



ROCK COUNTY PERSONNEL ORDINANCE

Effective 12/17/2020

Kara Purviance, Chair Rock County Board of Supervisors

**Josh Smith
County Administrator**

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Section 1: Objectives and Scope

This Ordinance is promulgated under the authority of Wisconsin Statute 59.22 (2)(c) 1.c.

The purposes of this Ordinance shall be to:

- A. Establish a clear understanding of responsibilities in the establishment and maintenance of a personnel program for Rock County.
- B. Establish a uniform County Personnel Policy and procedures to recruit, select, develop and maintain an effective and responsive workforce for the County. The Ordinance shall be based on the following objectives:
 - (1) To recruit, select and advance employees on the basis of their relative knowledge, skills, and abilities.
 - (2) To provide internally equitable and externally competitive compensation for all employees.
 - (3) To recognize good job performance, reward exceptional performance and correct inadequate performance in a fair and timely manner.
 - (4) To assure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation or beliefs, race, color, national origin or ancestry, sex, age, religion, disability, sexual orientation, gender identity, gender expression, genetic information, pregnancy, creed, arrest/conviction record, marital status, military services, or outside use of lawful products or any other cause for discrimination as defined by law, except as allowable as a bonafide occupational requirement and with proper regard for their rights as citizens.
 - (5) To protect employees against coercive political activities and to prohibit the use of official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
- C. Provide a system of standardized titles and standardized class descriptions for the effective administration of personnel activities such as: manpower planning and

budgeting, standards of job performance, fair and equitable pay, valid selection and recruitment programs, training programs and career development.

- D. Provide a system to recruit and select the most qualified persons for positions in County service. Recruitment and selection shall be conducted in an affirmative manner to ensure open competition, provide equal employment opportunity, prohibit discrimination based on the categories identified above to ensure that persons of disadvantaged groups are fairly represented in the County workforce.
- E. Provide an effective career development plan for qualified employees through promotional opportunities in an environment free of discrimination.

Scope
18.103

THIS ORDINANCE SHALL NOT BE DEEMED A CONTRACT OF EMPLOYMENT. The provisions of this Ordinance do not vary or modify the at will employment relationship between the employee and the County. Any individual may voluntarily cease employment upon proper notice and may be terminated by Rock County at any time and for any reason. Any oral or written statements of promises to the contrary are expressly disallowed and should not be relied upon by any prospective or existing employee. The contents of this ordinance are subject to change at any time by action of the County Board.

This Ordinance shall govern personnel administration for all employees and departments of the County of Rock except:

- (a) members of the Rock County Board of Supervisors;
- (b) elected County Officials;
- (c) members of boards, commissions, and committees (including citizens);
- (d) persons employed to conduct temporary and special inquiry, investigation or examination on behalf of the County Board, a committee thereof, or the County Administrator;
- (e) persons employed by employment services agreements or purchase of service contracts, unless expressly included in said contract or agreement;

- (f) all matters concerning deputy sheriffs arising under Section 59.26(8)(b), Wis. Stats., which shall be handled by the Public Safety and Justice Committee of the Rock County Board of Supervisors in accordance with statute.

This Ordinance shall not be interpreted as infringing upon the Constitutional powers of Elected Department Heads.

Collective Bargaining Agreements
18.104

This Ordinance applies to employees not covered by collective bargaining agreements and to employees so covered when specific contracts are silent on a particular issue, or otherwise do not apply to the contrary.

Human Resources Section of the Administrative Policies and Procedures Manual
18.105

The Human Resource Department shall develop a standard set of policies and procedures to administer the personnel system based upon the Policies established in this Ordinance. These policies and procedures shall be a part of the County's Administrative Policies and Procedures Manual. The Human Resource Policies and Procedures shall be subject to review and approval by the County Board Staff Committee.

The Ordinance shall take precedence over the Human Resource Policies and Procedures and Department Work Rules.

Department Work Rules
18.106

Nothing herein shall preclude an Appointing Authority from promulgating Department Work Rules covering topics not covered by this Ordinance or the Human Resource Department's Policies and Procedures. Work rules so promulgated must be consistent with this Ordinance and Human Resource Policies and Procedures.

Non-Elected Department Heads
18.107

Any non-elected Department Head hired shall be employed pursuant to a personal employment contract of up to two (2) years. Non-elected Department Heads serving on the date of adoption of this section may voluntarily negotiate a personal employment contract of up to two (2) years. Non-elected Department Heads shall continue to be at will employees and may be removed at the pleasure of the County Administrator. Removal of the Corporation Counsel by the County Administrator

requires the concurrence of the County Board. The County Administrator shall remain the appointing authority for non-elected Department Heads. The personal employment contract covering the initial appointment of a non-elected Department Head is subject to approval by the County Board after action by the appropriate Governing Committee.

Administrator Position
18.108

The position of the County Administrator shall be included under the coverage of this Ordinance, except where there are exclusions or where this Ordinance conflicts with the resolution establishing the administrator form of government. In the case of any such conflict, the resolution shall control.

Sheriff's Office Command Staff
18.109

In addition to the benefits provided to other unilateral employees, if the following provisions of the labor agreement with the Rock County Deputy Sheriffs Supervisors Association are modified, such modifications shall be extended to the Chief Deputy (Resolution 93-12A-118); Commanders (Resolution 91-11D-118); and Captains (Resolution 09-1B-189).

- Education
- Health insurance for retirees*
- Life insurance
- Retirement
- Sick Leave Accumulation
- Sick leave payout
- Sick leave payment
- Uniform allowance
- Worker's compensation

*For Command Staff who are at least age 53 and retire after January 1, 2014, the County shall pay 100% of the health insurance premiums for the applicable coverage for the retired and eligible dependents thru the end of the month before they turn 65.

Correctional Supervisor
18.109(a)

In addition to the benefits provided to other unilateral employees, if the retirement provision of the labor agreement with the Rock County Deputy Sheriffs Supervisors Association are modified, such modification shall be extended to the Correctional Supervisor.

This Ordinance may be amended by the Rock County Board of Supervisors in the same manner as adopted.

The management of Rock County and the direction of the workforce is vested exclusively in the County, including but not limited to the right to:

- 1) Hire, promote, demote, suspend, discipline, and discharge;
- 2) Decide job qualifications for hiring;
- 3) Transfer or layoff because of lack of work, discontinuance of services, or other legitimate reasons;
- 4) Subcontract for economic reasons or when it is not feasible for county employees to perform the work;
- 5) Abolish or create positions;
- 6) Create job descriptions and determine the composition thereof;
- 7) Plan and schedule work;
- 8) Determine the methods and processes and manner of performing work;
- 9) Determine the type, kind and quality of service to be rendered to clients and citizens;
- 10) Determine the location, operation and type of physical structures, facilities, equipment of the county;
- 11) Plan and schedule any training programs,
- 12) Create, promulgate and enforce reasonable work rules;
- 13) Determine and enforce regulations governing conduct and safety;

- 14) Determine what constitutes good and efficient county service, and all other functions of management and direction.

The County shall have the right to operate and manage its affairs in all respects in accordance with its rights, duties, and responsibilities.

Responsibilities and Authority
18.112

- A. County Board. The County Board shall:
 - (1) approve the annual County budget, including requests for personnel adjustments.
 - (2) review and approve County Personnel Ordinance and amendments.
 - (3) confirm department head appointments made by the County Administrator.
 - (4) delegate such duties to the County Board Staff Committee as necessary.
 - (5) hear grievance appeals as outlined in Section 18.806.
- B. County Board Staff Committee. The County Board Staff Committee shall:
 - (1) advise the County Administrator on matters concerning implementation of Personnel Ordinance.
 - (2) review proposed Personnel Ordinance and amendments as developed and recommended by the Human Resources Director and make recommendations to the County Board for consideration and legislative action.
 - (3) perform other related duties as assigned by the County Board.
- C. County Board Governing Committees. Each Governing Committee shall:
 - (1) review all appointments made by the County Administrator as provided in Section 18.112(d)(1) and make such recommendations to the Board as appropriate.

D. County Administrator. Except as prohibited by State and Federal law, the County Administrator shall:

- (1) appoint and remove all Department Heads, subject to the provisions of Section 18.107.
- (2) advise the Governing Committee of the final interview schedule of the best-qualified applicants. The Governing Committee may participate in the scheduled interviews.
- (3) submit terms of employment for Department Heads to the Governing Committee for review before submission to the County Board.
- (4) approve Personnel Ordinance prior to submittal to the County Board Staff Committee and the County Board.
- (5) apply appropriate disciplinary actions as defined in Section 18.1108 to subordinate employees.
- (6) approve new positions, reallocations, and upgrades of existing positions subject to County Board approval.

E. Human Resources Director. The Human Resources Director under the authority of the County Administrator shall:

- (1) administer the Personnel Ordinance adopted by the County Board.
- (2) establish, maintain and coordinate personnel transactions and records management for all County employees and positions.
- (3) establish and maintain a central personnel file for each County employee showing name, title, salary, change in status, annual performance ratings and such pertinent information as may be necessary for effective personnel administration and for compliance with Federal and State laws.
- (4) advise and assist Department Heads on all County Personnel transactions and records management systems and procedures.
- (5) notify the payroll section of all relevant changes.
- (6) review appointments and removal of personnel to County positions pursuant to Section 18.607.

- (7) maintain complete employment and performance records of all County employees.
- (8) establish and maintain a roster of all employees in the County service which shall include the class title, pay status, and other pertinent data.
- (9) make such reports and investigations to the County Administrator, County Board Staff Committee and the County Board as required.
- (10) develop and maintain the Classification Plan.
- (11) develop and administer the recruitment and selection program.
- (12) establish and maintain lists of persons eligible and qualified for appointment and promotion to positions within the County service when, in the judgment of the Human Resources Director, it is advantageous to the County.
- (13) monitor temporary and overtime assignments.
- (14) approve and monitor layoffs due to lack of funds, work, or the abolition of positions or material changes in duties and organization, encourage the re-employment of laid off employees in other appropriate County positions.
- (15) develop, operate and coordinate programs to improve employee effectiveness, training and career counseling.
- (16) establish an Affirmative Action Program designed to increase the participation at all levels of the County workforce persons of disadvantaged groups, including, but not limited to women, minorities and the physically and mentally handicapped.
- (17) establish standards and procedures to ensure uniformity in the application of discipline and the processing of employee grievances.
- (18) conduct third step grievance hearings as may be necessary under Section 18.806, and adjust such grievances as may be appropriate.
- (19) prepare and implement such forms, reports and procedures necessary to carry out the County human resources program.

