with the normal payroll during the course of the year.

4. For an employee hired mid-year, or for an employee making their one-time election mid-year, the annual stipend will be pro-rated for the balance of that year.
  5. The stipend will be eliminated at such time as the county stops offering health benefits, or universal (government-sponsored) health care coverage becomes available, whichever may come first.
  6. The stipend will not be added to base pay and shall not be used in the calculation of performance-based pay.
  7. The stipend shall not be eligible earnings for Wisconsin Retirement calculations.
- (2) The appointing department head and the county administrator must approve all terminations pursuant to this paragraph.
  - (3) Other benefits and terms, including, but not limited to vacation and sick leave, shall be agreed upon between the employee and the county administrator prior to contract execution.

**Sec. 15-7. Reserved.**

**Sec. 15-8. Independent contractors.**

(a) It is the policy of the county to contract for services with independent contractors to meet the business needs of the county from time to time. Independent contractor agreements shall be in writing, comply with all applicable laws and not violate any provisions of any collective bargaining agreement.

(b) County employment ordinances, procedures, practices or collective bargaining agreements or other employment laws that pertain to county employees do not cover any person having an agreement with the county as an independent contractor.

(c) The county administrator shall develop procedures to limit risk and manage the use of independent contractors by department heads.

**Sec. 15-9. Volunteers.**

(a) It is the policy of the county to support volunteer service programs that supplement county resources to meet the business needs of the county.

(b) County employment ordinances, procedures, practices or collective bargaining agreements or other employment laws that pertain to county employees do not cover volunteers or persons working at the discretion of the county, who may be reimbursed for business related expenses.

(c) Volunteers are not covered under the county's workers compensation plan.

(d) In order to protect volunteers, employees and the general public, it is the policy of the county to

complete criminal background checks on all prospective volunteers before placement in a volunteer position within any department of the county.

(e) The county administrator shall develop procedures to limit risk and manage the use of volunteers by department heads.

**Sec. 15-10. Managerial rights retained; changes in policies and practices.**

(a) Unless otherwise limited by the provisions of a collective bargaining agreement, the county, through its managerial employees, retains the sole discretion to exercise all managerial functions, including the rights to:

- (1) Lawfully dismiss, assign, supervise and discipline employees, subject to the terms of any collective bargaining agreement and this chapter;
- (2) Determine and change starting times, quitting times and shifts;
- (3) Transfer employees within departments or to other departments and other classifications;
- (4) Determine the size and qualifications of the work force;
- (5) Determine and change the methods by which its operations are to be carried out;
- (6) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the business; and
- (7) Assign duties to employees in accordance with the county's needs and requirements and to carry out all ordinary administrative and management functions.

(b) Nothing herein shall be construed as altering any employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that the county has implemented or will implement in the future. The county retains the right to establish, change or abolish its ordinances, administrative procedures, policies, practices or rules at will, and as it sees fit, except as otherwise prohibited by law. This section shall be exercised within the county's duties under Wis. Stats. § 111.70.

**Sec. 15-11. Reserved.**

**DIVISION 2.**

**POSITION CONTROL**

**Sec. 15-12. Policy.**

It is the policy of the county to establish by resolution the number of employees in any department or office, including deputies to elective officers, except as otherwise provided in section 15-15 of the Code. Each authorized position shall be assigned a status of regular full-time, regular part-time, casual, limited-term, or

student intern, which shall have the meaning set forth in section 15-4 of the Code.

**Sec. 15-13. Position changes subject to county board approval.**

(a) The committee shall recommend to the board such amendments to ensure that sec. 15-17 is consistent with the annual budget adopted by the county board in November.

(b) The number of FTEs approved in the annual budget shall be fixed for the entire year. Any increase in the number of FTEs occurring after adoption of the annual budget shall be permitted only upon a two-thirds vote of the membership of the county board to meet essential operational needs due to the following:

- (1) Staffing mandates for delivery of special education programs under the Walworth County Children with Disabilities Education Board.
- (2) Staffing mandates to meet resident acuity needs at Lakeland Health Care Center.
- (3) Limited-term positions fully funded through special grants accepted and approved by the county board.
- (4) Staffing changes necessary to meet legal mandates.
- (5) Unforeseen staffing needs caused by extraordinary events.

(c) Any new position shall be subject to job evaluation and job classification prior to approval by the county board.

**Sec. 15-14. Additional rules concerning position changes.**

(a) Any request to change the number or classification title of a position that is not covered by section 15-13 shall be subject to approval by a majority vote of the county board.

(b) Any change in a position that results in an annualized cost increase shall require a budget amendment.

(c) The director shall establish procedures to ensure that authorized positions are documented and reconciled to the adopted budget and verify that each position is properly classified, that job duties are documented and that a pay range is assigned in conformity with contract or ordinance.

(d) In the case of the Lakeland Health Care Center, it shall be permissible for the Lakeland nursing home administrator to fill authorized RN positions with LPNs, provided such action is consistent with state law.

(e) Based upon budgetary needs of the county, the county administrator may freeze the refilling of any position. Such action shall be subject to appeal pursuant to section 15-3.

**Sec. 15-15. Limited term or student intern positions.**

(a) Notwithstanding section 15-13, the director may approve a request for a limited-term or student intern position in the current budget period, subject to funding. If a budget amendment is required, chapter 30 shall apply.

(b) The director may authorize the hiring of a limited term employee who does not meet all minimum requirements, and may reduce the pay to a level commensurate with qualifications. When minimum requirements are waived for a limited term appointment, the waiver shall not extend to the job standards and essential job qualifications for appointment to a regular position.

**Sec. 15-16. Authorized classification levels.**

(a) Each department head shall assign work to employees in a manner consistent with the position inventory approved through the budget. Each position is authorized at a specific classification and duties shall be assigned to the employee fairly within the scope of responsibilities of their classification. The department head shall not implement job duty changes outside the scope of the authorized classification without prior approval of the county administrator.

(b) If a department head wishes to restructure job duty assignments outside the scope of the authorized classification level, a request shall be submitted to the director. The director shall complete job evaluation and report recommendations to the county administrator. The job duty change shall be subject to review and recommendation of the county administrator, and final approval shall be subject to section 15-13 or section 15-14.

**Sec. 15-17. Authorized positions by department.**

**\*NOTE:** For the most up-to-date version of Section 15-17, please see [S:\Public\Human Resources\Code 15 - HR Ordinance](#)

**Sec. 15-18. Overfilling of authorized FTEs.**

At times it may be necessary or advantageous to allow more than one employee to hold a single position for a defined period of time for purposes of training and succession planning. The director shall present any requests to the county administrator, who shall make final recommendation on the overfilling of an authorized FTE, subject to final approval of the committee based on the following criteria:

- (1) A written notice of retirement/resignation has been received and accepted;
- (2) Funding has been identified or a budget amendment identifying the source of funds accompanies the request, if needed; and,
- (3) The request is for a specific period of time, not to exceed 45 days.

**Secs. 15-19--15-30. Reserved.**

**ARTICLE II.**

## **EMPLOYMENT**

### **DIVISION 1.**

#### **EQUAL EMPLOYMENT OPPORTUNITY**

##### **Sec. 15-31. Equal employment opportunity policy.**

The county board is committed to assuring equal employment opportunity (EEO) in the county organization. The county board supports and shall enforce the policy of nondiscrimination against any person on the basis of age (40 and over), race, creed, color, handicap/disability, marital status, sex/gender, national origin, ancestry, sexual orientation, arrest/unrelated conviction record, military service/veteran status, genetic information, religion, use or nonuse of lawful products off the employer's premises during nonworking hours, or other protected status. This policy shall be accomplished by:

- (1) Recruiting, hiring and promoting for all positions at every level of county government without regard to the particular protected class to which the individual may belong;
- (2) Basing all employment decisions so as to further the principle of equal employment opportunity;
- (3) Ensuring that promotion decisions are in accord with merit principles and the principles of equal employment opportunity by imposing only job-related requirements for promotional opportunities;
- (4) Ensuring that all other personnel actions and services such as compensation, employee benefits, transfers, layoff, return from layoff, leave of absence, county sponsored training, education and tuition assistance, will be administered without regard to the particular protected class to which the individual may belong.

##### **Sec. 15-32. Equal opportunity, civil rights, and section 504 laws and regulations.**

The director or designee shall maintain an affirmative action plan and serve as the equal employment opportunity coordinator, the civil rights coordinator, and the section 504 coordinator.

##### **Sec. 15-33. Affirmative action plan.**

The county affirmative action plan and any amendments thereto are subject to adoption by resolution of the county board. A copy of said plan shall be maintained as an open record in the human resources office and the administrator's office. The affirmative action plan and any amendments thereto shall have the same force and effect as other provisions of the Code.

##### **Sec. 15-34. Affirmative action in employment.**

The county shall establish, implement and maintain an effective affirmative action program. The program shall determine areas in county employment in which members of protected classes have been underutilized (in proportion to their representation in the population) or have been illegally discriminated

against. Where such areas are identified, remedies to correct existing imbalances or discriminatory practices shall be identified in the affirmative action plan. The affirmative action program shall seek to identify those institutionalized employment practices that violate equal employment opportunity policy or that have an adverse impact on protected classes.

**Sec. 15-35. Affirmative action in services delivery.**

The county shall assess all county programs, services or activities, including, but not limited to: program eligibility, accessibility, and all other aspects of service delivery, to assure equal opportunity and access for all persons seeking county services and meeting eligibility requirements. The affirmative action program shall determine any areas of deficiencies and specific remedies shall be identified in the affirmative action plan.

**Sec. 15-36. Appeals under this division.**

An employee, applicant or recipient of services has the right to file an appeal on alleged discriminatory actions in employment or service delivery. A written appeal may be filed with the director as an alternative to external federal or state complaint procedures, which appeal shall proceed according to subsection 15-3(b).

**Secs. 15-37--15-40. Reserved.**

**DIVISION 2.**

**HARASSMENT IN THE WORKPLACE**

**Sec. 15-41. Policy.**

It is the policy of the county that all employees have the right to work in an environment free of all forms of harassment. The county does not condone, and will not tolerate, any harassment. Therefore, the county shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise. The purpose of this policy is to maintain a healthy work environment and to provide procedures for the reporting, investigation and resolution of complaints of harassment, sexual or otherwise.

**Sec. 15-42. Prohibited activity.**

(a) Employees shall not make offensive or derogatory comments based on any factor set forth in section 15-31, either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action.

(b) No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person where such actions are offensive to another person.

**Sec. 15-43. Retaliation prohibited.**

(a) There shall be no retaliation against any employee for filing a harassment complaint, or for

assisting, testifying, or participating in the investigation of such a complaint.

(b) Any employee found to have retaliated against another employee for filing a harassment complaint, reporting harassment, or for participating in an investigation of harassment will be subject to the same disciplinary action as provided for harassment offenders.

(c) Complaints for retaliation shall be reported and processed in the same manner as complaints for harassment.

**Secs. 15-44--15-50. Reserved.**

### **DIVISION 3.**

#### **RECRUITMENT AND SELECTION**

##### **Sec. 15-51. Policy.**

(a) It is the policy of the county to recruit and select the most qualified persons for positions in county service. Recruitment and selection shall be conducted in an affirmative manner to ensure competition, provide equal employment opportunity, and prohibit illegal discrimination.

(b) The director, under the supervision of the county administrator, shall be responsible for administering a program for recruitment and selection of employees that meets the business needs of all departments, attains affirmative action goals, provides re-employment opportunities for displaced employees, and complies with contractual and legal requirements.

##### **Sec. 15-52. Recruitment.**

Recruitment shall be conducted by the director in accordance with procedures adopted by the county administrator. Procedures shall meet the objectives of subsection 15-1(1).

- (1) *Job posting.* All position vacancies shall be posted, except as provided under subsection (3).
- (2) *Internal/external recruitment.* The county may, if desired, restrict initial recruitment to internal applicants and, if not filled from within, then shall conduct external open recruitment. The county may also recruit internally and externally at the same time.
- (3) *Request to waive recruitment.* A department head may request the director to waive job posting and recruitment and that a vacancy be filled with a specific person for the following reasons: filling a limited term, casual, or student (intern) position; reinstating a laid-off employee qualified to perform the duties of the vacant position; filling a position from an established eligibility list as allowed in 15-54(b); securing an alternative job assignment for an employee unable to perform the essential duties of their current job: or to fill a position with a specific person from the current employee pool as approved by the director and the human resources committee as a result of a reorganization.

**Sec. 15-53. Application process.**

(a) *Standard application form.* Any applicant for employment or promotion must complete an employment application in a form presented by the director in order to be considered for hiring.

(1) Each job posting shall identify how eligible and interested applicants shall apply. Postings not requiring the physical signing of the posting shall require the employee or applicant to apply electronically.

(b) *Screening of applications.* The director shall initially screen and rank applications based on job-related criteria determined in consultation with the appointing authority.

(c) *Rejection of applications.* In consultation with the appointing authority, an application may be rejected, without limitation because of enumeration, for the following reasons:

(1) The applicant, based on information supplied in the application, does not meet the minimum qualifications for the position.

(2) The applicant has not completed all requested information on the required county application.

(3) A reference check on the applicant demonstrates an employment history or personal record that is unsuitable for the position for which applied.

(4) The applicant is found to have made a false statement of any material fact, or practiced deception in the application or interview process.

(5) Failure of the applicant to reply to an inquiry within five working days.

(6) The applicant is found to be a member of an organization that advocates violent overthrow of the government of the United States.

(7) The applicant failed any required testing.

**Sec. 15-54. Selection process.**

(a) *Testing.* The director may administer job-related tests to measure an applicant's or employee's qualifications and aptitudes for performing the job and to allow the county to make good hiring decisions. The results of tests which are administered shall be valid for a period of six months from the date of testing and shall serve as the applicant's or employee's score during said period.

(b) *Eligibility list.* The director may establish eligibility lists of qualified applicants for one or more job classifications, rather than begin a new recruitment process for each opening in said job classifications. Recruitment documents shall normally disclose that an eligibility list is being established and the duration of the list. Any eligibility list established for clerical job classifications shall extend for a period of six months. The director may extend a current eligibility list until the new list is completed.

(c) *Removal of applicant from eligibility list.* The director may remove an applicant from an

eligibility list for legitimate reasons, including without limitation because of enumeration, the following reasons:

- (1) The applicant's acceptance of another county job offer.
- (2) Applicant's request to withdraw from consideration.
- (3) Applicant's refusal of a county job offer, without explanation of extenuating circumstances accepted by the county.
- (4) Applicant's failure to respond to a county inquiry about continuing availability for employment.
- (5) Applicant's failure to report for an interview, except when notice is provided in advance to the human resources department and the applicant is excused from reporting.
- (6) Applicant no longer meets qualifications for employment.
- (7) Applicant is found to have made false statements, falsified or omitted any material fact or practiced deception in the hiring process.

(d) *Continuous recruitment.* The director may continuously recruit entry-level positions having frequent turnover in accordance with procedures approved by the county administrator.

#### **Sec. 15-55. Referral of applicants to appointing authority.**

(a) *Ranking of applicants.* The director shall rank each applicant based on the results of any testing, job-related experience and the extent to which minimum entry requirements were met. Top applicants shall receive first consideration for employment.

(b) *Applicants referred.* The director, in consultation with the appointing authority, shall choose the top applicants to be interviewed. The final decision to hire an applicant shall be made by the appointing authority.

(c) *Rejection of applicants.* If the appointing authority rejects all of the applicants for justifiable reasons, the department head may start the recruitment over. The director may request justification for the appointing authority's decision to reject all applicants and shall review interview records to guard against any potential unlawful discrimination.

(d) *Applicants for county administrator or department head.* Subsections (a) to (c) shall not and sections 15-52 through 15-54 may not apply to the hiring of the county administrator or to any department head appointment by the county administrator. The director shall assist the county administrator in the hiring process for department head appointments.

#### **Sec. 15-56. Background investigation.**

Employees or applicants seeking employment, transfer, promotion or demotion will be required to sign a document that constitutes the employee or applicant's full waiver, release and indemnification of any liability

related to a background investigation. Employees or applicants who refuse to sign the waiver, release and indemnification form will not be considered for employment, transfer, promotion or demotion.

**Sec. 15-57. Hiring minors.**

Minors may be employed in accordance with procedures approved by the county administrator, within legal guidelines specified by the Wisconsin Department of Workforce Development.

**Sec. 15-58. Offer of employment.**

(a) *Representations made to applicants.* During the process of recruitment, selection, testing, interviewing and final job offer, no statement should be made to an applicant promising permanent or guaranteed employment or other terms or conditions of employment.

(b) *Written offer of employment.* Following a decision to hire an applicant, the human resources department shall make a written offer of employment. Any request by the appointing authority for exceptions to the starting wage or other terms and conditions of employment are subject to approval of the director prior to communicating the offer to the final applicant. The human resources department will then determine whether the applicant has the legal right to work in the United States and conduct appropriate background checks. If the applicant accepts the offer and a medical and/or psychological examination is required to assess the applicant's ability to perform essential job functions, the human resources department will arrange the medical and/or psychological examination.

(c) *Acceptance of offer.* Failure of the applicant to accept appointment or to report for duty within the time prescribed in the offer will cause the offer of employment to become null and void. The time limit may be extended at the discretion of the appointing authority.

(d) *Misrepresentations by applicant.* If the background, medical, psychological or any other subsequent investigation discloses any misrepresentation by the applicant during the hiring process, the applicant will be refused employment or, if already employed, may be terminated.

**Sec. 15-59. Reserved.**

**Sec. 15-60. Nepotism or conflict of interest.**

(a) A person may not be offered or hold a position if the employment would result in that person being a supervisor or subordinate to an immediate family member. For the purposes of this section, "immediate family" includes the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

(b) A person may not be offered a position if employment would create either an actual conflict of interest or the appearance of a conflict of interest.

(c) This section shall apply to hiring, job assignments, transfers and promotions. Persons employed and appointed to a non-conforming position prior to the effective date of this chapter are excepted from the

requirements of this section.”

(d) Any request for exceptions to this rule shall be brought before the human resources committee for individual consideration. In granting an exception, the committee shall consider the ability of the applicable department to ensure compliance with (e) (1), (2) and (3).

(e) If an exception is granted by the human resources committee, the employee with direct supervisory or oversight authority will not be permitted to take any employment action concerning an employee who is their immediate family.

- (1) Employment action includes, but is not limited to, promotion, demotion and termination decisions, counselings, disciplines, performance evaluations and wages.
- (2) This policy shall not be construed by supervisory personnel to eliminate or reduce in any way their responsibility to enforce the rules of conduct equally and fairly for their subordinates.
- (3) When employment action is necessary but not taken due to a familial relationship, the supervisor in question is responsible for informing the department head to ensure the appropriate employment action is taken.

**Sec. 15-61. Employment in two positions.**

An employee may hold only one position with the county, unless the director approves employment in a second position in accordance with procedures approved by the county administrator.

**Sec. 15-62. Interview and relocation expenses.**

An applicant may be reimbursed for travel and relocation expenses, subject to the following:

- (1) The appointing authority shall submit a request for authorization for reimbursement of interview and relocation expenses to the director for review and approval in accordance with procedures approved by the county administrator.
- (2) A schedule of allowable expenses for reimbursement shall be approved by the human resources committee.
- (3) The payment of any expenses shall be subject to the availability of funds in the budget of the appointing authority.

**Secs. 15-63--15-69. Reserved.**

**DIVISION 4.**

**PROMOTION, LATERAL TRANSFER AND DEMOTION**

**Sec. 15-70. Policy.**

(a) It is the policy of the county to provide open opportunity to county employees to apply for a transfer to another position. All employees are encouraged to participate in voluntary training and development offerings that may prepare them for a desired position.

(b) Job-related merit standards and recruitment policies shall apply to the selection of an employee for transfer. Qualifications of applicants being equal, an employee-applicant may be given preference for transfer over an outside applicant.

**Sec. 15-71. Promotion.**

Section 15-52 of the Code shall apply to recruitment for promotional opportunities. An employee's suitability for promotion shall also take into consideration the employee's performance history, disciplinary records, attendance, and loyalty and commitment to the county. An employee with disciplinary actions or unsatisfactory areas of performance during the one-year period immediately prior to application for promotion may be disqualified from further consideration.

**Sec. 15-72. Lateral transfer.**

(a) An appointing authority may submit a request to the director to laterally transfer an employee on a temporary or permanent basis to another position to accommodate the operational needs of the county. The director shall approve or deny the request. If the request requires a choice among two or more employees past performance and qualifications of employees shall be considered in selecting the employee to be transferred.

**Sec. 15-73. Demotion.**

(a) An employee may request to be demoted. Should an employee seek a demotion, section 15-52 of the Code shall apply to recruitment for all opportunities.

(b) The county may offer an employee a demotion in lieu of layoff or termination of employment, pursuant to section 15-94.

**Sec. 15-74 . Change in bargaining unit and/or department.**

(a) When an employee is promoted, laterally transferred, or demoted to a position in a different bargaining unit and/or department, accrued county service for purposes of employee benefits and vacation leave accrual shall be retained upon transfer and accrued vacation, sick, holiday and compensatory time banks shall also be retained upon transfer.

**Secs. 15-75--15-79. Reserved.**

**DIVISION 5.**

**ORIENTATION AND TRAINING**

**Sec. 15-80. Policy.**

(a) It is the policy of the county to provide, to the extent practicable, a coordinated program for orientation and training of employees. The coordinated program shall be conducted to ensure consistency in content and deliver a quality product within limited resources.

(b) The director under the supervision of the county administrator shall coordinate and administer orientation and training programs which apply to county employees in general; and shall prescribe standards for departments to record employee participation in orientation and training.

(c) Each appointing authority shall be responsible for orientation and training of employees in their department on job requirements, policies, procedures and work rules specific to the job or department.

**Sec. 15-81. Reserved.**

**Sec. 15-82. Training required as a condition of employment.**

(a) When an employee does not meet all job prerequisites, but is still offered a position with the condition that specific job requirements must be met or skill training completed within a specified time period as a condition of being retained in the position, it shall be the employee's personal responsibility to satisfy the conditions in order to be retained in the position.

(b) Certain positions require licensing or certification, and continuing education to maintain the license or certification. It shall be the employee's personal responsibility to meet all continuing education requirements. Any employee who fails to meet these requirements shall be subject to discipline, suspension or termination.

**Sec. 15-83. Training required due to change in job duties.**

The appointing authority shall be responsible for providing training to the job incumbent when new skills are required due to changes that management has made in the position the employee holds. This section shall not apply to a new position with job responsibilities that are outside of the classification of the position the employee holds.

**Secs. 15-84--15-89. Reserved.**

**DIVISION 6.**

**LAYOFF**

**Sec. 15-90. Policy.**

(a) It is the policy of the county that layoffs shall be conducted in a manner consistent with county operational needs and the provisions of this division.

(b) Any layoff that is required to reduce the workforce shall be subject to review and approval of the county administrator.

**Sec. 15-91. Layoff procedures.**

(a) In the event of a layoff, employees will be laid off based upon the nature of the duties to be consolidated or eliminated, funding levels and the past performance of the individual employees identified. The county may choose to solicit volunteers for the reduction in workforce.

(b) In the event an employee is on a medical leave of absence for more than four months post-FMLA they will transfer to layoff status at the beginning of the fifth month after FMLA leave has been exhausted.

(b) The director shall give written notice of layoff to affected employees as early as feasible. The affected employees shall be given written information on the status of, and eligibility for, employee benefits while on layoff status.

**Sec. 15-92. Reinstatement from Layoff.**

(a) When an employee is laid off by the county due to a reduction in workforce, an employee may be eligible for reinstatement to an opening for which they are qualified.

(b) In the case of an employee on layoff due to an extended non-FMLA medical leave, the employee shall not be considered for reinstatement until such time as they provide a full duty release from the physician who placed them on the original leave of absence.

(c) Laid off employees will be given consideration for any appropriate vacancy based upon the following factors:

- (1) Past performance;
- (2) Attendance record;
- (3) Education;
- (4) Certification; and,
- (5) Seniority.

(d) The director shall give written notice of reinstatement, sent by certified return-receipt mail, to an employee on layoff. Employees may be reinstated based on organizational need and education/experience required for such vacancies that shall occur in which they are qualified.

(e) The employment of an employee on layoff who, upon reinstatement, fails to report to duty within the time period specified in the reinstatement notice and without good cause, shall be subject to termination and the director shall raise benefit eligibility issued for unemployment insurance or income continuation benefits.

(f) Reinstatement rights shall continue for a period of one-year following the date of layoff. An employee holding reinstatement rights may be given preference in appointment to an open position for which

they are qualified. An employee on layoff who rejects a job offer of a position shall forfeit any further reinstatement rights and will be terminated.

(g) An employee on layoff who voluntarily applies for a vacant position but is not awarded the position will continue on layoff status.

(h) An employee who voluntarily resigned their employment does not hold reinstatement rights.

**Sec. 15-93. Maximum layoff period.**

The maximum period of layoff shall be one year. Laid off employees who have not been reinstated to a county position within one year from their date of layoff shall be considered to be terminated from county employment.

**Sec. 15-94. Transfer in lieu of layoff.**

An employee subject to layoff may request, or management may offer, transfer to another vacant position for which the employee is qualified. If an employee rejects a bona fide offer of transfer to another position, the individual's employment will be subject to termination.

**Sec. 15-95. Contact information.**

It is the responsibility of laid off employees to apprise their supervisors and the human resources department as to their current address and telephone number(s) so that reinstatement or other placement activities may be efficiently handled. Employees failing to do so may be considered to have forfeited their reinstatement or other placement rights.

**Sec. 15-96. Effect on benefits during layoff.**

(a) Employees laid off shall be eligible for continuation of their participation in the group health insurance program per COBRA regulations. Employee premium payments shall be made on a monthly basis in accordance with finance policy.

(b) Laid off employees shall not accrue additional sick leave or vacation hours, but shall retain their balances for possible use following reinstatement from layoff. Employees shall retain time in service for vacation accumulation purposes following reinstatement.

(c) Laid off employees may be able to continue their participation in other insurance programs at their expense in accordance with the terms established under the various insurance programs.

**Secs. 15-97--15-99. Reserved.**

**DIVISION 7.**

**TERMINATION OF EMPLOYMENT**

**Sec. 15-100. Policy.**

(a) It is the policy of the county to terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; the expiration of a layoff period; the rejection of a position in lieu of layoff; or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law or ordinance. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the county reserves the right to terminate employment at any time and for any reason not prohibited by law or ordinance.

(b) The appointing authority shall confer with the director prior to discharging an employee. In the instance of a contract employee, as defined in 15-6(f), the appointing department head shall confer with the county administrator prior to discharge.

**Sec. 15-101. Incentives for early retirement.**

The county board may, from time-to-time, approve by resolution non-discriminatory incentives for early retirement. Upon approval, the director shall notify all eligible employees of the early retirement incentive program.

**Sec. 15-102. Permanent reduction in force.**

(a) A permanent reduction in work force occurs when a specific position is reduced with no expectation of restoration of the position within the next year. A regular employee in the reduced position shall be subject to layoff pursuant to sections 15-90 through 15-96 of the Code.

(b) The county administrator shall issue any directive for a permanent reduction in work force.

**Sec. 15-103. Notice of termination.**

(a) An employee who is discharged for a reason other than a reduction in force or for misconduct shall be given a minimum two-week written notice of termination. The appointing authority may approve two weeks of severance pay in lieu of a minimum two-week notice period, except when discharge is for misconduct.

(b) The appointing authority shall meet with the employee whose employment is subject to termination. If the employee is unavailable to meet, the notice of termination shall be sent to the employee at the employee's last known address by certified and return-receipt mail.

(c) The director may terminate any casual employee who has not actively worked for six months. This subsection shall not bar an appointing authority from discharging a casual employee at any time.

**Sec. 15-104. Employee decision to terminate employment.**

(a) *Written notice required.* An employee's resignation shall be reduced to writing and submitted to the employee's supervisor, appointing authority or the director.

(b) *Minimum notice.* Except for contract employees identified in 15-6 (f), an employee is required to provide as much notice as possible, with a minimum two-week advance notice of resignation. Contract

employees shall provide a notice of resignation as outlined in their employment contract. The employee may be required to work during the entire notice period. Severance pay may be approved in lieu of the minimum notice period, except when discharge is for misconduct, subject to approval of the department head, or, in the case of department heads, by the county administrator.

(c) Except as provided herein, every department head is authorized to accept a resignation. In the case of a resignation by a teacher, where the teacher has requested waiver of any contractually provided forfeiture, acceptance of the resignation shall require approval of the CDEB.

(d) A resignation received and accepted by a management representative shall be considered final and irrevocable.

**Sec. 15-105. Reserved.**

**Sec. 15-106. Termination date.**

(a) For purposes of determining when employment rights cease, the date of termination shall be the later of the following:

- (1) The last day actually worked.
- (2) The last day of a layoff period that ends in termination.
- (3) The date an employee rejects an offer for reinstatement or fails to report to duty within the time period specified in the reinstatement notice (pursuant to 15-92), whichever is earlier.
- (4) The last day of an approved leave of absence; with the exception of (b) below.
- (5) The date of the employee's death.
- (6) The date on which an employee's coverage under specific employee benefit plans ceases shall be determined based on the administrative rules and regulations that apply under each plan document or personnel policy.

(b) In the case of an employee on an approved leave of absence, the termination date will be the date of the notice the employee provides the county of their intent not to return from their leave of absence.

(c) An employee may not schedule accrued time-off benefits after the last day actually worked, except when an approved leave of absence was already in effect at the time the notice of termination was received.

**Sec. 15-107. Return of county property; security issues.**

The appointing authority shall:

- (1) Ensure that keys, county records and all other county property issued to the terminating employee is accounted for and returned prior to the employee's last day of work;

- (2) Contact the information technology department to make sure that employee access to information technology is terminated;
- (3) Contact the director - central services to ensure that any facility access and/or property is terminated and/or returned, if concerns warrant.
- (4) When the terminating employee had access to cash transactions, shall confer with the deputy county administrator – finance to decide if an audit of funds is required.

**Secs. 15-108--15-119. Reserved.**

## **DIVISION 8.**

### **HOURS OF WORK**

**Sec. 15-120. Policy.**

(a) It is the policy of the county that all county departments shall provide services to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding those holidays observed by the county. Each county department head shall determine staffing for their departments sufficient to meet the public's need for services during these hours.

