

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Annette Mikula
INITIATED BY

Amy Spoden, Asst. Human Resource Director
DRAFTED BY

County Board
Staff Committee
SUBMITTED BY



November 6, 2018
DATE DRAFTED

AMENDING THE COUNTY'S PERSONNEL ORDINANCE

1 WHEREAS, Rock County has an established Personnel Ordinance; and,
2
3 WHEREAS, it is good practice to review the personnel ordinance language on an annual basis; and
4
5 WHEREAS, certain additional changes have been suggested by Employees and Department Managers; and,
6
7 WHEREAS, the County wants to incorporate these additional changes to the Personnel Ordinance effective at
8 12:01 a.m. January 1, 2018.

9
10 NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors assembled this
11 13th day of December, 2018 does hereby amend Chapter XVIII, the County's Personnel
12 Ordinance as follows:

Section 4: Salary Administration

Productivity/Incentive Awards

18.406

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14
15
16
17
18 ~~Extraordinary productivity/incentive awards may be granted in recognition of exceptional performance in~~
19 ~~addition to an employee's regular pay. Recommendations for such pay shall be initiated by the employee's~~
20 ~~supervisor and/or Department Head, reviewed and approved by the Human Resources Director, County~~
21 ~~Administrator, appropriate Governing Committee and the County Board Staff Committee. Specific~~
22 ~~guidelines for the administration of the Productivity/Incentive Awards Program shall be the responsibility~~
23 ~~of the Human Resources Director to establish and maintain subject to approval by the County~~
24 ~~Administrator and County Board Staff Committee. Such requests shall be in writing and supported by~~
25 ~~evidence of the following:~~

- 26
27 (a) ~~The employee has personally conceived and suggested a procedure or device~~
28 ~~which has resulted in substantially greater operating efficiency or in a marked~~
29 ~~decrease in operating expenses; or,~~
30
31 (b) ~~The employee has performed extensive collateral duties or has continually~~
32 ~~completed difficult work assignments, which significantly increased the efficiency~~
33 ~~and effectiveness of his/her department's program or the County service.~~

Section 5: Fringe Benefits

Holidays

18.501

34
35
36
37
38
39 The following holidays are observed by the County and shall be granted to regular employees with pay and to
40 temporary employees without pay, unless such employees are required to be on scheduled work:

- 41
42 (a) New Year's Day
43 (b) Spring Holiday to be observed the Friday immediately preceding
44 Easter
45 (c) Memorial Day
46 (d) July 4th
47 (e) Labor Day
48 (f) Thanksgiving Day

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- 49 (g) Friday following Thanksgiving
- 50 (h) Day before Christmas
- 51 (i) Christmas Day
- 52 (j) One Floating Holiday
- 53 (k) Any additional holiday granted by the County Board.
- 54 (l) The County Administrator may designate additional holidays in
- 55 unusual circumstances with the approval of the County Board Chair
- 56 and/or Vice Chair.

57
 58 For employees working the standard work schedule, when a holiday falls on Saturday, it shall be observed on
 59 the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed.

60
 61 For employees not working the standard work schedule see the HR Policies and Procedures.

62
 63 ~~Unilateral A Positions who are required to work a holiday, will be paid or granted compensatory time off at a~~
 64 ~~rate of time and one half and receive an additional day in lieu thereof.~~

65
 66 ~~Pool/Relief of Unilateral A positions who are required to work a holiday will be paid at a rate of time and one~~
 67 ~~half.~~

68
 69 ~~For supervisors working at the 911 Communication Center, who are required to work on a holiday, they will be~~
 70 ~~paid or granted compensatory time off at a rate of time and one half for all hours worked between 7:00 a.m. the~~
 71 ~~day of the holiday through 6:59 a.m. the day after the holiday, and earn 8 hours of holiday time in lieu of~~

72
 73 ~~Whenever a designated holiday falls on an employee's scheduled day off, an additional day shall be granted in~~
 74 ~~lieu thereof.~~

75 ~~Unilateral C Employees (FLSA exempt) who work on a holiday shall receive a day in lieu thereof.~~

76
 77 ~~Regular part time employees who normally work sixteen or more hours per week shall be paid for holidays~~
 78 ~~which fall on days for which they would otherwise be scheduled to work, according to the number of hours for~~
 79 ~~which they would be scheduled to work on that day.~~

