

AN ORDINANCE TO AMEND CHAPTER 4 OF THE BROWN COUNTY
CODE ENTITLED "PERSONNEL RULES AND REGULATIONS"

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1- Chapter 4 of the Brown County Code entitled "PERSONNEL RULES AND REGULATIONS" is hereby repealed and recreated to read as follows:

**CHAPTER 4
PERSONNEL RULES AND REGULATIONS**

SCOPE

4.01 AUTHORITY. This chapter is promulgated under the authority of Wisconsin Statutes 59.17, 59.22, and 66.0509 as amended.

4.02 PURPOSE. The purpose of this chapter shall be to establish a uniform County personnel policy which shall apply to all employees of the County.

4.03 SCOPE. This chapter shall govern personnel administration for all employees and departments of the County except for duly elected officials of Brown County and one chief deputy when acting as an elected official on a full-time basis, who is appointed by, and responsible to each of those officials. When these policies provide a greater benefit level than those specifically provided in the County's collective bargaining agreement(s), the bargained agreements shall determine the level of benefits for the employees. However, wherever the collective bargaining agreement is silent, the policies and procedures set forth in this chapter shall apply.

4.04 AT WILL EMPLOYMENT. Wisconsin is considered an at-will state for purposes of employment which means that employment with the County is voluntarily entered into, and the employee is free to terminate their own employment at-will at any time, with or without cause. Similarly, the County may terminate the employment relationship at-will at any time, with or without notice or cause.

4.05 CONFLICT OF LAWS. Personnel practices within the County shall conform to the provisions of the law. Should any of the provisions of this chapter be in violation of federal or state law, the conflicting law shall apply.

4.06 AMENDMENTS. This chapter may be amended, when required, by the Brown County Board of Supervisors in the same manner as it was adopted.

ORGANIZATION

4.07 PURPOSE. Pursuant to the authority granted under Wisconsin Statute 59.22, the Brown County Board of Supervisors retains authority for all personnel matters including, but not limited to, employee compensation, employee regulation, and the adoption of policies and procedures managing all County personnel except as hereinafter specifically delegated.

4.08 BOARD AUTHORITY. The Brown County Board of Supervisors shall have the sole authority to determine the number of employees within the County employ, and shall approve the county budget including requests for personnel adjustments and changes to the table of organization. The Board shall have sole authority to review and approve County personnel policies and amendments thereto. The Board shall be responsible to review, approve or reject all collective bargaining agreements. The Board shall confirm all Department Head appointments made by the County Executive as provided by law.

4.09 EXECUTIVE COMMITTEE. The Executive Committee of the Brown County Board shall direct the County labor negotiator and advise the Human Resources Manager on all matters concerning the implementation of personnel policy including labor negotiations. The labor negotiator will consult with the County Executive on matters involving labor negotiations and will keep Department Heads and Elected Officials informed on the status of all negotiations. The Executive Committee shall review all proposed personnel policies as developed and recommended by the Human Resources Manager and make recommendations to the County Board for consideration and legislative action when these proposals uniformly affect all or most County employees.

4.10 OVERSIGHT COMMITTEES. Oversight committees shall consider and recommend action to the Executive Committee on personnel matters which are not of County-wide concern and affect the respective departments within the oversight committee jurisdiction.

4.11 COUNTY EXECUTIVE. The County Executive shall appoint and supervise the heads of all County departments except those elected by the people and except where the statutes provide that the appointment shall be made by other elected officers. The appointment by the County Executive under this subsection requires the confirmation of the Brown County Board of Supervisors. Any Department head appointed by a County Executive under this subsection may be removed at the pleasure of the county Executive. The County Executive shall be the chief executive of the county and shall be responsible for implementing and administering all policies and procedures adopted or enacted by the Brown County Board of Supervisors.

4.12 HUMAN RESOURCES MANAGER. The Human Resources Manager shall direct, administer, and monitor all policies and procedures created under this chapter. The Human Resources Manager shall be responsible for developing mandatory and uniform procedures for the recruitment and selection of employees, wage and salary administration, benefit administration, policy administration, investigations and disciplines, employee development, employee recordkeeping and affirmative action programs. The Human Resources Manager shall work in conjunction with Department Heads and Elected Officials to insure compliance with any policies or relevant laws involving the discipline of employees. The Human Resources Manager shall be responsible for developing mandatory and uniform procedures for the recruitment and selection of employees, wage and salary administration,

benefit administration, policy administration, investigations and disciplines, employee development, employee recordkeeping and affirmative action programs. The Human Resources Manager shall monitor and advise all Department Heads and administer all labor contracts including, all disciplinary and grievance matters. The County Executive shall direct and supervise the Human Resources Manager.

4.13 DEPARTMENT HEADS & ELECTED OFFICERS The Department Heads and Elected Officers (Clerk of Courts, County Clerk, Register of Deeds, Sheriff, and Treasurer) shall enforce all policies and procedures created under this chapter in their respective department or office. Subject to the prior approval of the Human Resources Manager, Department Heads and Elected Officers may adopt such additional personnel rules or regulations as may be advisable to promote efficiency within their respective departments or offices. Department Heads and Elected Officers shall keep employees informed of current personnel policies and procedures. Department Heads, Elected Officers and designated supervisors shall administer discipline up to suspensions without pay and terminations. Suspensions without pay and terminations shall be administered with the advice and approval of the Human Resources Manager. The County Executive shall approve all disciplinary terminations of employment. Department Heads and Elected Officers can delegate authority to administer discipline or delegate such authority to supervisory personnel when appropriate. Discipline shall be administered in accordance with this Chapter and the department's approved procedures. Department Heads and Elected Officers shall promptly inform the Human Resources Department of disciplinary actions.

4.14 SUPERVISORY PERSONNEL. To the extent Department Heads may delegate authority to supervisory personnel, such supervisors may participate in the interview and selection of applicants for positions under their supervision subject to the approval of the Department Head and the Human Resources Manager. Supervisors shall implement all policies and procedures created under this chapter. Supervisors may administer discipline and conduct first step grievance procedures where delegated by the Department Head.

EMPLOYMENT TYPE

4.15 POLICY. Each employee of Brown County is assigned to a certain employment type to satisfy required legal obligations and County requirements. Department Heads requiring regular and limited term employees shall request the need and estimated time of employment to the Human Resources Department by following the approval process for hiring.

4.16 REGULAR EMPLOYEES. Regular employees are assigned to full-time and/or part-time positions that are expected to remain employed by Brown County on a regular, ongoing basis as long as work is required or necessary, the employee(s) perform satisfactorily, and the department supports the continuing existence of the position.

(1) Regular full-time employees work equivalent to the department's normal, full-time work period on a regular basis.

(2) Regular part-time employees work fewer hours than the department's regular full-time workweek on a regular basis.

4.17 LIMITED TERM EMPLOYEES. Limited Term Employees (LTE) are assigned by the County to positions that are not expected to remain employed by the County on a regular, ongoing basis. Employment beyond any stated period does not in any way imply a change in employment status, unless otherwise notified in writing by the Human Resources Department. Assignments in this category require individuals to engage in either full-time or part-time hours with the understanding that their employment may be terminated at the end of a project, funding source, or previously established date. LTEs are not Regular Employees and may be dismissed at the discretion of the County.