(b) Any changes in the hours that a county department is open to serve the public shall be made by the county board following:

- (1) Presentation of the request to alter business hours and the justification therefore by the county department proposing the change; and
- (2) Review of the request by the human resources committee.

In granting any such exception, the county board shall take into consideration customer service needs, the workflow between departments, and operating efficiencies. Exceptional business hours are authorized for the following departments:

- a. Lakeland School business hours shall be 7:30 a.m. to 4:00 p.m.
- b. Public works business hours shall be 7:00 a.m. to 3:30 p.m.

(c) The county administrator may authorize a temporary change in business hours for a specific purpose and for a time-specific period when the change better meets operational needs. Modifying the schedule of public works employees, who engage in highway maintenance activities, to provide for a four-day, ten-hour per day work week during summer months shall be considered a temporary change for purposes of this ordinance.

(d) The director shall administer this division in conformance with collective bargaining agreements and the Fair Labor Standards Act.

**Sec. 15-121. Workweek.**

(a) The workweek for a full-time employee shall be Sunday through Saturday, consisting of 40 hours, with the exception of some non-represented hourly positions working for the children with disabilities education board which may be 35 hours.

(b) Any exceptions to subsection (a) shall be subject to review and recommendation of the county administrator and final approval of the human resources committee.

**Sec. 15-122. Meal periods and rest periods.**

(a) *Meal periods.* Employees paid on an hourly basis shall receive a thirty (30) or sixty (60)-minute unpaid and uninterrupted meal period, subject to scheduling approved by the employee's supervisor.

(b) *On-duty meal period.* When an employee is required to remain on duty and eat while on duty, the meal period shall be included in hours worked. On-duty meal periods shall be limited to no more than thirty (30) minutes.

(c) *Rest periods.* Rest periods ("coffee breaks") shall be 15 minutes for each four hours of scheduled work. Rest periods shall be included in regular hours worked. Rest periods shall not be accumulative and shall not be used to shorten the assigned workday.

**Sec. 15-123. Employee work schedules.**

(a) The department head shall oversee the scheduling of work hours, meal periods and rest periods for employees in compliance with county policy and the FLSA.

(b) Schedules shall be made to meet the requirement of section 15-120.

(1) to start and end times that may change timekeeping programming shall be discussed by the department head with the financial systems administrator prior to implementation to ensure the timekeeping system can accommodate the proposed change.

(c) The department head may schedule and require overtime work, subject to funds being allocated in the budget for overtime purposes.

**Secs. 15-124--15-129. Reserved.**

**DIVISION 9.**

**OUTSIDE EMPLOYMENT**

**Sec. 15-130. Policy.**

It is the policy of the county to permit its employees to engage in outside employment or hold other jobs, provided the employee does not engage in practices or occupations that are detrimental or prejudicial to the interests of the county. Employees are required to disclose outside employment for the purpose of protecting the employee from personal legal risk as well as protecting county interests. "Outside employment" as used in sections 15-130 to 15-139 includes self-employment.

**Sec. 15-131. Restrictions on outside employment.**

(a) An employee's outside employment activities and related conduct away from the job shall not compete or conflict with or compromise the county's interests, or adversely affect the employee's job performance and his/her ability to fulfill all job responsibilities of the county position.

(b) Employees are prohibited from soliciting or conducting any outside business during paid working time.

(c) All employees are required to disclose any outside employment or other work activity.

(d) An employee's outside employment shall not be an acceptable excuse for an employee's poor job performance, including, but not limited to, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or work different hours.

(e) County-owned tools and equipment may not be used in outside employment except in the case of employees of the sheriff's office who may, with the permission of the sheriff or his or her designee, use equipment, such as radios, which will promote public safety.

(f) No employee may disclose confidential county information in the course of outside employment.

**Sec. 15-132. Employee absences.**

(a) Employees who work in outside employment shall not be eligible for paid sick leave or other leave of absence from the county if the employee works in the other employment during the period of absence from the county or is disabled from work due to an accident or injury arising out of the other employment.

(b) Employees on an approved leave of absence from the county are not permitted to engage in outside employment unless the outside employment was approved in advance as a condition of the leave. Non-compliance shall result in disciplinary action.

**Sec. 15-133. Restrictions on attorneys.**

The private legal practice of an attorney employed by the county may in no way interfere or conflict with county interests. The attorney may not engage in private practice on county premises, may not make use of county resources, may not make or receive phone calls related to the private practice while at work for the county, and may not interfere with the scheduling needs of the county.

**Secs. 15-134--15-139. Reserved.**

## **DIVISION 10.**

### **TEMPORARY STAFFING**

#### **Sec. 15-140. Policy.**

It is the policy of the county to hire limited term employees or to contract with outside employment agencies when it becomes necessary to supplement the regular work force, subject to the availability of funds in the requesting department's budget.

#### **Sec. 15-141. Limited-term employees.**

(a) County recruitment and selection policies, sections 15-51 to 15-62, shall apply to the employment of all employees hired for a limited-term, not to exceed one year. The department shall submit a personnel requisition for a limited term employee to the director. The department head shall be responsible for following financial policies of the county to secure funding for the request.

(b) The director may authorize the hiring of a limited term employee who does not meet all minimum requirements, and may adjust the pay to a commensurate level in order to meet the department's temporary staffing need. Any waiver of an applicant's qualifications for a limited term appointment shall not reduce job standards and essential job qualifications for appointment to a regular position with the county.

#### **Sec. 15-142. Temporary staffing agencies.**

(a) A department head may supplement the work force by purchasing services through a temporary staffing agency. The worker selected through the staffing agency may not be an employee of the county.

(b) All requests for temporary staff hired from a staffing agency must be approved by the Human Resources Director.

(c) It is the responsibility of the department head to execute a written contract with the agency and to comply with county financial policies. The contract with the staffing agency, shall be subject to review by the corporation counsel and the contract shall require that the staffing agency assume all employer liability for the worker and comply with county equal employment opportunity and affirmation action policies.

(d) The human resources department shall maintain a resource listing of temporary staffing agencies and shall, upon request, assist department heads in securing temporary staffing services.

#### **Secs. 15-143--15-149. Reserved.**

## **DIVISION 11.**

### **MEDICAL STANDARDS**

#### **Sec. 15-150. Policy.**

It is the policy of the county to provide equal employment opportunity to all qualified persons including those with disabilities or other non-disabling medical conditions. This shall be accomplished by:

- (a) Accurately documenting the essential functions of each job, including the physical standards essential for performing the job in a safe and efficient way, without unreasonable risk to self or others;
- (b) Requiring applicants or employees to undergo medical examinations (which may include psychological examinations) for the purpose of evaluating the ability of the applicant or employee to perform all essential functions of the job in a safe and efficient way, without unreasonable risk to self or others;
- (c) Providing reasonable accommodations to allow qualified employees with disabilities to perform the job described in subsection (a);
- (d) Requiring an employee with medical and/or psychological restrictions to return to work as early as possible when work is available within those restrictions and without unreasonable risk to the employee or others;
- (e) Allowing employees with infectious, long-term, life-threatening, or other serious diseases (including, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, human immunodeficiency virus (HIV), and acquired immune deficiency syndrome (AIDS)), to work as long as they are qualified to perform the essential functions of their job without undue risk to self or others; and
- (f) Conforming with the requirements of any federal and state employment laws, to the extent that those laws may apply to a specific person.

**Sec. 15-151. Administration.**

The director shall administer this division in conformance with administrative procedures approved by the county administrator, including rules for medical documentation, incident reporting, and employee work rules.

**Sec. 15-152. Required medical examinations.**

- (a) *In general.* The director shall select an outside medical provider to conduct medical examinations required by the county. The county shall pay the cost of the medical examination. All medical certifications shall be completed on forms furnished by the county. An alternative form shall be accepted if the content is substantively the same as the county form.
- (b) *Applicant medical and/or psychological examinations.*
  - (1) Final candidates for employment shall be required as a condition of employment to pass:
    - a. A medical examination; and,

- b. A psychological examination if such examination is required by the position description.
- (2) A final candidate for demotion, lateral transfer or promotion from job posting shall be required to pass:
- a. A medical examination if the new position provides a significant change in physical requirements as compared to the employee's previous position; and,
  - b. A psychological examination if such examination is required by the position description of the new position.

(c) *Fitness-for-duty medical and/or psychological examinations.* An employee may be required to undergo a medical and/or psychological examination to determine the employee's ability to remain at work, to return to work, to evaluate the employee's request for accommodation, or to evaluate the employee's occupational exposure to toxic or unhealthful conditions.

(d) *Second opinions.* An employee may be required to furnish certification from a provider of the employee's choice for the need for absence from work, modified work, or other accommodation. The county may require a second opinion to evaluate the appropriateness of the medical and/or psychological information provided by the employee or the employee's medical and/or psychological provider. Additional opinions may be required by the county when a conflict in opinion exists between two or more medical and/or psychological providers. Medical and/or psychological certification may be required no more frequently than every 30 days.

#### **Sec. 15-153. Medical and psychological records.**

All applicant or employee medical and/or psychological records are confidential and shall be filed separate from the individual's personnel file. The medical records of the individual shall be made available to the individual upon written request. The psychological records of the individual shall not be subject to an open records request unless required by court order. Protected medical and/or psychological information shall not be disclosed to other persons without a valid authorization, except as otherwise permitted by law. A record of any disclosure shall be maintained.

#### **Sec. 15-154. Safety considerations.**

The department head, in consultation with the director, shall determine methods of operation to be in compliance with all applicable occupational safety regulations within their respective department. Universal precautions, engineering and work practice controls, and personal protective equipment shall be used where appropriate to provide a safe workplace.

#### **Sec. 15-155. Infectious diseases.**

The department head or designee shall establish workplace protocols to ensure the safety of employees who may be required to work with or provide services to persons with infectious diseases. Employees shall be trained in safe practices. After receiving safety training and discussing concerns with the supervisor, any employees who refuses to work with or perform services for a person known or suspected to have a serious

disease shall be subject to discipline, up to and including termination.

**Sec. 15-156. Reasonable accommodation.**

The applicant or employee is required to submit his or her written request for accommodation to the director. The director shall meet with the applicant or employee and the department head to evaluate the reasonableness of the person's request, prior to issuing a written determination. The county may offer any reasonable accommodation to provide an opportunity for a qualified person to work, even though the accommodation may not be the one preferred by the employee.

**Sec. 15-157. Return to work.**

(a) *Return-to-duty certification.* Any employee returning from a medical or disability leave of absence shall provide a doctor's certification to the director, at the employee's expense, certifying the employee's ability to perform the essential duties of their regular position without risk to themselves or their fellow employees. The certification shall be provided in a form required by the county.

(b) *Return with restrictions.* The director or designee, in consultation with the department head, shall determine if an employee is permitted or required to return to work with restrictions. Each situation shall be evaluated on a case-by-case basis. Restricted work may include modified hours or modified work duties for a limited time during a temporary healing period. Restricted work provisions shall not apply on a permanent basis.

(c) *Restricted work available.* If the employee refuses an offer of restricted work, the employee shall be ineligible for paid sick leave or disability benefits. Other available paid leave (vacation, holiday, compensatory time, personal days) may be scheduled subject to departmental policies and scheduling practices.

(d) *Restricted work not available.* If restricted work is not available, county absence and leave policies shall apply to all hours the employee is absent from his or her assigned work schedule.

(e) *Restricted work related to workers compensation.* The director, in consultation with the department head, may assign an employee on worker's compensation leave to restricted work ("light duty"), subject to the following:

- (1) The employee may be required to perform any work in any department for which the employee is qualified.
- (2) Temporary disability payments and sick leave pay shall be suspended for an employee on workers compensation leave who refuses modified work. The employee may request to use other accrued benefits (vacation, holiday, or compensatory time) available to the employee, subject to departmental policies and scheduling practices.

(f) *Restricted duties pending medical and/or psychological examination.* The director, in consultation with the department head, may place an employee on restricted duties, pending completion of a fitness-for-duty examination and receipt of the medical and/or psychological report. If the county has cause to believe that the employee's on-duty work status poses a risk to self or others, the employee may be placed on a

non-voluntary medical leave by the county. The employee may use sick leave or other accrued benefits for the medical leave.

**Sec. 15-158. Violation of restrictions.**

The employee and the employee's supervisor shall be responsible for complying with all restrictions placed on an employee. Any employee found to have engaged in work activities in excess of the restrictions, and any supervisor found to have ordered an employee to perform work in excess of the restrictions, shall be subject to discipline.

**Sec. 15-159. Permanent restrictions.**

The director, in consultation with the department head, shall, prior to termination consider reasonable accommodations or offer a vacant position, if available and appropriate, to an employee with permanent restrictions and who is no longer qualified to perform the essential functions of their job. If a position for which the employee is qualified is not available in county employment, the employee shall be subject to termination of employment.

**Secs. 15-160--15-169. Reserved.**

**DIVISION 12.  
CIVIL SERVICE**

**Subdivision 1.**

**Generally**

**Sec. 15-170. Authority.**

This division is promulgated pursuant to Wis. Stats. § 59.52(8) and shall apply only to the classifications specified herein, to the exclusion of all other county positions of employment.

**Sec. 15-171. Definitions.**

The following definitions shall apply:

*Board* means the Civil Service Board of Walworth County.

*Committee* means the Human Resources Committee of the Walworth County Board.

*Department* means the Sheriff's Office of Walworth County.

*Deputy* means any deputized position in the sheriff's office except for the position of undersheriff and excluding any person deputed to perform a particular act as provided in Wis. Stats. § 59.26(5).

*Near relative* means a spouse, child, stepchild, parent, grandparent, stepparent, brother, sister, first cousin, nephew, niece, aunt, or uncle. This relationship may be by consanguinity or direct affinity.

*Vacant position* means a position which the human resources committee has authorized to be filled.

**Secs. 15-172--15-175. Reserved.**

## **Subdivision 2.**

### **Civil Service Board**

**Sec. 15-176. In general.**

(a) There is and the same is hereby created a civil service board consisting of five members. The five members shall be representatives of the county. Appointments are subject to confirmation of the county board. All members shall be legal residents of the county and may not hold any elective or appointive public position or office of any sort in the county government. No member may be appointed to the board if any near relative is employed as a deputized employee of the sheriff's office.

(b) Members of the board shall serve staggered five-year terms with the term of office commencing on the first day of January. Persons first serving on the board shall be the members of the civil service commission in existence immediately prior to adoption of this division and shall serve the remainder of the term of appointment under the former civil service commission.

(c) Members of the board shall receive for service performed per diem payment and mileage as established by the county board.

(d) The board shall meet, organize, and elect a chairman and secretary. The committee shall provide necessary staff as is necessary for functioning of the board.

**Sec. 15-177. Duties.**

It shall be the duty of the board:

- (1) To ensure that all appointments to positions covered by this division are based upon merit and fitness as determined by validated examinations, and that no consideration be given to political preference or other factor which is not a job-related measure of fitness of a person to perform a specific position to which the person is seeking appointment.
- (2) To establish written rules to carry out their duties under this division based on recommendations of the director, and in compliance with employment law and personnel policies adopted by the county board. A copy of written rules shall be provided to the director.
- (3) To supervise the administration of all examinations used to evaluate candidates.
- (4) To certify eligible registers.

- (5) To disqualify any person who does not meet qualifications established under this division or who does not pass an examination.

All written rules of the board shall be printed and distributed in such manner as reasonable to inform the public of the county as to their purpose, and shall take effect ten days after public notice. The public notice shall not require publication of the full content of all rules, but shall advise the public of the subject matter and where a copy of the rules may be obtained.

**Secs. 15-178--15-183. Reserved.**

**Subdivision 3.**

**Employment**

**Sec. 15-184. Duties of the human resource committee.**

It shall be the duty of the committee:

- (1) To recommend to the county board the number of deputy positions, and the wages, hours, and classifications thereof, all in keeping within the budget and policy constraints set by the county board; and to authorize the refill of any vacant position.
- (2) To notify the board in writing of a request to certify to the sheriff a list of eligibles for a vacant position. Such notice shall include the classification, pay range, and job specifications and duties, and the date the position will be vacant.

**Sec. 15-185. Duties of the director.**

It shall be the duty of the director or designee:

- (1) To cause the minutes of the board proceedings to be fully recorded as required by state law.
- (2) To preserve all reports made to the board and keep records of all examinations conducted under the board's direction.
- (3) To conduct recruitment activities within legal standards and ensure that resources are utilized that meet affirmative action goals.
- (4) To maintain complete documentation of all recruitment, selection, and appointment activities and preserve confidentiality when applicable.
- (5) To provide professional advice and secretarial support to the board.
- (6) To attend all board meetings.

- (7) To perform such duties as the board may prescribe.

**Sec. 15-186. Applicability.**

(a) To the exclusion of all others in county employment, the following classifications from the sheriff's office shall be covered by this division:

- (1) Deputy sheriff;
- (2) Sergeant;
- (3) Detective;
- (4) Lieutenant;
- (5) Captain;

(b) Position specifications for each of the classifications set forth in (a) shall be established by the committee.

(c) This section shall not apply to any person whom the sheriff or undersheriff may depute to perform a particular act pursuant to Wis. Stats. § 59.26(5).

**Sec. 15-187. Minimum qualifications.**

The minimum qualifications for a person to be eligible to participate in a competitive examination for, or to be appointed to, a deputy position are:

- (1) The applicant shall have no felony convictions in any jurisdiction unless the judgment or conviction has been reversed or a complete pardon has been granted; and, shall have no conviction of a disqualifying misdemeanor crime involving domestic violence as provided in the Gun Control Act of 1968, as amended or superseded. The applicant must qualify to lawfully possess or receive firearms or ammunition for any purpose.
- (2) The applicant shall possess a Wisconsin high school diploma or a diploma issued by an out-of-state high school accredited by an appropriate agency of the state or shall have passed the general education development diploma test or any other test recommended by the Wisconsin department of public instruction as indicating high school diploma level.
- (3) The applicant shall possess either:
  - a. A two-year associate degree in police science from a state vocational, technical, and adult education district or its accredited equivalent from another state; or
  - b. A minimum of 60 fully accredited college-level credits.

An applicant who has not met the educational standard of this subsection shall be considered to have met the equivalency of this standard if they have been employed as a full-time law enforcement officer for at least two years at the time of application and are certified as a law enforcement officer in accordance with the state's law enforcement standards board.

- (4) The applicant shall possess a valid state motor vehicle operator's license or its equivalent from another state and demonstrate a driving record which is free of any serious traffic offenses or numerous minor traffic violations.
- (5) The applicant shall be legally eligible for employment in the United States.
- (6) The applicant shall be twenty-one years of age or older on the last day of filing applications for an examination. Exceptions may be made by rules of the board.
- (7) The applicant shall reside within the State of Wisconsin and within Walworth County, or the contiguous counties of Rock, Jefferson, Waukesha, Racine or Kenosha upon completion of their probationary period and must continue to maintain residence therein so long as employed.
- (8) The applicant must have fully completed the required county application form.
- (9) If the applicant claims veteran's preference points, the applicant shall submit evidence showing the dates of active service and a form DD214 at the time of application. If the applicant claims veteran's preference points for a service connected disability, a letter from the Veteran's Administration dated within the last six months is required at the time of application.

#### **Sec. 15-188. Initial appointment.**

(a) Applicants for a deputy position must complete a county application form together with all additional documentation required under section 15-187 and file the same with the director by the application deadline date.

(b) The director shall review the applications and recommend to the board the rejection of any applicant not meeting the minimum requirements established under section 15-187. The board shall make the final decision on the rejection of any applicant and shall notify the applicant of rejection. Remaining applicants shall be eligible to write a competitive examination selected by the director and approved by the board. The examination shall be in such form as will fairly test the abilities and aptitudes of applicants for the duties to be performed. The basis on which examinations will be rated shall be announced in advance and the board shall set a minimum passing score. Any applicant who does not attain the minimum passing score shall be disqualified from further consideration. Applicants who pass the written examination shall be invited for an oral interview before an interview panel. The interview panel shall consist of one law enforcement professional, one human resources professional and one member of the board. The law enforcement professional and human resources professional may not be county employees and shall be selected by the board. The interview panel shall use a structured interview approach and written documentation of interview ratings shall be maintained and filed with the director. All interview questions shall be job-related in compliance with validation standards.

(c) The board shall determine a composite score with the written examination being given a 40

percent weight and the oral interview given a 60 percent weight, and shall certify an eligible list for the specified classification in the rank order of the composite score obtained from the written and oral examinations. When an appointment is to be made to a vacancy, there shall be submitted to the sheriff the names of the three persons ranked highest on the eligible list. When more than one vacancy with the same classification is to be filled, the number of names submitted shall equal the number of vacancies plus three.

(d) Prior to appointment, the potential appointee must pass a background investigation conducted by the sheriff and a post-offer physical functional assessment by a medical professional and a post-offer psychological examination by a mental health professional designated by the director. The county shall pay the cost of the assessments.

(e) The board shall establish written rules for the administration of eligible lists, covering the duration, cancellation, replacement, and consolidation of such lists, and the removal or suspension of the names of eligibles therefrom.

#### **Sec. 15-189. Veteran's preference.**

Veterans of the armed services shall be rated so as to include the effects of the provisions of Wis. Stats. § 63.08(1)(f). Veteran's preference points shall only apply for initial appointment to a deputy position.

#### **Sec. 15-190. Promotions.**

(a) Vacancies in deputy positions above the entrance level shall be filled through a competitive examination process which shall be open only to deputies in the department who meet the job specifications established by the committee, provided that if there are not at least three deputies who meet the specifications, the examination will then be open to applicants who are not members of the department. Any applicant for a promotional examination who does not pass the written examination shall be disqualified. The board shall determine the composite score and certify an eligible list based on the following criteria:

- (1) Written examination: 20 percent.
- (2) Interview panel rating: 30 percent.
- (3) Employment history: 20 percent.
- (4) Walworth County service: 10 percent.
- (5) Performance evaluations - previous three reviews averaged: 20 percent.

(b) The process used for appointment to a vacancy shall be the same as provided in section 15-188, except that all applicants who pass the written examination shall be invited for an oral interview before a single interview panel which shall be structured as in section 15-188, except the panel may also include additional members of the board. The potential appointee, if not a current county deputy, shall pass a post-offer physical functional assessment conducted by a medical professional and a post-offer psychological examination by a

mental health professional designated by the director prior to appointment.

(c) Incumbent employees serving in a classification re-titled pursuant to Resolution 38-08/02 shall be entitled to hold the re-titled classification without the necessity of competitive examination.

**Sec. 15-191. Leave of absence to serve as sheriff or undersheriff.**

A deputy covered by this ordinance may be granted a leave of absence from his civil service position for the purpose of serving as sheriff or undersheriff of the county, providing that the deputy first secures the consent of the county board by resolution adopted by the county board. Upon completion of his duties as sheriff or undersheriff, he shall immediately be returned to his deputy position and continue therein without loss of any right under this division.

**Sec. 15-192. Tenure in office.**

All present sworn deputies of the department who by the terms of this division fall under its jurisdiction are deemed to have civil service status as of their original certification date.

**Sec. 15-193. Disciplinary actions and appeal.**

The sheriff, undersheriff, or a majority of the members of the board may file charges upon belief that a deputy has acted to show him to be incompetent to perform his or her duties or to have merited suspension, demotion or dismissal. Upon the filing of a charge with the grievance committee, as provided in section 15-194 of this division, the complaint and any appeal shall be processed as provided by Wis. Stats. § 59.26(8).

**Sec. 15-194. Grievance procedure for a deputy.**

The human resource committee of the county board is hereby designated to serve as the grievance committee and shall perform those duties specified under Wis. Stats. § 59.26(8).

**Sec. 15-195. Honorary deputies.**

There shall be no honorary deputies appointed by the sheriff. When any deputy is appointed who is to be paid by a party other than the county, the other party shall, prior to any work performed by the deputy, post a bond in the penal sum of \$50,000.00, protecting the county against suit by reason of their conduct as a deputy.

**Secs. 15-196--15-299. Reserved.**

**ARTICLE III.**

**PAY PRACTICES**

**DIVISION 1.**

**ELECTED OFFICER COMPENSATION**

**Sec. 15-300. Policy.**

(a) It is the policy of the county to fix the compensation for elected officers on a salary basis.

(b) The office of each elected officer is declared to be a full-time position. In lieu of electing a surveyor, the county shall designate any registered land surveyor to perform the statutory duties of an otherwise elected county surveyor.

**Sec. 15-301. Total annual compensation.**

(a) Prior to May 1 of the year in which nomination papers are filed for elective office, the committee shall make recommendation to the county board on the total annual salary for each elective officer for the full term of the officer next elected.

(b) The salary established for each elective office shall be in lieu of all fees, including all per diem and other forms of compensation for services rendered. The salary shall be established for each office and shall give no consideration to the longevity or experience of any current or prior office holder.

(c) All fees collected by each elected officer shall be deposited with the county treasurer.

**Sec. 15-302. Fringe benefits.**

(a) Each elected officer shall be eligible to enroll in health insurance, dental insurance, group term life insurance, and long-term disability insurance, subject to all plan provisions that apply to department head positions of the county. Any changes in insurance benefits that apply to department heads during the period of the elected officers' term shall also apply to the elected officers.

(b) The county shall pay the elected officer's required retirement contribution as prescribed by state law.

(c) The sheriff shall be provided a county vehicle for business use. Personal use of such vehicle is prohibited, except for commuting and incidental personal business as defined in applicable Internal Revenue Code provisions.

(d) An elected officer shall not be eligible for unemployment compensation.

(e) Upon retirement the elected officer shall be eligible to continue in the health insurance plan subject to the provisions of section 15-556. Any officer not in county service prior to January 1, 2006 shall not be eligible to continue in the county health insurance plan upon retirement.

**Sec. 15-303. Employee elected to county elective office.**

(a) Any employee of the county who is elected by vote of the public to a county elective office shall receive severance pay for accrued vacation, holiday, or compensatory time, subject to the terms of applicable

county policy or contract. Severance pay shall be calculated at the rate in effect immediately prior to taking elective office.

(b) Any severance provision that may apply to accrued sick leave shall be calculated at the rate in effect immediately prior to taking elective office and subject to sections 15-338 or 15-339.

**Secs. 15-304--15-309. Reserved.**

## **DIVISION 2.**

### **CLASSIFICATION AND COMPENSATION**

#### **Sec. 15-310. Policy.**

It is the policy of the county to provide fair and competitive pay and benefits to its employees. Compensation, inclusive of all pay and benefits, shall be established and adjusted periodically to ensure the county's ability to recruit, motivate and retain quality employees.

#### **Sec. 15-311. Compensation objectives.**

Compensation for employees shall meet the following objectives:

- (1) Each classification shall be described by a written classification description that specifies essential job duties and the knowledge, skills and abilities required to perform the job.
- (2) Compensation for county employees shall remain competitive with external comparable employers.
- (3) Classifications of similar complexity shall receive similar compensation.
- (4) Objective performance evaluation shall be used to determine an employee's eligibility to advance in pay, except as otherwise provided by a collective bargaining agreement.
- (5) Compensation practices shall be consistent with applicable law, including, but not limited to, the following: Equal Pay Act, Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, the Fair Labor Standards Act, and Wisconsin Fair Employment Law.

#### **Sec. 15-312. Position classification.**

(a) Subject to the policies of this division, the director shall ascertain and record the knowledge, skills, and abilities required to perform the duties, responsibilities and authorities of all positions in county service. Position records shall document the authorized classification and pay range. This division shall not apply to elected officers or the county administrator.

(b) Each classification shall include all positions which are comparable with respect to authority, responsibility and nature of work required; and shall be so constituted that the same pay range can be applied to

all positions in the classification level under similar working conditions.

(c) After consultation with the appointing authority, the director shall recommend to the county administrator the allocation of each position to an appropriate classification and pay range. This subsection shall also apply to any request to reclassify or reallocate a position.

(d) An employee may appeal the recommendation of the director by submitting a written appeal to the director within 30 calendar days of the date the employee was notified in writing of a decision on the employee's assigned classification and pay level. The director shall submit the appeal along with substantiation for the recommendation to the county administrator for review and final decision. The final decision on appeal is excluded from the grievance procedure.

**Sec. 15-313. Factors applied to determine pay range.**

(a) The factors used to determine pay range assignment shall be without regard to any prohibited bases of discrimination.

(b) The factors used to determine the allocation of a classification to a pay range within a pay plan shall include the following:

- (1) Job evaluation factors that rank positions for internal equity: job-related formal education and experience; skills and abilities; decision-making; thinking challenges and problem solving; interactions and communications; and work environment. Classifications of similar ranking shall be assigned to the same pay range within the applicable pay plan, except when (2) is applied.
- (2) A classification may be assigned to a higher or lower pay range to meet competitive factors, based on an objective review of salary survey data from the relevant labor market.
- (3) The pay relationship of a specific position to other directly-supervised positions.
- (4) A position shall be allocated to an existing pay range in the applicable pay plan.
- (5) The fiscal policies of the county and other pertinent economic considerations.

**Sec. 15-314. Classification titles.**

(a) The official classification title is the generic title established under this division. The official classification title shall be used in all reports and payrolls and in all estimates requesting the appropriation of money to pay employees.

(b) The appointing authority may use a working title to designate positions for internal administration as long as the working title is consistent with the position's relative placement in the organizational structure. Working titles shall have no effect on the personnel processes covered by the code or administrative procedures.

**Sec. 15-315. Classification plan authorization.**

(a) The director shall prepare and submit the classification plan(s) to the county administrator, including a fiscal estimate for cost of implementation. The county administrator shall present final administrative recommendations to the committee for approval or denial.

(b) The classification plan shall include specifications for each classification level and identify the pay range to which the classification is allocated.

(c) The director shall complete, at least bi-annually, a market survey for benchmark classifications in the relevant labor market and present a written report to the county administrator which identifies the labor market, and includes findings, conclusions and recommendations.

**Sec. 15-316. Changes in program or organization.**

(a) In all cases an appointing authority shall give written notice to the county administrator when any changes in program or organization are anticipated which may significantly impact duties or responsibilities assigned to positions. Written authorization of the county administrator is required prior to implementing any changes in duties or responsibilities outside of a job's classification level.

(b) Upon the county administrator's approval of changes in duties or responsibilities, the director shall determine the appropriate classification and whether the incumbent shall be reclassified or whether the position shall be opened to other applicants.

