Agenda

Human Resources Committee
Jefferson County Courthouse
320 S Main St, Room 112
Jefferson, WI 53549

March 6, 2012 @ 10:30 a.m.

Committee Members: James Braughler, Chair; Mary Delany; Craig Peterson, Secretary; Dick Schultz and Lloyd Zastrow, Vice-Chair

1. Call to order
2. Roll call (establish a quorum)
3. Certification of compliance with the Open Meetings Law
4. Review of the Agenda
5. Citizen comments
6. Approval of February 21, 2012 minutes
7. Communications
8. Review Human Resources Committee duties in County Board rules
9. Create one part-time jail Public Health Technician (LPN)
10. Discussion and possible action on the filling of an Advanced Fund Accountant position at a Fund Accountant position level, per Ordinance HR0220(E) and HR0270(C)
11. Review of Personnel Ordinance HR0520, Grievance Procedure, regarding the hearing procedure for non-merit grievance issues
12. Review and approval of drafts of Resolutions and Ordinance changes approved at the February 21, 2012 HR Committee meeting
13. Set next meeting date and agenda
14. Adjournment

Next scheduled meeting: March 20, 2012 @ 8:30am.

The Committee may discuss and/or take action on any item specifically listed on the agenda

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.

HUMAN RESOURCES COMMITTEE
MEETING MINUTES
February 21, 2012 @ 8:30am
Jefferson County Courthouse, Room 202

1. Call to Order. Meeting called to order at 8:30am by J. Braughler.

2. Roll Call. Present: J. Braughler, M. Delany, C. Peterson, D. Schultz and L. Zastrow. Quorum established. Also Present: G. Petre, T. Palm, J. Molinaro, J. Roou, P. Ristow, J. Parker, P. Milbrath, S. Hoffman, C. Robinson, D. Ehlinger, Y. Duesterhoeft, A. Jenswold, B. Block, K. Spory (Daily Union)

3. Certification of compliance with the Open Meetings Law. Verification of notice of meeting by G. Petre.

4. Review of Agenda. Move closed session, and returning to open session, to immediately follow #9, Review of Civil Service Ordinance.

5. Citizen Comments. None.

6. Approval of minutes. Motion by M. Delany, second by L. Zastrow, to approve the January 17, 2012 minutes, as presented. Motion carried 5:0.

7. Communications. Thank you from Jeff Endl read.

8. Motion by L. Zastrow, second by D. Schultz, to recommend to changes to the Human Resources Committee duties in County Board rules to clarify grievances the Committee may hear. Motion carried 5:0.

9. Motion by D. Schultz, second by C. Peterson, to have HR Director draft an amendment to the Civil Service Ordinance to open recruitment for the Chief Deputy position to outside candidates (not currently employed in the Jefferson County Sheriff's Office) as well as internal candidates. Motion carried, 5:0.

10. Motion by D. Schultz, second by C. Peterson, to convene into closed session pursuant to Wisconsin State Statues Section 19.85 (1)(b), consideration of employee discipline. All members present, L. Zastrow, J. Braughler, D. Schultz, C. Peterson and M. Delany responding "Aye". Moved into closed session at 9:15am.
    a. Motion by D. Schultz, second by C. Peterson, to approve the Sheriff's discipline recommendation. Motion carried 5:0.

11. Motion by D. Schultz, second by M. Delany, to reconvene into open. All members present, L. Zastrow, J. Braughler, D. Schultz, C. Peterson and M. Delany responding "Aye". Reconvened into open session at 9:20am.

12. Motion by L. Zastrow, second by M. Delany, to recommend a resolution to Board to create one full-time Deputy Veterans Service Officer and not fill one full-time, vacant Veterans Service Benefits Specialist position. Motion carried 5:0.

13. Motion by D. Schultz, second by C. Peterson, to recommend a resolution to Board to create one full-time Highway Worker position and eliminate one full-time, vacant, Custodian position.. Motion carried 5:0.

14. Motion by M. Delany, second by L. Zastrow, to recommend a resolution to Board to create one full-time Deputy Court Clerk II-General position and eliminate two part-time Deputy Court Clerk II-General positions, of which one is vacant and the other unfunded. Motion carried 5:0.

15. Consideration of wages and benefits for constitutional elected official positions. Discussion included comparable counties, internal department heads and factors such as step increases, and to model the

resolution from the template provide by Wisconsin County Association to address Wisconsin Retirement and other benefits.

a. Register of Deeds. Motion by D. Schultz, second by M. Delany, to recommend to County Board setting forth the salary for the Register of Deeds of 11% in 2013, 1% in 2014, 1% in 2015 and 1% in 2016. Motion by D. Schultz, second by M. Delany, to withdraw motion. Motion by D. Schultz, second by M. Delany, to recommend to County Board setting forth the salary for the Register of Deeds as follows: 2013, $60,777.60; 2014, $61,380.80; 2015, $62,004.80; 2016, $62,628.80. Motion carried 5:0.
b. County Clerk. Motion by C. Peterson, second by L. Zastrow, to recommend to County Board setting forth the salary for the County Clerk as follows: 2013, $69,929.60; 2014, $70,969.60; 2015, $72,030.40; 2016, $73,112.00. Motion carried 5:0.
c. Treasurer. Motion by D. Schultz, second by L. Zastrow, to recommend to County Board setting forth the salary for the Treasurer as follows: 2013, $62,150.40; 2014, $62,774.40; 2015, $63,398.40; 2016, $64,022.40. Motion carried.

16. Motion by M. Delany, second by C. Peterson, to authorize the Human Resources Director to gather RFPs for a compensation and benefit plan study and request funds of approximately $70,000 be transferred from the General Fund. Motion carried 5:0.

M. Delany excused herself at 11:25am for a prior commitment.

17. Motion by D. Schultz, second by L. Zastrow, to recommend to County Board amendments to the County Personnel Ordinance to include a formalized progressive discipline policy, amend Section 0520 to remove reference to at-will employment, and amend any other sections that would conflict with the just cause employment standard for non-department head employees. Motion carried 3:1 (D. Schultz, C. Peterson, L. Zastrow voting "aye"; J. Braughler, "nay", and M. Delany absent).

L. Zastrow excused himself at 12:05pm for a prior commitment. Quarom of J. Braughler, C. Peterson and D. Schultz remained.

18. Motion by D. Schultz, second by C. Peterson, to recommend to County Board to recommend to County Board updates to the County Personnel Ordinance to amend all sections in HR0100, HR0200, HR0300, HR0400 (except HR0490, Vacation Donation Policy) and HR0510, as presented with Committee's amendments, to conform to practice and changes in recent State and Federal regulation. Motion carried 3:0.

19. Report from Human Resources Director presented, including a listing of quarterly vacancies and emergency help requests and a summary of 2011 accrual carryovers and payouts.

20. Tentative meeting scheduled at 10:30am on Tuesday, March 6, 2012 to address changes that may be necessary to the final draft of the progressive discipline ordinance and other sections related to just-cause standard. Next regular scheduled meeting at 8:30am on Tuesday, March 20, 2012 to include revised draft of Civil Service Ordinance.

21. Motion by D. Schultz, second by C. Peterson, to adjourn. Meeting adjourned at 12:13pm.

_____ _____

Human Resources Committee Secretary Date

8

(e) HUMAN RESOURCES COMMITTEE - Five members. The Human Resources Committee shall assist in the administration of the Personnel and Salary Ordinance. The Committee shall hear grievances ~~unless other~~ in accordance with provisions ~~are made by~~ of union contracts, ~~or~~ the Civil Service Ordinance or the Personnel Ordinance. The Committee may review job descriptions and evaluate the allocation of positions to the various departments. This Committee shall also review the statutory requirements and make recommendations to the Board concerning benefits, pay classifications and employment law policies, as well as make recommendations to the County Board concerning union negotiations. [Amended 03/12/02, Ord. No. 2001-34; amended 05/14/02, Ord. No. 2002-07; amended 03/14/06, Ord. No. 2005-48e; am. 03/11/08, Ord. 2007-40]

#9

Increase in Nursing Hours at the Jail for 2012

To: Members of the Jefferson County Law Enforcement/Emergency Management Committee
From: Jefferson County Sheriff's Dept. & Jefferson County Health Department
Re: Proposal for Changes in the 2012 Nursing Hours at the Jefferson County Jail

Reasons for Proposal:

- Need for an increase in the LPN hours available for inmate care
- Need to reduce OT hours for the full time LPN and RN
- Increase administration hours for the RN to allow for updating of Policies and Procedures
- Decrease liability by providing more time for evaluation and oversight by the RN
- Allow for RN to develop more diagnostic procedures to assist the deputies in determining what treatment plan to follow
- Allow for more time for timely charting of inmate assessments and treatments
- Implementation of this proposal would allow the Jail to budget for 2 full time LPNs in 2013. The increased hours would be used for dispensing of medications to the inmates which is now done by the deputies and is a liability issue.

Recommendations:

- Change the status of 1 OPT Pool LPN to a P/T LPN at 25 hours per week with a schedule of 7 a.m. to noon or 8 a.m. to 1 p.m. for direct inmate care
- Reduce the RN hours from 38 hours to 30 hours per week
- Increase the hours the RN has for Administrative duties and decrease the hours spent on direct inmate care
- Reduce the overtime hours for the full time LPN

Funding:

Jail Assessment Fund	($20,000)	
Reduce RN 10 hours per week (annual)	($13,565)	
Reduce RN OT paid out (2011)	($ 3,091)	
Reduce RN Comp Time used (2011)	($ 3,144)	
Reduce LPN OT paid out (2011)	($ 2,515)	
Reduce LPN Comp Time used (2011)	($ 4,062)	
Total		**($46,377)**

Total Cost:	**Step 1**	**Step 2**
LPN at 25 hours per week at (with benefits)	**$41,186**	**$41,970**
Cost for 2012 with a start date of 05/01/2012	**$26,014**	

Affect on 2012 budget = no budget increase.

COUNTY BOARD COMMITTEE MINUTES

COMMITTEE: LAW ENFORCEMENT/ EMERGENCY MANAGEMENT COMMITTEE
DATE: February 24, 2012

Request for part-time LPN jail nurse position (no budgetary impact):
Gail Scott presented a proposal for a part-time LPN position with benefits to assist the one full-time RN and one full-time LPN. This would free up the RN to do more administrative duties that need to be done. It would also reduce the amount of overtime the RN has been putting in. In addition, it would allow for weekly reviews of the inmate's medications which also should be done but there just hasn't been time. The addition of this position would not have a budget impact through the use of jail assessment funds (up to about $20,000) and the amount of overtime/comp time that would be eliminated (about $26,000). The cost of the position would be about $41,000. The proposed time for the new part-time shift to start would be 7:00 p.m. This would allow the LPN that has been working whenever she is needed to go home when her shift ends without feeling she needs to stay to finish everything up, thus accruing comp time or overtime. If the nurse taking this position does not take the benefits, the cost for the position would go down even more. If the position starts on May 1, the cost for the position would be about $26,000.

Discussion came up about inmates getting "free" health care. Sheriff Milbrath said that by using the health care vendor that we have, the inmate is assessed when coming into the jail and that level is maintained their level of health through their stay in the jail. The inmate does not get extra health benefits while incarcerated. However, Gail Scott also said there needs to be a standard of nursing care in the jail that would be found anywhere else.

Pam Rogers made a motion to recommend creating the part-time LPN nursing position and forward it to the HR Committee for review. George Jaeckel seconded. Motion carried.

