



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

Original Post Date: 05/15/2017

Amended* Post Date:

**The following documents are included in the packet for the
Personnel Committee Meeting May 18, 2017:**

- 1) Agenda
- 2) Draft minutes from the 04/20/2017 meeting
- 3) Ordinance Relating to Amending Administrative Policy Manual
Ordinance 1043-2012



GREEN LAKE COUNTY OFFICE OF THE COUNTY CLERK

Elizabeth Otto
County Clerk

Office: 920-294-4005
FAX: 920-294-4009

Personnel Committee Meeting Notice

***Date: May 18, 2017 Time: 6:00 PM
Green Lake County Government Center,
County Board Room, 571 County Rd A, Green Lake WI***

AGENDA

Committee Members

*Joe Gonyo,
Chairman
Paul Schwandt, Vice-
Chair
Robert Lyon
Robert Schweder
Sue Wendt*

*Elizabeth Otto,
Secretary*

1. Call to Order
2. Certification of Open Meeting Law
3. Pledge of Allegiance
4. Agenda
5. Minutes: 04/20/2017
6. Correspondence
7. Resolutions/Ordinances
 - Ordinance Relating to Amending Administrative Policy Manual Ordinance 1043-2012
8. Discussion and possible action on Performance Management software options.
9. Clerk's Report
10. Consider Motion to Convene into Closed Session per:
 - Wis. Stat. § (1) (e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session.
This closed session relates to bargaining strategy- WPPA.
11. Reconvene to open session to take action, if appropriate, on matters discussed in closed session.
12. Committee Discussion
 - Future Meeting Dates: Meeting June 22, 2017 at 6:00 pm
 - Future Agenda items for action & discussion
13. Adjourn

Kindly arrange to be present, if unable to do so, please notify our office. Sincerely, Elizabeth Otto

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or Audio assistance, should contact the County Clerk's Office, 294-4005, not later than 3 days before date of the meeting.

PERSONNEL COMMITTEE MEETING

April 20, 2017

The meeting of the Personnel Committee was called to order by Vice Chair Paul Schwandt at 6:00 PM on Thursday, April 20, 2017 in the County Board Room, Green Lake County Government Center, Green Lake, WI. The requirements of the open meeting law were certified as being met. The Pledge of Allegiance was recited.

Present: Paul Schwandt
Robert Schweder
Sue Wendt
Robert Lyon

Absent: Joe Gonyo

Also Present: Liz Otto, County Clerk
Cathy Schmit, Cty Administrator
Harley Reabe, Cty Board Chair

Dawn Klockow, Corporation Counsel
Sheriff Mark Podoll
Deputy Sheriff Mark Putzke

AGENDA

Motion/second (Schweder/Wendt) to approve the agenda. All ayes. Motion carried.

MINUTES

Motion/second (Lyon/Schweder) to approve the minutes of March 23, 2017 as presented. All ayes. Motion carried.

CORRESPONDENCE – None

REVIEW OF ADMINISTRATIVE POLICY MANUAL

Corporation Counsel Dawn Klockow distributed the updates to the manual. County Administrator Cathy Schmit stated that this is in draft form only and asked the members of the committee to review the changes and revisit this in May for action and discussion.

REVIEW OF PERSONNEL POLICIES AND PROCEDURES MANUAL

Discussion held.

RESOLUTIONS/ORDINANCES

- **Ordinance Relating to Amending Personnel Policies & Procedures Manual Ordinance 1042-2012**

Motion/second (Wendt/Schweder) to approve the ordinance and send to County Board for final approval. All ayes. Motion carried.

REVIEW AND POSSIBLE ACTION REGARDING NEOGOV SOFTWARE

County Administrator Cathy Schmit explained the problems associated with the NeoGov employee performance software including lack of training and support, not user friendly for employees, and no compensation piece built into the program. She would like to cancel the contract at the end of this year and look at other options for the

2018 evaluations. Schmit received information regarding Halogen software which she is familiar with. The estimated cost would be \$26,000 for implementation and \$17,250 annual maintenance.

Motion/second (Schweder/Wendt) to cancel the NeoGov contract and approve a contract with Halogen. Ayes – 2 (Schweder, Wendt), Nays – 2 (Lyon, Schwandt). Motion failed.

Motion/second (Lyon/Schweder) to cancel the NeoGov contract and explore other performance management software options. All ayes. Motion carried. Schmit will get information and quotes from other vendors and bring it back to the committee at the May meeting. Supervisor Wendt asked if there could be a demonstration set up for the committee.

CLERK'S REPORT – None

CONSIDER MOTION TO CONVENE INTO CLOSED SESSION

Motion/second (Schweder/Lyon) to convene into Closed Session at 6:30 PM per Wis. Stat. §(1)(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session – this Closed Session relates to bargaining strategy – WPPA.

Roll call vote – Ayes – 4, Nays – 0, Absent – 1 (Gonyo), Abstain – 0. Motion carried.

CONSIDER MOTION TO CONVENE INTO OPEN SESSION

Motion/second (Lyon/Wendt) to reconvene into Open Session at 6:40 PM.

Roll call vote – Ayes – 4, Nays – 0, Absent – 1 (Gonyo), Abstain – 0. Motion carried.

COMMITTEE DISCUSSION

Future meeting date: Regular meeting – May 18, 2017 at 6:00 PM

Future agenda items: WPPA negotiations

ADJOURNMENT

Vice Chair Schwandt adjourned the meeting at 6:45 PM.

Submitted by,

Liz Otto
County Clerk

ORDINANCE NO. -2017

Amending Ordinance 1043-2012, as amended by Ordinance 1116-2015, Green Lake County Administrative Policy Manual

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 20th day of June 2017, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED, that the Green Lake County Administrative Manual shall be amended as follows:

The text amendments are attached hereto. Deletions are indicated in ~~strikeout~~. Additions or changes are indicated in underline type.

BE IT FURTHER ORDAINED, that any ordinance inconsistent with this ordinance is hereby repealed.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

Roll Call on Ordinance No. - 2017

Aye____, Nay____, Absent____, Abstain____

Submitted by Personnel Committee

Passed & Enacted/Rejected this 20th day of June, 2017

Joe Gonyo, Chair

County Board Chairman

Paul Schwandt, Vice-Chair

Attest: County Clerk
Approved as to Form:

Robert Lyon

Corporation Counsel

Robert Schweder

Sue Wendt

I. INTRODUCTION

This Administrative Manual “Manual” provides guidance to managers, Department Heads, ~~professional employees-managers~~ and supervisors (collectively referred to herein as management) regarding the administration of Green Lake County “County”. The goal of this Manual is to ensure that County operations and services are high quality, cost-efficient and in compliance with federal, state and local laws.

This Manual has been prepared for informational purposes and for internal use only. None of the statements, policies, procedures, rules or regulations contained in this Manual create or is intended to create a guarantee of or vested right to any practice, procedure or benefit, or a contract of any kind, express or implied. The provisions in this Manual may be changed at any time at the discretion of the County.

This Manual is designed to work in conjunction with the County’s Personnel Policy Manual (Personnel Manual). Managerial employees are expected to be knowledgeable about the policies contained in the Personnel Manual and to fairly and consistently apply those policies towards employees they supervise and manage. The failure of managerial employees to comply with the provisions of this guidebook may result in discipline up to and including discharge from employment. Any questions regarding the policies in this Manual or the Personnel Manual should be directed to the ~~Administrative Coordinator~~County Administrator.

II. GENERAL ADMINISTRATION

A. Employment At Will. All of the County’s employees, with the exception of sheriff’s deputies, are employed at will, and employment is not for any definite period. Termination of employment may occur at any time, with or without notice, and with or without cause, at the option of the County or the employee. No manager is authorized to alter the at will employment relationship between the County and its employees.

B. Departmental Rules. County departments may have administrative policies or personnel policies that are specific to the department. The policies in this Manual and the Personnel Manual shall control in the event of a conflict with a department policy unless the department has received approval from the County Board to implement a different policy.

C. General Exceptions. The provisions of this Manual are subject to, and may be superseded by, applicable collective bargaining agreements, statutory provisions, regulations and ordinances (collectively “codes”) which apply to elected officials, public safety and other employees. In the event of a conflict between this Manual and any applicable collective bargaining agreement or code, the collective bargaining agreement or code shall control. This provision is not intended to, and does not; limit the authority of the County Board under Chapter 59 of the Wisconsin statutes.

III. JOB DESCRIPTIONS

A. Requirement. Each position will have a written job description containing the title, status, department, identity of the position’s supervisor, a general description concerning the purpose of the position, a list of the essential and non-essential job duties, required qualifications, explanation of physical demands and the work environment, and any special requirements necessary to perform a particular job.

B. Job Description Updates. Department Heads are responsible for updating the job descriptions for their Department in conjunction with the ~~Administrative Coordinator~~County Administrator. All job descriptions will be reviewed periodically but no less than every other year by the Department Head. The Department Head will certify in writing to the ~~Personnel Committee~~County Administrator that the review has been conducted as required by this policy and either state that there are no updates or provide the updated job description with the certification.

C. Approval. ~~The Personnel Committee is responsible for all personnel issues.~~ Any change in a job description by a Department Head must be approved by the ~~Administrative Coordinator~~County Administrator, ~~and referred to the governing committee which oversees a department for approval. Upon approval of the governing committee, they will send their recommended changes to the Personnel Committee for final approval.~~ A copy of the changed job description must be filed with the County Clerk's office.

IV. RECRUITMENT AND HIRING

A. Overview. In an effort to maintain fiscal responsibility, efficiency and productivity of staff as well as effectiveness of programs for the citizens of the County, it is the policy of the County to require accountability when filling a vacancy or creating a new position. Accordingly, management must adhere to the following recruitment and hiring guidelines unless otherwise approved in advance by the ~~Administrative Coordinator~~County Administrator ~~and the Personnel Committee~~.

B. Equal Opportunity Employer. All screening, testing and interview procedures utilized by the County are designed to assess only the attributes necessary for successful job performance based upon the duties and responsibilities of the job to be filled. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the County will be based on merit, qualifications, and abilities. The County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

It is the policy of the County to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA) and other laws. The County will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on the County.

C. Vacant Positions.

1. Position Review. A Department Head must conduct the following review as part of the process to fill any vacant position in the County. When the vacancy is a Department Head position, the position review shall be conducted by the ~~Administrative Coordinator~~County Administrator.

a. Job Description. The existing job description must be reviewed and updated. The review should include an evaluation of job duties and responsibilities; a review of the educational requirements and/or experience required in order to accomplish the tasks required by the position; and a review of the number of hours necessary to complete the tasks required of the position.

b. Job Designation. The position should be evaluated to ensure that it is properly designated within the ~~county's~~County's pay structure. If the review of the position description reflect

the need for less education and/or experience, or decreased responsibilities, the position should be reclassified and paid at a lower level.