- (20) disseminate information regarding the personnel program, fringe benefits and conditions of employment to all employees and departments.
- (21) lead the County's negotiations with labor representatives, unless otherwise delegated by the County Board.
- (22) investigate unemployment compensation claims and represent the County at unemployment compensation hearings.
- (23) develop such regulations as necessary to carry out the intent of this Ordinance.
- (24) establish a safety program to reduce the incidence of work related injuries and promote safety awareness.
- (25) develop and maintain the County wide training program within budgetary limitations.
- (26) administer and manage the County's Worker's Compensation program.
- (27) insure that Department Work Rules are fairly designed and administered.

F. Department Heads. Department Heads shall:

- (1) enforce the Personnel Ordinance, and the Human Resource Policies and Procedures in their respective department.
- (2) adopt such additional Department Work Rules as required by law and/or necessary for the operations of the Department subject to approval of the Human Resources Director.
- (3) initiate and process personnel transactions affecting their employees using forms provided by the Human Resources Director.
- (4) maintain an employee service record for each employee.
- (5) notify the Human Resources Director of all changes in permanent personnel records including change of address, insurance coverage and other relevant information.

- (6) keep employees informed of current personnel policies.
- (7) conduct second step grievance procedures hearings as may be necessary under Section 18.805, and adjust such grievances as may be appropriate.
- (8) appoint and remove employees to positions subject to Section 18.304 and 18.806, and consistent with applicable State Statutes and inform governing committee of said appointments.
- (9) in collaboration with the Human Resources Director, develop employee orientation and in service training programs.
- (10) administer discipline and delegate such authority to supervisory personnel as appropriate subject to Section 18.806.
- (11) conduct performance reviews of all immediate subordinate employees on no less frequent than an annual basis
- (12) obtain prior approval of the County Administrator when taking vacation days, or when traveling out of the County on County business. (This provision does not apply to elected County Officials.) The memo making the request should include a designated department contact person, as well as a phone number where the Department Head can be reached (if possible).
- (13) develop and monitor department budget.

G. Supervisory Personnel. To the extent Department Heads delegate authority to them, supervisors shall:

- (1) interview and recommend applicants for appointments to and removal from subordinate positions.
- (2) implement the Personnel Ordinance, HR Policies and Procedures and Department Work Rules in their unit.
- (3) conduct performance reviews of all immediate subordinate employees on no less frequent than an annual basis.
- (4) administer discipline to employees as necessary.

- (5) conduct first step grievance hearings as may be necessary under Section 18.806, and adjust such grievances as may be appropriate.

Section 2: Classification Plan

Development and Administration

18.201

The Human Resources Director shall be responsible for the overall development and administration of the Classification Plan, in cooperation with Department Heads, key staff employees and other appropriate resources. The County Administrator position shall be an unclassified position.

Position Description

18.202

Each employee shall have an accurate position description that describes the knowledge, skills and abilities necessary to do the work of that position; goals of the position and job tasks to accomplish the goals; and identifies the essential job functions.

Allocation of New Positions

18.203

The Human Resources Director shall allocate new positions that have been approved by the County Board to one of the classifications in the Classification Plan. If a suitable class does not exist, the Human Resources Director shall establish a new classification. An appropriate pay range for the classification shall be assigned subject to the approval of the County Board Staff Committee, and confirmation of the County Board unless otherwise established through the budgetary process.

Abolition of Unnecessary Classifications

18.204

When it is determined that a classification or classifications are no longer useful or appropriate, the Human Resources Director shall inform the County Board Staff Committee that such classes have been abolished.

Reclassification Requests

18.205

A reclassification is the re assignment of a position from one existing class to another class to recognize a change in the duties and responsibilities of a position. Reclassification is considered a promotion.

Persons in positions reclassified shall normally be advanced to the step with the next highest dollar amount in the new pay range. Future step increases will be paid according to the employee's new employee group or pay grid. In unusual circumstances, the reclassified

individual may be placed in a higher step upon approval of the Human Resources Director and the County Administrator.

Reclassification requests shall normally be contained within the annual budget. In such situations, prior to approval of the budget, the Human Resources Department shall audit the position and make a written recommendation to the County Administrator who shall then recommend approval or denial of reclassification requests. If a reclassification request is denied, the position shall not be reconsidered for reclassification until there is a significant change in the duties and responsibilities of the position. If, in exceptional cases, duties of a position change during a budget year, the County Board may approve a reclassification request upon the performance of a job audit and the recommendation of the Human Resources Director and County Administrator and with the confirmation of the County Board Staff Committee.

Reallocation Requests
18.206

A reallocation is the re assignment of a position from one pay range to another pay range to correct an error in the original assignment, to reflect changing labor market conditions, or to reflect significant changes over a period of time in the duties and the responsibilities of the position.

Salary adjustments shall be part of the budget process. If salary reallocations are approved, they will become effective the first day of the fiscal year. Persons in positions reallocated shall normally be advanced to the step with the next highest dollar amount in the new pay range. Future step increases will be paid according to the employee's new employee group or pay grid. In unusual circumstances, the reallocated individual may be placed in a higher step upon approval of the Human Resources Director and the County Administrator.

If the employee's current rate of pay is greater than the maximum of the new range, the employee will be red-circled in accordance with section 18.411.

When a position becomes vacant and it is determined by the Human Resources Director and the County Administrator that a reallocation of the position is necessary for recruitment purposes, such reallocation may occur outside the budget process upon the confirmation of the County Board Staff Committee and approval of the County Board.

Reorganization of Department
18.207

Each time a department or division of a department is reorganized, class descriptions for all affected employees shall be submitted to the Human Resources Director for review and approval as part of such reorganization.

Position Description Questionnaires/Job Audits
18.208

The Human Resources Director may require departments or employees to submit Position Description Questionnaires when vacancies occur, any time there is reason to believe that there has been a significant change in the duties and responsibilities of one or more positions, or as part of a job audit conducted by the Human Resources Department.

Underslotting
18.209

As a vacancy occurs, the Department Head may recommend the position not be filled at the existing level. With the concurrence of the Human Resources Director and County Administrator, the position may be filled at a lower classification.

Section 3: Recruitment and Selection

The Human Resources Director shall develop and conduct an active recruitment program designed to meet current and projected County manpower needs.

Recruitment shall be tailored to the position to be filled and shall be directed to sources likely to yield qualified candidates. Applications received are maintained by Applicant Tracking Software. Candidates are notified by the system as they progress thru the life cycle of the recruitment.

(a) Job Announcements and Publicity.

Human Resources shall issue job announcements and otherwise publicize vacancies as may be appropriate. Job vacancies shall be formally announced for a minimum of five working days prior to the closing date for filing applications. Depending upon the vacancy and the scope of the recruitment process, this period may be adjusted accordingly. The Human Resources Director may also initiate continuous recruitment programs for any class of positions. (See HR Policies and Procedures.)

(b) Application Form.

All applications for employment shall be made on forms prescribed by the Human Resources Director. The Human Resources Director may require proof of application statements.

(c) Rejection of Applications.

Human Resources may reject any application if the applicant:

- (1) does not meet the minimum qualifications established for the position.
- (2) provides any false or misleading information in the application process.
- (3) is physically, mentally or otherwise unable to perform the duties of the position, with or without a reasonable accommodation, as permitted under applicable State and Federal laws.
- (4) has been convicted of a crime, which renders him/her unsuitable for the position, as permitted under applicable State and Federal laws.

- (5) is not within the legal age limits prescribed for the position or for County employment.
 - (6) has established an unsatisfactory employment record, which demonstrates unsuitability for the position.
 - (7) is a member of an organization, which advocates the violent overthrow of the government of the United States.
 - (8) based on job related factors, is found by Human Resources to be clearly unsuitable for the position for which he/she has applied.
- (d) Human Resources may select only the best qualified applicants for screening and final consideration.
 - (e) Applicants that are not selected for a position have the ability to review their individual results. Candidates who do not agree with their recruitment process results may request the Human Resources Director to review the results.

Relocation Expense
18.302

An employee, newly hired to fill an FLSA exempt position, who resides outside of reasonable commuting distance (i.e. a distance greater than 40 miles) wishing to relocate his or her domicile to Rock County may be eligible for a contribution toward moving expenses, if it is determined, upon recommendation of the County Administrator and approval of the County Board Staff Committee, to be in the best interest of Rock County to offer such contribution. An employee receiving a contribution toward moving expenses shall remain a resident and employee of Rock County for not less than three (3) years. Failure to meet this requirement will result in the repayment of said moving expense on a pro rata basis.

Selection
18.303

The selection process shall maximize reliability, objectivity, and validity through a practical and job related assessment of applicant attributes necessary for successful job performance and career potential. The selection process shall also be balanced to provide promotional opportunities as well as open competitive opportunities at all levels of County employment.

(a) Selection Devices.

Human Resources shall be responsible for determining when formal selection devices are to be used to screen applicants for job vacancies which may include, but need not be limited to a review of training and experience, work sample and performance tests, practical written tests, physical fitness examinations, and background and reference inquiries. In the development of selection devices, Human Resources shall confer with Department Heads, consultants, or others familiar with the knowledge, skills and abilities required and specific devices to best measure these factors.

(b) Confidentiality.

Formal selection materials shall be known only to the Human Resources Director and to other individuals designated. Every precaution shall be exercised by all persons participating in the development and maintenance of materials to ensure the highest level of integrity and confidentiality.

Eligibility Lists

18.304

Human Resources shall be responsible for establishing and maintaining eligibility lists as may be necessary or desirable upon authorization of the department. An established eligibility list will be used to fill future vacancies for the same position. Before the next candidate on the eligibility list will be considered, internal vacancies or new positions will be posted on bulletin boards throughout the county per policy. In filling job vacancies or new positions, employees within the department with the vacancy will be given consideration. Both internal and external candidates may be considered. All candidates must successfully complete a reference and background screen before final selection.

(a) Layoff List for unilateral employees.

An employee laid off or demoted in lieu of layoff may be considered for re-employment when a vacancy occurs for which he/she is qualified. Human Resources shall notify said employee of any vacancy arising in the same job from which the employee was laid off. Said employee shall make application for the vacant position. Once application is made, the laid off employee shall participate in a competitive hiring process and, if most qualified, shall be required to accept an offer of employment for the position within 10 days of said offer. Failure to make application or accept an offer of employment for the position from which the employee was laid off shall result in the forfeiture of notification rights for future openings.

(b) Open Competitive and Promotional Eligibility.

Human Resources may establish and maintain such open competitive and promotional eligibility lists of applicants who have qualified for a particular job or class of County positions.

(c) Duration of Eligibility Lists.