(c) The director shall notify the appointing authority in writing of the approval or denial of requests for reallocation or reclassification of positions. The appointing authority shall immediately notify the incumbent in writing.

**Sec. 15-317. Employee request for reallocation or reclassification.**

It is management's responsibility to assign job duties within job classification level but an employee may be required to perform tasks outside of their job classification. Although the employee may be eligible for a rate differential for performing duties out-of-classification, the county shall have no duty to reclassify or reallocate the employee's position for an on-going period.

**Sec. 15-318. Authorized classifications.**

When a new position is created or an existing position changed, the director shall recommend the appropriate classification, pay plan, pay range and overtime code ("OVTM") to the county administrator and committee, subject to county board approval or denial. In this section "plan" means the classification and pay plan identified in section 15-320; "range" means the pay range level in the pay plan; and "OVTM" means the overtime eligibility code identified under section 15-321.

**Sec. 15-319. Casual, limited term and student positions.**

Casual, limited term or student employees are not included in section 15-336. Employment of casual, limited term or student employees shall be subject to funds being allocated in a department budget for said purpose.

**Sec. 15-320. Pay plans.**

(a) The director shall assign, in accordance with policies established in this chapter, the proper pay plan and range for each classification authorized under section 15-318.

**Sec. 15-321. Overtime pay.**

(a) The director shall classify, in accordance with the standards established under the Fair Labor Standards Act (FLSA) of 1938, as amended, those positions in county service which are exempt from the overtime pay provisions of the FLSA. A position determined to be FLSA-exempt shall be paid on a salary basis and shall not be eligible for overtime pay or compensatory time with the following exception:

(1) Sworn management staff (Undersheriff, Captain or Lieutenant) may receive overtime pay, but not compensatory time off, for any hours works during Alpine Valley concerts, in addition to their bi-weekly salary, provided the entire cost of the overtime is paid for by the concert venue operator.

(b) Any position that is not exempt from the overtime pay provisions of the FLSA shall be eligible for overtime pay or compensatory time. For any non-exempt position assigned to overtime code 2 and 3, authorized paid time off (non-productive time) shall not count as hours worked for the purpose of determining overtime pay or compensatory time.

(c) The overtime code established for each classification shall be interpreted as follows:

**OVERTIME CODE**

- 1 These classes are primarily managerial in nature, but may also include some professional or administrative classes, paid on a salary basis, and ineligible for overtime pay, with the exception of Sworn management staff, as identified in (a)(1) above.
- 2 These classes are paid on an hourly basis and are covered by the overtime pay provisions of the FLSA (i.e., non-exempt) and, therefore, receive overtime pay or compensatory time at the one and one-half (1.5x) time their regular rate for time worked in excess of 40 productive hours per week.
- 3 These classes are nursing home positions scheduled to work weekends and paid on an hourly basis and are covered by the overtime pay provisions of the FLSA (i.e., non-exempt) and, therefore, receive overtime pay or compensatory time at the one and one-half (1.5x) time rate under the “8 and 80” system – overtime for any hours worked after more than 8 productive hours in a day and more than 80 productive hours in a 14-day work period.

(d) Any employee in a classification which has been assigned to overtime code 1 shall be paid on a salary basis and shall not be eligible for overtime pay or compensatory time, with the exception of Sworn management staff, as identifies in (a)(1) above.

(e) Prior supervisory approval is required prior to working overtime hours. Whenever possible

department heads shall schedule employees so as to minimize the amount of overtime incurred by the county. Employees shall be paid based upon the time approved by the appropriate department head.

**Sec. 15-322. Compensatory time.**

(a) Any employee in a classification assigned to overtime code 2 shall be compensated for overtime hours worked by payment at the applicable overtime rate or by granting the employee compensatory time off at the rate of one and one-half hours for every overtime hour worked in excess of 40 productive hours per week. The limit on banked accrued compensatory time shall be 60 hours for all groups with the exception of the patrolman/woman, mechanic II, machine operator, marking/signage lead worker, road lead worker and shop lead worker classifications in the public works departments which shall have a limit of 80 hours. Compensatory time in excess of the limit shall be paid at the applicable overtime rate.

(b) Any employee in a classification assigned to overtime code 3 shall be compensated for overtime hours worked by payment at the applicable overtime rate or by granting the employee compensatory time off at the rate of one and one-half hours for every overtime hour worked in excess of 8 productive hours a day and 80 productive hours in a 14-day work period. The limit on banked accrued compensatory time shall be 60 hours. Compensatory time in excess of the limit shall be paid at the applicable overtime rate.

(c) An employee shall schedule the use of compensatory time in accordance with the time-off scheduling practices of the department.

(d) Accrued compensatory time may be cashed-in for wages at the end of any pay period at the employee's option. Upon termination, all accrued compensatory time shall be paid in a lump sum.

(e) All unused compensatory time shall be paid out to the employee during the employee's last pay date of each year.

**Sec. 15-323. Flexible work scheduling.**

(a) Full-time employees shall normally be scheduled to work five (5) days a week for eight (8) hours a day. Department heads shall have the authority to modify an employee's schedule, on an occasional basis, due to bona fide operational needs. At no time shall a modification become permanent, and at no time shall a modification be granted solely for an employee's personal convenience.

(b) All full-time employees paid on a salary basis shall be recorded as having worked 80 hours each bi-weekly pay period and, if the hours were not regular hours, the employee shall indicate whether they involve sick leave, vacation, etc.

(c) Salaried-exempt employees shall exercise discretion over the methods and manners in which they effectively use their work time. When the need warrants, they are expected to devote the extra effort necessary to complete their work in a professional manner, and in turn they may occasionally exercise some flexibility in their work schedules. Employees shall not "bank" the extra hours or expect that an hour for hour match will be given as time off in the future. It is up to each supervisor to approve any flex time off to assure there is no abuse. Supervisors are encouraged to promote the exercise of flexibility in proximity to extraordinary time spent by a covered employee on the job. For example, if operational needs require a salaried-

exempt employee to work ten hours on a Sunday, the employee should be encouraged to exercise flexibility at a point in time proximate to that extraordinary event. As a further guideline, such time off shall be limited to a maximum of three consecutive days in connection with any one absence.

(d) Upon separation from county employment, there shall under no circumstances be any payout for the separated employee on account of this section.

**Sec. 15-324. Performance based compensation for certain employees.**

- (1) It is the policy of the county to compensate management employees based on their performance during the preceding year. All funds appropriated by the county board to compensate management employees must be spent in accordance with this ordinance and administrative procedures authorized pursuant to Sec. 15-3 (a).
- (2) Except as provided in subsection (10), employees subject to the performance based compensation plan shall be those participating in the management pay plan and management/teaching pay plan described in section 15-320 and adopted by resolution by the county board. For purposes of administration of performance-based compensation, each range in the management pay plan shall be divided into four equal quartiles.
- (3) The county administrator shall implement and administer the performance based pay system. That system shall classify employee performance based on the following levels:
  - a. Not meeting minimal expectations;
  - b. Needs improvement;
  - c. Average;
  - d. Solid contributor; and
  - e. High level performer.
- (4) It is the intent of the County Board that the performance based system shall be designed so that an employee can progress from the beginning of the applicable pay range to the midpoint and from the midpoint to the endpoint of said range, based on performance, as follows:

Performance Level	Midpoint	Endpoint
High level performer	3 years	5 years
Solid contributor	4 years	6 years
Average	6 years	

- a. No pay increase shall be provided to an employee who does not meet minimum expectations.
- b. Red-circled employees covered under this section shall receive a one-time bonus payment equivalent to one-half of the possible increase for their respective performance

level in the fourth quartile.

- (5) The county administrator's budget shall include funds for each department to implement this performance based compensation plan for the upcoming year.
- (6) After the county board has approved the annual budget, each department head or designee shall complete a performance evaluation for every employee subject to the performance based pay plan. Each department head shall recommend an increase in compensation that is based on:
  - a. The employee's performance, including the accomplishment of significant, specific and measurable goals contained in the performance evaluation; and
  - b. the employee's current wage and position in the salary range and quartile established for the employee's pay classification.
- (7) Prior to communication with employees, all recommendations for performance based compensation increases shall be submitted to the county administrator to certify to the deputy county administrator – finance and the human resources director that:
  - a. Department heads have applied the rating criteria in a consistent manner and that the overall distribution of pay is lawful.
    1. Upon the request of a department head, in extraordinary circumstances involving equity among staff holding the same classification in a department, the county administrator may approve alternate performance based increases, as long as they do not exceed the highest percent allowed in the assigned quartile for each employee.
  - b. Those employees rated as high level performers have received ratings meriting that classification and have successfully completed a minimum of three significant, specific and measurable goals during the course of the year.
    1. Exceptions to the minimum of three significant goals may be granted by the county administrator in special circumstances, such as a law change or a directive by the county board that significantly changes the focus and/or workload of the position.
    2. Due to the nature of the evaluation process for commissioners, the following positions are excluded from the need to identify and rank a minimum of three significant goals:
      - a) Circuit Court Commissioner
      - b) Family Court Commissioner
  - c. The county administrator shall review and approve all future goals for the upcoming year to ensure the goals are significant, specific and measurable, except for those positions

excluded in 15-324(7)(b)(2) above.

- (8) Upon receipt of the certification in (7), the deputy county administrator – finance and human resources director shall take all necessary steps to implement the rating into the payroll system.
- (9) In the event the county administrator is unable to provide the certification set forth in (7), the department head shall provide a lower rating.
- (10) Notwithstanding (1), the following employees shall not be included in the performance-based compensation plan:
  - a. The following classification titles of the Q pay plan:
    1. Occupational therapist;
    2. Physical therapist;
    3. School nurse;
  - b. Employees identified in (10)(a) above shall be eligible for salary advancement in compliance with 15-333(g).
- (11) All employees covered by this section shall receive a performance evaluation at the end of the calendar year, pursuant to County ordinances and procedures. The following rules for special circumstances shall apply:
  - a. An employee newly hired to the county between January 1st and October 1<sup>st</sup> will receive an evaluation at the end of the calendar year, but the employee's increase will be pro-rated based on the number of days worked in that particular year.
  - b. An employee newly hired to the county after October 1st shall not receive a performance evaluation until the end of the following calendar year and will then be eligible for his or her full increase plus a pro-rated amount based on the number of days worked in the calendar year of hire.
  - c. A promoted/reclassified employee who received an increase below 5% upon promotion/reclassification will receive a performance evaluation at the end of the calendar year and will be eligible for his or her full increase.
  - d. A promoted/reclassified employee who received an increase of 5% or above upon promotion/reclassification will receive a performance evaluation at the end of the calendar year, but the employee's increase will be pro-rated based on the number of days worked in the new position in that particular calendar year.

**Secs. 15-325--15-329. Reserved.**

## **DIVISION 3.**

### **PAY AND BENEFIT ADMINISTRATION**

#### **Sec. 15-330. Policy.**

It is the policy of the county to administer pay and benefits equitably and consistent with county policy, collective bargaining agreement, or applicable laws.

#### **Sec. 15-331. Pay and benefit groups.**

(a) Pay shall be administered consistent with the pay rules established within each pay plan, as identified in section 15-320. Eligibility for overtime or compensatory time shall be determined consistent with the overtime code assigned in section 15-321 and 15-322.

(b) An employee's eligibility for benefits shall be determined by the employee's FTE, the position the employee holds, and the benefit or bargaining group in which the position is included. Bargaining or benefit groups include the following: elected officer, department head, non-represented salaried (FLSA-exempt), non-represented hourly, each certified collective bargaining unit, or casual (including limited term and student).

(c) There shall be no change in eligibility for benefits when an employee is temporarily assigned to a position with a benefit or bargaining group that is different than the employee's regular benefit or bargaining group.

#### **Sec. 15-332. New or changed employee pay or benefits.**

(a) The committee shall review and recommend any new or changed employee benefits, subject to final approval of the county board.

(b) Any increase or decrease in pay plans shall be subject to review and recommendation of the committee, and final approval or denial by resolution of the county board.

(c) General increase or decrease. A general increase or decrease in a pay plan shall apply to each step in each pay range and the employee shall receive the new rate for the pay step he or she is placed at, except as otherwise provided by resolution or by the specific provisions of a pay plan.

#### **Sec. 15-333. Pay plan administration.**

(a) *Pay rules.* The director shall establish procedures to ensure the consistent application of pay rules.

(b) *Exceptions to this section.* Whenever any pay rules under a specific pay plan conflict with this section, the rules of the specific pay plan shall take precedence.

(c) *Pay steps.* Each pay plan except those provided in section 15-324 shall consist of one or more

pay ranges, and each pay range shall consist of one or more steps.

(d) *Maximum rate.* An employee shall not be paid at a rate exceeding the maximum step in the range, unless the committee has approved a red-circled pay rate. This subsection shall not apply to an approved red-circled pay rate or a higher rate paid for a temporary assignment to a higher classification.

(e) *New employee.* A new employee shall be paid at the minimum rate, except a pay offer above minimum may be authorized by the county administrator based on (1) through (5).

- (1) Request of the hiring department head that pay above the minimum is necessary to attract the most qualified candidate among the available applicants based upon the candidate's refusal to work for the minimum salary; and
- (2) The candidate offers documented advantages over the other candidates in terms of relevant experience, education and/or certifications; and
- (3) The advantage of the experience, education and certifications that the candidate offers is at least commensurate with the additional cost that will be incurred by the county as a result of hiring above the minimum, which factor has been considered by the department head prior to recruitment; and
- (4) The proposed salary will not cause inequities within the county when looking at the experience and education and performance of other employees in the same pay range; and
- (5) Sufficient funds exist to pay above the minimum level.

(f) *Trainee rate.* The director may authorize a department head's request to hire a person who does not meet the minimum requirements of the job. The director shall determine the appropriate reduced classification and pay range for the appointment. The employee shall be required to meet the minimum job requirements within a specified time period. Upon attaining all minimum job requirements, the position shall be restored to the appropriate classification and pay range.

(g) *Step advancement.* A regular employee, except as provided in subsections (1), (2) & (3), shall be eligible to advance to a higher step, if any, in the pay range based on performance in the position. A completed performance evaluation showing an above average performance during the prior year must be on file with the director prior to the employee receiving a step increase. An employee receiving an evaluation with an average or lower rating will not be eligible for a step increase. Time is measured from the date the employee last received a step change or change in base pay (MX pay plan) and is based on the assigned time between steps as prescribed by their salary schedule. A casual, limited term or student employee shall not be eligible for step advancement.

(1) Salary advancement for deputy sheriff association employees is addressed in the collective bargaining agreement.

(2) Salary advancement for CDEB professional employees is addressed in sections 15-1040 through 15-1043.

(3) CDEB management-staff (“Q”) receiving an above average or higher performance evaluation shall be eligible to advance to a higher step, if any, at the beginning of the upcoming school year.

(h) *Promotion.* A regular employee permanently reassigned to a different position in a higher pay range shall be advanced to the pay step in the higher pay range as outlined below:

- (1) *Same pay table, one pay range higher:* The step that provides at least a 3% increase.
- (2) *Same pay table, two or more pay ranges higher:* The step that provides at least a 5% increase.
- (3) *Different pay table:* The step that provides at least a 3% increase.

The effective date of the promotion increase shall be the date the employee assumes the full duties and responsibilities of the new position. The appointing authority shall make the effective date of the promotion the beginning of the next pay period whenever possible. The promoted employee, except when placed at the maximum rate, shall be eligible for step advancement based on the effective date of the promotion and performance in the new position pursuant to 15-333(g). In the case of employees subject to section 15-324, placement in the pay range shall be determined by the county administrator subject to the rules set forth in section 15-333(e)(1) through (5).

(i) *Demotion.* A regular employee permanently reassigned to a different position in a lower pay range shall be reduced to the pay step in the lower pay range that provides the smallest decrease in pay rate. The effective date of the reduction shall be the date the employee assumes the full duties and responsibilities of the new position. The appointing authority shall make the effective date of the reduction the beginning of the next pay period whenever possible. The employee when placed at less than the maximum rate shall be eligible for step advancement based on the effective date of the reduction and performance in the new position pursuant to 15-333(g).

(j) *Lateral transfer.* A regular employee transferred to a different position with an equivalent pay range shall remain at the same pay rate. Eligibility for step advancement shall remain at the prior effective date if the employee accepts the lateral transfer within the same department. Eligibility for step advancement for a lateral transfer to a different department will be based on the effective date of the transfer. Step increases in both cases shall be subject to 15-333(g).

(k) *Temporary assignments within pay plan.* The department head shall approve the temporary assignment of an employee to a different position within the same pay plan. The pay rate for the temporary assignment shall be as follows:

- (1) *Same pay table and pay range:* No change in pay rate.
- (2) *Same pay table and higher pay range:* A regular employee temporarily assigned to a position in a higher pay range for the time periods specified below shall be paid at the pay step in the higher pay range as specified below. The higher rate shall only apply when the employee has assumed all or a significant portion of the higher-level duties and responsibilities of the higher classification. The temporary rate shall only apply to actual hours worked and specifically

excludes any paid non-productive time.

<b>Unit or Department</b>	<b>Time Period</b>	<b>Step</b>
Lakeland Health Care Center and Public Works (Facilities Division)	Immediately	<p><i>One pay range higher:</i> The step that provides at least a 3% increase.</p> <p><i>Two or more pay ranges higher:</i> The step that provides at least a 5% increase.</p>
All other departments	Eight (8) hours or more	<p>One pay range higher: The step that provides at least a 3% increase.</p> <p>Two or more pay ranges higher: The step that provides at least a 5% increase.</p>
HHS Professionals	At least five (5) consecutive work days	<p><i>One pay range higher:</i> The step that provides at least a 3% increase.</p> <p><i>Two or more pay ranges higher:</i> The step that provides at least a 5% increase.</p>

- (3) *Different pay table and pay range:* Step which provides at least a 3% increase
- (4) *Same pay plan and higher pay range (MX (Pay For Performance) Pay Plan):* A regular employee temporarily assigned to a position in a higher pay range for a period of at least five consecutive work days shall be paid at a rate approved by the county administrator. Placement of the employee into a new rate shall be based on the following:
  - a. Relevant experience of the assigned employee;
  - b. Relevant education of the assigned employee;
  - c. Rate of employee permanently in position;

The higher rate shall only apply when the employee has assumed all or a significant portion of the higher-level duties and responsibilities of the higher classification. The temporary rate shall

only apply to actual hours worked and specifically excludes any paid non-productive time.

(5) *Same pay plan and lower pay range:* No change in pay rate.

(l) *Temporary assignment outside of bargaining or benefit group.* The department head shall consult with the director prior to temporarily reassigning an employee to a position in a different bargaining or benefit group. Any change in pay rate or fringe benefit shall be subject to approval of the director, after taking into consideration personnel policies, collective bargaining agreements and other employment laws. Normally there shall be no change in the employee's bargaining unit status or benefit eligibility. Authorization for any changes shall be reduced to writing.

(m) *Acting department head.* The county administrator may appoint an acting department head when a vacancy exists or when the incumbent is on an extended absence for six weeks or more (excluding vacation periods). The temporary assignment shall not be subject to confirmation of the county board. The county administrator shall consult with the director for the purpose of reviewing any change in pay rate, fringe benefits or other terms and conditions of employment that apply during the temporary appointment. The temporary appointment and any changes in pay or benefits shall be reduced to writing.

(n) *Red circled pay rates.* Employment transactions may result in a red-circled pay rate, when authorized under subsection (d). Employees whose pay has been red circled shall continue to receive their present rate of pay until the pay range maximum for the classification exceeds their present red circled pay rate.

(o) *Secondary classifications.* In some instances it may be advantageous for the county to assign more than one job classification to an employee. Each additional job classification request for an employee shall be submitted to the director for consideration. If approved, the pay rate for the temporary assignment shall follow the rules set forth in 15-333 (k-l).

(p) *Hire above minimum – certified nursing assistants.* Certified nursing assistants who have the following verifiable experience may be eligible to be hired above the minimum pay rate with the approval of the lakeland health care center administrator and human resources director:

Verifiable experience:	Starting rate:
Two (2) years of long term care facility experience working at least 20 hours per week.	Two (2) year wage rate
Ten (10) years of long term care facility experience working at least 20 hours per week.	Five (5) year wage rate
Fifteen (15) years of long term care facility experience working at least 20 hours per week.	Seven (7) year wage rate
Twenty+ (20+) years of long term care facility experience working at least 20 hours per week.	Ten (10) year wage rate

(q) *Hire above minimum – correctional officers.* Correctional officers who have the following verifiable experience may be eligible to be hired above the minimum pay rate with the approval of the appointing authority and director:

Verifiable experience:	Starting rate:

One (1) years corrections experience	One (1) year wage rate
Two (2) years corrections experience	Two (2) year wage rate

**Sec. 15-334. Retroactive pay.**

(a) All pay rate increases or decreases shall become effective the beginning of the first pay period following approval, except when otherwise approved by the board. A general wage increase approved on a retroactive basis shall not apply to terminated employees, or to any casual, limited term, or student employee who has not worked in the three-month period immediately preceding the date the general wage increase was approved. This section shall not apply to the correction of errors.

(b) In the case of pay upgrades due to reorganization, retroactive pay shall begin no earlier than the date the reorganization plan is presented to the human resources committee and, in no event, shall be for a period in excess of ninety days.

(c) In the case of a step increase earned through a performance evaluation of “above average” or higher, the date of the increase shall be retroactive to the date of eligibility.

**Sec. 15-335. Position classification actions.**

(a) Reclassification of incumbents shall be done on a non-discriminatory basis. The director, in consultation with the department head, shall determine if a reclassified position shall be filled by competitive or non-competitive means.

(b) The reallocation or reclassification of a position shall be withheld if the appointing authority has determined that the incumbent's job performance is not satisfactory, or the incumbent has not satisfactorily attained specified training, education or experience normally required for the position.

(c) Except for employees subject to sec. 15-324, the pay adjustment for an incumbent in a position that is reallocated or reclassified shall be determined consistently with subsection (i), (j) or (k) of section 15-333.

(d) In the case of employees subject to section 15-324, placement of the employee into a new pay range based on reclassification or reorganization shall be based on the following:

- (1) Relevant experience of the promoted employee relative to the new job description;
- (2) Relevant education of the promoted employee relative to the new job description;
- (3) Relevant certifications of the promoted;
- (4) Job performance of the promoted employee in their previous county positions;
- (5) Non-job related experience in the county service;
- (6) Sufficient budget;

- (7) Recommendation of the county administrator;
- (8) Approval of the human resources committee;
- (9) Items 1 through 5 would be weighted in descending order.
- (10) In no event shall any raise be to a quartile greater than the quartile in which the employee is currently being paid.

**Sec. 15-336. Employment in two positions.**

When the director approves the employment of an employee in two positions, subject to section 15-61, pay and benefits shall be administered as follows:

- (1) Hours worked in the different capacity (second position) shall normally be paid at straight-time and shall not be combined with hours in the employee's regular employment for the purpose of determining overtime liability. (Ref. CFR 553.30.)
- (2) The employee's pay rate and benefits will be calculated independently for each position and costs will be charged separately for each position. Fringe benefit eligibility shall be based on the FTE status and bargaining unit of the primary position.

**Sec. 15-337. Reinstatement of pay or benefits.**

Pay and benefits for an employee reinstated pursuant to section 15-92, shall be as follows:

- (1) The employee may be placed above the minimum rate with consideration given to the pay level the employee previously attained as a county employee. The next step review date shall be based on the reinstatement date.
- (2) If reinstated into a regular position, the employee will be credited with county service equal to that attained at the time of separation as well as the time spent on layoff, resulting in more favorable vacation accrual.
- (3) If reinstated into a health insurance eligible position (0.75 FTE or higher), the employee's original date of hire with the county will determine which health insurance plan they would be eligible to enroll in. In the case of a reinstated employee who was enrolled in the tier 1 health plan at the time of their layoff, and are reinstated to a non-health insurance eligible position (0.74 FTE or lower), they will continue to hold "grandfathered" status for tier 1 coverage and for coverage in a position of 0.50 to 0.74 FTE pursuant to 15-531 (a)(1)(c), as long as they were enrolled in the tier 1 health plan on November 1, 2012.
- (4) For other benefit purposes the reinstated employee shall be considered a new hire.

**Sec. 15-338. Severance pay upon layoff or termination.**

(a) Within 30 days of layoff an employee may request that available vacation, holiday or compensatory time be paid. The accrued benefits shall be paid in a lump-sum calculated at the base pay rate in effect on the last day the employee actually worked. If pay-off is not requested, the accrued benefits shall remain on record until the employee is reinstated or employment is terminated,

(b) An employee shall receive severance pay in a lump sum and calculated at the base pay rate in effect on the last day actually paid when employment is terminated. Severance pay shall include:

- (1) Vacation hours, provided the hours were otherwise available for use by the employee;
- (2) Holiday bank hours; or
- (3) Compensatory time bank hours.

(c) Upon termination of employment severance pay for accrued sick leave shall be paid in a lump sum computed at the pay rate in effect on the employee's last day actually worked for certain grand-fathered employees, subject to the following:

- (1) An employee covered by resolution #14-04/87 who did not elect to be covered by section 15-339, shall receive severance pay for up to 90 days (720 accrued sick hours) paid at the level specified in the resolution. Hours in excess of 720 shall have no severance value.
- (2) Except as provided under paragraph (1), a non-represented employee hired prior to April 21, 1987 who did not elect to be covered by 15-339, shall receive severance pay for up to 90 days paid at 50 percent (maximum of 360 hours). Hours in excess of 720 shall have no severance value.
- (3) An employee hired into a bargaining unit position prior to April 21, 1987 and then transferred to a non-represented position after April 21, 1987 who did not elect to be covered by section 15-339, shall be subject to paragraph (5).
- (4) An employee hired into a bargaining unit position after April 21, 1987 and then transferred to a non-represented position who did not elect to be covered by section 15-339, shall:
  - a. For severance purposes, sick leave balances shall be frozen at the balance in effect on the date of transfer and paid at the formula under paragraph (5);
  - b. Sick leave hours earned and accrued after the transfer date are eligible for conversion to health insurance credits as outlined in section 15-339 if employee is eligible for retiree health insurance as outlined in section 15-556;
  - c. Effective May 1, 2011, all employees promoted from a represented position to a non-represented position will retain the severance/sick credit election made in calendar year 2000 for CDEB professional employees and in calendar year 1998 for all other county employees.

- (5) A represented employee hired prior to June 9, 1998 who has not elected to be covered by section 15-339 shall receive severance pay for up to 90 days paid at 50 percent (maximum of 360 hours). Hours in excess of 720 shall have no severance value.

**Sec. 15-339. Conversion of sick leave to health insurance credits.**

(a) This section shall apply to employees who are otherwise entitled to retiree health insurance coverage pursuant to section 15-556 as set forth herein.

(b) This section shall become effective upon the death, disability or retirement of an employee insured under the county group health insurance plan. Disability or retirement requires that the employees receive an immediate annuity from WRS.

(c) Except as provided in this paragraph in the case of health insurance credits or in paragraph (f), accrued sick leave shall have no severance value for any reason. Upon death, disability or retirement of an employee otherwise entitled to retiree health insurance, the employee's accumulated sick leave balance shall be converted to credits for payment of health insurance premiums for continuing coverage under the county group health insurance plan. The sick leave balance shall be converted at 60 percent of the employee's basic pay rate in effect immediately prior to retirement or death. The monthly premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of a deceased employee, shall be deducted from the credits until the credits are exhausted. Health insurance credits shall be held in an interest-bearing trust account and interest shall be credited to individual accounts monthly. Upon the death of the retiree, and if there are no surviving insured dependents, the credits shall revert back to the county.

(d) The employee or the employee's surviving insured dependents may elect to delay initiation of deductions from these credits for up to ten years after the date of sick leave conversion provided the employee or surviving insured dependents are covered by a comparable health insurance plan. The comparable health insurance plan must have been in effect on the date of conversion and must remain in effect until the date on which the employee or surviving insured dependent(s) later elects to initiate deductions from those credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the county group health insurance plan.

(e) The option to elect a delay in using the insurance credits shall be a one-time choice. A request to delay using insurance credits must be filed with the human resources department no later than 30 days after the last date of health coverage. Coverage under the county group health plan may be later activated by the former employee or surviving insured dependents upon completing enrollment forms prior to the end of the ten-year maximum delay period. Coverage shall be effective on the first day of the month following 30 days from the date that the department receives the signed enrollment forms. Late enrollment provisions that require a health statement application and restrictions for pre-existing conditions shall be waived for the employee and for eligible dependents who were named as insured under the employee's health insurance plan at the time of retirement or death.

(f) Accrued sick leave shall be paid as a severance benefit for non-represented employees hired prior to April 20, 1987, and represented employees hired before June 8, 1998, unless those employees filed election on or before September 30, 1998, to convert accrued sick leave to health insurance credits. Conversion

shall be pursuant to resolution 14-04/87 in the case of non-represented employees and at the rate set forth in the applicable bargaining agreements in effect on June 8, 1998, in the case of represented employees.

**Sec. 15-340. Severance pay in lieu of notice.**

A minimum period for notice of termination is required under sections 15-103 and 15-104. When a notice period is given, the appointing authority may provide severance pay equal to the employee's assigned scheduled hours in the final notice period in lieu of requiring the employee to remain at work.

**Sec. 15-341. Negotiated severance agreements.**

(a) Negotiated severance agreements shall be done on a nondiscriminatory basis.

(b) The county administrator may authorize representatives of the county to negotiate a severance agreement with a specific employee wherein the employee relinquishes his/her employment rights and rights to potential future claims against the county. The proposed agreement shall be subject to review by the director and the corporation counsel as to form and conformance with benefit plan provisions. Said agreement shall be subject to final recommendation of the committee and approval by the county board, and conditional upon funding. Any severance agreement with a member of the Deputy Sheriff Association shall also require approval of the designated collective bargaining representative.

**Sec. 15-342. Allocation of severance pay for unemployment compensation purposes.**

The director shall, for the purposes of Wis. Stats. § 108.05(5), allocate severance pay at the employee's approximate full weekly wage rate to future work weeks for the purposes of unemployment compensation benefits. The employee shall be given due and timely written notice of said allocation.