Below is a quick synopsis of the efforts made to recruit and hire for an Advanced Fund Accountant in Human Services. This is a new position in the 2012 budget, as the 50/50 Advanced Fund Accountant position (split between HS and Finance) was eliminated. Two separate Advanced Fund Accountants were created, one for Finance and one for Human Services.

December 16, 2011

5 applications - No CPAs (One working toward the certification)

January 11, 2012

6 applications – 4 CPAs.

One withdrew, accepted another job; interviewed other three candidates; offer to one who turned it down due to salary

March 14, 2012 – deadline recruting for CPA preferred, not required. If unable to find a qualified CPA, would like to look at other candidates with education and experience, preferably in the Human Services Accounting field.

Per HR0220 and HR0270 (see the following page), the Personnel Ordinance would allow filling the Advanced Fund Accountant position at a Fund Accountant position level. The Human Services Administrative Manager and the Human Services Director believes we can find a candidate with experience, but not necessarily the CPA. Therefore, the request to the HR Committee is to approve filling the position with a non-CPA candidate if this third recruitment does not produce a candidate meeting the qualifications of the Advanced Accountant position.

#10

HR0220 APPLICATION PROCEDURE.

E. In cases where a fully qualified person could not be found, the County Administrator or the Human Resources ~~Manager~~ Director and department head shall report to the Human Resources Committee the steps taken in attempting to locate such a qualified person, together with a statement that they wish to readvertise, or, in the alternative, that selection has been made from the applicants having less than appropriate qualifications. Human Resources Committee approval is required to select a person who has less than the appropriate qualifications

HR0270 QUALIFICATIONS OF EMPLOYEES.

A. Officers and employees holding positions upon the taking effect of this ordinance are deemed to be qualified for the positions to which they are assigned, subject to the right of the County Administrator or the Board of Supervisors to dismiss any employee in accordance with law.

B. Persons hereafter employed in or appointed to any position requiring full-time or part-time service and which position is included in the classification plan and for which a class description exists establishing appropriate qualifications should possess substantially the qualifications of education and experience prescribed for that class; provided, however, that if fully qualified persons cannot be recruited, the Human Resources Committee, upon recommendation of the County Administrator or Human Resources ~~Manager~~ Director, may authorize the appointment of persons having less than the appropriate qualifications (see HR0220).

C. In the event the County has a current classification in a lower pay grade that matches the person's qualifications, the person shall be employed in that classification, notwithstanding positions in the current budget. (Am. Ord. 2007-15, 07-10-07)

#12a

RESOLUTION NO. 2011 - _____

Resolution creating one full-time Deputy Veteran Services Officer position

WHEREAS, there is an unprecedented number of veterans applying for disability claims, non-service-connected pensions, education benefits and other programs due to the war in Iraq and Afganistan, the aging populations of WWII and Korea veterans and legislative changes concerning Agent-Orange related health issues, and

WHEREAS, it has become necessary to have a staff member, other than the County Veterans Service Officer (CVSO), be accredited and trained to assist with this workload and be capable of preparing claims under the supervision of the CVSO, and

WHEREAS, many of the administrative duties previously assigned to the Veterans Service Benefits Specialist position, currently vacant, have been eliminated or made more efficient with changes in technology, and

WHEREAS, the CVSO has requested the creation of one full-time Deputy Veteran Services Officer position, and

WHEREAS, after due consideration, the Human Resources Committee recommends the changes proposed by the CVSO.

NOW, THEREFORE, BE IT RESOLVED that the 2012 County Budget setting forth position allocations in the Veterans Service Office be and is hereby amended to reflect the above change, to become effective upon passage of this resolution.

Fiscal Note: Due to the overlapping of pay ranges between the proposed new Deputy Veterans Service Officer position and the Veterans Services Benefits Specialist, which currently is, and will remain, vacant, no additional funds are required in 2012. As a budget amendment, 20 affirmative votes are required for passage.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Human Resources Committee

03-13-12

Prepared by Terri M Palm-Kostroski, 2-23-12

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#12 b

RESOLUTION NO. 2011 - _____

Resolution creating one full-time Highway Worker position and eliminating one full-time, vacant, Highway Custodian position

WHEREAS, the current Custodian position does not require a Commercial Drivers License (CDL), and

WHEREAS, the employee who previous held the Custodian position happened to have a CDL and, over time was assigned general highway maintenance work and snowplowing tasks as needed, and

WHEREAS, it will increase scheduling flexibility to continue to be able to assign the Custodian position Highway Worker duties, as well as distribute Custodian tasks to other Highway Workers, and

WHEREAS, the Highway Commissioner has requested the creation of one full-time Highway Worker position and the elimination of one full-time Custodian position, currently vacant, and

WHEREAS, after due consideration, the Human Resources Committee recommends the changes proposed by the Highway Commissioner.

NOW, THEREFORE, BE IT RESOLVED that the 2012 County Budget setting forth position allocations in the Highway Department be and is hereby amended to reflect the above change, to become effective upon passage of this resolution.

Fiscal Note: The proposed Highway Worker position and the Custodian position are in the same pay grade. Therefore, as money is budgeted for the Custodian position proposed to be eliminated, no additional funds are required in 2012. As a budget amendment, 20 affirmative votes are required for passage.

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AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Human Resources Committee

03-13-12

Prepared by Terri M Palm-Kostroski, 2-23-12

#12 c.

RESOLUTION NO. 2011 - _____

Resolution creating one full-time Deputy Court Clerk II-General position and eliminating two part-time Deputy Court Clerk II-General positions

WHEREAS, the Clerk of Courts office has experienced 100% turnover of part-time staff hired within the last five years, with 80% going to a full-time position and 20% resigning, and

WHEREAS, staff turnover these positions happened within one month to two years in the part-time position, and

WHEREAS, the cost of turnover (including separation/status change costs such as time spent in exit interviews; vacancy costs such as additional overtime; replacement costs such as advertising and testing; training costs such as learning a job-specific software; and performance differential costs such as increased errors during a learning curve) exceeds any wage and benefit savings recognized by use of a vacant position, and

WHEREAS, the Clerk of Courts office recently had another part-time Deputy Court Clerk II-General employee elect to transfer to a vacant full-time Deputy Court Clerk II-General position, and

WHEREAS, the Clerk of Court has requested the creation of one (1) full-time, Deputy Court Clerk II-General, position and elimination of one (1) vacant part-time Deputy Court Clerk II-General position and one (1) unfunded, part-time Deputy Court Clerk II-General position, and

WHEREAS, after due consideration, the Human Resources Committee recommends the changes proposed by the Clerk of Courths.

NOW, THEREFORE, BE IT RESOLVED that the 2012 County Budget setting forth position allocations in the Clerk of Courts Office be and is hereby amended to reflect the above change, to become effective upon passage of this resolution.

Fiscal Note: No additional funds are required, as savings from two full-time vacancies and the elimination of a funded part-time position will result in an anticipated savings in 2012 of $4777.. As a budget amendment, 20 affirmative votes are required for passage.

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

VACANT _____

Requested by
Human Resources Committee

03-13-12

Prepared by Terri M Palm-Kostroski, 2-17-12; 2-23-12

#12d.

RESOLUTION NO. 2011 - _____

Establishing Total Annual Compensation For County Elected Officials Pursuant to Wis. Stat. § 59.22

WHEREAS, pursuant to Wis. Stat. § 59.22(1), the Board must establish the total annual compensation for services to be paid to county elected officials (other than supervisors and circuit judges) prior to March 15, 2012, the earliest time for filing nomination papers for the county elective office; and

WHEREAS, the Board desires to establish the total annual compensation for county elected officials, which is separate and distinct from the fringe benefits offered by the County to elected officials, and which fringe benefits are subject to increase or decrease during the officer's term at the discretion of the Board and in accordance with state and federal law; and

WHEREAS, the Human Resources Committee has reviewed salaries for elected officials in comparable counties, as well as compensation practices among non-represented, non-law enforcement managerial positions, and

WHEREAS, as part of the County's fringe benefit program, county elected officials may participate in the Wisconsin Retirement System in accordance with state law; and

WHEREAS, as part of the County's fringe benefit program, county elected officials may elect to receive health insurance coverage under the same terms and conditions as the health insurance coverage offered to non-represented managerial county employees who are not law enforcement managerial employees or non-represented managerial employees described in Wis. Stat. § 111.70(1)(mm)2;

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Supervisors, that the total annual compensation for county elected officers under Wis. Stat. § 59.22(1) shall be as follows, effective on the first day of a term of office that begins after the date of this Resolution:

Elective Official	2012 Rate	**2013 Rate**	**2014 Rate**	**2015 Rate**	**2016 Rate**
County Clerk	$68,887.52	$69,929.60	$70,969.60	$72,030.40	$73,112.00
Register of Deeds	$54,753.92	$60,777.60	$61,380.80	$62,004.80	$62,628.80
Treasurer	$59,192.64	$62,150.40	$62,774.40	$63,398.40	$64,022.40

BE IT FURTHER RESOLVED that the aforementioned county elected officials are entitled to participate in the Wisconsin Retirement System in accordance with law and the County shall pay only its share of contributions required by law; and

BE IT FURTHER RESOLVED that the aforementioned county elected officials are entitled to participate in the County's health, dental and life insurance programs subject to the terms and conditions of the programs, which may be modified from time to time, under the same terms and conditions as the health, dental and life insurance coverages offered to non-represented managerial county employees who are not law enforcement managerial employees or non-represented managerial employees described in Wis. Stat. § 111.70(1)(mm)2.

Fiscal Note:
The fiscal impact from 2012 to 2013 is: County Clerk, $1042.08; Register of Deeds, $6,023.68; Treasurer, $2,957.76.
The fiscal impact from 2013 to 2014 is: County Clerk, $1040.00; Register of Deeds, $603.20; Treasurer, $624.00.
The fiscal impact from 2014 to 2015 is: County Clerk, $1060.80; Register of Deeds, $624.00; Treasurer, $624.00.
The fiscal impact from 2015 to 2016 is: County Clerk, $1081.60; Register of Deeds, $624.00; Treasurer, $624.00.
The total progressive fiscal impact for the four-year term, from 2012 to 2016, is: County Clerk, $10,491.52; Register of Deeds, $27,776.32; Treasurer, $15,575.04.
Federal Income Continuation Tax (FICA), Wisconsin Retirement contribution, health and other eligible fringes will be as stated in this resolution and will be part of the budget process for each budget year.

AYES _____

NOES _____

ABSTAIN ____

ABSENT _____

VACANT____

Requested by
Human Resources Committee

03-13-12

Prepared by Terri M Palm-Kostroski, 02-27-12

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#12e

ORDINANCE NO. 2011-_____

Update sections of the Personnel Ordinance to create a progressive discipline procedure and amend sections in conflict with a "Just Cause" employment standard

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section HR0520, Grievance Resolution Process, of the Personnel Ordinance shall be amended to read as follows:

HR0520 GRIEVANCE RESOLUTION PROCESS.

A. POLICY. Jefferson County will endeavor to treat all employees equitably within established County and department policies or procedures and state or federal guidelines affecting the workplace. If an employee does not feel that fair treatment within the established policies, procedures, or state or federal guidelines has been applied to a discipline, termination or workplace safety, the employee has the right to discuss the matter with representatives of Jefferson County and/or to request formal consideration of their grievance under the Grievance Resolution Process. The Grievance Process will be available to all employees except civil service law enforcement personnel.