80
 81 ~~When a holiday falls within a period of leave with pay, the employee shall receive pay for the holiday.~~

82
 83 ~~When a holiday falls within a pay period of leave without pay, the employee shall receive no pay for the~~
 84 ~~holiday.~~

85
 86 ~~In order to receive holiday pay, employees must normally be scheduled to work for not less than 4 hours the~~
 87 ~~regular workday before and not less than 4 hours the regular workday after the holiday, unless on authorized~~
 88 ~~paid time off (sick leave, vacation) or on paid FMLA.~~

89
 90 Floating holidays must be taken in whole day increments (pro-rated for part-time employees).

91
 92 The floating holiday shall accrue to the employee effective any work shift starting on or after 4 a.m. of
 93 January 1st of each year. Employees need to use the floating holiday before December 31 of each
 94 calendar year. If the floating holiday is not used by December 31, the floating holiday will be
 95 forfeited. During their first year of employment, Employees hired after November 30, will have until
 96 January 31 of the following year to use their floater from the previous year.

97
 98 The floating holiday may be taken upon at least 7 days advance notice. The floating holiday request
 99 will normally be approved, however, it may be denied by the Department Head, even with a 7 day
 100 advance notice, if granting the request would put the department, division, unit, or shift below the
 101 minimum staffing needs of the department, division, unit or shift. A floating holiday with less than 7
 102 day notice may be granted in an emergency circumstance at the discretion of the Department Head or
 103 his/her designee. Employees are strongly encouraged to use their floating holiday prior to the last
 104 payroll period of the calendar year.

105
 106
 107 **Leave of Absence Policy (Non FMLA)**
 108 18.508

109
 110 The County Administrator or the Department Head after consulting with the Human Resources Director, may grant
 111 a regular employee leave of absence (with or without pay) for a period up to ~~one year~~ six months except for an
 112 educational leave, subject to the following conditions:

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- 113 (1) Leave of absence (with or without pay) may be granted when it is in the best
114 interest of the County to do so. Requests for leave of absence shall be approved
115 prior to the taking of such leave. When such leave is requested as an extension of
116 sick leave, an acceptable physician's certificate shall be required.
- 117
- 118 (2) At the expiration of a leave of absence without pay, the employee shall be
119 reinstated to the position he/she vacated or to an equivalent position which is
120 vacant at the time, provided the employee meets the stated qualifications. If there
121 is not a suitable vacancy available, the employee's name shall be placed on an
122 appropriate reinstatement list.
- 123
- 124 (3) Credit toward vacation and sick leave shall not be earned after 30 days while an
125 employee is on leave without pay. Insurance benefits may be retained according
126 to HR Policy and Procedure.
- 127
- 128 (4) Leave without pay shall not constitute a break in service; however, if the
129 employee is absent more than thirty days during a calendar year, it shall change
130 the employee's anniversary date.
- 131
- 132 When a leave without pay of more than thirty (30) consecutive days is taken, the
133 employee's anniversary date shall be moved ahead by the total number of days of
134 the leave.
- 135
- 136 (5) A return to work earlier than the scheduled termination of leave date may be
137 arranged by the supervisor and the employee, with the approval of the Human
138 Resources Director.
- 139
- 140 (6) Employees on leave of absence from the County may not be employed full
141 time elsewhere. Employees holding employment elsewhere during a leave of
142 absence shall be deemed to have voluntarily resigned from employment with Rock
143 County.
- 144
- 145 (7) If an employee is unable to return to work on the date stipulated, he/she may
146 submit a written request to extend the leave of absence, subject to the approval of
147 the County Administrator or Department Head and the HR Director. If, on the
148 date following the expiration of the leave of absence, an extension is not
149 requested and granted and the employee has not returned to his/her position, the
150 employee shall be considered to have voluntarily resigned from County
151 employment.
- 152
- 153 (8) Unauthorized Absence. It is recognized that there may be extenuating
154 circumstances for unauthorized absence, and due consideration shall be given
155 each case. However, an employee who is absent from duty without approval
156 shall receive no pay for the duration of the absence, and shall be subject to
157 disciplinary action, which may include dismissal.
- 158

Bereavement Leave

18.509

162 In the event of a death an employee may be excused from work without loss of pay for up to a maximum of thirty-
163 two (32) hours annually for the purpose of attending a person's wake, visitation, memorial service, funeral, or
164 make necessary arrangements regarding the person's death, within a reasonable time after the occurrence.