The duration of eligibility lists shall be not less than one year, or as provided for in a Department's Work Rules.

(d) Removal of Candidates from Eligibility Lists.

Human Resources may remove candidates from an eligibility list if the candidate:

- (1) receives a regular appointment to a position in the same class or another class having the same or higher pay grade.
- (2) files a written statement indicating unwillingness to accept appointment.
- (2) declines an offer of employment under such conditions previously indicated by the candidate as acceptable.
- (4) fails to respond within a specified time period to any official written inquiry regarding relative availability.
- (5) fails to report for an interview or for duty at the time specified by the Human Resources or appointing authority.
- (6) is disqualified for employment under County policies or state law.
- (7) factors covered under Section 18.301.

(e) Human Resources shall notify each candidate in writing of his/her removal from an eligibility list. The candidate may appeal his/her removal from an eligibility list and, at the discretion of the Human Resources Director, the candidate may be reinstated.

Whenever a vacancy in County employment is to be filled, the appointing authority shall submit a request to Human Resources to provide names of eligible candidates.

Appointment of Eligible Candidates.

The appointing authority shall make an appointment from among the names submitted by Human Resources. The appointing authority shall justify to the Human Resources Director each candidate's unsuitability if they are bypassed on the list. Such justification must be acceptable to the Human Resources Director.

The date upon which a new employee commences employment shall be jointly determined by Human Resources and Hiring Manager.

Except for Department Heads and the County Administrator, original appointments to all positions shall be made with a Probationary Period of one (1) calendar year.

The length of the Probationary Period shall be specified in the written offer of employment, which will be written by the Human Resources Department.

- (1) Regular status begins on the first workday following completion of the Probationary Period.
- (2) The Probationary Period may be extended for a period of time not to exceed six (6) months, with prior approval of the Human Resources Director. This request must be made in writing citing the reason for the request.
- (3) An employee shall automatically be appointed at the end of the prescribed Probationary Period, unless the appointing authority, with approval of the Human Resources Director, notifies the probationary employee of the extension, or the unsuccessful completion of the Probationary Period at which time the employee shall have their Probationary Period extended or be dismissed.

- (4) Dismissal of an employee during the initial Probationary Period shall be at the sole discretion of the employer and without recourse to the grievance procedures herein provided.
- (5) An employee appointed to a position in an acting capacity by the County Administrator and subsequently selected as the regular employee in that position shall have his/her total time of continuous employment, including the time spent in an interim capacity, counted for seniority purposes, but shall serve at least a six month Probationary Period after regular appointment. When an employee is in an acting capacity, the employee will continue to receive step increases as provided under Section 18.405.
- (6) Probationary employees, with the exception of Pool Staff, Relief Staff, and Project Staff, will not be permitted to apply for other positions until they have completed twelve months of employment. An employee who has completed at least six months of their probationary period, may sign for a lateral transfer in the same classification with in the same division. In unusual circumstances, this requirement may be waived in advance and in writing by the current Department Head and Human Resources Director.
- (7) Completion of the Probationary period does not guarantee continued employment for any specified period of time, nor does it modify or change the employee's at will status.
- (8) Probationary employees, who have not completed their initial twelve (12) month probationary period, who are either promoted , demoted, or accept a lateral transfer to another position, which results in a change of duties, will be required to serve a new one year probationary period starting from the date of their new position.

Part-time and Seasonal Employment
18.307

When possible, employment shall be on a full time year round basis. However, when it is determined to be in the best interest of the County, part-time and seasonal employees may be hired.

Temporary Appointments
18.308

Temporary appointments may be made from appropriate eligibility lists. If no eligibility list is available or if the eligible candidates are not available for temporary work, Human Resources may authorize the appointment of a qualified individual. The acceptance or refusal by an eligible candidate of a temporary appointment shall not affect the candidate's standing on the eligibility list for regular appointment.

Double Fill of Positions
18.309

Any request for hiring in excess of the budgeted personnel roster must be approved by the County Board. This would include cases where the Department Head requests an overlap of personnel for more than one payroll period in order to train the new employee. The request should be approved by the governing committee and County Board Staff Committee prior to submission to the Board.

Other Appointments May Follow Ordinance
18.310

Nothing herein shall preclude an appointing authority from filling those positions not covered by this Ordinance in a manner consistent with it.

Section 4: Salary Administration

The Pay Plans shall include the schedules of pay ranges for all County employees.

Schedules shall consist of minimum and maximum rates of pay and the intermediate pay steps. The objectives of the Pay Plans shall be:

- (a) To provide an appropriate salary structure, to recruit and retain an adequate number of competent employees; and,
- (b) To provide appropriate pay incentives for satisfactory or outstanding job performance.

The pay plan schedules described above shall be contained in the County's Administrative Policy and Procedures Manual.

The Human Resources Director shall be responsible for the development and administration of the Pay Plan, through periodic reviews and comparative studies of pertinent factors affecting levels of pay. When appropriate, the Human Resources Director shall recommend necessary amendments to the County Board Staff Committee, which shall become effective upon approval of the County Board.

The Pay Plan shall be directly linked to the Classification Plan and shall be based on the principle of equal pay for equal work. Pay ranges within the Pay Plan shall be determined with regard to such factors as: uniformity of pay for each class, relative difficulty, complexity, and responsibility of work, recruiting experience, prevailing rates of pay for similar jobs in public and private service, changes in cost of living indices, and the financial policies of the County.

The entrance pay rate for new County employees shall normally be the minimum rate of the pay range prescribed for the class. A Department Head may recommend that a particular appointment be made above the entrance pay rate. Such requests must be made in writing,

approved in advance by the Human Resources Director in recognition of relevant experience and /or exceptional qualifications.

Elected Department Heads that wish to appeal the decision for placement of a new County employee made by the Human Resources Director and/or County Administrator may do so in writing to the County Board Staff Committee, whose decision shall be final.

In Range Increment
18.405

In range increments shall be based on satisfactory work performance and length of service in a class. Such increments shall not be granted automatically. Whenever an employee is promoted, their annual pay increments (step increase) shall be based on the length of service in that range or class. The employee shall have an overall performance evaluation of "satisfactory" or "meets expectations" or higher in order for an in range increment to be granted. If the rater plans to recommend the denial of an in grade salary increment, the report shall be discussed with the Human Resources Director prior to review with the employee. The performance of the employee will be evaluated in accordance with procedures outlined in Section 7 of this Ordinance.

Seasonal Employment
18.406

Seasonal employees shall be compensated on an hourly basis at a rate established within the parameters of the annual budget as determined annually by the Human Resources Director.

Temporary Employment
18.407

Temporary employees shall be compensated by placing them on a step in the appropriate salary schedule.

Should a non-regular employee be reclassified as a regular employee in the same job, he/she shall be advanced in pay to the appropriate salary rate of his/her classified position. His/her total time of continuous employment including his/her temporary employment, shall be counted as part of his/her probationary period.

Pay Rate Adjustments
18.408

The following actions shall affect the pay status of an employee:

(a) Transfer

When an employee is transferred from one class to another with a common pay range, he/she shall continue to receive the same pay rate.

(b) Promotion

When an employee is promoted from one class to another having a higher pay range, he/she shall normally advance to the pay step in the new range which is immediately above his/her former rate of pay. In unusual circumstances, the promoted individual may be placed in a higher step upon prior approval of the Human Resources Director and the County Administrator.

(c) Demotion

When an employee is demoted for any reason, the Human Resources Director shall consult with the supervisor(s) involved to decide the pay for the re-assignment. In no case will it exceed the maximum of the pay range of the job to which the employee is demoted.

(d) Reinstatement

When an employee is reinstated to his/her former job he/she shall normally be paid the same pay step as before leaving. When the employee is reinstated to a job with a lower pay range, the Human Resources Director shall decide on the new pay rate in accordance with the employee's experience and qualifications. In no case, will it exceed the maximum of the pay range to which the employee is assigned.

(e) Compensation During Temporary Assignment

In a situation where an employee is assigned all of the duties of a higher classification anticipated to be for a period in excess of ten (10) consecutive working days, the employee will be assigned a temporary pay rate in the range of the higher classified position. Payment for hours over 8 in a day or 40 a week will be paid according to the FLSA status of the higher position. Such pay will be for the period of the temporary assignment. Temporary

assignments must be approved by the Human Resources Director. An employee who is temporarily assigned to a position with a lower pay range, for any period, shall not receive a reduction in pay. No such temporary assignment shall exceed six months unless approved by the County Administrator upon recommendation of the Human Resources Director.

Overtime
18.409

“Unilateral A” employees earn overtime at time and one half over 40 hours per week.

“Unilateral B” employees earn overtime at straight time over 40 hours per week.

“Unilateral C” employees, who are exempt under the federal Fair Labor Standards Act (FLSA), do not earn overtime.

For additional policies and procedures regarding overtime for unilaterals and other employees see the HR Policy and Procedure Manual.

Red Circled Classifications
18.410

Employees in classifications that are to be red circled will be frozen at their current salary until the salary of the pay range to which they are assigned equals or exceeds their rate of pay. Employees, whose classification has been red circled, shall receive one half of the across the board increase granted to employees until the salary of the pay range to which they are assigned equals or exceeds their rate of pay.

Section 5: Fringe Benefits

The following holidays are observed by the County and shall be granted to regular employees with pay and to temporary employees without pay, unless such employees are required to be on scheduled work:

- (a) New Year's Day
- (b) Martin Luther King Jr. Day
- (c) Spring Holiday to be observed the Friday immediately preceding Easter
- (d) Memorial Day
- (f) July 4th
- (g) Labor Day
- (h) Thanksgiving Day
- (i) Friday following Thanksgiving
- (j) Day before Christmas
- (k) Christmas Day
- (l) One Floating Holiday
- (m) Any additional holiday granted by the County Board.
- (n) The County Administrator may designate additional holidays in unusual circumstances with the approval of the County Board Chair and/or Vice Chair.

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

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

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

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

The floating holiday may be taken upon at least 7 days advance notice. The floating holiday request will normally be approved, however, it may be denied by the Department Head, even with a 7 day advance notice, if granting the request would put the department, division, unit, or

shift below the minimum staffing needs of the department, division, unit or shift. A floating holiday with less than 7 day notice may be granted in an emergency circumstance at the discretion of the Department Head or his/her designee. Employees are strongly encouraged to use their floating holiday prior to the last payroll period of the calendar year.