The Grievance Resolution Process is designed to assist employees in resolving grievances within specific parameters. The Grievance Resolution Process is intended to resolve grievances about application or administration of existing Jefferson County policies in light of the existing policy or past application of the policy. The Grievance Resolution Process is not intended to consider grievances regarding Jefferson County policies or as a mechanism to change an existing policy. Grievances are restricted to discipline, termination of employment or safety. The Grievance Resolution Process is not intended to hear grievances regarding application of issues related to health, disability or other insurances. ~~The Grievance Resolution Process does not in any way limit or modify Jefferson County's "employment-at-will" policy~~. No retaliatory action will be taken against any employee for proper and good faith use of the Grievance Resolution Process or participation in processing of a grievance.

D. STEPS TO RESOLVE THE GRIEVANCE:

STEP 3: Appeal to County Administrator: If the employee is not satisfied with the Department Head's response, the grievance may be presented to the County Administrator. The grievance should be submitted within five (5) days from the date of delivery of the Department Head's answer. After receipt of the written grievance by the County Administrator, a meeting should be held to discuss the complaint at a mutually agreeable time between the County Administrator and the employee, preferably within ten (10) days of receipt of the written grievance. Within ten (10) days after the meeting, the County Administrator shall respond to the grievance in writing, with a copy to the Human Resources Director.

The County Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the County Administrator is aware of other similar pending grievances, the County Administrator may consolidate those matters and process them as one grievance.

The decision at the third step may be appealed by a written statement of the grievant forwarded to the Human Resources Director describing the reason for appeal. This written statement shall be submitted within five (5) days from the date of delivery of the County Administrator's answer.

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suspended without pay in full-day increments consistent with federal and state wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use any accrued paid time in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspensions for salaried/exempt employees may be reserved for serious workplace safety or conduct issues, unless specified in weekly increments. Human Resources will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Step 5: Demotion or Transfer. Demotions and transfers are subject to recommendation from the Department Head and Human Resources Director, and approval of the County Administrator. An employee who continues to exhibit poor performance may be demoted or transferred to a vacant position for which the employee is qualified for and for which the County believes the employee will be successful in.

Step 6: Termination of Employment. The last and most serious step in the progressive discipline procedure is a recommendation by the department head and Human Resources Director to terminate employment. Generally, Jefferson County will exercise the progressive nature of this policy by first providing warnings and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, Jefferson County reserves the right to combine and skip steps depending upon the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action. The recommendation to terminate employment requires the County Administrator's final approval.

C. **Paid Suspension or Administratively reassignment of duties.** When immediate action is necessary to ensure the safety of the employee or others, or the integrity of an investigation, the most effective action may be the temporary removal of the employee from the workplace. In these situations, the immediate supervisor may temporarily suspend the employee with pay, or reassign duties to another area, pending the outcome of an investigation. The Human Resources Director and County Administrator shall be notified as soon as practical regarding this immediate action and the County Administrator shall approve any continued action to be taken.

D. **Documentation.** Persons administering discipline shall systematically document each incident. The documentation shall include the employee's name, date and type of infraction, names and statements of witnesses, description of action taken and any other relevant details, including a performance improvement plan if applicable. The person implementing the discipline and the employee should sign copies of all documented warnings attesting to their receipt. Original copies of all verbal and written disciplinary actions shall be maintained in the employee's permanent personnel file in the Human Resources Department, and a copy shall be provided to the employee.

E. **County Board.** County Board members or committees will not normally be involved in the disciplinary process, as the role of a Board member or committee is related more to policy decisions than day to day management of the affected department. However, should a Board member or committee have concerns that may lead to disciplinary action for an employee, the Board member or committee shall bring those matters to the attention of the department head, the Human Resources Director, the County Administrator, or the Human Resources Committee, in that order. Following this process should allow the appropriate party to address the issue.

F. **Performance and Conduct Issues Subject to Progressive Discipline.** The following shall be deemed violations of the Personnel Ordinance and may be the subject of disciplinary action. Unexcused absence from work, excessive absenteeism, abuse of sick leave, reporting for work late or leaving early, failure to perform the work assignment, publicizing confidential matters, unauthorized use of County vehicles or property, making false entries on

If the decision at Step 3 is based in whole or in part on the basis of timeliness, scope of the grievance process or other failure of the grievant to properly follow the process the matter shall be referred to the County Board of Supervisors ~~Human Resources Committee~~ who shall determine whether the matter should be processed further. If the Third Step decision is on the merits of the grievance only the grievance will be referred to an Impartial Hearing Officer (IHO).

Section 2. Section HR0540, Progressive Discipline and Employment at Will, of the Personnel Ordinance shall be created to read as follows:

HR0540 **PROGRESSIVE DISCIPLINE**

A. Purpose: Whenever, and wherever, people work together, certain standards of reasonable conduct need to be established in order to create a harmonious and friendly environment. Jefferson County expects all employees to maintain a work environment that encourages mutual respect, promotes pleasant working relationships among employees and the public they serve, and is free from all forms of harassment and violence.

Consequently, when an issue in the workplace arises, Jefferson County's goal is to provide a structured corrective action process that is prompt, uniform and impartial, and to correct problems, prevent recurrences and prepare employees for satisfactory service in the future. Therefore, the progressive discipline policy and procedure below will generally be followed, while maintaining the County's right to skip, combine or repeat steps, depending upon the facts of each situation and the nature of the offense(s). Progressive discipline may be issued on employees even when the conduct that leads to more serious discipline is not the same that resulted in less severe discipline. That is, violations of different rules may be considered the same as repeated violations of the same rule for purposes of progressive action. Examples of violations that may not be subject to progressive discipline are set forth in Section G.

B. Procedure: The County will normally adhere to the following progressive disciplinary process:

Step 1: Counseling: An employee will be given a verbal caution or counseling when problematic behavior or performance is observed. As the first step in the progressive discipline policy, a verbal counseling is meant to alert the employee that a problem has been identified, which must be addressed. Verbal counseling will be documented and maintained by the supervisor.

Step 2: Verbal Warning. A verbal warning creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct or other issue where the employee is not meeting expectations. The supervisor should discuss with the employee the nature of the problem. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.

Step 3: Written Warning. A written warning involves a more formal documentation of performance, conduct or other problematic issue identified. During step 3, the immediate supervisor and a division manager or director will meet with the employee and review any additional incidents or information about the performance, conduct or problematic issues as well as any prior disciplinary or performance improvement plans. Management will outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations, as well as an additional performance improvement plan if appropriate.

Step 4: Suspension without Pay. Unpaid suspensions are subject to recommendation from the Department Head and Human Resources Director, and approval of the County Administrator. Depending upon the seriousness of the infraction, the employee may be

official records, tampering with records, moral turpitude, Ethics Code violations, or disobedience of County or departmental rules. This list is not all inclusive.

G. **Performance and Conduct Issues Not Subject to steps in the Progressive Discipline process.** The number of steps of progressive discipline will depend on the severity of the offense. Offenses that may lead to immediate discharge include, without limitation by enumeration:

a. Behavior that is illegal, which may also be reported to local law enforcement
b. Intentional acts of fraud, embezzlement, theft, or any material violation of law that occurs during, or in the course of the employee's employment
c. Insubordination, or the refusal to perform the responsibilities of the assigned job
d. Drug or alcohol use on the job
e. Fighting, harassment and other acts of violence
f. Intentional destruction of County property
g. Careless conduct on the job that results in substantial destruction of property or injury to your self or others

H. **Appeal Process.** Employees may file a grievance in accordance with Personnel Ordinance HR0520 Grievance Resolution Process.

Again, nothing in this policy provides any contractual rights regarding employee discipline or counseling.

Section 3. This ordinance shall be effective after passage and publication as provided by law.

AYES _____

NOES _____

ABSTAIN ____

ABSENT _____

VACANT____

Requested by
Human Resources Committee

02-14-12

Terri Palm-Kostroski: 01-20-12; 1-27-12
Phil Ristow: 02-09-12

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ordinance progressive discipline march.doc [Compatibility Mode]

Main document changes and comments

Page 2: Comment [T1] **TerriP** **2/27/2012 9:40:00 AM**

Change would be needed at 3/6/12 HR Committee meeting

Page 4: Comment [T2] **TerriP** **2/27/2012 9:41:00 AM**

Underlined sections added after 2/21/12 meeting

Header and footer changes

Text Box changes

Header and footer text box changes

Footnote changes

Endnote changes

#12 f.

ORDINANCE NO. 2011-_____

Update sections of the Personnel Ordinance to and amend sections that are contrary to current practice and/or changes in recent State and/or Federal law

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section HR0110, Definitions of Terms, of the Personnel Ordinance shall be amended as follows:

HR0110 **DEFINITIONS OF TERMS.** The words and terms defined in this section shall have the following meanings in this ordinance and in any other ordinance classifying and ~~fixing~~ adjusting the salaries and compensation or authorizing the employment of personnel in any department or office of Jefferson County.

A. "Allocation" means assigning a position or a class of positions to a specific pay grade.

B. "Class" or "class of positions" means a specifically recognized and defined kind of employment in the County service designed to embrace all positions having duties and responsibilities sufficiently similar that the same title may be used, the same qualifications may be required and the same schedule of compensation may be made to apply with equity.

C. "Classification" means the official determination of the class in which a position shall be deemed to exist and the assignment of an individual position to an appropriate class.

D. "Classified service" means all positions in the County service except those specifically placed in the unclassified service. (Am. Ord. 85-10, 7-9-85.)

E. "Compensation" means the salary, wage allowances and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position, but does not include any allowances authorized and incurred as incident to employment, such as mileage reimbursement, registration fees, etc.

F. "Continuous service" means employment with the County without break or interruption. In computing continuous service for the purpose of this ordinance neither vacation leave, sick leave, including absence for injury for which worker's compensation is paid; military leaves; approved leaves of absence, whether with or without pay, or regular seasonal/annual layoffs shall be construed as a break in employment or service. Unexcused absences totaling 2 consecutive work days, layoffs other than seasonal/annual and terminations or resignation of an employee shall be construed as breaking "continuous service". (Am. Ord. 85-10, 7-9-85, 12-14-04), (Am. Ord. 2007-50, 03/11/2008)

G. "County service" or "service of the County" means all positions in all departments as herein defined that are subject to control and regulation by the board of supervisors of Jefferson County.

H. "Employee" means a person legally occupying a position in the County service. This includes temporary, seasonal and occasional employees but not elected officials or independent contractors.

I. "Exempt service" means all positions not subject to the Fair Labor Standards Act. Such positions may or may not be specifically designated by the Board of Supervisors to be exempt from the classification plan. (Am. Ord. 85-7, 6-11-85, 12-14-04.)

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J. "Full-time employee" means an employee in a ~~permanent~~ position whose normal assigned schedule of hours totals 1900 hours per year or more, or, on a monthly basis, totals 158.33 hours per month or more.

K. "Independent contractor" is a person or business who performs services for the County under an express or implied agreement and who is not subject to the County's control, or right to control, the manner and means of performing the services. Independent contractors are not employees and are not eligible for County benefits and are not subject to the classification plan.

L. "Limited term employee" means an employee hired on a temporary or emergency basis, not to exceed one year. ~~whose total number of hours worked per year shall not exceed 600 as calculated by WRS.~~ Limited term employees shall not be eligible for fringe benefits. Limited term employees shall be paid at the minimum step of the salary range for the appropriate position, unless otherwise authorized by the County Administrator.

M. "Occasional part-time employee" means an employee hired on an irregular basis. ~~whose total number of hours worked per year shall not exceed 600 calculated by WRS.~~ Occasional part-time employees shall not be eligible for fringe benefits, except Wisconsin Retirement System if qualified and will be paid at the minimum step of the salary range for the appropriate position and may progress through the step-system based on aggregate hours worked and acceptable performance.