166 If additional time is required beyond the thirty-two (32) hours annually, an employee may request to use
167 accumulated vacation, holiday or comp-time. Sick leave cannot be used.

169 Bereavement leave cannot be accrued from one year to the next.

171 Bereavement leave can be used in increments of quarter hours.

173 A second or third shift employee may be excused from work the scheduled shift before or after the event,
174 provided the shift begin or ends on the same calendar date of the event.

176 All leaves under this section shall be prorated based upon the employee's FTE.

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Sick Leave
18.515

Sick leave pay shall commence on the first day of any period of illness due to accident, injury or disease.

- (1) All full-time employees shall earn one sick leave day per month of continuous employment. All part-time employees whose regular workweek is sixteen hours or more shall earn one sick leave day on a prorata basis directly in relation to the normal full time employment period. All part-time employees, who work less than sixteen hours per week, shall not earn sick leave. Temporary and seasonal employees are not eligible for sick leave.
- (2) Sick leave shall be granted after three months continuous service (from original hire date) when an employee is required to be absent from work because of:
 - (a) Illness of the employee.
 - (b) Illness of an employee's spouse
 - (a) Illness of a minor child (includes stepchild, current foster child, grandchild, or any other child they are legally responsible for and can provide legal documentation supporting the responsibility) or a child who meets the definition of a disabled adult child.
 - (b) Illness of a parent (includes stepparents and current foster parents).
 - (e) Contact with or exposure to a contagious disease rendering the employee's presence hazardous to fellow workers.
 - (d) Reasonable medical or dental attention that cannot be scheduled during non-working hours.
- (3) Sick leave shall accrue to a maximum of one hundred thirty days.
- (4) Employees who are absent from work for reasons which entitle them to sick leave shall notify their supervisor ~~as close to their regular starting time as possible~~ in accordance with Department Work Rules.
- (5) A supervisor may identify a potential problem with an employee's sick leave usage. Patterns that may indicate a problem with sick leave usage include but are not limited to:
 - a) It occurs before or after a holiday,
 - b) It occurs before or after a scheduled day off,
 - c) An employee takes sick leave in excess of three days which has not been reported to FMLA, or
 - d) The employee has a history of using short amounts of sick leave repeatedly over an extended period of time.
 - e) It occurs on a day that an employee previously requested off and was denied.

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235 Once a potential problem with sick leave usage has been identified the
 236 supervisor shall meet with the employee to discuss the reason(s) for the
 237 absences. The goal of the meeting is to gather information, counsel the
 238 employee and if there is an admitted problem, have the employee change
 239 his/her behavior.

240
 241 When a problem has been identified and the employee has not voluntarily
 242 changed their behavior, a Department Head or the Human Resources
 243 Director may require the employee to submit a medical statement, stating
 244 the specific illness, period of treatment, and date that the employee may
 245 return to work.

246
 247 The Department Head or Human Resources Director may require an
 248 employee to take a medical examination on returning from sick leave or on
 249 such occasions that it is in the best interest of the County. The medical
 250 examination shall be given by a physician designated by the Human
 251 Resources Director.

252
 253 The Department Head or the HR Director may investigate the alleged
 254 illness of an employee absent from work on sick leave. False or fraudulent
 255 use of sick leave shall be cause for disciplinary action against the
 256 employee, up to and including dismissal.

257
 258 (6) An employee on vacation who presents an acceptable medical certificate
 259 giving the dates of illness may have that portion of his/her vacation leave
 260 converted to sick leave.

261
 262 (7) Sick leave shall be debited in no less than quarter hour units.

263
 264 (8) No credit for sick leave shall be granted for time worked by an employee in
 265 excess of his/her normal workweek.

266
 267 (9) A regular employee who moves from one department to another by
 268 transfer, promotion or demotion shall have his/her total sick leave credits
 269 transferred to the new department.

270
 271 (10) ~~Unilateral~~ Employees who resign or retire with ten or more years of con-
 272 tinuous service shall be paid for one half of the accumulated sick leave
 273 days, not to exceed a total of sixty-five days. In the event of the death of
 274 an employee, the County shall make the same sick leave payment to the
 275 employee's estate. In the event of a discharge, the employee will not
 276 receive this benefit.