Health and Dental Insurance
18.502

- A. The County shall pay that portion of the employee's health insurance as is approved by the County Board.
- B. For non-represented employees hired after September 1, 2009 into positions with an FTE of 0.5 or greater but less than 1.0 FTE Rock County will provide single coverage health insurance. If the employee chooses to select employee and spouse, employee and child, or family coverage, the employee will pay a pro-rated share of the premium difference between single coverage and the coverage of their choice based on their FTE [CB Resolution 14-12A-170].
- C. Part-time employees who are normally scheduled to work less than twenty hours per week are not eligible for County health and dental benefits. Employees who normally work twenty hours or more per week are eligible to receive dental insurance and health benefits. Part-time employees may participate in vision insurance at their own cost provided it is allowable under the plan rules in effect at the time of participation.
- D. Employees retiring from the County who are eligible for a WRS annuity may retain their insurance coverage under the County's group policy if they pay the premium.
- F. Dental coverage will be provided consistent with coverage and copayments as set by the County Board. Eligibility for coverage shall be governed by the policy issued by the carrier/administrator. The employer shall pay 60% of applicable premium of the lowest cost available plan and the employee shall pay the remainder of the applicable premium.

Life Insurance
18.503

Regular full-time employees are eligible for group life insurance in an amount equal to the next highest thousand dollars of their annual salary. Once an employee has elected coverage, a portion of the premium shall be deducted monthly from their regular salary as approved by the County Board. Regular part-time employees are also eligible if they work enough hours in a year to qualify for Wisconsin Retirement System coverage.

Retirement
18.504

Retirement benefits are administered by the State of Wisconsin Retirement System (WRS). The benefits are governed by applicable State statutes and regulations.

Unemployment Compensation
18.505

County employment is covered by Wisconsin Unemployment Compensation laws.

Vacation
18.506

- (a) Unilateral employees hired prior to January 1, 2008, shall earn ten days paid vacation after one year of continuous service. Thereafter, he/she shall earn one additional day per year for each year of continuous employment to a maximum of twenty two days. Employees shall continue to earn vacation until the employee's length of service would provide additional vacation under paragraph (b) below, at which time they shall be placed on that schedule.
- (b) Unilateral employees hired after January 1, 2008, shall earn vacation according to the following schedule:

<u>Completed Years of Service</u>	<u>Unilateral A & B</u>	<u>Unilateral C</u>
1 year	10 Days	15 Days
2 Years	11 Days	15 Days
3 Years	12 Days	15 Days
4 Years	13 Days	15 Days
5 Years	14 Days	20 Days
6 Years	15 Days	"
7 Years	16 Days	"
8 Years	17 Days	"
9 Years	18 Days	"
10 Years	19 Days	25 Days
11 Years	20 Days	"
12 Years	21 Days	"
13 Years	22 Days	"

14 Years	22 Days	"
15 Years	22 Days	"
16 Years	22 Days	"
17 Years	23 Days	"
18 Years	24 Days	"
19 Years	25 Days	"

Unilateral A & B Employees may use up to 5 of their 10 days after they have been with the County for six months. Unilateral C employees may use 7.5 of their 15 days after they have been with the County for six months. Any time used between six (6) months and one year, will result in a reduction of the days available after one year. (Example: a Unilateral B employee uses 2 days after six months but prior to his one year anniversary date, that person would have 8 days to use after completing one year of service. $10 - 2 = 8$.)

- (c) Vacation schedules for non unilateral employees are contained in the HR Policies and Procedures manual.
- (d) Credit for years of service may be awarded to an employee based on years of prior related experience plus years of service with the County. Prior related experience shall be determined by the Human Resources Director and the Corporation Counsel, and will only be awarded for service in jobs that are substantially related to the work performed for the County. This service credit shall be awarded at the time of initial employment, or at the time promoted into a new employee group.
- (e) An employee shall take earned vacation time within the twelve month period immediately following eligibility. Earned vacation time not taken within the designated twelve month period shall be forfeited, unless the Department Head and Human Resources Director specifically approves the carryover of an employee's vacation, in writing, due to an inability of the employee to utilize the time requested to be carried over because of work requirements or other legitimate reasons; or paid out according to HR Policy and Procedures. Vacation deferral or carry over of one (1) hour or more shall be requested by the employee in writing prior to his or her anniversary date, or within ten weeks of his or her anniversary date, and shall state with specificity the reason for the request. Failure to make a timely request shall result in the vacation being forfeited.
- (f) The amount of vacation days deferred shall not exceed the number of vacation days that the employee earns on that anniversary date. Vacation may be granted in advance only upon the approval of the Department Head and the Human Resources Director.

Department Heads shall establish work and vacation schedules with the first consideration to be given to the efficient operation of the department. Senior employees in terms of length of service shall be given vacation schedule preferences when practicable. Deferral of vacation for the County Administrator shall be at the discretion of the County Board Staff Committee.

- (g) Part-time employees whose regular workweek is sixteen hours or more shall earn vacation time on a pro rata basis directly proportionate to the amount of time worked in relation to the normal full time employment period. Part-time employees whose regular workweek is less than sixteen hours shall not earn vacation credits.
- (h) In the event an employee is on authorized sick leave and has insufficient sick leave credits to cover the period of absence, earned vacation time may be used for this purpose if the employee or employer so elects.
- (i) Upon separation, an employee shall be paid for the unused portion of his/her accrued vacation credits provided the employee has completed twelve consecutive months of service, except as modified by the rules governing resignation without sufficient notice.
- (j) An employee who moves from one position to another in the County service, by transfer, promotion or re-assignment, shall be credited with his/her accumulated vacation leave in the new position.
- (k) An employee who moves from one an employee group to another employee group in the County service, by transfer, promotion or re-assignment, will have their vacation entitlement determined by a number of factors (i.e. years of service, FTE previously worked, entitlement under new employee group, etc.).
- (l) An employee, whose appointment status is changed from temporary to regular status without a break in service, shall receive vacation credits from the date of his/her original appointment to temporary status.
- (m) No credit for vacation leave shall be granted for time worked by an employee in excess of his/her normal workweek.
- (n) Vacation credits shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-compensable status, should such period without pay exceed thirty working days in any calendar year.
- (o) There shall be charged against accrued vacation only those days on which an

employee normally would have worked. In the event a legal holiday falls within the vacation period, the holiday shall not be charged against vacation.

- (p) Use of vacation time must be approved in advance by the Department Head or his or her designee. Use of vacation by appointed Department Heads must be approved in advance by the County Administrator.
- (q) All vacation shall be utilized in not less than thirty minute increments.
- (r) Unilateral "C" employees whose position has been moved to Unilateral "A" will have their vacation allotment frozen at current level until the employee's length of service would provide additional vacation under the Unilateral "A" schedule.

Workers Compensation

18.507

Worker compensation benefits will be provided in accordance with applicable statutory provisions and administrative codes.

Rock County strives to insure all work assignments are performed safely and work areas are maintained in a safe manner. The County promotes a light duty program for injured employees on worker compensation. All on the job accidents must be reported to the Human Resources Director or his/her designee immediately and proper forms must be completed in full.

Any employee, who is receiving worker's compensation, may at the employee's option, take sufficient sick leave or vacation to make up the difference between the worker's compensation payment and his/ her regular wage. When the employee's sick leave and/or vacation account is exhausted, he/she shall receive worker's compensation payments only. If an employee is on worker's compensation for a period of twelve (12) months, that employee shall have his/her earned vacation paid out, unless the employee asks for deferral of vacation payout in writing.

Leave of Absence Policy

18.508

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

- (1) Leave of absence (with or without pay) may be granted when it is in the best interest of the County to do so. Requests for leave of absence

shall be approved prior to the taking of such leave. When such leave is requested as an extension of sick leave, an acceptable physician's certificate shall be required.

- (2) At the expiration of a leave of absence, the employee shall be reinstated to the position he/she vacated or to an equivalent position which is vacant at the time, provided the employee meets the stated qualifications. If there is not a suitable vacancy available, the employee's name shall be placed on an appropriate reinstatement list.
- (3) Credit toward vacation and sick leave shall not be earned after 30 days while an employee is on leave without pay. Insurance benefits may be retained according to HR Policy and Procedure.
- (4) Leave without pay shall not constitute a break in service; however, if the employee is absent more than thirty days during a calendar year, it shall change the employee's anniversary date.

When a leave without pay of more than thirty (30) consecutive days is taken, the employee's anniversary date shall be moved ahead by the total number of days of the leave.

- (5) A return to work earlier than the scheduled termination of leave date may be arranged by the supervisor and the employee, with the approval of the Human Resources Director.
- (6) Employees on leave of absence from the County may not be employed full time elsewhere. Employees holding employment elsewhere during a leave of absence shall be deemed to have voluntarily resigned from employment with Rock County.
- (7) If an employee is unable to return to work on the date stipulated, he/she may submit a written request to extend the leave of absence, subject to the approval of the County Administrator or Department Head and the HR Director. If, on the date following the expiration of the leave of absence, an extension is not requested and granted and the employee has not returned to his/her position, the employee shall be considered to have voluntarily resigned from County employment.
- (8) Unauthorized Absence. It is recognized that there may be extenuating circumstances for unauthorized absence, and due consideration shall be given each case. However, an employee who is absent from duty without approval shall receive no pay for the

duration of the absence, and shall be subject to disciplinary action, which may include dismissal.

Bereavement Leave

18.509

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

No more than (32) hours can be used for the same decedent.

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

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

Bereavement leave can be used in increments of quarter hours.

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

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

Jury Duty

18.510

Any employee called for jury duty in any court of competent jurisdiction shall be granted time off from his/her regular and normal daily schedule of working hours with pay, for such jury service provided such employee shall remit to Rock County Treasurer's Office all fees received from the Clerk of Courts for such service, and further provided that no claim for overtime pay or compensatory time off shall be made by such employee as a result of his/her jury services. If a second or third shift employee is selected to serve on a jury panel, the employee will not be required to work their next scheduled shift, if such shift begins on the same calendar day. If the employee does not remit the fee, he/she shall be considered to be on leave of absence without pay while performing jury duty. The County shall pay a reasonable amount for the difference if the employee has to pay parking fees and reimbursement from the Court does not fully cover the fee.

Should an employee not be selected to serve on a jury panel, the employee will report back to work within one hour of dismissal by the court.

If the employee chooses not to return to work, they may use available benefit time to take the rest of the day off. Sick Leave cannot be used.

Medical Leave
18.511

Employees requiring a leave of absence for a period of medical disability shall request the leave in accordance with HR Policy and Procedure. Employees are entitled to medical leave in accordance with applicable Federal and State laws and HR Policy and Procedures. Any leave granted under this section will run concurrently with State and Federal FMLA.