N. "~~Regular~~ Part-time employee" means an employee in an allocated ~~permanent~~ position whose normal assigned schedule of hours totals less than 1900 hours per year or, on a monthly basis, less than 158.33 hours per month.

O. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full or part-time services of one person.

P. "Probationary Period" means a six (6) calendar month trial period. Employees making a job change will also serve a six (6) calendar month trial period. During said period, employees shall be subject to dismissal without just cause or recourse to the grievance procedure. Employees making a job change do not typically need to serve an additional six (6) month waiting period for benefits unless the employee is changing from/to a non-benefited to benefited position. The County Administrator, Corporation Counsel, and department heads appointed by the County Administrator and confirmed by the Board shall not serve a probationary period. (Am. Ord. 2005-08, 6/21/05)

Q. "Project employee" means employment which is supported by a grant ~~and is not a permanent position.~~ Project employees shall not be eligible for fringe benefits, except Wisconsin Retirement System if qualified. (cr. Ord. 84-16, 12-11-84.)

R. "Reallocation" means reassigning a position or class of positions to a different pay grade.

S. "Reclassification" means a change in classification of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same pay grade on the basis of substantial changes in the kind, difficulty or responsibility of duties performed in such position.

T. "Title", "class title", or "title of class" means the designation given to or name applied to a class or to each position assigned to the class and to the legally appointed incumbent of each position assigned to the class. Its meaning is set forth in the corresponding class specification.

U. "Unclassified service" means all positions of elected officials and those positions specifically designated by the Board of Supervisors as not subject to the

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classification plan. Where not contrary to law or other sections of this ordinance, positions in the unclassified service shall be subject to this ordinance. (cr. Ord. 85-7, 6-11-85.)

Section 2. Section HR0120, Differences for Sworn, Non-represented, Law Enforcement Employees, of the Personnel Ordinance shall be amended as follows:

HR0120 **DIFFERENCES FOR SWORN, NON-REPRESENTED, LAW ENFORCEMENT EMPLOYEES.**

A. All sworn, non-represented law enforcement employees will be subject to the policies in the Personnel Ordinance, except as it relates to employee contribution to WRS, health insurance premium contributions in the State Health plan, and accruals for vacation, sick, holiday, shift differentials and hazardous pay, in which case the current LAW contract language shall apply. In addition, longevity pay and sick leave payout shall be converted into a Health Insurance benefit for retirees and shall be paid by the County to the Administrator of the Health Insurance Benefit Trust, with longevity being paid on the first business day after December 1st of each year and the sick leave payout being paid on the first pay period following the employees retirement date. Sergeants shall be granted compensatory time and receive uniform allowance as set forth in the current LAW union contract. (Am. Ord. 2006-35, 2/14/06; Am. Ord 2008-24, 11/10/2008, Am. Ord. 2008-33, 01/13/09)

B. Notwithstanding any other provision of this ordinance, effective January 2, 2011, patrol sergeants shall be scheduled for 10.5 hour shifts in a 7 days on, 7 days off pattern. 6.5 hours of accrued vacation and holiday time will be used to supplement hours worked in a 14-day work cycle. Unless extended, this provision expires December 31, ~~2011~~ 2012. (Ord. 2010-22; 12-14-2010)

Section 3. Section HR0145, Human Resources Committee Authority, of the Personnel Ordinance shall be amended as follows, and remaining sections renumbered B-D, accordingly.

HR0145 **HUMAN RESOURCES COMMITTEE AUTHORITY.** In addition to other powers granted herein to the Human Resources Committee, the Committee may:

A. Approve Memorandum of Understandings or interpretations of labor contract or personnel ordinance provisions necessary to resolve grievances, as recommended by the County Administrator, unless the grievance is for discipline, termination or workplace safety, which will follow the Grievance Resolution Process in HR0520.

~~B. Authorize use of accumulated time off for exempt employees before such time is otherwise available~~.

Section 4. Section HR0150, Rights of County, of the Personnel Ordinance shall be amended as follows:

HR0150 **RIGHTS OF COUNTY.**

B. The County retains the right to hire, promote, ~~and~~ transfer, layoff, and terminate employees ~~and to make promotions to supervisory positions in the manner most advantageous to the County.~~

Section 5. Section HR0210, Amendment and Maintenance of the Classification Plan, of the Personnel Ordinance shall be amended as follows:

HR0210 **AMENDMENT AND MAINTENANCE OF THE CLASSIFICATION PLAN.**

C. No change in the status of a current employee, or employment of a new employee (other than on an emergency help basis) ~~on a permanent basis,~~ may be effected until the classification plan change has been approved by the Board of Supervisors. No change in the pay plan shall be made until the classification plan revision requiring a pay plan change has been approved by the Board.

Section 6. Section HR0220, Application Procedure, of the Personnel Ordinance shall be amended as follows:

HR0220 **APPLICATION PROCEDURE.** To insure compliance with the provisions outlined in HR0270 the following procedure shall be followed in making appointments to the classified service:

A. Department heads wishing to fill budget-authorized positions shall request approval from the County Administrator or designee. A report of the positions approved will be provided to the Human Resources Committee. Department heads wishing to fill positions that are not authorized in the budget shall request approval from the County Administrator or designee, subject to review by the Human Resources Committee and final approval of the County Board. (Am. Ord. 2007-46, 02-18-08)

B. If the filling of the position is approved, the Human Resources Department shall prepare and advertise the job description, salary, and required qualifications for the position. For generalized positions applications will be accepted annually, or as needed. In addition to advertising, the Human Resources Department shall post any vacancies within county service in several conspicuous places. Qualified county employees may notify the Human Resources Department of the desire to be included as an applicant for the position. The Human Resources department, in concurrence with the department head, may elect to first post a position internally prior to advertising to the outside. (Am.Ord.2007-15, 07-10-07.), (Am. Ord. 2007-46, 02-18-08)

C. The Human Resources Department will review all applications, and select all applicants meeting minimum qualifications. The applications will be forwarded to the department head to select approximately five candidates to interview based on additional skills and/or knowledge applicable to the position. The department head will interview and select an employee. The EEO officer or designee will randomly participate in interviews as needed, or as requested. Reference checking will be completed on the ~~selected~~ recommended candidate and reviewed by Human Resources. Approval by the County Administrator or Human Resources ~~Manager~~ Director is needed prior to an offer of employment or job change. ~~unless the appointment is dictated by union contract language~~. (Am. Ord. 2007-15, 07-10-07)

D. The County Administrator shall appoint the Corporation Counsel and department heads pursuant to Section 59.18(2)(b), Stats., subject to confirmation by the Board. (Am. Ord. 2005-08, 6/21/05)

E. In cases where a fully qualified person could not be found, the County Administrator or the Human Resources ~~Manager~~ Director and department head shall report to the Human Resources Committee the steps taken in attempting to locate such a qualified person, together with a statement that they wish to readvertise, or, in the alternative, that selection has been made from the applicants having less than appropriate qualifications. Human Resources Committee approval is required to select a person who has less than the appropriate qualifications.

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F. However, to meet the needs of the County in emergency situations, any department head, with the approval of the County Administrator or Human Resources ~~Manager~~ Director, may make immediate appointment of applicants on a temporary basis and delay official submission of the application as set forth in the preceding paragraphs for a period not to exceed 10 working days from the date of appointment. In such cases, the application must be accompanied by a statement showing cause for the use of this emergency procedure. Such emergency appointments shall then be reviewed and processed in accordance with the provisions of this section.

G. The procedure set forth in this section shall also apply in the case of the promotion of any County employee.

Section 7. Section HR0250, Exempt Service, Section HR0270, Qualifications of Employees, and Section HR0510, Employee Discipline, of the Personnel Ordinance shall be amended to reflect a change in job title from Human Resources Manager to Human Resources Director.

Section 8. Section HR0250, Exempt Service, of the Personnel Ordinance shall be amended as follows:

HR0250 **EXEMPT SERVICE.** The following positions shall be in the exempt service:

A. All elected officers and department heads.

B. In addition to elected officers and department heads:

1. Courthouse: Assistant Corporation Counsels, District Attorney Office Manager, Fair Park Supervisor, Information Technology Manager, Systems and Applications Manager, ~~County Accounting Manager~~, Advanced Fund Accountant, Park Operations Supervisor, Family Court Commissioner, Family Court Commissioner/Guardian Ad Litem, Benefits Administrator, Human Resources Specialist, Senior Systems Analyst, Management Analyst. (Am. Ord. 2006-17, 10/10/06; 2007-19, 09/11/07; 2008-07, 04/15/08)
(Am. Ord. 2007-19, 09-11-07) (Am. Ord 2008-35, 02/10/09) (Am. Ord 2009-12, 08/11/09)

2. Highway Department: Superintendents, Assistant Superintendent, Accounting Manager, Highway Operations Manager, Highway Fleet Manager (Am. Ord. 85-10, 7-9-85; Am. Ord 2008-24, 11-10-2008)

3. Human Services: ADRC Coordinator, Advanced Accountant, Aging and Disability Resources Division Manager, Administrative Services Manager, Behavioral Health Division Manager, Child and Family ~~Resources~~ Division Manager, Child Protective Services Supervisor, Community Support Program Supervisor, Comprehensive Community Services Supervisor, Intake and Juvenile Delinquency Supervisor, Early Intervention Program Supervisor, Mental Health/AODA Supervisor, W-2 Economic Support Supervisor, ~~Personal Assistance Supervisors~~, Economic Support Specialist Supervisor, Office Manager, Maintenance Supervisor, Wraparound and Youth Services Supervisor. (Am. Ord. 2007-19, 09-11-07; 2008-07, 04/15/08; Am. Ord 2008-24, 11-10-2008) (Am. Ord 2008-35, 02/10/09)

4. Sheriff Department: Chief Deputy, Captains, Jail Food Service Supervisor, Emergency Management Director. (Am. Ord. 2006-17, 10-10/06) (Am. Ord 2008-35, 02/10/09)

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5. Health Department: Public Health Program Manager. (Am. Ord. 2006-17, 10-10/06) (Am. Ord 2008-35, 02/10/09) (Am. Ord 2009-12, 08/11/09) (Am. Ord 2010-25, 02/08/11)

Section 9. Section HR0260, Notice of Termination, of the Personnel Ordinance shall be amended as follows:

HR0260 NOTICE OF TERMINATION.

A. An employee voluntarily terminating employment shall give at least 2 weeks written notice to the department head and the County Administrator, stating the last date of employment. (Am. Ord. 2005-52, 3/14/06.)

B. In accordance with HR0510 (D), an employee may be terminated at any time upon written notice ~~from the department head or County Administrator~~ stating the last date of employment. The County Administrator shall approve any termination. (Am. Ord. 84-16, 12/11/84; Ord. 2006-35, 2/14/06)

C. The County Administrator or designee shall be authorized to lay off employees.

D. Unless otherwise specified in a negotiated agreement or prohibited by law, the termination date shall be the employee's last date physically worked. (Am. Ord. 2005-30, 11/8/05)

Section 10. Section HR0265, Part-Time Employment, of the Personnel Ordinance shall be amended as follows:

HR0265 PART-TIME EMPLOYMENT

A. As defined in HR0110 ~~(S)~~, a normal assigned schedule of hours totaling less than 1900 hours per year or, on a monthly basis, less than 158.33 hours per month shall be considered part-time employment and the actual compensation therefore shall be determined by the relation that the actual number of hours of service bears to 2080 hours. All part-time positions except limited term, seasonal and occasional employment shall be classified and paid within the pay range assigned to the classification.

