PERSONNEL POLICY

For

Employees

of

Jefferson County

Revised December 9, 2014

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HR0100 INTRODUCTION.

SHORT TITLE. This ordinance shall be known as the "Jefferson County Personnel Ordinance".

HR0105 **APPLICABILITY.** This ordinance applies to all County employees. Employees represented by labor unions shall be covered by this ordinance only to the extent that this ordinance does not conflict with the pertinent labor contract. In the event of conflict between the labor contract and this ordinance, the labor contract shall control. In the event of conflict between this ordinance and State or Federal law, State or Federal law shall control.

This ordinance does not create a contract of employment, and may be amended at any time by the County Board. Amendments shall supersede the sections modified or eliminated.

HR0110 **DEFINITIONS OF TERMS.** The words and terms defined in this section shall have the following meanings in this ordinance and in any other ordinance classifying and fixing or adjusting the salaries and compensation or authorizing the employment of personnel in any department or office of Jefferson County. [am. 3/13/12, Od. 2011-31]

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

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

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

D. "Classified service" means all positions in the County service except those specifically placed in the unclassified service. [am. ord. 85-10, 7/9/85]

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

F. "Continuous service" means employment with the County without break or interruption. In computing continuous service for the purpose of this ordinance neither vacation leave, sick leave, including absence for injury for which worker's compensation is paid, military leaves or approved leaves of absence, whether with or without pay, or regular seasonal/annual layoffs shall be construed as a break in employment or service. Unexcused absences totaling 2 consecutive work days, layoffs other than seasonal/annual and terminations or resignation of an employee shall be construed as breaking "continuous service". [am ord. 85-10, 7/9/85, 12/14/04; am. ord. 2007-50, 03/11/08]

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

H. "Employee" means a person legally occupying a position in the County service. This includes temporary, seasonal and occasional employees but not elected officials (except as may be required by context) or independent contractors. [am. 3/13/12, ord. 2011-31]

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

J. "Full-time employee" means an employee in a position whose normal assigned schedule of hours totals 1900 hours per year or more, or, on a monthly basis, totals 158.33 hours per month or more. [am. 3/13/12, ord. 2011-31]

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

L. "Limited term employee" means an employee hired on a temporary or emergency basis, not to exceed one year. Limited term employees shall not be eligible for fringe benefits. Limited term employees shall be paid at the minimum step of the salary range for the appropriate position, unless otherwise authorized by the County Administrator. [am. 3/13/12, ord. 2011-31]

M. "Occasional part-time employee" means an employee hired on an irregular basis. Occasional part-time employees shall not be eligible for fringe benefits, except Wisconsin Retirement System if qualified and will be paid at the minimum step of the salary range for the appropriate position and may progress through the step-system based on aggregate hours worked and acceptable performance. [am. 3/13/12, ord. 2011-31]

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

basis, less than 158.33 hours per month. [am. & re-lettered 3/13/12, ord. 2011-31]

O. "Position" means a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full or part-time services of one person. [re-lettered 3/13/12, ord. 2011-31]

P. "Probationary Period" means a six (6) calendar month trial period. Employees making a job change will also serve a six (6) calendar month trial period. During said period, employees shall be subject to dismissal without just cause or recourse to the grievance procedure. Employees making a job change do not typically need to serve an additional six (6) month waiting period for benefits unless the employee is changing from/to a non-benefited to benefited position. The County Administrator, Corporation Counsel, and department heads appointed by the County Administrator and confirmed by the Board shall not serve a probationary period. [am. ord. 05-08, 06/21/05; re-lettered 3/13/12, ord. 2011-31]

Q. "Project employee" means employment which is supported by a grant. Project employees shall not be eligible for fringe benefits, except Wisconsin Retirement System if qualified. [cr. ord. 84-16, 12/11/84; am. & re-lettered 3/13/12, ord. 2011-31]

R. "Reallocation" means reassigning a position or class of positions to a different pay grade. [re-lettered 3/13/12, ord. 2011-31]

S. "Reclassification" means a change in classification of an individual position by raising it to a higher class, reducing it to a lower class, or moving it to another class at the same pay grade on the basis of substantial changes in the kind, difficulty or responsibility of duties performed in such position. [re-lettered 3/13/12, ord. 2011-31]

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

U. "Unclassified service" means all positions of elected officials and those positions specifically designated by the Board of Supervisors as not subject to the classification plan. Where not contrary to law or other sections of this ordinance, positions in the unclassified service shall be subject to this ordinance. [cr. ord. 85-7, 6/11/85]

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

A. All sworn, non-represented law enforcement employees will be subject to the policies in the Personnel Ordinance, except as it relates to employee contribution to WRS, health insurance premium contributions in the State Health plan, and accruals for vacation, sick, holiday, shift differentials and hazardous pay, to which the current LAW contract language shall apply. In addition, longevity pay and sick leave payout shall be converted into a Health Insurance benefit for retirees and shall be paid by the County to the Administrator of the Health Insurance Benefit Trust, with longevity being paid on the first business day after December 1st of each year and the sick leave payout being paid on the first pay period following the employees retirement date. Sergeants shall be granted compensatory time and receive uniform allowance as set forth in the current LAW union contract. [am. ord. 2006-35, 2/14/06; am. ord. 2008-24, 11/10/08; am. ord. 2008-33, 01/13/09; 3/13/12, ord. 2011-31]

B. Notwithstanding any other provision of this ordinance, effective January 2, 2011, patrol sergeants shall be scheduled for 10.5 hour shifts in a 7 days on, 7 days off pattern. 6.5 hours of accrued vacation and holiday time will be used to supplement hours worked in a 14-day work cycle. [am. ord. 2010-22, 12/14/10; 3/13/12, ord. 2011-31; am. ord 2012-21, 12/11/12]

C. Notwithstanding any other provision of this ordinance, in the case of the promotion to Sergeant, such employee shall receive the rate of compensation into the next higher step that provides a minimum of a 5% increase above the top step of the Detective position. In no case will a pay adjustment allow an employee's pay to exceed the established range maximum for the Sergeant position. [cr. ord. 2014-25, 11/12/14]

HR0130 **EFFECTIVE DATE.** This ordinance shall be effective upon passage and publication and shall be reviewed every January by the Human Resources Committee of the County Board. All ordinances and resolutions in conflict herewith are hereby repealed. [am. ord. 84-16, 12/11/81; ord. 2004-26, 12/14/04]

History: Adopted March 9, 1982.

Amended December 11, 1984; June 11, 1985; July 9, 1985; August 13, 1985; January 14, 1986; December 14, 2004; March 8, 2005; April 19, 2005; June 21, 2005; August 9, 2005; September 13, 2005; November 8, 2005; February 14, 2006; June 13, 2006; July 11, 2006; October 10, 2006; March 13, 2007; April 17, 2007; July 10, 2007; September 11, 2007; January 8, 2008; February 12, 2008; March 11, 2008; April 15, 2008; May 13, 2008; July 8, 2008; November 10, 2008; December 9, 2008; January 13, 2009; February 10, 2009; April 21, 2009; June 9, 2009; July 14, 2009; August 11, 2009; October 27, 2009; December 15, 2009; February 16, 2010; April 20, 2010; December 14, 2011; February 8, 2011; March 8, 2011; April 19, 2011; June 14, 2011; September 13, 2011; December 13, 2011; March 13, 2012; July 10, 2012; August 13, 2012; December 12, 2013; February 12, 2013; April 16, 2013; June 11, 2013; September 10, 2013; November 11, 2013; February 11, 2014, July 8, 2014, August 11, 2014.

HR 0140

HR 0140 EQUAL OPPORTUNITY. It is the policy of the County of Jefferson to not discriminate against any employee or applicant for employment because of age, race, sex, creed (religion), color, disability or association with a person with a disability, sexual orientation, marital status or pregnancy, political belief or affiliation, military participation, use or nonuse of lawful products during nonworking hours, national origin, ancestry, arrest record or conviction record (except as authorized by law), genetic information (including improper acquisition of genetic information), or any other characteristic as prohibited by law. The aforesaid provision shall include, but not be limited to, employment, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training. Notices shall be posted in conspicuous places, available to employees and applicants for employment, setting forth the provisions of the nondiscrimination clause. Jefferson County shall be an "equal opportunity employer" and employees may not be harassed in the workplace based on a protected status nor retaliated against for filing a complaint, for assisting with a complaint, or for opposing discrimination in the workplace. Nothing in this section shall be construed to prevent Jefferson County from exercising its right to determine bona fide occupational qualifications. [ord. 2003-44, 3/9/04; ord. 2010-04, 4-20-10]

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

A. Approve Memorandum of Understandings or interpretations of labor contract or personnel ordinance provisions necessary to resolve grievances, as recommended by the County Administrator, unless the grievance is for discipline, termination or workplace safety, which procedure will follow the Grievance Resolution Process in HR0520. [am. 3/13/12, ord. 2011-31]

B. Consider and decide appeals limited to the issue of whether a Third Party Administrator of employee benefits has followed the contractual appeals process. If the procedure has been completed according to the contract, the Third Party Administrator's decision shall be affirmed. No appeal shall be considered unless the employee has first provided the Human Resources Director with the details of the claim and an opportunity to review the issue with the Third Party Administrator and County Administrator. [am. 09/11/07, ord. 2007-19; re-lettered 3/13/12, ord. 2011-31]

C. Authorize the County Administrator or designee to temporarily suspend attendance provisions of this ordinance as necessary to operate during times of national, state or local emergencies or pandemics, subject to the requirements of union contracts, state and federal laws and regulations. This may include allowing borrowing from sick or vacation banks, allowing flexible work schedules or working from home, or allowing other temporary accommodations that may be necessary to provide flexibility to the employees in order to fulfill the needs of the public. [am. 10/27/09, ord. 2009-16; relettered 3/13/12, ord. 2011-31]

D. Upon inapplicability of any part or all of a collective bargaining agreement between the County and a labor organization, authorize the County Administrator or designee to temporarily administer those provisions of the collective bargaining agreements that are deemed necessary for the orderly administration of Jefferson County services. [am. 04/19/11, ord. 2011-04; re-lettered 3/13/12, ord. 2011-31]

HR0150 RIGHTS OF COUNTY.

A. The County retains the right to manage the affairs of government, to determine the number of positions, to make assignments of jobs and to determine the work to be performed by each employee.

B. The County retains the right to hire, promote, transfer, layoff, and terminate employees. [am. 3/13/12, ord. 2011-31]

C. The County retains the right to contract for such work as it determines.

D. The County retains the right to schedule overtime work when necessary.

E. Copyrights or patents developed through use of the employee's time or facilities shall be the property of the employer. [am. ord. 84-16, 12/11/84]

HR0200 EMPLOYMENT.

HR0210 **AMENDMENT AND MAINTENANCE OF THE CLASSIFICATION PLAN.** The annual budget, adopted in November, shall show all positions authorized for the various departments. Whenever one or more new positions are under consideration for possible establishment or whenever, because of any revision in organization or methods, a significant change of the duties or responsibilities of any existing position is to be made which may require the reclassification of such position, or whenever a new class is created to which any position may more appropriately be assigned, or whenever, because of the abolishment or combination of any existing positions or classes, an amendment to the classification plan is required, or whenever a position is vacant for more than one year, the following procedures shall be observed:

A. The department head or the County Administrator shall report the significant facts relating to such possible changes in the classification plan in writing to the Human Resources Committee in the manner prescribed.

B. The Human Resources Committee, upon written request of the County Administrator, upon written request of any employee, or upon its own initiative, may initiate an inquiry into the classification of any position. Written requests for changes in the classification plan shall be submitted to the Human Resources Department by April 1 of each year, with the exception of requests initiated by the County Administrator, which may be reviewed at any time. The County shall use a consultant to consider such proposed changes and shall review the classification plan. The consultant's recommendations shall be implemented unless it can be demonstrated that the consultant acted without any factual basis when considering the requests, or unless the Board takes action to uniformly delay or deny all recommendations based on budgetary or other constraints. Recommended changes shall be presented to the Human Resources Committee and then presented to the Board of Supervisors with the proposed County budget for the succeeding year. Reclassifications, grade reassignments or job title changes shall be effective January 1 of the succeeding year, unless otherwise recommended and approved by the Board of Supervisors. Employees requesting reclassification shall be informed of the consultant's recommendation and Human Resources Committee action by the Human Resources Department. [am. 07/08/08, ord. 2008-14; am. 09-10-13, ord 2013-14]

C. No change in the status of a current employee, or employment of a new employee (other than on an emergency help basis) may be effected until the classification plan change has been approved by the Board of Supervisors. No change in the pay plan shall be made until the classification plan revision requiring a pay plan change has been approved by the Board. [am. 3/13/12, ord. 2011-31]

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

A. Department heads wishing to fill budget-authorized_positions shall request approval from the County Administrator or designee. A report of the positions approved will be provided to the Human Resources Committee. Department heads wishing to fill positions that are not authorized in the budget shall request approval from the County Administrator or designee, subject to review by the Human Resources Committee and final approval of the County Board. [am. ord. 2007-46, 02/12/08]

B. If the filling of the position is approved, the Human Resources Department shall prepare and advertise the job description, salary, and required qualifications for the position. For generalized positions applications will be accepted annually, or as needed. In addition to advertising the Human Resources Department shall post any job vacancies within County service in several conspicuous places. Qualified County employees may notify the Human Resources Department of the desire to be included as an applicant for the position. The Human Resources Director, in concurrence with the department head, may elect to first post a position internally prior to advertising to the outside. [am. ord. 2007-15, 07/10/07; am. ord. 2007-46, 02/12/08; 3/13/12, ord. 2011-31]

C. The Human Resources Department will review all applications, and select all applicants meeting minimum qualifications. The applications will be forwarded to the department head to select approximately five candidates to interview based on additional skills and/or knowledge applicable to the position. The department head will interview and select an employee. The EEO officer or designee will randomly participate in interviews as needed, or as requested. Reference checking will be completed on the recommended candidate and reviewed by Human Resources. Approval by the County Administrator or Human Resources Director is needed prior to an offer of employment or job change. [am. 2007-15; 07/10/07; re-lettered 2/12/08, ord. 2007-46; am. & re-lettered 3/13/12, ord. 2011-31]

D. The County Administrator shall appoint the Corporation Counsel and department heads pursuant to Section 59.18(2)(b), Stats., subject to confirmation by the Board. [am. ord. 2005-08, 06/21/05; 2007-15, 07/10/07; re-lettered 02/12/08, ord. 2007-46]

E. In cases where a fully qualified person could not be found, the County Administrator or the Human Resources Director and department head shall report to the Human Resources Committee the steps taken in attempting to locate such a qualified person, together with a statement that they wish to readvertise, or, in the alternative, that selection has been made from the applicants having less than appropriate qualifications. Human Resources Committee approval is required to select a person who has less than the appropriate qualifications. [am. 2007-15, 07/10/07; re-lettered 02/12/08, ord. 2007-46; am. 3/13/12, ord. 2011-31]

F. However, to meet the needs of the County in emergency situations, any department head, with the approval of the County Administrator or Human Resources Director, may make immediate appointment of applicants on a temporary basis and delay official submission of the application as set forth in the preceding paragraphs for a period not to exceed 10 working days from the date of appointment. In such cases, the application must be accompanied by a statement showing cause for the use of this emergency procedure. Such emergency appointments shall then be reviewed and processed in accordance with the provisions of this section. [am. 2007-15, 07/10/07; re-lettered 02/12/08, ord. 2007-46; am. 3/13/12, ord. 2011-31]

G. The procedure set forth in this section shall also apply in the case of the promotion of any County employee. [am. 2007-15; 07/10/07; re-lettered 02/12/08, ord. 2007-46]

HR0225 **ASSIGNMENT OF POSITIONS.** Each position shall be assigned to its appropriate class on the basis of duties and responsibilities by the Board of Supervisors. The County Administrator and the Human Resources Committee shall prepare recommendations for the Board of Supervisors pertaining to the assignment of a position to a class. Thereafter the Board of Supervisors shall consider the recommendation of the County Administrator and the Human Resources Committee and shall adopt, modify or reject such recommendation.

HR0230 **CLASSIFICATION OF POSITIONS**.

A. The provisions of this ordinance pertaining to classification and pay plan shall apply to all County employees except those in unclassified service and those subjects covered differently by union contracts. [am. ord. 84-16, 12/11/84 and ord. 85-10, 7/9/85.]

B. The classification of positions and position descriptions shall be on file with the Human Resources Department.

C. The Board of Supervisors at any meeting thereof and upon recommendation of the Human Resources Committee may, by resolution adopted by a majority vote, create new classes or divide, combine or abolish existing classes.

HR0240 ESTABLISHING POSITIONS.

A. The Board of Supervisors shall, in the budget adopted the previous year, authorize for each department the number of full-time and part-time positions for the succeeding year.