- c. **Necessity.** The demand for the service or program to which the vacant position relates must be evaluated and a determination made as to whether the position is needed on a going forward basis. This evaluation should include an assessment as to whether the service or program can be provided in a different way or through an alternative source. Continuance of any vacant position must be justified in terms of its need, demand and the County's ability to continue to budget for and provide the service.
- d. **Evaluation of Existing Staff.** The existing staff and personnel in the department must be evaluated to determine if the tasks of the vacant position can be distributed among existing staff, thus eliminating the need to fill the vacancy. This evaluation should include consideration of supplementing existing full time staff with part-time employees or other personnel arrangements to fill the demands served by the vacant position.

The County acknowledges that there may be situations when specific levels of staffing are required to meet state and/or federal requirements. When specific levels of staffing are required, these levels of staffing may be maintained and will not require the position review process. The Department Head/~~Administrative Coordinator~~County Administrator must provide the governing committee and Personnel Committee with evidence of the minimum staffing requirements in order to move forward with the hiring process without a position review. The Sheriff's Office 24/7 Communications and Corrections Personnel have met this minimum staffing requirement. Vacancies in those positions may be filled immediately without authorization.

2. Recommendation and Approval to Hire. Following completion of the position review designated above, the Department Head must present his/her findings, with recommendations relative to the vacant position to the ~~governing committee~~County Administrator. If the Department Head recommends the position not be filled, and the ~~governing committee~~County Administrator agrees with the recommendation, no further action need be taken and the position will be held vacant. If the position remains vacant for one (1) year, the position shall be eliminated.

If it is the Department Head's recommendation to fill the vacancy through the hiring of an employee, ~~and the governing committee agrees with the recommendation,~~ the Department Head will present the findings and recommendation to the ~~Personnel Committee~~County Administrator. The ~~Personnel Committee~~County Administrator will, in turn, determine whether the vacancy will be filled or modified. No vacant position may be filled without the prior approval of the ~~Personnel Committee~~County Administrator.

In the event that a vacancy is for a Department Head, the ~~Administrative Coordinator~~County Administrator ~~must~~may present their findings relative to the position review along with a recommendation relative to the vacant Department Head position, to the governing committee. ~~The governing committee, with the assistance of The Administrative Coordinator, will prepare a recommendation to the Personnel Committee relative to the vacant Department Head position. The Personnel Committee will, in turn, determine whether the vacancy will be filled or modified subject to any minimum staffing requirements.~~

3. Application and Other Required Pre-employment Information. All job applications for employment shall be on forms prescribed by the Personnel Committee, and prepared and issued by the County ~~Clerk~~Administrator's Office. In addition to an employment application, the County may require a resume' and other pertinent information related to the requirements for the position such as a writing sample, proof of licensure, etc.

The County relies on the accuracy of information contained in the employment application, as well as the accuracy of all other information provided by applicants in the hiring process. Any deliberate misrepresentations, falsifications, or material omissions in any of this information shall result in exclusion of the individual from further consideration for employment, or, if the person has already been hired, discipline up to and including termination of employment.

4. Hiring Procedure.

a. Internal Posting and Recruitment. When the County has determined that a vacancy should be filled, the County may provide an opportunity for current County employees to apply for the position prior to making a public announcement of the vacancy. The internal recruitment procedure is designed to provide the County with the opportunity to find an internal candidate to fill the position before opening the process to the public and incurring the time and expense of the external recruitment process. The internal recruitment procedure is discretionary and provides no guarantees to existing employees that the position will be filled by an internal applicant. It is the County's policy to hire the most qualified candidate. Notwithstanding this policy, the County, at the sole discretion of the ~~Administrative Coordinator~~**County Administrator**, may simultaneously post the position internally and to the general public. The following procedure will be followed for internal postings:

- 1) The position vacancy will be internally posted, stating the title, department, pay range, qualifications and the place and last date to file applications.
- 2) Any employee may apply.
- 3) Postings will be for a period of three (3) working days before posting to the general public.
- 4) Candidates must complete a County application form, provide a resume and provide any other preliminary information requested by the County.

b. External Recruitment. The County ~~Clerk~~**Administrator** may make public announcements of an open position by publishing the notice in the official County newspaper. Public announcements may also be made in other County newspapers and newspapers having general distribution in Green Lake County. Other forms of public notice, such as listing with job service, school job placement offices, radio ads, trade and professional publications and internet forums may also be used. Public announcements shall include at least the following:

- 1) Class Title.
- 2) Department.
- 3) Pay range and fringe benefits.
- 4) Special qualifications, if any.
- 5) Place to obtain applications.
- 6) Other required pre-employment information.
- 7) Place and last date to file an application, resume' or other required pre-employment information.
- 8) Residency requirement, when appropriate.
- 9) Equal opportunity statement.

c. Applicant Screening and Disqualification.

1) **Initial Screen.** The Department Head will be responsible for screening all applications, resumes and other preliminary information received from applicants and determining the applicants to be interviewed.

2) **Licenses, Degrees and Certifications.** Applicants for a position requiring certification and/or degree must either have the certification or be eligible to acquire it. An applicant who will operate a County vehicle is required to hold the proper and valid license and provide proof of insurance, which meets the County's requirements.

3) **Disqualification.** The Department Head may refuse to examine an applicant or, may find the applicant ineligible for any lawful reason including, but not limited to, the following:

- a) The applicant does not possess the minimum job qualifications and/or skills necessary for the position.
- b) The applicant does not possess the appropriate employment background for the position.
- c) The applicant does not possess the required certification, educational experience or degree for the position.
- d) The applicant made false or untrue statements of material facts in his/her application or resume.
- e) Character or employment references are unsatisfactory.
- f) The applicant's application, resume or other initial information is incomplete or unsatisfactory.
- g) The applicant declines to sign the application form, which includes the agreement to undergo a conditional employment physical examination, including a drug test.

In the event the vacancy involves a Department Head position, the ~~Administrative Coordinator~~County Administrator and ~~the governing committee and/or its designees~~ shall conduct the ~~foregoing~~ screening and disqualification process.

- d. **Interviews.** The Department Head will determine the number of applicants to be interviewed. The Department Head will prepare a list of interview questions and/or topics for each applicant to be interviewed based on the information contained in the applicant's job application, resume' and other initial information, the job description and requirements and the operational needs of the department. The Department Head and the ~~Administrative Coordinator~~County Administrator will be primarily responsible for interviewing candidates. The ~~Administrative Coordinator~~County Administrator shall determine his/her involvement in the interview process as he/she deems necessary and appropriate.

In the event that the vacancy involves a Department Head, the ~~Administrative Coordinator~~County Administrator and ~~governing committee~~ will determine the list

of candidates to be interviewed. The ~~Administrative Coordinator~~County Administrator shall prepare the list of interview questions and/or topics for each applicant for a Department Head position. The ~~Administrative Coordinator~~County Administrator will conduct the interviews ~~with~~and may have the assistance of the governing committee and/or its designees.

- e. **Testing.** Candidates who are interviewed may be required to undergo testing. Any testing should be relevant to the essential skills of the position and reliably predict the individual's performance. In this regard, the following guidelines shall govern candidate testing:
- 1) Tests and other selection procedures must be administered without regard to race, color, national origin, sex, religion, age (40 or older), or disability.
 - 2) Management should ensure that employment tests and other selection procedures are properly validated for the positions and purposes for which they are used. The test or selection procedure must be job-related and its results appropriate for the employer's purpose.
 - 3) To ensure that a test or selection procedure remains predictive of success in a job, management should keep abreast of changes in job requirements and should update the test specifications or selection procedures accordingly.
 - 4) Management must take all testing measures seriously. A test or selection procedure can be an effective management tool, but no test or selection procedure should be implemented without an understanding of its effectiveness and limitations for the organization, its appropriateness for a specific job, and whether it can be appropriately administered and scored.
- f. **Reference Checks.** Each prospective applicant will be required to fill out an authorization form in connection with their application of employment authorizing a reference and background check. If an applicant has not listed references on his or her application or resume, contact the applicant to obtain references. ~~Department Heads~~ The HR Coordinator ~~are to~~will contact references by telephone and may not rely exclusively upon written letters of reference. To ensure that individuals who join the County are well qualified and have a strong potential to be productive and successful, it is the policy of County to check the employment references of applicants who are being considered for the position as well as to contact at least three (3) to five (5) previous employers (to the extent applicable). In the event that a vacant position involves a Department Head, the ~~Administrative Coordinator~~County Administrator will conduct all reference checks.

The following are recommended practices in conducting reference checks:

- 1) Do not ask questions that relate to protected classifications or sensitive areas such as sex, race, national origin, marital status, age, disability or religion;
- 2) To the extent practicable, ask the same questions of all applicant employment references and previous employers;

- 3) Do not tell the applicant or reference source that their reference checks are being checked because the applicant has been selected for the position—advise the applicant and previous employers and references that the applicant is being considered for the position;
- 4) Do not accept, follow-up on or rely upon references from family, friends or individuals who have not observed the applicant’s job performance; and
- 5) Ask references and previous employers if they are aware of any other person having personal knowledge of the applicant’s work with whom the County may speak.

g. Ranking, Recommendation, Second Interviews and Hiring. After the interviews, testing and reference checks, the Department Head and ~~Administrative Coordinator~~County Administrator will determine and rank the top candidates and shall conduct a second interview with each top candidate. ~~The chairperson or designee of the governing committee may participate in the second interview as is deemed necessary and appropriate.~~ After the final interviews, the Department Head, ~~Administrative Coordinator~~County Administrator and ~~chairperson of the governing committee or their designee, as appropriate,~~ shall select the individual to be hired for the position. The Department Head ~~and the~~, ~~Administrative Coordinator~~ County Administrator and ~~chairperson of the governing committee~~ shall determine if any of the remaining candidates will be offered the position if the primary candidate declines and will rank those candidates in the order of preference for hiring.

In the event the vacancy relates to a Department Head, the ~~governing committee in conjunction with the Administrative Coordinator~~County Administrator shall rank the top candidates and conduct any second interviews as deemed appropriate. After the second interviews, the ~~Administrative Coordinator~~County Administrator and ~~the governing committee~~ shall select the individual to be hired for the position. The ~~Administrative Coordinator~~County Administrator and ~~the governing committee~~ shall determine if any of the remaining candidates will be offered the position if the primary candidate declines and will rank those candidates in the order of preference for hiring.

h. Notification of Rejection. Whenever an applicant is rejected, notice of such rejection shall be mailed to the applicant by the ~~County Administrator~~Department Head. Notices of rejection shall not be mailed until another applicant has accepted an offer of employment from the County and has successfully completed any required post-offer of employment examination.

D. New Positions

1. Approval. All new positions, including, but not limited to, those created as a result of a promotion or change in job responsibilities, must be approved by the Personnel Committee, the Finance Committee (to the extent the position is being created during a budget year) and the County Board prior to beginning the hiring process.