**Secs. 15-343--15-349. Reserved.**

**DIVISION 4.**

**SPECIAL PAY POLICIES**

**Sec. 15-350. Retention of management employees.**

In limited circumstances, it may be desirable to raise the salary of an employee subject to sec. 15-324 for the purposes of retention. Such action shall be subject to the following:

- (1) A bona fide outside job offer exists for more money.
- (2) A stated intention of the employee to leave county employment.
- (3) Performance of the employee in the performance-based pay plan of solid contributor or better in all annual reviews.
- (4) The advantage of the experience and education that the incumbent offers is at least

commensurate with the additional cost that will be incurred by the county as a result of providing the raise.

- (5) Sufficient budgeted funds are available to provide a salary increase.
- (6) Recommendation of the department head.
- (7) Approval of the county administrator.

**Secs. 15-351--15-355. Reserved.**

**Sec. 15-356. Department head appointment.**

If any terms of an employment contract for a department head appointed by the county administrator conflict with this chapter, the terms of the employment contract shall apply.

**Sec. 15-357. CDEB management- staff ("Q") pay plan.**

- (a) The management-staff ("Q") pay plan shall apply to the following Lakeland School job titles:

- (1) Occupational Therapist
- (2) Physical Therapist
- (3) School Nurse

(b) The contract for staff under this section shall be 200 days. The contract days shall be scheduled to compliment the school calendar and shall be fulfilled no later than June 30th of each year.

(c) The director-curriculum and instruction and director-pupil services/school psychologist may receive an annual stipend of 110 percent of their current hourly rate for each additional hour of work assigned and performed beyond their respective contract days at the discretion of the director of special education and the human resources director.

(d) The management-school pay plan shall be administered consistent with section 15-333 including step advancement.

**Sec. 15-358. Non-union hourly ("H") pay plan.**

The non-union hourly pay plan shall be administered consistent with section 15-333.

**Sec. 15-359. Special pay premiums.**

(a) The director shall maintain schedules of the positions authorized to receive special pay premiums under this section. Schedules first established under this section, and any subsequent changes therein, shall be subject to review and approval of the committee.

- (b) Any premium listed below is paid on productive hours only.

<b>Type of Premium</b>	<b>How Much</b>	<b>Who</b>	<b>Special Notes</b>
Call-in Pay	2 hour minimum; may be required to work the full two hours	hourly employees * Excludes LHCC pool staff	n/a
Shift Premium	\$0.75/hour	LPN - Unit Supervisor (2 <sup>nd</sup> and 3 <sup>rd</sup> shift)	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$1.00/hour	RN - Unit Supervisor and Assistant Nurse Manager (2 <sup>nd</sup> and 3 <sup>rd</sup> shift)	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$0.25/hour	All hourly LHCC employees in nursing excluding RN's and LPN's (2 <sup>nd</sup> and 3 <sup>rd</sup> shift) * Excludes LHCC pool staff	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$0.50/hour additional	LHCC employees assigned to a 2 <sup>nd</sup> shift CNA or CMA position as of 1-1-12 * Excludes LHCC pool staff	An employee moving into a 2nd shift position after 1-1-12 will not be eligible for this premium
	\$0.25/hour	Food service and reception employees, including the part-time Account Clerk I, at LHCC * Excludes LHCC pool staff	Received for any hours worked with a start time of 11:30 a.m. or later.
	\$0.75/hour	Correctional or Communications Officers (2 <sup>nd</sup> shift)	Received for any hours worked from 3:00 p.m. to 11:00 p.m.
	\$0.25/hour	Correctional or Communications Officers (3 <sup>rd</sup> shift)	Received for any hours worked from 11:00 p.m. to 7:00 a.m.
	\$0.75/hour	Corrections Sergeants (2 <sup>nd</sup> and 3 <sup>rd</sup> shift)	Received for any hours worked from 2:45 p.m. to 7:00 a.m.
	\$0.20/hour	Health & Human Services (reception) working 2nd shift	Applies to a shift beginning in the reception unit on or after 12:00 p.m.
	\$0.50/hour	LHCC CNA pool staff	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
	\$1.00/hour	LHCC licensed pool staff	Received for any hours worked from 2:45 p.m. to 7:30 a.m.
Charge Premium	\$1.40/hour	RN - Unit Supervisors * Excludes LHCC pool staff	n/a
	\$1.00/hour	Communications Officers	n/a
Weekend Differential	\$5.00/hour	RN - Unit Supervisors	For an employee who works additional straight-time hours on weekends in excess of their normally scheduled weekend hours, as long as the extra hours are not a result of employee-initiated trade days. A weekend is defined as a period beginning with the 3rd shift on Friday through the 2nd shift on Sunday.

	\$4.00/hour	LPN - Unit Supervisors	For an employee who works additional straight-time hours on weekends in excess of their normally scheduled weekend hours, as long as the extra hours are not a result of employee-initiated trade days. A weekend is defined as a period beginning with the 3rd shift on Friday through the 2nd shift on Sunday.
	\$2.00/hour	All LHCC employees scheduled to work weekends excluding RN's and LPN's  * Excludes LHCC pool staff and LHCC clerical staff.	For an employee who works additional straight-time hours on weekends in excess of their normally scheduled weekend hours, as long as the extra hours are not a result of employee-initiated trade days. A weekend is defined as a period beginning with the 3rd shift on Friday through the 2nd shift on Sunday.
	\$0.50/hour	LHCC dietary pool staff and CNA pool staff	Received for any hours worked from 11:00 p.m. on Friday until 11:15 p.m. on Sunday.
	\$1.00/hour	LHCC licensed pool staff	Received for any hours worked from 11:00 p.m. on Friday until 11:15 p.m. on Sunday.
Standby Pay	\$1.50/hour, not on a holiday	LHCC employees * Excludes LHCC pool staff	n/a
	\$2.00/hour, on a holiday set forth in 15-515(b)	LHCC employees * Excludes LHCC pool staff	n/a
CDEB Stipend	Up to \$2,500 annually	Director-Curriculum and Instruction, Director-Pupil Services/School Psychologist	For additional work beyond contract days as set forth in 15-357 (c)
Summer School	Step 1 of Special Education Aide Pay Range	Special Education Aides	n/a
Extended School Year	110% of current hourly rate	Staff Certified to Perform Specific IEP Services	n/a
Road or Marking/Signing Lead Worker Differential	\$1.00/hour	Patrolman/Woman Machine Operator	n/a
Shop Lead Worker Differential	\$0.75/hour	Mechanic II	n/a
Machine Operator Differential	\$0.50/hour	Patrolman/Woman Road Lead Worker Marking/Signing Lead Worker Mechanic II	n/a
Mechanic II Differential	\$0.50/hour	Patrolman/Woman Road Lead Worker Marking/Signing Lead Worker	n/a
Economic Support	\$1.00/hour	Economic Support Specialists	n/a

Specialist Lead Worker Differential			
Substitute Aide Pay	\$100/day	Substitute Special Education Aides	n/a
Substitute Teacher Pay	\$100/day	Substitute Teachers	This rate applies until a substitute teacher has worked 30 continuous school days – at that time 15-1048 applies
Lunchroom Pay	3.13% of step 1 of lane 1 of current teacher pay schedule	Teachers Physical Therapists Occupational Therapists	n/a
Student Supervision Pay	Equal to Substitute Aide/Teacher daily rate	Lakeland School Employees	Applies only to non-contract days, including overnight trips on contract days.
Deputy Medical Examiner Pay	\$120 per call	Deputy Medical Examiners	n/a

**Sec. 15-360. Educational incentive pay.**

(a) *Special education staff.* In addition to base salary, the Director-Special Education, Assistant Directors-Special Education, Director-Curriculum and Instruction, Director-Pupil Services/School Psychologist and employees covered by the management-school ("Q") pay plan shall be eligible to receive a salary supplement for continuing education pay, subject to the following:

- (1) Each salaried professional employee of the special education department shall be required to keep their licensing current, which may require completion of continuing education credits. "Credits" means credits earned at an accredited college or university. Credit may also be given for an approved workshop, seminar or conferences on the basis of 30 clock hours being equivalent to one semester credit.
- (2) Continuing education pay shall be provided as a component of compensation, subject to (3) through (5). Part-time employees are eligible for continuing education pay, and it shall not be pro-rated.
- (3) Continuing education pay shall only apply to credits started and completed while in the employment of the special education department in an eligible position. Continuing education pay does not apply to credits required to meet the minimum requirements for the job (i.e., credits for pre-requisite courses are not covered) or to credits earned prior to appointment to a salaried non-represented professional position.
- (4) Continuing education pay for post-bachelor credits shall be equal to \$175.00 per year per credit, subject to a maximum increase of \$1,050.00 per year, or an accumulative maximum of \$6,300.00.
- (5) Continuing education pay for post-master credits shall be equal to \$200.00 per year per credit, subject to a maximum increase of \$1,200.00 per year, or an accumulative maximum of \$7,200.00.

(b) *Sworn law enforcement.* In addition to base salary, a sworn law enforcement employee classified as lieutenant, captain, or undersheriff shall receive a salary supplement for educational incentive pay. Education pay shall be equal to \$0.50 per credit per month for credits earned at an accredited college or university, and subject to a maximum of \$1,000.00 annually.

**Sec. 15-361. Professional licenses.**

The county may pay for professional licenses, subject to section 15-400.

**Sec. 15-362. Exceptions for law enforcement positions.**

(a) An employee classified as undersheriff, captain, or lieutenant, and employed as a deputy sheriff shall be covered by this section.

- (1) The employee shall receive a uniform allowance of \$600.00 per year, payable on a pay period basis, for the purchase or maintenance of law enforcement uniforms or gear not adaptable as street-wear.
- (2) The county shall reimburse the employee, up to a maximum of \$500.00, for the purchase of a protective vest which meets department specifications once every five years.
- (3) In accordance with section 15-360(b), employees shall be eligible to receive educational incentive pay.

(b) An employee classified as sheriff, undersheriff, captain, or lieutenant, and employed as a deputy sheriff shall be covered by this section.

- (1) In accordance with section 15-545(b)(3), employees shall be eligible to receive a line of duty death benefit.
- (2) In accordance with section 15-556(a), for employees who began Walworth County sheriff's office service prior to December 1, 2005, have served the sheriff's office uninterrupted and are covered under WRS as a protective occupation employee, the county shall pay 50 percent of the health insurance premium until the retired employee is eligible for coverage under Medicare, subject to the employee meeting the following eligibility criteria:
  - a. The employee shall receive a WRS annuity immediately upon termination; and
  - b. The employee shall be age 54 or older, age 53 with a minimum of 25 years of WRS service, age 50 or older with a minimum of 20 years of continuous county service, or any age with 20 years of continuous county service and receiving a duty disability annuity.

**Sec. 15-363. Uniforms – corrections division.**

(a) The county shall pay a semi-annual uniform allowance to all correctional officers, classification officers and corrections division supervisory staff.

(b) New hires shall receive a semi-annual allowance of one hundred twenty-five dollars (\$125.00) payable six months after their start date and again on their one-year anniversary. After their one-year anniversary the employee will continue to receive additional uniform allowance per the schedule defined in (b) below.

(c) Current employees and employees in their second year of employment and beyond shall receive a semi-annual allowance in the amount of sixty-two dollars and fifty cents (\$62.50).

(1) The January through June period will be paid on the last paycheck in June, and the July through December period will be paid on the last paycheck in December.

(2) An employee reaching their one-year anniversary from January through June will receive the June and December payments. An employee reaching their one-year anniversary from July through December will receive only the December payment.

(d) No payment will be made to an employee who terminates during a semi-annual period.

**Sec. 15-364. Emergencies and vacations – health and human services.**

(a) A health and human services employee called by a supervisor to handle an emergency call outside of normal working hours shall receive the applicable pay for the actual time spent on the call, rounded to the nearest quarter hour.

(b) A health and human services employee called in to work on an emergency when the employee is on vacation shall receive the applicable pay for the actual time spent at work, rounded to nearest quarter hour.”

**Sec. 15-365. Longevity bonus.**

(a) Employees hired prior to January 1, 2012 who were eligible for longevity pay through a collective bargaining agreement as of December 31, 2011 shall receive a longevity bonus payment. The bonus payment will be based upon the hourly longevity benefit an employee received and the FTE of the position they held as of December 31, 2011:

Benefit as of 1-1-12	1.00 FTE Yearly Benefit*	1.00 FTE Bi-weekly Benefit	.75-.99 FTE Yearly Benefit*	.75-.99 FTE Bi-weekly Benefit	.50 - .74 FTE Yearly Benefit*	.50 - .74 FTE Bi-Weekly Benefit	.16 - .49 FTE Yearly Benefit*	.16 - .49 FTE Bi-Weekly Benefit
\$0.00 - \$0.04	\$50.00	\$1.93	\$37.50	\$1.45	\$25.00	\$0.97	\$12.50	\$0.49
\$0.05 - \$0.09	\$150.00	\$5.77	\$112.50	\$4.33	\$75.00	\$2.89	\$37.50	\$1.45
\$0.10 - \$0.14	\$250.00	\$9.62	\$187.50	\$7.22	\$125.00	\$4.81	\$62.50	\$2.41
\$0.15 - \$0.19	\$350.00	\$13.47	\$262.50	\$10.10	\$175.00	\$6.74	\$87.50	\$3.37
\$0.20 - \$0.24	\$450.00	\$17.31	\$337.50	\$12.99	\$225.00	\$8.66	\$112.50	\$4.33
\$0.25 - \$0.29	\$550.00	\$21.16	\$412.50	\$15.87	\$275.00	\$10.58	\$137.50	\$5.29
\$0.30 - \$0.34	\$650.00	\$25.00	\$487.50	\$18.75	\$325.00	\$12.50	\$162.50	\$6.25
\$0.35 - \$0.39	\$750.00	\$28.85	\$562.50	\$21.64	\$375.00	\$14.43	\$187.50	\$7.22
\$0.40 - \$0.42	\$850.00	\$32.70	\$637.50	\$24.52	\$425.00	\$16.35	\$212.50	\$8.18

\*Approximate benefit. Total annual benefit will vary slightly based on rounding and number of pay periods in the year.

(b) To receive the bi-weekly payment an employee must have worked during the pay period. An employee on unpaid leave will not receive the benefit for a pay period where no compensation is earned.

(c) This benefit ceases at the time an employee terminates their county employment. If an employee terminates during the year, the employee will not be made whole for the annual benefit.

(d) If an employee receiving this benefit moves into a position that was not eligible for longevity pay as of December 31, 2011 (i.e. such as to a salaried-exempt position) the payment of this benefit will cease at the time of transfer to the new position.

(e) Employees hired on or after January 1, 2012 are not eligible for this benefit.

**Sec. 15-366. Safety shoes for certain Lakeland Health Care Center employees.**

The county shall pay an annual stipend in the amount of \$75 to employees in the maintenance technician and maintenance coordinator classifications at the Lakeland Health Care Center for the purchase of safety shoes. The stipend shall be paid on the first paycheck in February. The stipend shall not be pro-rated for a new hire within the annual period.

**Secs. 15-367--15-369. Reserved.**

**DIVISION 5.**

**EMPLOYEE PERFORMANCE EVALUATION**

**Sec. 15-370. Policy.**

(a) It is the policy of the county that each employee's job performance shall be reviewed and evaluated at least annually using forms prescribed by the director.

(b) An employee's performance shall be considered when employment decisions are made affecting pay, promotion, transfer, training or continued employment.

(c) An employee may append his/her written comments to the performance evaluation report. Employee comments must be attached and submitted with the signed performance evaluation to human resources. All employee comments will be final and cannot be changed and/or deleted at a later date.

**Secs. 15-371--15-379. Reserved.**

**DIVISION 6.**

**TIMEKEEPING POLICY**

**Sec. 15-380. Policy.**

It is the policy of the county to pay employees by check or direct deposit on a regular basis and in a manner consistent with applicable laws or regulations, accounting standards, and collective bargaining agreements.

**Sec. 15-381. Recordkeeping.**

Timekeeping records shall be maintained in accordance with the requirements of the FLSA and Wisconsin Administrative Code DWD 272.11.

**Secs. 15-382--15-389. Reserved.**

**DIVISION 7.**

**PUBLIC WORKS LICENSURE AND TOOL ALLOWANCE**

**Sec. 15-390. Commercial driver's license.**

All employees in the following classifications are required to maintain a valid commercial driver's license, including a tanker endorsement: patrolman/woman, mechanic II, machine operator, marking/signage lead worker, road lead worker and shop lead worker.

**Sec. 15-391. Hazardous materials endorsement.**

The director - central services shall determine, based on legal requirements, the number of positions in the highway division of the public works department that are required to hold a hazardous material endorsement. Employees shall be selected for the hazardous material endorsement with due consideration to their normal job assignments. The cost of maintaining the hazardous material endorsement shall be an employee cost.

**Sec. 15-392. Loss of commercial driver's license.**

An employee whose commercial driver's license is suspended or revoked due to a non-work related violation will be terminated. The work status of an employee whose commercial driver's license is suspended or revoked due to a work-related incident will be addressed on a case-by-case basis by the Director - Central Services and the Human Resources Director.

**Sec. 15-393. Tool allowance.**

(a) The county will pay a yearly tool allowance of up to \$400.00 to all mechanics and the shop lead worker, if working more than 50% of the time as a mechanic, provided the employee furnishes a receipt for purchases made in the calendar year.

(b) The county will purchase, on behalf of each mechanic and the shop lead worker, a policy insuring the employee's personal tools, up to a maximum of \$75,000.

**Sec. 15-394. Safety shoes.**

The county shall pay an annual stipend in the amount of \$75 to public works employees in all classifications, including the head groundskeeper, assistant public works superintendents and the highway operations and facilities managers but excluding all other office staff and limited term and/or casual employees, for the purchase of safety shoes. The stipend shall be paid on the first paycheck in February. The stipend shall not be pro-rated for a new hire within the annual period.

**Secs. 15-395--15-399. Reserved.**

**ARTICLE IV.**

**CONFERENCES, CONVENTIONS, SEMINARS AND MEMBERSHIPS**

**DIVISION 1.**

**IN GENERAL**

**Sec. 15-400. Policy.**

(a) Subject to available funds within departmental budgets and, in accordance with collective bargaining agreements, county ordinances and administrative procedures, it is the policy of the county that:

- (1) Employees may participate in and be reimbursed for expenses related to conferences, conventions, or seminars, provided such participation:
  - a. Provides a benefit to the county commensurate with the expense of such participation; and,
  - b. Does not conflict with business needs or interests of the county.
- (2) Employees may hold and be reimbursed by the county for expenses related to professional memberships, where such professional memberships:
  - a. Are required as a condition of licensure to hold a particular county position; or
  - b. Provide a benefit to the county commensurate with the expense of such memberships.
  - c. Do not conflict with business needs or interests of the county.
- (3) Recognizing the important public purpose of informing community leaders about current issues facing county government and exposing managers to feedback from those leaders concerning county programs, the county may reimburse those costs as provided herein, incurred by elected officials, department heads and those management positions set forth in subsections 15-6(a)(6) and (7) of the Code.

(b) In evaluating whether those activities or organizations set forth in (a) (1) and (2) provide a benefit to the county, it is the policy of the county that the following purposes, be considered and weighted, in order of priority, as follows:

- (1) Obtaining/maintaining a required certification;
- (2) Obtaining/maintaining a desired certification that will improve an employee's job performance;
- (3) Meetings or training in connection with major information technology investments or other large purchases;
- (4) Visiting vendors or other municipalities prior to making a major purchase;
- (5) Learning about a specific change in the law or a new mandate;
- (6) Improving job-related skills;
- (7) Learning about a new program;
- (8) Listening to information regarding a number of new programs;
- (9) Influencing State legislation;
- (10) Influencing Federal legislation;
- (11) Networking.

(c) In evaluating whether those activities or organizations set forth in (a) (1) and (2) provide a benefit to the county, it is the policy of the county that, under normal circumstances, factors (b) (10) and (11) do not, alone, provide justification for county reimbursement.

(d) In evaluating whether those activities set forth in (a) (1) provide a benefit to the county, the approving authority shall consider:

- (1) Whether the participating employee has announced an intention to resign or retire from county employment.
- (2) Whether a more cost-effective alternative exists to accomplish the purpose to be achieved at the conference, convention or seminar.
- (3) The total cost of participating in the activity, including the wages and benefits paid to the employee.

(e) The county may change its sponsorship or non-sponsorship of memberships whenever it deems appropriate. Nothing herein shall create a vested right to county-paid civic or professional membership.

(f) Employees may present their professional views or contribute articles to professional and civic organizations. However, an employee shall not represent his or her views as those of the county nor use his or her title with the county without prior written approval of the department head or, in the case of department heads, the county administrator

(g) When the county authorizes business travel expenses for an employee to attend a professional membership event, time in attendance shall be considered work time and the employee shall be subject to all employee work rules.

(h) Annually, the human resources committee shall review the activities of at least one large and one small department to determine compliance with this article.

**Sec. 15-401. Definitions.**

For purposes of this article, the following terms shall have the meanings set forth herein:

*Civic membership* means being a member of a civic organization or volunteer emergency responder group.

*Civic organization* means an established group that supports or promotes community programs through volunteer service. Examples of civic organizations include, but are not limited to, Rotary and Kiwanis. Civic organizations for the purpose of this section are:

- (1) Non-denominational.
- (2) Do not discriminate on account of any factor set for in Wis. Stats. § 111.321.
- (3) Located in the county.
- (4) Do not advance a political party.

*Professional membership* means being a member of a group that supports a specific profession and may provide continuing education programs. Examples include, but are not limited to: attorneys, social workers, professional nurses, or professional engineers.

*Volunteer emergency responder group* means volunteer fire departments and emergency medical service groups.

**Secs. 15-402--15-419. Reserved.**

**DIVISION 2.**

**CONFERENCES, CONVENTIONS, AND SEMINARS**

**Sec. 15-420. Standards.**

(a) The department head shall approve or deny an employee's request to participate in a conference, convention or seminar. The department head may require an employee's participation as a condition of employment.

(b) Payment or reimbursement for business related expenses shall be provided in accordance with chapter 30.

(c) As a condition of reimbursement, a participating employee shall fully participate in the conference, convention or seminar.

(d) An employee engaged in business-related travel shall be subject to all work rules that would apply in the normal workplace.

**Secs. 15-421--15-429. Reserved.**

**DIVISION 3.**

**PROFESSIONAL MEMBERSHIPS**

**Sec. 15-430. Standards.**

(a) The department head shall approve or deny an employee's request to hold, at county expense, a professional membership. The department head may require an employee to hold a professional membership as a condition of employment.

(b) Payment or reimbursement for business related expenses shall be in accordance with chapter 30.

(c) As a condition of reimbursement, a participating employee's membership shall be in good standing.

**DIVISION 4.**

**CIVIC MEMBERSHIPS**

**Sec. 15-431. Procedural standards.**

(a) An employee's absence from work to participate in a civic organization during working hours shall be subject to prior approval by the department head or in the case of a department head, by the county administrator. Time spent participating in civic organizations shall not be considered work time, except when the employee is a speaker representing the county. Except as provided in (d), the county shall not reimburse any costs for the employee's participation in a civic organization. Reimbursement of those expenses authorized by (e) shall not exceed \$500.00 per year, per eligible employee, or less, depending upon the amount of money appropriated by the county board for that purpose.

(b) An employee who is a member of a volunteer fire department, volunteer rescue squad or volunteer emergency responder group shall not sign-up to be on-call during the employee's assigned work schedule. On an exception basis and for extraordinary emergency situations, the department head may authorize

the employee to leave work for emergency response duties. In that case, time spent in service to the emergency responder group shall not be considered work time.

(c) Only the following expenses, in connection with membership in a civic organization may be reimbursed by the county:

- (1) Basic membership dues for a civic organization located in the county.
- (2) The ordinary cost of up to one meal per week if consumed at an ordinary meeting of the civic organization.
- (3) Mileage to and from the normal meeting of the civic organization, limited to one round trip per week.

(d) To be reimbursed for expenses, an eligible employee must be in good standing in the civic organization. Reimbursement shall not extend to those expenses occurring outside of the county or incurred in conjunction with service as a state or national officer of the civic organization."

**Secs. 15-432--15-499. Reserved.**

## **ARTICLE V.**

### **EMPLOYEE BENEFITS**

#### **DIVISION 1.**

#### **IN GENERAL**

**Sec. 15-500. Policy.**

It is the policy of the county to provide employee benefits that allow the county to remain competitive in the relevant labor market. Upon appropriate notice and in a lawful manner, the county may from time to time modify, amend, or terminate its employee benefit plans as they apply to all current, former, and retired employees.

**Sec. 15-501. Eligibility.**

The county shall set the eligibility requirements for benefits on a nondiscriminatory basis and consistent with federal and state regulations. Each benefit plan shall define eligibility requirements.

**Sec. 15-502. Plan documents.**

(a) Each benefit provided by the county shall be described in a plan document kept on file by the human resources director. These documents shall be available for examination by any plan participant or beneficiary.

(b) The human resources director shall provide summary plan descriptions or promotional information about benefit plans to employees or plan beneficiaries upon request.

(c) If there is any conflict or inconsistency between the plan document and chapter 15 or any other written information concerning a benefit plan, the terms of the plan document shall control.

(d) The human resources director and the county administrator shall have the authority to sign and co-sign any addendum or amendment to a plan document that is necessary to:

- (1) Bring the document into compliance with any legal or regulatory requirements, regardless of benefit changes.
- (2) Adjust plan document language to provide clarification of an existing provision or to conform the document to an approved ordinance.

All other plan document amendments shall be brought before the human resources committee of the county board for review and forwarded with a recommendation to the full county board for action.

**Sec. 15-503. Plan administrator.**

The human resources director shall be the plan administrator for employee benefit plans. The plan administrator shall be responsible for complying with federal and state regulations and shall have the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The human resource director's decision may be appealed, subject to the appeal process under each benefit plan.

**Sec. 15-504. Beneficiary designations.**

Certain benefit plans require the employee to designate a beneficiary for the employee's death benefits. The designation must be made in writing and in a form provided by the department. The employee shall be responsible for keeping the beneficiary designation current.

**Sec. 15-505. Past due employee-paid benefits.**

Unless otherwise specified in the Code, the director shall have the authority to negotiate a payment plan with an employee who is being required to pay back the employee portion of any benefits. The terms of the payment plan shall be documented in writing, and both the director and the employee shall be required to sign off on the payment plan as agreed upon.

**Secs. 15-506--15-509. Reserved.**

**DIVISION 2.**

**ACCRUED TIME-OFF BENEFITS**

**Sec. 15-510. Policy.**

It is the policy of the county to provide paid vacations, sick leave and holidays to eligible employees as further described in this division. Employees may transfer vacation or holiday hours to another employee under the donor program, subject to sections 15-524 to 15- 527.

**Sec. 15-511. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly gives a different meaning.

*Accrued benefits* means hours accrued for vacation, sick leave, or holiday.

*Service hours* means all worked or non-worked paid hours in a pay period that, in total, are equivalent to an employee's assigned work schedule. Service hours excludes all overtime hours, unpaid hours, or banked hours.

**Sec. 15-512. Eligibility and exclusions.**

(a) Except as provided in subsection 15-513(d), regular employees shall be eligible for paid vacation, sick leave, and holiday benefits, subject to plan provisions under this division or the terms of a collective bargaining agreement.

(b) The eligibility date for benefits under this division shall be the employee's regular status date. An employee shall not receive credit for hours worked as a casual, limited term, or student intern prior to commencing employment as a regular employee.

(c) A casual, limited term or student employee shall not be eligible for accrued time-off benefits, except as provided in subsection 15-519 (d)(5).

**Sec. 15-513. Vacation schedules.**

(a) The collective bargaining agreement shall determine the amount of vacation a member of the deputy sheriffs' association shall receive.

(b) Hourly employees shall be covered by the following vacation schedule:

VACATION SCHEDULE FOR HOURLY EMPLOYEES  
HIRED PRIOR TO JANUARY 1, 2012

Anniversary Starting With	Accrual Per 80 Service hours	Estimated Maximum Earned Yearly	Maximum Accrual Limit
Year 0	3.080 hours	80.080 hours	160 hours
Year 4	4.624 hours	120.224 hours	200 hours
Year 9	6.160 hours	160.160 hours	240 hours
Year 19	7.704 hours	200.304 hours	280 hours

**VACATION SCHEDULE FOR HOURLY EMPLOYEES  
HIRED ON OR AFTER JANUARY 1, 2012**

Anniversary Starting With	Accrual Per 80 Service hours	Estimated Maximum Earned Yearly	Maximum Accrual Limit
Year 0	3.080 hours	80.080 hours	160 hours
Year 4	4.624 hours	120.224 hours	200 hours
Year 14	6.160 hours	160.160 hours	240 hours

(c) Except as provide in subsection (d), salaried-exempt non-represented employees subject to overtime code 1 shall be covered by the following vacation schedule:

**VACATION SCHEDULE FOR SALARIED-EXEMPT EMPLOYEES**

Anniversary Starting With:	Accrual Per 80 Service hours	Estimated Maximum Earned Yearly	Maximum Accrual Limit
Year 0	4.624 hours	120.224 hours	200 hours
Year 4	6.160 hours	160.160 hours	240 hours
Year 14	7.704 hours	200.304 hours	280 hours

(d) Management-school employees subject to section 15-357, shall not receive paid vacation.

**Sec. 15-514. Sick leave schedules.**

For employees hired prior to January 1, 2012:

(a) For all employees, except as provided in subsections (b) & (c), employees shall accrue sick leave at the rate of 3.704 sick hours per 80 service hours. The estimated maximum accrual each year is 96.304 hours. There shall be no limit on the total amount of sick leave accrued.

(b) Full-time management-school employees subject to section 15-357 shall receive 88 hours of sick leave each school year. Sick leave shall be pro-rated for part-time or for any other reduction in contract days. There shall be no limit on the total amount of sick leave accrued.

(c) The deputy sheriff association collective bargaining agreement shall determine the amount of sick leave their members shall receive.

For employees hired on or after January 1, 2012:

(a) For all employees, except as provided in subsections (b) & (c), employees shall accrue sick leave at the rate of 2.462 sick hours per 80 service hours. The estimated maximum accrual each year is 64 hours. The maximum accrual limit for a sick bank is 120 hours. When the maximum accrual limit is reached, additional benefits shall accrue into the extended sick leave bank. Usage of the extended sick leave bank shall be as provided in 15-518 (e).

(b) Full-time management-school employees subject to section 15-357 shall receive 64 hours of sick leave each school year. Sick leave shall be pro-rated for part-time or for any other reduction in contract days.