B. Department heads seeking position changes as part of the annual requested budget shall review those requests with the department's parent committee and give a written notification to the Human Resources Director, preferably by June 1, in order to include the position changes in the Department Head's Requested Budget. The County Administrator will review the requested budgets with the department head. The position changes approved by the County Administrator will be evaluated for classification and grade placement, and presented to the Human Resources Committee for approval of the classification and grade placement. The Finance Committee will then review the County Administrator's recommended budget, make further recommendations accordingly, and forward the annual budget to the full County Board for adoption. Departments will be notified of the final approved position changes upon the adoption of the annual budget at the November County Board meeting. [cr. ord. 2008-24, 11/10/08]

C. A department head seeking position changes that are not part of the annual requested budget shall present in writing the need and reasons therefore to the County Administrator. Thereafter, the County Administrator, Human Resources Director and the Human Resources Committee shall investigate the need of such department and, in the event the Human Resources Committee determines that such need exists, an appropriate recommendation shall be made to the Board of Supervisors for decision. [am. 2008-24, 11/10/08]

D. The County Administrator or Human Resources Director may employ limited term employees as may be required to fill temporary vacancies caused by vacation, sickness, leave of absence or emergency, provided funds are available for such purpose in the budget. A report summarizing any emergency help approved shall be made to the Human Resources Committee. [am. 3/13/12, ord. 2011-31]

E. Positions that are created for a specific grant program are authorized for the duration of the grant funding. Upon elimination or reduction of grant funding, the position shall not be continued unless authorized by the Human Resources Committee. [cr. ord. 2005-43, 02/14/06)

F. Nothing contained in this ordinance shall be construed to require the County Administrator or the Human Resources Committee to fill all positions authorized by the Board of Supervisors, nor to prohibit the County Administrator or the Human Resources Committee from filling a position for up to 12 months at a lesser number of hours than budgeted. [am. ord. 2005-43, 02/14/06; am. ord. 2009-10, 07/14/09]

HR0250 **EXEMPT SERVICE.** The following positions shall be in the exempt service: [am & renumbered 02/08/11, ord. 2010-25]

A. All elected officers and department heads.

B. In addition to elected officers and department heads:

1. Courthouse: Assistant Corporation Counsel, District Attorney Office Manager, Fair Park Supervisor, Information Technology Manager, Systems and Applications Manager, Assistant Finance Director, Park Supervisor, Circuit Court Commissioner, Benefits Administrator, Human Resources Specialist, Senior Systems Analyst, Management Analyst, Surveyor. [am. 10/10/06, ord. 2006-17; am. 09-11-07, ord. 2007-19; am. 04/15/08, ord. 2008-07; am. 02/10/09, ord. 2008-35; am. 08/11/09, ord. 2009-12; am. 3/13/12, ord. 2011-31; am. 12/11/12, ord. 2012-20]
2. Highway Department: Superintendents, Senior Accountant, Highway Operations Manager, Highway Fleet Manager [am. ord. 85-10, 7-9-85; am. ord. 2008-24, 11-10-08; am. 3/13/12, ord. 2011-31; am ord. 2012-20, 12/11/2012]
3. Human Services: ADRC Supervisor, Advanced Fund Accountant, Aging and Disability Resources Division Manager, Administrative Services Manager, Child and Family Division Manager, Child Protective Services Supervisor, Community Support Program Supervisor, Comprehensive Community Services Supervisor, Intake Supervisor, Birth-to-Three/Preschool Supervisor, IT Specialist/Compliance Officer, Juvenile Justice Supervisor, Lueder Haus Manager, Mental Health/AODA Supervisor, Economic Support Division Manager, Economic Support Supervisor, Office Manager, Maintenance Supervisor, Wraparound and Youth Services Supervisor. [am. ord. 2007-19, 09/1/07; am ord. 2008-07, 04/15/08; am. ord. 2008-24, 11-10-08; am. 02/10/09, ord. 2008-35; am. 3/13/12, ord. 2011-31; am. ord. 2012-20, 12/11/12]
4. Sheriff Department: Chief Deputy, Captains, Jail Food Service Supervisor, Emergency Management Director. [am. 10/10/06, ord. No. 2006-17; am. 02/10/09, ord. 2008-35]
5. Health Department: Public Health Program Manager, Public Health Nurse, WIC Project Director Supervisor. [am. 10/10/06, ord. 2006-17; am. 02/10/09, ord. 2008-35; am. 08/11/09, ord. 2009-12; am. 02/08/11, ord. 2010-25; am. 12/11/12, ord. 2012-20]

HR0260 NOTICE OF TERMINATION.

A. An employee voluntarily terminating employment shall give at least 2 weeks written notice to the department head and the County Administrator, stating the last date of employment. [am. ord. 84-16, 12/11/84.; am. ord. 2005-52, 03/14/06]

B. In accordance with HR0510 (D), an employee may be terminated at any time upon written notice stating the last date of employment. The County Administrator shall approve any termination. [am. ord. 84-16, 12/11/84; am. ord. 2005-43, 02/14/06; am. 3/13/12, ord. 2011-31]

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

D. Unless otherwise specified in a negotiated agreement or prohibited by law, the termination date shall be the employee's last date physically worked. [am. ord. 2005-30, 11/08/05]

HR0265 PART-TIME EMPLOYMENT

A. As defined in HR0110, a normal assigned schedule of hours totaling less than 1900 hours per year or, on a monthly basis, less than 158.33 hours per month shall be considered part-time employment and the actual compensation therefore shall be determined by the relation that the actual number of hours of service bears to 2080 hours. All part-time positions shall be classified and paid within the pay range assigned to the classification, except limited term, seasonal and occasional employment as approved by the County Administrator or Human Resources Director. [am. 3/13/12, ord. 2011-31]

B. At the time an employee is hired the candidate's employment record shall disclose the anticipated FTE (full-time equivalent) status of the position. Benefits for each status are as follows: [am. 3/13/12, ord. 2011-31]

- Full-time (1900 hours annually) – all benefits and accruals illustrated within the Personnel Ordinance
- More than half-time (1040 – 1899 hours annually) - health, dental, life and other insurances on the same basis as full-time employees. Accrued fringe benefits (vacation, sick, random and holiday) on a pro rata basis. However, if the employee has never worked for a Wisconsin Public employer that participates in WRS, the employee must initially be expected to work one year and 1200 hours to receive the benefits in this category. If the employee does not meet these two criteria, benefits shall be available as described in one of the two categories below. [am. 3/13/12, ord. 2011-31]
- Less than half-time (600 – 1039 hours annually) – Random hours in accordance with HR0360(A)(2) and all insurance benefits on the same basis as full-time employees, except NOT eligible for dental insurance or any other accrued fringe benefits. Employees working less than 1040 hours annually may be eligible for the State Health insurance, but the level of employer premium contribution is 25% of the lowest qualified plan, and the employee is responsible for the balance of the monthly premium. [am. 12/09/08, ord. 2008-30; 10/27/09, ord. 2009-17]
- Less than 600 hours annually_- not entitled to any insurance or other fringe benefits, except that an employee may become eligible for Wisconsin Retirement, State Health insurance and State life insurance if the employee later meets the requirements for the Wisconsin Retirement system, State Health Insurance, and State Life insurance.
  [am. ord. 84-16, 12/11/84; am. 12/09/08, ord. 2008-30]

C. In the event a county employee changes from a half-time or more position to a less-than-half-time position, the employee will be treated as a terminated employee for accrued benefit purposes. Vacation and sick leave will no longer accrue. Any vacation earned prior to becoming a less-than-half-time position will be paid out at the current rate of pay. Sick leave accrued shall be placed in escrow and paid out at time of termination providing qualifying conditions are met. Payment will be made using the wage rate the individual was receiving at the time prior to accepting a non-benefited position. Should the employee return to a half-time or more position from the less-than-half-time position, sick pay held in escrow will be placed in the employee's sick bank and made available for use, the employee's vacation accrual rate will be credited with the length of time the employee previously held a more-than-half-time position, and the vacation hours the employee receives in January will be prorated based on only hours worked the previous year in the more-than-half time position, exclusive of overtime.. [am. ord. 07-02, 04/17/07; am. 3/13/12, ord. 2011-31]

HR0270 QUALIFICATIONS OF EMPLOYEES.

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

B. Persons hereafter employed in or appointed to any position requiring full-time or part-time service and which position is included in the classification plan and for which a class description exists establishing appropriate qualifications should possess substantially the qualifications of education and experience prescribed for that class; provided, however, that if fully qualified persons cannot be recruited, the Human Resources Committee, upon recommendation of the County Administrator or Human Resources Director, may authorize the appointment of persons having less than the appropriate qualifications (see HR0220). [am. 3/13/12, ord. 2011-31]

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

HR0280 **USE OF CLASS TITLES.** The title of the class to which any position is assigned shall be used in all official personnel records and in all official personnel transactions of Jefferson County. No provisions of this ordinance, however, shall be deemed to prevent the use of a working title which differs from the official class title for any position, which working title, if employed, shall be designated by the head of the department in which the position exists.

HR0300 COMPENSATION.

HR0310 **APPLICABLE PAY RATES FOR NEW EMPLOYEES**. Whenever it is appropriate and possible, new employees shall be hired at the minimum step of the pay range. If, because of remarkably higher levels of education, experience, or difficult market conditions (as may be evidenced by difficulty in recruiting), the candidate will require a salary beyond the minimum, the County Administrator or Human Resources Director may authorize an advanced starting salary and additional benefits, (such as immediate health insurance or additional weeks of vacation). A report to the Human Resources Committee will be given summarizing the exceptions. Consideration must be given to the current compensation of other employees in the same classification, if applicable, to maintain internal pay equity. It is not in the County's best interests to promote a practice of hiring employees higher in the range and then adjusting current incumbents' pay thereafter. Department heads are not authorized to make compensation or benefit offers to potential candidates that exceed the entry-level step. [Res. 2001-117, 3/12/02, effective 6/30/02; am. 09/11/07, ord. 2007-19; am. 3/13/21, ord. 2011-31]

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

A. If a disciplinary demotion or transfer, any designated step in the lower salary range which is at least one step less than the dollar amount received in the pay range for the class from which demoted. The pay of an employee may be reduced to a lower step within the established range upon recommendation of the department head and the Human Resources Director, and approval of the County Administrator where the quality and manner of work performance do not justify the pay being received. Pay reductions of this nature shall not be made without notice. [am. 3/13/12, ord. 2011-31]

B. An employee who is demoted or transferred for involuntary reasons not related to performance will retain the present salary if the salary exceeds the new range maximum for 90 days. Thereafter, the employee will be placed in the step in the new grade that provides the least amount of decrease, which includes a step that may be equal to the current rate of pay. If the present salary is below the new range maximum, the employee will be placed in the new range at the step that provides the least amount of decrease. As long as an employee's salary exceeds the new range maximum, the employee will not be eligible for further base-accumulating pay increases until the employee's salary is again within the salary range for the new position. The 90-day grace period does not apply to red-circled employees as the result of the pay plan adopted effective December 30, 2012. These employees shall maintain the present salary until such a time that the new range meets or exceeds the present rate of pay or as otherwise approved by County Board. [am. 3/13/12, ord. 2011-31; am. 12/11/12, ord. 2012-20]

C. An employee who takes a voluntary demotion will be placed in the step in the new range that provides the least amount of decrease, which includes a step that may be equal to the current rate of pay, if the present salary is above the new range maximum. [am. 3/13/12, ord. 2011-31; am. 12/11/12, ord. 2012-20]

D. In the case of the transfer of an employee from one position to another in the same class or in a different class to which the same pay range is applicable, the employee shall remain at the same pay step. [am. 3/13/12, ord. 2011-31]

E. The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows: Where the employee was at the maximum step and is now eligible for step increases following the demotion, a new anniversary date, effective the date of the demotion, shall be established for purposes of future step increases. [cr. 3/13/12, ord. 2011-31]

HR0325 **APPLICABLE PAY RATES FOLLOWING PROMOTION OR ASSIGNMENT TO AN INTERIM POSITION.** [am. 8/09/05, ord. 2005-15; am. 2/10/09, Ord. 2008-35]

A. In case of the promotion of any employee in the County service to a position in a non-supervisory position in a class with a higher maximum salary, such employee shall receive the rate of compensation in the entrance step of the class to which the employee has been promoted. [lettered & am. 3/13/12, ord. 2011-31]

B. In the case of the promotion or assignment to an interim supervisory or management position, such employee shall receive the rate of compensation in the entrance step of the class to which the employee has been promoted or designated by interim assignment, or into the next higher step that provides a minimum of a 5% increase. In no case will a reclassification pay adjustment allow an employee's pay to exceed the established range maximum for the position. [cr. 3/13/12, ord. 2011-31]

C. In cases where the pay range overlaps, a promotion or interim assignment shall be effected at the next higher step in the range of the new class above the rate being paid in the lower class. The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows. Where the employee was at the maximum step and will be eligible for steps following the promotion, a new anniversary date shall be established for purposes of future step increases. [lettered 3/13/12, ord. 2011-31]

D. An "interim" title is used if an employee is assigned for a longer period of time, usually exceeding 30 calendar days but less than one year. If assigned to an interim position by the County Administrator, the assignment will not require confirmation by the Board as it is a temporary placement. An "acting" title is used if the position is being temporarily filled for a short period of time, usually 30 calendar days or less, and the employee will not receive additional compensation. [am. ord. 2005-15, 8/09/05; am. 02/10/09, ord. 2008-35; lettered & am. 3/13/12, ord. 2011-31]

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

A. Employees whose positions are reclassified to a non-supervisory position in a higher pay grade shall to receive the rate of compensation in the entrance step of the class to which the employee has been reclassified. In cases where the pay range overlaps, a reclassification shall be effected at the next higher step in the range of the new class above the rate being paid in the lower class. [am. 08/09/05, ord. 2005-15; am. 3/13/12, ord. 2011-31]

B. In the case of the reclassification on an interim supervisory or management position, such employee shall receive the rate of compensation in the entrance step of the class to which the employee has been reclassified, or into the next higher step that provides a minimum of a 5% increase. In no case will a reclassification pay adjustment allow an employee's pay to exceed the established range maximum for the position. [cr. 3/13/12, ord. 2011-31]

C. If a position is reclassified to a class in a lower salary range, and the salary of the employee exceeds the maximum of the new range, the employee will retain the employee's present salary if the salary exceeds the new range maximum for 90 days. Thereafter, the employee will be placed in the step in the new grade that provides the least amount of decrease. As long as an employee's salary exceeds the new range maximum, the employee will not be eligible for further base-accumulating pay increases until the employee's salary is again within the salary range for the new position. If the present salary is below the new range maximum, the employee will be placed in the new range at the step that provides the least amount of decrease, which includes a step that may be equal to the current rate of pay. The 90-day grace period does not apply to red-circled employees as the result of the pay plan adopted effective December 30, 2012. These employees shall maintain the present salary until such a time that the new range meets or exceeds the preset rate of pay or as otherwise approved by County Board. [renumbered & am. 3/13/12, ord. 2011-31; am. 12/11/12, ord. 2012-20]

D. The employee will maintain the employee's current anniversary date for purposes of eligibility for future step increases except as follows. Where the employee was at a maximum step and will be eligible for steps following the reclassification, a new anniversary date shall be established effective the date of the reclassification for purposes of future step increases. [cr. 3/13/12, ord. 2011-31]

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

HR0335 APPLICABLE PAY RATES FOLLOWING SALARY RANGE INCREASES AND DECREASES.

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

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

C. In the event that a pay range change becomes effective on the date an employee is promoted or reclassified to a higher class, the employee shall first receive any effective corresponding step adjustment to which the employee is entitled in the lower class and then the next higher step promotional adjustment as provided in pay rates following a promotion or reclassification. [am. 3/13/12, ord. 2011-31]

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

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

B. The rates of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incident to employment, except, for allotment for uniforms and/or other clothing allowance, as well as for personal use of a County vehicle, as may be prescribed by the Board of Supervisors. [am. 3/13/12, ord. 2011-31]

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

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

E. No advance in the step system and corresponding pay increases shall be automatic upon completion of the periods of service and all step increases shall be made on the basis of merit as established by the employee's work performance and after written recommendation of the department head and approval by the Human Resources Director. Employees shall be evaluated at least annually. Employees shall sign a copy of the evaluation form. A copy of said evaluation form shall be provided to the employee. Approximately 30 days before an employee becomes eligible for a step increase, the Human Resources Department shall notify the department head. The department head shall submit an evaluation form to the Human Resources Department no later than the employee's anniversary date. Such evaluation form shall be signed by the employee, with a copy given to the employee. Step pay increases shall be earned. No pay increase shall be granted until the department head notifies the Human Resources Department that the employee has satisfactorily completed service by indicating such on the performance evaluation. Whenever an employee requests in writing the reasons for not receiving a pay increase or contingency rate for which the employee is eligible, the Human Resources Director shall advise the employee of the reasons. Due to the implementation of a new Classification and Compensation plan on December 30, 2012, a performance evaluation will not be required prior to implementation of the plan; however, department heads shall be held accountable to ensure each employee receives an evaluation annually. [am. 3/13/12, ord. 2011-31; am. 12/11/12, ord. 2012-20]

F. Step increases shall normally become effective on the first day of the pay period following the employee's calendar anniversary date. An employee's calendar anniversary date may be affected by a job change or by the corresponding days in excess of an unpaid leave of absence greater than 30 calendar days or 173.33 hours in a year. [am. 3/13/12, ord. 2011-31]

G. If an applicant does not have the required license or certification or equivalent employment experience required of the class specification, the County Administrator and Human Resources Director may employ such person at an appropriate step below the assigned range for the classification until such person obtains the license, certification or employment experience required, but in no event longer than one year. A report shall be provided to the Human Resources committee indicating the details of the exception. [am. 3/13/12, ord. 2011-31]

H. The County Administrator may advance the pay of a current employee by one or more steps at any time during the year when the County Administrator

determines it is in the County's best interest to offer additional compensation in order to retain an employee who would be excessively costly to replace. The County Administrator shall report such increases to the Human Resources Committee. [cr. 7/8/12, ord. 2014-15]

HR0345 DEDUCTIONS FOR MAINTENANCE.

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

B. Personal use of County vehicles is not permitted unless mutually beneficial, as determined by the department's committee. Each committee authorizing such use shall review the determination every January and notify the Finance Department for tax purposes. [am. 3/13/12, ord. 2011-31]

C. Employees who are furnished a County vehicle shall report personal use of said vehicle monthly to the Finance Department on the form prescribed therefore. (res. 2002-44; am. 03/13/12, ord. 2011-31)

HR0350 **EMPLOYEE COMPENSATION PLAN.** Each employee shall be paid in accordance with the compensation plan set forth in Resolution No. 2012-66, December 11, 2012, as heretofore amended and as said compensation plan shall be from time to time hereafter amended by resolution of the Board of Supervisors. [res. 2001-117, 3/12/2002; am. 12/11/12, ord. 2012-20]

HR0360 **HOURS OF WORK, OVERTIME, AND COMPENSATORY TIME. [**am. 12/13/11, ord. 2011-21; am 04/16/2013, ord 2013-02 am 06/11/2013, ord 2013-07]

A. **Exempt Employees**

1. State and federal law do not require an employer to make overtime or compensatory time available to exempt employees, as defined by law. Compensatory time for exempt employees is not intended to provide any compensation in addition to established salaries. Rather, it is a means of providing greater flexibility in scheduling work hours for exempt, salaried employees.
2. In lieu of other compensation for work in excess of 40 hours per week, Emergency Management Director, Circuit Court Commissioners, Assistant Corporation Counsels, Chief Deputy, Systems and Applications Manager, Information Technology Manager and department heads shall be entitled to 40 random hours off per year. Random hours not used by the end of a calendar year shall be forfeited. Random hours shall be prorated in the first and last year of employment based on actual time worked. Random hours for part time employees for a full year shall also be prorated based on the budgeted annual salary for the full year, converted to an equivalent number of hours. [am. ord. 2008-24, 11/10/2008; am. ord. 2008-35, 02/10/09; am. ord. 2009-17, 10/27/2009; am. ord. 2011-21, 01/13/2011; am. 12/11/12, ord. 2012-20]
   a. Exempt employees are expected to work whatever hours are necessary beyond the workweek to assure that a complete and adequate job is done. [am. 3/13/12, ord. 2011-31]
   b. Full-time persons receiving random days shall work eight (8) hours a day, Monday through Friday, primarily during regular business hours. [am. ord. 2007-31, 01/11/08]
   c. Full-time employees working less than four hours a day, Monday through Friday, shall supplement worked time with paid-leave time such as sick, vacation, random, personal holiday, bringing total hours up to eight per day. Full-time employees working less than eight hours a day, but more than four hours a day, Monday through Friday, may supplement time worked with paid-leave time, or may opt to flex the necessary time during the same Monday through Friday work week at their discretion. [am. ord. 2007-31, 01/11/08; am. ord 2009-17, 10/27/2009]
   d. Any altered daily work schedule for department heads will be at the discretion of the County Administrator, and may be granted if the needs of the county allow for such alteration.
   e. All time worked shall be recorded and reported to the Human Resources Department with each payroll. This includes any use of paid-time off to fulfill the County's need to be accountable to the public, using 'exception notices' provided by the County.
3. Other classified exempt employees are eligible to use and accumulate compensatory time in accordance with the provisions of this policy.
   a. Exempt employees are expected to work whatever hours are necessary beyond the workweek to assure that a complete and adequate job is done. [am. 3/13/12, ord. 2011-31]
   b. Exempt compensatory time is accrued on an hour-for-hour basis for time worked in excess of 40 hours in a workweek.
   c. Any altered daily work schedule from the assigned 40 hours per week will be at the discretion of the employee's department head, and may be granted if the needs of the department allow for such alteration. Public Health Nurses and the WIC Project Director assigned to work as Clinical Instructors for nursing students shall receive a bonus equal to one-dollar ($1.00) for each hours spent by the employee with

nursing students. [am. 3/13/12, ord. 2011-31; am. 12/09/14, ord. 2014-32]

d. There shall be no cash compensation for accrued exempt compensatory time at the time of termination. Exempt compensatory time may not be used to extend an employee's termination date.

e. Non-represented, exempt employees may accrue up to 120 hours of compensatory time on an hour-for-hour basis for actual hours worked over 40 hours per week. This bank may be replenished, but must be used by November 30 of each year, or is forfeited. An extension may be requested by November 15 of each year, subject to approval of the County Administrator. A request to carry over any compensatory time earned between November 15 and November 30 must be made to the Human Resources Department by December 10 subject to the County Administrator's approval. Compensatory time approved for carryover must be used by March 1 of the succeeding year. The County Administrator shall report compensatory time carryover approvals to the Human Resources Committee. [am. ord. 2006-35, 2/14/06; ord. 2006-30, 3/13/06]

f. Notwithstanding the foregoing or the amount of hour for hour compensatory time accumulated, a department head may limit use of compensatory time to a specified number of hours annually based on the needs of the department, or deny its use altogether when deemed necessary. [am. ord 2008-24, 11/10/2008]

g. All time worked shall be recorded and reported to the Human Resources Department with each payroll. This includes any use of paid-time off, as well to fulfill the County's need to be accountable to the public, using 'exception notices' provided by the County.