277
 278
 279 **Section 6: Conditions of Employment**

280
 281
 282 **Discipline/Investigations**
 283 18.607

284
 285 The purpose of discipline is correcting job behavior and performance problems of employees.
 286 Employees shall be informed of standards of conduct and performance. All staff must notify their
 287 immediate supervisor within twenty-four (24) hours of all arrests and convictions for any ordinance
 288 (other than minor traffic violations), misdemeanor or felony violations that may impact their ability to
 289 complete the essential functions of their position.

290
 291 No disciplinary action will be taken until a thorough investigation has been completed. Employees
 292 under investigation shall have the right to representation during the investigatory process. The
 293 employee will be allowed to have a representative of their choice who is not a supervisor or manager

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294 within Rock County. The representative will be limited to listening and advising the employee but will
 295 not be allowed to speak in place of the employee. Unilateral employees other than Department Heads
 296 shall be allowed to have a representative of their choice who has equal or less authority than they do.
 297 Employees may be placed on a Paid/Non Paid Administrative Leave during the investigation. Rules
 298 and standards shall be consistently applied. Penalties shall be uniform and shall match the infraction.
 299 Persons administering corrective discipline shall systematically document the case. Records of written
 300 reprimands, suspensions, demotions and terminations shall be provided to Human Resources and kept
 301 in the employee's personnel file. Written reprimands will remain in effect for a period not to exceed
 302 one year, and at the end of such period shall be removed from the active Employee's personnel file.
 303 Records of suspension shall remain in the active Employee's personnel file for a period of two years
 304 and at the end of such period shall be removed from the Employee's personnel file. (This section does
 305 not necessarily apply if the employee is represented by an attorney.)
 306

307 Suspensions, demotions, and terminations shall be discussed with the Human Resources Director or the
 308 County Administrator before such actions are taken. In the event that the immediate dismissal action is
 309 required and the HR Director or the County Administrator cannot be reached, the employee shall be
 310 suspended with pay pending investigation.
 311

Disciplinary Action (Grounds for)18.608

314
 315 The following shall be grounds for disciplinary action ranging from a written reprimand to immediate
 316 discharge depending upon the seriousness of the offense in the judgment of management:
 317

- 318 (a) Dishonesty or falsification of records.
 319
 320 (b) Use, possession, distribution, selling, or being under the influence of alcohol or
 321 illegal drugs while on Rock County premises or while conducting business
 322 related activities off Rock County premises. The legal use of prescribed drugs
 323 when taken in standard dosage and/or according to a physician's prescription is
 324 permitted on the job only if it does not impair an employee's ability to perform
 325 the essential functions of the job effectively and in a safe manner that does not
 326 endanger other individuals in the workplace.
 327
 328 (c) Unauthorized use or abuse of County equipment or property.
 329
 330 (d) Theft or destruction of County equipment or property.
 331
 332 (e) Work stoppages such as strikes or slowdowns.
 333
 334 (f) Insubordination or refusal to comply with the proper order of an authorized
 335 supervisor.
 336
 337 (g) Unlawful conduct defined as a violation of or refusal to comply with pertinent
 338 laws, ordinances and regulations.
 339
 340 (h) Habitual tardiness, unauthorized or excessive absence or abuse of sick leave, or
 341 repeated attempts to use unpaid leave when the employee does not have benefit
 342 time available.
 343
 344 (i) Use of official position or authority for personal or political profit or advantage.
 345
 346 (j) Disregard or repeated violations of safety rules and regulations.
 347
 348 (k) Incompetence, unprofessional or poor work performance.
 349
 350 (l) Discrimination because of race, color, creed, national origin, marital status, sex,
 351 sexual orientation, or any other grounds prohibited by State or Federal law.

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- 352
- 353 (m) Violations of Section 18.601 "Communications and Confidentiality".
- 354
- 355 (n) Failure to call in or report to work.
- 356
- 357 (o) Sleeping during scheduled work hours.
- 358
- 359 (p) Being disrespectful or bullying in dealing with fellow employees or the general
- 360 public.
- 361
- 362 (q) Failure to exercise good professional judgment and/or failure to conform to the
- 363 County's or your Department's goals and mission.
- 364
- 365 (r) Disregard or repeated violations of Rock County Ordinance, Policy or Procedure, or
- 366 Department Work Rules.
- 367

Other circumstances may warrant disciplinary action and will be treated on a case by case basis.