The maximum limit for a sick bank is 120 hours. When the maximum accrual limit is reached, additional benefits shall accrue into the extended sick leave bank. Usage of the extended sick leave bank shall be as provided in 15-518 (e).

(c) The deputy sheriff association collective bargaining agreement shall determine the amount of sick leave their members shall receive.

**Sec. 15-515. Holiday schedules.**

(a) The collective bargaining agreement shall determine the number of holidays deputy sheriff association members shall receive.

(b) Except as provided in (c), the following ten days shall be observed as paid holidays: New Year's day, Friday immediately before Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday immediately after Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year's Eve.

(c) Employees of the children with disabilities education board not covered by Article X who do not work year-round (12 consecutive months) shall receive nine paid holidays (Independence Day excluded).

**Sec. 15-516. Accrued benefits in general.**

(a) Eligible employees shall accrue vacation and sick leave hours based on service hours paid each pay period, up to the maximum accrual limit. An employee shall not accrue more than the yearly accrual limit in the employee's anniversary year. When the maximum accrual limit is reached, additional benefits shall not accrue until the accrued balance falls below the maximum accrual limit.

(b) Vacation and sick accrued benefits shall be prorated for part-time service or when service hours are less than 80 hours for a biweekly period. When the anniversary date for a vacation improvement falls during a pay period, the higher biweekly accrual rate shall apply to the full pay period.

(c) For an employee hired prior to January 1, 2012, an hourly employee may not use accrued vacation until the completion of one year and accrued sick leave until the completion of six months of actual work from the benefit eligibility date. A salaried-exempt employee may use vacation or sick leave without a waiting period. Holiday hours shall not be subject to any waiting period.

(d) For an employee hired on or after January 1, 2012, an hourly employee may not use accrued vacation until completion of one year of actual work from the benefit eligibility date, but may use sick leave without a waiting period. A salaried-exempt employee may use vacation or sick leave without a waiting period. Holidays hours shall not be subject to any waiting period.

(e) When an employee terminates employment, accrued benefits may not be used after the last day actually worked. Severance payment for any accrued benefits shall be subject to section 15-338.

**Sec. 15-517. Scheduling of accrued benefits.**

(a) *Advance request.* An employee's request to schedule the use of accrued benefits shall be

submitted in advance to the employee's supervisor for approval or denial. The employee shall follow the time-off scheduling rules of the department.

(b) *Unscheduled absences.* Unscheduled absences shall be reported to the supervisor prior to the employee's scheduled start of work. When the supervisor approves an unscheduled absence, accrued benefits shall be applied, consistent with the reason for absence, to the absence.

(c) *Scheduling rules.* Time-off scheduling rules shall take into consideration employee choice, length of service, and departmental staffing needs, and any other criteria set by policy in each department. Approval of accrued benefits requested at least 30 days in advance shall not be unreasonably withheld.

(d) *Negative balance.* An employee's request for use of accrued benefits shall not be allowed if use would result in a negative balance.

(e) *Substitution.* Accrued benefit time is subject to the following substitution rules:

(1) Sick Leave.

- a. When an employee is off on a scheduled vacation, compensatory, or holiday bank used day, sick leave shall not be substituted for the vacation, compensatory or holiday bank used time.
- b. An employee on approved sick leave may request, in lieu of using sick leave, the use of vacation, holiday or compensatory time for all or part of the sick leave.
- c. An employee calling in sick on their scheduled day, when it is an observed county holiday, shall have the day charged to the holiday benefit, and sick leave shall not apply to the holiday. If employee's scheduled work day is longer than the allotted holiday benefit, employee may use sick leave for the remaining work hours in the workday if the absence qualifies for sick leave. Days under this provision remain subject to departmental attendance policies and will be deemed a sick day for attendance purposes.

(2) Holidays.

- a. Any holiday that falls during a vacation or compensatory day off shall be charged to the holiday benefit, and vacation or compensatory time shall not apply to the holiday.

(f) *Amended request.* Prior to the start of an approved absence, an employee may request to amend a scheduled absence request, subject to approval of his or her supervisor.

(g) *Vacation scheduling for public works highway division and lakeland health care center nursing division.* Vacations shall be scheduled for a minimum of a "half-shift" (defined as pre-lunch period or post-lunch period). Emergency absences of less than a "half-shift" may be charged against vacation at the sole discretion of and approval by management.

#### **Sec. 15-518. Sick leave provisions.**

(a) *Acceptable use.* Sick leave may be used for the following reasons:

- (1) A health condition that makes the employee unable to perform the functions of his or her job; or
- (2) Time required for the employee to attend his or her appointment with a health care provider, when it is not possible to schedule such appointment outside his or her work schedule; or
- (3) Time approved under state-FMLA for the employee to care for a spouse, child or parent pursuant to (d)(1).

(b) *Substantiation.* If sick more than three (3) consecutive workdays, the employee shall furnish his/her supervisor with a certificate of illness signed by a licensed physician, if requested. Any employees evidencing a pattern of abuse of sick leave may be asked for a certificate of illness signed by a licensed physician without regard to the number of workdays absent. The certificate of illness form shall be furnished by the county. Authorization for sick leave over three days shall be subject to sections 15-720 to 15-730.

(c) *Scheduling of sick leave.* Except in the case of an unavoidable unscheduled absence, an employee is required to schedule the use of sick leave to have the least impact on departmental operations and as far in advance as practical. Any sick absence for elective health care services shall be requested a minimum of 30 days in advance and, if minimum notice is not provided, authorization for the absence may be denied. When an employee is able to perform the functions of his or her job, the employee shall only be excused for the number of hours necessary to attend an appointment with a health care provider.

(d) *Use for family member.* The use of sick leave to care for a family member shall be limited to the following:

- (1) An employee on state-FMLA may use up to 80 hours of accrued sick leave (pro-rated for part-time). An employee on federal-FMLA shall not be permitted to use sick leave for a family member.
- (2) An employee, with the exception of deputy sheriff association members, may use up to 40 hours of sick leave per calendar year to care for his or her spouse, dependent child under 18 years of age, or parent, when care and attendance by the employee is medically required. This paragraph is intended to cover medical situations which do not meet the "serious medical condition" standard under state or federal FMLA laws, but which require the absence of the employee. Sick leave under this paragraph is subject to approval of the department head. Substantiation may be required, subject to subsection (b) of section 15-518.

(e) *Extended sick banks.* The extended sick bank for eligible employees (employees hired on or after January 1, 2012) will be available for use after three (3) consecutive workdays of absence, only if the employee provides substantiation of the necessity for leave as outlined in 15-518 (b). When an illness is greater than three (3) consecutive workdays, the use of extended sick leave bank will revert to the first day.

#### **Sec. 15-519. Holiday pay provisions.**

- (a) *Holiday pay for employees scheduled to work Monday through Friday.*

- (1) For all employees scheduled to work Monday through Friday, the holiday shall be observed on the actual calendar day of the holiday, except that a holiday falling on a Saturday shall be observed on the preceding Friday, and a holiday falling on a Sunday shall be observed on the following Monday.
- (2) An employee subject to this section shall not be required to work on the observed holiday. A full-time employee shall receive eight hours of holiday pay, and a part-time employee shall receive pro-rated holiday pay, pro-rated by approved FTE.
- (3) Only employees required to work on the holiday due to staffing and/or workload issues at the request of the department head shall be paid holiday pay as provided under subsection (2) and shall bank holiday hours equal to the number of hours worked, not to exceed eight hours.
- (4) This subsection shall not apply to sworn law enforcement employees.
- (b) *Holiday pay for employees scheduled to work weekends.*
  - (1) For employees scheduled to provide mandatory shift and weekend coverage, the holiday shall be observed on the calendar day of the holiday. An employee subject to this subsection shall, when scheduled to work on the day observed as a holiday, report for work, or absence shall be subject to the time-off scheduling practices of the employee's department.
  - (2) The employee shall be paid time and one-half pay for work on the holiday and shall bank holiday hours or take the additional pay equal to the holiday pay benefit (eight hours for full-time or pro-rata for part-time). The decision to bank the hours or take the additional pay must be made prior to the end of the pay period.
  - (3) When the actual holiday falls on the employee's day-off, the employee shall bank holiday hours equal to the holiday pay benefit (eight hours for full-time or pro-rata for part-time).
  - (4) This subsection shall not apply to sworn law enforcement employees.
- (c) *Holiday pay for sworn law enforcement.*
  - (1) This subsection shall apply to sworn law enforcement employees classified as lieutenant, captain or undersheriff. Employees shall receive additional pay in lieu of paid holiday time-off.
  - (2) The holiday shall be observed on the calendar day of the holiday. If the holiday falls on the employee's scheduled day to work, the employee shall receive an additional one-half time pay for actual hours worked for up to eight hours, in addition to their base pay and eight hours of holiday pay (holiday hours shall not be banked). Actual hours worked do not include non-productive time such as flex time, sick time or vacation hours. If the employee is not present and working on the observed holiday, the employee shall receive eight hours of holiday off.
- (d) *Holiday bank.* The holiday bank shall be limited to 40 hours.

- (1) The holiday bank shall be used as scheduled time-off only, with the approval of their supervisor, based upon staffing levels. The approval of schedule time-off shall not create an overtime situation for any department.
- (2) The holiday bank shall only be paid out upon layoff or termination.
- (3) Non-represented employees who have over 40 hours in their holiday bank as of June 14, 2011 will be allowed to bring the bank down to the 40-hour cap no later than January 1, 2012 by taking the hours as scheduled time-off. Any remaining time over the 40-hour cap will be paid out on the employees' last check in the month of January, 2012.
- (4) Employees of AFSCME units 1925, 1925A and 1925B who have over 40 hours in their holiday bank as of January 1, 2012 will be allowed to bring the bank down to the 40-hour cap no later than June 30, 2012 by taking the hours as scheduled time-off. Any remaining time over the 40-hour cap will be paid out on an employees' check in the month of July, 2012.
- (5) Any holidays worked while at or over the cap will be paid out as additional hours and will not be banked.
- (e) *Eligibility for holiday pay.*
  - (1) An employee shall be scheduled and work immediately before and after the holiday to qualify for holiday pay. An approved paid absence shall count as being present and working. Unpaid discipline days do not count as being present and working.
  - (2) In the case of layoff or termination, any holiday that falls after the last day an employee is scheduled to work shall not be paid.
  - (3) An employee receiving temporary disability pay under workers' compensation shall be paid holiday pay and shall not have the option to bank holiday hours.
  - (4) A casual, limited term or student employee shall be paid time and one-half for hours worked on a holiday.

**Sec. 15-520. Intensive outpatient holiday coverage – health and human services.**

- (a) As part of the intensive outpatient (IOP) certification, the maximum time between counseling sessions cannot exceed 72 hours in any consecutive 7-day period. To fully comply with the regulations of the certification, during certain holidays that employees are granted off, group counseling sessions need to be held.
- (b) A health and human services employee required to hold intensive outpatient (IOP) counseling sessions during a 3+-day contiguous non-work period due to a county recognized holiday will receive the following in addition to their regular holiday benefits:
  - (1) straight-time for the actual hours spent at work, to the nearest quarter hour, at the applicable hourly rate.

(2) holiday hours equal to the actual time worked will be added to their holiday bank, regardless of which day during the 3+-day contiguous non-work period they provide the counseling sessions.

(c) The only work that may be performed on these days will be IOP counseling and associated documentation.

(d) The scheduling of these holiday sessions will be pursuant to health & human service policies.

**Secs. 15-521--15-523. Reserved.**

**Sec. 15-524. Donor program.**

It is the policy of the county to provide a donor program that permits eligible employees to donate accrued vacation or holiday hours to another employee.

**Sec. 15-525. Donor program eligibility.**

(a) Employees may participate in the donor program. "Participate" means to either donate or receive vacation or holiday hours. Donated hours shall be in increments of eight hours.

(b) An employee shall be eligible to receive donated hours when all of the following criteria are met:

(1) The employee is on an approved medical leave due to a serious health condition of himself or herself, or the employee's spouse, child or parent;

(2) The employee has exhausted all of his or her available accrued benefits;

(3) The employee's absence exceeds 60 calendar days;

**Sec. 15-526. Limitations on donated hours.**

(a) An employee's decision to donate hours may not be revoked by the donating employee. Any hours donated in excess of the eligible employee's needs shall be returned to the donor. Donated hours will be used in a First In, First Out fashion .

(b) The employee's extended pay status under the donor program shall end on the earlier of:

(1) The date the employee is eligible to apply for and receive long-term disability benefits, regardless of whether the employee was enrolled for the long-term disability benefits or not.

(2) The date of the employee's retirement or disability annuity, or upon death.

(3) Ninety calendar days from the date the employee's leave began.

(c) Donated hours shall be applied at the recipient's prevailing FTE rate continuous from the date that the employee's personal accrued benefits were exhausted. Donated hours shall be paid at the recipient's rate

of pay.

(d) The recipient shall not accrue new personal time-off benefits when receiving donated hours. Donated hours shall be counted as paid time for the purpose of determining the termination of county-paid insurance benefits.

**Sec. 15-527. Procedure to request donation of hours.**

(a) Any employee may request that other employees donate vacation or holiday hours to that employee.

(b) The request shall be in writing and shall be submitted to the human resources department.

(c) Any employee making the request shall provide information from a health care provider sufficient to determine that the employee has a serious health condition.

(d) An employee requesting donation of vacation or holiday hours shall consent to the disclosure of the employee's name and eligibility for the program to other employees by the human resources department. Such disclosure shall consist of the employee's name and a determination by the human resources department that the person is eligible for the donor program.

(e) Any eligible employee may donate hours to the requesting employee.

**Sec. 15-528. Vacation accrual change.**

(a) Effective January 1, 2012, employees in the classification of patrolman/woman, mechanic II, machine operator, marking/signage lead worker, road lead worker and shop lead worker will see a change in their vacation accrual method. In place of the bi-weekly accruals going into the "not available" bank and the entire bank being moved into the "available" bank on their anniversary date, the bi-weekly accruals will go into the "available" bank.

(b) To transition to the new system, all hours in the "not available" bank will be moved into the "available" bank as of January 1, 2012. Employees will be allowed to exceed the maximum accruals limit as set forth in 15-513(b) and will continue to add future accruals for a limited time. Employees will be allowed to continue to accrue above the maximum limit as well as bring their vacation bank down below the limit no later than June 30, 2012 by taking the hours as scheduled time-off. Any remaining time over the maximum accrual limit as of June 30, 2012 will be paid out on the July 6, 2012 paycheck.

(c) After June 30, 2012, if an employee is at their maximum accrual limit no additional benefits will accrue until the balance falls below the maximum accrual limit.

**Sec. 15-529. Reserved.**

**DIVISION 3.**

**GROUP HEALTH AND DENTAL INSURANCE BENEFITS; FLEXIBLE BENEFITS PLAN**

**Sec. 15-530. Policy.**

It is the policy of the county to provide health and dental insurance benefits to regular employees and elected officers in accordance with this division. The county elects to be covered by, and shall provide these benefits in accordance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), the Newborns' and Mothers' Health Protection Act of 1996 ("NMHPA"), and the Mental Health Parity Act of 1996 ("MHPA").

**Sec. 15-531. Eligibility and exclusions.**

(a) Health insurance eligibility

(1) Regular employees are eligible to enroll in the health plan as follows:

- a. Regular full-time (1.0 FTE) employees shall be eligible to enroll in the health plan.
- b. Regular employees hired on or after November 1, 2012 who regularly work a minimum of 0.75 FTE are eligible to enroll. Regular employees hired on or after November 1, 2012 who are regularly scheduled to work less than 0.75 FTE shall be ineligible to enroll.
- c. Special rule for employees hired prior to November 1, 2012.
  - 1. Regular employees who regularly worked in a 0.50 to a 0.74 FTE position before November 1, 2012 and were enrolled in the health plan on November 1, 2012 will continue to be eligible to stay on the health plan under a "grandfathered" status.
  - 2. Once a grandfathered employee under (a) (1) c 1 regularly works in a position which is 0.75 FTE or higher, the grandfathered status shall end. Should that employee subsequently move into a non-eligible position (0.74 FTE and lower) coverage will cease in accordance with Sec. 15-537 (4), and said employee shall not be eligible to enroll in the health plan.

(2) Elected officials are eligible pursuant to 15-302.

(3) County board supervisors are eligible pursuant to 2-45 (b) (5).

(4) Except as provided in (c), an individual may only receive insurance coverage under one insurance plan sponsored by the county.

(b) Dental insurance - regular employees who are regularly scheduled to work a minimum of 0.5 FTE, elected officers, and county board supervisors, shall be eligible to enroll in the dental plan. Except as provided in (c), an individual may only receive insurance coverage under one insurance plan sponsored by the county.

(c) An individual who had duplicate coverage under two or more insurance plans as of May 31, 1992 may continue to be covered under more than one plan sponsored by the county. The individual may

coordinate benefits between the plans, but any specified benefit maximums shall not be increased.

(d) Upon retirement from the county, an employee may be able to continue in the insurance plan, subject to section 15-556.

**Sec. 15-532. Insurance plans.**

(a) *Health insurance.* The group health insurance plans shall be subject to the provisions of the plan document and shall apply to all enrolled individuals.

- (1) Employees paying the employee portion of the Wisconsin Retirement contributions shall be eligible to enroll in the Tier 1 or Tier 2 health plan.
- (2) Employees not paying the employee portion of the Wisconsin Retirement contributions shall only be eligible to enroll in the Tier 2 health plan.
- (3) The county shall deposit authorized Health Savings Account contributions for those employees who are paying the employee portion of the Wisconsin Retirement contributions and have elected the Tier 2 health plan.
  - a. Annual Health Savings Account contributions from the county shall be \$750 for a single health plan and \$1,500 for a family health plan. This county contribution shall be a lump sum contribution for those employees who are enrolled in Tier 2 as of 1/1/2014. The lump sum contribution is only applicable to the 2014 plan year.
  - b. For employees hired January 2, 2014 and thereafter, employees who meet the criteria established in 15-532 (a)(3) above, shall receive Health Savings Account contributions from the county on a monthly basis in the amount of one-twelfth of the authorized contribution for every month enrolled on the Tier 2 health plan.
  - c. For plan years 2015 and thereafter, authorized county Health Savings Account contributions, shall be distributed monthly on a prorated basis equivalent to one-twelfth of the authorized annual amount for each month enrolled on the Tier 2 health plan.
- (4) An employee who experiences a Qualifying Life Event as established by the Internal Revenue Service in Section 125 shall not have the option to switch plans from Tier 1 to Tier 2 or vice versa at the time of the Qualifying Life Event.
  - a. For employees who experience a Qualifying Life Event, elect to move from Single coverage to Family coverage, and who were eligible and received the Health Savings Account single contribution under (a)(3)(a) above, the employee shall receive an additional contribution of \$62.50 per month commencing with the first month of family eligibility.
  - b. For employees who experience a Qualifying Life Event, elect to move from Single coverage to Family coverage, and are eligible for the Health Savings Account single contribution under (a)(3)(b) above, the employee shall be eligible to receive the increased prorated family

contribution established in 15-532 (a)(3)(b) and (c) above, commencing with the first month of family eligibility.

- c. For employees who experience a Qualifying Life Event, elect to move from Family coverage to Single coverage, and who were eligible and received the Health Savings Account family contribution under (a)(3)(a) above, no adjustment shall be made to the county's contribution.
- d. For employees who experience a Qualifying Life Event, elect to move from Family coverage to Single coverage, and are eligible for the Health Savings Account family contribution under (a)(3)(b) above, the employee shall be eligible to receive the decreased prorated single contribution established in 15-532 (a)(3)(b) and (c) above, commencing with the first month of single eligibility.
- e. In no event shall the annual county Health Savings Account contribution exceed the authorized amount equivalent to the family contribution.

(5) County board supervisors shall be eligible for health insurance as allowed under Section 2-45.

(b) *Dental insurance.* The group dental insurance plan shall be subject to the provisions of the plan document and shall apply to all enrolled individuals, excluding teaching and professional staff of the special education department.

(c) *Dental insurance for teaching staff.* A separate dental insurance plan shall be provided to teaching and professional staff of the special education department, excluding hourly employees. The county retains the right to change the plan and/or provider to be more cost-effective at any time.

(d) An employee who retires and is eligible for retiree health insurance pursuant to 15-556 (a) except as identified in 15-532(e), will be eligible to remain enrolled in the health plan available to them as an active employee at the time of their retirement. . During the county's annual election published time, the retiree may elect to change their enrollment to any plan that they were eligible for as an active employee provided those plans are still offered by the county.

(e) Any deputy sheriff association or sworn management employee that was retired on or before December 31, 2012 will be eligible to be enrolled in the tier one health plan. Any deputy sheriff association or sworn management employee retiring on or after January 1, 2013 will retire under the health plan available to them as an active employee at the time of their retirement. The employee may elect to change their enrollment during the county's annual election time to any plan they were eligible for as an active employee provided those plans are still offered by the county.

### **Sec. 15-533. Premium contributions.**

(a) The collective bargaining agreement shall determine the amount of premium a deputy sheriffs association employee is required to pay.

(b) For all other eligible employees, the monthly premium will be split between the county and the employee. The employee contribution can be reduced in two ways:

*Health risk assessment (HRA).* The employee (and spouse, if a member of the county health plan) must complete a health risk assessment (to be offered by the county annually).

*Education completion.* The employee (and spouse, if a member of the county health plan) must complete the education/counseling component\* as outlined in the HRA.

Guaranteed County Contribution	Employee Contribution if no Reduction	Reduction for Completed HRA	Reduction for Completed Education/Counseling	Potential Employee Contribution after Reductions
88%	12%	-2%	-3%	7%

*New hires.* New employees hired after the annual health risk assessments have been offered will automatically receive the reduced premium.

\*In the event the HRA comes back with no recommendations for education/counseling, the employee will automatically receive the full five percent reduction.

(c) The county shall pay a percentage of the health premium for an eligible part-time employee as defined below. For those meeting the criteria in (1) and (2) below, the starting point to calculate the prorated county premium is the county premium contribution offered to a full-time employee as identified in 15-533(b) above.

- (1) Based on their positions' budgeted FTE level for all eligible part-time employees for health insurance effective prior to January 1, 2015.
- (2) For those employees who qualify for health insurance under 15-531(a)(1)c.1., the county will continue to pay based upon their positions' budgeted FTE level for health insurance effective after January 1, 2015.
- (3) For those employees who qualify for health insurance under 15-531(a)(1)b., the county will pay the percentage of the health insurance premium defined in 15-533(b) above for health insurance effective after January 1, 2015.
- (d) The county shall pay 100 percent (single or family) of the premium for a full-time and 50 percent (single or family) of the premium for a part-time employee enrolled in a dental plan.
- (e) A retiree or county board supervisor shall pay the full premium, except as otherwise provided by chapter 15 or a collective bargaining agreement.
- (f) An employee's premium contribution shall be paid by payroll deduction.

**Sec. 15-534. Flexible benefits plan.**

(a) The county shall provide a flexible benefits plan, subject to IRS provisions and the plan document. The plan shall provide pre-tax options for health care reimbursement, premium conversion for payment of health or dental premiums, and dependent care assistance.

(b) An employee or elected officer enrolled in the county health or dental plan shall be eligible to participate in the health care reimbursement account upon completion of six months of employment.

(c) An employee may enroll in the premium conversion plan or dependent care assistance plan within 30 calendar days of meeting eligibility criteria specified under the plan document.

**Sec. 15-535. Enrollment periods and effective dates.**

(a) *Initial enrollment.* An individual eligible to enroll in an insurance plan under this division shall complete and file an enrollment form with the department within 31 calendar days of the first day worked in a qualifying position. Coverage shall become effective on the first day of the month following 30 calendar days from the date of eligibility to participate. An enrollment not received timely shall be subject to subsection (b).

(b) *Late enrollment.* A late enrollment shall be subject to any exclusion period for pre-existing conditions specified in the plan document. The late enrollee shall be responsible for providing the department with certificate(s) of creditable coverage under prior health plan(s). Coverage shall become effective on the first day of the month following 30 calendar days from the date the enrollment form was received in the department and shall be subject to any exclusion period.

(c) *Special enrollment period.* An employee shall submit an enrollment or change form to the department as specified in the plan document of a HIPAA-qualifying event (loss of other coverage, birth, placement for adoption, or marriage). The employee may be required to provide substantiation of the reason for special enrollment. Coverage shall become effective on the date of the qualifying event provided the enrollment is timely. An enrollment not received timely shall be subject to subsection (b).

**Sec. 15-536. Changes in employment status.**

An employee shall be eligible to enroll in insurance benefits or to change coverage when his or her employment status increases to a regular part-time position regularly scheduled to work a minimum of 0.5 FTE (0.75 FTE effective November 1, 2012 for health insurance pursuant to 15-531(a) (1) b.), or increases to a regular full-time position. An enrollment form must be received in the department within 31 days of the date of the qualifying employment status change and shall be considered an initial enrollment, subject to section 15-535. This section shall not apply to a temporary assignment.

**Sec. 15-537. Termination of coverage.**

- (a) Coverage under the insurance shall terminate on the earlier of the following:
  - (1) the end of the month following the month containing the last date for which wages were paid;
  - (2) The date the employee submits a written request to cancel coverage;
  - (3) The last day of the month for which the employee last paid any employee-required premium; or
  - (4) The end of the month following the month in which the employee transferred to a position not

eligible for participation in the health care plan.

(b) Upon termination of coverage, the employee shall be offered COBRA continuation rights to the extent required by law.

**Sec. 15-538. Benefits during leave.**

(a) *FMLA*. The same health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave. Any changes that occur in the health care plan during the FMLA leave shall apply to the same extent as if the employee were not on leave. The maintenance of any other insurance benefits during FMLA shall be subject to county policy.

(b) *Workers' compensation leave*. The same group insurance plan benefits provided to an employee prior to receiving temporary disability payments for a workers compensation illness or injury shall be maintained during the temporary disability payment period. Any changes that occur in the plan(s) during the leave shall apply to the same extent as if the employee were not on leave.

(c) *County leave*. Except as provided in (d), the same group insurance plan benefits provided to an employee prior to taking a leave shall be maintained during a paid leave plus one month following the date an unpaid leave begins. Any changes that occur in the plan(s) during the leave shall apply to the same extent as if the employee were not on leave.

(d) *Teachers*. The same group insurance plan benefits provided to an employee prior to taking a leave shall be maintained during a paid leave. Any changes that occur in the plan(s) during the leave shall apply to the same extent as if the employee were not on leave.

(e) *Continuation coverage*. The employee may elect to continue coverage when county payment of premium ends by paying the full premium to the department, subject to plan document provisions and COBRA continuation rights.

**Sec. 15-539. Special health and dental provisions for non-represented hourly employees of the children with disabilities education board who do not work year-round.**

For employees who work in a non-represented hourly position with the children with disability education board that do not work year-round (12 consecutive months), coverage for health and dental insurance will continue on the same basis as an active employee through the summer provided the employee has paid their employee portion (if an employee portion is required) of the plan cost for this period. If an employee should not return for the next semester/term, coverage will terminate in the month that follows their last day of work.

**Sec. 15-540. Special health and dental provisions for CDEB professional employees.**

For CDEB professional employees, as defined in 15-4, coverage for health and dental insurance will continue on the same basis as an active employee through the summer provided the employee has paid the employee portion (if an employee portion is required) of the plan cost for this period. An employee not returning for the next semester/term who has completed his or her contract through the end of the school year shall receive employer-paid benefits up to the end of the month prior to the start of the next school year.

**Secs. 15-541--15-542. Reserved.**

#### **DIVISION 4.**

### **OTHER GROUP INSURANCE BENEFITS**

**Sec. 15-543. Policy.**

It is the policy of the county to offer life insurance and long-term disability insurance benefits to all regular employees and elected officers in accordance with the provisions of this division.

**Sec. 15-544. Eligibility and exclusions.**

Elected officers and regular employees regularly scheduled to work a minimum of 0.5 FTE shall be eligible to enroll in the benefits under this section, subject to any limitations by benefit or bargaining group. Casual, limited-term, and student intern employees are not eligible to participate in these benefits.

**Sec. 15-545. Life Insurance.**

(a) Life insurance benefits for deputy sheriff association employees shall be subject to the terms of the collective bargaining agreement.

(b) The county shall provide the following life benefits for all other enrolled employees and elected officers:

- (1) All hourly employees shall receive \$25,000.00 term life insurance. FLSA-exempt salaried employees and elected officers shall receive \$50,000.00 term life insurance. The county shall pay the full premium under this paragraph.
- (2) Non-represented employees shall have the option, at their own expense, to purchase additional insurance for self, spouse or dependents, subject to the provisions of the plan document.
- (3) Eligible survivors of an employee classified as sheriff, undersheriff, captain, or lieutenant whose death is a direct and proximate result of a traumatic injury sustained in the line of duty shall receive a life insurance benefit from the county in the amount of \$100,000.00.

In order to be eligible for this line of duty death benefit, the officer's beneficiary(s) must apply for and be determined to be eligible for the line of duty death benefit provided by the Bureau of Justice Assistance, Public Safety Officers' Benefits Program: Death Benefits for line of duty deaths. Upon receipt of verification from the BJA - PSOB Death Benefit Program that the officer's beneficiary(s) has been determined to be eligible for that line of duty death benefit, the officer's beneficiary(s) shall receive the life insurance benefit provided for in this section.

**Sec. 15-546. Long-term disability.**

(a) Long-term disability benefits for deputy sheriff association employees shall be subject to the terms of the collective bargaining agreement.

(b) The county shall provide the following long-term disability benefits for all other enrolled employees and elected officials:

- (1) A plan where employees are eligible to collect long-term disability benefits after a 90-day waiting period and where coverage will be equivalent to 70% of the employee's base wages.
- (2) The maximum covered salaries are:

Bargaining unit/position	Maximum covered salary*
county administrator	\$170,000
non-represented	\$145,000
HHS professionals	\$65,000
CDEB professional employees	\$108,000

\*Maximum covered salaries will be reviewed annually

(3) The county and employee shall pay the following portions of the premiums:

Bargaining unit/position	County	Employee
county administrator	up to 0.67 percent of base wages	Balance of premium
non-represented	up to 0.67 percent of base wages	Balance of premium
HHS professionals	up to 0.25 percent of base wages	Balance of premium
CDEB professional employees	100%	0%

**Sec. 15-547. Administrative provisions.**

(a) *Payroll deduction.* An employee shall be required to pay any employee portion of the premium by payroll deduction.