B. At the time an employee is hired, the candidate's employment record shall disclose the anticipated FTE (full-time equivalent) status of the position ~~whether the position is full-time, more than half-time, less than half-time, or less than 600 hours annually.~~ Benefits for each status are as follows:

- Full-time (1900 hours annually) – all benefits and accruals illustrated within the Personnel Ordinance
- More than half-time (1040 – 1899 hours annually) - health, dental, life and other insurances on the same basis as full-time employees. Accrued fringe benefits (vacation, sick, random and holiday) on a pro rata basis. However, if the employee has never worked for a Wisconsin Public employer that participates in WRS, the employee must initially be expected to work one year and 1200 hours to receive the benefits in this category. If the employee does not meet these two criteria, benefits shall be available as described in one of the two categories below.
- Less than half-time (600 – 1039 hours annually) – random hours in accordance with HR0360 (A)(2) and all insurance benefits on the same basis as full-time employees, except NOT eligible for dental insurance or any other accrued fringe benefits. Employees working less than 1040 hours annually may be eligible for the State Health insurance, but the level of employer

premium contribution is 25% of the lowest qualified plan, and the employee is responsible for the balance of the monthly premium. (Am. Ord. 2008-30, 12-09-2008) (Am. Ord 2009-17, 10-27-2009)

- Less than 600 hours annually- not entitled to any insurance or other fringe benefits, except that an employee may become eligible for Wisconsin Retirement, State Health insurance and State life insurance if the employee later meets the requirements for the Wisconsin Retirement System, State Health Insurance, and State Life insurance. (Am. Ord. 84-16, 12-11-84; Am. Ord. 2008-30, 12-09-2008)

C. In the event a county employee changes from a half-time or more position to a less-than-half-time position, the employee will be treated as a terminated employee for accrued benefit purposes. Vacation and sick leave will no longer accrue. Any vacation earned prior to becoming a less-than-half-time position will be paid out at the current rate of pay. Sick leave accrued shall be placed in escrow and paid out at time of termination providing qualifying retirement conditions are met. Payment will be made using the wage rate the individual was receiving at the time prior to accepting a non-benefited position. Should the employee return to a half-time or more position from the less-than-half-time position, sick pay held in escrow will be placed in the employee's sick bank and made available for use, the employee's vacation accrual rate will be credited with the length of time the employee previously held a more-than-half-time position, and the vacation hours the employee receives in January will be prorated based on only hours worked the previous year in the more-than-half time position, exclusive of overtime. (Am. Ord. 2007-02, 04-17-07.)

Section 11. Section HR0310, Applicable Pay Rates for New Employees, of the Personnel Ordinance shall be amended as follows:

HR0310 **APPLICABLE PAY RATES FOR NEW EMPLOYEES**. Whenever it is appropriate and possible, new employees ~~in the non-represented classifications~~ shall be hired at the minimum step of the pay range. If, because of remarkably higher levels of education, experience, or difficult market conditions (as may be evidenced by difficulty in recruiting), the candidate will require a salary beyond the minimum, the County Administrator or Human Resources Director may authorize an advanced starting salary and additional benefits, (such as immediate health insurance or additional vacation). A report to the Human Resources Committee will be given summarizing the exceptions. Consideration must be given to the current compensation of other employees in the same classification, if applicable, to maintain internal pay equity. It is not in the County's best interests to promote a practice of hiring employees higher in the range and then adjusting current incumbents' pay thereafter. Department heads are not authorized to make compensation or benefit offers to potential candidates that exceed the entry-level step. (Res. 2001-117, 3/12/02), (Am. Ord. 2007-19, 09-11-07)

Section 12. Section HR0320, Applicable Pay Rates Following Demotion or Transfer, of the Personnel Ordinance shall be amended as follows:

HR0320 **APPLICABLE PAY RATES FOLLOWING DEMOTION OR TRANSFER.** In the case of the demotion of any employee in the County service to a class with a lower maximum salary such employee shall be assigned to a pay step in the lower range which is:

A. If a disciplinary demotion or transfer, any designated step in the lower salary range which is at least one step less than the dollar amount received in the pay range for the class from which demoted. The pay of an employee may be reduced to a lower step within the established range upon recommendation of the department head and the Human Resources Director, and approval of the County Administrator ~~and approval by the~~

~~Human Resources Committee~~ where the quality and manner of work performance do not justify the pay being received. Pay reductions of this nature shall not be made without notice ~~and hearing pursuant to Section HR0510. A new anniversary date shall be established as of the effective date of demotion.~~

B. An employee who is demoted or transferred for involuntary reasons not related to performance will retain the present salary if the salary exceeds the new range maximum for 90 days. Thereafter, the employee will be placed in the step in the new grade that provides the least amount of decrease, which includes a step that may be equal to the current rate of pay. If the present salary is below the new range maximum, the employee will be placed in the new range at the step that provides the least amount of decrease. ~~closest to, but not less than, the current salary.~~ As long as an employee's salary exceeds the new range maximum, the employee will not be eligible for further base-accumulating pay increases until the employee's salary is again within the salary range for the new position. ~~The previous anniversary date shall be retained.~~

C. An employee who takes a voluntary demotion will be placed in the step in the new range that provides the least amount of decrease, which includes a step that may be equal to the current rate of pay, if the present salary is above the new range maximum. If the present salary is below the new range maximum, the employee will be placed in the new range at the step that provides the least amount of decrease. ~~closest to, but not less than, the current salary. The previous anniversary date shall be retained.~~

D. In the case of the transfer of an employee from one position to another in the same class or in a different class to which the same pay range is applicable, the employee shall remain at the same pay step. ~~and shall retain the original anniversary date.~~

E. The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows: Where the employee was at the maximum step and is now eligible for step increases following the demotion, a new anniversary date, effective the date of the demotion, shall be established for purposes of future step increases.

Section 13. Section HR0325, Applicable Pay Rates Following Promotion or Assignment to an Interim Position, of the Personnel Ordinance shall be amended as follows:

HR0325 APPLICABLE PAY RATES FOLLOWING PROMOTION OR ASSIGNMENT TO AN INTERIM POSITION.

A. In case of the promotion of any employee in the County service to a non-supervisory position in a class with a higher maximum salary, ~~or in the case of an assignment to an interim position,~~ such employee shall ~~be entitled to~~ receive the rate of compensation in the entrance step of the class to which the employee has been promoted ~~or designated by interim assignment~~.

B. In the case of the promotion or assignment to an interim position to a supervisory or management position, such employee shall receive the rate of compensation in the entrance step of the class to which the employee has been promoted or designated by interim assignment, or into the next higher step that provides a minimum of a 5% increase. In no case will a reclassification pay adjustment allow an employee's pay to exceed the established range maximum for the position.

~~B~~.C In cases where the pay range overlaps, a promotion or interim assignment shall be effected at the next higher step in the range of the new class above the rate being paid in the lower class. The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows. Where the employee was at the maximum step and will be eligible for steps following the promotion, a new anniversary date shall be established for purposes of future step increases.

~~C~~.D. An "interim" title is used if an employee is assigned for a longer period of time, usually exceeding 30 calendar days but less than one year. If assigned to an interim position by the County Administrator, the assignment will not require confirmation by the Board as it is a temporary placement. An "acting" title is used if the position is being temporarily

filled for a short period of time, usually 30 calendar days or less, and the employee will not receive ~~be entitled to~~ additional compensation. (Am. Ord. 2005-15, 8/09/05) (Am. Ord 2008-35, 02/10/09)

Section 14. Section HR0330, Applicable Pay Rates Upon Reclassification of Position, of the Personnel Ordinance shall be amended as follows:

HR0330 **APPLICABLE PAY RATES UPON RECLASSIFICATION OF POSITION.** A position may be reclassified as the result of changes in the organizational structure of a department or slow and gradual changes in the duties and responsibilities of the position.

A. Employees whose positions are reclassified to a non-supervisory position in a higher pay grade shall ~~be entitled to~~ receive the rate of compensation in the entrance step of the class to which the employee has been reclassified ~~promoted~~. In cases where the pay range overlaps, a reclassification ~~promotion~~ shall be effected at the next higher step in the range of the new class above the rate being paid in the lower class.

B. In the case of the reclassification to a supervisory or management position, such employee shall receive the rate of compensation in the entrance step of the class to which the employee has been reclassified, or into the next higher step that provides a minimum of a 5% increase. In no case will a reclassification pay adjustment allow an employee's pay to exceed the established range maximum for the position. ~~The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows. Where the employee was at the maximum step and will be eligible for steps following the reclassification, a new anniversary date shall be established for purposes of future step increases. In no case will a reclassification pay adjustment allow an employee's pay to exceed the established range maximum for the position. (Am. Ord. 2005-15, 8/09/05)~~

C. If a position is reclassified to a class in a lower salary range, and the salary of the employee exceeds the maximum of the new range, the employee will retain the employee's present salary if the salary exceeds the new range maximum for 90 days. Thereafter, the employee will be placed in the step in the new grade that provides the least amount of decrease. As long as an employee's salary exceeds the new range maximum, the employee will not be eligible for further base-accumulating pay increases until the employee's salary is again within the salary range for the new position. If the present salary is below the new range maximum, the employee will be placed in the new range at the step that provides the least amount of decrease, which includes a step that may be equal to the current rate of pay.~~closest to, but not less than, the current salary. The previous anniversary date shall be maintained.~~

D. The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows. Where the employee was at the maximum step and will be eligible for steps following the reclassification, a new anniversary date shall be established effective the date of the reclassification for purposes of future step increases. (Am. Ord. 2005-15, 8/09/05)

~~D~~.E. When the reclassified position is vacant or the incumbent employee has not performed satisfactorily in the position or does not possess the required licensure, certification, or registration, the position will be filled under County selection processes.

Section 15. Section HR0335, Applicable Pay Rates Following Salary Range Increases and Decreases, of the Personnel Ordinance shall be amended as follows:

HR0335 **APPLICABLE PAY RATES FOLLOWING SALARY RANGE INCREASES AND DECREASES.**

A. Where a pay range for a given class is revised upward or downward, the incumbents of positions in classes affected shall have the existing pay adjusted to the same relative step in the new pay range.

B. In the event that a pay range change becomes effective on an employee's anniversary date, the employee shall first receive any within-range adjustment to which the employee is entitled and then receive the corresponding step adjustment.

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C. In the event that a pay range change becomes effective on the date an employee is promoted or reclassifed to a higher class, the employee shall first receive any effective corresponding step adjustment to which the employee is entitled in the lower class and then the next higher step promotional adjustment as provided in pay rates following a promotion or reclassification.

Section 16. Section HR0335, Applicable Pay Rates Following Salary Range Increases and Decreases, of the Personnel Ordinance shall be amended as follows:

HR0340 **APPLICATION OF PAY PLAN TO POSITIONS.** The salary schedule for the respective classes of positions with such amendments as may be adopted by the Board of Supervisors from time to time by ordinance shall have the force and effect and shall be interpreted and applied as follows:

A. The salaries or rates of compensation prescribed are fixed on the basis of full-time service in full-time positions unless otherwise designated.

B. The rates of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, except, ~~the employees of the Sheriff's, Parks, Fairgrounds, and Highway departments shall receive such~~ allotment for uniforms and/or other clothing allowance, as well as ~~the Highway and Parks department~~ for personal use of a County vehicle, as may be prescribed by the Board of Supervisors.

C. Normally, and as a general rule, upon progress and productivity, ~~regular~~ full-time employees may be considered eligible for increase in salary according to the current step-system plan. The minimum step shall be paid upon initial employment, accept as provided in HR0310. Employees shall advance to the next step upon satisfactory completion of 12 months and 1900 hours of service, until the employee reaches the maximum step.