Lunch Periods and Break Time
18.614

(a) Lunch Periods.

Lunch periods are normally scheduled midway in an eight hour shift. Lunch periods shall not be longer than one hour nor shorter than thirty minutes.

(b) Break Time.

Employees may leave their workstation and return fifteen minutes later for two breaks in an eight hour shift, one during the first four hours of their first shift, and the second during the last four hours of their shift. Breaks not taken are lost. Breaks cannot be accumulated or used to extend lunch periods or to shorten the workday. Breaks must be used in 15 minute increments.

Lunch periods and break times are to be arranged between the employee and his/her supervisor or Department Head. Since most County offices remain open continuously on normal work days between 8:00 a.m., and 5:00 p.m., it is the Department Head's responsibility to assure that lunch periods and breaks are scheduled so that adequate staff coverage is provided at all times.

Employees who are on a nonstandard work schedule or work 2nd or 3rd shift shall follow Department Work Rules for lunches and breaks.

(c) The Lunch Period and Break Times cannot be combined to the start or end of the shift in order to come in late or leave early.

Section 7: Performance Evaluation

Administration
18.702

Each employee shall be evaluated at the following periods:

(a) Probationary Period (of one year).

Each employee shall be evaluated during their probationary period and one month prior to the completion of the probationary period.

(b) Probationary Period (of less than one year).

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411 Each employee shall be evaluated ~~one month~~ prior to the completion of the
412 probationary period.

413
414 (c) Annual.

415
416 Each employee shall receive an annual performance evaluation close to his/her
417 anniversary date, or at another specified time if the Department Head elects to
418 evaluate members of a classification or the whole department together at one time.

419
420 (d) Special.

421
422 A special performance evaluation shall be completed:

- 423
424 (1) Whenever there is significant change in the employee's performance,
425
426 (2) Whenever a supervisor permanently leaves his/her position, in which case,
427 the supervisor shall complete a performance report on each employee
428 under his/her supervision that has not been evaluated within six months
429 prior to the date the supervisor expects to leave.

430
431 When an employee has accepted a new position with in Rock County, the current supervisor should
432 complete a performance evaluation for the employee if they have not received a performance evaluation
433 in the last six months.

434
435
436 Section 8: Grievance Procedure

437
438 **Filing a Grievance**
439 18.804

440
441 This grievance procedure is available to all ~~unilateral~~ County employees (except Department Heads
442 and elected County Officials), ~~members of a bargaining unit that previously contained a grievance~~
443 ~~procedure, seasonal and temporary employees of the County.~~

444
445 Limitations:

- 446
447 1. A grievance that may be brought by or on behalf of a law enforcement officer using
448 the procedure specific in Wis. Stat. Section 59.26(8) may not be brought under this
449 section.
450
451 2. A grievance that may be brought by or on behalf of an employee under a grievance
452 procedure that is contained in a collective bargaining agreement may not be brought
453 under this section.
454
455 3. A grievance filed outside of the specified time lines in 18.806 will be denied. The
456 employee will forfeit all rights to participate in the grievance procedure as spelled out
457 in 18.806.

458
459 **Grievance Procedure**
460 18.806

461
462 A formal grievance of an employee shall be handled in accordance with the following procedure.

463
464 STEP 1. Supervisor.

465
466 The employee shall, within seven (7) calendar days of the event giving rise to the grievance or within ten
467 calendar days of the date he/she could reasonably be expected to have knowledge of the grievance,
468 present his/her formal grievance in writing on the form designated by the County to his/her immediate
469

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469 supervisor unless the immediate supervisor is the subject matter of the grievance, in which case, the
 470 employee may immediately proceed to Step 2. If the Department Head is the subject matter of the
 471 grievance, the employee may immediately proceed to Step 3. The supervisor shall within three (3)
 472 calendar days meet and discuss the grievance with the employee and then reply in writing within three (3)
 473 calendar days.

474

475 STEP 2. Department Head.

476

477 In the event that the immediate supervisor's decision is not satisfactory to the employee or the immediate
 478 supervisor is the subject matter of the grievance, the employee may within seven (7) calendar days,
 479 present the grievance in writing to his/her Department Head. The Department Head, or his/her designee,
 480 shall, within five (5) calendar days, meet and discuss the grievance with the employee and then reply in
 481 writing within five (5) calendar days.