(b) *Initial enrollment.* An eligible employee shall complete and file an enrollment form with the department within 30 calendar days of the first day worked in a qualifying position. An untimely enrollment form shall be subject to late enrollment conditions.

(c) *Late enrollment.* The plan document shall control as to whether a late enrollment form will be accepted by the insurer.

(d) *Effective date of coverage.* Insurance shall become effective on the first day of the month following 30 calendar days from the first day worked in a qualifying position, subject to plan document provisions.

(e) *Leave of absence.* Eligibility of an employee to continue coverage while on a paid or unpaid leave shall be subject to the provisions of the plan document. If continuation during an unpaid leave is permitted, the employee shall be responsible for paying the full premium to the department. An employee who chooses not to retain coverage during a leave shall be eligible to reenroll upon return to a qualifying position.

(f) *Termination of coverage.* Insurance coverage shall terminate in a manner consistent with section 15-537, or as otherwise required by the plan document.

**Sec. 15-548. Special other group insurance benefit provisions for non-represented hourly employees of the children with disabilities education board who do not work year-round.**

For employees who work in a non-represented hourly position with the children with disability education board that do not work year-round (12 consecutive months), coverage for life insurance and long-term disability will continue on the same basis as an active employee through the summer provided the employee has paid their employee portion (if an employee portion is required) of the plan cost for this period. If an employee should not return for the next semester/term, coverage will terminate in the month that follows their last day of work.

**Secs. 15-549. Special other group insurance benefit provisions for CDEB professional employees.**

For CDEB professional employees, as defined in 15-4, coverage for life insurance and long-term disability will continue on the same basis as an active employee through the summer provided the employee has paid the employee portion (if an employee portion is required) of the plan cost for this period. An employee not returning for the next semester/term who has completed his or her contract through the end of the school year shall receive employer-paid benefits up to the end of the month prior to the start of the next school year.

**DIVISION 5.**

**RETIREMENT BENEFITS**

**Sec. 15-550. Policy.**

It is the policy of the county to provide retirement benefits and services for employees and elected officers, subject to the provisions of this division.

**Sec. 15-551. Benefits provided by law.**

(a) The following benefits are provided, subject to law and administrative regulations:

(1) Wisconsin Retirement System (WRS) (effective January 1, 1960; res. #11-17-59).

(2) Social security and federal Medicare insurance (effective January 1, 1951).

(b) The director shall be the reporting agent for retirement benefit programs and shall determine the appropriate employment category for reporting each eligible employee, consistent with law and administrative regulations.

**Sec. 15-552. Contributions.**

(a) For employees in the Deputy Sheriff Association hired prior to July 1, 2011, the county shall pay

employer-required WRS contributions and shall pay, on behalf of the employee, employee-required contributions up to the amount required by the terms of a collective bargaining agreement. For employees in the Deputy Sheriff Association hired on or after July 1, 2011, the county shall pay employer-required WRS contributions, and the employee shall pay the employee-required contributions up to the amount prescribed by state law.

(b) For non-represented protective class employees, including the Sheriff, the county shall pay employer-required WRS contributions and shall pay, on behalf of the employee, employee-required contributions up to the amount prescribed by state law.

(c) For all other employees, the payment shall be split between the county and the employee, as prescribed by state law.

(d) A casual, limited term or student intern employee who meets WRS eligibility requirements shall be required to pay the employee-required WRS contribution.

(e) The county shall not pay any portion of the employee required contribution for social security and federal Medicare insurance.

(f) For employees in the Deputy Sheriff Association hired prior to July 1, 2011 and employees defined in 15-552(b), upon submission of military orders confirming an employee's active military service, the county shall continue to pay applicable plan contributions as outlined in 15-552(a)--(e) and report the creditable service for said period of military leave, pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

(g) For employees in the Deputy Sheriff Association hired on or after July 1, 2011 and all other county employees, upon submission of military orders confirming active military service, the county shall place the employee on unpaid military leave status. Upon return from leave and receipt of the employee's leave and earnings statement, DD214, and the employee's written desire to invoke USERRA rights, the county will retroactively report hours and earnings to Wisconsin Retirement. The employee will be responsible for paying the employee contributions and will have the earlier of: (1) three times the period of military service, or; (2) five years to pay those contributions. If the employee does not wish to invoke USERRA, the county shall not be required to pay the employer share or report the hours and earnings applicable to the period of military leave. If the employee wishes to use benefit time to cover any portion of military leave, contributions shall be made to Wisconsin Retirement as defined in 15-552 (a)--(e) during the pay cycle in which the pay occurred.

(h) For an employee on workers compensation, the county will continue to pay applicable plan contributions as outlined in 15-552(a)—(e) and report the creditable service during the temporary disability period. If an employee does not have enough earnings in a pay period to make the employee required contributions for their temporary disability period, the county will make the contribution on the employee's behalf. Upon the employee's return to work, any employee required contributions made on behalf of the employee shall be recouped from the employee's future earnings in an amount not greater than 5% of each payment of earnings.

### **Sec. 15-553. Deferred compensation plan.**

The county shall participate in the Nationwide Deferred Compensation Plan, under section 457 of the

Internal Revenue Code. The plan under this section shall be available to all employees and elected officials who meet the eligibility requirements specified in the plan document.

**Sec. 15-554. Tax sheltered annuities.**

The county may provide tax sheltered annuity options as defined under section 403b of the Internal Revenue Code. Options available under this section shall be offered to all CDEB employees who meet the eligibility requirements specified in the plan document. The human resources director or risk/benefits manager may add, modify, or delete annuity vendors, subject to final approval of the county administrator. The county will adopt and maintain a plan document related to these options, as required by the Internal Revenue Code and the Internal Revenue Service. The human resources director may approve the plan document and subsequently make any amendments to the plan at any time, and will provide a report of any changes to the county administrator within a reasonable time before or after the amendments become effective.

**Sec. 15-555. Early retirement incentives.**

(a) The county may from time to time consider options to encourage employees to retire early. Early retirement incentives may be restricted to specific classes, departments, or other segments of the workforce, and the incentive may be constructed in any lawful manner. The county administrator shall make final recommendation on any retirement incentive offer, subject to final approval of the committee and available funds in the budget.

(b) The county board has elected to participate in the Actuarial Reduction Program, as provided by § 40.23(2m)(g), Wis. Stats. (Resolution 37-07/92).

**Sec. 15-556. Retiree health insurance.**

(a) *Eligibility.* The following employees who began county service in the bargaining unit certified at that time prior to the dates below shall, for a continuous and indefinite period, be eligible to remain in the group health care plan at retirement:

Bargaining Unit	Date
Non-represented	December 1, 2005
[former] AFSCME 1925	December 20, 2005
[former] AFSCME 1925A	December 22, 2005
[former] AFSCME 1925B	December 22, 2005
[former] AFSCME 1925C	December 2, 2005
HHS professionals	November 11, 2005
[former] lakeland education association	October 10, 2006
deputy sheriff association	January 1, 2005

- (1) An employee enrolled in the health care plan who retires on an immediate retirement annuity from the Wisconsin Retirement System. "Immediate" means the annuity application must be made within 60 days following the date of termination; or

(2) An employee enrolled in the health care plan who terminated county employment at age 50 or older and has a minimum of 20 years of county service at the time of termination.

(3) An employee enrolled in the health care plan who applies for and receives a disability annuity from the WRS upon termination.

(b) *Changes in coverage.* Any changes in coverage shall be subject to qualifying events as defined under the plan document, COBRA regulations, or HIPAA regulations.

(c) *Late enrollment not permitted.* An otherwise eligible employee who elects not to continue under the group health plan at retirement, except as provided in section 15-339, shall not be eligible to enroll at a later time.

(d) *Surviving spouse.* A surviving spouse of a deceased retiree may continue with group health care plan indefinitely.

(e) *Spouses both retirees.* When each spouse is eligible for retiree insurance pursuant to subsection (a), each retiree may elect single coverage in lieu of family coverage.

(f) *Transfer back to retiree insurance.* When a retiree's spouse is employed by the county and is eligible to enroll in the health care plan, coverage may be maintained by the working spouse, and upon termination of coverage under the working spouse's health care benefit, coverage may be transferred back to the eligible retiree.

(g) *Premium payments.* The retiree shall be responsible for full payment of the premium, except as otherwise provided under section 15-339 or 15-362, or the terms of the deputy sheriffs association collective bargaining agreement and section 15-1060 related to the CDEB professional employees.

(h) Employees beginning county service in the bargaining unit certified at that time on or after the following dates, shall not be eligible to remain in the group health care plan at retirement.

Bargaining Unit	Date
Non-represented	December 1, 2005
[former] AFSCME 1925	December 20, 2005
[former] AFSCME 1925A	December 22, 2005
[former] AFSCME 1925B	December 22, 2005
[former] AFSCME 1925C	December 2, 2005
HHS professionals	November 11, 2005
[former] lakeland education association	October 10, 2006
deputy sheriff association	January 1, 2005

**Sec. 15-557. Other insurance benefits.**

(a) *Dental.* The continuation of dental care benefits shall be limited to the time periods specified under COBRA regulations.

(b) *Life*. Life insurance benefits shall terminate upon retirement. The plan document shall specify conversion options, if any, that may be available.

(c) *LTD*. Long-term disability benefits shall terminate upon retirement.

**Secs. 15-558--15-563. Reserved.**

## **DIVISION 6.**

### **UNEMPLOYMENT COMPENSATION**

#### **Sec. 15-564. Policy.**

It is the policy of the county to provide reimbursement financing for unemployment insurance benefits pursuant to Wis. Stats. § 108.15(2).

#### **Sec. 15-565. Eligibility and exclusions.**

- (a) Benefits shall be paid to an eligible employee as determined by the appropriate state agency, except as the county has elected to exclude from coverage pursuant to subsection (b).
- (b) The county shall not extend coverage for unemployment insurance to persons providing services as:
- (1) An official elected by vote of the public;
  - (2) An official appointed to fill part or all of the unexpired term of a vacant position normally otherwise filled by vote of the public;
  - (3) A member of a legislative or the judiciary of the county;
  - (4) An employee serving solely on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
  - (5) An individual receiving work relief or work training as part of an unemployment work-relief or work-training program as specified under Wis. Stats. § 108.02(15)(g)(1);
  - (6) An individual receiving rehabilitation or remunerative work as specified under Wis. Stats. § 108.02(15)(g)(2);
  - (7) An inmate of a custodial or penal institution; or
  - (8) A student employed by an educational institution who is enrolled and is regularly attending classes at such institution.

#### **Sec. 15-566. Administrative provisions.**

(a) Actual unemployment expenses shall be charged to the employing department.

(b) The department shall allocate an employee's final pay to a specific week(s) and give the employee written notice thereof. The pay shall be allocated at the employee's approximate full weekly wage rate.

**Secs. 15-567--15-569. Reserved.**

## **DIVISION 7.**

### **WORKERS COMPENSATION**

#### **Sec. 15-570. Policy.**

It is the policy of the county to provide workers compensation benefits to employees and elected officers in the service of the county, whether elected or appointed, in accordance with Wis. Stats. ch. 102.

#### **Sec. 15-571. Eligibility and exclusions.**

(a) Except as provided in subsection (b) or (c), employees and elected officers of the county shall be subject to workers compensation coverage.

(b) The county shall not extend coverage for workers compensation to persons providing services as a bona fide volunteer worker.

(c) Workers compensation benefits for workers under specialized work programs shall be restricted to only those benefits required by law, including, but not limited to, the following:

(1) A student of a public school performing uncompensated services pursuant to Wis. Stats. § 102.07(12m).

(2) A juvenile performing uncompensated community service work pursuant to Wis. Stats. § 102.07(13).

(3) An adult performing uncompensated community service work pursuant to Wis. Stats. § 102.07(14).

(4) An inmate participating in a work release program pursuant to Wis. Stats. § 102.07(16).

(5) A prisoner of the county jail assigned to a work camp pursuant to Wis. Stats. § 102.07(17).

(6) A participant in a job under the Wisconsin works program pursuant to Wis. Stats. § 102.07 (18).

(d) Casual, limited term, or student intern employees shall be excluded from county benefits provided under section 15-572.

**Sec. 15-572. County provided benefits.**

(a) *Supplemental pay.* A regular employee absent due to a workers compensation claim arising out of county employment and accepted as compensable under worker's compensation shall be paid his or her regular wages for the day of injury and the next three calendar days of disability immediately following the date of injury. Beginning with the fourth calendar day of disability, a salary supplement shall be paid to a regular employee equal to the difference between the employee's normal net ("after-tax") pay and the temporary disability payment under worker's compensation. The salary supplement is limited to a period of twelve (12) months from the date of injury. Time covered by this section shall not be charged against sick leave.

- (1) For purposes of overtime calculations, hours paid to an employee under this section are considered non-productive time.
- (2) For the purpose of calculating the supplemental pay, any additional straight time hours worked shall not reduce this benefit.

(b) *Elected officer salary continuation.* An elected officer or county board supervisor who incurs a compensable injury while engaged in an activity related to and arising out of county employment shall continue to receive their regular salary during the period of temporary disability and only while the officer continues to hold the elected office. Temporary disability payments under worker's compensation are not payable to the elected officer during the period that the salary is continued.

**Sec. 15-573. Administrative provisions.**

Workers compensation costs shall be allocated to departments based on each department's experience.

**Secs. 15-574--15-579. Reserved.**

**DIVISION 8.**

**EMPLOYEE SERVICES**

**Sec. 15-580. Policy.**

The committee may approve the addition or lawful modification or termination of various voluntary or incidental employee benefit or service programs. Employee benefits or service programs shall be subject to funds being included in the budget for said purpose and staff resources being available to carry-out administrative duties.

**Sec. 15-581. Lunch facilities.**

(a) The county may provide lunchroom facilities to county employees on a non-discriminatory basis with reasonable accommodations provided for qualified disabled employees. Any lunchroom facilities made available to the general public shall be subject to the public accommodation provisions of the ADA. Lunch facilities shall be subject to recommendation of the county administrator and final approval of the public works committee.

(b) The committee shall approve any request to furnish meals at the work site to employees without charge.

**Sec. 15-582. Continuing education.**

Employees may voluntarily participate in continuing education. The department head may authorize a modified work schedule to permit an employee to attend classes, provided the modified schedule does not disrupt the operations of the department. The request of an employee to reduce their work schedule to a lower FTE shall be subject to recommendation of the department head and final review and approval of the director.

**Sec. 15-583. Onsite training.**

The county may provide onsite training. The training announcement shall specify if attendance is voluntary or mandatory.

**Sec. 15-584. Reimbursement of educational expenses.**

(a) *Preauthorization.* Subject to funding, the department shall provide reimbursement for preauthorized educational expenses. When requests for preauthorization exceed funds available, greatest weight shall be given to education that enhances the knowledge, skills and abilities of the employee for improved performance in their job.

(b) *Eligibility and exclusions.* After completion of six months of employment, a regular employee scheduled to work at least 0.5 FTE or an elected officer shall be eligible for benefits under this section. When funds are limited, non-represented employees shall receive preference before represented employees. An employee eligible to receive educational incentive pay shall be excluded from this section.

(c) *Non-work time.* Time in attendance at classes, travel time, or class preparation shall be the responsibility of the employee and shall not be claimed as working time.

(d) *Reimbursement for credit-courses.*

(1) Any employee eligible for other forms of educational assistance, such as scholarships or grants, must first exhaust that financial aid before applying for benefits under this section.

(2) Reimbursement may be denied for any course not preauthorized. An employee who terminates employment or transfers to a non-qualifying position before completion of the approved course(s) shall not receive reimbursement.

(3) Upon successful completion of a credit-course, an employee shall be reimbursed for tuition, course fees, and books, up to 50 percent for a "C" grade, 75 percent for a "B" grade, or 80 percent for an "A" grade. Maximum reimbursement shall be \$500.00 per semester or \$1,000.00 per year. Reimbursement for a part-time employee shall be prorated based on FTE.

(4) Reimbursement may be denied for a claim received by the director more than 60 days after the

course completion date.

(e) *Other forms of training.* Reimbursement of expenses for continuing education units (CEU's), workshops, seminars, or conferences shall be subject to section 15-420.

**Sec. 15-585. Employee assistance program (EAP).**

(a) The county shall provide an employee assistance program (EAP) to all employees, elected officers and their families. The purpose of the program shall be to prevent an employee's non-work-related problems from affecting the employee's work performance in a way that work performance falls to a level that requires disciplinary action.

(b) The county shall pay the costs for the initial assessment services under the EAP as part of the administrative fees paid to the vendor. Subsequent expenses for treatment after initial assessment shall be the responsibility of the employee or family member. Expenses may be covered under the employee's health plan.

**Sec. 15-586. Employee recognition program.**

(a) The county administrator shall include in the budget of each county department, subject to annual approval of the county board, the greater of the following sums for the purpose of funding employee recognition activities:

- (1) \$10.00 per FTE, or
- (2) \$25.00 per department.

(b) The purpose of the appropriation specified in (a) shall be to permit department heads to implement programs to recognize employees for service to the county and specific accomplishments. Such recognition may include, but shall not be limited to, the following:

- (1) Awards ceremonies;
  - (2) Recognition plaques;
  - (3) Small items appropriate to carry out the purpose of this section.
- (c) Funds appropriated pursuant to this section shall not be used as follows:
- (1) As a cash payment to an employee;
  - (2) To pay for food or beverages consumed outside of county facilities;
  - (3) To purchase any alcoholic beverage or tobacco product.

(d) No county funds shall be expended for the employee recognition activities beyond the amounts set forth in (a).

(e) The county administrator shall promulgate administrative procedures to carry-out the intent of this ordinance. The administrative procedure may place restrictions on expenditures in addition to those set forth in (c).

**Sec. 15-587. Employee wellness program.**

(a) The county encourages employees to participate in exercise and wellness programs. The county may sponsor wellness programs, subject to approval of the committee and available funding.

(b) An employee may be excluded from any exercise program under (a) if participation would pose a direct threat to the safety of the employee or others. Participating employees shall be required to sign waiver of liability forms for any athletic or exercise programs.

(c) In addition to county programs offered under (a) and (b), the county administrator is authorized to formally recognize one or more employee wellness groups. A group so recognized may be granted permission, subject to this code and administrative procedures, to use county facilities on non-work time for the purpose of engaging in wellness activities. To be recognized a group must:

- (1) Apply for recognition on a form prescribed by the county administrator;
- (2) Consist of two or more county employees actively participating in wellness activities.

(d) Employees shall participate in wellness activities under (c) at their own risk and on their own time. Injuries sustained in activities under (c) shall not be compensable under worker's compensation.

**Secs. 15-588--15-599. Reserved.**

**ARTICLE VI.**

**COUNTY PROPERTY AND WORK AREAS**

**DIVISION 1.**

**EMPLOYEE SAFETY**

**Sec. 15-600. Policy.**

It is the policy of the county to comply with all applicable federal, state, and local health and safety regulations and to be proactive in identifying and eliminating safety and health risks. Employees shall be required to comply with all safety and health requirements.

**Sec. 15-601. Responsibility for safety.**

(a) The department head, in consultation with the director, shall develop and administer a departmental safety plan that identifies and eliminates safety and health risks and ensures compliance with

applicable laws and regulations. Each department head shall be responsible for carrying out the safety plan in their respective department to ensure the safety of employees.

(b) Employee safety committees comprised of members of labor and management shall meet on a regular basis for the purpose of resolving safety concerns in the workplace and identifying and recommending solutions.

(c) Drug and alcohol testing shall be used to ensure safe practices, subject to section 15-810.

**Sec. 15-602. Retaliation prohibited.**

An employee shall not be discharged or discriminated against in any way because he or she has initiated a safety-related proceeding, has testified in such a proceeding, or has otherwise exercised any right provided by law. An employee may, on his or her own time, accompany safety compliance officers during walk-around inspections.

**Secs. 15-603--15-609. Reserved.**

**DIVISION 2.**

**SECURITY IN THE WORKPLACE**

**Sec. 15-610. Personal property of employees.**

It is the policy of the county to discourage employees from bringing unnecessary personal property to work. The county assumes no responsibility for the loss, damage, or theft of personal belongings. However, employees who experience damage or breakage to their eyeglasses, dentures or hearing aids while performing the duties of their position shall receive repair or replacement by the county. Said repair or replacement shall be limited in value to no more than \$150.00. If compensation for the repair or replacement is provided through other means (i.e. breakage warranty, etc.) an employee will not qualify for county reimbursement. All claims shall be subrogated to the rights of the employee. The request for reimbursement and receipt(s) shall be turned in to the supervisor within 30 days of the repair or replacement.

**Sec. 15-611. Firearms or weapons.**

(a) Except as provided in subsection (b), employees are prohibited from possessing firearms or other weapons on county property or at events sponsored by the County. Employees are further prohibited from carrying firearms or weapons in county-provided vehicles.

(b) This section shall not apply to a sworn law enforcement officer in possession of or using a firearm or weapon within law enforcement standards.

**Sec. 15-612. Storage areas containing personal property.**

(a) At all times any lockers, storage areas, file cabinets, desks and other facilities remain the property of the county. The county makes no assurance of an expectation of privacy to employees using county

furnished facilities for storage of personal property.

(b) The county may inspect the contents of lockers, storage areas, file cabinets, desks, work stations and electronic storage devices at any time and may remove all county property and other items which are in violation of county rules and policies.

(c) To the extent permitted by law, an employee's personal property may be searched, and the employee questioned or subjected to surveillance based on reasonable suspicion that the particular employee is involved in work-related misconduct. The employee shall have the right to be present, with a witness if requested, prior to a search of any personal property stored in a locker, storage area, file cabinet, desk or other facility.

(d) The content of all electronically stored information remains the property of the county at all times. Security measures such as, but not limited to, passwords are implemented for the purpose of protecting the county's interests and are not intended to protect an individual employee's privacy rights.

**Sec. 15-613. County parking areas.**

Employees who use a county parking lot do so at their own risk. The county assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot.

**Secs. 15-614--15-629. Reserved.**

**DIVISION 3.**

**EMPLOYEE USE OF COUNTY PROPERTY**

**Sec. 15-630. In general.**

County property or equipment shall only be used for official county purposes. Personal use is prohibited, except as otherwise provided herein.

**Sec. 15-631. No solicitation; no distribution.**

(a) Except as provided in subsections (b), solicitation, peddling, canvassing, or otherwise distributing items or information to employees for any purpose not associated with or related to county business during work time or in employee work areas is prohibited.

(b) This section shall not prohibit voluntary acts between employees to contribute to a gift for a coworker for recognition of a special event for charitable purposes.

**Sec. 15-632. Issue and return of county property.**

(a) Employees may be issued county property to permit access to property or equipment, or to aid in the performance their job duties. The director or department head shall keep a written record of all county

property issued to an employee, including the employee's signed receipt.

(b) Upon request of the department head, an employee shall return county property issued to them. A written record signed by the employee and department head shall be made indicating the items which have been returned and in what condition.

**Sec. 15-633. Use of telephones.**

(a) Telephones are provided to employees for the conduct of county-related business. Improper use of telephones, including harassing, intimidating, demeaning, insulting, offensive or defaming telephone calls or messages, will result in discipline, up to and including termination. Employees may use county telephones (including cell phones) when it is necessary to place or receive personal calls at work. The employee must reimburse the county for any charges incurred. Personal use of telephones shall be kept at a minimum and restricted to rest periods or meal periods, whenever possible.

(b) At all times voice mail messages stored on county telephone systems remain the property of the county and may be accessed by authorized persons without obtaining the consent of employees.

**Sec. 15-634. Use of county and personal vehicles.**

(a) Except as provided under subsection (b), employees are prohibited from using a county vehicle to commute from home to work or work to home or for any other personal reasons.

(b) Employees and elected officials holding the following positions shall be assigned a county vehicle and are required to commute in the vehicle for bona fide non-compensatory business reasons: sheriff, under-sheriff, captain, lieutenant, deputy sheriffs assigned to K-9 units, public works highway operations manager, and assistant public works superintendent - roads and assistant public works superintendent - shop. At any time the department head may access the vehicle or assign alternative use of a county vehicle. The county may require that the vehicle be stored on county premises. Employees shall be required to maintain a log showing the personal use of the vehicle and submit the log for payroll processing.

(c) If a county vehicle is provided for bona fide business use, the employee shall not use the vehicle for personal purposes other than for commuting or *de minimis* personal use. In addition, the employee's spouse or dependents shall not be allowed in the commuter vehicle for any reason.

(d) No employee shall drive a county-owned vehicle or their own personal vehicle on county business without first possessing a valid driver's license and liability insurance as required by section 30-455(c) of the Code of Ordinances. Employees shall promptly report the loss of their driver's license or liability insurance coverage to their supervisor.

(e) Absolute sobriety shall be required of any employee or elected official while operating a county-owned vehicle.

(f) In addition to those employees set forth in (b), the facilities manager may be required to commute in a county-owned vehicle for bona fide non-compensatory business reasons. In the event such action is required, the director - central services will make such designation in writing to the deputy county administrator - finance. Use of county-owned vehicles by the personnel listed herein shall be in accordance with

the terms of all applicable ordinances.

(g) For the employees set forth in subsections (b) and (f), the county will follow the commuting rule as established by the IRS and described in IRS Publication 15-B to properly tax the fringe benefit of the personal use. As part of the commuting rule, the employee is required to maintain documentation showing the personal use of the vehicle and submit said documentation for payroll processing of the taxation.

(h) On an annual basis, employees assigned a county vehicle shall provide a report to the human resources committee detailing the number of call-outs they responded to throughout the year.

**Sec. 15-635. Use of computer-related resources.**

(a) Computer and internet access is provided to employees for the conduct of county business. Improper use of computers or internet access, including harassing, intimidating, demeaning, insulting, offensive or defaming messages or materials, will result in discipline, up to and including termination. Employees may use computers to access the internet for personal use. Use shall be kept at a minimum and restricted to rest periods or meal periods. Employees shall not otherwise use county computers, e-mail, or the intranet for personal or solicitation purposes.

(b) Employees shall not use county computer-related resources to disrupt management functions. Hardware or software shall not be destroyed, modified, copied, shared, transferred, decompiled, disassembled, disabled or otherwise wrongfully used in any manner. Employees shall not seek information on other users on the county's network, including but not limited to their passwords, files, data, electronic mail or other data that may be stored and accessible through said computers and networks.

(c) All information stored on county computer-related resources is the property of the county. Authorized personnel may inspect any and all data stored in public or private areas of networked and individual storage systems of any kind, without notice or warning, and at any time or for any purpose.

**Sec. 15-636. Bulletin boards.**

Bulletin boards are provided to inform employees of important developments that will affect the employee or their job. Bulletin boards are used by the county to communicate information to employees and post notices required by law. Employees must secure prior authorization from their department head or designee before posting any notices on bulletin boards. Prior authorization is defined as the department heads initials and date of approval on the item to be posted, as well as a date for the posting to be removed . Because work-related notices of interest and importance regarding county business will be posted on the bulletin boards, the county requests all employees to check the bulletin board at regular intervals.

**Secs. 15-637--15-699. Reserved.**

**ARTICLE VII.**

**ABSENCE FROM WORK**

**DIVISION 1.**

## **ATTENDANCE AND TARDINESS**

### **Sec. 15-700. Policy.**

It is the policy of the county to require employees to report for work as scheduled. Employees shall, in accordance with department work rules, give advance notice of the need for absence. All absences shall be subject to approval or disapproval by management, subject to the provisions of the Code. Excessive absences or tardiness disrupt the effective operation of county services and may be cause for discipline, up to and including termination.

### **Sec. 15-701. Applicability.**

This division shall apply to short-term absences less than one week in duration, late reporting to work, or early departure from work. This division shall not apply to scheduled vacation periods or other leaves approved in advance.

### **Sec. 15-702. Short-term absence.**

(a) An employee shall notify his or her supervisor of an anticipated absence with as much advance notice as is practicable under the circumstances. An employee may be required to accurately substantiate the need for the absence. An unscheduled absence shall be considered unexcused until approved by the employee's supervisor. An employee shall, consistent with accrued benefit policies, apply accrued time-off benefits to an excused absence to the extent the benefits are available for use.

(b) Any absence not approved by the supervisor shall be considered as unexcused. An unexcused absence shall be without pay.

### **Sec. 15-703. Absence without proper notice.**

An employee absent from work for three consecutive scheduled workdays without proper notice to the county shall be deemed to have voluntarily quit employment.

### **Sec. 15-704. Late arrival; early departure.**

(a) Records of incidents of late arrival or early departure shall be kept for all employees subject to overtime code 2 or 3 under subsection 15-321(c). Employees may not leave early without prior approval by the employee's supervisor.

(b) If a department head determines an employee had good cause for being tardy or leaving early, the employee may be allowed to make up the time, provided overtime liability is not incurred. Employees who are allowed to make up time shall do so in quarter-hour (.25) increments.

(c) When a replacement employee has been assigned to work due to the tardiness of an employee, the tardy employee may be sent home without pay upon reporting to work.

**Sec. 15-705. Fitness to work.**

Employees are required to report for work appropriately dressed and fit and ready to perform the essential functions of their assigned job.

**Sec. 15-706. Absence for voting.**

Any employee entitled to vote in a public primary and general election is entitled to be absent from work while the polls are open for the purpose of voting. Before election day the employee shall schedule the absence to vote with their supervisor at a time that least disrupts operations. The period of absence to vote shall not exceed three successive hours. The supervisor may designate the time of day for the absence. The absence shall be without pay unless the employee requests to use accrued vacation, compensatory or holiday time.

**Sec. 15-707. Absence due to severe weather or other emergencies.**

(a) Except as provided in subsection (b), it is the policy of the county to continue county services during severe weather or other emergencies. All employees are expected to report to work as scheduled, unless an emergency closing is announced, pursuant to subsection (b).

(b) The county administrator may authorize and publicly announce that certain county operations are temporarily closed due to severe weather or other emergency conditions.

(c) In the event that county services remain open during severe weather or other emergencies, department heads have the ability to allow staff to not report for work, based on their specific staffing needs. Any employee choosing not to report under these circumstances must use vacation, compensatory or holiday time, if available, for said shift(s) with the exception of special education aides working for the children with disabilities education board who shall take an unpaid day should school be cancelled for any reason.

