

**CHAPTER 4**  
*(Revised 10-25-2024)*  
**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. This chapter is not an employment contract between Brown County and its employees.

**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.

**4.155 BENEFITS ADVISORY COMMITTEE.** The Department of Human Resources shall establish an Employee Benefits Advisory Committee to review and make recommendations regarding the County's insurance plans. The Committee shall consist of one Constitutional Officer, one Brown County Board Supervisor, the Benefits Manager, the Benefits Advisory Consultant, One Department Head, and six volunteer employees (one volunteer employee for each of the six standing committees, whose Department is subject to the oversight of the standing committee the volunteer employee represents).

**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 and does not discriminate in violation of applicable Federal, State and local laws, rules and regulations, as they now exist and as they may be amended in the future, regarding but not limited to sex (including gender identity), color, ancestry, disability, marital status, race, creed (religion), age (40 or over), use of lawful products, arrest or conviction, honesty testing, national origin, pregnancy or childbirth, sexual

orientation, genetic testing, military service, and declining to attend a meeting or participate in any communication about religious or political matters.

**4.26 SELECTION PROCESS.** The Human Resources Department will coordinate the hiring and selection process for all County employees.

**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 Director/designee shall review and verify the information, provide appropriate comments and recommendations, and forward the requests to the County Executive for final authorization. Monthly, the Human Resources Director shall provide a report to the Standing Oversight Committee and Executive Committee of all vacancies approved and posted.

**4.275 VACANCIES.** In an effort to recruit the most qualified individuals, to ensure fair employment opportunity and to help in Affirmative Action efforts, the Human Resources Department will coordinate the posting of job opportunities, including both internal and external announcements of Brown County job opportunities. Department Heads are encouraged to continually evaluate their department needs prior to filling open positions.

**4.28 JOB ANNOUNCEMENTS/ADVERTISEMENTS.** When the County determines that a vacancy or a new position will be filled, the County, in its sole discretion, may post notice of such vacancy or position. Vacancies may be posted electronically by the Human Resources Department, and may be posted internally and/or externally as determined by the Human Resources Department. There may be circumstances when 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. Job openings which the County chooses to post shall be posted for a minimum of five (5) working days. The County retains the right to determine whether and when to recruit outside applicants.

Job announcements/advertisements shall include the following:

- Notice to applicants regarding the requirement of a criminal background check;
- Special requirements, for example, CDL, State Licensure, etc.; and
- Equal Opportunity Employer

**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. In recognition of the County's efforts to provide all citizens with an opportunity to succeed, it is the policy of Brown County that applicants will not be required to disclose arrest/criminal record history when completing the County's online employment application, unless required by state and/or federal law. Applicants selected for interviews, however, will be required to consent to a criminal background check in accordance with Brown County policy and state and federal law. The County relies on the accuracy of information contained in the employment application, as well as the accuracy of all other data received from applicants in the hiring process. Any deliberate misrepresentations, falsifications, or material omissions in any of this information may result in the County's exclusion of the individual from further consideration for employment, or, if the person has already been

hired, discipline up to and including termination of employment.

**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. Qualified applicants shall be referred to the applicable departments for consideration by the Department Head and/or hiring manager. The Human Resource Director may grant departments the authority to schedule and coordinate interviews provided they are trained in the necessary processes.

**4.315 INTERVIEWS.** Current County employees interviewing for other positions with the County of Brown, both within and outside of their current Department, shall not receive compensation for time spent in interviews, but said employees may, subject to Departmental Policy and approval, use accrued benefit time, such as but not limited to, Personal/Vacation/Casual time for interviewing.

**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, upon recommendation of the department head and with the approval of the Human Resources Director and the County Executive. All reimbursement requests must conform to transportation, meal, and lodging maximums and receipts supporting said request must be provided prior to reimbursement.

**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, if job related. The Human Resources Department shall work with the Sheriff's Department to administer and score Law Enforcement Testing.
- (4) Background and reference inquiries.

**4.34 CONFIDENTIALITY.** To the extent allowed by law, 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 Director shall determine the proper notice given to candidates. Efforts shall be made to ensure that each

applicant competing in the selection process at or beyond the interview stage shall be given written notice of whether or not he/she was selected for the position.