482

483 STEP 3. Human Resources Director.

484

485 In the event that the Department Head's decision does not satisfy the employee's grievance or if the
 486 Department Head is the subject matter of the grievance, the employee may, within seven (7) calendar
 487 days, present the grievance in writing to the Human Resources Director. The Human Resources Director
 488 shall arrange to meet within ten (10) calendar days of receipt of the grievance with the employee, his/her
 489 representative, if any, and any other person the Human Resources Director deems necessary. If, in the
 490 judgment of the Human Resources Director, a hearing is necessary to ascertain the facts surrounding the
 491 dispute, one shall be scheduled as soon as practicable. After the hearing, the Human Resources Director
 492 shall respond to the grievance in writing to the employee within ten (10) calendar days.

493

494 By mutual agreement between the Employer and the Employee the timelines in Steps 1, 2 and 3 may be
 495 extended.

496

497 STEP 4. Impartial Hearing Officer (IHO).

498

499 In the event the decision of the Human Resources Director does not resolve the grievance, the employee
 500 may, within seven (7) calendar days, request a hearing before an Impartial Hearing Officer and pay the
 501 filing fee (if one is established) by the County Board. The cost of the impartial hearing officer shall be
 502 equally shared by the parties.

503

504

505 a. ~~The Human Resources Director~~ Office of Corporation Counsel shall upon receipt of
 506 a written hearing request, provide the employee with the name of an Impartial
 507 Hearing Officer. The Impartial Hearing Officer must not be an employee of the
 508 County. The Impartial Hearing Officer may be a lawyer, a professional
 509 mediator/arbitrator or other qualified individual as determined by the County
 510 Administrator.

511

512 b. The Impartial Hearing Officer shall be impartial and may not have any prior
 513 knowledge of the grievance.

514

515 c. ~~The Human Resources Director~~ Office of Corporation Counsel will contact the
 516 hearing officer and schedule a meeting with the employee and the IHO to discuss
 517 the hearing. This meeting shall occur within two weeks of the date the Human
 518 Resource Director receives the request for the hearing. If the employee does not
 519 respond to the ~~HR Director's~~ attempt to schedule the meeting or does not attend a
 520 scheduled meeting, the request for a hearing shall be considered withdrawn and the
 521 decision of the HR Director shall stand.

522

523 d. The Impartial Hearing Officer may decide the case on the existing record or may
 524 conduct a hearing. A hearing will be scheduled within 30 calendar days of receipt
 525 of the hearing request and filing fee. The Impartial Hearing Officer may reschedule
 526 the hearing with permission of both parties.

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- 527 e. The Impartial Hearing Officer, with the consent of both parties, may use his/her best
528 efforts to mediate the grievance.
529
- 530 f. The employee has a right to be represented at the hearing (at the employee's
531 expense) by a person of the employee's choosing.
532
- 533 g. The County has the burden of proof in a reprimand, suspension or termination
534 grievance to show that its actions were not arbitrary or capricious. The employee
535 has the burden of proof in a workplace safety grievance.
536
- 537 h. The standard required of the party with the burden of proof in all cases is a
538 preponderance of the evidence.
539
- 540 i. The hearing shall be recorded by a court reporter, who will make a record of the
541 proceedings, and the costs will be shared equally by the parties.
542
- 543 j. Formal rules of civil procedure will not be followed.
544
- 545 k. Both parties may introduce exhibits and present witnesses. Witnesses shall be
546 sworn to tell the truth.
547
- 548 l. The Impartial Hearing Officer shall provide a written decision within thirty (30)
549 calendar days following the close of the record. The written decision should
550 include a case caption; the parties and appearances; a statement of the issues,
551 findings of fact; any necessary conclusions of law; the final decision and order; and
552 any other information the hearing officer deems appropriate.
553
- 554 m. The Impartial Hearing Officer shall have the power to sustain or deny the
555 grievance. He or she shall have the power to order only the following remedies:
556 withdrawal of a written reprimand, reduction of suspension, transfer to original
557 position from demoted position, reinstatement with or without some or all back
558 pay. The Impartial Hearing Officer may recommend other remedies, however, all
559 other remedial authority shall be subject to the determination and approval of the
560 County Board, and shall be addressed by the County Board in the event the
561 grievance is sustained.
562

STEP 5. County Board.