2. Process for Creating a New Position. The creation of a new position shall originate from the governing committee of the Department wishing to create the position. The Department Head governing committee shall prepare a proposal which contains the position title, any applicable departmental classification, the rationale for its creation, any applicable state or federal mandates that may have caused the need for the new position, a description of how the position fits into the plans of the department; all anticipated salary, fringe benefits, and other related costs. Other pertinent information including budget impact shall also be identified in the proposal. The proposal shall include the proposed job description for the position

The Department Head shall submit the proposal to the County Administrator. Once the County Administrator has approved the new position, it shall be referred to the governing committee for its approval. Upon approval, The governing committee must firstCounty Administrator shall submit the proposal to the Personnel Committee. If the Personnel Committee approves the position, the proposal will be submitted to the Finance Committee if the position is being created during a budget year or directly to the County Board for final approval. If the position is approved by the Finance Committee (to the extent that such approval is required), the position will be submitted from the Finance Committee to the County Board for final approval.

3. Hiring Process for New Positions. New positions shall be filled using the hiring process to fill vacant position as described above.

E. Failure to Find a Qualified Candidate. In cases where a fully qualified applicant could not be found, the ~~governing committee~~, Department Head and ~~Administrative Coordinator~~County Administrator shall review the recruiting methods used and determine, among other things, if further public notification or different recruiting methods are necessary or if an applicant with less than full qualifications could be selected and trained.

F. Exceptions to the Hiring Process for Vacant and New Positions. The hiring requirements in this Article do not apply to the extent they conflict with a statute, regulation, ordinance or applicable collective bargaining agreement. Nothing in this hiring procedure shall be construed to limit the authority of the County Board under Wis. Stat. § 59.22 or the County Administrator under Wis. Stat. § 59.18.

G. Department Staff Shortage or Emergency Employment. Unexpected staff shortages may occur as a result of employee illness, family emergency, jury duty or resignations. When staff shortages prevent the department from continuing its work in an appropriate and timely manner, the department may need to consider outside assistance. In coordination with the County Administrator, ~~the~~ Department Head shall have the option of the following:

1. Contact other departments to determine if any other County employees may be available to fill-in on a limited basis;
2. Contact former employees to determine whether that individual may still be available for short term work;
3. Contact a staffing agency to hire, on a limited basis, an individual who can perform the essential work.

When the Department Head, in conjunction with the ~~governing committee chairperson~~ County Administrator, determines that the hiring of an individual from a staffing agency or a Limited Term

Employee (LTE) is the best course of action, ~~that Department Head must contact the Administrative Coordinator~~ County Administrator to confirm this action. ~~The Administrative Coordinator~~ County Administrator will be responsible for contacting the staffing agency or recruiting the LTE –and negotiating the rate of pay for that individual.

Upon the filling of the position on an emergency basis as set forth in this policy, the ~~Administrative Coordinator~~ County Administrator shall as soon thereafter as possible bring the staffing shortage issue before the governing and personnel committees. The governing committee, in conjunction with the Department Head and County Administrator, shall address the situation and forward a recommendation to the personnel committee regarding future handling. The personnel committee shall review the recommendation and take appropriate action. The governing and Personnel Committees shall review the staffing situation at least every sixty (60) days until it is resolved.

V. POST-OFFER OF EMPLOYMENT DRUG TESTING

- A. **Overview.** The County is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the public which it serves. The County recognizes the importance of employees being mentally and physically alert at all times while performing their duties. To this end, the County declares that the use of illegal drugs and the misuse of prescription drugs are unacceptable and will require candidates who are under final consideration for all employment positions with the County to submit to post-offer of employment drug testing.
- B. **Definitions.** For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply:
1. **Illegal Drug.** Illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to federal, state, and/or local laws and regulations.
 2. **Controlled Substance.** The term controlled substance includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
 3. **Controlled Substance Abuse.** The term controlled substance abuse includes prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- C. **Acknowledgement and Agreement to Undergo Testing.** All applicants under final consideration for all employment positions shall be given a copy of this policy in advance of the post-offer, pre-employment drug test. Applicants must acknowledge having read or had this policy explained to them and should understand and agree that as a condition of employment they are subject to its contents. Applicants shall sign an acknowledgment prior to substance screening which serves as a consent to drug testing and permits the summary result to be transmitted to the ~~Administrative Coordinator~~ County Administrator or their designees, the County Clerk, ~~the governing committee,~~ Department Head and department supervisors. An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the County and such refusal will be considered as a withdrawal of the individual's application for employment.

- D. **Cost of Testing.** The County will pay all costs associated with the administration of controlled substance tests.
- E. **Results.** If Substance screening shows a confirmed positive result for which there is no current physician's prescription, any job offer shall be revoked. The applicant shall not be permitted to reapply for employment with the County for at least twelve (12) months and not unless and until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant has otherwise rehabilitated successfully and is no longer engaging in illegal drug use.

VI. POST-OFFER OF EMPLOYMENT PHYSICAL EXAMINATION AND QUESTIONING

- A. **Overview.** In addition to post-offer of employment drug screening, candidates for County employment may be required to pass a post-offer physical examination and undergo questioning regarding their medical history before being allowed to begin work with the County. The County will determine positions subject to a post-offer physical examination on a job category basis, i.e., all new employees in the job category will be required to undergo a physical examination and medical questioning as part of the hiring process before being permitted to begin working for the County. All post-offer of employment physical examinations and medical questioning will be conducted in accordance with the ADA and applicable state law.
- B. **Scope.** All prospective employees to whom a contingent job offer has been made within job categories identified by the County, including part-time, LTE's and temporary hires, are subject to this policy. Existing employees seeking a transfer into a subject job classification with a higher level of physical demands than their current job are subject to the policy.
- C. **Procedures.**
 - 1. **Position vacancy announcements.** Candidates for vacant/new positions in job categories subject to this policy should be informed about the physical requirements of the essential functions of the job and informed that employment is contingent on the successful completion of a post-offer of employment examination and medical questioning.
 - 2. **Job offers.** Offers of employment for jobs in categories for which a post-employment physical examination is required must clearly state that employment is contingent upon successful completion of a post-offer of employment physical examination and medical questioning.
 - 3. **Acknowledgement and Agreement to Undergo Testing.** All applicants under final consideration for employment positions subject to this policy shall be given a copy of this policy in advance of the post-offer, pre-employment physical examination and medical questioning. Applicants must acknowledge having read or had this policy explained to them and should understand and agree that as a condition of employment they are subject to its contents. Applicants shall sign an acknowledgment prior to substance screening which serves as a consent to the physical examination and medical questioning and which permits the result to be transmitted to the ~~Administrative Coordinator~~ County Administrator or his/her designees, the County Clerk, ~~the governing committee,~~ Department Head and department supervisors. An applicant refusing to complete any part of the physical examination and medical questioning procedure shall not be considered a valid candidate for employment with the County and such refusal will be considered as a withdrawal of the individual's application for employment.

4. **Examination and Questioning.** The County will retain a qualified vendor to administer the physical examination to all candidates. The physical examination will be designed, in part, to ensure that the candidate is able to perform the essential job functions. The qualified vendor and/or the ~~Administrative Coordinator~~ County Administrator may also require a candidate to provide additional medical information including, but limited to, information about workers' compensation history, prior sick leave usage, illnesses/diseases, disabilities, requested accommodations and general physical and mental health. Additional examinations and testing may be required based on the responses given by the candidate during the examination and/or medical questioning. The scope of the physical examination and any questions related to disability need not be related to the position. All entering employees in the same job category must be subjected to the examination/inquiry regardless of physical condition or disability.
5. **Scheduling and Payment for the Examination.** All candidates in a job category subject to this policy must successfully complete the post offer pre-employment physical examination and medical questioning *before* work begins. The office of the County ~~Clerk~~ Administrator will provide information about the process and contact the testing vendor to schedule an appointment for the examination. The County shall select the qualified vendor to conduct the examination and all expenses associated with the examination shall be borne by the County.
6. **Examination and Questioning Results.** The testing qualified vendor will deliver the results of all examinations to the office of the County ~~Clerk~~ Administrator. The examination results and any information obtained as a result of medical questioning will be kept in a confidential medical file, separate from the candidate's application file and personnel file (if hired).
7. **Withdrawal of Offer of Employment.** If the results of the medical examination or medical questioning demonstrates that the candidate: (1) cannot perform the essential functions of the position with or without reasonable accommodation; or (2) poses a direct threat that cannot be reduced or eliminated with reasonable accommodation, the County may withdraw the job offer. The County shall ensure that the withdrawal of any job offer is in accordance with the ADA and applicable state law(s), and other laws that may apply, and shall seek assistance from corporation counsel or outside counsel, to the extent necessary, to ensure that the County's withdrawal of a job offer is in accordance with the law.

VII. CONFIDENTIALITY OF MEDICAL INFORMATION

The County will keep all medical information obtained from applicants, candidates and employees in a separate file from any personnel file and confidential subject to the following limited exceptions as recognized by the ADA:

1. Supervisors and managers may be told about necessary restrictions on the work or duties of the employee and about necessary accommodations;
2. First aid and safety personnel may be told if the disability might require emergency treatment;

3. Government officials investigating compliance with the ADA must be given relevant information on request;
4. The County may give information to state workers' compensation offices, state second injury funds or workers' compensation insurance carriers in accordance with state workers' compensation laws; and
5. The County employers may use the information for insurance purposes permitted by the ADA and other laws.

No disclosure of confidential medical information shall be made without first consulting the corporation counsel or the County's labor attorney.

VIII. EMPLOYEE ORIENTATION

Each new employee shall be provided with job orientation consisting of the following:

- A. **County Clerk.** On the first day of employment, each new employee shall report to the County Clerk's office to complete all necessary forms to enable preparation of payroll and required reports. The employee should be prepared to present their birth certificate, driver's license, social security card, and automobile insurance certificate, and to complete such forms as necessary. The employee shall be advised of all general conditions of employment including hours of work, pay and fringe benefits and other privileges. Each employee shall also be provided with a copy of their job description, applicable benefit information and the Personnel Policy and Procedure Manual. The employee shall be required to read the Personnel Policy and Procedure Manual and execute an acknowledgement providing that the employee has received, read and understood the Personnel Policy and Procedure Manual.
- B. **Department Head.** The Department Head or their designee shall orient each employee hired to fill an existing or new position (including existing County employees hired to fill a vacancy) on the conditions related to their job and work site. Such orientation shall include, without limitation, introductions to co-workers, departmental rules, work standards, safety regulations and supplies. The Department Head is responsible for covering all pertinent items relating to employment at this orientation.
- C. ~~Administrative Coordinator~~**County Administrator.** In the event a new hire is a Department Head, the ~~Administrative Coordinator~~**County Administrator** should address specific issues of the department and any other requirements.

IX. PERSONNEL FILES

- A. **Official Personnel Files.** The County Clerk is responsible for maintaining the official personnel files for all employees. Official personnel files shall be confidential, unless disclosure is required by law. The official personnel file should include the complete employment history of the employee, including, but not limited to: employment application, reference checks, commendations, reprimands, performance evaluations, wage data, promotions, education and special training paid for by the County, records of absences and vacations, written resignations, or any other items, within law, that may be deemed necessary. Employee medical records shall be kept in a separate file from the official personnel file and shall remain confidential in accordance with this Manual and the requirements of the ADA and other laws.