**4.36 ELIGIBILITY LISTS.** The Human Resources Director 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. No individual will be allowed to begin work with the County until the County has verified successful completion of any required pre-employment testing.

**4.38 RELOCATION EXPENSE.** When the County fills a FLSA exempt position with an individual who does not reside in Brown County, and upon recommendation of the department head and approval of the Human Resources Director and County Executive, the County shall pay the reasonable cost of the relocation, which shall be appropriated as an expense relevant to the Department conducting the hiring process.

**4.39 EMPLOYMENT OF MINORS.** In limited circumstances, Brown County may utilize minors for staffing purposes. Employment of minors shall be in accordance with all applicable state and federal laws, rules and regulations. 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, under 16 years of age, will be required to provide a work permit to the Human Resources Department prior to engaging in any work activity.

**4.40 NEPOTISM.** (1) Unless the Human Resources Director first determines that such employment, promotion or transfer would not be detrimental to the County, 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 or working directly above the relative's immediate superior or directly for the relative's immediate supervisor. 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) Unless the Human Resources Director first determines that such employment, promotion or transfer would not be detrimental to the County, 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.

## **BACKGROUND VERIFICATION**



**4.401 VERIFICATION OF QUALIFICATIONS.** Those employees who are required to have a valid Wisconsin driver's license, commercial driver's license, other license or certification, or a degree to perform their duties, shall provide a current copy of the driver's license, CDL, other license or certification or degree for review, verification, and placement in their personnel file.

**4.402 CAREGIVER BACKGROUND CHECKS.** The Wisconsin legislature and the Wisconsin Department of Health Services (DHS) have enacted laws and regulations which mandate the completion of background checks on certain caregivers. The County is prohibited from employing as a caregiver, or accepting caregiver volunteer services from, any person who has been convicted of, or has a pending charge for, a serious crime as provided by WI statutes and/or DHS rules. The Human Resources Director is responsible for managing and coordinating all background checks. Prior to an offer of caregiver employment being made, or caregiver volunteer services being accepted, the Human Resources Department shall conduct a caregiver background check in compliance with Wisconsin Statutes and DHS regulations, and the County shall fully comply with all state and federal laws, rules and regulations governing background checks as they exist now or may be amended in the future.

**4.403 CRIMINAL BACKGROUND CHECKS FOR NEW AND EXISTING EMPLOYEES.** The Human Resources Department or its designee shall conduct a criminal background check on a candidate for employment prior to making an offer of employment. All employees are required to have a criminal background check done prior to employment. Additional background information may be required based on specific requirements of various positions within the County (e.g., law enforcement, TSA requirements, etc.). The County may also be required to conduct continuing background checks for existing employees as required by federal, state and/or local laws, rules and/or regulations.

**4.404 EMPLOYMENT REFERENCES.** Unless expressly allowed by the Human Resources Director, no County employee shall reply to an Official Reference Check on behalf of Brown County. Requests for reference checks should be forwarded to the Human Resources Department and must be made in writing and include an authorization from the employee prior to the release of any otherwise confidential information. The Human Resources Director may direct the reference check questions to the Department Head or their designee, who shall respond in writing to the Human Resources Director. Confidential information shall only be released after receipt of a valid, signed release of information authorization and at the direction of the Human Resources Director. In the event a reference check is not accompanied by an employee release, the Human Resources Department shall require a release prior to provision of any information other than non-confidential information such as position, dates of employment and compensation information. This paragraph is not intended to prohibit employees from serving as Personal References, rather it only prohibits employees from providing Official Reference Check responses on behalf of Brown County unless the provisions of this paragraph are complied with in advance. For purposes of this policy, personal references are construed to mean references that do not speak to the candidate's work performance or specific service to the County, but rather the candidate's personal characteristics, educational background, and personal dealings with the referring employee. The referring employee assumes all liability for the content of the personal reference response. Employees found violating this policy shall be subject to discipline, up to and including termination from employment. Employment verification requests shall be referred to the Human Resources Department and include the same authorization requirements as listed above. Payroll and salary verification requests may be sent directly

to the Human Resources Payroll Department. No Brown County employee shall contact any potential candidates' current or previous employer without prior approval from the Human Resources Director or designee.