(1) While LTEs receive all legally mandated benefits (e.g. worker compensation insurance, Social Security, etc.), they are ineligible for all of Brown County's other benefit programs, unless specifically notified in writing by the Human Resources Department.

(2) Types of limited term employees include, but are not limited to the following:

- (a) Temporary Employees
- (b) Summer/Seasonal
- (c) Co-op Students/Interns
- (d) Project Employees
- (e) On-Call
- (f) Grant Funded

POSITION CONTROL

4.18 POSITION DESCRIPTION. Each position shall have a written position description which provides a non-exhaustive list of job duties and is compliant with legal obligations and County requirements. All position descriptions shall be approved by the Human Resources Department.

(1) Assignment to a compensation plan or wage schedule shall be determined by an objective evaluation, internal comparisons, and salary survey results compiled by the Human Resources Department, with input from the Department Head.

(2) Before substantial duties outside a position's description are assigned to the position, prior approval must be received from the Human Resources Manager. The Human Resources Department will determine if an adjustment to the position is needed.

(3) Any changes to the position that result in a reclassification shall be submitted to the County Board in the form of a resolution.

4.19 CREATING NEW POSITIONS. The Board shall allocate to each department the maximum number of full-time equivalent (FTE) employees.

(1) Budgeted requests to be considered during the budget process for new positions shall be submitted to the Human Resources Department on or before the date designated by the County Executive at the beginning of the annual budget process.

(2) Requests made outside of the budget process shall be justified in the same manner as the budget process, but will follow an alternate timeline.

(3) The Human Resources Department will evaluate the request and provide a recommendation to the County Executive. The County Executive will determine whether or not the said position is to be included in the annual budget submitted to the Board.

(4) If the County Executive determines said position is to be included in the annual budget, a resolution shall be drafted for consideration by the Board prior to the adoption of the Resolution Establishing the Brown County Budget.

4.20 POSITION RESOLUTIONS. Any change in salary or wages or a permanent increase in budgeted hours for a position requires the approval of the County Board, subsequent to the approval of the County Executive.

4.21 DIVIDING/COMBINING POSITIONS. The Department Head, with the Human Resources Department approval, may divide/combine existing positions provided the department does not exceed its allocated FTE and provided that funds, if needed, are available.

4.22 EMPLOYEE HOLDING TWO COUNTY JOBS. No employee shall be employed in more than one County position at any time without the prior written approval of the Human Resources Manager.

4.23 FILLING VACANCIES. There is no requirement to fill all positions authorized by the County Board. Department Heads are encouraged to continually evaluate their department needs prior to filling open positions.

4.24 UNFUNDED POSITIONS. Positions in the table of organizations that are not funded cannot be filled.

EMPLOYMENT SELECTION PROCESS

4.25 POLICY. Brown County provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, sexual

orientation, national origin, age, disability, genetic information, marital status, amnesty, or status as a covered veteran in accordance with applicable federal, state and local laws. Brown County complies with applicable state and local laws governing non-discrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

4.26 SELECTION PROCESS. The Human Resources Department will coordinate the hiring and selection process.

4.27 AUTHORIZATION TO HIRE. Department Heads wishing to fill vacancies in existing budgeted positions shall submit a requisition to the Human Resources Department prior to initiating recruitment. The Human Resources Manager shall review and verify the information, provide appropriate comments and recommendations, and forward the requests to the County Executive for final authorization.

4.28 JOB POSTING. Existing position vacancies will be posted internally and/or externally by the Human Resources Department to allow qualified applicants to apply. There may be circumstances a department, upon approval from the Human Resources Department, shall post vacancies internal to the department prior to posting to all County employees or to the public.

4.29 APPLICATIONS. Prospective employees and employees seeking promotion, transfer, or voluntary demotion shall utilize the County's online application system which is required for all positions. Prospective employees, and employees seeking promotion or transfer, may post a résumé in addition to an application, but a résumé shall not substitute for an application.

4.30 APPLICANT TESTING. To avoid the practice effect, or gains from having taken the same or similar exams previously, the Human Resources Manager may allow the reuse of an exam score within a twelve (12) month period.

4.31 APPLICANT SELECTION In consultation with the Human Resources Department, the Department Head, Elected Officer or their designee shall determine which applicants meet the minimum qualifications for the position.

4.32 INTERVIEW EXPENSE REIMBURSEMENT. Except as provided herein, all applicants invited to participate in the Brown County selection process will do so at their own expense. Applicants may be reimbursed for all or part of reasonable expenses incurred in conjunction with an interview including travel, meals and overnight accommodations as determined by the Human Resources Manager and approved by the County Executive. All reimbursement requests must conform to transportation, meal, and lodging maximums and receipt.

4.33 SELECTION DEVICES. The Human Resources Department shall be responsible for determining methods to be used to screen applicants for position vacancies. Such methods or devices may include, but need not be limited to the following:

- (1) Review of education, training and experience as shown on the application or other supplemental materials.
- (2) Practical written or oral tests, work sample or performance tests, if job related.
- (3) Physical tests of strength, stamina or dexterity and pre-employment health examination, when job related.
- (4) Background and reference inquiries.

4.34 CONFIDENTIALITY. Formal selection materials shall be known only to the Human Resources Department Staff and other persons they designate on a need to know basis. Every precaution shall be exercised by all persons participating in the development and maintenance of materials to insure the highest level of integrity and confidentiality.

4.35 NOTIFICATION OF CANDIDATES. The Human Resources Manager shall determine the proper notice given to candidates.

4.36 ELIGIBILITY LISTS. The Human Resources Manager shall have the authority to establish and maintain eligibility lists as may be necessary or feasible. The duration of eligibility lists shall not generally exceed one (1) year with extension possible at the discretion of the Human Resources Manager. Eligibility lists may be terminated if they no longer contain a sufficient number of qualified or interested applicants. A candidate may be removed from an eligibility list at the discretion of the County.

4.37 CONTINGENT OFFERS OF EMPLOYMENT. The Human Resources Department may extend an offer of employment—which may be withdrawn at any time—that is contingent upon the applicant successfully completing a physical examination, drug test, credit verification, or similar post-offer inquiry.

4.38 RELOCATION EXPENSE. When the County fills a FLSA exempt position with an individual who does not reside in Brown County, upon prior approval of the Human Resources Manager and County Executive, the County shall pay the reasonable cost of the relocation.

4.39 EMPLOYMENT OF MINORS. In limited circumstances, Brown County may utilize minors for staffing purposes, if not prohibited by law. The utilization of minors for staffing purposes may only be done with the authorization of the Human Resources Department. When authorized for employment, those applicants will be required to provide a work permit to the Human Resources Department prior to engaging in any work activity.

4.40 NEPOTISM. (1) No person shall be employed, promoted, or transferred to any department or agency within Brown County government or to a division or section thereof when, as a result, he or she would be directly supervising or receiving direct supervision from a member of his or her immediate family. Immediate family is defined as wife, husband, father, mother, guardian, sister, brother, children of employees, aunt, uncle, grandchildren, grandparents, father-in-law, mother-in-law, sister-in-law or brother-in-law.

(2) No person shall be employed, promoted, or transferred to any department or agency within Brown County government employment when a member of the person's immediate family is already employed within that department or agency if the Human Resources Manager determines that such employment, promotion or transfer would be detrimental to the best interests of Brown County.