Military Leave
18.512

An employee who leaves the service of the County to join the military forces of the United States during time of war or other national emergency, or who is drafted into the military service at any time, shall be granted military leave without pay, such leave to extend through a date ninety days after being relieved from such service. Proof must be filed with the Human Resources Director. Such employee shall be restored to the position which he/she vacated or to a comparable position with full rights and without loss of seniority or benefits accrued and not taken while serving in the position he/she occupied at the time the leave was granted, provided that application is made to the Human Resources Director within ninety days after the date of his/her honorable discharge, or fifteen days after rejection, and is physically and mentally capable of performing the work of his/her former position. Failure of an employee to notify the County within this time period of his/her intention to return to work shall be considered as a termination of his/her employment. Leave will be granted in compliance with State and Federal law.

Military Reserve Leave
18.513

- (1) An employee who, by reason of membership in the United States Military Reserve, or ordered by the appropriate authorities to attend a training or encampment under the supervision of the United States Armed Forces, or by reason of membership in the National Guard, is required by the authorities thereof to do so, shall be granted a leave of absence from his/her position without loss of pay for a period not to exceed fifteen working days in any calendar year. It is intended that this shall be done without financial penalty to the employee. The County will therefore pay such employee for this time lost in an amount equaling the difference between his/her daily military pay and the employee's normal County daily wage. To receive such leave, the employee must file a copy of his/her orders with the Human Resources Director as far in

advance as is reasonable under the circumstances (preference is at least two weeks advance notice) prior to date such training or encampment leave is to commence.

- (2) An employee who has active membership in the U.S. Military Reserve or National Guard and who is ordered to active duty in the U.S. Armed Forces shall be granted military leave with supplemental pay equal to the difference between the employee's basic military pay and his/her normal County daily wage. Supplemental pay granted under this section is provided for the duration of an employee's military service, not to exceed 5 years. Proof must be filed with the Human Resources Director. To receive compensation the employee must submit a copy of his/her Military Leave & Earnings statement to the County Payroll Office on a monthly basis. The net pay to an employee may be an estimate with final pay reconciliation by the County's Payroll Office after receipt of the employee's military pay vouchers, either during the course of military service or after completion. Accrual of seniority and benefits, and reinstatement rights and limitations, shall be consistent with those outlined in section (d) and as required by law. An employee who voluntarily extends his/her military service shall not be granted supplemental pay, but may apply for additional unpaid military leave under section (d). The effect of this subsection is retroactive to January 1, 2004, and is subject to the rights of the various unions representing County employees to object to said compensation policy prior to implementation and request that this subsection be subject to the collective bargaining process.
- (3) Any employee described in subsection (2) shall also be entitled to continue paid coverage under the County's group medical plan for four (4) weeks.

Non Work Related Witness or Personal Litigation

18.514

A leave of absence without pay shall be granted to an employee upon his/her request to appear under subpoena or in his/her own behalf in litigation involving personal or private matters

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
 - (c) 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.
 - (d) Adult child when covered by an approved FMLA.
 - (e) 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.
 - (f) 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 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.

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

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

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

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

- (6) An employee on vacation who presents an acceptable medical certificate giving the dates of illness may have that portion of his/her vacation leave converted to sick leave.
- (7) Sick leave shall be debited in no less than quarter hour units.

- (8) No credit for sick leave shall be granted for time worked by an employee in excess of his/her normal workweek.
- (9) A regular employee who moves from one department to another by transfer, promotion or demotion shall have his/her total sick leave credits transferred to the new department.
- (10) Employees who resign or retire with ten or more years of continuous service shall be paid for one half of the accumulated sick leave days, not to exceed a total of sixty-five days. In the event of the death of an employee, the County shall make the same sick leave payment to the employee's estate. In the event of a discharge, the employee will not receive this benefit.

Subpoenaed Witness

18.516

When subpoenaed to appear before a court, public body, or commission in connection with County business on regular work time, the employee shall be paid at his/her regular rate of pay and the employee shall remit his/her fee to the County.

Employees who are off duty and are subpoenaed to appear in court as a result of their work assignment shall receive a minimum of two hours pay at the rate of time and one half. If the employee is required by the court to be present in court for time over and above the minimum, the employee will be paid at the rate of time and one half. Employees shall be reimbursed for mileage costs incurred because of court appearances required under this provision. Employees shall sign and turn over to the County any and all fees and reimbursements paid because of court appearances resulting from their work assignment.

Subpoena Cancellation Pay. Employees who are subpoenaed to testify on off duty time and are not notified of the cancellation or dismissal of said subpoena at least twenty-four hours prior to the time scheduled for appearance, shall be paid two hours of pay at their regular rate of pay. There shall be a maximum of two (2) canceled subpoenas per day.

Employees subpoenaed to appear before a court, public body, or commission for reasons outside of their County employment will be given time off of work if they must appear during their normally scheduled shift. The time away from work will be covered by the employee's benefit time or will be leave without pay if the employee does not have appropriate benefit time to cover.

Training/Educational Leave
18.517

Employees may be granted a full time leave of absence without pay to further their education for a period not to exceed eighteen months if it is determined to be in the best interest of the County.

At the expiration of the leave, the employee may be reinstated to his/her position if it is available or an equivalent position if one is available and if it is determined to be in the best interest of the County.

For language covering leaves with pay, see HR Policies and Procedures.

Voluntary Public Service Leave
18.518

County employees may be allowed time off with pay to serve on public or nonprofit boards, committees, or commissions if such service received the prior approval of the County Board Staff Committee.

Voting
18.519

Any employee who can satisfactorily show that he/she cannot vote during his/her off duty hours shall be allowed time off with pay to cast his/her ballot in all legally constituted elections.

Section 6: Conditions of Employment

Communication is a joint responsibility shared by the County and all employees. No information, which is confidential in nature, concerning the internal operations of the County, including but not limited to the release of records of the County, may occur except through, and with the permission of, the County Administrator or individual Department Head if designated by the County Administrator.

If requests for information are received by employees, whether on or off duty, from any person, then the employee is required to politely decline to provide such information and to direct that individual to the County Administrator or Department Head for a response to that inquiry.

Because of an employee's responsibilities at the County, an employee may have access to confidential County, resident, personnel or other sensitive information. This may include information concerning a resident's financial status, the County's business practices including purchasing and negotiating strategies, and employee records. This sensitive information cannot be disclosed to any personnel who do not have a legitimate business need to know such information or to persons outside of the County without the determination of the County Administrator or Department Head designated by the Administrator. All employees are responsible for protecting the confidentiality of this information.

The County acknowledges the right of its employees, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the County, however, the employee's expression must be balanced against the interests of the County. In situations in which the employee is not engaged in the performance of professional duties, the employee should state clearly that his or her expression represents personal views and not necessarily those of the County.

Except for the salary or compensation received from the County, no County employee shall use his/her office or position for personal financial gain or the financial gain of his/her family. No employee shall engage in his/her own business activity, accept private employment or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of the employees official duties or would impair his/her independence or judgment or action in the performance of the employee's official duties. Such employment, business activity or service shall not be engaged in or promoted during normal working hours for which such employee is being remunerated by the County and such employment, business activity or service shall not involve the use of County facilities or materials. No employee shall use or disclose "privileged information" gained in the course of or by reason of the employee's

official position or activities. Failure to comply with these conditions shall be considered grounds for discipline up to and including immediate dismissal.

County Administrator (Tenure)
18.603

The County Administrator shall hold his/her position at the pleasure of the County Board. The action of the County Board in removing the County Administrator shall be final. Dismissal actions against the County Administrator may be initiated by individual supervisors as per County Board rules.

County Equipment (return of)
18.604

Employees leaving County employment must return County identification cards, keys, tools and equipment on or before their last day of work.

County Residence
18.605

Key County officials, as determined by the County Administrator, shall reside in the County.

Demotions
18.606

Demotions may be used in lieu of layoff, or may be used as a disciplinary measure or can be voluntary. Demotions must be approved in advance by the Human Resources Director.

Discipline/Investigations
18.607

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

No disciplinary action will be taken until a thorough investigation has been completed. Employees under investigation shall have the right to representation during the investigatory process. The employee will be allowed to have a representative of their choice who is not a supervisor or manager within Rock County. The representative will be limited to listening and advising the employee but will not be allowed to speak in place of the employee. Unilateral

employees other than Department Heads shall be allowed to have a representative of their choice who has equal or less authority than they do. Employees may be placed on a Paid/Non Paid Administrative Leave during the investigation. Rules and standards shall be consistently applied. Penalties shall be uniform and shall match the infraction. Persons administering corrective discipline shall systematically document the case. Records of written reprimands, suspensions, demotions and terminations shall be provided to Human Resources and kept in the employee's personnel file. Written reprimands will remain in effect for a period not to exceed one year, and at the end of such period shall be removed from the active Employee's personnel file. Records of suspension shall remain in the active Employee's personnel file for a period of two years and at the end of such period shall be removed from the Employee's personnel file.

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

An employee may only be suspended, demoted, or terminated for just cause. In determining whether just cause exists, the following standards must be applied to the extent applicable:

- (a) Whether the employee could reasonably be expected to have had knowledge of the likely consequences of the alleged conduct
- (b) Whether the rule or order that the employee allegedly violated was reasonable.
- (c) Whether the County made a reasonable effort to investigate and discover whether the employee did in fact violate a rule or order.
- (d) Whether the investigation was fair and objective.
- (e) Whether the County discovered substantial evidence that the employee violated the rule or order
- (f) Whether the County is applying the rule or order fairly and without discrimination against the employee.
- (g) Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and the employee's record of service with the County.

Notwithstanding the above, whenever an employee is laid off under section 18.613, it shall not be considered discipline and the employee shall not be considered terminated under this section. Dismissal of an employee during his or her initial Probationary Period shall not be considered a termination under this section.

Disciplinary Action (Grounds for)
18.608

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

- (a) Dishonesty or falsification of records.
- (b) Use, possession, distribution, selling, or being under the influence of alcohol or illegal drugs while on Rock County premises or while conducting business related activities off Rock County premises. The legal use of prescribed drugs when taken in standard dosage and/or according to a physician's prescription is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- (c) Unauthorized use or abuse of County equipment or property.
- (d) Theft or destruction of County equipment or property.
- (e) Work stoppages such as strikes or slowdowns.
- (f) Insubordination or refusal to comply with the proper order of an authorized supervisor.
- (g) Unlawful conduct defined as a violation of or refusal to comply with pertinent laws, ordinances and regulations.
- (h) Habitual tardiness, unauthorized or excessive absence or abuse of sick leave, or repeated attempts to use unpaid leave when the employee does not have benefit time available.
- (i) Use of official position or authority for personal or political profit or advantage.
- (j) Disregard or repeated violations of safety rules and regulations.
- (k) Incompetence, unprofessional or poor work performance.
- (l) Discrimination because of race, color, creed, national origin, marital status, sex, sexual orientation, or any other grounds prohibited by State or Federal law.
- (m) Violations of Section 18.601 "Communications and Confidentiality".