**4.405 EMPLOYEE OBLIGATION TO REPORT ARREST AND PENDING CRIMINAL CHARGES.** At minimum, all County employees shall notify the Human Resources Department as soon as possible, and no more than three (3) business days after, any employee is arrested and/or becomes aware of having a pending criminal charge. For those subject to continuing Caregiver Background Checks, the notification must occur the next working day after the employee is arrested and/or becomes aware of having a pending criminal charge. This same policy shall apply to all contracted persons and volunteers. Due to the nature of work performed, employees working in the Sheriff's Department or Health and Human Services may be required to provide immediate notification, per department policy.

### **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 non-exempt employees in positions that are scheduled to work on multiple shifts may receive additional pay for working 2<sup>nd</sup> or 3<sup>rd</sup> shifts in accordance with Human Resources approved Departmental policy.

(2) Stand-By Pay. Employees who are assigned stand-by duty may receive compensation for stand-by duty, in accordance with Human Resources approved Departmental policy. 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 Director and the County Executive. The Human Resources Director will determine 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 Director.

(4) Increased Pay for Work of another Classification. An employee may receive increased compensation while performing the work of another classification in accordance with Human Resources approved Departmental policy:

(a) Foreman or lead worker duties: If employees assume these duties and work at least one (1) full day at foreman or lead worker level, then said employees may receive increased pay in accordance with Human Resources approved Departmental policy.

(b) Training Pay: Employees who conduct on the job training and evaluations of newly hired employees may receive increased pay in accordance with Human Resources approved Departmental policy.

(5) Incentive/Premium Pay. Employees may be eligible for additional compensation based on operational needs in accordance with Human Resources approved Departmental policy. Incentive/Premium Pay may include such things as follows: 1) Incentive pay for volunteering to work in times of staff shortages; 2) Holiday incentive pay for working hours in excess of scheduled hours of work; and 3) incentive pay for working during "Special (non-standard) Events."

#### **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 initial employment 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.

## **HOURS OF OPERATION**

**4.53 HOURS OF OPERATION.** The standard open to the public hours of operation for most Brown County offices shall be 8:00am to 4:30pm Monday through Friday.

Beginning on August 12, 2024 (the first full pay period in August of 2024), the standard open to the public hours of operation for Brown County Employees working at the Northern Building, the Sophie Beaumont Building and the STEM Innovation Center shall be 7:30am to 5:00pm, Monday through Thursday, and 7:30am to 11:30am on Fridays. Department Heads with operations located in any of these three buildings shall prepare a policy, subject to Human Resources Department approval, regarding how to proceed if a situation arises where a Department Head needs a Brown County Employee to perform work after 11:30am on Fridays, whether due to an emergent situation, a state or federal requirement or otherwise. 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.

**Section 2 -** This ordinance shall become effective on August 1, 2024, after passage and publication pursuant to law.

**4.54 BREAKS.** (1) If department scheduling requires unpaid breaks, an unpaid break of 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 not leave their work area for paid breaks. If employees take two unpaid 15 minute breaks per day they may leave their work area. 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) as defined in the Fair Labor Standards Act (FLSA) are expected, in addition to performing the duties of their positions, also be available for special and regular meetings and events 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, Partially 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. Per FLSA, some exceptions to the 40 hours per week standard apply under special circumstances to Partially Exempt employees. 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) In the event a non-exempt employee is called in outside of the normal scheduled hours, the employee shall be guaranteed a minimum of two (2) hours of work.

(5) Overtime Compensation for Non-Exempt Employees. Non-exempt employees shall receive one and one-half (1.5) times their regular hourly rate of pay for all hours worked outside the established workday and/or the established workweek set by the Department Head so long as consistent with governing law, including Federal Fair Labor Standards Act and the state's wage and hour laws.

**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 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.

## **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, Christmas Eve, Christmas Day and New Year's Eve. 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.

(2) Non-Exempt Employees will receive one and ½ times their normal pay rate for the hours worked on the holiday. All eligible employees will receive paid holiday equal to their normal schedule up to 8 hours per holiday.

(3) For purposes of compensation of holidays under this section, holidays will be deemed to commence and end at midnight.