EMPLOYEE ORIENTATION

4.41 POLICY. New employee orientation is mandatory for all new regular and limited term employees. The Human Resources Department will regularly schedule countywide orientation.

4.42 RESPONSIBILITY / AUTHORITY.

(1) Human Resources Manager. The Human Resources Department is responsible for providing an orientation to familiarize new employees with their obligations and rights, and to inform them about the general functions of Brown County. This orientation shall include information and education pertaining to the sexual harassment policies enacted in this Chapter. Prior to beginning employment with Brown County, the new employee shall complete the necessary employment forms and return the forms to the Human Resources Department. Departments are responsible for obtaining access to the necessary systems required for the employee duties (e-mail and software access, telephone access, etc.)

(2) Department Head. The Department Head or designee shall also orient each new employee to his/her job and work site. Said orientation shall include introduction to co-workers, safety regulations, break periods, purchasing supplies, use of the telephone, and other items as deemed necessary.

INITIAL EMPLOYMENT PERIOD

4.43 PURPOSE. An initial employment period allows a new employee time to demonstrate knowledge and skills with their new role with Brown County and allows that employee's supervisor time to provide training and evaluate the employee's performance. It is understood that during the initial employment period with Brown County the employment relationship may be terminated at any time, with or without cause, by the employee or Brown County.

4.44 POLICY. All regular full and part-time positions shall have an initial employment period of six (6) months. Public Safety-related positions (Correction Officers, Patrol Officers, and Telecommunications Operators) shall have an initial employment period of one (1) year.

SALARY ADMINISTRATION AND STATUS CHANGES

4.45 PURPOSE. The objectives of the compensation plan and wage schedule shall be to provide an appropriate salary structure to recruit and retain competent individuals in order to provide the required services in the County. The development of the compensation plan is related to the classification plan and evaluates all positions based on the same factors to provide internal and external equity.

4.46 COMPENSATION PLAN. The compensation plan for employees shall include the schedule of pay grades consisting of minimum and maximum rates of pay for all classes of regular full-time and part-time positions as reflected in the table of organization. The objective of the plan shall be to administer a quantitative job evaluation system which evaluates all positions based on the same factors to provide internal and external equity and establish and maintain fair salary ranges.

4.47 ASSIGNMENT TO COMPENSATION PLAN. Assignment to a compensation plan or wage schedule shall be determined by an objective evaluation, internal comparisons, and salary survey results compiled by the Human Resources Department, with input from the Department Head.

4.48 RESPONSIBILITY AND ADMINISTRATION. The County Board, as part of the annual budget process, shall be responsible for approving the amount of money available for adjustments to the plan. Consideration will be given to trends in prevailing rates, market conditions and adjustments granted through collective bargaining to other employees.

4.49 EXTRA PAY.

(1) Shift Differentials. Regular part-time and full-time employees may be eligible for additional pay for working non-standard hours. Positions that require 24 hour/7 day coverage will receive shift differential for hours worked between 5:00 pm to 7:00 am. Shift differentials for other departments depend on the job classification of the employee and will be paid in accordance with County policy.

(2) Stand-By Pay. Employees who are assigned stand-by duty may receive compensation for each week assigned to stand-by duty, upon approval of the Department Head. This will be the sole compensation for this stand-by duty, even when such duty would otherwise be out of the employee's usual schedule or classification.

(3) Compensation During Temporary Assignment. A temporary assignment is an assignment for a minimum of ninety (90) days or more, which requires approval by the Human

Resources Manager and notification to the County Executive. The Human Resources Manager will recommend the appropriate rate of pay for the temporary assignment. A temporary assignment may not continue beyond six (6) months without approval from the Human Resources Manager.

(4) Increased Pay for Work of another Classification. In certain cases an employee is eligible to receive increased compensation while performing the work of another classification:

(a) Foreman or leaderworker duties: If employees assume these duties and work at least one (1) full day at that level.

(b) Training Officer Pay: Perform on the job training and evaluations of new hired employees. (Telecommunicator and Correctional Officer)

4.50 SALARY STRUCTURE

(1) Regular Full-time and Part-time Employees. Rates of pay for regular employees are established by County Board Ordinance. Normal rules on initial employment apply.

(2) Limited Term Employees. Rates of pay for LTE positions are established by County Board Ordinance. Normal rules on initial employment apply. LTEs returning after a successful season's work may be paid at the appropriate step in the wage plan.

(3) Reclassifications. A reclassification is the reassignment of a position to a different classification because of changes in the duties and responsibilities of the position. Wage adjustments because of reclassifications are handled under the same rules as Promotions, Demotions or Transfers. An employee, who has been granted a reclassification of the position held to a higher pay grade than his/her current rate, shall be paid at the higher rate of pay from the date the reclassification is approved by County Board.

(4) Pay Increases during Initial Employment Period. No pay raise shall be granted to new employees during the initial employment period. At the successful conclusion of the initial employment period, the employee shall be entitled to any general pay raise which occurred during the employee's initial employment period.

4.51 STATUS CHANGES

(1) LTE to Regular Employee. An employee working in a limited term position, who then becomes a regular County employee, in the same classification, shall have time worked as a limited term employee credited toward the appropriate probationary period and years of service.

(2) Part-time to Full-time Employee. An employee who transfers from part-time or full-time in the same classification will be placed at the same step. In certain circumstances the hours of existing part-time employees may be increased in lieu of other limited term employment options.

(3) Regular to LTE Employee. A regular employee, who transfers to a limited term position in the same classification, will be placed at the same step.

(4) Promotion. When promoted, an employee's pay shall be increased to a step of the pay grade for the class to which the employee is being promoted. If the employee's present pay is already above step 1, he/she shall be placed in a step of the pay grade for the class to which the employee is being promoted which will provide a pay increase based on qualifications.

(5) Demotion. When an employee is demoted for any reason, the Human Resources Manager 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 grade of the job to which the employee is demoted.

(6) Retirement. The normal retirement age for County employees shall be determined by appropriate Wisconsin Statute. For employees who terminate employment, the last day of employment is the last day the employee is physically on the job.

4.52 REINSTATEMENT/REHIRE. When an employee is re-instated to his/her former job, he/she shall normally be paid at the same level of the pay grade he/she had before leaving. When he/she is re-instated to a job with a lower pay grade, he/she shall be paid according to his/her experience and qualifications within the pay grade in which he/she will be employed.

WORKING HOURS

4.53 HOURS OF WORK. The standard hours of operation for most Brown County offices shall be 8:00am to 4:30pm Monday through Friday. Due to the varying needs of departments and because certain essential County services are provided on a 24-hour basis, County employees may have different work schedules based on department and job function.

4.54 BREAKS. (1) If department scheduling requires unpaid breaks, an unpaid break of 20 to 30 minutes will be scheduled approximately midway in a standard workday and may be staggered to accommodate department needs. Unpaid time amount is based on the needs of the department.

(2) Break times are to be arranged between employee and the supervisor or Department Head. Employees may also leave their workstations for two paid 15 minute breaks per day. Breaks not taken are lost and may not be scheduled or combined to create a 30 minute break, extend a mid-day break, or shorten the work day at either the start or end. 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.

4.55 TIME OFF. Employees are expected to responsibly utilize accrued paid time off for regularly scheduled hours that are not worked in order to consistently reflect their scheduled

weekly hours. In some instances unpaid time off may be granted which can then be reflected to complete the regularly scheduled hours.