B. Administration of Official Personnel Files. An employee's official personnel file will be maintained in accordance with federal and state laws and administered as follows:

1. **Collection and Storage of Confidential Records.** The County Clerk is responsible for ensuring that all personnel documents (as defined in this policy), pertaining to County employees ~~are stored in a file cabinet located in the Clerk's office.~~ ~~All personnel records~~ will be locked up when not in use and during non-working hours.
2. **Employee Access to Their Personnel Records.** Employees are permitted to inspect and copy, at their own expense, their personnel file and medical records file in accordance with Wis. Stat. § 103.13. An employee who wishes to inspect their personnel file must submit a written request to their supervisor. The request shall be forwarded to the County Clerk and an appointment will be set up review the personnel file. The County Clerk or their designees shall be present with the employee while the employee inspects their personnel file. If an employee disagrees with certain items in their file, such as disciplinary action, the employee may submit a concise statement of disagreement for inclusion in their official personnel file. No documents or other information shall be removed from an employee's official personnel file without authorization from the County Clerk.
3. **External Disclosure of Personnel Information/Reference Requests.** Only limited information may be given upon request for business or reference purposes. This information will be strictly limited to employment status, date(s) of employment and job title. No other information will be given unless the employee executes an authorization and release of information for the County. All reference requests for information must be referred to the ~~Administrative Coordinator~~ County Administrator
4. **Internal Access.** Internal access to employee's official personnel records shall be limited to the employee, the County Clerk, Department Heads, ~~Administrative Coordinator~~ County Administrator, County ~~Attorney~~ corporation counsel, ~~and human resource and payroll administration.~~ This access shall include the employee's personnel file and any additional personnel information that may be stored in the computer
5. **Public Records Requests.** A request to access or copy personnel information by a public records requester must be referred to the County ~~Clerk~~ Administrator. The County ~~Clerk~~ Administrator, in consultation with the County's corporation counsel and/or labor attorney, will provide access to the personnel records to the extent required by the Wisconsin Public Records Law, Wis. Stats. §§ 19.31-19.39
6. **Management Files.** Management may maintain separate copies of an employee's file in a secure, locked, location. The file should be a duplicate of the permanent record maintained by the County ~~Clerk's office.~~ Management is encouraged to store these records electronically utilizing County employee performance software in lieu of hard copies. Duplicate medical records, to the extent needed for the operation of a department, must be kept in a separate file.

X. HOURS OF WORK FOR EXEMPT MANAGEMENT EMPLOYEES

- A. **The Work Week.** The normal work week for exempt management employees will be determined at the discretion of the County but will generally be at least forty (40) hours per week. The actual number of hours worked by exempt management employees will be determined based on the needs of the County. Compensatory time is not available for exempt management employees.
- B. **The Workday.** Unless otherwise approved in advance by the ~~governing committee~~County Administrator, exempt management personnel, including Department Heads, are required to work shifts on premises within the operating hours of the County Government Center, i.e., 8:00 a.m. to 4:30 p.m.
- C. **Flex Time For Management Personnel and Department Heads.** Exempt management personnel may not flex their hours without the prior authorization of the Department Head and the ~~governing committee~~County Administrator. The Department Head will work with the ~~governing committee~~Human Resources Coordinator to develop guidelines ~~which that~~ govern flex time for exempt management personnel, including the Department Head, to the extent flex time is authorized ~~by the governing committee~~. Such guidelines shall be submitted to the ~~Administrator~~CoordinatorCounty Administrator for final approval to ensure consistency of flex guidelines in the County ~~and the personnel committee for final approval~~.
- D. **Changes in the Work Schedule.** Any proposed change in the work schedule on a permanent or temporary basis for exempt management personnel must be pre-approved by the ~~governing committee and the personnel committee~~County Administrator.

XI. RECORDKEEPING OF HOURS

- A. **Recordkeeping Requirement.** All employees, whether non-exempt, partially exempt, or exempt, are required to record their hours worked on time sheets provided by the County.
- B. **Paid Time Off.** Department Heads are required to submit records of all paid time off (e.g. vacation, sick leave, holiday, etc.) taken by all employees to the County Clerk’s office on a bi-weekly basis.
- C. **Department Head Responsibility.** It shall be the responsibility of the Department Heads or their designees, to assure proper recording of hours worked. Before records of time worked are submitted to the County Clerk’s office, they are to be reviewed, approved and signed by the Department Head or authorized designee.

XII. WORK PERFORMANCE AND EVALUATION

All employees are expected to satisfy or exceed the levels of performance required of the positions in which they are employed. The evaluation of an employee’s performance is a daily process and responsibility of management. Department Head performance reviews are conducted by the ~~governing committee~~County Administrator. Formal performance reviews must be conducted at least annually and more frequently if deemed appropriate by the County. An employee must meet County standards of work quality and must accomplish work within the time limits established by the County. Employees who do not satisfy the levels of performance expected by the County, who exhibit poor work performance, or who are unable to work with other employees may be disciplined, up to and including termination.

XIII. WAGE AND SALARY ADMINISTRATION

- A. **Overview.** The wage and salaries for all County positions are determined by the County Administrator with the approval of the Personnel Committee. Wage and salary increases will be considered on a per department basis and at the discretion of the Personnel CommitteeCounty Administrator. Employee compensation has the greatest impact upon the total operating cost of the County. Thus, employee compensation must be accurately planned and intelligently controlled.
- B. **Administration of Compensation for Employees (Non-Elected Officials).** As part of the annual budget process, the County Administrator with the approval and guidance of the Personnel Committee, at budget time, will review all department wages and ~~salaries and step scales, if applicable,~~ and will ~~determine~~recommend the amount of any raise or benefit changes to be given to employees to the Personnel Committee. The Personnel Committee will forward its recommendations to the Finance Committee for its review and approval. ~~The Finance Committee may modify the recommendation of the Personnel Committee in preparing the annual budget to be submitted to the County Board for adoption.~~ Any increases will be effective on January 1 of the following year unless otherwise provided by the Personnel Committee or in an applicable collective bargaining agreement.
- C. **Collective Bargaining.** The Personnel Committee and the County Administrator will conduct all collective bargaining with general municipal employees and public safety employees in accordance with requirements and limitations of Wisconsin law.
- D. **Overtime and Compensatory Time.**
1. **Overtime.**
 - a) **Pre-approval.** Employees shall not be permitted to work hours beyond their scheduled shifts without obtaining the prior approval of the Department Head.
 - b) **Overtime Rate.** All overtime in the County will be paid in accordance with state and federal law which generally requires non-exempt employees to be paid one and one-half times their regular hourly wage for hours worked over forty (40) hours in a workweek. Law enforcement employees are subject to special overtime pay rules. Overtime is based on actual hours worked. Sick leave, vacation leave, paid holidays, compensatory time off, on-call premiums or any other paid and unpaid leaves of absence, are not considered hours worked for purposes of calculating overtime or overtime pay. Overtime pay shall be paid in the pay period in which the overtime was earned.
 2. **Compensatory Time.** Compensatory time may be granted to non-exempt employees by Department Heads, with the approval of the ~~governing committee~~County Administrator and in accordance with state and federal law. Compensatory time will be granted at the County's discretion, and the County may require employees to use compensatory time at its discretion. An employee request to utilize compensatory time must be granted unless doing so would unduly disrupt the operations of the County. Compensatory time is not available for exempt employees, including exempt management employees.

Compensatory time may be accumulated in an amount not to exceed twenty (20) hours and any hours in excess of twenty (20) hours shall be paid out. It is the Department Head's responsibility to monitor and pay out employees for any excess hours. The County may pay out banked compensatory time at any time. All compensatory time earned by employees shall be used by the December 15th or paid out by the last payroll period of each year.

3. Overtime Avoidance. It is the obligation of exempt management personnel, including Department Heads, to schedule non-exempt employees in the most efficient and effective manner so as to avoid accruing overtime, premium overtime pay or compensatory time (to the extent allowed). Management personnel should take proactive steps to schedule employees based on the need for services, which may require employees to work non-standard shifts and to send employees home when their services are not required. For example, if a snow storm is expected after normal work hours, highway employees should be scheduled to work when snow plowing is needed rather than having the employees work a normal work day and return later in the evening to plow thereby increasing the possibility of overtime and premium overtime pay. Likewise, human service employees who have night time appointments should have their schedules adjusted to accommodate these appointments rather than scheduling the employees for a standard day time shift and having the employee work the night time hours. Finally, if an employee has worked their allotted hours prior to the end of the work-week and there is no further service demand which would warrant the accrual of overtime or compensatory time (if authorized) the employee should be sent home.

E. Payroll Periods. The County uses a bi-weekly payroll period. Payment is issued on Thursday of every other week, except when the payday is an official holiday. All employees are required to receive their wages by direct deposit. For purposes of calculating employees' pay, the following guidelines will be followed:

1. Exempt employees who are paid a base salary shall have their pay computed on a bi-weekly time period.
2. Non-Exempt employees will be paid on the basis of the hours that are actually worked during the bi-weekly pay period.

F. Payroll Deductions. Automatic payroll deductions shall be made as required by statute. Authorized payroll deductions shall only be allowed when such deduction is approved by the Personnel Committee.

XIV. EMPLOYEE DISCIPLINE

A. Overview. The goal of the County's disciplinary procedure is to administer adverse employment action for nonperformance and/or misconduct in a fair and consistent manner considering all facts and circumstances, including an employee's prior work history. For purposes of this section, nonperformance shall include any deficiencies in work performance including, without limitation, those related to poor work quality and/or production.

B. Disciplinary Procedure. The following procedure is designed to provide guidelines for employee discipline and to provide consistency in employee discipline to the extent practicable. This procedure is not a guarantee of employment, a guarantee of any rights or benefits, a contract of employment, expresses or implied, does not alter the at-will employment relationship and does not create tenure or a property interest of any type in employment with the County. None of these guidelines is intended, by their creation or publication, to confer any rights or privileges upon employees or to entitle any employee to remain employed with the County.

Each instance of employee performance and/or misconduct must be viewed based on its individual circumstances. The County has the right to take one or more adverse employment actions it deems

appropriate based on the circumstances which may include, without limitation, a verbal warning, (with written reference in the employee's personnel file) written warning, suspension, reduction in rank, demotion or termination. None of these disciplinary measures are required to be used before discharge from employment occurs, nor are the listed actions required to be used in any specific order. These guidelines do not impose or require progressive discipline or a just cause discipline standard.