(4) 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.

(c) Unused personal time shall be lost at the end of the calendar year.

**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.

(6) In order to promote the hiring and retention of highly qualified and experienced employees that often have significant years of relevant job experience and that often have built up significant vacation allotments with their previous employer, new hires and employees may be granted vacation in addition to the amounts shown in 4.66(1), above, not to exceed

200 hours, (*\*NOTE: the "not to exceed 200 hours," language was added at the Executive Committee Meeting on 06-11-2018\**) if recommended by the Human Resources Director and if approved by the Director of Administration.

**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 three (3) work days. The three (3) 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 three(3) 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 with bereavement pay.

(4) 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.

(5) Department Heads shall consult with the Human Resources Director for any exceptions.

**4.69 WORKER'S COMPENSATION.** The County follows the requirements of state law.

**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.** Employees who have completed 6 months of employment shall be eligible for disability leave pay per County policy in effect.

(1) Organ or Bone Marrow Donation or Receipt. Employees donating or receiving organs or bone marrow may apply for Short-Term Disability (STD) leave. If STD leave for these purposes is denied, then Human Resources may allow up to 30 days of paid leave for organ donation or receipt purposes, and up to 5 days of paid leave for bone marrow donation or receipt purposes, as long as sufficient documentation from the employee's qualified health care provider is submitted to Human Resources prior to the donation or receipt of organs or bone marrow occurring.

**4.72 LONG TERM DISABILITY.** Employees who have exhausted Short Term Disability benefits shall be eligible for disability leave pay per County policy in effect.

**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 unless otherwise required by labor agreement) will be used in the following manner:

(a) rolled over into a separate VEBA account upon termination of employment or retirement to be used for Section 213(d) eligible expenses.

(2) In the event of death of an employee, the surviving beneficiary will have the balance rolled over into a VEBA account to be used for Section 213(d) eligible expenses.

#### **4.74 LEAVES OF ABSENCE.**

(1) Policy. The Human Resources Manager in collaboration with the Department Head 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 INITIAL EMPLOYMENT PERIOD EVALUATIONS.** Department Heads, or their designee, shall evaluate initial employment period employees during the midpoint of the initial employment 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 ACTIONS.** The purpose of corrective action is correcting job behavior and performance problems of employees. Employees shall be informed of standards of conduct and performance. Corrective action 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. Corrective 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 Corrective actions 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 and records shall be provided to the Human Resources Manager for retention in the employee file. The County Executive will be informed of suspensions and terminations by Human Resources. Corrective actions, with the exception of suspensions and terminations, are not subject to the Grievance Process. Suspensions and terminations are subject to the Grievance Process and employees

**4.86 GROUNDS FOR CORRECTIVE ACTION OR 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: (The listing provided below is illustrative, and is not intended to be all-inclusive.)

- (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) 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. Employees who believe they have not been treated fairly and equitably in matters have a right to present a grievance to the appropriate management official pursuant to the procedures as set forth herein. This grievance procedure is intended to provide employees with a fair means to seek administrative redress for alleged violations, misinterpretations or inequitable applications of County policies, rules and expectations of conduct relative to employee discipline, termination, or workplace safety. 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. Nothing contained herein shall diminish any legal rights an employee may be entitled to under the law.

### **4.91 DEFINITIONS.**

**Termination:** a separation from employment by reasons other than resignation, layoff or reduction in force.

**Employee Discipline:** an employment action that results in disciplinary suspension, with or without pay, disciplinary termination, or disciplinary demotion. Employee discipline does not include oral reprimands or warnings, written reprimands or warnings, performance improvement plans, performance evaluations or reviews, documentation of employee acts or omissions, administrative leave or suspension with or without pay, non-disciplinary wage, benefit or salary adjustments, changes in assignment, action taken pursuant to an ordinance created under s.19.59(1m), or other non-material employment actions.

**Employee:** shall not include employees subject to a collective bargaining agreement addressing employee discipline, termination and workplace safety, statutorily appointed individuals identified specifically in statute as serving at the pleasure of an appointing authority, elected officials, and independent contractors.