4.56 EXEMPT EMPLOYEES. Exempt employees (including Department Heads, supervisors, managers, professionals) under the Fair Labor Standards Act (FLSA) are expected to work a normal full-time work week and to be available for special and regular meetings and events outside of normal hours and may be subject to structured work schedules. In return for these services, these employees may take time off when the workload of their department permits.

OVERTIME AND COMPENSATORY TIME

4.57 POLICY. (1) Each position is designated as either Non-exempt or Exempt from the Federal Fair Labor Standards Act and state wage and hour laws. Employees in non-exempt positions shall be compensated or receive compensatory time at a rate of one and one-half times normal pay for hours worked in excess of forty (40) hours in any work week. Exceptions to this include but are not limited to hospitals/health care field, law enforcement, and emergency services personnel. All time worked is subject to rounding rules.

(2) All overtime or compensation time must be authorized by the Department Head or supervisor and is subject to budgetary limitations. Any paid or unpaid leave will not count as hours worked for overtime or compensatory time calculations. All overtime and compensatory time accruals will be reviewed periodically by the Human Resources Manager. Overtime shall be kept to a minimum and shall be utilized to relieve specific occasional peak workloads or for work necessity, and is not intended as a convenience or benefit for the employee.

(3) No employee may start work before the appointed time, work through breaks, or work past the appointed time without prior authorization. Employees are not allowed to accumulate work hours more than 15 minutes before their appointed starting time, during breaks, or 15 minutes past the appointed quitting time.

4.58 COMPENSATORY TIME. Upon mutual prior consent, employees may bank up to eighty (80) hours of overtime earned in a compensatory time bank. Employees may request the use of compensatory time off at the rate at which such time is earned. Use of compensatory time shall be by mutual consent. At the end of each calendar year, any unused compensatory time will be paid out. Accumulation of compensatory time shall not exceed eighty (80) hours during each calendar year, and shall not be accumulative from year to year. All compensatory time shall be taken at a time which is mutually agreeable between the employee and the Department Head or supervisor. Compensatory time shall not be taken for more than one week at a time.

4.59 EXEMPT EMPLOYEES. (1) Exempt employees are expected to work without regard to overtime. Exempt employees are not eligible for payment of overtime or compensatory time. Department Heads, supervisors, managers, professionals and other exempt employees may

be subject to structured work schedules as set by their superiors and are required to receive prior approval to be absent from or leave the work area during work hours.

(2) Exempt employees are paid on a “salary basis.” Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period. The salary paid by Brown County to salaried employees is specifically intended to compensate for their service to the County. Subject to limited exceptions, an exempt employee receives their full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked. However, such salary includes requiring the employee to charge his/her absences to paid leave accruals.

(3) Exempt employees who are absent from the workplace for less than one day normally shall deduct the length of the absence from the appropriate paid leave account (i.e., sick or vacation leave). It is recognized, however, that in certain circumstances, the fulfillment of an employee’s responsibilities requires longer or more irregular hours than in other situations. In such instances, the employee’s superior may allow an employee the flexibility to attend to personal business away from work during normal work hours without requiring the use of accrued leave. Exercising this flexibility shall not amount to compensating the employee on an hour off for an hour worked basis. Such time away from the workplace that is not being deducted from leave accruals shall not be reported on the employee’s time and attendance records.

(4) Exempt employees who are absent from the work place for part of a week and do not have enough accrued leave to cover the absence, shall not have their salaries reduced for that portion of the absence that is not covered by paid leave. Exempt employees may be disciplined for abusive leave time (absences or tardiness). Therefore, Departments may, and are encouraged to, keep informal accounts of employees’ use of leave that is not recorded on time and attendance forms should documentation be necessary due to misuse, or disciplinary issues.

PAYCHECKS

4.60 SCHEDULE. Employees shall be paid on a bi-weekly schedule. If a payday is an observed holiday, including the Friday before Easter, employees will be paid on the preceding workday.

4.61 DIRECT DEPOSIT. All employees shall participate in direct deposit for all of their pay.

4.62 TIME CARDS. Each employee must maintain an accurate time card record with the approval of their immediate supervisor or manager. Accurate time card reporting is required by the FLSA and by the Wisconsin Department of Workforce Development.

BENEFITS

4.63 ELIGIBILITY. All regular full-time employees are eligible for the following benefits unless stated otherwise. Regular part-time employees working fifty percent (50%) or more shall be eligible to receive fringe benefits on a pro-rated basis, unless stated otherwise.

4.64 PRORATION OF FRINGE BENEFITS IN FINAL YEAR OF EMPLOYMENT. Employees terminating their employment with Brown County shall have all fringe benefits prorated in their last year of employment.

4.65 HOLIDAYS. (1) Eligible employees who have been employed for a period of thirty (30) days shall receive a full day's pay for the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. In addition to these holidays, the last half of the workday (4 hours) of Christmas Eve, New Year's Eve, and Good Friday shall also be observed as holidays with pay. For employees who work Monday through Friday schedules, if any of the above mentioned holidays fall on Saturday, the preceding Friday will be observed and if the holiday falls on Sunday, the following Monday will be observed or as determined by the County. For compensation for the half day holiday, employees must first work the first half of their work day before holiday pay commences.

(2) Non-exempt hourly and exempt salaried employees scheduled to work and who actually work on the observed holiday will receive compensation at two times (double) their regular rate of pay for actual hours worked.

(3) When a non-exempt hourly and exempt salaried employee is required to work on an observed holiday that falls on their regularly scheduled day off, these employees will be paid at twice their regular rate of pay per hour for actual hours worked. The number of hours paid for the holiday is equal to the number of hours the department would have normally scheduled an employee to work had it not been a holiday.

(4) For purposes of compensation of holidays under this section, holidays will be deemed to commence and end at midnight for employees that do not work 24/7 schedules. For employees in 24/7 positions, the holidays will commence at the beginning of the first shift which occurs on the holiday and end at the completion of the last shift which commences on the day of the holiday. (For example, those employees who work 7a-3p, 3p-11p, and 11p-7a will receive holiday pay between 7am on the holiday to 7am on the day after the holiday).

(5) Personal Days.

(a) Eligible employees who have been employed for a period of thirty (30) days who work Monday through Friday schedules, twenty-four (24) hours personal time [twenty-two and one-half (22.5) hours for employees regularly scheduled to work seven and one-half (7.5) hour days] shall also be observed as a holiday, to be taken as mutually agreed upon between the employee and supervisor. In addition, the day after Thanksgiving will be observed as a personal day with pay.

(b) For employees who follow a seven (7) day schedule, thirty-two (32) hours of personal time shall be observed as holidays, subject to prior approval by supervisor or manager.

4.66 VACATION. (1) All employees who are not covered by a bargaining agreement which includes a vacation schedule shall earn vacation as follows:

After six months of service forty (40) hours [thirty-seven and one-half (37.5) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the first year of service eighty-eight (88) hours [eighty-two and one-half (82.5) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the third year of service ninety-six (96) hours [ninety (90) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the fourth year of service one hundred four (104) hours [ninety-seven and one-half (97.5) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the fifth year of service one hundred twenty (120) hours [one hundred twelve and one-half (112.5) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the ninth year of service one hundred forty-four (144) hours [one hundred thirty-five (135) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the tenth year of service one hundred sixty (160) hours [one hundred fifty (150) hours for employees on a thirty-seven and one-half (37.5) hour work week]

After the sixteenth year of service two hundred (200) hours [one hundred eighty-seven and one-half (187.5) hours for employees on a thirty-seven and one-half (37.5) hour work week]

(2) Any employee who terminates his/her employment or has his/her employment terminated for any reason, shall be compensated for all earned vacation time worked as of the date of termination. The employee shall reimburse the County for any vacation time taken but not earned at the time of his/her termination.