B. **Non-exempt Employees**

1. Hours of Work. [am. 12/13/11, ord. 2011-21]

a. Employees' work hours are typically based on a 40-hour work week, with hours to be established by the department head to ensure that staff is available during business hours to assist the general public and clients the County serves. The core business hours at the Courthouse shall be 8:00 a.m. – 4:30 p.m., Monday through Friday, excluding holidays. No employee shall be guaranteed a minimum of 8 hours per day or 40 hours per week, depending on the operational or business needs of the department or County. [cr. 12/13/11, ord. 2011-21]

b. Except for Communication Operators and full-time Cooks, employees scheduled to work 6 hours or more are allowed a one-half hour to an hour, unpaid lunch break, whenever feasible. [cr. 12/13/11, ord. 2011-21]

c. Employees scheduled to work eight (8) or more hours in a day may be allowed two 15-minute paid rest breaks, one per each half of the shift. Employees scheduled to work less than eight (8) hours in a day may be allowed one 15-minute paid rest break. [cr. 12/13/11, ord. 2011-21]

d. Rest breaks and lunch breaks shall not be used for late arrival or early departure purposes, nor shall they be combined in order to take longer break periods.

e. If circumstances require, a department head may modify the hours of work for an employee. If a modification greater than one hour before and/or one hour after the core hours is needed in excess of a week, it shall be approved by the County

Administrator, not less than on an annual basis. [am. 12/13/11, ord. 2011-21]

f. Highway Employees: The core hours for the Highway department will be as follows: 7:00am – 3:30pm, Monday through Friday, with summer hours from 6:00am to 4:30pm, Monday through Thursday, beginning the week after Memorial Day through the week prior to Labor Day. The department head or designee may flex work hours up to one hour before and/or one hour after the core hours of work. In addition, the department head may adjust the core hours of work based on operational needs by posting the changes for employees, no less than 72 hours in advance. [cr. 12/13/11, ord. 2011-21]

g. Communication Operators. In lieu of the typical 40-hour work week, Communication Operators shall work a schedule consisting of five (5) days on followed by two (2) days off, followed by five (5) days on followed by three (3) days off. This rotation shall then repeat. [cr. 12/13/11, ord. 2011-21]

2. Classified employees who are subject to the provisions of the Fair Labor Standards Act shall receive overtime compensation at the rate of one and one-half times the employee's regular hourly rate or accrue compensatory time at the rate of one and one-half hours for all hours actually worked over forty (40) hours in a workweek in accordance with the provisions of this policy. Except as follows, no employee may receive overtime compensation or accrue compensatory time during a work week in which compensatory time off, vacation, holiday or sick leave was used, unless actual work time is greater than 40 hours in a workweek. [am. 12/13/11, ord. 2011-21]

a. Maintenance Workers, including Courthouse, Human Services, Parks and Fair. Maintenance staff required to respond to a public service emergency call-in shall be paid at one and one-half (1 ½) times the hourly rate, unless the call in is immediately preceding or following the employee's scheduled shift. All other hours shall be paid at the regular rate of pay unless required otherwise under provisions of the Fair Labor Standards Act. [cr. 12/13/11, ord. 2011-21]

b. Highway Employees. Any time worked outside of the employee's scheduled 8 hours of work (10-hours during the summer schedule), shall be paid at one and one-half (1 ½) times the hourly rate. [cr. 12/13/11, ord. 2011-21]

c. Fair Week. Section 13(a)(3) of the Fair Labor Standards Act provides an exemption from FLSA overtime provisions for certain situations for an establishment which is an amusement or recreational establishment. During the week prior to, the week of, and the week following, any employee devoting 100% of work time to the operation of the County Fair is exempt from overtime, and all hours worked are paid at the regular rate of pay. [cr. 12/13/11, ord. 2011-21]

d. Communication Operators. Any time worked outside of the employee's scheduled hours of work shall be paid at one and one-half (1 ½) time the hourly rate of pay. In addition, Communication Operators may substitute, or trade shifts, with co-workers. Section 7(p)(3) of the FLSA provides that two individuals employed in any occupation by the same public agency may agree, solely at their option and with the approval of the public agency, to substitute for one another during scheduled work hours in performance of work in the same capacity. The hours worked shall be excluded by the employer in the calculation of the hours for which the substituting employee would otherwise be entitled to overtime

compensation under the Act. Where one employee substitutes for another, each employee will be credited as if he or she had worked his or her normal work schedule for that shift. [cr. 12/13/11, ord. 2011-21]

3. It is the policy of the County to avoid overtime work. Daily work schedules may be modified within the work week to accommodate workload fluctuations without accrual of compensatory time or payment of overtime. An employee shall work the hours prescribed by the employee's department head and shall work additional hours or overtime when directed to do so by the department head, manager or supervisor. Overtime shall be assigned within departments reasonably equally among the employees who normally do the work during their regular work day, whenever feasible. [am. 12/13/11, ord. 2011-21]

4. Employees must receive permission from the employee's immediate supervisor to work unscheduled additional hours, overtime or accrue compensatory time. Advance written approval may be required by the department head or authorized supervisor to use accumulated compensatory time. If compensatory time will be accrued for overtime hours worked in lieu of payment at the overtime rate, an understanding to that effect must be reached between the employee and the supervisor prior to the authorization to work overtime hours. [am. 12/13/11, ord. 2011-21]

5. When accrual of compensatory time is authorized, the following provisions shall apply:

   a. Department heads shall have full responsibility and discretion for limiting the amount of compensatory time earned, providing it is equal to or less than the maximum established below. [cr. 12/13/11, ord. 2011-21]

   b. An employee must have the appropriate department head's prior approval to use accumulated compensatory time. The dates when compensatory time off shall be granted shall be determined by agreement between the employee and the employee's department head.

   c. Whenever possible, compensatory time is to be taken within thirty (30) days of the date it is earned, and taken with the prior approval of the department head. The use of compensatory time must not conflict with the needs of the department. Under normal circumstances, it is expected that compensatory time be used on an on-going basis as the workload permits, and not as a vacation supplement or addition.

   d. The maximum amount of compensatory time which may be accumulated is 160 hours of overtime worked or 240 hours of compensatory time. An employee who has accrued the maximum number of hours of compensatory time may reduce the hours below the maximum by the use of time off and resume accrual of compensatory time. [am. ord. 2006-30, 3/13/06; am. 12/13/11, ord. 2011-21; am. 12/09/14, ord. 2014-32].

   e. Any compensatory time not used by November 30 shall be paid on the next regular paycheck in December. On-call Intake Social Workers may request to carry over a maximum of 80 hours of compensatory time by November 30. The decision to authorize the carryover of compensatory time is at the discretion of the Human Services Director and in no case shall banked compensatory time exceed 240 hours. [cr. ord. 2014-32, 12/09/14]

   f. If employment is terminated, any unused compensatory time will be paid to the employee at the regular rate of pay at the time of termination, or the average of the rate of pay over the

last three years, whichever is greater. [am. 12/13/11, ord. 2011-21]

g. The department head or designee is responsible for completing permanent time records for all non-exempt staff and ensuring that appropriate records for paid time off are provided to Human Resources for both non-exempt and exempt staff.

6. On-Call Duty: An employee shall be on-call when given a cell phone or pager and being told they are on-call. An employee who is on-call will receive an additional one hundred twenty five dollars ($125.00) for a week (7 consecutive days) or fifteen dollars ($15.00) for after hours Monday – Friday and twenty-five dollars ($25.00) for Saturday or Sunday or a designated holiday. As an alternative, if mutually agreeable, an employee who is on-call may elect 5 hours of compensatory time for a week (7 consecutive days), or .6 hours Monday – Friday and one (1) hour for Saturday or Sunday or a designated holiday. [cr. 12/13/11, ord. 2011-21; am. 3/13/12, ord. 2011-31]

7. Call-out: Any employee called into work at a time other than his/her regular schedule of hours, except where such hours are consecutively prior to or subsequent to the employee's regular schedule of hours, shall receive a minimum of two (2) hours pay at the regular rate of pay, unless otherwise required by law or ordinance, including HR0360 B.2.a. above. [cr. 12/13/11, ord. 2011-21; am. 3/13/12, ord. 2011-31]

8. Shift Differentials and Premium Pay: [cr. 12/13/11, ord. 2011-21; am 04/16/2013, ord 2013-02; am 06/11/2013, ord 2013-07]

a. Communications Operators working the second shift shall receive ten cents ($.10) per hour in addition to their regular rate of pay; employees working the third shift shall receive twenty ($.20) cents per hour in addition to their regular rate of pay; employees working a swing shift shall receive twenty-five ($.25) cents per hour in addition to their regular rate of pay. Communication Operators working in a Field Training Officer (FTO) capacity for four (4) hours or more will receive a thirty-five ($.35) cents per hour shift differential for those hours. Effective January 1, 2015, Communication Operators working in a Field Training Officer (FTO) capacity for four (4) hours or more will receive two ($2.00) dollars per hour shift differential for those hours. [cr. 12/13/11, ord. 2011-21; am. 11/12/14, ord. 2014-24]

b. Public Health. Full-time Public Health Technicians working in the jail receive seventy-five cents ($.75) per hour in addition to their regular rate of pay. [cr. 12/13/11, ord. 2011-21; am. 3/13/12, ord. 2011-31; 12/09/14, ord. 2014-32]

c. Whenever non-supervisory Highway employees are assigned to work as ‘temporary foreman’, such employees shall, for the duration of the assignment, receive an additional five percent (5%) of the employee’s regular rate. All work assignments will be approved by a department supervisor prior to being eligible for the additional compensation. [cr. 12/13/11, ord. 2011-21; am. 12/11/12, ord. 2012-20; am 04/16/2013, ord 2013-02]

d. Highway employees assigned to work on roads where the speed limit is 65MPH shall receive hazardous duty pay equal to five percent (5%) of their regular rate of pay for actual hours worked. [cr. 12/13/11, ord. 2011-21]

e. Effective December 30, 2012, Highway workers and Equipment Operators operating E1 equipment shall receive two dollars ($2.00) per hour in addition to their regular rate of pay for all time operating E1 equipment. Highway workers and Equipment Operators operating E2 equipment shall receive one dollar ($1.00) per hour in addition to their regular rate of pay for all

time operating E2 equipment. This provision shall be reviewed upon implementation of an equipment certification process, no later than July 31, 2015. [am. 08-11-14, Ord 2014-17]

i. E1 Equipment: Backhoe, Grader, Dozer, Paver, Chip Spreader, Shoulder Machine.

ii. E2 Equipment: Rollers, Loader-Backhoe, End Loader, Drill Truck Operator, Hi-Lift Operator. (cr. 04/16/2013, ord 2013-02]

f. Those employees currently classified as Equipment Operator shall retain that title and be assigned to Grade 4 on the pay scale. Whenever feasible, operation of equipment shall be assigned to an employee with the title of Equipment Operator. (cr. 04/16/2013, ord 2013-02]

HR0365 **INCLEMENT WEATHER.** Inclement weather may make it dangerous for employees to come to work or it may require employees to leave work before the end of a scheduled shift. Such time off may be charged to unused vacation, random or accrued compensatory time or the employee may request that the time off be without pay, or the time may be made up within the same work week at a time mutually agreeable to the employee and the supervisor/department head. When inclement weather or some other emergent condition requires the County Administrator or designee, in concurrence with the County Board Chair, First Chair or Second Chair, to close a building or temporarily cease providing non-essential public service, the resulting work time lost may be covered as above or the time may be made up within the same work week at a time mutually agreeable to the employee and the supervisor/department head. The employee may be allowed to work from home if beneficial to the County and pre-authorized by the department head. The department head shall inform the Human Resources Director of the temporary arrangement for FLSA compliance purposes. [am. 3/13/12, ord. 2011-31]

HR0370 JURY AND COURT DUTY

A. Employees required to serve on a jury shall be entitled to the employee's regular pay upon surrender of the juror's fee to the Finance Department. No pay shall be allowed when such service falls on an employee's day off. [am. 3/13/12, ord. 2011-31]

B. Employees subpoenaed to appear on a matter relating to employment with Jefferson County shall be entitled to the employee's regular pay upon surrender of the witness fee to the Finance Department. No pay shall be allowed when such day falls on an employee's day off. Employees subpoenaed on matters not related to employment with Jefferson County shall use vacation or compensatory time off at the employee's discretion, and shall keep any witness fee received. [am. 3/13/12, ord. 2011-31]

HR0375 PAY PLAN, PAY DATES, AND PAY RECORDS. [am. ord. 2006-30, 03-13-07]

A. Job titles and job descriptions adopted by Resolution 1995-24, July 11, 1995, and modified by Resolution 2001-117, 3/12/02, and Resolution 2012-66, 12/11/12, and subsequently amended, are hereby made a part of this ordinance. [am. 12/11/12, ord. 2012-20]

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

C. All classifications, excluding unclassified or contract employees, shall be assigned to a salary range. [am. ord. 85-19, 7/9/85; am. 3/13/12, ord. 2011-31)

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

E. Pay Method. The County will pay by electronic direct deposit to the account designated by the employee, subject to such rules as established by the Finance Committee. Employees will be charged $25.00 if the Finance Department must reissue a payment due to the employee's failure to notify the Finance Department of changes to the account designated for deposit. Employees with a county email address will receive an email check remittance notice. Other employees may receive a check remittance notice by email, if requested, or a paper copy. (res. 2003-125; Finance Committee 8/12/2004; am. ord. 2006-30, 03/13/07; am. 3/13/12, ord. 2011-31)

F. Each employee will be provided an original W-2 annually. There will be charge of $10.00 for each additional W-2 form requested. [am. ord. 2006-30, 03/13/07]

HR0380 **PERIODIC SALARY REVIEW.** Prior to budget preparation each year, Human Resources Department may conduct a survey of appropriate competitive employment markets and, when the results of such survey indicate, the Human Resources Committee may make specific recommendations of changes in pay rates, fringe benefits and other conditions of employment to the Board of Supervisors for action.

HR0390 TERMINAL PAY.

A. Employees not terminated for just cause shall receive all accrued vacation, holidays and longevity pay, on a pro-rated basis from January 1st up to and including the last day of employment. Any vacation and holidays used in excess of the ratio shall be paid back by the employee by reducing the payout of other accrued time accordingly. Any and all amounts payable to the employee shall be paid on the regular payday covering the last day of employment. Employees may not use any accrued time or compensatory time to extend a termination date. Unless otherwise specified in a negotiated agreement or prohibited by law, the termination date shall be the employee's last date physically worked. [am. ord. 2005-30, 11/8/05; am. 12/13/11, ord. 2011-21]

B. In addition, employees who retire and are eligible for Wisconsin Retirement annuity or Social Security shall receive 65 percent of a maximum of 108 days of unused accumulated sick leave. Employees not eligible for Wisconsin Retirement annuity or Social Security will not receive any unused accumulated sick, regardless of the reason for separation of employment. [am. ord. 2006-35, 2/14/06; ord. 2008-09, 05/13/08]

C. An employee whose employment is terminated by death shall be paid the benefits set forth in Paragraph (a), two weeks pay, and 100 percent of a maximum of 108 days of unused accumulated sick leave. [am. ord. 2008-09, 05/13/08]

D. Employees terminated for cause shall NOT receive accrued vacation, holidays, sick and longevity pay. A termination for cause is effective on the date the employee last physically worked.

E. Employees on extended layoff shall receive all accrued vacation, holidays and longevity pay, payable on the next succeeding payday following the layoff. If the employee is eligible for WRS, the employee will also receive 65% of accrued sick time. [am. 2/16/10, ord. 2009-25]

F. Upon separation from employment, an employee shall return all county property, including, but not limited to, keys, identification badge, cell phone and lap top, by the employee's last day of work. Failure to return property or settle outstanding debts, such as reimbursement for personal phone calls, will result in discontinuation of direct deposit of the employee's final paycheck. Final paychecks may be obtained in the County Clerk's office during normal business hours. [cr. ord. 2006-06, 06/13/06]

G. Upon termination, the County Administrator, Corporation Counsel and department heads appointed by the County Administrator shall be covered by the provisions of this section except (D). [cr. ord. 2005-08, 06/21/05; renumbered ord. 2006-06, 06/13/06]

HR0400 POLICIES AND PROCEDURES.

HR0410 **COMPUTER, INTERNET, AND TELEPHONE USE.**

Jefferson County provides employees, board members and other authorized Users access to, and the use of, a variety of information technology resources. These resources are provided to employees in an effort to allow employees to be more efficient, productive, and to have access to information that is necessary to carry out their responsibilities on behalf of the County. Users are expected and required to use information technology resources in a manner consistent with the user's position and work responsibilities with the County, in a professional, lawful and ethical manner. Employees not assigned direct use of information technology resources are expected to review and acknowledge with signature the same policies as those who have been assigned direct use.