- (n) Failure to call in or report to work.
- (o) Sleeping during scheduled work hours.
- (p) Being disrespectful or bullying in dealing with fellow employees or the general public.
- (q) Failure to exercise good professional judgment and/or failure to conform to the County's or your Department's goals and mission.
- (r) Disregard or repeated violations of Rock County Ordinance, Policy or Procedure, or Department Work Rules.

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

Exit Interview
18.609

An exit interview shall be conducted when possible with every employee who is separating from County employment regardless of his/ her length of service, position or circumstances or separation.

Gifts and Gratuities
18.610

No County employee shall use their position to solicit or accept for himself/herself or another person any gift, campaign contribution, gratuity, favor, services, promise of future employment, entertainment, loan or any other thing of monetary value. This does not include acceptance of loans from banks or other financial institutions on customary terms of finance for personal use, such as home mortgage loans, the acceptance of unsolicited advertising or promotional material, such as pens and calendars, and acceptance of an award for meritorious public or personal contributions or achievements.

Harassment
18.611

It is the policy of Rock County that all employees should be able to enjoy a work environment free from all forms of harassment. Employees who engage in harassment not only hurt others, but they also expose both themselves and the County to potential legal liability. Consequently, Rock County will not condone or tolerate any conduct in the workplace on the part of its employees (whatever their positions), elected officials, vendors, or members of the public, if that conduct violates the right of someone else to be free from harassment. County employees who violate this policy will be subject to appropriate discipline, up to and including termination. (See HR Policies and Procedures for a detailed description of the procedures employees should follow in regard to this policy.)

The normal workweek for County employees shall be forty hours per week. Most County employees work from 8:00 a.m. to 5:00 p.m. Monday through Friday. However, since some County services are provided outside the Monday through Friday, 8:00 a.m. to 5:00 p.m. schedule, some County employees may have different work schedules which are designated in Department work rules.

Nonstandard work schedules may be approved by a Department Head, when doing so is in the interest of County operations. Notice of nonstandard work schedules shall be made to Human Resources and payroll.

Staffing needs and operational demands may necessitate variations in starting and ending times, days of the week worked, as well as variations in the total hours that may be scheduled each day and week.

Employees included in Sections 18.1002, 18.011, and 18.1020 are considered salaried exempt employees. These employees must cover a partial day taken off with paid vacation, sick leave or comp time (where applicable). If the employee has insufficient paid time to cover the entire day off, the employee must take the entire day off without pay.

The appointing authority may layoff an employee: a) whenever it is necessary to reduce the workforce for any reason (e.g. lack of work, lack of funds, abolishment of a position, etc.), b) when an employee has exhausted all available leave options and is unable to return to work, c) when an employee has failed to successfully complete their probationary period after a promotion or d) when an employee can no longer perform the essential functions of the job.

In situation (a) above, no regular employees shall be laid off while there are temporary or probationary employees serving in the same classification, in the same department. Layoffs shall be based on the needs of the County.

The appointing authority shall notify each person laid off of all his/her rights. Regular employees shall receive at least thirty (30) calendar days' notice prior to layoff in situation a) above. Layoff plans shall be approved by the Human Resources Director before they are implemented.

Laid-off employees shall be held in a layoff pool for a period of time equal to their length of service, but in no case longer than two years.

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.

More than One County Position

18.615

No person shall hold more than one full or part-time County position at the same time without written consent of the County Administrator.

Nepotism

18.616

Members of immediate families shall not be hired or transferred into a position that would create a direct or indirect superior subordinate relationship. This policy does not include situations where the superior subordinate relationship would be incidental.

Outside Employment
18.617

The County's policy on outside duties or employment shall be as follows: County employees may engage in outside employment, unless such employment conflicts with or affects the performance of their duties. Prior to engaging outside employment, the County employee must give written assurance prescribed by the Human Resources Director that said employment does not violate Section 18.602 of the Rock County Ordinance. The fact that an employee has reported outside employment does not mean that management has given its approval to that employment.

Outside Services
18.618

All fees, gratuities, honorarium or any other form of compensation for outside services performed during normal County work hours or while being paid by the County shall be turned over to the County and any such activities for which said compensation is paid shall be reported to the County Board Staff Committee. This subsection shall not be construed to apply to activities performed after regular work hours, or while an employee is on a bona fide vacation, or taking a floating or other holidays, or to part-time employees. Failure to comply with these conditions shall be considered grounds for discipline up to and including immediate dismissal.

Payday
18.619

Employees shall be paid biweekly on alternate Fridays, except when those days fall on a holiday in which case employees shall receive their pay on the day preceding the holiday. If an employee is on vacation or leave of absence, his/her pay shall be mailed to him/her upon request. (See HR Policy and Procedures.)

Pre-Employment Physicals
18.620

New full time and regular part-time employees may be required to pass a physical examination before they are employed. Such exams shall measure the individual's physical capabilities in terms of the job to be performed. When pre-employment physicals are required, they shall be conducted by a licensed physician at the County's expense.

Political Activity
18.621

Employees are precluded from engaging in political activity that interferes with their normal work performance or is conducted during hours for which the employee is being paid by the County.

Employees may not use County equipment or property for political purposes. Employees are specifically prohibited from using their County position or their official authority with the County for the purpose of directly or indirectly coercing any person to hold or contribute monetary or other types of assistance to any political candidate, party or purpose.

Under provisions of the federal Hatch Act, employees who are principally employed in an activity which is financed in whole or in part by federal loans or grants cannot:

- (a) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- (b) directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or
- (c) Be a candidate for partisan elective office.

Professional Liability Insurance

18.622

The County shall provide professional liability insurance for employees for performance of their duties within the scope of their employment.

Resignations

18.623

Employees covered by the Unilateral Pay Plan in positions in Pay Range 16 or lower, and wishing to leave Rock County employment shall submit a resignation in writing to their Department Head at least two weeks in advance of their planned departure. Employees in positions in Pay Range 17 or higher, shall submit their resignation in writing at least four weeks in advance of their planned departure (see Unilateral Pay Grid).

Non FLSA exempt employees not covered by the Unilateral Pay Plan wishing to leave Rock County employment shall submit a resignation in writing to their Department Head at least two weeks in advance of their planned departure. FLSA exempt employees shall submit their resignation in writing at least four weeks in advance of their planned departure.

Employees who do not give sufficient notice shall lose the vacation benefits they are accruing for use after they reach their next anniversary date, unless such requirement is waived by the Human Resources Director. It is expected that employees will give as much notice as possible in order to

facilitate recruitment and orientation of new staff members. A resignation, once accepted, may not be rescinded.

Safety
18.624

Safety is very important to each employee and Rock County. Employees must conduct themselves carefully at all times. All employees must act in a safe manner and practice good safety procedures. Similarly, all work areas are to be kept clean and free from debris, and tools and equipment are to be kept clean and in good repair.

The employer will comply with all applicable safety laws and regulations in order to provide a safe and secure workplace for its employees and clients.

Any accident, hazards or potentially unsafe conditions of equipment are to be reported to an employee's supervisor immediately for action. If the unsafe condition can be corrected immediately as to avoid any additional hazard, then the employee should implement the corrective action.

Any employee who is injured or becomes ill while performing service related to his or her employment must contact his or her supervisor immediately on the same day the injury or illness occurs and report the incident. If necessary the employee should secure the necessary medical attention on the job site to the extent practicable.

The first report of injury form must be in filled out completely, usually the day of the incident, if not, as soon as possible.

The employer has established the following protocols for evacuation of the premises. When employees are advised to evacuate the building, the employees should:

- Stop all work immediately.
- Contact outside emergency response agencies, if needed.
- Shut off all electrical equipment and machines, if possible.
- Walk to the nearest exit, including emergency exit doors.
- Exit quickly, but do not run. Do not stop for personal belongings.
- Proceed, in an orderly fashion, to a parking lot near the building.
- Do not reenter the building until instructed to do so.
- Employees must know the location of fire extinguishers, emergency exits and first aid kits.

Telephone
18.625

As a condition of employment, employees must have a telephone or a place of telephone contact. Employees shall be requested to notify the Department Head of any change of name, address, telephone number or contact place.

Travel
18.626

The County shall reimburse employees for actual necessary and reasonable itemized travel costs incurred while on official authorized County business. Commuting expenses between an employee's residence and normal place of employment are not reimbursable. All travel must be authorized by the Department Head in order to be eligible for reimbursement. Department Heads shall inform the County Administrator of any out of County travel plans. There will be no reimbursement for meals within the County, except as authorized by the Board Chair or Vice Chair. Out of County meals will be reimbursed at the IRS allowed rates. Receipts are required for all meals. Employees shall receive mileage reimbursement at the IRS allowed rate for all authorized travel in their personal automobile. Employees shall be required to complete an expense voucher before reimbursement will be made. All automobile allowances in all County departments shall be paid in a manner similar to that in which salaries are paid. Receipts are also required for air, train, bus or taxi travel, hotels or motels, conference registration and all other items (except tolls) in excess of five dollars. Clerical employees who are required to return to work to take minutes at evening meetings shall be reimbursed for mileage to and from their residence. (This reimbursement is taxable to the employee.)

Section 7: Performance Evaluation

The performance evaluation program is used to assess an employee's work effectiveness and to suggest constructive actions on how he/she may improve. Performance evaluation reports shall be considered in decisions affecting placement, salary advancement, overtime assignment, promotions, demotions, dismissal, order of layoff, reemployment, and training.

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).

Each employee shall be evaluated prior to the completion of the probationary period.

(c) Annual.

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

(d) Special.

A special performance evaluation shall be completed:

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

- (3) When an employee has accepted a new position with in Rock County, the current supervisor should complete a performance evaluation for the employee if they have not received a performance evaluation in the last six months.

Rater
18.703

The rater shall normally be the employee's immediate supervisor. The rater shall be responsible for completing a performance evaluation on forms prescribed by the Human Resources Director at the time prescribed for each employee under his/her supervision. The Human Resources Director, upon approval of the County Administrator, may also initiate rating procedures and mechanisms involving the Governing Committee, peers and/or subordinates.

The County Administrator shall be evaluated by the County Board Staff Committee.

Review of Performance Report
18.704

Supervisors serving as raters shall review all performance reports with Department Heads before discussing the report with the employee and before the report is filed in the employee's personnel folder. If the rater plans to recommend the denial of an in-grade salary increment, the report shall be discussed with the Human Resources Director prior to review with the employee.