- C. Applicable Legal Standards for Investigation and Discipline.** Management must be aware of the standard applicable to the investigation and discipline of employees for performance and misconduct. While the majority of employees in the County are "at-will," various employees are provided with special statutory rules regarding investigation and discipline and may also have rules in their collective bargaining agreements which address discipline. For example, there are special notices and rules for questioning law enforcement officers under Wis. Stat. § 164.02 regarding matters relating to discipline. Moreover, the County must comply with the requirements of Wis. Stat. § 59.26 for disciplining deputy sheriffs which includes a "cause" standard. Various Department Heads may also be subject to special rules. ~~For example, a highway commissioner may not be removed without cause as defined under Chapter 17 of the Wisconsin statutes.~~

D. Adverse Employment Action Due to Nonperformance.

- 1. Notice and Documentation.** If an employee's performance in one or more job duties becomes unacceptable, the employee's Department Head and/or supervisor are expected to place the employee on notice of the performance issue in a timely manner. Management shall document all performance deficiencies in an employee's personnel file. [Management are strongly encouraged to maintain such records electronically utilizing the County's employee performance management software.](#) —The documentation should include the date or dates the performance deficiency was observed, a detailed description of the performance deficiency and the action taken against the employee including, without limitation, any discipline as well as the implementation of a Performance Improvement Plan (PIP).
- 2. Disciplinary Action.** An employee's supervisor and/or Department Head may impose discipline as necessary to address performance concerns. Disciplinary action may include, without limitation, a verbal warning (with written reference in the employee's personnel file), written warning, suspension, reduction in rank, reduction in base pay, demotion and termination.

Depending upon the circumstances, the employee may be given an opportunity to improve performance by placing them on a PIP. Management is not obligated in any way to institute a PIP and may proceed with any disciplinary action, up to and including discharge, in the event that an employee is not meeting performance expectations.

Action taken by the County on an individual case does not establish a precedent in other circumstances. The County reserves the right to take any disciplinary or corrective action it deems appropriate under the circumstances of each individual case.

- 3. PIP.** Any PIP should advise the employee of the performance standards of the position for which his or her performance is unsatisfactory and be given a reasonable opportunity to demonstrate improvement. The employee should also be advised of the consequences of failing to improve and the type of assistance to be provided by the supervisor during the PIP. If the employee fails to meet minimally acceptable standards by the end of the PIP,

action should be taken to separate the employee from employment unless another less adverse employment action is deemed advisable at the discretion of the Department Head and the ~~Administrative Coordinator~~County Administrator.

4. ~~Administrative Coordinator~~County Administrator **Review.** The ~~Administrative Coordinator~~County Administrator shall review any -proposed disciplinary action for poor work performance which results in a suspension, reduction in base pay, reduction in rank, demotion or termination. As part of the review, the ~~Administrative Coordinator~~County Administrator shall interview the employee to ensure, among other reasons, that the employee is not asserting that the proposed action being taken against the employee is for any improper purpose, including without limitation, harassment, discrimination or retaliation. The ~~Administrative Coordinator~~County Administrator shall carefully document the employee's statements during the interview.

E. **Disciplinary Action Due To Misconduct.**

1. **Grounds For Discipline.** The County's Personnel Policy Manual contains a policy on employee misconduct along with examples of conduct that will lead to disciplinary action. Management should familiarize themselves with the various types of misconduct in the policy that can lead to disciplinary action. The examples in the Personnel Policy Manual are not intended to be exclusive. The County may take disciplinary action under any circumstances where such action is determined to be in the best interests of the County.

2. **Investigation.**

- a. **Elements.** The immediate supervisor is responsible for investigating misconduct. Before any disciplinary action is taken, the immediate supervisor must investigate the incident and obtain witness statements, as appropriate, and any other documentation relating to the misconduct. If the supervisor personally witnesses the misconduct, he or she should prepare a memorandum for the record summarizing the incident.

In order to administer a fair and consistent disciplinary system, it is essential that the County have a reasonable basis to believe the employee committed the misconduct. Therefore, records of disciplinary action should always include witness statements or other relevant documentation, to the extent available, which demonstrates that the employee committed the misconduct.

Once the relevant documentation has been compiled and witnesses have been interviewed by the immediate supervisor, the employee should be notified of the alleged misconduct and be given an opportunity to respond verbally or in writing. The employee's verbal response to the allegations should be well documented.

- b. **Notification of Department Head and ~~Administrative Coordinator~~County Administrator.** In the event the alleged misconduct is of a type which could possibly warrant discipline greater than a verbal or written warning or which may expose the County to legal liability (e.g., harassment, discrimination, theft, fraud, work place violence, drug and/or alcohol use, injury to third persons or property, etc.) the immediate supervisor should promptly advise the Department Head and ~~Administrative Coordinator~~County Administrator of the misconduct and the pending investigation. The immediate supervisor should err toward reporting

misconduct to the Department Head and ~~Administrative Coordinator~~County Administrator if there is any question as to the severity of the discipline that might result or any potential legal ramifications to the County as a result of the misconduct.

The Department Head and ~~Administrative Coordinator~~County Administrator shall review the nature of the misconduct and the proposed scope of the investigation and determine, among other things, whether an independent investigation is warranted and whether notification of the County's insurer is appropriate. The ~~Administrative Coordinator~~County Administrator shall seek the opinion of Corporation Counsel ~~and/or outside counsel~~the County's labor attorney, if appropriate, regarding the legal ramifications of the alleged misconduct and the nature and scope of the proposed investigation.

The ~~Administrative Coordinator~~County Administrator shall determine if any interim remedial action is necessary in connection with the reported misconduct. Interim remedial action may consist of an administrative suspension of the employee, advising the employee to immediately cease any alleged misconduct and/or any other steps which may assist in preventing further incidents of misconduct while the investigation is ongoing. The ~~Administrative Coordinator~~County Administrator shall consult with Corporation Counsel and/or the County's labor attorney regarding the extent and appropriateness of any interim remedial action. The ~~Administrative Coordinator~~County Administrator shall, from time to time during the investigation, reevaluate whether interim remedial action or additional remedial action is necessary.

- c. **Preservation of Evidence.** A critical component of any investigation is the preservation of evidence related to the misconduct. Consequently, upon learning of potential employee misconduct, and immediately upon commencement of the investigation, managerial personnel should ensure that all potential evidence, including, without limitation, to all physical evidence, documentation and electronic media relating to the alleged misconduct. Management should work with the Corporation Counsel, IT Department and the ~~Administrative Coordinator~~County Administrator in preserving evidence of misconduct, to the extent necessary and appropriate. In conducting the investigation, management should be careful to note that many employees today communicate through texting and social media websites. As such, efforts should be made to preserve evidence on these communication channels. Management should consult the ~~Administrative Coordinator~~County Administrator and Corporation Counsel if there is any legal question as to whether the County may access, or require an employee to produce, information contained on County or personal electronic devices. Management, in conjunction with the IT Department, ~~Administrative Coordinator~~County Administrator and Corporation Counsel shall collect all such evidence and preserve it in a separate file so as to ensure its preservation.

3. **Disciplinary Action.** If, upon completion of the investigation, the immediate supervisor finds there is sufficient evidence to believe the employee committed the alleged misconduct, then the supervisor should determine and recommend the appropriate disciplinary action. In deciding whether to take disciplinary action and what disciplinary action to take, management is strictly prohibited from discriminating against an employee

based on disability, sex, race, religion, color, national origin, age or any other any classification protected by state or federal law.

In selecting a penalty, all of the specific circumstances of the case should be taken into account. Careful judgment should be used to ensure that the penalty is not out of proportion to the character of the offense and to ensure that penalties are imposed with consistency and equity throughout the organization, to the extent practicable under the circumstances. Past offenses may form the basis for imposing a higher penalty for subsequent offenses, although past offenses are not a prerequisite to imposing any level of discipline. When determining the appropriate discipline, the supervisor should consider the following guidelines as appropriate under the circumstances. Consideration of these guidelines does not change the “at will” status of employees and is not intended to require just cause or the implementation of progressive discipline:

- a. The nature and seriousness of the offense;
- b. The relationship between the offense and the employee’s duties, position, and responsibilities;
- c. Whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
- d. The employee’s job level and type of employment including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- e. The employee’s past disciplinary record;
- f. The reasonableness of the work rule, if any, that the employee is alleged to have broken;
- g. The employee’s past work record, including length of service, job performance, ability to get along with fellow workers, and dependability;
- h. The effect of the offense upon the employee’s ability to perform at a satisfactory level and its effect upon supervisor’s confidence in the employee’s ability to perform assigned duties;
- i. Penalties imposed previously upon other employees for similar offenses;
- j. The notoriety of the offense or its impact upon the reputation of the County;
- k. The clarity with which the employee was on notice of any rules violated in committing the offense, and whether he or she had been warned about the conduct in question;
- l. The reasonableness of the work rule, if any, that the employee is alleged to have broken;
- m. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, or harassment, bad faith, malice, or provocation on the part of others involved in the matter;
- n. The adequacy and effectiveness of alternative sanctions;
- o. The thoroughness of the investigation; and
- p. The quantity and quality of the evidence of misconduct.

Disciplinary action may take the form of a verbal warning, written warning, suspension, termination, or other action, as deemed appropriate. Disciplinary actions require the prior approval of the Department Head.

Action taken by the County on an individual case does not establish a precedent in other circumstances. The County has the right to take any disciplinary or corrective action it deems appropriate under the circumstances of the individual case.

4. ~~Administrative Coordinator~~**County Administrator Review.** The ~~Administrative Coordinator~~**County Administrator** shall review any proposed disciplinary action involving termination, suspension of employment, disciplinary reduction in base pay and disciplinary reduction in rank or demotion prior to implementation. As part of the review, the ~~Administrative Coordinator~~**County Administrator** shall review, among other things, the quality of the investigation, the strength of the evidence of misconduct, and the appropriateness of the proposed disciplinary action. The ~~Administrative Coordinator~~**County Administrator** shall further interview the employee to ensure, in part, that the employee is not alleging that the proposed action being taken against the employee for any improper purpose, including without limitation, harassment, discrimination or retaliation. The ~~Administrative Coordinator~~**County Administrator** shall carefully document the employee's statements during the interview. The ~~Administrative Coordinator~~**County Administrator** may involve the Corporation Counsel and/or ~~outside counsel~~**the County's labor attorney** in the review and interview process as deemed necessary by the ~~Administrative Coordinator~~**County Administrator**.

5. **Documentation.** If an employee is disciplined for misconduct, management shall document the misconduct and any disciplinary or corrective action taken. Documentation shall be placed in the employee's personnel file in the County Clerk's office. A copy of the written record relating to the disciplinary action should be delivered to the employee in person or by certified mail to the employee's last known address. The documentation should include the date or dates of the misconduct, a detailed description of the misconduct and the action taken against the employee and the reasons for taking such action.

It is critical that management carefully document the reported misconduct, the investigation into the misconduct including, without limitation, any witness statements, relevant documents or electronic communications and any documents relevant to the determination of the appropriate disciplinary action. Documentation of the discipline shall include, without limitation, references to prior misconduct and disciplinary actions taken.