MIS shall establish and maintain the documentation required to satisfy industry and professional standards for electronic data security, including HIPAA requirements in covered entity departments as determined by the HIPAA Officer. This documentation shall include the: Personnel Ordinance; Computer, Internet and Telephone Use Policy; Departmental Summaries for employee and other users; Policies and Procedures outlining detailed instructions on security for specific technology; and acknowledgment forms to be signed by employees and other authorized Users.

A copy of the entire Computer, Internet and Telephone Use Policy can be accessed on the Employee website. In addition, a copy will be provided to each department head and made available to staff upon request. Employees are responsible for maintaining compliance with the most current policy. [repealed and recreated 2/16/10, ord. 2009-25]

HR0420 **COUNTY EMPLOYEE TO ELECTED OFFICIAL.** In the event a county employee should be appointed or elected to a county elected office, the employee will be treated as a terminated employee for accrued benefit purposes. County benefits such as health, dental, and life insurance shall continue as if the person was a classified, active employee. Elected Officials shall contribute 100% of the Wisconsin Retirement System employee contribution, as established annually by the Department of Employee Trust Fund for each applicable employment category. Vacation and sick leave will no longer accrue. Any vacation earned prior to becoming an elected official will be paid out at the current rate of pay. Sick leave accrued shall be placed in escrow and paid out at time of termination providing qualifying retirement conditions are met. Payment will be made using the wage rate the individual was receiving at the time prior to becoming an elected official. [Personnel Committee 1/31/97; am. 3/13/12, ord. 2011-31].

HR0425 DRUG-FREE WORKPLACE.

A. **NOTICE:** To all department and all individual employees of Jefferson County. Employees should be aware that drug violations in the workplace are illegal, as well as violating County policy, and may lead to criminal penalties as well as job discipline.

B. **POLICY:** It is the policy of Jefferson County to provide a drug-free workplace for all its employees. Employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use of controlled substances in any workplace of County employment. It is the policy of Jefferson County to provide an Employee Assistance Program for employees with a dependency problem. It is also the policy of Jefferson County to discipline employees for violation of the drug-free workplace policy. Such discipline may include termination from employment.

C. **RESPONSIBILITIES:**

1. **County Administrator**
   a. Sign drug-free workplace policy certificates for any federal grant or contract.
   b. Notify any appropriate federal agency concerning of any employee convicted of a violation.
   c. Take appropriate disciplinary action against convicted employees.
   d. Supervise the Employee Assistance Program.
2. **Department Head, Manager or Supervisor**
   a. Counsel all employees under their supervision concerning this policy.
   b. Counsel all employees under their supervision concerning the deleterious effects of the abuse of controlled substances.
3. **Each Individual Employee.** Notify the employee's supervisor within five days of a conviction for illegal manufacture, distribution, dispensing or use of a controlled substance in the workplace. **This is a condition of employment with Jefferson County.**

D. **STATUTORY AUTHORITY:** Title 41, Sections 701 to 707 of the United States Code. This is a matter of Federal Law.

HR0428 **EMPLOYEE ASSISTANCE PROGRAM (EAP).** [cr. 08/09/05, ord. 2005-14]

It is the policy of Jefferson County to provide a practical, constructive mechanism for assisting employees with personal problems which may affect the work situation, or to aid those employees and family members who voluntarily wish to use the program to resolve a personal problem.

The Employee Assistance Program (EAP) is being offered to all employees, dependents, and other members of the employee's household. The philosophy and purpose of this program is as follows:

A. Jefferson County will encourage employees and family members who are experiencing personal problems to take advantage of the assessment, counseling and referral services available on a voluntary basis through the EAP. Problems may include emotional and mental issues, family concerns, alcohol and drug problems, and questions related to financial and legal concerns. Early intervention and assistance minimizes the adverse impact on an employee's personal/family life and job performance.

B. Jefferson County believes that an employee's job performance may also be affected when a family member is experiencing personal issues. For this reason, Jefferson County extends the same offer of referral to any member of the employee's household.

C. Employees or family members who seek assistance voluntarily will be able to do so with complete anonymity and confidentiality within the limits of state and federal law. It is understood that federal and state laws require the disclosure of certain information when an EAP clinician or consultant has reasonable suspicion that physical or sexual abuse or neglect of a child or vulnerable adult has occurred, or when there is a threat of harm to oneself or another person by an employee or family member seeking EAP services, or when client records are subpoenaed by a court of law.

D. Referrals for assessment, counseling and referral to outside EAP resources should be only at the employee's request and/or on the basis of job-related behavior.

E. Implementation of this policy will not require or result in any special privileges or exemption from the job performance requirements and standards.

F. Management and supervisory personnel will inform employees with personal problems that job security or opportunities for promotion will not be jeopardized by a request and/or referral to the EAP.

G. An employee's acceptance, rejection, or failure to respond to treatment does not diminish the employee's responsibility to meet required job performance standards.

H. It is not the EAP's role to provide diagnosis and/or recommendations regarding an employee's ability to perform assigned job tasks. However, the EAP will assist supervisors with referring the employee to an appropriate medical professional to diagnose and determine the employee's fitness for duty.

I. EAP records are the property of the contracted agency and will be confidentially preserved in the same manner as medical records. Personal information gathered after supervisory referrals will not be revealed to management or to the supervisor without consent of the employee, and will not be part of the employee's health records. [am. 3/13/12, ord. 2011-31]

J. All EAP services (assessment, referral, short-term counseling, if available, and follow-up) are free of charge. In some instances, referrals to service providers outside the EAP may be recommended. Any costs for services outside of the EAP are the employee's responsibility. The employee is also responsible for determining if the outside services recommended by the EAP are covered under an eligible health benefit plan.

HR0430 FAMILY MEDICAL LEAVE ACT AND MILITARY FAMILY LEAVE ACT.
[recreated 04/21/09, ord. 2009-04]

A. **General Provisions**

It is the policy of Jefferson County to grant from two to twenty-six weeks of leave for reasons listed under Section C of this policy during a 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 and the Military Family Leave Act. These leaves may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy. Wisconsin State FMLA, Worker's Comp and County Leaves of Absence run concurrently with the Federal Leave.

B. **Eligibility**

In order to qualify for both State and Federal Leave, both of the following conditions must be met:

1. Jefferson County must have employed the employee for at least 12 months (52 consecutive weeks for State). The 12 months of employment need not have been consecutive under Federal FMLA, but must not have a break in service within the previous seven years.
2. The employee must have worked at least 1,250 hours for Federal leave and 1,000 paid hours for Wisconsin leave during the 12 month period immediately before the date when the leave would begin.

C. **Type of Leave Covered**

In order to be eligible for leave under this policy, the employee must be taking the leave for one of the following reasons:

1. The birth of a child, or placement of a child with the employee for adoption
2. Placement with the employee of a son or daughter for foster care
3. The employee's own serious health condition;
4. The employee is needed to care for the employee's spouse; child; parent due to his/her serious health condition.
5. The employee needs to care for the employee's parent-in-law; domestic partner (as defined in sec. 40.02(21d) or 770.01(1), Wis. Stats.); or domestic partner's parent, due to his/her serious health condition (State Leave Only) [am. 10/27/09, Ord. 2009-15]
6. A qualifying exigency arising out of the fact that the employee's spouse; son/daughter; parent (the covered military member) is on covered active duty or called to covered active duty in a foreign country and is a member of the Regular Armed Forces. (Exigency: Non-Medical; Non-Routine)[am. 12/15/09, ord. 2009-21; am 04/16/2013, ord 2013-02]
7. The employee is the spouse, son/daughter, parent or next of kin of a covered service member with a serious injury or illness, including a covered veteran receiving treatment, recuperation or therapy for a serious injury or illness either received while on active duty or that existed before active duty and were aggravated by service in the line of duty on active duty in the Armed Forces. The veteran must have been other than dishonorably discharged and must have served in the military at some point within the five preceding years. (Military Caregiver Leave) [am. 12-15-09, ord. 2009-21; am 04/16/2013, ord 2013-02]
8. The employee is called to active duty in the Military
9. A qualifying exigency arising out of the fact that the employee may need to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered

active duty [cr. 04/16/2013, ord 2013-02]

Qualifying exigency leave may be taken for any of the following reasons: short notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; arranging for alternate care; and additional activities. The amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave is a maximum of 15 calendar days. [cr. 04/16/2013, ord 2013-02]

A serious health condition under Federal Law is defined as a condition that requires that an individual must be incapacitated for more than 3 full calendar days and the individual must have had at least 2 in-person visits to the health care provider within 30 days of each other. Treatment requires an in-person visit with the health care provider for examination, evaluation or specific treatment; a phone call, letter, fax, e-mail or text message is not sufficient.

For chronic conditions, including intermittent and reduced scheduled leaves, the individual must have at least two in-person visits to the health care provider for medical treatment/examination every year to qualify. Recertification will be required every 6 months for chronic conditions resulting in intermittent and reduced schedule leaves.

A serious health condition under State Law is defined as a disabling physical or mental illness, injury, impairment or condition involving inpatient care in a hospital, nursing home or hospice, or out-patient care that requires continuing treatment or supervision by a health care provider.

A qualified employee can take up to 26 weeks of leave under this policy for military caregiver leave during a single 12-month period. For military caregiver leave, the 12-month period begins on the first day the employee takes FMLA leave and ends 12 months after that date.

If a husband and wife both work for Jefferson County, and each wishes to take leave for the birth of a child, adoption or placement of a child for foster care, the husband and wife may take a combined total of 12 weeks of leave. Leave granted for the birth of a child, or placement of a child for adoption or foster care must be concluded within a 12-month period beginning from the date of the event for Federal Leave. State Leave requires leave to be taken within the period from 16 weeks prior to the birth/adoption to 16 weeks after the birth/adoption of the child.

For all other types of FMLA leave, Jefferson County measures the 12-month period on a calendar year basis, beginning January 1 of each year.

D. **Substitution of Pay**

The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy, by electing to use appropriate accrued balances.

E. **Intermittent Leave**

Intermittent Leave will be allowed as required by law; or, if not required by law, as determined by the department head and Human Resources Department that the intermittent leave would not result in hardship for the department or Jefferson County. Benefits will accrue on a pro-rated basis, in accordance with any other unpaid leave rules.

F. **Employee Benefits During Leave**

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

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

Holiday and Vacation will accrue as if the employee was actually working for all hours under FMLA, paid and unpaid. Sick accruals, however, will accrue in accordance with other unpaid leaves and will not accrue on unpaid FMLA hours. [am. 3/13/12, ord. 2011-31]

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

G. **Employee Status after Leave**

An employee, who is not a "key" employee, who takes a leave under this policy will be returned to the same or an equivalent position with the same benefits and terms of employment.

H. **Certification**

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

Certification forms and other requested documentation must be filled out completely and returned within 15 days in order to determine whether or not the employee qualifies for FMLA or MFLA. If forms are not returned within 15 days, unless it is not practicable under the particular circumstances despite diligent good faith efforts FMLA may be denied and the time off will not be designated or protected under the FMLA or MFLA.

Jefferson County has the right to ask for a second opinion (at its own expense). If it becomes necessary to resolve a conflict between the original and the second opinion, Jefferson County may require the opinion of a third doctor (again, at its own expense). This third opinion will be considered final.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. Jefferson County will comply with this law by informing healthcare providers responding to requests for medical information to not provide genetic information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact

that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. [am. 02/08/11, ord. 2010-25]

I. **Procedure for Requesting Leave**

Except where leave is not foreseeable, all employees requesting leave under this policy should submit the request to the Human Resources Department or immediate supervisor.

When a leave under this policy is foreseeable, the employee must give the County 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is feasible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to County operations. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees may be requested by the Human Resources Department to report periodically the status of the medical condition and intent to return to work.

J. **Return to Work**

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

If the employee returns to work within the time frame allowed for the requested type of leave, the employee will be returned to the same or a substantially similar position, unless notified that the employee is a "key" employee. A substantially similar position is defined as a job of similar job duties, job classification, work hours, and salary as that which the employee held at the time the leave began. An employee, however, has no greater right to reinstatement or to other conditions of employment than if the employee had been continuously employed during the FMLA leave period.

If the employee is not released to return to work within the approved qualified time, the employee may request a personal leave of absence in accordance with applicable contracts and policies. While on a personal leave of absence, employees must exhaust all of their accrued time (vacation, sick, holiday, random, compensatory time) prior to taking time off without pay, or according to HR0450, Leave of Absence without Pay. Once the employee is on unpaid leave for the 30-day grace period, Jefferson County will no longer pay the employer share of benefits, and some benefits may be cancelled altogether. After the 30-day grace period the employee will be sent COBRA notification which allows them to purchase health insurance at the current active rate. The 30-day grace period runs concurrently with FMLA; therefore, employees requesting a personal leave may have benefits affected immediately upon expiration of FMLA. [am. 3/13/12, ord. 2011-31]

K. **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer; 1-866-487-9243; TTY 1-877-889-5627 or www.wagehour.dol.gov or the State of Wisconsin, Department of Workforce Development, Equal Rights Division; 1-608-266-6860 (Madison); 1-414-227-4384 (Milwaukee) or www.dwd.wisconsin.gov. [am. 3/13/12, ord. 2011-31]

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.
[HR0430 recreated 04/21/09, ord. 2009-04]

HR0435 HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT.

It is the belief of Jefferson County that all employees should be able to enjoy a work environment free from all forms of discrimination, and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age, disability, sex, arrest or conviction record, marital status, sexual orientation, membership in the military reserve or use or nonuse of lawful products away from work is expressly prohibited under this policy. Therefore, the policy and procedure of Jefferson County shall be as follows: [am. 3/13/12, ord. 2011-31]

A. Jefferson County will not tolerate harassment of employees, or of employees performing services for Jefferson County, by anyone, including any supervisor, co-worker, vendor, client, or customer of Jefferson County or any third party employee. [am. 3/13/12, ord. 2011-31]

B. In general, harassment means persistent and unwelcome conduct or actions on any of the factors above. [cr. 3/13/12, ord. 2011-31]

1. Sexual harassment is one type of harassment and includes unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal, visual or physical or visual conduct of a sexual nature includes, but is not limited to the repeated making of unsolicited, inappropriate gestures or comments or the display of offensive sexually graphic materials. [am. 3/13/12, ord. 2011-31]

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

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

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

c. Such conduct has the purpose or effect of unreasonably interfering with a reasonable individual's work performance or of creating an intimidating, hostile or offensive working environment. [am. 3/13/12, ord. 2011-31]

3. Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. All forms of gender harassment are covered, including sexual harassment. Men can be harassed by either women or other men; women can be harassed by either men or other women; offenders can be managers, supervisors, co-workers, and non-employees such as clients or vendors. [cr. 3/13/12, ord. 2011-31]

4. Some examples of verbal harassment include jokes, insults and innuendoes (based on race, sex, age, disability, etc.), degrading remarks, referring to someone as a stud, hunk or babe; whistling; cat calls; comments on a person's body or sex life. Some examples of non-verbal harassment include gestures, staring, touching, hugging, patting, blocking a person's movement, brushing against a person's body, display of sexually suggestive or degrading pictures or emails, racist or other derogatory cartoons or drawings. [cr. 3/13/12, ord. 2011-31]

C. Any employee who believes he or she has experienced or witnessed harassment should report the alleged act immediately, preferably within 48 hours, to any one of the following individuals.

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

[am. 3/13/12, ord. 2011-31]

D. An investigation of all complaints will be undertaken immediately. All information disclosed in the complaint and the investigation procedure will be held in the strictest confidence and only disclosed when necessary to investigate and resolve the matter. [am. 3/13/12, ord. 2011-31]

E. The County forbids retaliation against anyone for reporting harassment, assisting in making a harassment complaint, or cooperating in a harassment investigation. If an employee feels retaliated against, the employee should notify the Human Resources Director, the department head or the supervisor, and an investigation will also be undertaken immediately. [am. 3/13/12, ord. 2011-31]

F. A false allegation of harassment of any kind is a violation of this policy and is itself subject to disciplinary action. To constitute such a violation, however, the complaint would ordinarily need to be false as to a specific allegation of fact. That an investigating party or committee should, while agreeing on factual matters alleged, nevertheless differ in judgment or interpretation of the incident and conclude that it did not constitute harassment, would not make the complaint a violation apart from evidence of conscious and willful intent to distort or exaggerate the allegation and damage the accused party. [am. 3/13/12, ord. 2011-31]

G. The County trusts that all employees will continue to act responsibly to establish a pleasant working environment free of discrimination and harassment. The County views harassment, sexual harassment, retaliation and false allegations to be serious misconduct in the work place. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination, can be expected. [cr. 3/13/12, ord. 2011-31]

HR0440 **HIPAA/NOTICE OF PRIVACY PRACTICES**. Under the Health Insurance Portability and Accountability Act (HIPAA), and as further enhanced under the American Recovery and Reinvestment Act of 2009 (ARRA), Jefferson County will maintain the privacy of employee's protected health information. This applies to the health, dental and long term care policies, and the Employee Assistance Program (EAP), offered by Jefferson County. The County only uses and discloses health information about employees for purposes of payment functions and health care operations. If an employee wants more information about County privacy practice, contact the Human Resources Department. Or, if the employee believes Jefferson County may have violated any privacy rights, or if the employee disagrees with a decision made about any of the rights, the employee may file a complaint with Jefferson County's HIPAA (Privacy) Officer. The employee may also file a complaint with the Secretary of U.S. Department of Health and Human Services. Jefferson County supports the employees' right to have health information treated in a private fashion, and will not retaliate in any way if an employee chooses to file a complaint. [am. ord. 2005-30, 11/8/05; am. 2/16/10, ord. 2009-25]

HR0445 **IDENTIFICATION BADGE POLICY [**repealed and recreated on 06/14/2011, ord. 2011-07]

A. **PURPOSE**. The purpose of this policy is to establish a system that provides constant and immediate identification of staff to customers, clients, residents, visitors and other employees. In addition, the system provides a tool for the security of County facilities.

B. **POLICY**. It is the policy of Jefferson County to issue identification (ID) badge to each employee, volunteer, elected official of the County or State and to all temporary agency and contractor personnel. ID badges must be worn in a highly visible manner while on property owned or under the control of the County. Only the horizontal (landscape) ID badge is authorized. ID badges may not be loaned or otherwise transferred to another individual or department.

This policy applies to all employees regardless of status or classification to include students, volunteers, interns, temporary agency workers and contractor personnel. It will be effective immediately upon passage for the Sheriff's Department and Courthouse employees, and implemented in stages for the remaining employees at other locations.

Sworn Law Enforcement in "plain clothes" shall be required to wear the departmental picture identification badge in a clear plastic holder on the outside of the clothing when present within the courthouse, and will not be required to obtain the County ID badge as described herein.