Human Resources Director
18.705

The Human Resources Director shall be responsible for the overall administration of the employee performance evaluation programs and shall advise and assist employees, raters and Department Heads to ensure that performance evaluation procedures are handled according to the provisions of this Section.

Employee
18.706

If the employee does not agree with any information contained in the performance report, a removal or correction of that information may be mutually agreed upon by the employee and the rater. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position to the Human Resources Director. The Human Resources Director shall attach the employee's statement to the disputed portion of the performance report.

The Performance Improvement Plan (PIP) is a great way to give struggling employees the opportunity to succeed while still holding them accountable for past performance. The PIP may be done in conjunction with a performance evaluation or as a stand-alone assessment. The goal of the PIP is to improve performance and provide guidance to the employee, and the documentation helps put the employee back on track. The employee may need more training or help in understanding what is expected of them in order to be successful in meeting the criteria of the PIP. The supervisor should document the areas of the employee's performance that need improvement, as well as establish a provisional action plan for improvement. The employee is expected to demonstrate continued improvement. The supervisor will monitor and provide feedback to the employee regarding his or her performance on the PIP and may take additional disciplinary action, if warranted, through the progressive discipline process, up to and including termination at any time. At the completion of the Performance Improvement Plan, the supervisor shall document the outcome in writing and provide a copy to the Human Resources Office.

Section 8: Grievance Procedure

This grievance procedure is intended to meet all of the requirements set out in Wisconsin Statute Section 66.0509 (1m) and passed into law as Act 10 by the 2011 Wisconsin Legislature.

It is the policy of the County to treat all employees equitably and fairly in matters affecting their employment. Each employee of the County shall be provided ample opportunity to understand and resolve matters affecting employment, which the employee believes to be unjust. The presentation of a formal grievance shall be considered to be the right of each regular County employee without fear of reprisal. Nothing contained herein alters the “at will” status of those employees.

The County Administrator shall not have access to the grievance procedure.

Department Heads shall not have access to the grievance process based on Wisconsin Statutes Section 59.18 (2)(b).

“Arbitrary and capricious” means a decision which was made on unreasonable grounds or without any proper consideration of circumstances.

“Grievance” means a formal complaint by an employee concerning: employee discipline, employee termination, or workplace safety.

“Employee discipline” shall include written reprimands, suspensions without pay, and demotions.

“Termination” means a separation from employment, but does not include job loss resulting from a reduction in force.

“Workplace safety” shall include violations of state and federal laws and regulations on health and safety.

The following personnel actions shall not be subject to the grievance process: oral or written evaluations; counseling; job coaching; placing an employee on paid administrative leave pending an internal investigation; change in job assignments; voluntary quits; layoff or failure to return to work when recalled; retirement; job abandonment or failure to report to work; inability to perform job duties due to physical or medical limitations; and loss of required licensure, certification or other requirement necessary to perform the job.

“Preponderance of the evidence” means the greater weight of the evidence - superior evidentiary weight that, though not sufficient to free the mind wholly from doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other.

Administration
18.803

The Human Resources Director shall supervise and administer the grievance process. Supervisors and Department Heads shall keep the Human Resources Director informed of all grievances in process.

Filing a Grievance
18.804

This grievance procedure is available to all County employees (except Department Heads and elected County Officials).

Limitations:

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

Discussion of Problem with Immediate Supervisor
18.805

Any employee having a problem regarding his/her employment shall first discuss the problem with his/her immediate supervisor. If the problem is not settled to the employee's satisfaction and is a grievance according to Section 18.802, the employee may present his/her grievance according to Section 18.806.

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

STEP 1. Supervisor.

The employee shall, within seven (7) calendar days of the event giving rise to the grievance or within ten calendar days of the date he/she could reasonably be expected to have knowledge of the grievance, present his/her formal grievance in writing on the form designated by the County to his/her immediate supervisor unless the immediate supervisor is the subject matter of the grievance, in which case, the employee may immediately proceed to Step 2. If the Department Head is the subject matter of the grievance, the employee may immediately proceed to Step 3. The supervisor shall within three (3) calendar days meet and discuss the grievance with the employee and then reply in writing within three (3) calendar days.

STEP 2. Department Head.

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

STEP 3. Human Resources Director.

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

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

STEP 4. Impartial Hearing Officer (IHO).

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

- a. The Office of Corporation Counsel shall upon receipt of a written hearing request, provide the employee with the name of an Impartial Hearing Officer. The Impartial Hearing Officer must not be an employee of the County. The Impartial Hearing Officer may be a lawyer, a professional mediator/arbitrator or other qualified individual as determined by the County Administrator.
- b. The Impartial Hearing Officer shall be impartial and may not have any prior knowledge of the grievance.
- c. The Office of Corporation Counsel will contact the hearing officer and schedule a meeting with the employee and the IHO to discuss the hearing. This meeting shall occur within two weeks of the date the Human Resource Director receives the request for the hearing. If the employee does not respond to the attempt to schedule the meeting or does not attend a scheduled meeting, the request for a hearing shall be considered withdrawn and the decision of the HR Director shall stand.
- d. The Impartial Hearing Officer may decide the case on the existing record or may conduct a hearing. A hearing will be scheduled within 30 calendar days of receipt of the hearing request and filing fee. The Impartial Hearing Officer may reschedule the hearing with permission of both parties.
- e. The Impartial Hearing Officer, with the consent of both parties, may use his/her best efforts to mediate the grievance.
- f. The employee has a right to be represented at the hearing (at the employee's expense) by a person of the employee's choosing.
- g. The County has the burden of proof in a reprimand, suspension or termination grievance to show that its actions were not arbitrary or capricious. The employee has the burden of proof in a workplace safety grievance.
- h. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence.
- i. The hearing shall be recorded by a court reporter, who will make a record of the proceedings, and the costs will be shared equally by the parties.

- j. Formal rules of civil procedure will not be followed.
- k. Both parties may introduce exhibits and present witnesses. Witnesses shall be sworn to tell the truth.
- l. The Impartial Hearing Officer shall provide a written decision within thirty (30) calendar days following the close of the record. The written decision should include a case caption; the parties and appearances; a statement of the issues, findings of fact; any necessary conclusions of law; the final decision and order; and any other information the hearing officer deems appropriate.
- m. The Impartial Hearing Officer shall have the power to sustain or deny the grievance. He or she shall have the power to order only the following remedies: withdrawal of a written reprimand, reduction of suspension, transfer to original position from demoted position, reinstatement with or without some or all back pay. The Impartial Hearing Officer may recommend other remedies, however, all other remedial authority shall be subject to the determination and approval of the County Board, and shall be addressed by the County Board in the event the grievance is sustained.

STEP 5. County Board.

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

- a. The written notice of appeal must contain: (1) a statement explaining the reason for the appeal, (2) a copy of the written grievance filed with the County, (3) the County's response to the grievance, and (4) a copy of the Impartial Hearing Officer decision. The notice of appeal may not contain any information that was not admitted into evidence at the hearing.
- b. The appeal will be placed on the agenda for a County Board meeting that is held at no longer than sixty (60) calendar days after the County Clerk receives a written notice of appeal. The appeal will be noticed for consideration in closed session pursuant to Wis. Stat. Section 19.85(1)(b) pertaining to dismissal, licensing, or suspension of a public employee. The County Clerk will provide a copy of the meeting notice to the employee, and the employee may request that an open session be held.

- c. The employee has the right to representation by a person of the employee's choosing and at the employee's request. The employee and the employee's representative may attend the closed session.
- d. The employee or the employee's representative and a representative of the County may address the County Board for an equal period to be determined by the County Board Chair. The appealing party will go first and may reserve a part of his/her time for rebuttal. The responding party will go second. The appealing party may present a rebuttal, if he/she has reserved any time and not used it.
- e. The employee and the employee's representative, and the person speaking on behalf of the County, will be excluded from any closed session during the County Board's discussion or deliberation.
- f. The County Board's consideration of the appeal will be limited to a review of the Impartial Hearing Officer's written decision, the record before the impartial hearing officer, the appealing party's reason(s) as to why the decision is wrong, and the response by the other party along with any oral presentations made by the parties. Only matters admitted into the evidence before the Impartial Hearing Officer shall be considered a part of the record.
- g. Should the County Board Chair become aware of some relevant piece of information that could have had a significant impact on the decision of the impartial hearing officer, that neither party was aware of, or could have been expected to be aware of, prior to the impartial hearing officer's decision, the County Board Chair, with the advice of the Corporation Counsel, may take whatever action he/she deems appropriate so as not to disadvantage either party, and report such action to the County Board.
- h. The County Board shall give due deference to the decision and recommendation of the Impartial Hearing Officer and his/her decision shall not be overturned unless the Board finds by a simple majority vote the appealing party has established by evidence that is clear, satisfactory, and convincing: (1) the hearing was not conducted fairly, (2) there was fraud or corruption on the part of the hearing officer, or (3) the hearing officer made an error in fact or law.
- i. In the event the County Board does not sustain the Impartial Hearing Officer's decision, then the Board may render a new decision and remedy, or take other action as appropriate.

- j. The County Board Chair shall prepare and sign a written determination reflecting the County Board decision. The County Board Chair may enlist the assistance of the Corporation Counsel in preparing the determination. A copy of the determination will be provided to the employee within ten (10) calendar days following the County Board's decision.
- k. The County Board's decision is final and may not be appealed.

Grievance of Termination
18.807

All grievances regarding termination shall be initiated at the third step of the grievance procedure.

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.

Section 9: Transactions and Records Management

The development and maintenance of an effective personnel transaction procedure and personnel records management system is essential to a sound personnel program. All appointments, separations, and other personnel transactions shall be made on forms designated by the Human Resources Director. The primary purpose of these systems and procedures shall be to:

- (a) Establish and maintain clear lines of authority for the processing of personnel transactions and management of personnel records.
- (a) Establish and maintain uniform, easily accessible and complete employment records of all County employees and employee transactions.

The Payroll Unit shall convert data from personnel transactions to payroll records and shall maintain cumulative records of vacation, overtime, sick leave, and payroll deductions. Payroll records and data shall be developed in cooperation with the Human Resources Director and Finance Director to provide current and meaningful personnel and position information, summaries and statistics.

All employees shall be responsible for notifying their supervisor of any changes, which affect their personal status.

Information as to the name, class title and salary of employees and former employees is available for public inspection at times in accordance with procedures prescribed by the Human Resources Director. Other information shall be considered confidential and shall be available as authorized by State and Federal law.

Employee service records shall be kept for seven years after separation from County employment. Applications and examinations will be destroyed after two years.