XV. LAYOFF & RECALL

The County may layoff and recall employees as the County deems necessary. In making layoffs or recalling employees, the County may consider any number of factors including, without limitation, the following:

1. The County's needs;
2. Length of service;
3. General employee qualifications including, without limitation, education, skills, training and experience;
4. Employee performance; and
5. Employee qualifications in the County's areas of need including, without limitation, education, past assignments and practical experience.

The rehiring of employee(s) that have been laid off shall be determined by the external recruitment process.

XVI. POTENTIAL CLAIMS & ACTUAL CLAIMS

Time is critical in investigating and responding to legal actions filed against the County and the failure to timely respond to actions against the County and/or to tender the defense of actions to the County's liability insurers may result in a default judgment for damages being granted against the County and may otherwise prejudice the County and/or its insurers' rights. The failure to promptly report and investigate potential claims can result in loss/failure to preserve important evidence such as witness statements, documents and electronic communications.

Accordingly, management is charged to take immediate steps to ensure that all potential claims and actual claims against the County are promptly reported in accordance with this policy so as to ensure that the County's interests and those interests of its insurers are adequately protected. This policy provides a guide for handling all claims with the exception of workers compensation claims which are addressed in Article XVII below.

A. Reporting Potential Claims and Claims.

1. **Accidents and Occurrences.** Management must immediately report any accident or occurrence involving County employees, vehicles or property which results in personal injury or property damage to a third person to the County Clerk on the County's Accident/Illness/Incident Investigation Report form, available at the County Clerk's Office. The County Clerk shall immediately report the accident or occurrence to the County's liability insurer, the County Administrator and the Corporation Counsel.
2. **Potential Employment Claims.** Management must immediately report any potential employment claims of which they become aware, including, without limitation any claims related to alleged retaliation, discrimination, wage and hour and harassment to the ~~Administrative Coordinator~~County Administrator. "Potential claims" for purposes of this subparagraph includes any threat or an assertion by an employee that the County has violated their rights under any federal or state employment law, code or regulation including, without limitation, Title VII (discrimination), the Family Medical and Leave Act, the Americans with Disabilities Act, the Fair Labor Standards Act and the Age Discrimination in Employment Act. The ~~Administrative Coordinator~~County Administrator shall immediately notify Corporation Counsel and the County Clerk of the potential claim and shall immediately commence an investigation into the facts and circumstances surrounding the potential claim. The County Clerk shall report the potential claim to the County's employment liability insurer
3. **Notice of Circumstances of Claim; Notice of Claim; Notice of Injury.** Management must immediately forward any Notice of Circumstances of Claim, Notice of Claim or Notice of Injury (collectively "Notice of Claim") received to the County Clerk. The County Clerk shall date stamp the document and immediately forward a copy of the Notice of Claim to the ~~Administrative Coordinator~~County Administrator and Corporation Counsel as well as the appropriate liability insurer.

Note: Under Wis. Stat. §893.80 and 801.11 proper service of a Notice of Circumstances of Claim, Notice of Claim or Notice of Injury must be to the County Chair or the County Clerk. Management should direct a process server to the County Clerk's Office and notify the County Administrator.

4. Legal Actions (Complaints).

- a. Employment Claims (EEOC and ERD).** Management must immediately forward any employment complaints against the County and/or its employees to the ~~Administrative Coordinator~~County Administrator and the County Clerk. The County Clerk shall immediately report the claim and forward copies of any claim related documentation to the County's employment liability insurer, the County Administrator and Corporation Counsel.
- b. Summons and Complaint.** Management must immediately forward any summons and complaint against the County and/or its employees to the County Clerk. The County Clerk shall forward copies of the Summons and Complaint to the ~~Administrative Coordinator~~County Administrator and Corporation Counsel. The County Clerk shall immediately tender defense of the summons and complaint to the appropriate liability insurer of the County.

Note: Proper service of a summons and complaint is upon the County Board Chair or the County Clerk. Management should never accept service of process on behalf of the County and all staff should be trained to direct a process server to the County Clerk's Office. The County Administrator should be notified if a summons and complaint is being served upon the County

- B. Investigations.** The County shall promptly investigate all claims and potential claims against the County. Investigations shall be conducted and/or directed by the ~~County Clerk~~County Administrator with the assistance of Corporation Counsel. To the extent deemed necessary, the ~~Administrative Coordinator~~County Administrator shall request authority from the personnel committee chairperson to retain outside consultants such as counsel or accountants to conduct or assist in the investigation. The ~~Administrative Coordinator~~County Administrator shall ensure that the County and its employees cooperate with any investigation conducted by the County's liability insurers.
- C. Preservation of Evidence.** Upon receiving notice of a potential claim or claim of any type, the Corporation Counsel in conjunction with the ~~Administrative Coordinator~~County Administrator, IT Department and Department Head shall ensure that all potential evidence relevant to the claim, including, without limitation, any documents, physical evidence or electronic communications relating to the potential claim, is preserved. To the extent required, Corporation Counsel shall forward a written communication to employees who may be in possession of evidence related to the claim, including, without limitation, any documents and electronic communications of any type, advising them to immediately take steps to collect and preserve such evidence. In conducting the investigation, management should be careful to note that many employees today communicate through texting and social media websites. As such, efforts -should be made to preserve evidence on these communication channels. Management should consult the ~~Administrative Coordinator~~County Administrator and Corporation Counsel if there is any legal question as to whether the County may access, or require an employee to produce, information contained on County or personal electronic devices. The IT Department, in conjunction with the Corporation Counsel, shall collect all such evidence and preserve it in a separate file so as to ensure its preservation.

XVII. WORK-RELATED INJURIES & ILLNESSES

- A. **Overview.** Workers' compensation coverage is provided for all employees that are injured or become ill while acting within the course and scope of their duties. Work related injury or illness includes injuries and illnesses that arise out of, or are incurred in the course of job related activities on behalf of the County. Coverage begins automatically as of the employee's first day of employment.

The County Clerk is responsible for managing employee claims in accordance with state law and for tracking and reporting such matters. To this end, management input is critical to ensuring that the County Clerk is kept updated regarding any work-related injuries or accidents, medical treatment, reports and lost time following such injuries and illnesses and any issues encountered with employees who return to work following a work-related injury or illness. [The County Clerk shall keep the County Administrator informed as to the status of all claims.](#)

B. **Accident/Injury Response and Reporting.**

1. **Employee Obligation.** Department Heads and supervisory personnel must instruct and remind all employees to immediately report all work-related injuries and illnesses and that the failure to do so could result in discipline.
2. **Response to Reported Injuries and Illnesses.** Upon being advised of a work-related incident or illness, the supervisor on duty at the time of the incident and/or the Department Head should report immediately to the scene.
3. **Treatment of Injury/Illness.** Supervisory personnel responding to a report of a work-related injury or illness shall ensure that immediate first aid is provided and shall further proceed according to the following protocol:
 - a. **Minor Injury or Illness.** If the injury can be treated through application of first aid techniques on site, the employee ordinarily should return to normal duties.
 - b. **More Serious Injury or Illness.** Employees experiencing injury or illness requiring care beyond application of on-site first aid must be seen by a healthcare professional before being allowed to return to work.
 - c. **Serious or Life Threatening Injury or Illness.** 911 should be called to arrange transport to an appropriate health care facility.
4. **Safety.** Supervisory personnel responding to the scene shall take immediate action to correct or minimize to a reasonable standard of safety any hazard which may have caused or contributed to the accident.
5. **Reporting.** It is essential that the supervisor on duty accurately and completely fill out the County's Accident/Illness/Incident Investigation Report form available at the County Clerk's Office, following the incident and provide the report to the County Clerk, [with a copy to the County Administrator](#) as soon as possible following the discovery of the work-related accident or injury. In addition to completing this form, the supervisor should document the names of any co-workers of the injured staff member who may have witnessed the incident or has knowledge of any facts or circumstances leading up to the

incident. Management must ensure work related injuries and illnesses are promptly reported, as unreported cases are virtually impossible to verify, may cause an employee delay in receipt of workers' compensation benefits, may pose a significant threat to employee health and safety, and could lead to further liability on the part of the County.

- C. Follow-up Reporting and Monitoring.** The employee shall be required to notify the Department Head and County Clerk immediately if they are unable to return to work following medical treatment of a work-related injury or illness and must provide appropriate medical documentation evidencing inability to return to work. Failure to properly report such absence or to return to work may subject the employee to disciplinary action. The County Clerk shall be responsible for ensuring that the County submits all required reports to the County's workers' compensation insurer, the Wisconsin Department of Workforce Development and the federal government relative to a work related injury or illness.
- D. Investigation of Work Related Injuries and Illnesses.** The County Clerk shall be responsible for directing the investigation of all work-related injuries and illnesses. The County Clerk may delegate all or any part of the responsibility of conducting the investigation to the Department Head and/or supervisor of the affected employee. [The County Clerk shall keep the County Administrator informed as to the status of all investigations.](#) Such investigation shall consist of at least all of the following:
1. The affected employee, to the extent practicable, shall provide to the County Clerk accurate and detailed information surrounding the work-related injury or illness, including a personal narrative of the work-related injury or illness, the date and time of the injury/illness, the circumstances surrounding onset, witnesses to the injury/illness, a description of the injury/illness sustained, and the treatment provided.
 2. Witnesses shall be interviewed and required to provide all information and evidence related to the injury or illness.
 3. The investigation shall ascertain, at a minimum:
 - a. Whether the employee had been properly trained;
 - b. Whether appropriate safety precautions or warning signs were in place;
 - c. Whether personal protective equipment was required and appropriately used;
 - d. Whether environmental issues contributed to or created a hazard;
 - e. Any unusual circumstances surrounding the event;
 - f. The extent of previous occurrences which may or may not have resulted in similar injury or illness;
 - g. Any identifiable cause or contributing factor to the work-related injury or illness including, without limitation, employee negligence or misconduct, improper instruction or supervision, defective equipment or any unsafe conditions at the worksite; and
 - h. Whether additional safety precautions could have prevented or lessened the probability of the work-related injury or illness.
 4. Photographs should be taken of any conditions at the scene which may have caused or contributed to the work-related injury or accident and included with the County Accident/Illness/Incident Investigation Report form located at the County Clerk's Office.
 5. Additional investigation may be conducted as needed, to identify steps that would allow the County to minimize the risk and the probability of repeated occurrences.

- E. **Preventive Action.** Based on the results of the investigation, the County Clerk shall take all such actions to correct or minimize to a reasonable standard of safety any hazard which may have caused or contributed to the accident. The County Clerk shall confer with the Department Head and the County's workers compensation insurer in developing any corrective action plan as deemed necessary and appropriate.
- F. **Return to Work.** Prior to returning to work, the employee shall provide the County Clerk with a work status report and medical certification completed by the treating healthcare provider which indicates whether the employee may: (1) return to work with no restrictions; (2) return to work with restrictions; or (3) remain off-duty for a specified duration.