C. **DEFINITIONS.**

1. **Badge Request Form.** This form is necessary to obtain a new or replacement badge. It requires name, department, and ID Number completed by the employee; verification of reason for badge and payment requirements, as well as verification of identification and badge issuance completed by the Human Resources Department.
2. **Identification Badge.** A plastic card displaying an employee's photograph, name, five-digit ID number and credentials, if applicable. A preferred first name may be used in lieu of the individual's legal first name. No fee or deposit is required for initial issue. Employees who sever their employment with the County must return their ID badge to their department head on their final day of work. The department head will return the badges to the Human Resources Department within 48 hours.
3. **Credentials.** Standard acronyms indicating licensure, registration, certification, or graduate degree required by the employee's position or pertinent to the work performed. Due to space limitations, no more than three acronyms may be listed on an ID badge.
4. **Temporary ID Badge.** A paper card indicating "VISITOR" that expires after 24 hours.
5. **Photo ID 'Office'**. Photo IDs will be taken at the Human Resources Department at the Courthouse. Badge issuing personnel can by reached by calling Extension 8634 or 674-8634.

D. **PROCEDURE.**

1. **OBTAINING BADGES**
   a. **New Employees**. Each individual must present a valid picture I.D. along with the Badge Request Form for identity verification. A Photo I.D. badge will be issued at no cost to the new employee at this time. If the employee is unable to have the permanent badge processed on the first day of employment, a temporary ID badge will be issued until the permanent badge is received.
   b. **Lost/Stolen Badge Replacement.**
      (1) Any employee who has lost or had stolen their ID badge must go the County Human Resources Department to get a new Badge Request Form. The individual must pay the actual replacement fee, which includes the applicable sales tax, to the Human Resources Department. Checks shall be made payable

to the Jefferson County Treasurer and a receipt will be issued upon request. The individual must have a valid photo ID for identity verification prior to receiving a replacement badge.

(2) Any employee who has proof that their badge was stolen, i.e. police report number, will have the replacement fee waived.

c. **Damaged Badge Replacement.**

(1) Due to Normal wear: Any individual who brings a damaged badge to the County Human Resources Department will have the badge replaced at no charge. The individual will need to complete a Badge Request form and follow the replacement/stolen procedure.

(2) Due to Negligence: An employee who brings a badge damaged due to negligence will follow the Replacement/Stolen badge procedure, including the replacement fee.

d. **Change in Name or Credentials**. An employee needing a new badge to reflect a change in name or credentials must complete a new Badge Request Form at the County Human Resources Department and follow the replacement/stolen procedure. There is no charge for this badge reissue.

e. **Temporary Badges**. Temporary badges are authorized by the Human Resources Department or Courthouse security for short term guests, vendors or visitors, temporary employees for less than 30 days, or employees waiting for their permanent badge.

2. **BADGE DISPLAY.**

a. Only ID badges approved for use by the County Human Resources Department may be used to comply with this policy.

b. ID badge holders must wear the ID badge at all times while on property owned or under the control of Jefferson County.

c. The ID badge is to be clearly visible to someone facing the wearer. The ID badge may be worn attached to a clip, in a clear plastic card holder, on a lanyard or other device leaving the card clearly visible. The ID badge must be worn horizontally so that it can be easily read.

d. ID badges must be free of decoration. The ID badge holder may display small items such as recognition pins or professional affiliation pins; but, such items must not restrict the view of the ID badge picture, name, department or credentials, or its use as a key or time-keeping card, if applicable.

e. The plastic ID badge holder may include other cards (e.g. emergency cards, timekeeping card). Such cards may not restrict the view of the ID badge and must not contain a magnetic strip (i.e. credit card) if the Photo ID badge also has a magnetic strip.

f. Keys or other means of entry into County facilities or areas of security (i.e. computers, filing cabinets, etc) shall not be worn with or attached to the ID badge or lanyard.

3. **SECURITY.**

a. Employees assigned at a County facility secured by electronic doors shall be issued a proximity ID badge. Employees may be granted access to the Courthouse from 6:30am to 6:30pm, Monday through Friday (excluding Holidays), with the exception of second shift Custodial staff, who will be granted access 2:00pm – midnight, and Department heads, departmental Elected officials, County Board Chair, MIS staff, Courthouse Maintenance staff, and State Court Reporters and District Attorney staff, who may be granted unlimited access. To otherwise obtain access to a secured building, the department head should notify the Human Resources Department in advance with the name(s) of employees authorized to work outside of normal business hours. The Human Resources Director, or designee, will then grant additional access as appropriate.

b. Employees shall not allow unknown persons to enter the facilities with them. If unknown persons are at the door waiting for entry, employees shall advise them of the hours the County is open to the public. Electronic access control doors shall not be left propped open or unattended at any time. They shall not be tampered with in any manner to bypass security.

c. In order to prevent unauthorized entrance to a building using an employee's ID badge, employees are responsible for reporting a lost or stolen ID badge immediately to the Human Resources Department, In addition, Department Heads are responsible for notifying Human Resources immediately of an employee's termination.

4. **MONITORING**. Failure to comply with this policy will subject the violator to disciplinary action. Any employee encountering an unknown person without proper identification in a nonpublic area should offer assistance. If the employee has any doubt as to the person's response or demeanor, Security should be notified.

This policy not only serves as assistance to the public but is also a security measure for employees and will be taken seriously. No excuses will be accepted for not wearing the proper ID badge.

HR0450 LEAVE OF ABSENCE WITHOUT PAY.

A. Unless otherwise required by law, and as described below, unpaid leave shall only be granted after all applicable accrued time has been used, including applicable holidays, vacation, sick, random and compensatory time. [cr. 3/13/12, ord. 2011-31]

B. Department heads may grant voluntary unpaid time in increments of 4 or 8-hours (or 5 or 10-hours if working four 10-hour days) which shall be limited to five (5) days or 40 hours in a calendar year, which shall not be considered leave under HR0450(C). Additional unpaid leave may be granted in smaller increments only after all applicable accrued time has been used, unless otherwise provided under State or Federal Regulations. Approval of any voluntary unpaid leave of absence shall be at the sole discretion of the department head subject to the provisions of this policy. Department heads shall ensure that an approved voluntary unpaid leave of absence will not result in overtime work for the employee upon return from leave or overtime work for remaining staff during leave. When considering departmental staffing requirements, department heads shall give preference to employee vacation requests before considering employee requests for voluntary unpaid leave of absence. If a holiday occurs during a voluntary leave without pay, the employee will receive holiday pay if eligible. Once the employee has requested the time off and it has been approved by the Department Head, the leave cannot be rescinded by the employee unless required by law. The department head may rescind the approved time off if necessitated by business need. Once the leave has been taken, there can be no rescission or retroactive substitution of accrued time. Department heads shall file the appropriate form with the Human Resources Department indicating the beginning date and ending date of such leave. [am. 07/10/07, ord. 2007-15; am. 06/09/09, ord. 2009-08; am. 020/08/11, ord. 2010-25; am. 3/13/12, ord. 2011-31]

C. Department heads may grant leave of absence to an employee for a period not to exceed 4 calendar months, inclusive of State and Federal FMLA. [cr. 3/13/12, ord. 2011-31]

D. The Human Resources Committee may grant a leave of absence of up to 1 year to an employee, inclusive of any approved time authorized by the department head and State and Federal FMLA. Such 1-year leave may be extended by the Human Resources Committee in its sole discretion. [cr. 3/13/12, ord. 2011-31]

E. Only the first 30 calendar days, or 173.33 intermittent hours, of unpaid leave taken during the calendar year shall be allowed without affecting the employee's anniversary date when used in computing the length of time between salary step increases and in computing other fringe benefits. These 30 calendar days or 173.33 intermittent hours run concurrently with State and Federal FMLA. [cr. 3/13/12, ord. 2011-31]

F. The employee's position may or may not be protected during a leave, unless otherwise required by law. [re-lettered 3/13/12, ord. 2011-31]

G. Salaries for exempt employees electing unpaid leave, or placed on a furlough, shall be reduced in accordance with the provision of 29CFR541.710, Employees of Public Agencies. [cr. 06/09/09, ord. 2009-08; re-lettered 3/13/12, ord. 2011-31]

H. In the event an employee is on leave of absence covered by State or Federal Family Medical Leave Act and was eligible for group health and/or dental insurance, or flexible spending accounts at the commencement of such leave of absence, the employee shall be entitled to continue coverage and will continue to be responsible for making the specified premium contribution, if any. [section renamed 06/09/09, ord. 2009-08; re-lettered 3/13/12, ord. 2011-31]

I. In the event an employee is on leave of absence not covered by State or Federal Family Medical Leave Act and was eligible for group health, insurance at the commencement of such leave of absence the employee shall be entitled to COBRA coverage according to Federal COBRA regulations. The employee is eligible to continue group dental insurance and flexible spending coverage under federal COBRA regulations. [am. 02/10/09, ord. 2008-35; section renamed 06/09/09, ord. 2009-08; re-lettered and am. 3/13/12, ord. 2011-31]

J. An employee on any leave of absence shall be entitled to continue all other group benefits at the employee's expense during the leave of absence, as permitted per the relevant insurance policy. [section renamed 06/09/09, ord. 2009-08; re-lettered 3/13/12, ord. 2011-31]

K. An employee on leave of absence shall give the employee's department head a minimum of 1-week notice of the expected return date so necessary adjustments to the work force can be made. [section renamed 06/09/09, ord. 2009-08; re-lettered & am. 3/13/12, ord. 2011-31]

L. Any employee who gives false information to obtain a leave shall be subject to disciplinary proceedings. [section renamed 06/09/09, ord. 2009-08; re-lettered 3/13/12, ord. 2011-31]

HR0460 **MILITARY LEAVE DONATION.** Under the Military Leave Donation program, a Leave Bank is available to provide additional paid days for employees who have exhausted all accumulated vacation, compensatory time and banked holidays and who have been called to active duty for a minimum of six months. Donation and Recipient requests can be made through the Human Resources Department.

HR0461 MILITARY LEAVE PROCEDURE.

A. **Requests**

1. Service in the uniformed services means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, as defined in 20 CFR Part 1002.5. [am. 3/13/12, ord. 2011-31]
2. An employee of the uniformed services, or an appropriate officer of said employee, shall provide notice to the Human Resources Department that the employee intends to leave the employment position to perform service in the uniformed services, in accordance with 20 CFR, Part 1002.85. Whenever possible, notice should be given 30 days before the start of the anticipated leave. [am. 3/13/12, ord. 2011-31]
3. Although notice may be given in either verbal or written format, to best coordinate the leave, it is preferred that the employee present an application or letter indicating the change to active military status, including the expected length of time the employee will be gone. [cr. 3/13/12, ord. 2011-31]

B. **Seniority and Benefits**

1. Seniority will continue to accrue while on military leave. Seniority, for purposes of this section, is consistent with USERRA, meaning longevity in employment together with any benefits of employment that accrue with, or are determined by, longevity in employment. [am. 3/13/12, ord. 2011-31]
2. Continuation of Health insurance will be offered under the group plan for 36 months in accordance with the Wisconsin Public Employer's Group Health Insurance Plan, which also covers requirements under USERRA. The employee will be required to pay the "active" employee contribution for the first 18 months. For the next 18 months the employee will be required to pay 100% of the premium, which is due by the 20th of the month *prior* to the month of coverage. If the employee does not return to work within 36 months, the employee will be offered an additional 18 months of continuation of coverage as required under Federal COBRA regulations. The employee will be required to pay 100% of the full premium for COBRA coverage. [am. 08/05, ord. 2004-35; am. 01/13/09, ord. 2008-33; am. 3/13/12, ord. 2011-31]
3. Continuation of Dental insurance will be offered under the group plan for 24 months in accordance with COBRA and USERRA requirements. The COBRA and USERRA coverage will run concurrently. For COBRA or USERRA coverage, the employee will be required to pay the "active" employee contribution for the first 18 months. For the next 6 months under USERRA, and thereafter, if additional COBRA coverage is offered, the employee will be required to pay 102% of the full premium. [cr. 01/13/09, ord. 2008-33]
4. WRS [cr. 3/13/12, ord. 2011-31]
   a. If an employee is covered by a collective bargaining agreement under which the County will pay the total WRS employee-required contributions, the employee will receive contributions and service credit for the time he or she was on a military leave of absence. [cr. 3/13/12, ord. 2011-31]
   b. If an employee is not covered by a collective bargaining agreement under which the County will pay the WRS employee-required contributions, when the employee returns to employment, the employee will have the choice whether to make up all, some or none of the total WRS employee-required contributions dating to the employee's military leave of absence. The employee-required contributions for repayment are to be made beginning with the date of reemployment, and ending on the earlier of: (1) three times the period of military service, or; (2) five years. [cr. 3/13/12, ord. 2011-31]

c. The employer is required to make employer-required contributions to match the contributions made by the employee. [cr. 3/13/12, ord. 2011-31]

d. In order to ensure that an employee receives his or her rights under USERRA, the employee should provide Human Resources with the following information upon return from Military leave: 1) How much, if any, of the employee-contributions the employee intends to make up and 2) a copy of the employee's DD-214, or if the employee did not receive a DD-214 based on the length of service, a copy of his or her military orders. [cr. 3/13/12, ord, 2011-31]

e. With respect to service credit, an employee will generally receive WRS service credit for up to five years of eligible military service whether the employee chooses to make up all, some or none of the employee-required make-up contributions. There are Federal and State exceptions to the years of WRS service credit. [cr. 3/13/12, ord. 2011-31]

5. Life insurance will continue under the group plan for a minimum of 30 days of unpaid leave. Once the insurance would normally end with the group plan, the employee may continue coverage by paying premiums to Jefferson County until the employee returns to work. The County will continue to pay the employer's required portion of the premium for the first 18 months, after which, the employee will be required to pay the additional required contribution. [am. 01/13/09, ord. 2008-33; renumbered 3/13/12, ord. 2011-31]

6. Vacation accrual rate will continue as if employee was not on military leave. Beginning in 2004, employees will receive the total vacation the employee would have earned as if any time on Military leave during the previous year was actual time worked. Any donated time counts toward this total time. [renumbered 01/13/09, ord. 2008-33; renumbered & am. 3/13/12, ord. 2011-31]

7. Sick or Holiday pay is not based on seniority and will, therefore, be handled in the same manner as any other leave of absence. Thereby, sick will not accrue while on Military leave, and Holiday pay will be distributed as if the employee was actively working. In addition, if an employee does not return to work after discharge, the employee will be responsible for returning any overpayment of holiday pay received. [renumbered 01/13/09, ord. 2008-33; renumbered am. 3/13/12, ord. 2011-31]

8. Contingency and Longevity. Military leave will count as hours worked for longevity and contingency purposes, providing the employee is eligible for the benefit as determined in HR0620 and HR0655. [cr. 3/13/12, ord. 2011-31]

C. **Wages**

1. Military Leave is unpaid. An employee has the choice to use vacation, holiday, random or compensatory time, but can not be forced to do so. However, any carryovers into the next calendar year will be limited in accordance with applicable ordinances. [am. 3/13/12, ord. 2011-31]

2. Employees on Military leave will continue to receive any 'across-the board' wage adjustment approved by County Board. [am. 3/13/12, ord. 2011-31]

3. Employees shall receive any step increase they reasonably would have been afforded if they had been actively working. [am. 3/13/12, ord. 2011-31]

4. Upon return from Military Leave, employees shall be promoted to positions that they reasonably would have been promoted to if they had been actively working and based on seniority. [am. 3/13/12, ord. 2011-31]

D. **Return from Military Leave**

1. If employee is gone 1 – 30 days, the employee should report to work the next scheduled workday. Usually 8 hours is given to rest before returning to work.
2. If employee is gone 31 – 180 days, the employee has 14 days to reapply and return to work.
3. If employee is gone 181+ days, the employee has 90 days to reapply and return to work.
4. It is not reasonable to assume an employee will necessarily pass a probationary period, as defined in a union contract, without sufficient time to observe the employee's work. Therefore, if an employee is in a probationary period when military leave begins, the remainder of the probationary time must be completed upon return. [am. 3/13/12, ord. 2011-31]
5. An employee returning from military leave shall be reemployed in a position according to USERRA regulations. This may include being promoted, reclassified, demoted, transferred, placed on layoff or terminated if circumstances changed as to make reemployment impossible or unreasonable. [am. 3/13/12, ord. 2011-31]
6. If military leave lasts more than 30 days, Federal law gives employees certain job protection for 6 – 12 months after return.

HR0465 NEPOTISM.

A. It has been well accepted that employment of relatives in the same area of an organization can cause serious conflicts involving favoritism and employee morale. In these circumstances, all parties, including supervisors, are open to charges of inequitable consideration in decisions concerning work assignments, transfer opportunities, performance evaluations, promotions, demotions, disciplinary actions, pay increments, and terminations. In addition, to claims of partiality in work treatment, personal conflicts from outside the work environment can be carried into day to day working relationships.

B. It is Jefferson County's policy that any member of the immediate family of persons currently employed with Jefferson County may be hired if they have participated in the recruitment and selection process in the same manner as other applicants, providing they will not be working directly for or directly or indirectly supervising a relative. For the purpose of this policy, immediate family includes: spouse, children, parents, siblings, grandparents, grandchildren, live-in companions and any step-relatives and in-laws of the aforementioned family members. This policy does not affect seasonal or emergency help employees.

C. If a supervisory relationship of an immediate family member, as defined above, is established after employment, and if, at the employer's discretion a transfer/change of position is not available, one of the employees will be separated from County service. Every attempt will be made to effect transfer or separation on the basis of agreement between the involved employees and the County. If an agreement is unattainable, the Human Resource Director will decide the employee to be transferred or separated, with final approval by the County Administrator. The policy does not affect the occasional supervisory relationship of an immediate family member that may occur due to overlapping shifts, overtime shifts, or any other sporadic or irregular situation that may occur to ensure necessary staffing coverage. [Human Resources Committee, 11/25/03] [am. 02/08/11, ord. 2010-25; am. 3/13/12, ord. 2011-31]

HR0466 **NURSING MOTHERS SUPPORT POLICY.** [created 06/14/2011, Ord. 2011-07] Jefferson County recognizes a mother's responsibility to both her job and her child when she returns to work. Because of the many health benefits associated with breast feeding, more women are electing to continue breast feeding their infants upon return to work. Jefferson County supports this decision and is committed to enabling employees to maintain the breast feeding relationship.

In keeping with this philosophy and in compliance with certain provisions of Section 7 of the Fair Labor Standards Act, Jefferson County will provide space, reasonable break time and support to employees needing to express milk for breast feeding for up to one year after the child's birth and subscribes to the following policy:

A. **Employees shall be provided a place to breastfeed or express their milk.** Arrangements will be made to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, and is sanitary for breastfeeding employees to express their milk during work hours. This room ideally will provide an electrical outlet, comfortable chair, and nearby access to running water. Employees may, of course, use their private office area for breastfeeding or milk expression, if they prefer. Employees in need of an appropriate space should contact the Human Resources Department or their supervisor.