(3) Employees must submit their vacation requests in advance and with as much notice as possible, so that supervisors can review the requests and make appropriate decisions

based on the operational needs. In establishing regular schedules, supervisors shall give due consideration to the desires of individual employees within limits of work requirements of the division. Appointing authorities may amend vacation schedules to meet work emergencies or to grant requests of individual employees. If two or more employees request to take vacation during the same period and the matter cannot be resolved by agreement of the parties concerned, the employee with the most seniority with the County shall be granted vacation time.

(4) No employee shall be permitted to accept vacation pay in lieu of vacation.

(5) An employee hired prior to January 1, 1982, cannot carry more than thirty (30) days of vacation at the end of the calendar year. Employees hired after January 1, 1982, cannot carry more than ten (10) days of vacation at the end of the calendar year.

4.67 CASUAL DAYS. (1) After six (6) months of employment to provide first day coverage for sickness, each employee shall receive forty (40) hours [thirty-seven and one-half (37.5) hours for employees on a thirty-seven and one-half (37.5) hour work week] casual time each January 1. Casual days may also be used for personal time off with actual days off being subject to mutual agreement between the employee and the employer. Casual days will not be withheld for arbitrary or capricious reasons except during the last two (2) weeks of employment when only a two (2) week notice is given. At the end of each calendar year employees shall be paid at their existing rate of pay for any casual days not used during the year, to a maximum of five (5) days (payment shall be made automatically prior to the following January 31).

(2) Casual day credit is earned on a monthly basis; however, for scheduling purposes, casual days earned during the calendar year are credited to the employee's casual account at the beginning of each calendar year. Any employee who terminates his/her employment or has his/her employment terminated for any reason, shall be compensated for all earned casual time worked as of the date of termination. The employee shall reimburse the County for any casual time taken but not earned at the time of his/her termination.

(3) Casual days may be taken in not less than fifteen (15) minute increments.

(4) Casual days and banked sick leave may be used by an employee to supplement his/her disability benefits in an amount which will equal regular pay.

4.68 BEREAVEMENT LEAVE. (1) Whenever a death occurs to a member of the immediate family of an employee, the County shall compensate the employee for any time lost from work during the next five (5) work days. The five (5) work days must be taken within the period starting with the date of death and one of the days must be used to attend the funeral. Should such death occur during the employee's vacation or use of other paid time off, he/she shall receive the additional time off with pay at another time mutually agreed upon by the employee and department. Should the funeral or internment occur at a delayed date (example: winter death, spring internment) the employee may use one (1) of the five (5) days to attend the funeral or internment. Compensation shall be at the regular hourly rate of said employee for a normal work day.

(2) Immediate family is defined as: wife, husband, father, mother, guardian, sister, and brother, child of employee, grandchildren, grandparents, father-in-law, mother-in-law, step-children, or stepparents.

(3) Employees will be entitled to compensation for one (1) day to attend the funeral of the spouse's grandparents or of a son-in-law or daughter-in-law, brother-in-law or sister-in-law, aunt or uncle of the employee or spouse. In the event an employee is required to act as a pallbearer at the funeral of someone outside of his/her immediate family, he/she shall be granted one (1) day off to do so.

(4) Regular part-time employees are eligible for bereavement days off as stated above, beginning on the succeeding calendar days starting on the date of death. If during this leave the employee has scheduled work days, the employee will be paid for those scheduled work days and hours only. The employee will not be paid for any of these days which are non-scheduled work days. Should any death occur during an employee's vacation he/she shall receive additional time off with pay for any scheduled work day affected at a time mutually agreed upon by the employee and department.

4.69 WORKER'S COMPENSATION. An employee who is absent due to injury or illness caused during the course of his/her duties shall receive first day coverage at 75% of regular pay during the first 180 calendar days, and payments to hospital, doctors, and to employee for lost time shall be made in accordance with the Worker's Compensation Act of Wisconsin. If during this 180-day period the employee receives Worker's Compensation, he/she shall endorse and turnover said check to the County Treasurer and receive his/her regular pay in return. All employees are expected to conduct themselves in such a manner that they do not cause injury to themselves or others. If an injury does occur during working hours, an employee shall:

(1) Regardless of severity, report such injury to his/her supervisor or designated authority and complete an "Accident Report Form" which will be furnished by the Insurance Department.

(2) If the injury is such that the employee is unable to complete an "Accident Report Form", said form shall be completed by the person in the employee's department designated to complete the form.

(3) Accident reports supported by a certificate of a licensed physician setting forth the nature and extent of the injury and the probable period of disability, must accompany requests for leave.

4.70 INSURANCE.

(1) Health Insurance. The County will offer a group health insurance program for regular full-time and qualifying regular part-time employees. The employee and employer contributions toward the premiums of such plan together with the amount of deductible and the design of such plan shall be determined by the County on an annual basis.

(2) Dental Insurance. The County will offer a group dental insurance program for regular full-time and qualifying regular part-time employees. The employee and employer contributions toward the premiums of such plan together with the amount of deductible and the design of such plan shall be determined by the County on an annual basis.

(3) Life Insurance. The County will offer a group life insurance program for regular full-time and qualifying regular part-time employees. The employee and employer contributions toward the premiums of such plan together with the design of such plan shall be determined by the County on an annual basis.

(4) Insurance Continuation. Employees who retire or receive disability benefits under the Wisconsin Retirement System, or those employees who become covered by social security for disability, or those who remain on the County long-term disability program, may continue to be covered at their own expense under the County's group hospital, dental and life insurance plans at the group rate until age sixty-five (65) by paying the appropriate premium amounts to the County.

4.71 SHORT-TERM DISABILITY LEAVE. (1) Employees who have completed 180 calendar days of service shall be eligible for disability leave pay as follows:

(a) On the job accidents or injuries of the employee - first day coverage at 75% of regular pay for the duration of short term disability, up to a maximum of 180 days. The employee is responsible for applying for long term disability coverage. (Doctor Certificate required).

(b) Sickness or an off the job accident or injury of the employee - coverage after three (3) work days at 75% of regular pay.

(2) Eligible part-time employees shall receive disability leave benefits on a prorata hourly basis based on scheduled work hours.

4.72 LONG TERM DISABILITY. Brown County's Long Term Disability (LTD) Plan provides for eligible employees, (excluding seasonal, limited term employees, temporary and summer), to receive two-thirds pay after 180 days of disability to age 65 with offsets for Social Security disability benefits, Wisconsin Retirement System disability benefits, and Worker's Compensation benefits. Part-time employees who work at least 50% of full time hours are eligible for long-term disability on a prorated hourly basis, based on scheduled work hours.

(1) LTD begins after 180 days of disability; however, the offsetting benefits must be requested by the disabled employee within 30 days of beginning LTD.