XVIII. INVESTIGATING HARASSMENT/DISCRIMINATION

- A. **Overview.** All forms of harassment and discrimination in the workplace, including sexual harassment (collectively "harassment"), will be taken seriously and will not be tolerated by the County. When a complaint of harassment is received, the County will begin an investigation into the allegation as soon as possible, even if the employee allegedly being harassed has not yet made a complaint. A prompt investigation is important for a variety of reasons. A prompt investigation complies with state and federal law, demonstrates that the County takes harassment seriously and seeks to eliminate it from the workplace, may assist in resolving a situation involving alleged harassment before it escalates into a lawsuit and, in the event that the County is sued, may provide the County with defenses that it exercised reasonable care to prevent and correct harassment.

The County has promulgated this policy to identify the roles and responsibilities of management relative to allegations of harassment. Management shall, to the extent practicable, comply with the guidelines set forth in this policy.

- B. **Department Head/Supervisor.** Department Heads, supervisors and other management personnel are critical to uncovering and reporting incidents of harassment. Accordingly, when management becomes aware of alleged harassment regarding employees, agents, contractors, vendors or clients of the County or believes that such harassment may exist, management must immediately notify the ~~Administrative Coordinator~~County Administrator (or the County Board Chairperson in the event the allegation of harassment is against the ~~Administrative Coordinator~~County Administrator). (See Appendix G, Section D.1. in the Personnel Policy and Procedures Manual for a complete listing of who to report complaints.) Once reported, management must cooperate and assist in the investigation of the alleged misconduct.

- C. ~~Administrative Coordinator~~County Administrator. Upon being advised of an allegation or potential claim of misconduct, the ~~Administrative Coordinator~~County Administrator shall conduct an investigation into the claim in accordance with the following guidelines:

- 1. **Responding to the Allegation; Maintaining Confidentiality.** Upon learning of an allegation of misconduct, the ~~Administrative Coordinator~~County Administrator shall obtain information as to all of the following:
 - a. Identity of the complainant (if the allegation is made by someone other than the alleged victim);
 - b. Identity of the accused;
 - c. The alleged harassment at issue;

- d. The number of alleged events of harassment and the period of time over which such alleged -harassment has occurred;
- e. Whether there are any witnesses to the harassment and the identities of all such witnesses;- and
- f. Whether the harassment is evidenced by any documents or electronic communications.

The ~~Administrative Coordinator~~County Administrator shall initiate contact with the complainant and confirm that the County will be investigating allegations of misconduct, that the County takes all such allegations seriously and that the complainant will be required to provide further information. The ~~Administrative Coordinator~~County Administrator shall advise the complainant and/or any other individual reporting or with knowledge of the alleged harassment not to discuss the matter with other employees while the investigation is pending so as to ensure that the investigation is fair and complete.

2. **Preservation of Evidence.** If the harassment is evidenced by any documents, electronic communications, voicemails or other evidence, the ~~Administrative Coordinator~~County Administrator shall take immediate steps to immediately obtain and/or preserve such evidence. To the extent required, Corporation Counsel shall forward a written communication to employees who may be in possession of evidence related to the claim, including, without limitation, any documents and electronic communications of any type, advising them to immediately take steps to collect and preserve such evidence. In conducting the investigation, management should be careful to note that many employees today communicate through texting and social media websites. As such, efforts should be made to preserve evidence on these communication channels. Management should consult the ~~Administrative Coordinator~~County Administrator and Corporation Counsel if there is any legal question as to whether the County may access, or require an employee to produce, information contained on County or personal electronic devices. The ~~Administrative Coordinator~~County Administrator shall work with the Corporation Counsel and IT Department to preserve any documents or electronic communications which are on the County's computer system.
3. **Interim Remedial Action.** The ~~Administrative Coordinator~~County Administrator shall determine if any interim remedial action is necessary to protect the complainant. Interim remedial action may consist of an administrative suspension of the accused, separation of the accused from the complainant, advising the ~~complainant~~accused to immediately cease any alleged harassing activity and any other steps which may assist in preventing further incidents of harassment while the investigation is ongoing. The ~~Administrative Coordinator~~County Administrator shall, from time to time during the investigation, consider whether interim remedial action is necessary. The ~~Administrative Coordinator~~County Administrator shall consult Corporation Counsel and/or the County's labor attorney regarding the extent and appropriateness of any interim remedial action.
4. **Defining the Scope of the Investigation.** The ~~Administrative Coordinator~~County Administrator shall define the nature of the allegation or complaint and determine what additional information and investigation, if any, is needed to address the situation. Issues which should be addressed include, without limitation, the following:
 - a. Whether the allegation involves alleged discrimination based on a protected characteristic or class;

- b. Whether the alleged behavior violates a state or federal statute or regulation;
- c. Whether the County is legally obligated to resolve the issue;
- d. Whether and what additional information is needed to resolve the issue; and
- e. Whether and what additional resources are needed to resolve the issue.

The ~~Administrative Coordinator~~County Administrator shall consult Corporation Counsel and the County's labor attorney as necessary to address or define any legal issues raised by the harassment allegation.

5. **Retaining an Investigator; Defining the Scope of the Investigation; Interviews.** The ~~Administrative Coordinator~~County Administrator shall determine whether outside assistance in the form of the Corporation Counsel, County labor attorney or other consultants is necessary to conduct the investigation or whether the ~~Administrative Coordinator~~County Administrator is qualified to conduct the investigation without outside assistance. Any investigator utilized by the County should have an understanding of the issues involved in the investigation and have experience in conducting investigations involving those issues.

The investigator shall be provided with and knowledgeable of all relevant County policies, procedures and guidelines that may pertain to the alleged harassment. The investigator should determine the individuals who need to be interviewed including the complainant, the accused, witnesses and any other potential witnesses with information and proceed to conduct interviews of those individuals.

The investigator should proceed to conduct the interviews of all necessary witnesses. Interviews should, to the extent practicable, be recorded. The investigator shall obtain and/or preserve all available evidence relevant to the harassment allegations including any documents, electronic correspondence or other evidence.

During the course of the investigation, the investigator should continually determine whether additional interviews and investigation is required. Follow-up interviews of additional witnesses should be conducted and additional information obtained based on the information provided.

6. **Conclusions.** At the completion of the investigation, the ~~Administrative Coordinator~~County Administrator in conjunction with any counsel or consultants retained to conduct the investigation shall draw conclusions regarding the alleged harassment based on the interviews and evidence obtained. The following issues should be addressed prior to making any recommendations or taking any formal action:

- a. Whether some form of harassment or harassing conduct occurred;
- b. The seriousness of the harassing behavior;
- c. Whether the accused had previously been asked to eliminate such conduct in the past;
- d. Whether the accused is a manager, supervisor or co-employee of the complainant;
- e. What action the County has taken to address similar conduct in the past;
- f. Whether the accused had been provided with the County's policies against harassment and/or had undergone harassment training; and
- g. The likelihood that the accused will engage in similar conduct in the future.

7. **Recommendations.** In the event that it is concluded that the accused engaged in conduct which constitutes harassment, the ~~Administrative Coordinator~~County Administrator shall consider taking one or more of the following steps:
- a. Verbal discussion/counseling with the accused-;
 - b. Written warning;
 - c. Suspension;
 - d. Demotion;
 - e. Transfer;
 - f. Reduction in compensation (wage cut, bonus ineligibility, etc.); and/or
 - g. Termination.

Whether or not inappropriate behavior or action occurred, the ~~Administrative Coordinator~~County Administrator should reiterate the County's no harassment/discrimination policy to the accused, the complainant and all individuals involved in the investigation and document such training.

8. **Follow-up.** To the extent that the accused remains in the employ of the County following the completion of the investigation, the ~~Administrative Coordinator~~County Administrator shall follow-up with the accused and any witnesses of the alleged harassment to ensure that the accused has ceased all objectionable behavior and that the victim and any witnesses have not suffered any adverse consequences because he/she made a complaint or participated in the investigation. This follow-up should be conducted regularly over the course of the three (3) months following the investigation and longer if determined necessary by the ~~Administrative Coordinator~~County Administrator.

9. **Documentation.** At the completion of the investigation, the ~~Administrative Coordinator~~County Administrator and/or the investigator shall finalize the investigation by summarizing:
- a. The background of the investigation including any allegations made;
 - b. The interviews and other investigative steps conducted;
 - c. The applicable guidelines, policies, laws and regulations, which apply to the alleged conduct;
 - d. The key findings and the rationale for those findings including inconsistencies in statements, admissions and credibility determinations; and
 - e. The conclusion of the investigation and any recommendations made for discipline and follow-up with the accused.

XIX. SEPARATION FROM EMPLOYMENT

Employees may be discharged at the discretion of the County, or may choose to separate from employment. The following procedures will be utilized for employees who are discharged or who choose to separate from employment with Green Lake County. The following procedures are designed to provide guidelines

for employee separation and to provide consistency in and, to the extent practicable, limit employment claims by separating employees.

A. Involuntary Termination/Forced Resignation. In the event the County determines it is necessary to terminate an employee, the following procedures shall be followed:

1. **Approval of Termination.** The ~~Administrative Coordinator~~County Administrator shall approve of all terminations of employees in the County.
2. **Plan the Termination Meeting.** The Department Head and ~~Administrative Coordinator~~County Administrator will arrange the logistics of the meeting with the employee, including the day, time, length of the meeting, and individuals to be present. Corporation Counsel may be required to attend. At least one individual should be appointed to take notes during the meeting.
3. **Notice to Employee.** The employee to be terminated shall be notified by the employee's Department Head and ~~Administrative Coordinator~~County Administrator in a meeting to take place in the Office of the ~~Administrative Coordinator~~County Administrator. The employee shall be provided with the grounds for the termination in writing and the employee shall be requested to sign a copy of the writing acknowledging the same. If the employee wishes to debate the decision, the ~~Administrative Coordinator~~County Administrator and Department Head shall advise the employee of the availability of the County's grievance procedure rather than debating the merits of the termination.
4. **Exit Interview.** The County Clerk shall discuss the following with the employee upon termination:
 - a. The final pay period;
 - b. Termination of insurance benefits and applicability of COBRA;
 - c. Status of Wisconsin Retirement System (WRS) benefits; and
 - d. Status of other applicable benefits, including unused vacation, sick leave, etc.

The employee shall be provided with a summary of COBRA options, WRS forms and contact information and a copy of the termination notice.

The ~~Administrative Coordinator~~County Administrator shall determine whether a more extensive exit interview with the terminated employee is appropriate. Any exit interview shall be conducted in the Office of the ~~Administrative Coordinator~~County Administrator in conjunction with the Department Head.

5. **Return of Property.** All county property must be collected from the terminated employee at the time of termination, including but not limited to uniforms, cell phones, keys, laptops and identification cards.
6. **Exit Strategy.** Upon completion of the meeting, allow the employee to gather his/her personal belongings and immediately exit the premises. If there is a security risk, arrange for the employee to be escorted off County premises.