B. **Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression.** A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breastmilk for her child. The time would not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, appropriate accrued time must be used, or the employee may flex their time, with supervisor approval, and can come in a little early or leave a little later to make up the time.

C. **Employees shall be provided support.**

1. **A refrigerator will be made available for safe storage of expressed breastmilk, when possible.** Employees may use their own cooler packs to store expressed breastmilk, or may store milk in a designated refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean. Please contact Human Resources for the location of a refrigerator/freezer that may be available for use.
2. **Employees will be notified about the County's Nursing Mothers Support/Breastfeeding policy.** The company's Nursing Mothers Support policy will be communicated to staff, including methods such as the employee website, bulletin board postings, orientation sessions, etc.
3. **Breastfeeding Information.** Staff members in the County Health Department (X7186) are available to provide information and assistance regarding breast feeding questions and concerns.

HR0470 PERSONNEL RECORDS. Under the authority of the County Administrator, the Human Resources Department shall maintain such employee records as are necessary to maintain a roster of employees and positions, which roster shall include the record of employment of each employee in County service, including dates of service, positions held, salaries or wages received, vacation and sick leave earned and taken, and such other information as may be deemed appropriate. An employee may, upon request, review the contents of the employee's personnel file. Unless the employer is provided with a release from the affected employee, the only information released to third parties from the employee's personnel file shall be the dates of employment, position held at time of termination and the pay rate at termination. [am. ord. 84-16, 12/11/84]

HR0480 **SMOKING POLICY.** "Smoking" as the term is used in this Ordinance means burning or holding, or inhaling or exhaling smoke from a lighted cigar, cigarette, pipe or any other lighted smoking item or equipment. [am. 3/13/12, ord. 2011-31]

A. No person may smoke indoors at any time in any county-owned, rented or leased building, including the Fair Park grandstand, park shelters or bathrooms, maintenance buildings or in the Dog Park. [am. 3/13/12, ord. 2011-31]

B. No person may smoke within thirty (30) feet of a public entrance to any county-owned, rented or leased building, or outside a designated smoking area if such property has notice posted of this regulation and designated smoking areas. At the Fair Park, the 30 feet requirement shall only apply to the front door of the Activity Center. [cr. 3/13/12, ord. 2011-31]

C. No person may smoke at any time inside of any county-owned, rented or leased vehicle. [re-lettered 3/13/12, ord. 2011-31]

D. Department heads in all county-owned, rented, or leased buildings shall enforce a "No Smoking" policy consistent with Sec. 101.123, Stats. and this ordinance. (The Wisconsin Clean Indoor Air Act). [re-lettered 3/13/12, ord. 2011-31]

E. In the event of conflict between the provisions of this ordinance and Section 101.123, Stats., the more restrictive regulation shall apply. [re-lettered 3/13/12, ord. 2011-31]

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

1. With the consent of the Sheriff, and under supervision of a County detective, individuals under interrogation are permitted to smoke in designated interrogation rooms within the Sheriff's Department.
2. Vehicles owned, rented or leased for use by the Jefferson County Sheriff's Department.
3. In the presence of a bailiff, jurors may smoke in the area immediately adjacent to courthouse entrance 13.

[re-lettered & am. 3/13/12, ord. 2011-31]

G. In addition to or in lieu of enforcement of this ordinance by forfeiture, violations of this section by County employees and officers may be punished by appropriate discipline as a violation of a reasonable work rule as determined by the employee's supervisor and/or the County Administrator. [ord. 2003-06, 9/9/03; re-lettered 3/13/12, ord. 2011-31]

HR0490 **VOLUNTARY VACATION DONATION.** Under the Voluntary Vacation Donation program, a Vacation Leave Bank is available to provide additional paid days for employees who have exhausted all accumulated sick, vacation, random, compensatory time and banked holidays and who are, or who have a member of their immediate family who is, experiencing a life-threatening or catastrophic illness or injury or the employee is experiencing some other catastrophic life event. Immediate family member is defined, for this purpose, according to FMLA regulations. Donation and Recipient requests can be made through the Human Resources Department. [am. 08/14/12/, ord. 2012-11]

A. Donation Procedure:

An employee may voluntarily transfer accrued vacation time to either a general pool, to be used by any qualifying County employee, or to a designated pool, to be used by a designated employee who has made known his or her request. Any hours donated for a designated employee, but not used, shall roll-over to the general pool. On an annual basis, the maximum amount of leave an employee may contribute is five (5) vacation days. [am. 08/14/12/, ord. 2012-11]

In order to establish participation in the pool the donating employee must have accrued enough leave days in order to retain a minimum balance of five (5) days for personal use. [am. 08/14/12/, ord. 2012-11]

Any employee who wishes to transfer vacation days must sign a statement indicating the number of days to be transferred and if the donated hours should be added to the general pool or donated to a designated employee. No transfer of funds will occur, but the contributing employee's leave balance will be reduced by the number of days contributed. The donation of vacation hours will be irrevocable [am. 08/14/12/, ord. 2012-11]

Donations are not tax deductible, and donor identity will remain strictly confidential, unless otherwise authorized by the donor. [am. 08/14/12/, ord. 2012-11]

B. Recipient Eligibility Criteria:

To be eligible to receive leave from the pool, an employee must be experiencing a catastrophic illness or injury, (either the employee or an immediate family member), or other catastrophic life event, which is expected to continue following exhaustion of all accrued sick, vacation, random, compensatory time and banked holidays. Employees will not be eligible if receiving workers compensation or any other disability payments, such as Wisconsin Retirement. [am. 08/14/12/, ord. 2012-11]

The employee or a designee may apply for pool leave at least five (5) days before exhausting all accrued balances. A request form must be completed, and submitted to the County Human Resources Director, with justification (physician's statement) for the request and the estimated number of days needed from the pool. The physician's statement must include the beginning date of the condition, a description of the illness or injury, and a prognosis for recovery. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. Jefferson County will comply with this law by informing healthcare providers responding to requests for medical information to not provide genetic information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. [am. 02/08/11, ord. 2010-25; am. 08/14/12/, ord. 2012-11]

The employee must have been employed at a status with benefits for a minimum of six months. An employee may apply for donated vacation leave only once per calendar year and only from either the general pool or from designated donations.

- The maximum number of hours an employee may receive from the general pool is one-third of the balance in the pool.
- Any hours not used from either the general or a designated pool will be returned back to the **general** pool only.
- In any pay period, recipients may use donated hours only up to their normal scheduled hours of work. [am. 08/14/12/, ord. 2012-11]

Employees who use leave from the pool are not required to pay it back. Any balance of days approved but not required for the illness will remain the property of the general vacation leave pool. The estate of a deceased employee is not entitled to payment for unused pool leave and any balance will also remain the property of the vacation leave pool. [am. 08/14/12/, ord. 2012-11]

C. Administrative Issues:

Participation in the program, for donors and recipients, is entirely voluntary and will remain strictly confidential. If an employee applies to be a designated recipient, the Human Resources Director will notify all County employees via the County email system of the employee's name, the amount of hours requested and any information the employee desires to publicly share. [am. 08/14/12/, ord. 2012-11]

A life-threatening or catastrophic injury or illness is a serious debilitating illness or injury which incapacitates the employee, or a member of the employee's immediate family, and which creates a financial hardship because the employee has exhausted all eligible leave. A catastrophic life-event is an occurrence that causes detrimental life-changing consequences to the employee's emotional, physical or mental state of health. Employees who need to work a reduced schedule because of a catastrophic injury, illness or life-event will be granted donations on an individual basis, taking into consideration a number of factors such as the prognosis of the condition, the expected duration of the condition, the ability of the employee to continue to accrue sick and vacation time, the ability to maintain health insurance benefits, and any other factor that may contribute to creating an undue hardship for the employee. [am. 08/14/12/, ord. 2012-11]

All accepted requests are contingent on the approval of the leave itself by the employee's supervisor, unless leave is otherwise mandated by state and/or federal law.

On a case-by-case basis, the County Human Resources Director is responsible for verifying medical and other documentation, reviewing eligibility requirements, approving and processing donations, confirming employee acceptance of donations and transferring credits within five (5) working days after written receipt of the application. The amount, if any, of general and designated pool leave granted for each catastrophic illness or injury will be determined by the County Human Resources Director. [am. 08/14/12/, ord. 2012-11]

An employee may appeal the County Human Resources Director's determination to the Human Resources Committee. The Human Resources Committee's decision is final. Application for leave is acceptance of the terms of this policy. [am. 08/14/12/, ord. 2012-11]

The Human Resources Committee is authorized to make administrative changes as necessary to successfully administer this policy. [am 08/09/05, Ord. 2005-13]

HR0493 **WHISTLEBLOWER POLICY.** (cr. 09-13-11, ord. 2011-12)

A. **PURPOSE.** The purpose of this policy is to promote open, honest and transparent government in Jefferson County and encourage good faith reports of allegations of misconduct concerning compliance with County policies and procedures and State and Federal laws and regulations.

B. **POLICY.** The County provides various mechanisms to assist and encourage employees to come forward in good faith with reports or concerns about suspected compliance issues. It is the policy of Jefferson County that harassment, retaliation or any type of discrimination or adverse action against a county employee ("whistleblower") who makes a good-faith complaint about suspected violation of law or county ethics policy by an employee or county elected official; or provides information or causes information to be provided or assists in an investigation regarding violations of law; or files, testifies or participates in a proceeding related to violations of law; is prohibited.

C. **REPORTING A SUSPECTED COMPLIANCE ISSUE.** An employee who becomes aware of a potential or actual violation of policy or law should report such conduct, regardless of whether the employee is personally involved in the matter. An employee shall make such a report to his/her immediate supervisor. If the employee feels unable to do so or if there is any reason why this may not be appropriate, the employee shall raise the issue with the department director, Human Resources Director, or County Administrator. Should the complaint involve the County Administrator, the issue may be raised with the Human Resources Committee. Any report will be handled as confidentially as possible under the circumstances, and the County will handle all reports with discretion and with due regard for the privacy of the reporting employee. An employee may make anonymous reports, with the understanding that any investigation may be hampered due to the inability to identify the employee in order to obtain a full and complete account of relevant and necessary facts, or to ask additional questions or seek clarification as any investigation proceeds.

D. **FILING A WHISTLEBLOWER COMPLAINT.** Jefferson County encourages employees to report suspected retaliation violations and requires supervisory employees to report suspected retaliation violations. Employees can report alleged retaliation to the supervisor, department head, the Human Resources Director, the County Administrator, or the Human Resources Committee.

E. **DISCIPLINARY ACTION.** An investigation of all complaints will be undertaken immediately. All information disclosed in the complaint and the investigation procedure will be held in the strictest confidence and only disclosed when necessary to investigate and resolve the matter, as subject to State open records laws. Anyone who has been found by Jefferson County, after appropriate investigation, to have retaliated against an employee will be subject to appropriate disciplinary action which may include, depending on the circumstances, a written warning, suspension or discharge.

HR0500 PERSONAL CONDUCT AND DISCIPLINE.

HR0505 ABSENTEEISM POLICY [cr. 03/08/05, ord. 2004-36]

A. Purpose: To establish the requirement that each employee work the hours scheduled for his/her position as a normal condition of work.

B. Policy: An employee is responsible for notifying his/her supervisor or scheduling of his/her absence each day of the absence and advising when s/he will report back to work. Unexcused absences are cause for progressive corrective action and may result in termination. Failure to call in as appropriate will be considered a No Call/No Show, and be subject to discipline measures within the No Call / No Show Policy.

FAILURE TO REPORT TO DUTY WITHOUT APPROVAL FOR TWO (2) CONSECUTIVE WORK ASSIGNMENTS SHALL BE CONSIDERED A VOLUNTARY TERMINATION BY THE EMPLOYEE.

C. Guidelines:

1. An employee is considered absent if s/he is not present for work as scheduled. Tardiness is also an attendance issue.
2. Excessive Absence (unavailability): Frequent absences to the degree that the employee's attendance is creating a financial and staffing hardship on the department. The employee is therefore not consistently available for work (unavailability). Unless required by law to allow time off, more than seven total sick days in a maximum of five occurrences per a 12-month period is considered unacceptable.
3. Patterned Absences: Those unexcused absences which recur as a "pattern," and may involve consistent Monday or Friday absences; absences of days immediately before or after holidays or vacations; or frequent absences which fall on similar days or times of the month. Tardiness patterns will also be evaluated.
4. Employees may be subject to disciplinary action for the following:
   a. Failure to follow the appropriate reporting procedures, including receipt of physician documentation within two days of call-in, unless otherwise allowed under FMLA or other applicable regulation [am. 07/11/06, ord. 2006-11]
   b. Unauthorized absences (Including Tardiness)
   c. Excessive absences (use of sick leave that exceeds seven days in five occurrences per 12 month period)
   d. Patterned absences
   e. Excessive tardiness
   f. Calling in sick for the date of a previously denied request for a vacation or holiday [am. 07/11/06, ord. 2006-11]
   g. Time off without use of accrued benefit time, unless an approved unpaid leave of absence [am. 07/11/06, ord. 2006-11]
5. It is important that employees be aware that their prudent use of sick leave is to their advantage. Supervisors should inform employees that an ample balance of sick leave may be needed in the case of a major illness. Elected long-term disability coverage does not pay benefits until after 90 consecutive calendar days of total disability. Having an ample balance of accrued sick days will provide an income and help pay for benefits during the required ninety day "elimination period."
6. Employees who are WRS eligible will receive a pay out of 65% of total accrued sick days (or 100% of accrued sick days in case of death) up to a maximum accrual of 108 days or 864 hours. [am. ord. 2008-24, 11-10-08]
7. Employee absences not subject to disciplinary action:
   a. Approved vacation, holiday or administrative leave
   b. Approved personal, parental, or family medical leave of absence
   c. Absences for jury duty or other approved absences covered by contract/policy provisions
   d. Approved time off for death in the family

e. Worker's Compensation

f. The first three incidents of sick leave covered by a Physician's documentation in a 12-month period. Thereafter, incidents of sick leave covered by a Physician's documentation may be subject to disciplinary action. [am. 07/11/06, ord. 2006-11]

g. Pre-approved medical appointments [cr. ord. 2005-09, 06/21/05]

8. Identification of an Attendance Problem and Corrective Action

The circumstances surrounding an employee's inability to meet attendance obligations may vary. Supervisors will analyze records, discuss problem situations with employees and take necessary corrective actions. Consistent with the practice of progressive discipline, supervisors should counsel employees who show signs of attendance problems. Continued infractions may result in the following:

Oral Warning
Written warning
Suspension
Termination

It is a management right to deviate from progressive steps in corrective action for egregious infractions of this policy.

Each case of unavailability and pattern of poor attendance will be handled consistently as well as reviewed on its own merit. The type of action that the supervisor takes will depend upon the specific circumstances of the case. Supervisors will consider the following factors when considering appropriate action:

a. The number of hours the employee has been absent

b. The number of instances (no more than seven days in a total of five occurrences in a twelve month period).

c. The employee's length of service and past attendance record

d. The employee's demonstrated effort to correct attendance problems

Supervisors will counsel employees regarding attendance problems and work with the employee by suggesting ways to correct the problem. Supervisors will review the attendance records of their employees. This review process provides supervisors with the opportunity to commend those who have good attendance records. All employees should receive from their supervisor, as a part of the annual performance evaluation, a statement commenting upon their attendance record for the past year.

9. Requirements for Medical Documentation

Employees will be required to provide documentation from a physician for absences due to illness of three days or longer or instances of a communicable disease upon the request of the department head concerned. All medical disabilities including personal illness/injury must be covered by the proper medical/doctor's authorization. Employees must have a written release from the doctor upon return from a disability or absence resulting from a work-related illness or injury, or a non-work related injury or illness preceded by a leave of absence. A doctor's verification is required for all absences due to any kind of work-related illness or injury regardless of the number of days absent. The doctor's excuse must specify the reason for the absence. [am. 10/27/09, ord. 2009-16]

10. Attendance Improvement Efforts

Staff can lower their corrective action for attendance problems. If staff demonstrate a three month period of time with no call ins or tardiness (without a physician's excuse). Corrective actions for attendance will be reduced one level.

Good attendance for a period of six months will return the employee's status to normal attendance expectations of no more than seven work days with no more than five occurrences in a 12 month period. The 12 month period begins at the time of the corrective action.

This effort will demonstrate to management that the employee is making a concerted effort to markedly improve attendance. [cr. 03/08/05, ord. 2004-36]

HR0510 EMPLOYEE DISCIPLINE.

A. A nonprobationary employee may be disciplined, suspended, demoted or discharged for just cause. Probationary employees may be suspended or discharged at will, without recourse to the provisions of this section. Employees shall be considered to be probationary until the first day of the pay period following 6 months of employment. [am. ord. 85-7, 6/11/85]

B. The following shall be deemed violations of the Personnel Ordinance and may be the subject of disciplinary action. Unexcused absence from work, excessive absenteeism, abuse of sick leave, reporting for work late or leaving early, theft, failure to perform the work assignment, publicizing confidential matters, insubordination, unauthorized use of County vehicles or property, making false entries on official records, tampering with records, moral turpitude, Ethics Code violations, or disobedience of County or departmental rules. This list is not all inclusive.

C. Discipline may be handled informally by the department head, Human Resources Director or County Administrator in the form or oral or written reprimands and/or warnings. Such reprimands or warnings shall be noted on the employee's record. County Board members or committees will not normally be involved in the disciplinary process, as the role of a supervisor or committee is related more to policy decisions than day to day management of the affected department. However, should a supervisor or committee have concerns that may lead to disciplinary action for an employee, the supervisor or committee shall bring those matters to the attention of the department head, the Human Resources Director, the County Administrator, or the Human Resources Committee, in that order. Following this process should allow the appropriate party to address the issue. [am. ord. 2005-30, 11/08/05; 3/13/12, ord. 2011-31]

D. Department heads or the County Administrator may suspend, demote or discharge nonprobationary employees for just cause. The County Administrator shall approve suspension, demotion or discharge of a nonprobationary employee before the department head may take such action. In the event that immediate action is required and the County Administrator cannot be reached, the employee shall be suspended pending investigation. [am. ord. 85-7, 6/11/85; am. ord. 2005-43, 02/14/06]

E. Persons administering discipline shall systematically document each incident. The documentation shall include the employee's name, date and type of infraction, names and statements of witnesses, description of action taken and any other relevant details. Copies of all written disciplinary actions shall be maintained in the employee's permanent personnel file in the Human Resources Department, and shall be provided to the employee. [am. ord. 85-7, 6/11/85]

F. An employee disciplined, including suspended, demoted or dismissed may appeal such action per HR0520, Grievance Resolution Process. [am. ord. 85-7, 6/11/85; am. 3/13/12, ord. 2011-31]

G. All periods of suspension for investigative purposes shall be with pay. All periods of suspension for disciplinary reasons shall be without pay. (cr. ord. 85-7, 6/11/85.)