D. Normally, and as a general rule, upon progress and productivity, ~~regular~~ part-time employees may be considered eligible for increase in salary according to the current step-system plan. The minimum step shall be paid upon initial employment, accept as provided in HR0310. Employees shall advance to the next step upon satisfactory completion of 12 months and 2080 hours of service, until the employee reaches the maximum step.

E. No advance in the step system and corresponding pay increases shall be automatic upon completion of the periods of service and all step increases shall be made on the basis of merit as established by the employee's work performance and after written recommendation of the department head and approval by the Human Resources ~~Manager~~ Director. Employees shall be evaluated at least annually. Employees shall sign a copy of the evaluation form. A copy of said evaluation form shall be provided to the employee. Approximately 30 days before an employee becomes eligible for a step increase, the Human Resources Department shall notify the department head. The department head shall submit an evaluation form to the Human Resources Department no later than the employee's anniversary date. Such evaluation form shall be signed by the employee, with a copy given to the employee. Step pay increases shall be earned. No pay increase shall be granted until the department head notifies the Human Resources Department that the employee has satisfactorily completed service by indicating such on the performance evaluation. ~~Appropriate reasons to deny step pay increases may be inferior work, poor work attitude, lack of initiative, and abnormal absence from work, but these reasons are not exclusive.~~ Whenever an employee requests in writing the reasons for not receiving a pay increase or contingency rate for which the employee is eligible, the Human Resources ~~Manager~~ Director shall advise the employee of the reasons.

F. Step increases shall normally become effective on the first day of the pay period following the employee's calendar anniversary date. An employee's calendar anniversary date may be affected by a job change or by the corresponding days in excess of an unpaid leave of absence greater than 30 calendar days or 173.33 hours in a year, ~~or job change~~.

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G. If an applicant does not have the required license or certification or equivalent employment experience required of the class specification, the County Administrator and Human Resources Director ~~Human Resources Committee~~ may employ such person at an appropriate step below the assigned range for the classification until such person obtains the license, certification or employment experience required, but in no event longer than one year. A report shall be provided to the Human Resources Committee indicating the details of the exception.

H. ~~Employees shall be evaluated at least annually. Employees shall sign a copy of the evaluation form. A copy of said evaluation form shall be supplied to the employee~~.

Section 17. Section HR0345, Deductions for Maintenance, of the Personnel Ordinance shall be amended as follows:

HR0345 **DEDUCTIONS FOR MAINTENANCE.**

A. Officers or employees furnished complete or partial maintenance as a condition of employment and solely for the convenience of the County shall be designated by resolution of the Board of Supervisors and furnished such maintenance as shall be specified therein for which no deductions shall be made.

B. Personal use of County vehicles is not permitted unless mutually beneficial, as determined by the department's committee. Each committee authorizing such use shall review the determination every January and notify the Finance Department ~~County Clerks Office~~ for tax purposes.

C. Employees who are furnished a County vehicle shall report personal use of said vehicle monthly to the Finance Department ~~County Clerk~~ on the form prescribed therefore. ~~General rules for personal use of County vehicles shall be promulgated by the Human Resources Committee. (Res. 2002-44)~~

Section 18. Section HR0360, Hours of Work, Overtime, and Compensatory Time, of the Personnel Ordinance shall be amended to remove any reference to a "regular" workweek for exempt employees, and as follows:

HR0360 **HOURS OF WORK, OVERTIME, AND COMPENSATORY TIME.**

B. Non-exempt Employees

6. On-Call Duty: An employee shall be on-call when given a cell phone or pager and being told they are on-call. An employee who is on-call will receive an additional one hundred twenty five dollars ($125.00) for a week (7 consecutive days) or fifteen dollars ($15.00) for after hours Monday – Friday and twenty-five dollars ($25.00) for Saturday or Sunday or a designated holiday. As an alternative, if mutually agreeable, an employee who is on-call may elect 5 hours of compensatory time for a week (7 consecutive days), or .6 hours Monday – Friday and one (1) hour for Saturday or Sunday or a designated holiday. (Am. Ord 2011-21, 12/13/2011)

7. Call-out: Any employee called into work at a time other than his/her scheduled hours of work, except where such hours are consecutively prior to or subsequent to the employee's scheduled hours of work, shall receive a minimum of two (2) hours pay at the regular rate of pay, unless otherwise required by law or ordinance, including HR0360 B.2.a above. (Am. Ord 2011-21, 12/13/2011)

8. Shift Differentials and Premium Pay:

a. Communications Operators working the second shift shall receive ten cents ($.10) per hour in addition to their regular rate of pay; employees working the third shift shall receive twenty ($.20) cents per hour in addition to their regular rate of pay; employees working a swing shift shall receive twenty-five ($.25)

cents per hour in addition to their regular rate of pay. Dispatchers working in a Field Training Officer (FTO) capacity for four (4) hours or more will receive a thirty-five ($.35) cents per hour shift differential for those hours. (Am. Ord 2011-21, 12/13/2011)

b. Public Health. Full-time Public Health Technicians working in the jail receive seventy-five cents ($.75) per hour in addition to their regular rate of pay. Public Health Nurses or WIC Project Director assigned to work as Clinical Instructors for nursing students shall receive a one-dollar ($1.00) per hour premium, for all hours spent by the employee with the student nurse.(Am. Ord 2011-21, 12/13/2011)

c. Highway Workers working in any one shift in a higher paid position for four hours or more shall receive the higher rate of pay while working in such position. Whenever employees are assigned to work as 'temporary lead', such employees shall, for the duration of the assignment, receive an additional five percent (5%) of the employee's regular rate, with the final rate not to exceed the rate in step H24D. All work assignments will be approved by a department supervisor prior to receiving the additional compensation. (Am. Ord 2011-21, 12/13/2011)

d. Highway workers assigned to work on roads where the speed limit is 65 MPH shall receive hazardous duty pay equal to five percent (5%) of their regular rate of pay for actual hours worked. (Am. Ord 2011-21, 12/13/2011)

Section 19. Section HR0365, Inclement Weather, of the Personnel Ordinance shall be amende as follows:

HR0365 **INCLEMENT WEATHER**~~. Employees unable to attend work due to severe weather may elect to take such time without pay, or use random, vacation, or compensatory time off.~~ Inclement weather may make it dangerous for employees to come to work or it may require employees to leave work before the end of a scheduled shift. Such time off may be charged to unused vacation, random or accured compensatory time or the employee may request that the time off be without pay. Wherein inclement weather or some other emergent condition requires the County Administrator or designee, in concurrence with the County Board Chair, First Chair or Seond Chair, to close a building or temporarily cease providing non-essential public service, the resulting work time lost may be covered as above or the time may be made up within the same work week at a time mutually agreeable to the employee and the supervisor/department head. The employee may be allowed to work from home if beneficial to the County and pre-authorized by the department head. The deparment head shall inform the Human Resources Director of the temporary arrangement for FLSA compliance purposes.

Section 20. Section HR0370, Jury and Court Duty, of the Personnel Ordinance shall be amende as follows:

HR0370 **JURY AND COURT DUTY**

A. Employees required to serve on a jury shall be entitled to the employee's regular pay upon surrender of the juror's fee to the Finance Department ~~County Clerk~~. No pay shall be allowed when such service falls on an employee's day off.

B. Employees subpoenaed to appear on a matter relating to employment with Jefferson County shall be entitled to the employee's regular pay upon surrender of the witness fee to the Finance Department ~~County Clerk0~~ No pay shall be allowed when such day falls on an employee's day off. Employees subpoenaed on matters not related to employment with Jefferson County shall use vacation or compensatory time off at the employee's discretion, and shall keep any witness fee received.

Section 21. Section HR0375, Pay Plan, Pay Dates, and Pay Records, of the Personnel Ordinance shall be amende as follows:

HR0375 **PAY PLAN, PAY DATES AND PAY RECORDS**

A. Job titles and job descriptions adopted by Resolution 1995-24, July 11, 1995, and modified by Resolution 2001-117, 3/12/02, and subsequently amended, are hereby made a part of this ordinance.

B. The most recent pay plan adopted by the Board of Supervisors is incorporated herein by reference as part of this ordinance, and shall be available in the Human Resources Department.

C. All classifications, excluding unclassified or contract employees, shall be assigned to a salary range. ~~The Human Resources Committee shall annually determine and list those positions which are unclassified~~. (Am. Ord. 85-19, 7-9-85.)

D. Pay Dates. Pay periods are fourteen (14) days commencing on a Sunday and ending on a Saturday, with paydays being the second Thursday following the end of each pay period. If a payday falls on a County, State or Bank holiday, The County shall pay on the day prior to the normal payday.

E. Pay Method. The County will pay by electronic direct deposit to the account designated by the employee, subject to such rules as established by the Finance Committee. Employees will be charged $25.00 if the Finance Department ~~Clerk's office~~ must reissue a payment due to the employee's failure to notify the Finance Department ~~County Clerk's office~~ of changes to the account designated for deposit. Employees with a county email address will receive an email check remittance notice. Other employees may receive a check remittance notice by email, if requested, or a paper copy. (Res. 2003-125; Finance Committee 8/12/2004; Am. Ord. 2006-30, 3/13/06).

F. Each employee will be provided an original W-2 annually. There will be a charge of $10.00 for each additional W-2 form requested. (Am. Ord. 2006-30, 3/13/06).

Section 22. Section HR0420, County Employee to Elected Official, of the Personnel Ordinance shall be amende as follows:

HR0420 **COUNTY EMPLOYEE TO ELECTED OFFICIAL.** In the event a county employee should be appointed or elected to a county elected office, the employee will be treated as a terminated employee for accrued benefit purposes. County benefits such as health, dental, and life insurance shall continue as if the person was a classified, active employee. Elected Officials shall contribute 100% of the Wisconsin Retirement System employee contribution, as established annually by the Department of Employee Trust Fund for each applicable employment category. Vacation and sick leave will no longer accrue. Any vacation earned prior to becoming an elected official will be paid out at the current rate of pay. Sick leave accrued shall be placed in escrow and paid out at time of termination providing qualifying retirement conditions are met. Payment will be made using the wage rate the individual was receiving at the time prior to becoming an elected official. (Personnel Committee 1/31/97).

Section 23. Section HR0428(I), Employee Assistance Program (EAP), of the Personnel Ordinance shall be amended as follows:

HR0428 **EMPLOYEE ASSISTANCE PROGRAM (EAP).**

I. EAP records are the property of the contracted agency ~~NEAS, Inc~~. and will be confidentially preserved in the same manner as medical records. Personal information gathered after supervisory referrals will not be revealed to management or to the supervisor without consent of the employee, and will not be part of the employee's health records.

Section 24. Section HR0430, Family Medical Leave Act and Military Family Leave Act, of the Personnel Ordinance shall be amended as follows:

HR0430 FAMILY MEDICAL LEAVE ACT AND MILITARY FAMILY LEAVE ACT

F. Employee Benefits During Leave

An employee may continue medical and dental benefits under the same conditions and at the same cost, if any, as if the employee had continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition, Jefferson County will require the employee to reimburse the County the amount charged to the employee's department for the employee's health insurance during the leave.

Employees whose FMLA leave runs concurrently with the exhaustion of paid leave time will continue to have premiums payroll deducted, if applicable. Benefit premiums, if any, due during unpaid FMLA leave time will be billed to the employee. Employees choosing not to retain medical and or dental coverage during FMLA leave will have benefits reinstated on the same terms as prior to taking the leave without any qualifying period.