**Workplace Safety:** shall be narrowly construed and not construed to include basic conditions of employment unrelated to physical health and safety. Workplace Safety means conditions of employment related to the physical health and safety of employees, as long as such conditions are not enforceable under state or federal law, and includes safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk. Workplace safety does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

### **4.92 TIMELINES AND GRIEVANCES.**

**Written Grievance Submission:** An employee must file a written Grievance within ten (10) working days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue. The Grievance must be in writing and must be filed with Human Resources and with a copy to the department director. The Grievance shall contain a clear and concise statement of the pertinent facts, the dates the incidents occurred, the identities of the persons involved, and documentation related to the Grievance in

possession of the Grievant, all reasons why the actions of the administration should be overturned, and the remedy that should be issued. A Grievance alleging a workplace safety issue shall also identify the workplace rules allegedly violated, if applicable.

**Administrative Response:** The Human Resources Manager, or other administrator appointed by the County Executive, shall meet with the Grievant within fifteen (15) working days of receipt of the written Grievance to discuss voluntary resolution of the Grievance. If those discussions do not resolve the Grievance, then the administrative officer shall provide a written response to the Grievance within five (5) working days of the meeting. The written response shall contain a statement of the date the meeting between the administrative officer and the Grievant occurred, the decision to sustain or deny the Grievance, and the deadline for the Grievant to appeal the Grievance to an Impartial Hearing Officer.

**Impartial Hearing Officer:** The decision of the Administrative Officer shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing Officer. The written appeal shall be filed with Human Resources within ten (10) working days of the Administrative Response. The Impartial Hearing Officer shall file a written response within fifteen (15) working days of the close of the hearing.

**Appeal for Review:** The non-prevailing party may file a written request for review by the Executive Committee of the County Board within ten (10) working days of receipt of the Impartial Hearing Officer's written response.

**Decision of the Executive Committee:** The Executive Committee shall make a decision whether or not to uphold the Impartial Hearing Officer's decision and recommendation within sixty (60) working days of the Impartial Hearing Officer's decision to sustain or deny the Grievance and any recommendation of a remedy by the Impartial Hearing Officer. A decision by the Executive Committee, along with a remedy, shall be sent to the County Board for final approval.

**Importance of Timelines and Process:** A Grievance will be processed pursuant to the established timelines. A Grievant may advance a Grievance to the next step if a response is not provided within the designated timeframes. A Grievant may not file or advance a Grievance outside of the designated timeframes. The Administration may advance a Grievance to the next step at the written request of either the Grievant or the Administration. The timelines may be modified by mutual agreement of the Grievant and Administration. The failure of the Grievant to follow the timelines and other requirements in this policy shall result in the Impartial Hearing Officer not having jurisdiction over this matter and shall terminate the Grievance Procedure for that Grievance.

**Scheduling:** Grievance meetings and hearings will typically be held during the Grievant's off-duty hours. Time spent in Grievance meetings and hearings will not be considered as compensable work time. Upon mutual agreement the employee and the department head of Human Resources may extend or waive any time limits contained in this procedure.

**Individual claim:** Any Grievance filed regarding workplace safety must relate to issues personal to the Grievant filing the Grievance and may not relate to, without limitation by enumeration, safety of property or third parties. A Grievance filed regarding workplace safety must be filed by the Grievant claiming he or she has been personally affected by the alleged workplace safety violation.

**Selection of Hearing Officer:** Following receipt of a properly filed appeal, of the Administrative decision requesting a Hearing before an Impartial Hearing Officer, the Administration shall provide the name of the person who shall serve as an Impartial Hearing Officer.

**Pre-Hearing Conference and Timelines:** The Administration, Grievant and Impartial Hearing Officer shall conduct a pre-hearing conference and select a date for hearing not more than forty-five (45) working days from the date of the appeal. The Impartial Hearing Officer shall assign dates for preliminary matters that may arise prior to the hearing.

**Conciliation:** Prior to the Hearing, the parties and Impartial Hearing Officer may engage in conciliation meetings to resolve the dispute. In cases involving allegations of workplace safety, the conciliation meeting shall be mandatory and shall occur not more than ten calendar/working days after assignment to the Impartial Hearing Officer. The Impartial Hearing Officer's involvement in any conciliation process shall not disqualify the Impartial Hearing Officer from hearing the merits of any Grievance unless all parties agree to replacing the Impartial Hearing Officer.