H. Notwithstanding any other provision of this ordinance or other ordinances to the contrary, the County Administrator, Corporation Counsel and department heads appointed by the County Administrator and confirmed by the Board shall be employed at will, and serve no probationary period. Department heads may be removed at the pleasure of the County Administrator pursuant to Section 59.18(2)(b), Stats. Removal of the Corporation Counsel by the County Administrator requires the concurrence of the County Board pursuant to Section 59.42(1)(B), Stats. The County Administrator shall hold the position at the pleasure of the County Board. The action of the County Board in removing the County Administrator shall be final. [cr. ord. 2005-08, 06/21/05]

HR0520 **GRIEVANCE RESOLUTION PROCESS.** [cr. 09/13/11, ord. 2011-12]

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

The Grievance Resolution Process is designed to assist employees in resolving grievances within specific parameters. The Grievance Resolution Process is intended to resolve grievances about application or administration of existing Jefferson County policies in light of the existing policy or past application of the policy. The Grievance Resolution Process is not intended to consider grievances regarding Jefferson County policies or as a mechanism to change an existing policy. Grievances are restricted to discipline, termination of employment or safety. The Grievance Resolution Process is not intended to hear grievances regarding application of issues related to health, disability or other insurances. No retaliatory action will be taken against any employee for proper and good faith use of the Grievance Resolution Process or participation in processing of a grievance. [am. 3/13/12, ord. 2011-30]

B. **PROCEDURAL ISSUES.**

1. **Administration.** The Director of Human Resources will supervise and administer the grievance process and is further charged with being an advocate and counsel to assist employees in this process. Supervisors and Department Heads should keep the Director of Human Resources informed of all grievances in progress.
2. **Employee Representation.** Employees may be accompanied by a representative of their choice at any level of the grievance procedure after the appeal to the department head provided the employee notifies the County at least 24 hours ahead of the meeting that the representative will attend and who the representative will be. The representative is allowed to help the employee present their grievance but no step in the procedure is intended to be a legal proceeding. Employees may contact their representative to discuss their problem only during break periods, lunch periods, before or after work, or at any time when they are not on duty.
3. **Timelines.** Failure to process a grievance by the grievant within the time limit, or agreed upon extensions, shall constitute waiver of the grievance which will be considered resolved on the basis of the County's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.
4. **Exclusive Remedy.** This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

C. **DEFINITIONS.**

1. **Days:** Regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this

policy shall be computed by excluding the first day and including the last day.

2. **Grievance:** Any written statement that an employee submits regarding established policies, practices or decisions about the employee's wages, hours of work, status, or other terms and conditions of employment will be considered a formal grievance. Only grievances regarding discipline, termination and workplace safety will follow this Grievance Resolution Procedure. All other grievances may be addressed under HR0560.
3. **Discipline:** Any action that results in documentation to the employee's record, including verbal or written warning, suspension with or without pay, involuntary demotion, or involuntary termination of employment.
4. **Employee:** Any full or part-time employee of Jefferson County, including temporary, seasonal and occasional employees. This does not include elected officials or independent contractors.
5. **Safety:** Those conditions related to physical health and safety of employees enforceable under federal or state law, or County rule related to: 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.
6. **Termination:** Any involuntary separation from Jefferson County employment. This would not include retirements, voluntary resignations, lay offs, separation from service due to business closures, separation by mutual agreement, or termination for similar reasons.

D. STEPS TO RESOLVE THE GRIEVANCE:

STEP 1: **Discussion with Supervisor:** Any employee having a grievance regarding application of a department or county policy should first discuss the problem with their immediate supervisor. If the problem is not settled to the employee's satisfaction, the employee may present their grievance according to the procedures below. If any employee is uncomfortable addressing the grievance directly with the supervisor, the employee may request assistance from the Human Resources Director or County Administrator.

STEP 2: **Appeal to Department Head:** The employee should submit the written grievance to the Department Head within ten (10) days of the date of the incident or decision that caused the grievance. The Department Head shall give a written answer within ten (10) days of receipt of the grievance, with a copy to the Human Resources Director.

The written grievance must include: the name and position of the grievant; a clear and concise statement of the grievance; the issue involved; the relief sought; the date the incident or alleged violation took place; the specific section of the Policy Manual or workplace safety rule alleged to have been violated; and the signature of the grievant and the date. The grievance may be denied if any of this information is omitted. (See attached Grievance Procedure Form).

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

The County Administrator shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this

policy. If the County Administrator is aware of other similar pending grievances, the County Administrator may consolidate those matters and process them as one grievance.

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

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

STEP 4: **Request for Hearing by an Impartial Hearing Officer:** The IHO will be designated by the County Administrator. Any costs incurred for or by the (IHO) will be paid by the County. The IHO will convene a hearing in the manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing. The burden of proof shall be "a preponderance of the evidence". In termination and discipline cases, the County shall have the burden. In workplace safety cases, the employee shall have the burden. The IHO may apply relaxed standards for the admission of evidence, including allowing the admission of hearsay. The IHO may request oral or written arguments and replies. The IHO shall provide the parties a written decision.

The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add to, subtract from or modify the terms of the Board policy or rule that forms the basis for the grievance.

STEP 5: **County Board Review:** Either party may appeal an adverse determination at step four to the County Board, by filing written notice appealing the decision of the IHO in the County Administrator's Office within ten (10) days of the decision of the IHO. The County Board shall within thirty (30) days after submission of the appeal schedule the review of the IHO's decision. The review will be conducted by the Board during a closed session meeting unless an open session is requested by the employee. The Board may make its decision based on the written decision of the IHO or the Board may examine any records, evidence and testimony produced at the hearing before the IHO. A simple majority vote of the Board membership shall decide the appeal within twenty (20) days following the last session scheduled for review. The Board will issue a final written decision which shall be binding on all parties.

Jefferson County Grievance Procedure Form

This form is intended to assist employees in filing a formal grievance in accordance with the Jefferson County Grievance Resolution Process. For specific information regarding the process, how to file a grievance, grievance or appeal deadlines or other information related to the process or how to file, please consult the Grievance Resolution Process in the Personnel Ordinance or the Human Resources Department.

Instructions:
This form is beneficial in filing a grievance but not required. After step one (discussion with your supervisor) a written grievance is required. At a minimum the written grievance must include the following:

Employee (Grievant) Name:_____

Employee (Grievant) Position/Job Title:_____

Date of Incident or alleged violation:_____

Please state the specific section of the Personnel Ordinance, Personnel policy or workplace safety rule alleged to have been violated:_____

_____

Please provide a clear and concise statement of the grievance, including action taken against the employee:_____

_____

_____

_____

Please describe the issue involved (summary of relevant facts, witnesses, identification of supporting evidence, etc.):_____

_____

_____

_____

What efforts have been made to informally resolve the grievance?_____

_____

_____

What relief/remedy is sought?_____

_____

_____ _____
Employee Signature Date

Received by:_____ _____
Human Resources Representative Date

HR0530 **POLITICAL ACTIVITY** (created 07-10-12, Ord. 2012-08)

A. Definitions. As used in this section.

1. "Workplace" shall mean the regular office and building of an elected official or, in the case of an employee, any place in which the employee is conducting regular business of Jefferson County, including County vehicles.
2. "Elected official" means the Sheriff, Coroner, Register of Deeds, County Clerk, Clerk of Circuit Court, Treasurer and County Board Supervisor.
3. "Employee" means every County employee except an elected official.
4. "Partisan" means related to an established political party within the meaning of the elections laws of the State of Wisconsin.
5. "Non-partisan" means unrelated to an established political party within the meaning of the election laws of the State of Wisconsin.
6. "Political committee" means any person other than an individual and any combination of two or more persons, permanent or temporary, which makes or accepts contributions or makes disbursements, whether or not engaged in activities which are exclusively political.
7. "Political purposes/activity": an act is for "political purposes" and constitutes "political activity" when it is done for the purpose of influencing the election or nomination for election of any individual to office, for the purpose of influencing the recall from or retention in office of an individual holding an office, for the purpose of payment of expenses incurred as a result of a recount at an election, or for the purpose of influencing a particular vote at a referendum.

B. In general, the following political activities are permissible for employees:

1. Making voluntary contributions for political purposes
2. Participating as a candidate for office, unless prohibited by the Hatch Political Activity Act, provided service in the office will not conflict or interfere with the efficient discharge of an employee's official duties.
3. Expressing opinions as an individual privately and publicly on all political subjects and candidates.
4. Being a member of a political party and participating in party affairs.
5. **The following are some of the political activities, both partisan and non-partisan, that an employee may participate in providing he or she is off duty and not on County property:**
   i. Soliciting votes in support of or in opposition to a candidate for public office or political party office.
   ii. Serving as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a political club, or being a candidate for any of these positions.
   iii. Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a political purpose.
   iv. Taking an active part in managing the political campaign of a candidate for public office or political party office.
   v. Acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or candidate.
   vi. Organizing, selling tickets to, promoting or actively participating in a fundraising activity of a candidate, political party or political club.
   vii. Driving voters to polls on behalf of a political party or candidate.
   viii. Serving as a delegate, alternate or proxy to a political convention.
   ix. Addressing a convention, caucus, rally, or similar gathering of a political part in support of or in opposition to a candidate for public office or political party office.

x. Initiating or circulating a nominating petition.

xi. Endorsing or opposing a candidate for public office or political party office in a political advertisement, a broadcast, campaign literature or similar material, except such action shall not be taken in the employee's official capacity, unless the employee is an elected official.

xii. Organizing or reorganizing a political party organization or political club.

C. In general, the following political activities by employees or elected officials are prohibited:

1. Using governmental authority to interfere with or effect nomination or election for any public office or position within any political party.
2. Using governmental authority or influence to intimidate, threaten or coerce any person to vote contrary to his/her own voluntary choosing.
3. Using governmental authority to directly or indirectly intimidate, threaten, or coerce any person to pay, lend or contribute anything of value, including services, to any party, organization, group or individual for political purposes.
4. Using any official authority or influence to coerce any individual or group for political action, or to confer benefits or effect reprisals to secure desired political action or inaction.
5. Offering to pay or accept benefits in return for desired political action or inaction.
6. Requesting or receiving anything of value for influence or help in securing appointive office.
7. Paying or offering payment for securing appointive office.
8. Engaging in political activity on County-owned property or during work hours in such a manner as to give the impression of an official County endorsement of a particular candidate, proposal or position unless the County in fact has taken such a formal position or the employee reasonably believes the employee's political activity to be consistent with his or her official duties.
9. Directly or indirectly soliciting or receiving pledges, subscriptions or contributions for any political party or any political purpose while in a building, office or room occupied for any purpose by the County.
10. Either orally soliciting or by email or letter transmitting any solicitation to a County office or be in any manner concerned in soliciting any assistance, pledges, donations or other support for any political party or purpose from any person holding any position with Jefferson County while on County time or engaged in official duties.
11. During the hours when on official duty engaging in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office. The wearing of political identification while on duty is such a political activity.
12. Use of county services, credit or property for political purposes.

HR0540 **PROGRESSIVE DISCIPLINE [**cr. 3/13/12, ord. 2011-30]

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

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

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

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

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

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

Step 4: Suspension without Pay. Unpaid suspensions are subject to recommendation from the Department Head and Human Resources Director, and approval of the County Administrator. Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal and state wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use any accrued paid time in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspensions for salaried/exempt employees may be reserved for serious workplace safety or conduct issues, unless specified in weekly increments. Human Resources will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

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

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

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

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

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

F. **Performance and Conduct Issues Subject to Progressive Discipline.** The following shall be deemed violations of the Personnel Ordinance and may be the subject of disciplinary action. Unexcused absence from work, excessive absenteeism, abuse of sick leave, reporting for work late or leaving early, failure to perform the work assignment, publicizing confidential matters, unauthorized use of County vehicles or property, making false entries on official records, tampering with records, moral turpitude, Ethics Code violations, or disobedience of County or departmental rules. This list is not all inclusive.

G. **Performance and Conduct Issues Not Subject to steps in the Progressive Discipline process.** The number of steps of progressive discipline will depend

on the severity of the offense. Offenses that may lead to immediate discharge include, without limitation by enumeration:

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

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

Again, nothing in this policy provides any contractual rights regarding employee discipline or counseling.
[cr. 3/13/12, ord. 2011-30]

HR0560 RIGHTS OF EMPLOYEES.

A. No employee who has completed the probationary period shall be disciplined, suspended or discharged without just cause.

B. An employee may refer any grievance involving the interpretation or application of this ordinance to the County Administrator. A grievance under this section shall not include adverse benefit determinations made by a Third Party Administrator, which are subject to the appeals process set forth in HR0145(C). Such grievance shall be referred to the County Administrator within 10 days of the date the employee had knowledge or should have had knowledge of the situation giving rise to the grievance, or shall be deemed waived. In the event the employee is not satisfied with the County Administrator's resolution of the grievance, the employee may refer the grievance to the Human Resources Committee within 10 days of the Administrator's decision, or the Administrator's decision becomes final. At the Human Resources Committee hearing, the employee may be represented, present evidence, cross-examine anyone presenting evidence, and shall be entitled to a written decision based on the evidence adduced. Any grievance involving discipline, termination or workplace safety shall follow the procedure established in HR0520, Grievance Resolution Process. [am. ord. 84-16, 12/11/84.; am. 09-11-07, ord. 2007-19; am. 09/13/11, ord. 2011-12]

C. No employee who has filed a whistleblower action under any federal or state law that relates to preventing and detecting fraud, waste and abuse in federal health care programs, shall be discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment. [cr. 2007-15, 07/10/07]

HR0580 **UNEXCUSED ABSENCES.** Absence from days of service without approved leave or an employee's failure to report for work without proper notification for a period of two (2) consecutive working days will be considered resignation without notice. Such resignation will result in immediate termination. At the end of these two days, the County shall send notice in writing within two working days to said employee that the employee has been terminated by reason of resignation without notice. Within five (5) business days of such resignation, the former employee may present evidence to the County showing just cause for reconsideration of the termination decision. After the evidence has been considered, the employee will be informed of the County's decision. If the County's decision results in the re-employment of the employee, tenure, accrued sick leave, vacation leave and other employee benefits may be adjusted.

HR0600 BENEFITS.

HR0610 **BEREAVEMENT ABSENCE.** When death occurs in an employee's immediate family (being defined as spouse; child; or current step children the employee will be excused with pay for the five (5) consecutive scheduled days of work. When an employee's brother, sister, mother, father, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepsiblings, or stepparents dies the employee will be excused for three (3) consecutive scheduled days of work. An employee shall be granted one (1) day off with pay for the death of grandparents, grandchildren, brother-in-law and sisters-in-law of the employee or spouse. Part-time employees shall be compensated for hours normally worked one (1), three (3) or five (5) consecutive scheduled days of work, whichever applies. Nonconsecutive days off may be allowed upon the approval of the Human Resources Manager, and consultation with the department head, when the funeral service or memorial is outside the period of leave allowed following the death of the relative.

HR0620 **CONTINGENCY.** Employees not in AFSCME Local 655 or LAW Local 102 bargaining units shall be eligible for contingent rates, as set by the Jefferson County Board, upon completion of 10 and 15 years of continuous service. For purposes of this section, continuous service means there have been no intervening terminations. Part-time employees meeting the minimum requirement of at least 20 hours/week and 10,400 life-to-date hours are eligible for 50 percent of the contingent rate. Contingent rates are dependent upon continued satisfactory performance and may be withheld at any time for unsatisfactory performance, as recommended by the department head or supervisor. Any non-represented employee hired after December 31, 2004, will not be eligible for the contingency rate program. Any employee in a position covered under an AFSCME contract as of December 31, 2011, and hired after December 31, 2011, will not be eligible for the contingency rate program. [am. 12/13/11, ord. 2011-21]

HR0628 **DENTAL INSURANCE.** [cr. 12/09/08, ord. 2008-30; am. 12/13/11, ord. 2011-21; am. 12/13/11, ord. 2011-21, ord. 2013-18, 11-12-2013]

A. Employees working half time (20 hours per week) or more are eligible for dental insurance and may elect dental insurance under the County's group policies. [am. ord. 85-7, 6-11-85; am. ord. 2007-15, 7-10-07; am. 12/13/11, ord. 2011-21]

B. For eligible employees, the County will make contributions for family and single dental insurance for coverage effective the first of the month following completion of a 30-day waiting period. Any premium amount not paid by the County will be the responsibility of the employee. The county contribution shall be determined at least annually by the County Board. Employee contributions will be deducted from paychecks in the month prior to the month of coverage. [cr. 12/13/11, ord. 2011-21; am. 11-12-2-13, ord. 2013-18]

C. If upon termination of coverage the employee is eligible for and elects COBRA coverage, the employee may continue COBRA 18-29 months, depending on the cause of the qualifying event, or until the employee is eligible for Medicare, whichever time period is shorter. The employee will be required to pay 102% of the full premium for the first 18 month of dental coverage and not exceeding 150% of the full premium for months 19 through 29 of COBRA continuation of coverage, if applicable. [cr. 11/12/2013, ord 2013-18]

D. If an employee terminates employment and is eligible for retirement under WRS at the time of termination, the retiree may elect to continue dental coverage until the retiree is eligible for Medicare. The retiree will be required to pay 102% of the full premium. [cr. 11/12/2013, ord 2013-18]

E. If an employee elects to cancel coverage or makes a change in family/single coverage in the middle of the month, employee contributions will be required as follows: [renumbered 12/13/11, ord. 2011-21]

1. If cancellation occurs on day 1 – 15 of the month, 50% of the employee contribution will be charged.
2. If cancellation occurs on day 16 or later in the month, 100% of the employee contribution will be charged.
3. If a change in family/single coverage occurs on day 1 – 15 of the month, employee contribution for the month will be charged at 100% according to the applicable change.
4. If a change in family/single coverage occurs on day 16 or later in the month, no change in employee contribution will be charged until the following month. [am. ord. 2007-15, 07/10/07]

F. Elected officials shall be provided the option of taking dental and life insurance effective at the beginning of the term on the same terms as available to non-represented employees, as such terms and required co-pays may change from time to time. [renumbered 12/13/11, ord. 2011-21]

G. County Board members may elect coverage for dental insurance under the County's group policies effective on the first day of the calendar month following application, provided: (1) the employee applies with 30 days after the April organizational meeting or within 30 days of appointment; and (2) pays 100% of the required contribution to the Employer. Thereafter, such member may not enroll in either the health or dental program. [renumbered & am. 12/13/11, ord. 2011-21]

H. In order to maintain active dental coverage, an employee on a non-FMLA related leave of absence shall use accrued time according to current employment status. If the employee is receiving workers' compensation payments, the employee will only be required to substitute 20 hours of accrued time per week to maintain dental coverage as an active participant. [am. ord. 2007-15, 07/10/07; cr. 12/09/08, ord. 2008-30; am. 12/13/11, ord. 2011-21]

HR0640 **HEALTH INSURANCE.** [am. 12/09/08, ord. 2008-30; am. 12/13/11, ord. 2011-21; am. 11-12-13, ord 2013-18]

A. Employees who actively participate in the Wisconsin Retirement System are eligible for the County's group health insurance plan. [am. ord. 2008-09, 5/13/08; am. ord. 2008-30, 12/09/2008; 12/13/11, ord. 2011-21]

B. For eligible employees, the County will begin making contributions for family and single health insurance for coverage effective the first of the month following completion of a 30-day waiting period.