Holiday and Vacation will accrue as if the employee was actually working for all hours under FMLA, paid and unpaid. Sick accruals, however, will be run in accordance with other unpaid leaves and will not accrue on unpaid FMLA hours.

Employees taking unpaid FMLA will be responsible for all benefit premiums that are payroll deducted including, but not limited to, health and dental insurance premium contributions, 125B and life insurance deductions.

H. Certification

Jefferson County may ask for sufficient certification to support the employee's request for FMLA leave, sufficient documentation to establish the required relationship between the employee and their family member, proof of exigency or any other information needed to determine whether or not the employee qualifies for the leave. Failure to provide this information may result in a denial of the leave.

J. Return to Work

Where an absence is caused by the employee's serious health condition, the employee is required to present a certification of fitness to return to work to the Human Resources Department. No employee may return to work without such a certification. The fitness to return to work certification must be signed by a physician or health care provider as defined by applicable law. Employees are expected to return to work when released by the employee's health care provider (or when the family member is released). Failure to return to work after the employee's release or family member's release will be considered cause for disciplinary action in accordance with Jefferson County Discipline policy and labor union contracts.

If the employee returns to work within the time frame allowed for the requested type of leave, the employee will be returned to the same or a substantially similar position, unless notified that the employee is a "key" employee. A substantially

similar position is defined as a job of similar job duties, job classification, work hours, and salary as that which the employee held at the time the leave began. An employee, however, has no greater right to reinstatement or to other conditions of employment than if the employee had been continuously employed during the FMLA leave period.

If the employee is not released to return to work within the approved qualified time, the employee may request a personal leave of absence in accordance with applicable contracts and policies. While on a personal leave of absence, employees must exhaust all of their accrued time (vacation, sick, holiday, random, compensatory time) prior to taking time off without pay, or according to ~~current~~ HR0450, Leave of Absence without Pay ~~policy~~. Once the employee is on unpaid leave for the 30-day grace period, Jefferson County will no longer pay the employer share of benefits, and some benefits may be cancelled altogether. After the 30-day grace period the employee will be sent COBRA notification which allows them to purchase health insurance at the current active rate. The 30-day grace period runs concurrently with FMLA, therefore, employees requesting a personal leave may have benefits affected immediately upon expiration of FMLA.

K. Enforcement:
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer; 1-866-487-9243; TTY 1-877-889-5627 or www.wagehour.dol.gov or the State of Wisconsin, Department of Workforce Development, Equal Rights Division, ~~Civil Rights Bureau~~; 1-608-266-6860 (Madison); 1-414-227-~~74~~384 (Milwaukee) or ~~www.dwd.state.wi.us.~~ www.dwd.wisconsin.gov.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Section 25. Section HR0450, Leave of Absence Without Pay, of the Personnel Ordinance shall be amended as follows:

HR0450 LEAVE OF ABSENCE WITHOUT PAY.

A. Unless otherwise required by law, and as described below, unpaid leave shall only be granted after all applicable accrued time has been used, including applicable holidays, vacation, sick, random and compensatory time.

B. ~~A. Department heads may grant leave of absence to an employee for a period not to exceed 4 calendar months.~~ Department heads may grant voluntary ~~U~~unpaid leaves ~~may be granted~~ in increments of 4 or 8-hours (or 5 or 10-hours if working four 10-hour days) and shall be limited to five (5) days or 40 hours in a calendar year. Additional unpaid leave may be granted in smaller increments only after all applicable accrued time has been used, unless otherwise provided under State or Federal Regulations. Approval of any voluntary unpaid leave of absence shall be at the sole discretion of the department head subject to the provisions of this policy. Department heads shall ensure that an approved voluntary unpaid leave of absence will not result in overtime work for the employee upon return from leave or overtime work for remaining staff during leave. When considering departmental staffing requirements, department heads shall give

preference to employee vacation requests before considering employee requests for voluntary unpaid leave of absence. If a holiday occurs during a voluntary leave without pay, the employee will receive holiday pay if eligible. Once the employee has requested the time off and it has been approved by the Department Head, the leave cannot be rescinded by the employee unless required by law. The department head may rescind the approved time off if necessitated by business need. Once the leave has been taken, there can be no rescission or retroactive substitution of accrued time. Department heads shall file the appropriate form with the Human Resources Department indicating the beginning date and ending date of such leave. ~~The Human Resources Committee may grant a leave of absence of up to 1 year to an employee. Such 1-year leave may be extended by the Human Resources Committee in its sole discretion. Only the first 30 days taken during the anniversary year of the employee shall be allowed without affecting the employee's anniversary date when used in computing the length of time between salary step increases and in computing other fringe benefits. The employee's position may or may not be protected during a leave, unless otherwise required by law. (Am. Ord. 2007-15, 07-10-07; Am. Ord 2009-08, 06-09-09; Am Ord. 2010-25, 02-08-11)~~

C. Department heads may grant leave of absence to an employee for a period not to exceed 4 calendar months, inclusive of State and Federal FMLA.

D. The Human Resources Committee may grant a leave of absence of up to 1 year to an employee, inclusive of any approved time authorized by the department head and State and Federal FMLA. Such 1-year leave may be extended by the Human Resources Committee in its sole discretion.

E. Only the first 30 calendar days, or 173.33 intermittent hours, of unpaid leave taken during the calendar year shall be allowed without affecting the employee's anniversary date when used in computing the length of time between salary step increases and in computing other fringe benefits. These 30 calendar days or 173.33 intermittent hours run concurrently with State and Federal FMLA.

F. The employee's position may or may not be protected during a leave, unless otherwise required by law. (Am. Ord. 2007-15, 07-10-07; Am. Ord 2009-08, 06-09-09; Am Ord. 2010-25, 02-08-11)

G. ~~B.~~ Salaries for exempt employees electing unpaid leave, or placed on a furlough, shall be reduced in accordance with provision of 29CFR541.710, Employees of Public Agencies.

H. ~~C.~~ In the event an employee is on leave of absence covered by State or Federal Family Medical Leave Act and was eligible for group health and/or dental insurance, or flexible spending accounts at the commencement of such leave of absence, the employee shall be entitled to continue coverage and will continue to be responsible for making the specified premium contribution, if any.

I. ~~D.~~ In the event an employee is on leave of absence not covered by State or Federal Family Medical Leave Act and was eligible for group health insurance at the commencement of such leave of absence the employee shall be entitled to ~~continuation of coverage for 36 months and~~ COBRA coverage ~~for 36 months~~ according to Federal COBRA regulations. ~~Wisconsin Public Employer's Group Health Insurance Plan~~. The employee is also eligible to continue group dental insurance and flexible spending coverage under federal COBRA regulations. (Am. Ord 2008-35, 02/10/09)

J. ~~E.~~ An employee on any leave of absence shall be entitled to continue all other group benefits at the employee's expense during the leave of absence, as permitted per the relevant insurance policy.

K. ~~F.~~ An employee on leave of absence shall give the employee's department head a minimum of 1-week notice of the expected return date so necessary adjustments to the work force can be made.

L. ~~G.~~ Any employee who gives false information to obtain a leave shall be subject to disciplinary proceedings.

Section 26. Section HR0461, Military Leave Procedure, of the Personnel Ordinance shall be amended as follows.

HR0461 MILITARY LEAVE PROCEDURE

A. **Requests**

1. Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, as defined in 20 CFR Part 1002.5

2. An employee of the uniformed services, or an appropriate officer of said employee, shall provide notice to the Human Resources Department that the employee intends to leave the employment position to perform service in the uniformed services, in accordance with 20 CFR, Part 1002.85. Whenever possible, notice should be given within 30 days of the start of the anticipated leave.

~~2. The County Human Resources Department should be notified as soon as possible, whether it is a copy of the letter from the employee, or a letter from the supervisor confirming the above information.~~

3. Although notice may be given in either verbal or written format, to best coordinate the leave, it is preferred that ~~If at all possible~~, the employee ~~should~~ present an application or letter indicating the change to active military status, including the expected length of time the employee will be gone.

B. **Seniority and Benefits**

1. Seniority will continue to accrue while on military leave. Seniority, for purposes of this section, is consistent with USERRA, meaning longevity in employment together with any benefits of employment that accrue with, or are determined by, longevity in employment.

2. Continuation of Health insurance will be offered under the group plan for 36 months in accordance with the Wisconsin Public Employer's Group Health Insurance Plan, which also covers requirements under USERRA. The employee will be required to pay the "active" employee contribution for the first 18 months. For the next 18 months the employee will be required to pay 100% of the premium, which is due by the 20th of the month *prior* to the month of coverage. If the employee does not return to work within 36 months, the employee will be offered an additional 18 ~~36~~ months of continuation of coverages as required under Federal COBRA regulations ~~coverage as required under the Wisconsin Public Employer's Group Health Insurance Plan.~~ The employee will be required to pay 100 ~~102~~% of the full premium for COBRA coverage. [Amended Ordinance No. 2004-35, 03/08/05; Ordinance 2008-33, 01/13/2009].

3. Continuation of Dental insurance will be offered under the group plan for 24 months in accordance with COBRA and USERRA requirements. The COBRA and USERRA coverage will run concurrently. For COBRA or USERRA coverage, the employee will be required to pay the "active" employee contribution for the first 18 months. For the next 6 months under USERRA, and thereafter, if additional COBRA coverage is

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offered, the employee will be required to pay 102% of the full premium. [Am. Ord. 2008-33, 01/13/2009].

4. WRS

a. If an employee is covered by a collective bargaining agreement under which the County will pay the total WRS employee-required contributions, the employee will receive contributions and service credit for the time he or she was on a military leave of absence.

b. If an employee is not covered by a collective bargaining agreement under which the County will pay the WRS employee-required contributions, when the employee returns to employment, the employee will have the choice whether to make up all, some or none of the total WRS employee-required contributions dating to the employee's military leave of absence. The employee-required contributions are to be made beginning with the date of reemployment, and ending on the earlier of: (1) three times the period of military service, or; (2) five years.

c. The employer is required to make employer-required contributions to match the contributions made by the employee.

d. In order to ensure that an employee receives his or her rights under USERRA, the employee should provide Human Resources with the following information upon return from Military leave: 1) How much, if any, of the employee-contributions the employee intends to make up and 2) a copy of the employee's DD-214, or if the employee did not receive a DD-214 based on the length of service, a copy of his or her military orders.

e. With respect to service credit, an employee will generally receive WRS service credit for up to five years of eligible military service whether the employee chooses to make up all, some or none of the employee-required make-up contributions. There are Federal and State exceptions to the years of WRS service credit.

~~4.~~5. Life insurance will continue under the group plan for a minimum of 30 days of unpaid leave. Once the insurance would normally end with the group plan, the employee may continue by paying premiums to Jefferson County until the employee returns to work. The County will continue to pay the employer's required portion of the premium for the first 18 months, after which, the employee will be required to pay the additional required contribution. [Amended Ordinance 2008-33, 01/13/2009]

~~5.~~6. Vacation accrual rate will continue as if employee was not on military leave. Beginning in 2004, employees will receive the total vacation ~~they~~ the employee would have earned as if any time on Military leave during the previous year was actual time worked. Any donated time counts toward this total time.

~~6.~~7. Sick or Holiday pay is not based on seniority and will, therefore, be handled in the same manner as any other leave of absence. Thereby, sick will not accrue while on Military leave, and Holiday pay will be distributed as if ~~they~~ the employee was ~~were~~ actively working. In addition, if an employee does not return to work after discharge, the employee will be responsible for returning any overpayment of holiday pay ~~they may have~~ received

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8. Contingency and Longevity. Military leave will count as hours worked for longevity and contingency purposes, providing the employee is eligible for the benefit as determined in HR0620 and HR0655.