563
564
565 An employee or the County, within ten (10) calendar days of receipt of the hearing officer's decision,
566 may appeal the decision to the County Board by filing a written notice of appeal with the County Clerk.
567

- 568 a. The written notice of appeal must contain: (1) a statement explaining the reason
569 for the appeal, (2) a copy of the written grievance filed with the County, (3) the
570 County's response to the grievance, and (4) a copy of the Impartial Hearing
571 Officer decision. The notice of appeal may not contain any information that was
572 not admitted into evidence at the hearing.
573
- 574 b. The appeal will be placed on the agenda for a County Board meeting that is held
575 at no longer than sixty (60) calendar days after the County Clerk receives a
576 written notice of appeal. The appeal will be noticed for consideration in closed
577 session pursuant to Wis. Stat. Section 19.85(1)(b) pertaining to dismissal,
578 licensing, or suspension of a public employee. The County Clerk will provide a
579 copy of the meeting notice to the employee, and the employee may request that
580 an open session be held.
581
- 582 c. The employee has the right to representation by a person of the employee's
583 choosing and at the employee's request. The employee and the employee's
584 representative may attend the closed session.

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- 585 d. The employee or the employee's representative and a representative of the
- 586 County may address the County Board for an equal period to be determined by
- 587 the County Board Chair. The appealing party will go first and may reserve a part
- 588 of his/her time for rebuttal. The responding party will go second. The appealing
- 589 party may present a rebuttal, if he/she has reserved any time and not used it.
- 590
- 591 e. The employee and the employee's representative, and the person speaking on
- 592 behalf of the County, will be excluded from any closed session during the
- 593 County Board's discussion or deliberation.
- 594
- 595 f. The County Board's consideration of the appeal will be limited to a review of
- 596 the Impartial Hearing Officer's written decision, the record before the impartial
- 597 hearing officer, the appealing party's reason(s) as to why the decision is wrong,
- 598 and the response by the other party along with any oral presentations made by
- 599 the parties. Only matters admitted into the evidence before the Impartial Hearing
- 600 Officer shall be considered a part of the record.
- 601
- 602 g. Should the County Board Chair become aware of some relevant piece of
- 603 information that could have had a significant impact on the decision of the
- 604 impartial hearing officer, that neither party was aware of, or could have been
- 605 expected to be aware of, prior to the impartial hearing officer's decision, the
- 606 County Board Chair, with the advice of the Corporation Counsel, may take
- 607 whatever action he/she deems appropriate so as not to disadvantage either party,
- 608 and report such action to the County Board.
- 609
- 610 h. The County Board shall give due deference to the decision and recommendation
- 611 of the Impartial Hearing Officer and his/her decision shall not be overturned
- 612 unless the Board finds ~~by a simple majority vote that~~ by a simple majority vote
- 613 the appealing party has established by evidence that is clear, satisfactory, and
- 614 convincing: (1) the hearing was not conducted fairly, (2) there was fraud or
- 615 corruption on the part of the hearing officer, or (3) the hearing officer made an
- 616 error in fact or law.
- 617
- 618 i. In the event the County Board does not sustain the Impartial Hearing Officer's
- 619 decision, then the Board may render a new decision and remedy, or take other
- 620 action as appropriate.
- 621
- 622 j. The County Board Chair shall prepare and sign a written determination
- 623 reflecting the County Board decision. The County Board Chair may enlist the
- 624 assistance of the Corporation Counsel in preparing the determination. A copy of
- 625 the determination will be provided to the employee within ten (10) calendar days
- 626 following the County Board's decision.
- 627

The County Board's decision is final and may not be appealed

Failure to Follow Grievance Procedure
18.808

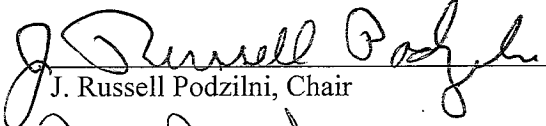
If at any time during the grievance process, the employee fails to follow any proscribed timeline, procedure or requirement, as outlined in this chapter, the Human Resources Director, or the County Board Chair if at Step 5 may dismiss the grievance.