**Sec. 15-708. Absence for bereavement.**

(a) All regular employees shall receive paid bereavement leave for absence from scheduled workdays in accordance with this section, or as otherwise provided by an applicable collective bargaining agreement.

(b) Bereavement leave may be used within ten days from the date of death for bereavement over the death of a covered family member or to make other necessary personal or family arrangements. The paid leave may be delayed beyond ten days based on verified need and subject to approval of the department head. The employee may be required to furnish verification of the date of death and the employee's relationship to the deceased. Bereavement leave shall be applied in day increments, except on the date of death when the employee must leave work early, and need not be applied consecutively.

(c) Bereavement leave up to three days shall be paid for the death of the employee's spouse, child, step-child, parent, step-parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, or other member of the immediate household (excluding renters). Bereavement leave up to one day shall be paid for the death of the employee's brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, or nephew.

(1) Any relationships identified in 15-708 (c) that are not “in-law” relationships are defined as a member of the employee’s family. For example, leave for a grandparent is only for the employee’s grandparent, not for the grandparent of a spouse.

(d) The relationship of husband and wife is broken by death or divorce. Bereavement leave shall apply to family members of a deceased spouse only if the employee has not remarried. Bereavement leave shall not apply to an ex-spouse (resulting from divorce or annulment) nor to family members of an ex-spouse.

(e) Bereavement leave pay shall not apply during any leave of absence, layoff or suspension.

**Sec. 15-709. Absence to participate in a military funeral or to serve as a pallbearer.**

An employee called upon to be a participant in a military funeral or serving as a pallbearer in a civilian funeral shall be excused from work with pay for the number of hours necessary to perform such service, up to a maximum of one day. Participation with pay in military funerals or service as a pallbearer shall not exceed two occurrences per calendar year. The provisions of this section shall not apply if leave is provided under section 15-708.

**Sec. 15-710. Absence for jury duty.**

(a) All regular employees shall be paid their regular wages during the period of their jury service, less any compensation paid to them by the court, excluding mileage. The employee shall immediately upon receipt of the jury payment submit a photocopy of the jury duty check to the payroll division of finance.

(b) The employee shall not be eligible for jury duty supplemental pay for any day when the employee was not otherwise scheduled to be at work.

(c) An employee called for jury duty is required to report to work prior to and following jury duty to complete the regular work shift, except when excused by the employee's supervisor because the time at work would be de minimis. Upon advance notification that a second or third shift employee has been summoned to report for jury duty, the county will adjust the employee's work schedule so that the employee is not required to work on the day(s) that the employee reports for jury duty. For a third shift employee, the adjustment shall include the shift immediately before the employee reports for jury duty. Upon conclusion of employee's service as a juror, the employee shall report to work for the balance of their shift.

**Sec. 15-711. Absence for witness service.**

(a) Except as provided in (b), all regular employees shall be made whole for their regular wages when subpoenaed to testify in an action or proceeding resulting from a crime against the county or as a result of the employee's involvement in a matter arising out of his or her performance of official job duties. The employee shall be paid their regular wages during the period of their witness service, less any compensation paid to them by the court, excluding mileage. The employee shall immediately upon receipt of the witness payment submit a photocopy of the check to the payroll division of finance.

(b) Differential pay for witness service shall not apply when an employee is subpoenaed as a witness

for a matter not related to and not arising from the performance of official county job duties.

(c) The employee shall not be eligible for witness service supplemental pay for any day when the employee was not otherwise scheduled to be at work.

(d) An employee called for witness service is required to report to work prior to and following witness service to complete the regular work shift, except when excused by the employee's supervisor because the time at work would be de minimis.

(e) An employee may not be discharged because the employee is subpoenaed to testify in an action or proceeding pertaining to a crime or pursuant to the Children's Code or Criminal Code of the Wisconsin Statutes.

**Secs. 15-712--15-719. Reserved.**

## **DIVISION 2.**

### **LEAVES OF ABSENCE**

**Sec. 15-720. Policy.**

It is the policy of the county that employee written requests for leaves of absence with a reasonable expectation of return to work may be granted, subject to the provisions of this division. County benefits shall be harmonized and run concurrent with the deputy sheriff association collective bargaining agreement, code provisions and any benefits provided by federal or state family and medical leave laws.

**Sec. 15-721. Applicability.**

(a) Except as provided in subsection (b), this division shall apply to all absences from work of one week or more, and any subsequent periods of absence related to the same reason for initial absence and that involves:

- (1) Any absence covered by the FMLA;
- (2) Periods of absence for non-medical reasons; or
- (3) Requests to reduce hours of work on a temporary basis for a period of more than one month.

(b) This division shall not apply to the use of vacation, compensatory time, or holiday time scheduled in advance in accordance with departmental scheduling practices and not covered by the FMLA.

**Sec. 15-722. Eligibility and exclusions.**

This division shall apply to all regular employees, subject to any further restrictions contained herein. This division shall not apply to elected officers, casual, limited term, or student intern employees unless otherwise required by state or federal laws.

**Sec. 15-723. Conditions for a leave of absence.**

(a) All requests for a leave of absence, inclusive of any required documentation, shall be submitted in writing to the director or designee as soon as possible, but no less than 15 days prior to the requested start of the leave. An employee's request to amend a leave shall be submitted in the same manner.

(b) An employee shall not be entitled to a leave, except as otherwise required by law or the deputy sheriff association collective bargaining agreement. Decisions to grant or deny an employee request for a leave of absence shall be made without discrimination and shall take into consideration the employees' interests and county operational needs.

(c) A leave of absence request related to medical conditions shall require a written medical certification on a form prescribed by the director. A second medical opinion to substantiate the need for and length of the leave may be required. If the opinions are not consistent, a third opinion may be required.

(d) It is the employee's responsibility to keep the department informed of any substantive changes in circumstances upon which the leave was approved. Authorization of a leave of absence may be withdrawn for cause if the employee uses the leave of absence for purposes inconsistent with the reasons stated for the need for a leave, or when it becomes known with a reasonable degree of certainty that the employee will not return to their job.

(e) An employee may not engage in other employment during a leave of absence, except when the other employment has been disclosed and approved as a special condition of the leave.

**Sec. 15-724. Involuntary leave.**

Leave may be involuntary and imposed by management for cause.

**Sec. 15-725. Intermittent or reduced leave.**

(a) With consideration given to the department head's recommendation or as required by the FMLA, the director may grant an employee a leave on an intermittent or reduced hours basis. The employee shall provide a schedule which includes the likely duration and frequency of periods of absence and the date specific that the employee is expected to return to their assigned work schedule.

(b) During an intermittent leave or reduced schedule, the employee may be assigned to an alternative position that better accommodates the intermittent or reduced leave schedule.

(c) The employee shall be required to apply available accrued benefits to time not worked. When accrued benefits are exhausted during an intermittent or reduced leave, employee benefits shall be based on the number of hours for which the employee is paid, or as otherwise provided by the FMLA.

**Sec. 15-726. Absence without leave.**

An employee absent without leave shall not be permitted to apply accrued benefits to unexcused absences. The director may, upon receipt of substantiation giving good reason for the unexcused absence, grant an approved leave of absence retroactively.

**Sec. 15-727. Types and duration of leave.**

- (a) All leaves shall specify a beginning date and an expected return to work date. A leave for an indefinite and unknown duration may be denied.
- (b) A leave of absence may be granted for the following purposes:
  - (1) *Medical leave.* A medical leave shall be granted consistent with the FMLA and may be granted for an extended period. All medical leaves run concurrently with FMLA leaves.
  - (2) *Birth or adoption.* A leave for birth or adoption shall be granted for up to the maximum period required by FMLA provisions. All leaves for birth or adoption run concurrently with FMLA leaves.
  - (3) *Personal leave.* A personal leave may be granted at the sole discretion of the county. Personal leave shall not normally be granted for other employment, long-term travel, or serving a jail or prison sentence. A personal leave exceeding 30 calendar days shall be subject to approval of the committee.
  - (4) *Educational leave.* An educational leave may be granted for up to one year. An educational leave must be taken as a total leave, not as a reduced schedule or intermittent leave.
  - (5) *Political leave.* An employee becoming a candidate for any publicly elected office shall be entitled to an unpaid political leave for up to four months and ending on the date the board of canvassers certifies the election results. Except as provided in section 15-191, an employee shall not be given a leave of absence to accept an office subject to election by the public. Upon being sworn-in in the elective office, the employee shall be deemed to have resigned his or her employee position with the county.
  - (6) *Military leave.* A leave for military active or reserve duty shall be subject to sections 15-740 to 15-744.
  - (7) *Critical incident leave.* A paid leave for a critical incident, which is defined as an extraordinary event that may potentially overwhelm a person's ability to cope, may be granted for up to one week, at the sole discretion of the county administrator.

**Sec. 15-728. Return from leave.**

- (a) An employee's return to work prior to the expected return to work date shall be subject to approval of the director.
- (b) An employee shall be required to submit a fitness for duty certification prior to return to work

from a personal medical leave of absence.

(c) Any employee who fails to report for duty on the scheduled return date shall be considered absent without leave and subject to section 15-726.

**Sec. 15-729. Restoration provisions.**

(a) An employee returning from FMLA leave is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

(b) An employee returning from non-FMLA leave not exceeding four months in duration shall have the same restoration provisions as in subsection (a).

(c) An employee wishing to return from a non-FMLA leave exceeding four months has no guarantee of restoration. Upon the expiration of the fourth month of non-FMLA period the employee will become an employee on layoff status pursuant to sections 15-90 through 15-96.

**Sec. 15-730. Pay and benefit status during leave.**

(a) *Accrued benefits.* Except as provided in subsection (b), an employee is required to use available accrued benefits for an approved leave of absence, except as otherwise provided under a state FMLA. When accrued benefits are exhausted, the remainder of the leave shall be without pay. If an employee commences an unpaid leave prior to reaching the date that accrued benefits are available for use, the accrued benefits are not available until the employee returns to work.

(b) *LTD coverage.* When an employee begins to receive benefits under the LTD plan, the employee may elect to take the remaining leave of absence without pay. The balances of accrued benefits shall not be available until the employee returns to work, or shall be paid upon termination, subject to severance pay provisions under sections 15-338 or 15-339.

(c) *Health insurance during FMLA leave.* The county shall maintain an employee's health coverage during a paid or unpaid FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

(d) *Other insurance benefits.* For a non-FMLA leave the county shall continue to pay its share of health, dental, life or LTD insurance during a paid leave of absence. County-paid premiums shall terminate based on the last day paid, and subject to the plan document provisions for each benefit plan.

(e) *Continuation of insurance coverage.* The employee may continue insurance coverage after county contributions end, subject to the plan document provisions for each benefit plan.

(f) *Insurance cancellation.* An employee who lets insurance coverage lapse during an unpaid leave shall be eligible to re-enroll within 30 days of return to active employment at the same coverage level that existed at the time coverage ended. The plan document provisions shall determine the effective date of coverage, any waiting periods or pre-existing conditions.

**Secs. 15-731--15-739. Reserved.**

### **DIVISION 3.**

#### **SERVICE IN THE ARMED FORCES**

**Sec. 15-740. Policy.**

It is the policy of the county to provide leave rights and job protections to employees who serve in the U.S. armed forces.

**Sec. 15-741. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly gives a different meaning:

*Military* means the Army, the Navy, the Marines, the Coast Guard, the Merchant Marine, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

*USERRA* means the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C.S 4301 et seq).

**Sec. 15-742. Two-week differential pay.**

A county employee who is required to report for military training shall be paid his or her county pay upon submission of employee's leave and earnings statement (LES), less any military pay and allowances that he or she receives, for up to two (2) weeks each year, unless the military pay and allowances equal or exceed his or her county pay. The employee shall continue to receive his or her benefits as though no interruption in service has occurred. The employee's anniversary date for accrued benefit calculations shall not be impacted by this training leave. The employee will not earn additional time-off accruals while on military leave unless the employee is utilizing previously banked time off balances.

**Sec. 15-743. Rights and benefits during military leave.**

(a) The employee shall provide reasonable advance notice of his or her order for military service. An employee giving notice of military service shall be granted a military leave of absence. If the leave is for a period greater than two weeks, the leave shall be without pay. Pay for the first two weeks will be paid pursuant to section 15-742. An employee on military leave shall be eligible to participate in benefit plans available to employees on other types of leave and shall be allowed to use any accrued vacation, compensatory time or holiday time, upon request. The employee shall not earn additional time-off accruals, with the exception of subsection (b), while on military leave, except when the employee chooses to utilize previously banked time off balances. Health insurance continuation under COBRA shall apply for up to 24 months.

(b) Employees (on military leave, who are deployed pursuant to federal orders, shall be entitled to continue to accrue vacation benefits during their period of deployment subject to sections 15-510 through 15-517.

(c) The maximum cumulative leave for military service shall be five years, except as otherwise provided by law.

(d) For an employee in the Deputy Sheriff Association hired prior to July 1, 2011 and employees defined in 15-552(b), while the employee is on military leave, the county will continue to make retirement plan contributions (both employer and employee portions) as though the employee has remained actively employed and report creditable service for the period of military leave. If the employee is not reinstated during the time period as outlined in section 15-744, the retirement plan contributions and creditable service will be adjusted to reflect actual authorized leave.

(e) The employee shall receive any credit for time earned while on military leave as well as any pay range steps that may have occurred while away on military leave.

**Sec. 15-744. Reinstatement rights.**

(a) For an absence of one to 30 days the employee must report for work no later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or as soon as possible after the expiration of the eight-hour period, if reporting within the period referred to is impossible or unreasonable through no fault of the employee.

(b) For service periods of 31 days or more the employee shall submit an application for reemployment within the following designated time periods:

Service Period	Apply Within
31 to 180 days	14 days
Over 180 days	90 days
Disability	2 years

(c) Upon request, the employee shall furnish documentation that the application for reemployment is timely; the military service has not exceeded the five-year limit; and the military service did not end under other than honorable circumstances.

(d) Upon reinstatement, the employee's insurance benefits shall be immediately reinstated and any other seniority-based employee benefits that he or she had when the military leave began and all benefits that would have accrued if the employee had remained continuously employed shall be restored.

**Secs. 15-745--15-799. Reserved.**

**ARTICLE VIII.**

## **PERSONAL CONDUCT; PROGRESSIVE DISCIPLINE**

### **DIVISION 1.**

#### **PERSONAL CONDUCT**

##### **Sec. 15-800. Policy.**

It is the policy of the county that all employees are expected to respect and follow the work rules of the workplace. Employees and elected officers are expected to refrain from any personal conduct that interferes with operations, that diminishes the level of public trust and confidence in county government, or that is offensive to others. Employees shall treat customers and other employees in a courteous and respectful manner at all times. When used in this division, the word "employees" shall include elected officers. The county administrator is authorized to promulgate such administrative procedures as may be necessary to carry out the provisions of this chapter.

##### **Sec. 15-801. Departmental work rules in general.**

Departmental work rules shall be promulgated by each department head, subject to approval of the director. Departmental work rules shall be in writing, include an effective date, and be disseminated to all employees to whom the rules apply in advance of the effective date. Departmental work rules shall be consistent with all provisions of chapter 15, collective bargaining agreement provisions, and applicable laws.

##### **Sec. 15-802. Ethical standards for employees.**

(a) Employees shall avoid conflicts between their personal interests and their responsibilities as public employees. Employees shall not engage in, any on the job conduct that is disloyal, disruptive, competitive, or damaging to the county. Employees shall not engage in any off duty conduct that significantly diminishes the public level of trust and confidence in the employee's position with the county.

(b) No employee may use his or her public position to obtain financial gain or anything of value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated with.

(c) No employee may directly or by means of an agent offer or promise to give or withhold his or her influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that any other person provide or refrain from providing any service or other thing of value to or for the benefit of the employee, his or her immediate family or for an organization with which he or she is associated with.

(d) No employee may:

(1) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial

financial interest.

- (2) Use his or her position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(e) Employees shall comply with ordinances and administrative procedures concerning outside employment. No employee shall use his or her position to influence the County to do business with an organization with whom he or she is employed.

(f) Employees shall disclose any financial interest they or their immediate family have in any firm which does business with the county or which competes with the county.

(g) Employees shall not disclose confidential information to anyone, either inside or outside the organization, who does not have a lawful and legitimate business need to know it.

(h) Fraud reporting:

- (1) Employees have a duty to report any workplace fraud that they become aware of. Such fraud includes, but is not limited to, the following:

- (i) Theft or misappropriation of county funds, property or resources by another employee or officer of the county or member of the public.
- (ii) A violation of any state or federal law or regulation by another employee or officer of the county.
- (iii) Mismanagement or abuse of authority by any employee or officer of the county that results in substantial waste of public funds or a danger to public health or safety.

- (2) No employee or officer of the county shall retaliate, in any way, against another employee who has reported any conduct set forth in (h) (1). Nothing herein shall restrict the right of the county to take appropriate disciplinary action against an employee who knowingly makes an untrue statement regarding the report of conduct set forth in (h) (1).

- (3) An employee may report activities set forth in (h) (1) to his or her supervisor, department head or the county administrator or county board chairperson. In cases of conduct that violates state or federal law, the employee should also report the conduct to law enforcement.

### **Sec. 15-803. Private interest in a public contract.**

Employees are prohibited from having a private interest in a public contract(s) aggregating more than the limit permitted by law, subject to the following:

- (1) In his or her private capacity, an employee may not negotiate or bid or enter into a contract in which he or she has a private pecuniary (monetary) interest, direct or indirect, if at the same time

he or she is authorized or required by law to participate in his or her public capacity in the making of that contract or he or she is required to perform in regard to that contract some official function requiring the exercise of discretion; or

- (2) In his or her public capacity, an employee may not participate in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to the contract some function requiring the exercise of discretion.

#### **Sec. 15-804. Political activity.**

(a) Employees other than elected officers shall not engage in political activity during working time or in any county workplace. Elected officers shall not engage in political activity in any county workplace. Political-related materials shall not be distributed during working time. Except as expressly provided in this chapter, county equipment, property, or services may not be used for the conduct or support of political-related activities.

(b) Employees are specifically prohibited from directly or indirectly coercing any person to hold or contribute monetary or other types of assistance to any political candidate, party or purpose.

(c) Employees who are principally employed in an activity which is financed in whole or in part by federal loans or grants are prohibited from becoming political candidates in partisan elections or politically involved. [Hatch Act 5 U.S.C. 1501-1508.]

#### **Sec. 15-805. Union business.**

(a) Except as provided in subsection (b), employees shall not engage in union business during working time or during the working time of others; union-related materials shall not be distributed during working time; and county equipment, property, or services may not be used for the conduct or support of union-related activities.

(b) Employees may confer on union business during break periods, unpaid lunch periods, or before or after their work shift.

#### **Sec. 15-806. Personal appearance and workplace attire.**

Employees are expected to at all times present a professional, businesslike image to clients, visitors, customers and the public. Acceptable personal appearance, including proper maintenance of work areas, is an ongoing requirement of continued employment. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed. Departments shall determine appropriate workplace attire and grooming for their employees. Supervisors should communicate their department's workplace attire and grooming guidelines to staff during orientation and evaluation periods. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor.

#### **Sec. 15-807. Customers with disabilities.**

The county shall provide reasonable accommodations to ensure that any customer with a disability is able to access county services. Employees shall assist disabled persons in entry or exit from a county building

(i.e., opening or holding doors, responding to bells for assistance, meeting in alternative sites, etc.), but are not required to assist in personal care needs.

**Sec. 15-808. Personal liability; scope of employment; certain defense costs.**

(a) If the defendant in any action or special proceeding is a public officer who is proceeded against in an official capacity or is proceeded against as an individual because of any acts committed while carrying out duties as an officer or employee, and the jury or the court finds that the defendant was acting within the scope of employment, the county shall follow provisions set forth in 895.46 Wis. Stats.

(b) If any protected services officer incurs attorney fees in connection with a criminal proceeding under Chapters 967 to 979 of the Wisconsin Statutes, the county shall follow provisions set forth in Sec. 895.35(2) Wis. Stats.

(c) The county administrator shall promulgate administrative procedures consistent with state law, which procedures shall be followed by employees in order to receive protections set forth in Secs. 895.46 and 895.32(2) Wis. Stats.

**Sec. 15-809. Drug- and alcohol-free workplace.**

(a) *Policy.* The county shall maintain a drug- and alcohol-free workplace in conformance with the Drug-Free Workplace Act (41 U.S.C. 701 et seq.) and this section.

(b) The following are some examples of violations of the county's drug- and alcohol-free workplace policy:

- (1) Use of alcohol on county property, or working while under the influence of alcohol.
- (2) The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on county property or being under the influence of any controlled substance while working. Nothing in the preceding sentence shall be considered to prohibit an employee from working while taking medications as prescribed by a health care provider licensed to prescribe such medications.

(c) The county reserves the right to address violations of the employee substance abuse policy on a case-by-case basis, up to and including termination.

(d) Employees shall be notified, as a condition of employment, that they must report any conviction under a criminal drug statute for violations occurring on or off county premises while conducting county business. A report of a conviction must be made to the director within five calendar days after the conviction.

(e) A copy of the full employee substance abuse policy will be given to new employees during their orientation and will be available electronically for all employees to reference.

**Sec. 15-810. Drug or alcohol testing.**

(a) The county shall specify the positions in county service that require the incumbent to hold a valid commercial driver's license (CDL) to perform job duties. All employees required to hold a CDL shall be subject to random drug testing for the presence of illegal drugs, inappropriate legal drugs, or alcohol in their systems.

(b) Persons applying for employment shall be subject to a drug and alcohol test. Refusal to submit to the test or a positive test result will result in immediate withdrawal of the employment offer.

(c) An employee shall be required to complete drug and alcohol testing immediately following an on-the-job accident or when the employee reports a work-related injury that results in any one of the following:

(1) Property damage in an amount in excess of \$500;

(2) A fatality or personal injury requiring treatment by a medical practitioner or provider;

(3) Two or more accidents in a twelve month period regardless of the amount of property damage or extent of injury; or

(4) An accident which is preventable or otherwise attributed to the conduct of an employee without regard to the amount of damage or extent of injury.

(d) An employee will be required to undergo a drug/alcohol test whenever the county has reason to believe that the employee is using drugs or is under the influence or impaired by alcohol. The substance abuse policy outlines the criteria/indicators that meet the threshold for a reasonable cause test.

(e) The county will randomly test the following non-represented employee classifications for compliance with its drug-free workplace policy.

Department	Classification
Administration	County administrator
Finance	Comptroller
	Deputy administrator - finance
	Finance manager
	Financial Systems Administrator
	Payroll systems coordinator
Human Resources	Human Resources Director
Information technology	Account Clerk IV
	Business Analyst/Project Manager
	Desktop lead/server specialist
	Director - IT
	GIS Coordinator
	Help desk analyst

	IT specialist
	Manager of IT Operations
	Senior IT architect
	Senior IT support specialist
Lakeland Health Care Center	
	Administrator – LHCC
Public works	
	Director - central services
Sheriff's office	
	Captain
	Jail administrator
	Jail superintendent
	Lieutenant
	Sheriff (elected)
	Undersheriff
	Corrections sergeant
	Desktop lead/server specialist
Treasurer's office	
	Accountant
	County treasurer (elected)

- (1) The county treasurer and sheriff are encouraged to participate in the program but shall not be required.
- (2) For purposes of this section, random testing means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, the county has no discretion to waive the selection of an employee selected by this random selection method. Employees who refuse to submit to a test are subject to immediate termination.

**Sec. 15-811. Smoke-free workplace.**

(a) *Policy.* It is the policy of the county to comply with all applicable federal and state regulations regarding smoking in the workplace. The county will regulate smoking in the workplace to provide a smoke-free work environment, while recognizing the rights of employees to use tobacco products in a legal manner. This section shall apply to county employees and all other persons using county buildings, facilities or vehicles.

(b) *Smoking restrictions.* Except as provided below, smoking shall be prohibited in all county-owned buildings and vehicles.

- (1) Smoking is permitted in the enclosed, outdoor jurors' smoking lounge located in the judicial facility by jurors in accordance with the state law and restrictions established by the sheriff.
- (c) *Violations.* Any person who willfully violates this policy after being advised by an agent of the

county that smoking in the area is prohibited is subject to a civil forfeiture as set forth in Wis. Stats. § 101.123(8)(a). In addition, any employee who violates smoking restrictions may be subject to disciplinary action.

(d) *Definition.* “Smoking” includes the burning of, inhaling from, exhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter than can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

**Secs. 15-812--15-819. Reserved.**

## **DIVISION 2.**

### **DISCIPLINE**

**Sec. 15-820. Policy.**

It is the policy of the county that all employees are required to comply with county policies, procedures and work rules which define standards of behavior and performance and that any noncompliance must be remedied. The county generally endorses a policy of progressive discipline in which it attempts to notify employees of performance or conduct deficiencies and provide an opportunity to improve. However, the county retains the right to administer discipline in any manner it sees fit, including the right to discharge for a first offense.

**Sec. 15-821. Applicability.**

This division shall apply to all employees of the county, excluding elected officers. Nothing in this division shall operate to modify the right of the county to terminate the employment of an at-will employee.

**Sec. 15-822. Fairness and consistency standards.**

Employee discipline shall be administered in a fair and consistent manner, taking into consideration any mitigating factors and the entire work record of the employee.

**Sec. 15-823. Progressive discipline procedures.**

Management staff shall be responsible for progressive discipline decisions in conformance with administrative procedures promulgated by the county administrator. The director shall provide consultation to department management staff on disciplinary issues.

**Sec. 15-824. Presence of another individual at employee’s request.**

(a) In the event an employee is called to a meeting with representatives of the county for the purpose of issuing discipline or discharge, or for the purpose of investigating circumstances which may lead to discipline or discharge, the employee may have another person present at the meeting.

(b) In the event the employee chooses to have another person present, the meeting may be delayed, at the discretion of the Employer, until another individual may be present but will not be unnecessarily delayed so that a particular individual may be present.

(c) The person chosen to be present may be a county employee, however the chosen employee will not be compensated for time spent in these meetings. A county employee may only attend meetings on their personal time such as a regularly scheduled day off, vacation or compensatory time off or after scheduled work hours.

**Sec. 15-825. Compelled statement.**

After consultation with and approval by the director or corporation counsel, an employee may, as part of a workplace investigation, be compelled to answer a question fully and completely as a condition of continued employment.

**Sec. 15-826. Reserved.**

**Sec. 15-827. Administrative leave.**

(a) Subject to approval by the county administrator, an employee may be placed on a paid leave of absence pending the completion of a workplace investigation involving the employee that may result in discipline of the employee or others.

(b) The employee's regular pay and benefits shall continue during the administrative leave on the same basis as if the employee had remained at work. During a paid administrative leave and during times when the employee would otherwise be at work, the employee may be required to remain at home and be available to answer phones calls and report to work if called.

(c) Administrative leave approved by the county administrator shall be for a period not to exceed the below-listed time limits:

(1) 30 days unless (2) applies.

(2) 90 days in the event a criminal investigation is pending with respect to the employee who is subject to the administrative leave.

(d) Approval of the human resources committee shall be required to extend the administrative leave for a period beyond the above-listed time limits.

**Secs. 15-828--15-899. Reserved.**

**ARTICLE IX.**

## MISCELLANEOUS EMPLOYMENT PROVISIONS

### DIVISION 1.

#### EMPLOYMENT RECORDS

##### **Sec. 15-900. Privacy policy.**

The county adopts the following privacy principles for the protection of employee personal data. "Personal data" means any information relating to an identified or identifiable individual.

- (1) Employees shall be provided information about county policies regarding the collection, use, and disclosure of personal data.
- (2) The collection and use of personal data shall be limited to that which is needed for valid employment purposes, to administer employee benefits, or to comply with law, and any such data will be obtained only by lawful and fair means.
- (3) Employees shall have the opportunity to review and correct their personal data.
- (4) The county shall not release personal data to third parties, unless:
  - a. The employee requests it;
  - b. The data is provided to help complete an employee-initiated transaction;
  - c. The disclosure is required by law; or
  - d. The employee has been informed about the possibility of such disclosure and the employee has decided to proceed with the transaction.
- (5) Personal data shall be protected from unauthorized access and disclosure, including limiting access to such data only to those employees with a business need to know.
- (6) These principles shall apply to all stored information, regardless of the specific technologies employed for data collection and use.
- (7) The county shall ensure that the destruction of any records containing personal data be done in a manner that protects personal data.

##### **Sec. 15-901. How records are kept.**

The director is designated as the records custodian for all employee records and shall have the authority to prescribe how employee records shall be prepared and maintained. The director shall establish administrative procedures, subject to approval of the county administrator, for dealing with requests from the public or from employees for access to employment-related records.

**Sec. 15-902. Public records.**

(a) The county is required under the state open records law to permit public inspection of certain records in an employee's personnel file. Except as redacted pursuant to subsection (b), records deemed "open" include the following: appointment letter, awards and commendations received, continuing education record, current rate of pay and pay increases, leaves of absence (medical information redacted), moving expense record, transfer record, job description, reallocation notice, reclassification record, resignation letter, termination letter, layoff notice,

(b) The following information shall be redacted from employee records prior to permitting public inspection: home address, home electronic mail address, home telephone number, social security number, date of birth, sex, ethnic origin, disability, bank accounts, medical information and other HIPAA-protected health information.

(c) In addition to the records identified in subsection (b), the following records are closed: materials used to evaluate or screen an applicant; reference materials; disability-related records; EAP participation or enrollment; notice of involuntary dismissal; notice of reprimand or disciplinary action; performance evaluations or other comments or ratings of employees; probationary evaluation; I-9 form; or lists of participants, annuitants or beneficiaries under the retirement plan.

(d) The following records may be open and shall be handled on a case-by-case basis by the director: arbitration decisions, grievances, appeals, investigation materials of completed disciplinary matters, payroll-related documents, settlement agreements, or other employment records not specified in this section.

**Sec. 15-903. Records open to employee.**

Consistent with Wis. Stat. § 103.13 and within seven working days of a written request, an employee shall be permitted to inspect or copy his or her personnel records.

**Sec. 15-904. Medical records.**

Medical information, including FMLA medical certification forms, documentation of a disability, doctor's notes, drug or alcohol test, post-offer medical examinations, and worker's compensation records shall be stored in filing areas separate from the employee's personnel file. Access to medical records shall be restricted to authorized individuals in a need-to-know capacity.