The Human Resources Director shall provide the Board and the County Board Staff Committee with reports and information relating to personnel actions upon request or as may be appropriate.

Section 10: Definitions

Accrued Benefits
18.1001

This refers to vacation benefits that the employees are accumulating which they will only be able to use once they reach their next anniversary date.

Administrative Personnel
18.1002

Administrative employees act as an advisor, limited function department head, or a specialist in a management or supportive service who meet all the following criteria:

- (a) A primary duty of the employee includes the performance of office or non-manual work directly related to the management or general business operations of the County or its citizens.
- (b) A primary duty of the employee includes the exercise of discretion and independent judgment with respect to matters of significance.

Allocation
18.1003

The assignment of a position to a pay range.

Anniversary Date
18.1004

The date an employee begins County employment. The anniversary date may be modified by subsequent personnel actions – leave of absence and layoff.

Appointing Authority
18.1005

A County official who has the authority to appoint and remove individuals to and from positions in the County service.

Board
18.1006

The Rock County Board of Supervisors.

Class
18.1007

One or more positions which are substantially alike in duties and responsibilities to warrant using the same title, similar qualifications, selection procedures and the same pay range.

Class Description
18.1008

A written description of a class containing the class title, a general statement of the duties and responsibilities, examples of duties performed, and minimum qualifications required.

Class Title
18.1009

The official designation or name of the class as stated in the class description. The class title shall be used on all personnel records and other official personnel actions.

Classification Plan
18.1010

The sum total of all job class descriptions in the County service and a system showing salary and classification relationships.

County Administrator
18.1011

The person hired by the Rock County Board of Supervisors as the chief administrative officer for the County.

Demotion
18.1012

The assignment of an employee from one class to another class with a lower pay range.

Department Head
18.1013

A County official with the responsibility for the operation of a County department.

Disciplinary Action
18.1014

The action taken to discipline an employee, including: written reprimand, suspension without pay, demotion, and discharge.

Earned Benefits
18.1015

Those benefits that employees have on the books which are currently available to use (i.e. vacation after reaching an anniversary date, sick leave earned a day a month, floating holiday, etc.).

Eligible Candidate
18.1016

A person certified by the Human Resources Director as meeting the training and experience requirements and as successfully completing all parts of the selection process when formal selection devices are used.

Eligibility List
18.1017

A list of Eligible Candidates to fill positions in a particular job class.

Employee
18.1018

An individual who is employed by the County and is paid in part or in whole through the County payroll.

Entrance Pay Rate
18.1019

The rate of pay a newly hired employee is assigned at commencement of employment.

Executive Personnel
18.1020

An executive employee is an administrator who meets all of the following criteria:

- (a) The employee's primary duty consists of management of the County or a customarily recognized department or division of the County.
- (b) The employee customarily and regularly directs the work of two or more other full time employees or their equivalent.
- (c) The employee has the authority to hire or fire other employees, or their recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees is given particular weight.

Flexible Time
18.1021

Time off allowed at the discretion of the Department Head, in recognition of excess hours worked by an FLSA exempt employee not receiving overtime, consistent with HR Policy and Procedures.

Full Time Equivalent (FTE)
18.1022

A way to measure the amount of time a person assigned to a county position is scheduled to work. An FTE of 1.0 means that the position is equivalent to a full time position, while an FTE of 0.5 means that the position is only half time. FTE is measured in tenths from 0.1 to 1.0.

Grievance
18.1023

A formal complaint by an employee concerning: employee discipline, employee termination, or workplace safety.

Human Resources Director
18.1024

The Director of the Rock County Human Resources Department and the person responsible for implementing all County Personnel Policies and Procedures.

Immediate Family
18.1025

Spouse, child, step-child, parent, step-parent, sibling, mother-in-law, father-in-law, sister-in-law (the sister of one's spouse or the wife of one's brother or the wife of one's spouse's brother), brother-in-law (the brother of one's spouse or the husband of one's sister, or the husband of

one's spouses sister), son-in-law, daughter-in-law, grandparent, grandchild or step grandchild, aunt (the sister of one's father or mother, or the wife of one's uncle), uncle (the brother of one's father or mother, or the husband of one's aunt), niece, and nephew. Immediate family shall not include former "in-laws" due to divorce.

In Range Increment
18.1026

A pay step within a pay range.

Layoff
18.1027

The involuntary separation of an employee a) whenever it is necessary to reduce the workforce for any reason (e.g. lack of work, lack of funds, abolishment of a position, etc.), b) when an employee has exhausted all available leave options and is unable to return to work, c) when an employee has failed to successfully complete their probationary period after a promotion or d) when an employee no longer perform the essential functions of the job.

Limited Term Employee (LTE)
18.1028

An employee who is hired to perform a job for a determinant amount of time with a specific ending date at the time of hire and who meets all of the qualifications to perform the job. Limited Term Employees are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Limited Term Employee may not work more than 25 hours per week.

Part-time Employees
18.1029

Employees shall be considered part-time when they are normally scheduled to work less than 40 hours per calendar week, or on a regular 5-2 / 5-3 work rotation on a 15 day work cycle.

Pay Grid
18.1030

A schedule of pay ranges for all classes of positions in the County that are not covered by a Collective Bargaining Agreement.

Pay Range
18.1031

A salary range to which positions are assigned, consisting of a minimum wage rate, designated as “Step 1,” and multiple additional steps, culminating in a maximum wage rate. All positions shall be compensated at one of the steps contained in the pay range to which the position is assigned.

Pool
18.1032

An employee who is hired to perform a certain job and who meets all of the qualifications to perform the job (e.g. Pool Psych Techs, Pool C.N.A., Pool RN). Pool staff are not guaranteed a set number of work hours. Specific rules and guidelines for the completion of Pool duties are contained within Departmental Work Rules. Pool are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Pool may not work more than 25 hours per week. If a current FTE employee wished to become a pool employee, he/she must resign from his/her regular employment with Rock County and reapply as a pool employee.

Position
18.1033

A grouping of duties and responsibilities to be performed by an employee. A position may be filled or vacant, full time or part-time, regular or temporary.

Position Description
18.1034

A written document that describes the individual employee’s duties and responsibilities and is specific to that position.

Probationary Employee
18.1035

A person who has been properly appointed to a regular Rock County position and who is serving in his/her Probationary Period to determine if he/she can do the job.

Probationary Period
18.1036

The probationary period is a try out time for the employee. It is also used for determination of certain benefits.

Promotion
18.1037

The assignment of an employee from one class to another class with a higher pay range.

Reallocation
18.1038

The reassignment of a position from one pay range to another to correct an error in the original assignment, to reflect changing labor market conditions, or to reflect significant changes over a period of time in the duties and the responsibilities of the position (e.g. moving the Medical Record Manager position from Unilateral Pay Range 19 to Unilateral Pay Range 20). The incumbent in the position shall move with the position.

Reclassification
18.1039

The reassignment of a position from one existing class to another existing or newly created class to recognize a change in the duties and responsibilities of a position (e.g. a position is currently assigned as a Planner III and is reclassified to a Senior Planner). The incumbent in the position shall move with the position if they are qualified for the position.

If the incumbent in the position is not qualified for the position, an open recruitment shall be conducted to fill the position.

Regular Appointment
18.1040

An assignment of an eligible candidate to a budgeted County position.

Regular Employee
18.1041

A person who has been properly appointed to a regular Rock County position and has successfully completed the Probationary Period.

Reinstatement
18.1042

To restore or be placed back into a former or substantially equivalent position.

Relief
18.1043

An employee who is hired to perform a certain job and who meets all of the qualifications to perform the job (e.g. Relief Youth Specialist). Relief Staff are not guaranteed a set number of work hours. Specific rules and guidelines for the completion of Relief duties are contained within Departmental Work Rules. Relief staff are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Relief Staff may not work more than 25 hours per week. If a current FTE employee wished to become a pool employee, he/she must resign from his/her regular employment with Rock County and reapply as a pool employee.

Retiree
18.1044

An employee who terminates employment with the County to immediately and actively draw an annuity from the Wisconsin Retirement System (WRS).

Seasonal Employee
18.1045

An employee who is hired for a period of time to do a specific function (example: cut the grass), which cannot cumulatively exceed a period of nine months in a calendar year. Seasonal Employees are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Seasonal employee may not work more than 25 hours per week.

Selection Device
18.1046

A formal measurement device used to evaluate and/or rank applicants for County positions.

Seniority
18.1047

Seniority is continuous length of service as a County employee. Seniority shall, upon completion of the Probationary Period, begin with the original date of continuous employment

subject to the conditions of 18.1004. Seniority shall be used to determine accrual of vacation and sick leave.

Supervisor
18.1048

The person responsible for the assignment, direction and evaluation of the work of another employee, usually a full time County employee.

Temporary Appointment
18.1049

An appointment of an individual who meets the qualifications for a position appointed to fill that position for an unspecified term. Temporary Appointees may be eligible for fringe benefits.

Termination
18.1050

The removal of an employee from the payroll for voluntary or involuntary reasons, including dismissal, resignation, retirement or death.

Transfer
18.1051

The assignment of an employee from one position to another in the same class or to a class with the same pay range.

Travel Status
18.1052

An employee shall be considered to be in “travel status” when he or she is on County business outside of the County either for an entire day (before 7:00 a.m. and after 6:00 p.m.); or for part of a day before 7:00 a.m.; after 6:00 p.m.; and/or between the hours of 10:30 a.m. and 2:30 p.m.

Underslotting
18.1053

The filling of a vacant position at a lower classification.

Those County employees who are not covered by a collective bargaining agreement, excluding the County Elected Officials and the County Administrator. The Unilaterals are divided into three groups for purposes of overtime and vacation:

- Unilateral A's are "Non-Exempt". This means that they are subject to the requirements of the Fair Labor Standards Act (FLSA). The FLSA is federal law that requires, among other things, that employees who work more than 40 hours in a week get paid time and one half for any overtime hours.
- Unilateral B's are "Exempt" from provisions of the FLSA due to the nature of their position. However, the County has chosen to pay them straight time overtime after 40 hours a week even though the County is not required to do this by federal law.
- Unilateral C's are "Exempt" from provisions of the FLSA due to the nature of their position. Employees in these positions do not receive any form of overtime but are allowed to "flex" their time in accordance with HR Policy and Procedure.

The typical work schedule for County employees is Monday – Friday, 8:00 a.m. to 5:00 p.m. with a lunch period. All full time employees are expected to work at least 40 hours per week unless work rotation (i.e. 5-2/5-3), or a Department Work Rule dictates otherwise. Work schedules and hours of work may be determined by the operational needs of the department.