C. For employees who are half-time or more status, and participate in Wisconsin Retirement, the County Board will at least annually establish the employer and employee-share of the health insurance premiums, within the parameters established by law. For employees who are a less-than-half-time status and participate in Wisconsin Retirement, the County agrees to pay twenty-five percent (25%) of the selected Wisconsin Public Employers Group Health Insurance Plan (the State Plan) that is the lowest cost qualified plan available in Jefferson County for either single or family coverage. If a regular part-time employee refuses to work when called in to work, except for a reason covered by law, and has not worked 1040 hours per year (1200 hours for employees hired after July 1, 2011), the Employer will pay only 25% of the lowest cost qualified plan for a period of time not to exceed three (3) months. Employee contributions will be deducted from paychecks in the month prior to the month of coverage. [am. ord. 2008-09, 5/13/08; am. ord. 2008-30, 12/09/2008; 12/13/11, ord. 2011-21]

D. Employees who decline coverage may elect coverage during the open-enrollment period, with coverage effective January 1 of the succeeding year. The only exception is the occurrence of qualifying events creating special enrollment opportunities. [renumbered & am. 12/13/11, ord. 2011-21; renumbered & am. 11-12-2013, ord 2013-18]

E. When both spouses are employed by the County and both are eligible for coverage, both employees may either elect single coverage OR one employee may elect family coverage. [renumbered 12/13/11, ord. 2011-21; renumbered & am. 11-12-2013, ord 2013-18]

F. When an employee terminates employment, health insurance coverage will be canceled effective the last day of the month in which the employee terminates. [cr. 12/13/11, ord. 2011-21; renumbered & am. 11-12-2013, ord 2013-18]

G. If an employee elects to make a change in family/single coverage in the middle of the month, employee contributions will be required as follows:

1. If a change in family/single coverage occurs on day 1 – 15 of the month due to marriage or birth/adoption of a child, employee contribution for the month will be charged at 100% according to the applicable change. [am. ord. 2008-30, 12/09/2008]
2. If change in family/single coverage occurs on day 16 or later in the month due to marriage or birth/adoption of a child, no change in employee contribution will be charged until the following month. [am. ord. 2007-15, 07/10/07; am. ord. 2008-30, 12-09-2008]
3. If a change is due to divorce and the divorced spouse was the sole dependent, the employee's single coverage is effective on the first of the month following divorce decree or notification. [am. ord. 2008-30, 12/09/2008; renumbered 12/13/11, ord. 2011-21]

H. An employee can voluntarily cancel coverage at any time by submitting an application to the County. The cancellation will be effective the last day of the month in which the employer receives the application or a later date as specified on the cancellation notice. Voluntary cancellation of coverage does not provide the employee and dependents an opportunity for continuation or conversion of the group coverage, and under no circumstances is a partial month's premium refunded. [am. ord. 2008-30, 12/09/2008; renumbered 12/13/11, ord. 2011-21; renumbered & am. 11-12-2013, ord 2013-18]

I. Elected officials shall be provided the option of taking health insurance effective at the beginning of the term on the same terms as available to non-represented employees, as such terms and required co-pays may change from time to time.

[renumbered 12/13/11, ord. 2011-21; renumbered & am. 11-12-2013, ord 2013-18]

J. In order to maintain active health coverage, an employee on a non-FMLA related leave of absence shall use accrued time according to current employment status. If the employee is receiving workers' compensation payments, the employee will only be required to substitute 20 hours of accrued time per week to maintain health coverage as an active participant. [am. ord. 2007-15, 07/10/07; 12/13/11, ord. 2011-21; renumbered & am. 11-12-2013, ord 2013-18]

K. If upon termination of coverage the employee is eligible for COBRA coverage, the employee will be required to pay 102% of the full health insurance premium. [cr. 11-12-2013, ord 2013-18]

HR0645 **HOLIDAYS.** [am. 12/13/11, ord. 2011-21]

A. All eligible employees shall be allowed the following days with pay, pro-rated for eligible part-time employees, working at least half-time: [am. 12/13/11, ord. 2011-21; am. 02-11-2014, ord 2013-25]

New Year's Day	Thanksgiving
Spring Holiday	The day after Thanksgiving
Memorial Day	December 24
Independence Day	Christmas Day
Labor Day	Floating Holiday

Note: The Spring Holiday will be as determined annually by the County Administrator and Human Resources Director

B. Nonrepresented Sheriff's Department staff shall follow their respective union contract schedule. [am. 12/13/11, ord. 2011-21]

C. In lieu of the paid holidays above, Communications Operators and Cooks in the Sheriff's Department, 9-month Seasonal Maintenance Workers in the Parks Department, and Intake/On-call Workers, Group Home Workers and the Lueder Haus Supervisor at Human Services, shall receive ten (10) floating holidays each year. Such days are to be taken at the discretion of the employee subject to the approval of the supervisor. Such employees shall work if scheduled on any day otherwise observed as a holiday by other County employees without additional compensation. Employees who have not used all of their holidays shall have them automatically paid out, on the first pay period in January at the previous year's rate in effect on December 31st. Holidays may be carried over into the new year upon approval of the County Administrator, used by March 1 or be forfeited. [cr. 12/13/11, ord. 2011-21; am 02-11-14, ord 2013-25]

D. When a paid holiday falls on Saturday, the preceding Friday shall become the paid holiday. When a paid holiday falls on Sunday, the next following Monday shall become the paid holiday. When December 24 is on Friday, the December 25 holiday shall be December 27. When December 24 is on Sunday, the holiday shall be December 26. [renumbered 12/13/11, ord. 2011-21]. When an employee, or a group of employees, works a schedule other than 8 hours per day (i.e. four 10-hour days) the employee may use 8 hours of holiday and substitute 2 hours of other accrued time such as vacation or compensatory time or revert back to a five 8-hour days work week *with prior supervisor approval.* If the holiday falls on Monday, Tuesday, Wednesday or Thursday and is the employee's scheduled day off, the next following work day shall become the paid holiday. If the holiday falls on Friday and is the employee's scheduled day off, the preceding work day shall become the paid holiday. [am. 08-11-14, ord. 2014-18]

E. When an employee is required to work on a designated holiday or works extra hours during the week of a designated holiday, holiday hours which would be compensated in accordance with policy so as to exceed a total of 40 hours for the week may be banked for the employee's use at a mutually agreeable time. This section does not apply to exempt employees receiving random hours. [am. ord. 85-10, 7/9/85; ord. 2002-33, 3/11/03; ord. 2010-29, 3/14/11, renumbered 12/13/11, ord. 2011-21]

F. Except as provided in HR0645 (C), unused holidays cannot be carried over from one year to the next. Unused holidays shall be deemed waived. An exception will be considered for new employees hired in November or December who can demonstrate that they did not have a reasonable opportunity to use the floating holiday. These employees may request carryover with approval by the department head, Human Resources Director and County Administrator. Also, in exceptional circumstances, such as when December 24 or December 25 are the holidays affected by the emergency, the County Administrator may allow an employee to carry the unused holiday time into the next ensuing year. Such holiday time shall be used by March 1 of the succeeding year. A report summarizing approved requests shall be made to the Human Resources

Committee [am ord. 2002-33, 3/11/2003; ord. 2003-27, 12/9/03; ord. 2006-35, 2/14/06; renumbered & am. 12/13/11, ord. 2011-21; am 02-11-2014, ord 2013-25].

HR0650 **LIFE INSURANCE.** The County of Jefferson shall participate in the state group life insurance plan for employee life, spousal and dependent children coverages. Eligible employees shall pay their required premium and the County shall pay its required premium for the basic plan. Eligible employees will also have the option of increasing their life insurance to three (3) times their annual salary by electing supplemental and one additional unit. For all coverage other than the basic plan, the employee will be responsible for the full cost of the life insurance. [am. ord. 2006-30, 03/13/07; am 02-11-2014, ord 2013-25]

HR0655 LONGEVITY PAY.

A. Full-time employees who have completed more than 5 years of continuous full-time service immediately preceding November 1 of any year shall be paid longevity pay at the rate of $1.25 per month for each month of service up to a maximum of 300 months of service. Longevity pay will be paid in December.

B. Continuous service means employment which has not been interrupted by termination. [am. 12/13/11, ord. 2011-21]

C. "Month of service" shall be defined as 173.33 hours of County Service. Active military service shall be included in the computation of longevity pay only if the employee receives a leave of absence for such military service.

D. Part-time employees shall be eligible for longevity pay upon completion of 10,400 hours in County service. Employees part-time as of December 31, 2011, and receiving longevity payments based on calendar months shall be grandfathered by continuing to use the calendar-month procedure. [am. 12/13/11, ord. 2011-21]

E. Any non-represented employee hired after December 31, 2004, will not be eligible for Longevity Pay. Any employee in a position covered under an AFSCME contract as of December 31, 2011, and hired after December 31, 2011, will not be eligible for the longevity rate program. [am. 12/13/11, ord. 2011-21]

F. Employees who were hired into a position covered by an AFSCME union contract between January 1, 2005, and December 31, 2011, shall remain eligible for longevity pay providing they maintain a position that would have been covered under an AFSCME contract that was in effect as of December 31, 2011. [am. 12/11/2012, ord 2012-21]

HR0660 RETIREMENT.

A. The County shall participate in the Wisconsin Retirement system in accordance with state law. [am. ord. 2010-29, 3/08/11]

B. A regular employee may retire pursuant to the rules of the Wisconsin Retirement System. [am. ord. 84-16, 12/11/84]

HR0680 SICK LEAVE WITH PAY.

A. Eligible employees shall accrue one (1) working day of sick leave with pay for each month thereof of actual service, eligible to use the first of the succeeding month, up to an accumulated total of 108 working days. When an employee has one hundred eight (108) working days of sick leave credit, such employee shall continue to earn sick leave at the rate of one-half (1/2) working day of sick leave with pay for each month or major fraction thereof of actual service up to an accumulated total of one hundred twenty (120) working days. The sick leave time earned during the first 6 calendar months of employment shall not be available to an employee until the first of the month following the completion of the 6-month the qualifying period. [am. ord. 2008-09, 5/13/08; 12/13/11, ord. 2011-21]

B. Use for employee: An employee may use sick leave with pay for absences necessitated by the employee's injury, illness, or medical appointments including diagnostic treatment, dental procedures, optician's services, and other medical care performed by a duly licensed practitioner.

C. Use for immediate family: In addition to any right that employees may have under state or federal law to use sick leave for family members, employees may use sick leave for the reasons described in Section (B) above involving members of their immediate family. Immediate family is defined for this purpose as dependent children, current dependent step children, spouse, parents and parents-in-law. Employees may use up to three (3) days for each occurrence involving members of their immediate family. If due to extenuating circumstances additional time is needed, employees may be granted additional days of sick leave in excess of the three (3) days, upon the approval of their supervisor. If additional days are approved, the County may require verification as described below.

D. Verification: In the case of illness extending beyond three work days duration, the employee shall furnish a certificate issued by a licensed practitioner or other satisfactory proof of illness upon the request of the department head concerned. If a department head suspects that an employee is abusing sick leave, the department head may require in advance of any future illness, that the employee present a certificate issued by a licensed practitioner or other satisfactory proof of illness for each absence following said request. Failure to comply with this section is grounds to deny sick leave pay. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. Jefferson County will comply with this law by informing healthcare providers responding to requests for medical information to not provide genetic information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. [am. 02/08/11, ord. 2010-25]

E. It shall be the policy of the County that sick leave shall be considered a privilege and not a right. It shall be the responsibility of the department head to deny the use of sick leave with pay in cases where there is a substantial evidence of abuse of the sick leave privilege.

F. A County employee who is entitled to worker's compensation may elect to take as much accumulated sick leave, or accumulated vacation after the employee's accumulated sick leave becomes exhausted, as when added to worker's compensation will result in a payment to the employee of the employee's full salary or wage.

G. Where the Employer has reason to believe than an employee is unable to perform the required job duties, including the ability to work overtime, because of a physical or mental condition, the Employer shall provide an independent medical examination for said employee by a medical doctor of the Employer's choice to determine whether the employee's physical or mental condition renders said

employee unable to perform the employee's job. The Employer shall seek to assist the employee on a temporary basis by altering job duties when possible or approving a leave of absence.

H. No County employee shall be entitled to sick leave while absent from duty on account of any of the following causes, unless otherwise mandated by federal or state regulations:

1. Regularly scheduled vacation
2. Disability arising from any sickness or injury purposely self-inflicted or caused by any of the employee's willful misconduct.
3. Sickness or disability sustained while on leave of absence without pay.

I. Employees using sick leave as the result of an accident or other occurrence for which a third party may be liable shall notify the employer. The employer shall be subrogated to the rights of the employee in the amount of sick leave time paid. [am. ord. 84-16, 12/11/84]

J. Leave provided for in this section shall apply only to regularly scheduled days of work. [am. ord. 84-16, 12/11/84]

HR0690 VACATION WITH PAY.

A. Vacation week means that number of days customarily worked by an employee in the service of the County in a normal 7-day week. Vacation day means that number of hours customarily worked by an employee in the service of the County in a normal 24-hour day. Notwithstanding the foregoing, department heads may require part-time employees to take vacation days in blocks of 5 [am. ord. 85-7, 6/11/85]

B. Vacation eligibility shall be determined on the basis of length of continuous service of each employee as of January 1 of each calendar year. Eligible employees shall be entitled to paid annual vacation leave as follows:

1. Employees with less than 6 years of service shall earn vacation at the rate of 5/6ths of a day per month or major fraction thereof for each month of service. 12 months shall equal 2 vacation weeks. [am. ord. 2006-30, 03/13/07]
2. Employees with more than 6 years of service but less than 13 years of service shall earn vacation at the rate of 5/4ths of a day per month or major fraction thereof for each month of service. 12 months shall equal 3 vacation weeks. [am. ord. 2006-30, 03/13/07]
3. Employees with more than 13 years of service but less than 19 years of service shall earn vacation at the rate of 5/3rds of a day per month or major fraction thereof for each month of service. 12 months shall equal 4 vacation weeks. [am. ord. 2006-30, 03/13/07]
4. Employees with more than 19 years of service shall earn vacation at the rate of 2-1/12 days per month or major fraction thereof for each month of service. 12 months shall equal 5 vacation weeks. [cr. ord. 85-7, 6/11/85; am. ord. 2006-30, 03/13/07]

C. Upon recommendation of the County Administrator or Human Resources Director, the Human Resources Committee may approve starting a new employee at an earning rate other than two-weeks per year, not to exceed three-weeks per year, by crediting the employee with the appropriate number of years of service for vacation purposes only. [am. ord. 2012-26, 2/12/2013]

D. Under rare and/or catastrophic circumstances, employees who have completed their qualifying period may borrow against *next* year's vacation already accrued with approval of the department head, Human Resources Director and County Administrator. [am. 12/13/11, ord. 2011-21]

E. Department heads shall have full responsibility and discretion for setting vacation periods for all employees under their supervision during the calendar year. In doing so the department head shall be guided by the good of the County service and orderly conduct of the work and functions of each particular department. Department Heads shall monitor accrual balances to ensure that each employee has a reasonable opportunity to use accrued vacation. [renumbered 12/13/11, ord. 2011-21; am. ord 2012-26, 02/12//2013]

F. All employees shall be encouraged to make use of earned vacation time in accordance with the provisions of this ordinance. Any employee who is given a reasonable opportunity to take earned vacation and who does not do so shall be deemed to have waived said vacation and shall not be entitled to compensation thereof. An employee may, with department head, Human Resources Director and County Administrator approval, carry over a maximum of 40 hours vacation time which shall be used by December 31 of the succeeding year, or be forfeited. Requests to carry over vacation must be made to the Human Resources Department no later than December 15, and include the maximum number of hours to carry over and the reason(s) the employee was unable to use the accrued vacation time. The Administration and Rules Committee shall decide any request made by the County Administrator. [am. ord. 2005-43, 02/14/06; am. ord. 2007-50, 03/11/08; renumbered 12/13/11, ord. 2011-21; am. ord 2012-26. 02/12/2013]

G. Employees who have 8 hours or less in their vacation bank on December 31 shall be able to carry over this time, with department head approval, to be used by January 20 or be forfeited. [02/11/2014, ord 2013-25]

H. Hours in excess of 40 may be considered for carry over only for employees whose vacation was cancelled by the County during the month of December. If this occurs, a written request shall be made by the employee, approved by the department head, and submitted to Human Resources no later than January 5 of the succeeding year. The County Administrator shall consider all requests and if approved, will determine when the vacation shall be used by, or forfeited. [renumbered 02-11-2014, ord 2013-25]

I. A report summarizing approved requests shall be made to the Human Resources Committee. [renumbered 02-11-2014, ord 2013-25]

J. Any employee who has exhausted earned sick leave credits shall be entitled to use earned vacation and compensatory time for sick leave with written permission from the employee only. [renumbered 12/13/11, ord. 2011-21; renumbered 02-11-2014, ord 2013-25]

HR0695 **VOLUNTARY BENEFITS.** Employees regularly scheduled to work 600 or more hours annually may elect to participate in the County's voluntary benefit plans, unless as otherwise required by the benefit plan. The Human Resources Committee may approve vendor or plan changes when desirable, providing there is not a financial or negative impact to the County or employees, or the vendor/law requires full County Board approval. The County Administrator may execute amendments to such plan and the Human Resources Director shall act in the capacity of the plan administrator.

A. **DEFERRED COMPENSATION.** The County will offer employees an IRS qualified deferred compensation plan into which participants can defer some of their annual income (up to an annual limit), and which contributions and earnings are tax-deferred until withdrawal. [resolution 1982-115]

B. **DISABILITY INSURANCE.** [am 11-12-2013, ord 2013-18] An employee who is regularly assigned 600 or more hours annually is eligible for disability insurance. The County will offer eligible employees the opportunity to participate in a voluntary long term disability insurance plan. The full cost of participating in the long-term disability plan will be paid for by the employee. The Human Resources Committee may approve vendor or plan changes when desirable.

C. **LIFE INSURANCE.** In addition to Group term life insurance, the County will offer a Universal Life policy.

D. **SECTION 125B PLAN.** The County will offer a Section 125 Plan to employees eligible for health insurance, which employees may utilize for insurance premiums, unreimbursed medical expenses or dependent care expenses.

Last Amended 02-11-2014