**Secs. 15-905--15-909. Reserved.**

**DIVISION 2.**

**EMPLOYEE GRIEVANCE PROCEDURE**

**Sec. 15-910. Purpose.**

The purpose of this ordinance is to comply with the requirements of Sec. 66.0509 (1m) of the Wisconsin Statutes and to provide a procedure for employees to bring their work-related grievances to the attention of county officials and to resolve those grievances in an orderly manner.

### **Sec. 15-911. Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly gives a different meaning.

*Arbitrary and capricious* means unsupported by logic or necessary facts; irrational.

*Discipline* means an employment action that results in a written reprimand, suspension (with or without pay) and/or termination of employment. As used in this ordinance, it shall not include the following:

- (1) Oral or written warnings;
- (2) Actions taken to address work performance, including use of a plan of correction or performance improvement plan;
- (3) Performance evaluations or reviews;
- (4) Documentation of employee acts and/or omissions in an employment file;
- (5) Paid administrative leave pending an investigation;
- (6) Wage, benefit or salary adjustments not related to discipline;
- (7) Counseling sessions, investigations or other pre-disciplinary action.

*Employee* means all employees of the county unless such employee works under a collective bargaining agreement that contains a grievance procedure.

*Grievance* means a work-related complaint, including subjects such as discipline, termination, workplace safety and alleged violations of county ordinances or administrative procedures.

*Law enforcement officer* means a person employed by the county for the purpose of detecting and preventing crime and enforcing laws or ordinances, who is authorized to make arrests for violations of the laws or ordinances which he or she is employed to enforce.

*Termination* means the involuntary separation of employment.

*Workplace safety* means a condition of employment related to the physical health and safety of an employee. It includes, but is not limited to, the safety of the physical work environment, provision of protective equipment, safety training, the safe operation of workplace equipment and tools, and accident risk and workplace violence prevention. It does not include general working conditions that are unrelated to physical health or safety, including, but not limited to, compensation, performance reviews, work schedules, hours of

work, breaks, overtime, sick leave, family or medical leave or vacation scheduling.

**Sec. 15-912. Limitations.**

(a) A grievance that may be brought by or on behalf of a law enforcement officer using the procedure specified in Sec. 59.26(8) may not be brought under this section.

(b) A complaint alleging harassment shall be made utilizing procedures set forth in county administrative procedures.

(c) The termination of a Department Head appointed by the County Administrator pursuant to Sec. 59.18 of the Wisconsin Statutes may not be grieved pursuant to this Division.

**Sec. 15-913. Administration.**

The County Administrator shall implement this ordinance and shall be authorized to adopt administrative procedures consistent with this ordinance.

**Sec. 15-914. Procedure.**

An employee with a grievance related to his or her employment shall first attempt to resolve the issue, informally, with his or her supervisor. In the event the matter is not resolved, the employee may proceed following the procedures set forth herein.

**Sec. 15-915. Step 1 – Written grievance filed with department head.**

(a) Grievances must be in writing and filed with the department head not later than fifteen (15) days after the employee knew, or should have known, of the events giving rise to the grievance.

(b) The department head will investigate the grievance and inform the employee of his or her decision within fifteen (15) days of receipt of the grievance.

**Sec. 15-916. Step 2 – Review by human resources director.**

(a) The employee may file a written appeal of the department head's decision with the director within fifteen (15) days following receipt of the department head's decision pursuant to Sec. 15-915(b).

(b) The director will investigate the grievance and provide a written response to the grievant within thirty (30) days.

(c) If the grievance pertains to a subject other than discipline, termination or workplace safety, and the grievance is not resolved pursuant to (b), the matter shall be referred to the County Administrator. The County Administrator will investigate the grievance and provide a written response to the grievant. The decision of the County Administrator shall be final. If the grievance pertains to discipline, termination or workplace safety, and the matter is not resolved pursuant to (b), the grievant may proceed to step 3.

**Sec. 15-917. Step 3 – Impartial hearing officer.**

- (a) The grievant may file an appeal of the director’s response to an Impartial Hearing Officer by giving written notice to the director within fifteen (15) days of the issuance of the director’s response.
- (b) The director shall select the Impartial Hearing Officer. The Impartial Hearing Officer must not be an employee of the county. The Impartial Hearing Officer may be an employee of another county or municipality, a retired human resources professional, a lawyer, a professional mediator/arbitrator or other qualified individual. The cost of the Impartial Hearing Officer will be the responsibility of the county.
- (c) The Impartial Hearing Officer may decide the case upon the existing record or may conduct a hearing. In the event a hearing is conducted, an audio or audio and video recording shall be made and filed with the director for safe-keeping.
- (d) The Impartial Hearing Officer will determine whether the county’s action was arbitrary and capricious. If the action was not arbitrary and capricious, then the Impartial Hearing Officer shall find on behalf of the county. If the action was arbitrary and capricious, then the decision shall be for the grievant. The grievant shall have the burden of proof.
- (e) The Impartial Hearing Officer shall provide a written decision within thirty (30) days following the close of the record. The written decision should include the following:
  - (1) The parties and appearances;
  - (2) Findings of facts;
  - (3) The final decision and remedy (if any);
  - (4) Rationale in support of the decision; and,
  - (5) Any other information the Impartial Hearing Officer deems appropriate.

**Sec. 15-918. Step 4 – Review by county board.**

- (a) The non-prevailing party may file a written request for review of the Impartial Hearing Officer’s decision by the county board within fifteen (15) days of issuance of the decision by filing a written notice of appeal with the County Clerk. The written notice of appeal must contain a statement explaining the reason for the appeal.
- (b) The appeal will be placed on the agenda for the first county board meeting that is held at least fifteen (15) days after the county clerk receives a written notice of appeal. If the appeal involves discipline or dismissal, the appeal will be noticed for consideration in closed session pursuant to Sec. 19.85(1)(b) of the Wisconsin Statutes, unless the grievant, at the time of filing the request for review, indicates to the County Clerk that he or she wishes to have the matter conducted in open session.
- (c) The county board shall review the record and will not take additional testimony or evidence. The county board shall decide whether or not the record supports the decision of the Impartial Hearing Officer.

In the event the county board does not sustain the Impartial Hearing Officer's decision, then the Board must render a new decision and remedy (if finding for the grievant) limited to:

- (1) Modification of the written reprimand;
- (2) Reversal/reduction of suspension days;
- (3) Reversal or modification of termination stating if the reinstatement will include back pay; and
- (4) The appropriate remedy for a safety violation.

(d) The county board shall decide the matter by majority vote of the members present and the decision is final and may not be appealed.

(e) The county board chair shall cause to be prepared, a written determination reflecting the county board's decision whether the grievance is sustained, denied or modified. A copy of the determination will be provided to the employee within fifteen (15) days following the county board's decision.

**Sec. 15-919. General requirements.**

(a) Grievance meetings and hearings that are held during the employee's off-duty hours will not be compensated. The county is under no obligation to schedule meetings or hearings during an employee's work time.

(b) All grievances shall be personal to the employee filing the grievance. "Class action" filings are not permitted.

(c) For purposes of the Division, time shall be computed pursuant to Sec. 990.001(4) of the Wisconsin Statutes.

**Sec. 15-920. Representation.**

The grievant shall have the right to a representative during the grievance procedure at the grievant's expense. The representative shall not be a material witness to the dispute. If the representative is a county employee, he or she will not be compensated for time spent in grievance matters as a representative. A county employee acting as a representative may only attend meetings on their personal time such as a regularly scheduled day off, vacation or compensatory time off or after scheduled work hours.

**Secs. 15-921--15-999. Reserved.**

**ARTICLE X.**

**CDEB PROFESSIONAL EMPLOYEES**

**DIVISION 1.**

## IN GENERAL

### **Sec. 15-1000. Purpose.**

The purpose of this article is to address specific employment policies for CDEB Professional employees. This includes employees who were members of the former Lakeland Education Association and also includes teachers and speech correctionists who were hired after the June 30, 2014 decertification of the Lakeland Education Association. If an employment policy is not addressed in this article, the previous articles of Chapter 15 shall apply.

### **Sec. 15-1001. Probationary period.**

(a) *Length of probationary period.* New teachers shall serve a three-year probationary period. Probationary teachers may be non-renewed without just cause and probationary teachers will not have recourse to the grievance process for non-renewal.

(b) *Extension of the probationary period.* A probationary period may be extended at the discretion of the Walworth County Children with Disabilities Education Board (WCCDEB). Employment shall be terminated if the employee rejects an offer of an extended probationary period. Any terms and conditions that applied to the employee during the probationary period shall continue during the extended probationary period.

### **Sec. 15-1002. Teacher evaluation**

(a) The evaluation process is as follows:

- (1) All monitoring or observation of the work performance of a teacher will be conducted openly and with full knowledge of the teacher. The use of eavesdropping, public address or audio systems and similar surveillance devices will be strictly prohibited.
  - a. Staff members will be given a Performance Development Plan (PDP) or an Educator Effectiveness Evaluation (E3) form with a professional growth summary to complete prior to the formal evaluation at the start of each school year.
  - b. Formal or informal observation to include, but not limited to, any aspect of a teacher's day.
  - c. Informal meeting after observation for information sharing.
  - d. Formal meeting after the evaluation to discuss the PDP or E3.
- (2) Teachers on probation will have two evaluations a year during each year of their probationary period. The evaluations will provide feedback on the employee's performance.
- (3) No evaluations will be placed in the teacher's file unless the teacher has had the opportunity to read the evaluation. The teacher will acknowledge that he/she has read the evaluation by affixing

his/her signature on the copy to be filed. The Administrator or designee may write up any class visits and if a copy of the evaluation is to be placed in the teacher's file, the teacher will receive a copy of the evaluation and sign the evaluation. If such evaluations indicate deficiencies, the teacher will be given supervisory help.

- (4) The formal evaluation process shall be conducted annually at the end of each school year. This does not preclude administration from conducting ongoing evaluations during the school year as identified in (1), (2), and (3) above. The formal evaluation process conducted at the end of each school year shall be used for the change in salary identified in 15-1041.

(b) Teachers are encouraged to discuss any class visit with the Administrator or designee, and may have the opportunity to respond in writing to the evaluation report.

**Secs. 15-1003—15-1009. Reserved.**

## **DIVISION 2.**

### **VACANCIES AND TRANSFER**

**Sec. 15-1010. Initial placement.**

The Administrator will assign all newly appointed personnel to their specific positions which will be within that subject area and/or grade level for which the teacher is certified and has been appointed by the WCCDEB.

**Sec. 15-1011. Vacancies.**

All vacancies will be adequately publicized by the administrator in accordance with the following procedure:

- (1) When school is in session, a notice will be posted as far in advance as practicable. Employees who desire to apply for such vacancies will submit their electronic application within the time limit specified in the notice.
- (2) All qualified employees will be given adequate opportunity to make application for such positions, and the WCCDEB agrees to give due weight to the professional background and attainments of all applicants and other relevant factors. In filling such vacancies, full consideration will be given to qualified employees already employed by the WCCDEB, however, management retains the right to hire the most qualified candidate. Applicants will receive written notification of the WCCDEB's decision.
- (3) Personnel shall be informed of new or vacant teaching positions by posting the vacancy on the county web site and the DPI web site. The notice of vacancies and new positions shall contain the type of program, location, starting date and closing date for applications.

- (4) Management retains the right to transfer and reassign staff. Notice of the transfer or reassignment will be given to the employee as soon as possible. Such transfers or reassignment shall be within the teacher's area of certification/licensure.

**Secs. 15-1012—15-1019. Reserved.**

### **DIVISION 3.**

#### **TERMINATION/LAYOFF AND RECALL**

**Sec. 15-1020. Dismissal or non-renewal of contract.**

(a) No teacher will be discharged, non-renewed, disciplined, reprimanded, or reduced in rank or compensation, without just cause.

(b) A teacher who has been notified of a recommendation for dismissal or non-renewal of contract may process this as per §118.22 (2) and (3), Wisconsin Statutes.

**Sec. 15-1021. Notice of retirement/resignation.**

An employee deciding to retire/resign from employment shall submit their notice of retirement/resignation to the WCCDEB in writing by April 15th. The April 15th date may be waived by agreement of management.

**Sec. 15-1022. Layoffs.**

(a) If necessary to decrease the number of full or part time positions within programs or levels (early childhood, primary, etc.) of instruction of the WCCDEB, the WCCDEB may fully or partially layoff the necessary number of employees. (Part-time employees will not be covered under this section unless their present contract is reduced by more than 50%). Seniority shall be taken into consideration when layoffs are identified.

(b) In the event the WCCDEB anticipates that layoffs will be necessary, the employee(s) so affected will be notified in person or by registered mail on or before May 1<sup>st</sup> for the following school year.

**Sec. 15-1023. Recall from layoff.**

Section 15-92 shall govern reinstatement rights of employees covered under this section.

**Sec. 15-1024. Recommendations.**

In the event that the WCCDEB reduces or discontinues services, the Administrator will provide recommendations and personal contacts with prospective employers at the request of the employee.

**Secs. 15-1025—15-1029. Reserved.**

## **DIVISION 4.**

### **WORKING CONDITIONS**

#### **Sec. 15-1030. School calendar.**

The yearly school calendar will be developed by the WCCDEB with input from the CDEB professional employees. The school term shall commence on or after September 1, or as otherwise permitted by law, and shall include the minimum number of school days meeting state standards. When school is closed by order of the school district administrator or the Director of Special Education because of inclement weather and teachers are not required to report, teachers shall be required to make up days necessary to meet the current 190-day teacher contract requirement.

#### **Sec. 15-1031. Work day.**

(a) Hours for the Lakeland School teachers will be from 7:30 a.m. to 3:30 p.m. The parties may mutually agree to a flexible work schedule arrangement to allow for groups or individuals to use their time most efficiently and/or effectively. This agreement must be in writing, approved by the administration and reviewed at the beginning of each school year or as needed.

(b) Full time teachers assigned at Lakeland School shall follow a 40 hour work week. Exceptions to this will be the current practice of Fridays, days before holidays and staff meetings. Staff meetings and other meetings called by the Administration will be attended by faculty members so designated. Every effort will be made to call meetings 48 hours in advance.

(c) Teachers assigned to one of the school districts served by WCCDEB shall follow the calendar, work schedules and preparation time practices of the assigned districts.

#### **Sec. 15-1032. Preparation time.**

All teachers are entitled to preparation time each day. Preparation time is defined as non-student contact time during the work day. A teacher may choose to use his/her preparation time to test students or to work with a student(s).

#### **Secs. 15-1033—15-1039. Reserved.**

## **DIVISION 5.**

### **COMPENSATION**

#### **Sec. 15-1040. Initial Placement on salary schedule.**

(a) Initial placement on the salary schedule shall be based on the new hire's education, experience, and/or credits earned. A new employee's experience shall be evaluated as described in 15-1042 and the education shall be evaluated as described in 15-1043.

(b) Administration retains the latitude to initially place an employee on the salary schedule in coordination and with approval of the Director.

**Sec. 15-1041. Change in salary.**

(a) Movement on the salary schedule will occur as a result of a performance evaluation with a rating of Solid Contributor or High Level Performer. The change in salary shall be effective at the start of the next school year based upon the previous school year's performance. Completion of educational course work may be considered as a part of the evaluation process.

(b) Advancement on the salary schedule shall be administered as follows:

- (1) Evaluations with a rating of High Level Performer shall advance on the salary schedule two (2) steps.
- (2) Evaluations with a rating of Solid Contributor shall advance on the salary schedule one (1) step.
- (3) Evaluations with a rating of Average or below shall result in no step advancement on the salary schedule.

(c) An employee hired after the start of the school year calendar shall still receive a performance evaluation for that school year and will be eligible for a change in salary effective at the start of the next school year as identified in 15-1041 (a).

(d) Employees being paid at the last step of the salary schedule shall still receive a performance evaluation consistent with 15-1002, but shall not be eligible for any step advancement.

**Sec. 15-1042. Outside experience.**

Initial placement on the salary schedule for experience outside of the school system shall be granted as follows:

- (1) Experience in special education including speech therapy outside the employment of the WCCDEB will be evaluated by the Administrator as an agent of the WCCDEB and full credit not to exceed five (5) years will be granted to teachers having had experience in a special education program certified by the Department of Public Instruction.
- (2) All experience in special education, as noted in item (1) above, beyond five (5) years will be evaluated as indicated in item (1) and credit granted at the rate of 1/2 year for each year taught, the total of which is not to exceed ten (10) years.
- (3) Teaching experience outside of special education, i.e. conventional classroom, will be granted at the rate of 1/2 year for each year taught, not to exceed six (6) years.

**Sec. 15-1043. Initial placement for education credit.**

(a) The term "credit" as used herein shall be defined as a semester hour. Conversion from quarter hours to semester hours shall be made via  $\text{quarter hours} \times 2/3 = \text{semester hours}$ .

(b) Credits earned through an accredited college or university for a degree program and those credits pertinent to the teacher's field, graduate or undergraduate, may apply to initial placement on the salary schedule as approved by the Administrator.

**Sec. 15-1044. Course approval.**

(a) Courses taken for the purposes of license renewal, PI-34 licensure, or courses used as a part of the employee's Performance Development Plan (PDP) or Educator Effectiveness Evaluation (E3) must be approved by the Administrator prior to beginning of each course.

(b) The WCCDEB will reimburse teachers for a maximum of six approved credits at the actual cost of tuition, not to exceed \$450.00 per credit every five years, beginning with the date of their most recent license renewal. Reimbursement for credits is based on the school year, including summer school of the year just completed.

(c) Approval for credits will only be granted for courses taken at an accredited ~~four-year~~ college or university or as otherwise approved by the administration.

(d) Upon completion of the course, an official grade report or official transcript as well as documentation of payment for the course must be received prior to the following September 1<sup>st</sup> to obtain reimbursement for the cost of the course(s) pursuant to 15-1044 (b).

(e) In certain circumstances, a course may be extended beyond the original completion date or a grade report may not be available prior to September 1<sup>st</sup>. In order for appropriate reimbursement, the employee must submit another course approval form to administration. Approval of the extension will only be considered if the college or university provides formal, written documentation indicating the reason(s) for the course extension or late grade report. With administration approval, the course(s) will be reimbursed at the beginning of the following school year provided all required documentation is submitted prior to the following September 1<sup>st</sup>.

**Sec. 15-1045. Miscellaneous compensation.**

(a) In addition to base salary, the WCCDEB shall pay compensation for additional job assignments if made and approved by the director – special education. WCCDEB policies regarding these items will remain in effect.

- (1) Special Olympics - \$600.00 per assignment per contract year;
- (2) Summer school and/or homebound instruction - \$20.00 per hour;
- (3) PI-34 mentor - \$300 per contract year.

**Sec. 15-1046. Payroll period/payment of contract.**

(a) The payroll schedule for CDEB professional employees will normally be based on a 26 payment schedule with each payment equal to 1/26<sup>th</sup> of the annual salary. In years where the calendar contains 27 payments, each payment will be equal to 1/27<sup>th</sup> of the annual salary. The county retains the right to alter the payment schedule as needed, by communicating to employees any changes.

(b) An employee who terminates their employment at the end of a school year (regardless of the reason for termination) shall receive a payout of the balance of their contract, in addition to any severance pay they are entitled to pursuant to 15-338, on their check covering the period of their last day worked.

**Sec. 15-1047. Reserved.**

**Sec. 15-1048. Long term substituting.**

Certified substitute teachers who have substituted in the same assignment for more than 30 continuous school days will be paid at Step 1 on the salary schedule for the days worked over 30.

**Sec. 15-1049. Reserved.**

**DIVISION 6.  
ACCRUED BENEFITS**

**Sec. 15-1050. Sick leave.**

(a) All full-time employees hired before January 1, 2012 shall be entitled to sick leave at the rate of eleven (11) days per teacher contract year. Any unused sick time will remain in the bank and the sick bank shall have no limit.

(b) All full-time employees hired on or after January 1, 2012 shall be entitled to sick leave at the rate of five (5) days per teacher contract year, up to a total bank limit of 80 hours. When the maximum accrual limit is reached, additional benefits shall accrue into the extended sick leave bank. Usage of the extended sick leave bank shall be as provided in 15-518 (e).

(c) Two sick days per year may be used as personal days. Personal days shall be taken in a minimum of four hour increments for full time teachers. The employee shall make a request in writing to the Special Education Director or designee as far in advance as possible for each day. When advance notice is not possible, the employee shall make a phone call with a follow up letter. Administration may limit the number of teachers on personal leave on any given day. Part time teachers' sick leave and personal leave will be pro-rated.

(d) Each employee who has earned sick leave shall be eligible for sick leave for any period of absence from duty as allowed per section 15-518 of the Code.

(e) The administrator may require a medical certificate to justify the granting of sick leave that is over three days duration.

(f) Sick leave severance pay shall only apply to those employees who were hired prior to April 26, 2000 and who elected to retain the cash severance pay in lieu of health insurance credits for unused sick leave. Employees retaining the cash severance pay benefit shall be paid one-half (1/2) of all unused accumulated days of sick leave at their daily rate of pay upon termination of employment or death up to a maximum of forty-five (45) days (three hundred sixty (360) hours).

**Sec. 15-1051. Vacation.**

All employees covered by this section of the Code shall not be eligible for any vacation benefits.

**Sec. 15-1052. Holidays.**

All employees covered by this section of the Code shall be eligible for the following paid holidays: Friday immediately before Easter Sunday, Memorial Day, Labor Day, Thanksgiving Day and Christmas Day.

**Secs. 15-1053—15-1059. Reserved.**

**DIVISION 7.**

**RETIREE HEALTH INSURANCE**

**Sec. 15-1060. Retiree health insurance.**

(a) *Retiree health insurance for employees hired prior to October 10, 2006.* An employee who is at least age 57 and who has completed 20 years of service with WCCDEB shall receive employer-paid single health insurance coverage under the group for five (5) years. The retiree may elect to continue family coverage and shall be responsible for paying the difference between a single plan and a family plan. Any member insured under the plan is required to enroll in Medicare when first eligible to enroll. A member enrolled in Medicare shall remain insured under the plan with the same level of covered benefits as non-Medicare members. Upon death of a retiree within the first 5 years of retirement, the remainder of the 5-years of employer-paid premiums shall continue for the surviving spouse provided family coverage was maintained by the retiree.

(b) Health insurance credits for unused sick leave. This section shall apply to all new employees hired between April 26, 2000 and October 10, 2006, and to those employees hired prior to April 26, 2000 who have elected to waive their rights to cash sick leave severance pay pursuant to 15-1050(f).

(1) Accumulated unused sick leave of any eligible employee shall, at the time of death, or upon qualifying for an immediate retirement or disability annuity under Wisconsin Retirement, be converted, at 60% (sixty percent) of the employee's basic pay rate in effect immediately prior to termination, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents for continuation of coverage in the County group health insurance plan. The monthly premium for any eligible employee who is insured at the time of termination, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted.

- (2) Upon conversion of an employee's unused sick leave credits under this section, the employee or the employee's surviving insured dependents may elect to delay initiation of deductions from these credits for up to 10 years after the date of the conversion if the employee or surviving insured dependents are covered by a comparable health insurance plan or policy in effect on the date of conversion and remaining in effect until the date on which the employee or surviving insured dependents later elect to initiate deductions from those credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the County group health insurance plan.
- (3) An employee or an employee's surviving insured dependents may elect to delay and later initiate deductions from the employee's sick leave credits only once. If deductions are delayed and later initiated, the health insurance coverage of the employee or surviving insured dependents is effective on the first day of the month following 30 days from the date that the County Human Resources Department receives written notice of the employee's or surviving insured dependents' later election to initiate the deductions. Late enrollment provisions requiring a health statement application and restrictions for pre-existing conditions will be waived for the employee and for those dependents who were named as insured under the employee's health insurance plan at the time of termination or death.
- (4) Health insurance credits shall be held in an interest-bearing trust account and interest shall be credited to individual accounts monthly. Upon the death of the employee (retiree), and if there are no surviving insured dependents, the credits shall revert back to the County.

**Sec. 15-1061. Early retirement opportunity.**

Due to the phasing out of off campus services by the end of the 2015-2016 school year, the county will offer the following early retirement opportunity each school year, ending with the 2015-2016 school year. To be eligible, a teacher:

- (1) must be an employee during the entire school year;
- (2) be age 55 or older, with 15 continuous years of service with WCCDEB no later than June 30th of the school year in which they are retiring;
- (3) must give notice in writing no later than April 15<sup>th</sup> (date may be waived by agreement of administration) of the school year in which they are retiring of their irrevocable decision to voluntarily retire at the end of the current school year (all necessary paperwork to be completed by that date); and
- (4) eligible employees, who give timely notice of voluntary retirement as described above, will be immediately eligible for the normal early retirement benefit of five (5) years single health insurance coverage paid for by the County, as set forth in Sec. 15-1060 (a).

**DIVISION 8.**

**OFF CAMPUS SERVICES**

**Sec. 15-1070. Purpose.**

The purpose of this division is to address the phasing out of off-campus services by the end of the 2015-2016 school year and what will happen to an employee who is laid off directly as a result of the phasing out.

**Sec. 15-1071. Involuntary layoff.**

In the event an employee is involuntarily laid off directly as a result of the county's decision to phase out WCCDEB off-campus services and the district's desire to transfer the off-campus services back to local control, the employee will be eligible for the following severance benefits:

- (1) *Severance Pay.* Eligible employees laid off as described above shall be paid severance pay based upon the following formula:

For each year of service, an eligible employee will be given \$1.00 for each year of service multiplied times the number of banked sick days. This amount will be capped at \$2,000 per person (e.g., 15 years of service with 100 sick days shall be paid  $\$15.00 \times 100 = \$1,500.00$ .)

- (2) *Layoff Assistance.* An employee who has received written notice of layoff shall be granted the following until the effective date of the layoff:

- a. Up to forty (40) hours' time without loss of pay for:

1. Job interviews and examinations; and/or
2. Other job search related activities subject to approval by the administrator.

- b. Use of office equipment and supplies where available;

- c. Letters of recommendation, provided in a timely manner.

In the case of job search activities which require the employee to be absent from the worksite, the employee shall give the Employer at least five (5) workdays notice, where possible.

- (3) *Health Insurance Coverage.* Single health insurance shall be paid for one full calendar year following the layoff of an employee. This coverage will continue from September 1 of the year of layoff until the following year August 31. The employee will be required to pay the normal monthly employee portion of the premium then in effect. Such coverage shall terminate if an employee is covered by, or eligible for, group health insurance coverage by another employer. The employee's eligibility for COBRA coverage will run concurrent with this extended health insurance coverage.

- (4) *Early Retirement.* Employees laid off as described above who are eligible for, and take, the early retirement health insurance benefits under sec. 15-1061 will not be eligible for the health insurance severance benefits under 15-1071(3).

**Secs. 15-1072—15-1099. Reserved.**

**ARTICLE XV.**

**HEALTH & HUMAN SERVICE PROFESSIONALS**

**DIVISION 1.**

**IN GENERAL**

**Sec. 15-1500. Purpose.**

The purpose of this article is to address specific employment policies for members of the health & human service professionals. If an employment policy is not addressed in this article, articles I-IX of Chapter 15 shall apply.

**Secs. 15-1501—15-1509. Reserved.**

**DIVISION 2.**

**CLASSIFICATION & COMPENSATION**

**Sec. 15-1510. Human service specialist II classification.**

A human service specialist II is defined as a bachelor's level position that is required by management to possess an additional skill and/or certification (beyond the bachelor's level) for the performance of their duties, such as being bi-lingual. Assignment of this classification to a position is based on existing methods of job content evaluation.

**Sec. 15-1511. Standby pay.**

(a) An employee required to be available and able to report for work at any time during a designated standby period shall receive standby pay. When assigned to standby duty, the employee is not required to remain on county premises, but is required to carry a cell phone and promptly respond when called. The employee is required to report to work within one hour if their presence is necessary. The amount of standby period shall be the following during said standby period:

- (1) \$3.00 per hour, not on a holiday
- (2) \$4.50 per hour, on a holiday as set forth in 15-515(b)

**Sec. 15-1512. Shift differential.**

(a) A shift differential in the amount of thirty-five cents (\$0.35) per hour shall be paid for any crisis intervention shift beginning between 12:00 p.m. and 6:00 a.m.

(b) A shift differential in the amount of \$0.35 per hour shall be paid for any hours worked by an on-call employee when the employee is required to respond in person to a crisis relating to juvenile court intake or initial assessment during the assigned on-call period only. The schedule identifying employees assigned to be on-call for this purpose shall be approved and posted by health and human services management staff.

**Sec. 15-1513. Intensive outpatient holiday coverage.**

(a) As part of the intensive outpatient (IOP) certification, the maximum time between counseling sessions cannot exceed 72 hours in any consecutive 7-day period. To fully comply with the regulations of the certification, during certain holidays that employees are granted off, group counseling sessions need to be held.

(b) An employee required to hold intensive outpatient (IOP) counseling sessions during a 3+-day contiguous non-work period due to a county recognized holiday will receive the following in addition to their regular holiday benefits:

- (1) Straight-time for the actual hours spent at work, to the nearest quarter hour, at the applicable hourly rate.
- (2) Holiday hours equal to the actual time worked will be added to their holiday bank, regardless of which day during the 3+-day contiguous non-work period they provide the counseling sessions.

(c) The only work that may be performed on these days will be IOP counseling and associated documentation.

(d) The scheduling of these holiday sessions will be pursuant to health & human service policies.

**Sec. 15-1514. Emergencies and vacations.**

(a) An employee called by a supervisor to handle an emergency call outside of normal working hours shall receive the applicable pay for the actual time spent on the call, rounded to the nearest quarter hour.

(b) An employee called in to work on an emergency when the employee is on vacation shall receive the applicable pay for the actual time spent at work, rounded to nearest quarter hour.

**Sec. 15-1515. AODA subspecialty certification – LPC/LCSW.**

A master’s level licensed professional counselor (LPC) or a licensed clinical social worker (LCSW) in the behavioral health services, community support program, comprehensive community services and crisis units holding the AODA subspecialty or substance abuse counselor (SAC/CSAC) certification is eligible to receive a payment of \$100 per month for said subspecialty credentials by providing their certification to the department. Requalification will be contingent upon the employee to provide current credentials after initial expiration.”

**Secs. 15-1516—15-1519. Reserved.**

**Secs. 15-1520—15-1599. Reserved.**