7. **Documentation.** The Department Head and ~~Administrative Coordinator~~County Administrator shall document the termination in the employee's personnel file ~~in the County Clerk's office~~. The documentation should include the date or dates of the misconduct or actions leading to termination, a detailed description of the misconduct and/or actions giving rise to termination, and the reasons for taking such action.

8. **Eliminate Access to Technology.** As soon as practicable, and if possible prior to the termination meeting, the employee's access to County technology should be severed. IT shall be consulted to remove the employee from County webpages and directories. The employee's emails should be rerouted to the ~~Administrative Coordinator~~County Administrator or Department Head, and the employee's computer and email passwords should be changed. IT shall take all measures necessary to ensure the employee no longer has access to the County's electronic resources.

B. Voluntary Termination (Resignation, Retirement). An employee may voluntarily resign or retire in good standing by submitting a written letter of resignation/retirement to the Department Head at least fifteen (15) calendar days in advance of the separation. A ~~Supervisor or~~ Department Head wishing to resign or retire in good standing shall give at least a thirty (30) calendar day notice of resignation to the ~~Administrative Coordinator~~County Administrator.

1. **Notice.** The Department Head (or ~~Administrative Coordinator~~County Administrator in the event of voluntary termination of a Department Head) shall ensure the written notice provided by the employee is signed, dated, and includes a statement indicating the desire of the employee to separate from employment and the effective date of the separation. The Department Head shall submit the employee's notice to the ~~Administrative Coordinator~~County Administrator.

2. **Acceptance.** Resignation or retirement of an employee shall be accepted by the Department Head upon submission of a written notice by the employee. In situations where notice has been given, the Department Head (or in case of the Department Head, the ~~Administrative Coordinator~~County Administrator) may, in their sole discretion, waive the notice period given and make the resignation or retirement effective immediately.

3. **Last Day Worked.** Employees must actually work through their notice period and may not use benefited time or regularly scheduled days off to complete their notice period or extend their last date of employment (except in cases of an emergency). Example: An employee may not retire effective July 2 and take vacation their last two weeks of employment. This creates additional liability to the County in regards to benefits and interrupts transition of responsibility within the department.

4. **Exit Interview.** The County Clerk shall discuss the following with the employee upon termination:

- a. Effective date of voluntary termination, the final pay period and last day worked;
- b. Termination of insurance benefits and applicability of COBRA; and
- c. Status of other applicable benefits, including unused vacation, sick leave, etc.

The ~~Administrative Coordinator~~County Administrator shall determine whether any more extensive exit interview with the departing employee is appropriate. Any exit interview

shall be conducted in the Office of the ~~Administrative Coordinator~~County Administrator.
~~in conjunction with~~ The Department Head may also attend.

5. **Return of Property.** Department Heads, or in the case of a Department Head resigning or retiring, the County Administrator, must collect all county property from employees at the time of separation, including but not limited to uniforms, cell phones, keys, laptops, and identification cards.
 6. **Documentation.** The employee's notice of voluntary separation shall be placed in the employee's personnel file ~~in the County Clerk's office~~.
 7. **Eliminate Access to Technology.** As soon as practicable, and if possible on the last day worked by the employee, the employee's access to County technology should be severed. IT shall be consulted to remove the employee from County webpages and directories. The employee's emails should be rerouted to the Department Head or County Administrator in the case of a Department Head, and the employee's computer and email passwords should be changed. IT shall take all measures necessary to ensure the employee no longer has access to the County's electronic resources.
- C. **Bar From Reemployment.** An employee who is terminated involuntarily or forced to resign, in lieu of termination, from employment shall be ineligible for reemployment with the County.
- D. **Future References.** A notation shall be made in the employee's personnel file as to what information may be divulged in the event a reference is requested of the County for each separated employee.

APPENDIX A

POLICY AND GUIDELINES FOR COMMUNICABLE DISEASES **INCLUDING AIDS**

It is the policy of Green Lake County (County), pursuant to all federal, state and local laws and regulations, to establish appropriate health standards for employees of the County. Also, it is County policy to educate employees in disease-prevention methods and sound health practices.

In an effort to maintain a safe and healthful working environment, the County, through its health service, will provide educational opportunities to employees regarding measures that can be taken to reduce the risk of contracting or transmitting communicable diseases.

In recognition that an individual's health status is personal and private, the County through its Health Officer will handle information regarding employees with confirmed communicable diseases in agreement with federal and state law and County policies regarding confidentiality of employee records.

Recognizing the County's responsibility toward County employees, the following principles are incorporated into the County's Personnel Policies and Procedures Manual:

1. Employees with a life-threatening communicable disease will be offered the right to continue working so long as the best available medical evidence indicates that their continued employment does not present a health or safety threat to themselves or to others;
2. Each case shall be judged on an individual basis. Careful consideration will be given to the circumstances and needs of each employee. Reasonable effort will be made to accommodate employees by providing flexible work hours and assignments whenever possible and/or appropriate;
3. No special consideration shall be given beyond normal transfer requests for an employee who feels threatened by co-workers' illness.

APPENDIX B

PANDEMIC AND NATURAL DISASTER POLICY AND PROTOCOL

In the event of a pandemic or natural disaster, Green Lake County (County) is committed to protect essential facilities, equipment, records and other assets, to reduce or mitigate disruptions to operations, to reduce the loss of life and minimize damage and losses and to achieve a timely and orderly recovery from the emergency. To ensure this continuation, the following policy and protocol should be followed.

When initial warnings of a pandemic or natural disaster are known, all Department Heads should immediately review their department's Continuation of Operation Plan (COOP) and prepare to begin operations in a "Stand-by Mode". Within the COOP is contained the necessary, and previously decided information for each department to continue its' function. These elements of COOP are listed below:

1. Essential Functions;
2. Delegations of Authority and Orders of Succession;
3. Alternate Work sites;
4. Interoperable Communications;
5. Vital Records and Databases;
6. Logistics and Administration;
7. Human Resource Management;
8. Security;
9. Test, Training and Exercises; and
10. Recovery (returning to normal).

The County will implement the Incident Command Structure (ICS) for disasters with the Health Officer, or designee, as the Incident Commander for a flu pandemic or other public health emergencies and the Emergency Government Director, or designee, as the Incident Commander for natural or other disasters. The County has designated and trained several staff in the ICS system to respond to emergencies and an Incident Commander is chosen based on the type of incident. In many cases, Unified Command will be utilized. The command structure includes primary and secondary positions for Incident Commander, Public Information Officer, Safety Officer, Operations Section Chief, Planning Section Chief, Logistics Section Chief, Finance/Administration Section chief and Liaison Section Chief. The Public Information Officer (PIO) will hold regular press conferences during the pandemic/natural disaster and will implement various means of communication including website, local access channels, radio, newspaper, etc., to disseminate information. Additionally, the Incident Commander and other County officials will make the determination if designated alternate work sites will be utilized.

The County has designated the IT Director, or designee, as the individual who will ensure communications are available at the alternate work site. The IT Director, or designee, will provide the ability to communicate within the organization as well as with other organizations. The IT Director, or designee, will also provide the means of electronic or hard copy documents necessary for each department's essential functions.

The County has designated the ~~Administrative Coordinator~~County Administrator, or designee, as the individual who will inform union leadership of the need to suspend and/or amend certain union policies, as identified in the COOP, during this pandemic or natural disaster. Additionally, the ~~Administrative Coordinator~~County Administrator will advise as to which County ordinances or policies, as identified in COOP, may be suspended and/or amended during this crisis. The ~~Administrative Coordinator~~County Administrator will begin to activate applicable policies and will notify staff of these changes. Additionally, the ~~Administrative Coordinator~~County Administrator, or designee, will work with departments to identify appropriate Personal Protective Equipment (PPE) and select the appropriate protective devices. This identification of PPE's should begin as soon as any pandemic and/or crisis are known.

The County has designated the County Health Department, or designee, as the unit which will provide regular information of the status of a pandemic influenza. This department will also provide necessary infection control measures to staff and the general public. Additionally, this department will be responsible to provide antiviral(s)/vaccine(s) if available based on prioritization guidelines.

The County has designated the County Sheriff's Department as the unit which will coordinate security and access to alternate work sites.

All Department Heads are required to provide COOP information to all staff to ensure that all employees have a clear understanding of what to do in the event of a pandemic or natural disaster. Additionally, all Department Heads will make sure there is a process in place for maintaining and updating the department's COOP on a yearly basis.

The Order of Succession which is outlined in COOP, shall be implemented or considered in effect in the following emergency circumstances when the principal person is unavailable either due to inability to physically travel to the work site, communicate by electronic means or is medically or otherwise incapable of performing the functions of their position:

1. A national emergency is declared which requires the use of the succession plan;
2. The Director of Emergency Management or other competent and recognized governmental authority declares a local emergency; and
3. Such emergency has not yet been formally declared but its state of existence is obvious.

Preparation is the key to maintaining a functional organization in the event of a pandemic or natural disaster. Green Lake County Board of Supervisors should make every effort to continue their support, and to allow for necessary preparations, to include personal protective equipment, and should provide necessary funding, as required.

The following procedures and/or policies will be suspended and/or amended during a pandemic or natural disaster:

Recruitment: The County may utilize whatever resources are available to fill any unanticipated opening due to the crisis situation. Normal advertising methods will be eliminated and positions will be filled by whatever means is available.

Job Postings: In the event that a position becomes vacant during this period of crisis, the regular posting procedure for internal filling of the position will be suspended.

Leaves of Absence: While the County will allow the continued use of sick leave for employees and their families, as is allowed by the union contracts, use of vacation and personal days may be suspended until the crisis situation is concluded. To the extent possible, employees will be allowed to take funeral leave. Employees may be asked to work on a normally scheduled paid holiday; however, employees will be provided with a floating holiday to be used at another time.

Dress Code: Due to the potential of employees needing to work at alternate worksites with possibly less than desirable working conditions, the dress code which disallows the wearing of jeans, sweat shirts and T-shirts will be suspended until the crisis situation is concluded.

Governing Committees: In order for decisions to occur in a timely manner, the normal procedures of approvals moving from standing committee to Personnel Committee may be suspended. Each County appointee, or designee, shall be authorized to make such decisions as may be necessary, based on the scope and severity of the situation.

Worksites: In the event that the severity of a pandemic is so great as to require social distancing or a natural disaster has demolished alternate work sites, employees may be allowed to work at home, if possible. Department Heads should designate those job duties in the department's COOP that could be accomplished at employee's homes. Employees would be required to maintain records of hours worked in order for the County to accurately pay for hours worked.

Reassignments: The County will prepare, in advance, documents which address the need to reassign staff to other County agencies/departments depending on the type of emergency. These staff members will be notified of the potential of the reassignment.

Flexible Work Schedules: The County will allow for flexible work hours, including but not limited to, staggered shifts, extended shifts or weekend hours. To the extent possible, breaks will be offered but unpaid rest periods may be eliminated. To the extent possible, employees will be offered work schedules similar to current schedules.