AMENDING THE COUNTY'S PERSONNEL ORDINANCE

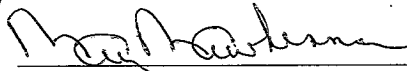
Page 12

Respectfully Submitted,

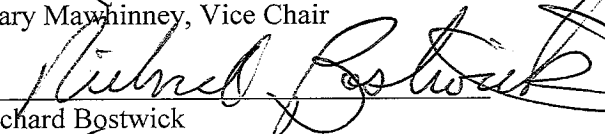
COUNTY BOARD STAFF COMMITTEE


J. Russell Podzilni, Chair

Absent
Alan Sweeney



Mary Mawhinney, Vice Chair

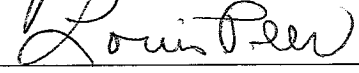
Terry Thomas
Terry Thomas


Richard Bostwick

Absent
Bob Yeomans

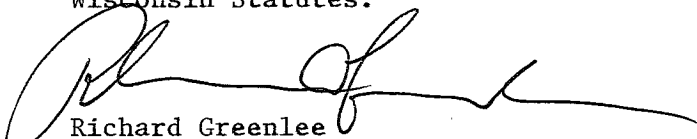

Henry Brill


Betty Jo Bussie


Louis Peer

LEGAL NOTE:

The County Board is authorized to take this action pursuant to sections 59.03 and 59.52(8), of the Wisconsin Statutes.


Richard Greenlee
Corporation Counsel

FISCAL NOTE:

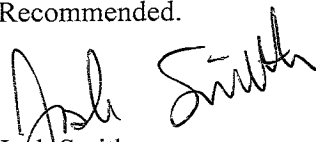
Minimal fiscal impact



Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

Executive Summary

Rock County has a Personnel Ordinance that establishes a uniform personnel program for Rock County. The ordinance is reviewed annually and suggestions for modifications are brought forward to the County Board Staff Committee and the County Board.

It is important to give our workforce a voice in the process, and in 2018 a survey was sent to managers and employees to solicit input into suggestions for modifications to the current personnel ordinances and for suggestions for new ordinances. Overall there were 36 individuals that responded to the survey. The Human Resources Department identified several areas that were brought to their attention during 2018.

A draft of the proposed changes was reviewed with the County Administrator. There were some additional suggestions offered and a final version of proposed changes was compiled. The proposed updates were shared with Department Heads to gather additional feedback. The final proposed version was sent to Department Heads, distributed to staff, and posted on the employee intranet.

These changes are summarized below and a full version of the Ordinance language is included with the resolution.

Proposed Personnel Ordinance Changes

- **18.406 – Productivity/Incentive Awards**
Deletes outdated language on Productivity/Incentive Awards.
- **18.501 – Holidays**
Moves holiday pay language to Admin Policy and Procedures.
- **18.508 – Leave of Absence (Non-FMLA)**
Deletes words “Non-FMLA” from the title. Adds additional language for clarification.
- **18.509 – Bereavement Leave**
Adds new language for second/third shift employees on bereavement leave.
- **18.515 – Sick Leave**
Clarifies language regarding notification to your supervisor when requesting sick leave (4). Adds potential sick time abuse (5)(e), if it occurs on a day an employee previously requested off and was denied. Updates to remove the word “Unilateral” from before employees to be inclusive (aligns with change in policy 5.38).
- **18.607 – Discipline/Investigations**
Adds new language clarifying that disciplines are removed from active employee files.
- **18.608- Disciplinary Action (Grounds for)**
Adds new language regarding prescription drugs (b). Adds new language in regards to grounds for discipline (r) for repeated violations of Rock County Ordinance, Policy and Procedure, or Department Work Rules.
- **18.614(b)- Lunch Periods and Break Time**
Adds word “minute” that was missing.
- **18.702 (b)- Performance Evaluation Administration**
Deletes words “one month” from evaluation during probation to just say before completion.
- **18.804- Filing a Grievance**
Updates grievance language to include applies to all employees except Department Heads and Elected Officials. Updates Step 4 from Human Resources Director to Office of Corporation Counsel. Clarifies Step 5 regarding County Board’s consideration of appeal and the impartial hearing officer records and decision.
- **18.808- Failure to Follow Grievance Procedure**
Adds new language on consequence of failure to follow grievance procedure.