C. **Wages**

1. Military Leave is unpaid. An employee has the choice to use vacation, holiday, random or compensatory time, but can not be forced to do so. However, any carryovers into the next calendar year will be limited in accordance with applicable ordinances.
2. Employees on Military leave will continue to receive any 'across-the board' wage adjustment approved by County Board. ~~the *annual* increase at the beginning of the year.~~
3. Employees shall receive any step increase they reasonably would have been afforded if they had been actively working. ~~Step increases, however, are not seniority based and will not continue while on leave.~~
4. Upon return from Military Leave, e~~E~~mployees shall be promoted to positions that they reasonably would have been promoted to if they had been actively working and based on seniority. ~~must also be given any promotions their seniority would have brought.~~

D. **Return from Military Leave**

1. If employee is gone 1 – 30 days, the employee should report to work the next scheduled workday. Usually 8 hours is given to rest before returning to work.
2. If employee is gone 31 – 180 days, the employee has 14 days to reapply and return to work.
3. If employee is gone 181+ days, the employee has 90 days to reapply and return to work.
4. It is not reasonable to assume an employee will necessarily pass a probationary period, as defined in a union contract, without sufficient time to observe the employee's work. Therefore, i~~I~~f an employee is in a probationary period when military leave begins, ~~called to active duty~~, the remainder of the probationary time must be completed upon return.
5. An employee returning from military leave shall be reemployed in a position according to USERRA regulations. This may include being promoted, reclassified, demoted, transferred, placed on layoff or terminated if circumstances changed as to make reemployment impossible or unreasonable. ~~The employer must protect the position, status and pay of an employee for up to 5 years. If the leave is 90 days or less, the employee must be returned to the same job the employee would have had if the employee had continued work. If the leave is more than 90 days, the same job, or a different job with same pay, status and seniority must be made available.~~
6. If military leave lasts more than 30 days, Federal law gives employees certain job protection for 6 – 12 months after return.

Section 27. Section HR0465(C), Nepotism, of the Personnel Ordinance shall be amended as follows:

HR0465 NEPOTISM.

C. If a supervisory relationship of an immediate family member, as defined above, is established after employment, and if, at the employer's discretion, a transfer/change of position is not available, one of the employees will be

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separated from County service. Every attempt will be made to effect transfer or separation on the basis of agreement between the involved employees and the County. If an agreement is unattainable, the Human Resource Director ~~Committee~~ will decide the employee to be transferred or separated, with final approval by the County Administrator. This policy does not affect the occasional supervisory relationship of an immediate family member that may occur due to overlapping shifts, overtime shifts, or any other sporadic or irregular situation that may occur to ensure necessary staffing coverage. (Human Resources Committee, 11/25/03) (Am. Ord 2010-25, 02-08-11).

Section 28. Section HR0475, Sexual Harasment and Harassment Policy, of the Personnel Ordinance shall be retitled HR0435, Harassment Policy, and amended as follows:

~~HR0475~~ HR0435~~SEXUAL HARASSMENT AND~~ HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT.

It is the belief of Jefferson County that all employees should be able to enjoy a work environment free from all forms of discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over), disability, sex, aresst or conviction record, marital status, sexual orientation, membership in the military reserve or use or nonuse of lawful products away from work is expressly prohibited under this policy. Therefore, the policy and procedure of Jefferson County shall be as follows:

A. Jefferson County will not tolerate harassment of employees, or of employees performing services for Jefferson County, by anyone, including any supervisor, co-worker, vendor, client, or customer of Jefferson County or any third party employee.

B. In general, harassment means persistent and unwelcome conduct or actions on any of the factors above.

1. Sexual harassment is one type of harassment and includes ~~is identified as~~ unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal, visual or physical conduct of a sexual nature. Unwelcome verbal, physical or visual conduct of a sexual nature includes, but is not limited to the repeated making of unsolicited, inappropirate gestures or comments or the display of offensive sexually graphic materials.~~when one of the following occurs:~~

2. Harassment on any basis (race, sex, age, disability, etc.) exists whenever:

   ~~1.~~a. Submission to such conduct is made explicitly or implicitly a condition of an employee's continued employment;

   ~~2.~~b. Submission to or rejection of such conduct is the basis for employment decisions affecting the employee, such as promotions or job transfers;

   ~~3.~~c. Such conduct has the purpose or effect of unreasonably interfering with a reasonable individual's work performance or of creating an intimidating, hostile or offensive working environment.

3. Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. All forms of gender harassement are covered, including sexual harassement. Men can be harassed by either women or other men; women can be

harassed by either men or other women; offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors.

4. Some examples of verbal harassment include jokes, insults and innuendoes (based on race, sex, age, disability, etc.), degrading remarks, referring to someone as a stud, hunk or babe; whistling; cat calls; comments on a person's body or sex life. Some examples of non-verbal harassment include gestures, staring, touching, hugging, patting, blocking a person's movement, brushing against a person's body, display of sexually suggestive or degrading pictures or emails, racist or other derogatory cartoons or drawings.

~~B.~~C. Any employee who believes to have experienced or witnessed sexual harassment should report the alleged act immediately, preferably within 48 hours, to any one of the following individuals:

1. Human Resources ~~Manager~~ Director
2. Immediate Supervisor
3. Department Head

~~C.~~D. An investigation of all complaints will be undertaken immediately. All information disclosed in the complaint and the investigation procedure will be held in the strictest confidence and only disclosed when necessary to investigate and resolve the matter. ~~Anyone who has been found by Jefferson County, after appropriate investigation, to have sexually harassed an employee will be subject to appropriate disciplinary action which may include, depending on the circumstances, a written warning, suspension or discharge.~~

~~D.~~E. The County forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation. If an employee feels retaliated against, the employee should notify the Human Resources ~~Manager~~ Director, the department head or the supervisor, and an investigation will also be undertaken immediately.

~~E.~~F. A false allegation of ~~sexual~~ harassment of any kind is a violation of this policy and is itself subject to disciplinary action. To constitute such a violation, however, the complaint would ordinarily need to be false as to a specific allegation of fact. That an investigating party or committee should, while agreeing on factual matters alleged, nevertheless differ in judgment or interpretation of the incident and conclude that it did not constitute ~~sexual~~ harassment, would not make the complaint a violation apart from evidence of conscious and willful intent to distort or exaggerate the allegation and damage the accused party. ~~We trust that all employees of Jefferson County will continue to act responsibly to establish a pleasant working environment free of discrimination.~~

G. The County trusts that all employees will continue to act responsibly to establish a pleasant working environment free of discriminaton and harassment. The County views harassment, retaliation and false allegations to be serious misconduct in the work place. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination, can be expected.

Section 29. Section HR0480, Smoking Policy, of the Personnel Ordinance shall be amended as follows:

HR0480 **SMOKING POLICY.** "Smoking" as the term is used in this Ordinance means burning or holding, or inhaling or exhaling smoke from a lighted cigar, cigarette, pipe or any other lighted smoking item or equipment.

A. No person may smoke indoors at any time in any county-owned, rented or leased building, including the Fair Park grandstand, park shelters or bathrooms, maintenance buiildings or the Dog Park.

B. No person may smoke within thirty (30) feet of a public entrance to any county-owned, rented or leased building, or outside a designated smoking area if such property has notice posted of this regulation and designated smoking areas. At the Fair Park, the 30 feet requirement shall only apply to the front door of the Activity Center.

~~B.~~C No person may smoke at any time inside of any county-owned, rented or leased vehicle.

~~C.~~D. Department heads in all county-owned, rented, or leased buildings shall enforce a "No Smoking" policy consistent with Sec. 101.123, Stats. and this ordinance. (The Wisconsin Clean Indoor Air Act).

~~D.~~E. In the event of conflict between the provisions of this ordinance and Section 101.123, Stats., the more restrictive regulation shall apply.

~~E.~~ F. Exemption from Smoking Prohibition: The following activities, facilities and vehicles are exempt from the prohibition of this ordinance:

1. With the consent of the Sheriff, and under supervision of a County detective, individuals under interrogation are permitted to smoke in designated interrogation rooms within the Sheriff's Department.

~~2. Fair Park grandstand.~~

~~3.~~2 Vehicles owned, rented or leased for use by the Jefferson County Sheriff's Department.

3. In the presence of a bailiff, jurors may smoke in the area immediately adjacent to courthouse entrance 13.

~~F.~~G. In addition to or in lieu of enforcement of this ordinance by forfeiture, violations of this section by County employees and officers may be punished by appropriate discipline as a violation of a reasonable work rule as determined by the employee's supervisor and/or the County Administrator. (Ord. 2003-06, 9/9/03).

Section 30. Section HR0510(F), Employee Discipline, of the Personnel Ordinance shall be amended as follows:

HR0510 **EMPLOYEE DISCIPLINE.**

F. An employee disciplined, including suspended, demoted or dismissed, may appeal such action per HR0520, Grievance Resolution Process. ~~by requesting a hearing before the Human Resources Committee within 5 business days of notice of the action sought to be appealed. If the employee requests a hearing before the Committee, the department head or County Administrator shall file charges with the Committee upon which such action was based. The Human Resources Committee shall set a hearing within a reasonable time and provide notice thereof to the employee. The employee may be represented, present evidence, cross-examine anyone presenting evidence, and shall be entitled to a written decision based on the~~

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~~evidence adduced. The Committee may affirm, modify or reverse the decision to suspend, demote or discharge. (Am. Ord. 85-7, 6-11-85.)~~

Section 31. This ordinance shall be effective after passage and publication as provided by law.

AYES _____

NOES _____

ABSTAIN ____

ABSENT ____

VACANT ____

Requested by
Human Resources Committee

03-13-12

Terri Palm-Kostroski: 02-29-12

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RESOLUTION NO. 2011 - _____

Resolution creating one part-time Jail Public Health Technician (L.P.N.)

WHEREAS, the need for more direct inmate cared reduces the time available for the current Jail Registered Nurse's required administrative, and

WHEREAS, both the current full-time Jail L.P.N. and the Jail R.N. have had to work significant overtime hours to cover the needed direct inmate care, and

WHEREAS, the addition of a part-time Jail L.P.N. would provide the needed direct inmate care, thereby allowing the R.N. to focus on updating and developing diagnostic procedures to assist the deputies in determining treatment plans to follow, as well as providing more time for evaluation and oversight required of the R.N., and

WHEREAS, the Sheriff, Chief Deputy, Health Director/Officer and the Law Enforcement Committee request the creation of one part-time, Jail Public Health Technician, and

WHEREAS, after due consideration, the Human Resources Committee recommends the changes proposed by above.

NOW, THEREFORE, BE IT RESOLVED that the 2012 County Budget setting forth position allocations in the Health Department and budgetary allocations in the Sheriff's Office be and is hereby amended to reflect the above change, to become effective upon passage of this resolution.

Fiscal Note: Assuming a hire date of May 1, 2012, the cost for 2012 is approximately $26,014, with an annuaizedl cost of $41,186. Due to an anticipated reduction in overtime for both the current L.P.N. and R.N. positions, as well as monies available from the Jail Assessment Fund, no additional funds are required in 2012. As a budget amendment, 20 affirmative votes are required for passage.

AYES _____

NOES _____

ABSTAIN _____

ABSENT ____

VACANT ____

Requested by
Human Resources Committee 03-13-12

Prepared by Terri M Palm-Kostroski, 3-2-12; Phil Ristow, 3-6-12

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