(2) The Wisconsin Retirement System requires that the Employer certify that all earnings, including service and pay for vacation and sick leave, have been paid and that the employee is on a leave-of-absence and not expected to return to work, or has been terminated because of a disability. Therefore, once it has been determined on the basis of a report from the

employee's doctor that an employee is not reasonably expected to return to work, the employee will be terminated from the payroll and paid all appropriate accrued benefits. If the employee is expected to be able to return to work, the employee will be granted a leave of absence up to two years but not to exceed his/her length of service with the County.

(3) When the employee is able to return to work after being on LTD, the employee will be reinstated to an available position for which s/he is qualified. Such determination will be made by the employer on a case-by-case basis. While on LTD, the employee will continue to accrue seniority for job posting purposes only. Seniority for other purposes will be frozen at the beginning of the LTD leave and shall begin accruing upon the employee's return to work.

4.73 BANKED SICK LEAVE. (1) Employees participating in the banked sick leave program will have sick leave accumulation "banked" into a sick leave accumulation account, which may be used by the employee to supplement short term disability benefits received for a disability. Banked sick leave may be used to make the employee whole for base pay earnings; however, no additional sick leave benefits will accrue into the banked account. Fifty percent (50%) of an employee's unused accumulated banked sick leave, up to a maximum of 90 days (maximum payout -45 days) may be used in the following manner:

(a) cash payment, or

(b) request the Employer to set up escrow account for said amount in (a) above, from which health insurance premiums shall be paid (at the Employer's group rate in full) until sum is depleted.

(2) In the event of death of an employee, the surviving beneficiary may continue to have health insurance premiums paid until the sum is depleted as in (b) above or the aforementioned 50% sum or the remainder of the escrow account will be paid in cash to the employee's estate, at the surviving beneficiary's option.

4.74 LEAVES OF ABSENCE.

(1) Policy. The Human Resources Manager may grant a regular employee leave without pay for a period not to exceed six (6) months. A leave of absence (LOA) is defined as an unpaid approved absence from work for a specified period of time for medical, parental, military or personal reasons. If an employee finds that he/she must be out of work for more than three (3) days, he or she should contact the Human Resources Department to determine if a LOA may be necessary.

(2) Eligibility. (a) All regular employees employed by Brown County may be eligible to apply for an unpaid personal leave of absence. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request is approved. Leave without pay shall be granted only when it is in the best interests of the County to do so. The interests of the employee shall be considered when he/she has shown by his/her record to be of more than average value to the County and when it is desirable to return the employee to service even at some sacrifice. 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 included.

(b) Requests for unpaid personal leave may be denied or granted by Brown County for any reason or no reason and are within the sole discretion of the County. Approvals of the immediate supervisor, department director and the Human Resources Department are required.

(3) 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 may be considered as having abandoned his/her position, depending on the circumstances.

4.75 EMPLOYEE DEVELOPMENT.

(1) Purpose. The purpose of the employee development program is to promote the training and development of employees in order to improve the quality of service to the County, equip employees for career development within the County, and provide a reservoir of skills necessary to meet current and future employment needs.

(2) Safety. Brown County is proactive in addressing liability and safety concerns through awareness training, policy distribution, skill building and role clarification.

(3) Responsibility. Human Resources Manager shall hold the primary responsibility for the development, administration and coordination of the employee development program. The Human Resources Department will assist Department Heads in a cooperative effort to complete the following activities:

(a) Design and implementation of employee development programs to meet the current and future needs of departments and to increase efficiency.

(b) Conduct or coordinate employee development programs to meet common needs across departments.

(c) Maintain current information and materials on job requirements, training opportunities, employee development manuals, and other literature.

(d) Maintain records of training conducted and insure that authorized development programs are properly administered.

(e) Update employee personnel files for successful completion of development activities.

(f) Periodically analyze and evaluate the overall employee development needs of employees within County service.

(g) Assure that all employees receive equal consideration for appropriate training opportunities.

(h) Foster a program for the cross-training of employees when such training assignments are in the best interest of the County.

(4) Mandated Training. Departments will maintain records of mandated training. Certificates or other evidence of training completed may be forwarded to the Human Resources Department, which would then be included in the employee's personnel record.

(5) Training. Specific reimbursements may also be provided including mileage, travel, conference attendance, and tuition.

(6) Tuition Assistance.

(a) Tuition assistance may be provided to assist employees in job-related courses and is dependent on budget funds available.

(b) Approved course work must be directly related to an employee's current position. All course work must be completed outside the regularly scheduled work day unless the employee has prior department approval and utilizes accrued benefits/unpaid leave for any work missed.

EMPLOYEE PERFORMANCE EVALUATIONS

4.76 POLICY. Employees must receive a performance evaluation at least once each year. The evaluation will be based on the duties, responsibilities, and performance standards established for the employee's position, and on specific goals and objectives that have been established for that employee. The evaluation will be submitted on the form approved by the Human Resources Department.

4.77 RESPONSIBILITY. It is the responsibility of Department Heads to ensure that the performance evaluations for their employees are completed timely and appropriately.

4.78 PROBATIONARY EMPLOYEE EVALUATIONS. Department Heads, or their designee, shall evaluate probationary employees during the midpoint of the probationary period.

4.79 LIMITED TERM EMPLOYEE EVALUATIONS. Formal written performance evaluations are not required for temporary employees. However, it is recommended that a brief written evaluation be performed on an annual basis or at the end of the season or term for which they were employed.

4.80 REVIEW WITH EMPLOYEE. The evaluation completed by the Department Head, or designee, must be discussed with the employee. After the evaluation is completed, the

employee and the Department Head shall sign the evaluation indicating the evaluation was reviewed with the employee.

4.81 COMMENTS. Comments are to be professional and job specific, supported by examples of work behavior or accomplishments. The employee shall be given the opportunity to comment in writing on the evaluation and to have those comments attached to the evaluation before it is placed in the employee's file.

4.82 FILING OF EVALUATIONS. All evaluations shall be filed with the Human Resources Department.

4.83 PROGRAM ADMINISTRATION. The Human Resources Manager is responsible for the overall administration of the Employee Performance Evaluation system. The Human Resources Department will advise, assist, and train evaluators and Department Heads to ensure the evaluation procedures are handled in a fair and consistent manner.

4.84 COMPLIANCE. The Human Resources Manager will periodically monitor compliance. If a Department Head is not in compliance, the Department Head will be notified of the non-compliance. Continued non-compliance will be reported to the County Executive and to the Executive Committee.

CORRECTIVE ACTION, LAYOFFS, TERMINATION

4.85 CORRECTIVE DISCIPLINE. The purpose of discipline is correcting job behavior and performance problems of employees. Employees shall be informed of standards of conduct and performance. Discipline shall be administered in compliance with this Chapter and rules and standards shall be consistently applied. Penalties shall be appropriate to the circumstances. Persons administering corrective discipline shall systematically document the case. Disciplinary actions shall be in writing and include a full description of the alleged infraction and a statement informing the employee of his/her rights under the grievance procedure contained in these Ordinances. Records of verbal reprimands shall be maintained in the department files. Copies of written reprimands, suspensions, and terminations shall be provided to the employee, the Human Resources Manager, to the employee's supervisor and kept in the department files. Suspensions and terminations shall be discussed with the Human Resources Manager before such actions are taken. The County Executive will be informed of suspensions and terminations.