**Representation:** The Grievant shall have the right to representation during the Grievance Procedure at the Grievant's expense. The representative shall not be a material witness to the dispute. The County Executive, within his sole discretion, may assign responsibilities to administer this grievance procedure to the department head of Human Resources, its legal advisor, Corporation Counsel, or other administrative officers. Upon mutual agreement the employee and the department head of Human Resources 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.

**Record of Proceedings:** The Impartial Hearing Officer shall conduct the proceedings and make a record of the proceedings. Following the issuance of the decision, the record shall be provided to the Brown County Human Resources for preservation.

**Burdens of Proof and Production:** The Grievant shall bear the burden of production and burden of proof. The rules of evidence shall not be strictly followed, but no factual conclusions may be based solely on hearsay evidence. Not less than ten days prior to the hearing, the Grievant and the Administration shall exchange lists of witnesses and documentary evidence that they intend to introduce at the proceedings.

#### **4.93 THE POWERS AND RESPONSE OF THE IMPARTIAL HEARING OFFICER.**

**Written Decision:** After reviewing the evidence and closing the hearing, the Impartial Hearing Officer shall issue a written recommendation. The Impartial Hearing Officer may request oral or written arguments and replies. The recommendation shall contain findings of fact, analysis and a recommendation. The Impartial Hearing Officer must answer the following question: Based on the preponderance of the evidence presented, has the Grievant proven the decision of the Administration was arbitrary or capricious?

**Powers of the Hearing Officer:** The Impartial Hearing Officer shall have the power to sustain or deny the Grievance. The Impartial Hearing Officer shall have no power to issue any remedy, but the Impartial Hearing Officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the Administration, and shall be addressed by the Executive Committee in the event the Grievance is sustained. The Impartial Hearing Officer may request oral or written arguments and replies.

**Written Review of Appeal:** The written notice requesting the Executive Committee to review the appeal decision and recommendation of the Impartial Hearing Officer ("Review of Appeal") shall contain a statement explaining the reasons for the appeal and a copy of the Grievance, the Administration's response to the Grievance, and the Impartial Hearing Officer's determination, response and recommendation. The written notice for Review of Appeal may not include information that was not presented at the Hearing. The request shall be filed with the Chairperson of the Executive Committee at the Brown County Board Office with a copy to the prevailing party.

**Record of the Hearing:** Upon request for Review of Appeal a copy of the entire record of the Hearing by the Impartial Hearing Officer shall be provided to the members of the Executive Committee.

#### **4.94 REVIEW BY EXECUTIVE COMMITTEE OF THE COUNTY BOARD.**

**Review:** The Executive Committee shall review the record and determine whether a rational basis exists for the Impartial Hearing Officer's recommendation. The findings of fact of the Impartial Hearing Officer shall not be overturned unless clearly erroneous. The Executive Committee shall fully inform the County Board as to the substance of the Grievance, the findings of fact of the Impartial Hearing Officer's determination, whether a rational basis exists for the Impartial Hearing Officer's recommendation, and the Executive Committee shall make a recommendation to the County Board whether the Grievance should be sustained or denied, and recommend a remedy. The County Board after being fully informed by the Executive Committee shall make a determination as to whether or not to adopt the recommendation and remedy of the Executive Committee. In the event the County Board does not approve the recommendation and remedy of the Executive Committee, then the County Board may render a new decision and remedy after full review of the Hearing and evidence presented, or request the Impartial Hearing Officer to take further evidence, or request further review by the Executive Committee, or hold a new hearing before the County Board and make an independent decision.

**Decision:** All decisions of the County Board involving the Grievance shall be by simple majority vote and in writing and filed with the clerk or secretary of the County Board within five days of the date of the final decision. A copy of the final decision shall be delivered to the Grievant and the Administration. The County Board's decision is final and is not subject to appeal.

### **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, or has a business interest or outside employment. 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:

Covered Employees. The Hatch Act restricts political activity of individuals principally employed by local governments, including the County, who work in connection with programs financed in whole or part by federal loans or grants. The Hatch Act does not apply to employees who exercise no functions in connection with federally financed activities.

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.