4.86 GROUNDS FOR DISCIPLINE. The following shall be grounds for discipline ranging from a warning to immediate discharge depending upon circumstances and the seriousness of the offense in the judgment of management:

- (1) Dishonesty or falsification of records.
- (2) Unauthorized use or abuse of County equipment or property.
- (3) Theft or destruction of County equipment or property.

(4) Work stoppages such as strikes or slow-downs.

(5) Insubordination or refusal to comply with the proper order of an authorized supervisor.

(6) Unlawful conduct defined as a violation of or refusal to comply with pertinent laws and regulations when such conduct impairs the efficiency of the County service.

(7) Habitual tardiness, unauthorized or excessive absence.

(8) Use of official position or authority for personal profit or advantage.

(9) Disregard or repeated violations of safety rules and regulations.

(10) Drunkenness, including drinking during working hours or being under the influence of alcohol or drugs during working hours, or bringing intoxicants or drugs into the workplace.

(11) Failure to adequately perform assigned job duties.

(12) Failure to follow duly established work rules, policies and procedures.

(13) Professional unethical conduct or behavior.

(14) Abuse of a Client or Patient.

(15) The disclosure of confidential information in violation of federal or state law or county ordinance.

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

4.87 DEMOTIONS. Demotions may be made in lieu of layoff or can be voluntary. Demotions must be approved in advance by the Human Resources Manager.

4.88 LAYOFFS. (1) The Department Head may lay off an employee or employees as a result of a shortage or stoppage of work or funds, functional reorganization, or the abolishing of positions. Before implementing a proposed layoff, the Department Head shall confer with the Human Resources Manager in order to assure compliance with the provisions of Ordinances, Personnel Rules, applicable labor contracts, and labor laws.

(2) The department shall first give consideration to the layoff or termination of employees with limited-term, trainee, and probationary status in the department, division, and classification affected. If further reductions are necessary, employees holding regular full-time and regular part-time positions shall be laid off.

(3) Layoffs shall be based upon departmental needs after considering the efficiency and economy of the workplace. When determining the employee to layoff, Department Heads should consider an employee's length of service, the ability of remaining employees to satisfactorily perform the available work, and the historical job performance of the affected employees. Where job performance is relatively equal among the employees in a class subject to layoff, seniority shall prevail.

(4) Within the sole discretion of the County, in some cases employees scheduled for layoff may bump employees in the same classification and within the same department, provided that the employee to be bumped has less seniority and the bumping employee has equal or greater qualifications for the position into which the employee is bumping. A bumped employee may be placed in a position within the department in the same or lower classification within the sole discretion of the Human Resources Manager in consultation with the Department Head.

(5) The Human Resources Department shall notify each person laid off of all his/her rights including reinstatement eligibility. Regular employees shall receive at least fourteen (14) day notice prior to layoff. Layoff plans shall be approved by the Human Resources Manager before they are implemented. The rehiring of employees that have been laid off shall be determined by the Human Resources Department and the Department Head based on its need for the most qualified person to perform the available work.

4.89 TERMINATION NOTICE.

(1) Resignations. Employees wishing to leave County employment are requested to submit a resignation in writing to their Department Head at least two (2) weeks in advance of their planned departure. Department Heads and supervisory employees should submit their resignation in writing at least four (4) weeks in advance of their planned departure. It is expected that employees will give as much notice as possible in order to facilitate recruitment and orientation of new staff members.

(2) Return Of County Equipment. Employees leaving County employment must return County identification cards, keys, tools and equipment on or before their last day of work.

GRIEVANCE PROCEDURE

4.90 POLICY. It is the policy of the County to treat all employees fairly and equitably in matters affecting their employment. Any employee who feels he has not been treated fairly and equitably has a right to present a grievance to the appropriate management official pursuant to the procedures as set forth herein. The filing of a grievance by an employee shall not reflect unfavorably on the employee's standing, performance or loyalty and shall be without fear of reprisal.

4.91 DEFINITION OF A GRIEVANCE. A grievance is a formal complaint by an employee other than a Department Head regarding unsafe working conditions, unjust application of discipline, termination, the unfair application or violation of the personnel rules and regulations of this chapter. For purposes of this procedure, termination includes a discharge from employment for rule violations, poor performance, or other acts of misconduct. Termination does not include layoff, retirement, job abandonment or termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties. Unsafe working conditions hereunder shall be limited to violations of state and federal regulations on health and safety standards in the workplace.

4.92 ADMINISTRATION. The Human Resources Manager shall supervise and administer the grievance procedure. Supervisors and Department Heads shall immediately

inform the Human Resources Manager of any formal grievance filed hereunder and shall cooperate with the Human Resources Manager in the scheduling and just disposition of any grievance. The Human Resources Manager may adopt additional rules and requirements in furtherance of the Grievance Procedure set out here.

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

Step 1. The employee shall prepare a written statement setting forth the grievance. The grievance statement shall include a summary of the pertinent facts, the date the event occurred, what steps the employee has taken to informally resolve the grievance, and the remedy requested. The statement should be given to the employee's Department Head. Upon receipt of the written statement, the Department Head shall immediately forward the grievance to the Human Resources Manager. Within five (5) working days thereafter, the Department Head shall meet with the employee and make a reasonable effort to resolve the grievance. If the Department Head is unable to resolve the grievance after the meeting with the employee, the Department Head shall immediately prepare a written response denying the grievance and setting forth the reasons for such denial. The Department Head shall forward the written response to the Human Resources Manager and provide the employee with a copy of such response.

Step 2. If the employee is not satisfied with the Department Head's resolution of the grievance, the employee may, within five (5) working days, present the grievance in writing to the Human Resources Manager. The Human Resources Manager or the Manager's designee shall arrange to meet with the employee and his/her representative, if any, to ascertain the facts surrounding the dispute and shall reply in writing to the employee within five (5) working days thereafter. The decision of the Human Resources Manager shall be final except grievances that address employee terminations, employee disciplines, or workplace safety.

Step 3. In the event the decision of the Human Resources Manager does not satisfy the employee, the employee may, within five (5) working days, present a written request to the Human Resources Manager, for a hearing before an impartial hearing officer. If the grievance involves an employee termination, employee discipline, or workplace safety, the Human Resources Manager shall select an impartial hearing officer by mutual consent with the grieving employee. If the Human Resources Manager and the grieving employee are unable to agree to an impartial hearing officer, the Human Resources Manager shall request a list of available staff arbitrators from the Wisconsin Employment Relations Commission. The Human Resources Manager shall then select an arbitrator from the panel provided by the WERC. The selected arbitrator or mutually agreeable impartial hearing officer shall thereafter hold a hearing on the grievance. The County and the employee may produce witnesses and other evidence at the time of hearing before the arbitrator or impartial hearing officer. After considering the evidence presented, the arbitrator or impartial hearing officer shall issue a written decision. An arbitrary and capricious standard of review shall be used by the arbitrator or impartial hearing officer.

Step 4. Within five (5) working days of receipt of the written decision of the arbitrator or impartial hearing officer, either the employee or the Human Resources Manager

may appeal the decision of the arbitrator or impartial hearing officer to the Executive Committee of the County Board. The Executive Committee shall thereafter review the written record of the case and allow the employee or his/her representative and the Human Resources Manager or his/her designee, to make oral arguments before the Executive Committee on the merits of the case. The Executive Committee shall thereafter deliberate and issue a recommendation in writing either affirming or reversing the decision of the arbitrator or impartial hearing officer. In the event that the Executive Committee recommends a reversal of the decision of the arbitrator or impartial hearing officer, the Executive Committee may include a recommendation as to an alternate solution to the grievance. The Executive Committee shall forward its recommendations to the full County Board. The full County Board shall consider the recommendations of the Executive Committee and allow the grievant and the Human Resources Manager or designee to make arguments to the full Board. After argument, the full County Board shall deliberate and consider the recommendations of the Executive Committee and arguments of the parties before making a final decision on the appeal.

4.94 REPRESENTATION. An employee is entitled to be represented in each step of the grievance procedure by a representative of his/her choice. The Human Resources Manager may delegate, within his/her sole discretion, responsibilities as set forth in Step 2 to the Human Resources legal advisor, or Corporation Counsel. Upon mutual agreement the employee and the Human Resources Manager may extend or waive any time limits contained in this procedure. Nothing contained herein shall diminish any legal rights an employee may be entitled to under the law.

TRANSACTIONS AND RECORDS MANAGEMENT

4.95 PURPOSE. The development and maintenance of an effective personnel transaction procedure and personnel records management system is essential to a sound personnel program.

4.96 RESPONSIBILITY AND AUTHORITY.

(1) Human Resources Manager. The Human Resources Department shall maintain the official files of all County employees which shall be the exclusive personnel file maintained by the County. The files shall include all records required by law and other information as may be deemed appropriate by the Human Resources Department. All appointments, separations, and other personnel transactions shall be made on forms designated by the Human Resources Manager. 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.

(b) Establish and maintain uniform, easily accessible and complete employment records of all County employees and employee transactions.

(c) Establish and maintain a central personnel file for each County employee showing name, title, salary, changes in status, annual performance evaluations and such pertinent information as may be necessary for effective personnel administration and for compliance with federal and state laws.

(2) Employees. All employees shall be responsible for notifying their supervisor of any changes which affect their personal data.

4.97 INSPECTION OF RECORDS.

(1) Public. Information as to the name, employment address, class title and salary of employees and former employees is available for public inspection during regular office hours. All other information, including employee personnel files, shall be considered confidential to prevent the invasion of privacy and shall be only accessible to those employees who utilize official records in order to perform their assigned duties. Other people who are authorized access should obtain such records from those assigned responsibility for their maintenance.

(2) Employees or Their Designee. Employees or a representative, designated in writing, upon written request to the Human Resources Manager, shall have the opportunity to inspect any personnel documents in accordance with procedures prescribed by the Human Resources Manager and in accordance with state law (sec. 103.13, Stats.).

(3) The County may impose a reasonable charge for copies of records which it provides not to exceed the cost of making the copies including labor and materials.

4.98 DESTRUCTION OF RECORDS. Personnel records shall be retained consistent with Chap.3.

4.99 REPORTS. The Human Resources Manager shall provide the County Executive, and the County Board with reports and information relating to personnel actions upon request or as may be appropriate.

CONFLICT OF INTEREST

4.100 PURPOSE. This Code of Ethics is promulgated under the authority of Wis. Stats. § 19.59, for the guidance of employees to avoid activities which cause, or tend to cause, conflicts between their personal interests and their public responsibilities.

4.101 DECLARATION OF POLICY. The observance of high moral and ethical standards by its employees is essential to the conduct of free government. The employee holds his or her position as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust. It is the County's policy to recognize that employees retain their rights as citizens to interests of a personal or economic nature. Standards of ethical conduct for employees need to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society, and those conflicts which are substantial and material. The ethical

standards set forth in this chapter for employees in the performance of their official duties are intended to avoid conflicts of interest between their personal interests and their public responsibilities, improve standards of public service, and promote and strengthen the faith and confidence of the people of this County in their county civil service.

4.102 CONFLICT OF INTEREST. No County employee shall take any official action substantially affecting a matter in which the employee, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest. No County employee may use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated. Nothing herein shall prohibit an elected official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an elected official from taking official action with respect to any proposal to modify a County or municipal ordinance.

4.103 POLITICAL ACTIVITY. Political activity on the part of local government employees are codified at the Hatch Act at 5 U.S.C. §§ 1501-1508. County employees shall abide by the provisions of the Hatch Act in regard to their political activities which are summarized as follows:

Prohibited Activities. The following activities shall be prohibited for employees who are "covered" by the Act:

- (1) Using an employee's official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (2) Directly or indirectly coercing, attempting to coerce, commanding or advising 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
- (3) Be a candidate for public office in a partisan election.

4.104 GIFTS AND GRATUITIES. No County employee shall solicit or accept for himself/herself or another person any gift, campaign contribution, gratuity, favor, service, promise of future employment, entertainment, loan or any other thing of monetary value from a person who has or is seeking contractual or other business activities from or which are regulated by the County. This prohibition does not include the acceptance of loans from banks or other financial institutions, such as home mortgage loans, the acceptance of unsolicited advertising or promotional material or the acceptance of any award for meritorious public or personal contributions or achievements.

4.105 SEXUAL HARASSMENT IN THE WORKPLACE.

(1) Sexual harassment in the workplace is prohibited. Sexual harassment is discriminatory, unlawful, and will not be tolerated by Brown County. Sexual harassment may

involve the behavior of a person of either sex against a person of the opposite sex or same sex, and occurs when such behavior constitutes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where: a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual's welfare; or c) such conduct has the purpose or effect of substantially interfering with an individual's welfare or work performance, or creates an intimidating, hostile, offensive work environment.

(2) Any act observed by an employee which may constitute sexual harassment as hereinbefore defined, shall be reported, in writing, to the affirmative action officer who shall promptly investigate and present the findings of such investigation to the Human Resources Manager. No employee shall be subject to restraints, interference, coercion or reprisal for action taken in good faith to seek advice or make a complaint concerning a sexual harassment.

(3) The Human Resources Department is authorized to adopt written procedures and rules in furtherance of this ordinance

Section 2- This Ordinance shall become effective upon passage and publication.

Respectfully submitted,

EXECUTIVE COMMITTEE

Approved by:

 COUNTY EXECUTIVE (Date)

 COUNTY CLERK (Date)

 COUNTY BOARD CHAIR (Date)

Final Draft Approved by Corporation Counsel.

BOARD OF SUPERVISORS ROLL CALL # _____

Motion made by Supervisor _____

Seconded by Supervisor _____

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
TUMPACH	1			
DE WANE	2			
NICHOLSON	3			
THEISEN	4			
MILLER	5			
HAEFS	6			
ERICKSON	7			
BRUNETTE	8			
ZIMA	9			
EVANS	10			
VANDER LEEST	11			
BUCKLEY	12			
DANTINNE, JR	13			

SUPERVISOR NAMES	DIST. #	AYES	NAYS	ABSTAIN
LA VIOLETTE	14			
ANDREWS	15			
KASTER	16			
VAN VONDEREN	17			
SCHULLER	18			
FLECK	19			
CLANCY	20			
WETZEL	21			
MOYNIHAN	22			
SCRAY	23			
CARPENTER	24			
LUND	25			
FEWELL	26			

Total Votes Cast _____

Motion: Adopted _____ Defeated _____ Tabled _____