

**Chapter 4 PERSONNEL POLICIES [\[1\]](#)
(Rep. & recr. #79-2006; Am. Res. #63-2009)**

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4.01 PURPOSE.

To establish a system of Personnel Administration that meets the needs of Oneida County Government. This system shall include policies and procedures to recruit, select, develop and maintain an effective, efficient and responsible work force for the County while complying with Federal and State laws and regulations. This ordinance shall promote the following objectives:

- (1) To recruit, select and advance employees on the basis of their relative knowledge, abilities and skills.
- (2) To provide equitable compensation for all employees.
- (3) To require adequate job performance, reward exceptional performance and correct inadequate performance in a fair and timely manner.
- (4) To assure fair treatment of all applicants and employees in all aspects of personnel administration without regard to political affiliation or beliefs; race, color, creed, national origin, sex, age or disability; and with proper regard for their rights as citizens.
- (5) To protect employees against coercive political activities and to prohibit the use of their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.
- (6) To provide an opportunity to appeal personnel decisions.
- (7) To provide a written record of personnel policies which apply to all employees working for the County.
- (8) Nothing contained in this ordinance is intended to diminish an employee's rights under Federal or State law or regulation.

4.02 DEFINITIONS.

- (1) ALLOCATION. The assignment of a position to a class.
- (2) APPOINTEE. A prospective employee assigned to a position.
- (3) ANNIVERSARY DATE. Annual anniversary of your most recent date of permanent regular or permanent regular part-time employment by the County.
- (4) BARGAINING UNIT. A collective bargaining unit representing a defined group of employees.
- (5) BENEFIT ACCRUAL DATE. The date on which employee's benefit accruals are available for use. This date will usually be the anniversary date but may be adjusted for periods of absence.
- (6) CLASSIFICATION. One (1) or more positions which are sufficiently alike in duties and responsibilities to warrant using the same title, similar qualifications, selection procedure and pay range.
- (7) COMPENSATORY TIME. Paid time off earned by nonexempt employees working beyond their normally scheduled work period, at straight time up to forty (40) hours per week and at time and one half after forty (40) hours per week. Paid time is considered work time for calculation of earned compensatory time.

- (8) CONTINUOUS SERVICE. Length of employment with Oneida, not interrupted by resignation or discharge. A suspension will not be counted against continuous service.
- (9) CONTRACT. The terms of employment negotiated with the various bargaining groups.
- (10) DATE OF HIRE. Original date that the employee was first hired by the County.
- (11) DEMOTION. The assignment of an employee from one class to another class with a lower pay range.
- (12) DEPARTMENT HEAD. The employee responsible for the overall operation of a department who reports directly to the oversight Committee.
- (13) DISCIPLINARY ACTION. The action taken to discipline an employee which may include any action from a verbal reprimand up to and including termination. Disciplinary action need not be progressive.
- (14) ELECTED OFFICIALS. Those individuals elected to their positions by the citizens of Oneida County and covered by the statutes as far as duties, responsibilities and rights.
- (15) ELIGIBILITY LIST - A list of persons eligible to fill positions in a particular job classification.
- (16) EMPLOYMENT-AT-WILL. The right of the employee or the County to terminate the employment relationship at any time, with or without cause.
- (17) EXEMPT EMPLOYEE. Salaried position, either managerial, County or professional, meeting the criteria defined by the Fair Labor Standards Act (FLSA).
- (18) EXTENDED FAMILY. Those familial relations other than identified in the definition of immediate family.
- (19) GRIEVANCE. A controversy between an employee or employees and the County regarding the interpretation and application of this ordinance or a collective bargaining agreement.
- (20) IMMEDIATE FAMILY. Father, mother, stepparent, husband, wife, son, daughter, step-children, mother-in-law, father-in-law, brother and sister, brother-in-law and sister-in-law.
- (21) INTERN/INTERNSHIP. An intern is defined as an individual working for Oneida County in the capacity of a training position. Usually these type of positions will be a contracted position with an educational institution such as a University, College, Technical School or High School. An internship may also be a cooperative arrangement with an agency that trains disadvantaged people.
- (22) INTRODUCTORY PERIOD. A trial period in which an employee is required to demonstrate their capability for permanent employment. Introductory period may be referred to as probationary period within various bargaining unit contracts.
- (23) JOB DESCRIPTION. A written description of a class containing the title, a general statement of the duties and responsibilities, examples of typical duties, minimum qualifications and requirements. May also be referred to as a position description.
- (24) LAYOFF. A situation where an employee or employees are released from service for an indefinite period of time.
- (25) LEAVE OF ABSENCE. Authorized time off.
- (26) LIMITED TERM EMPLOYEE (LTE). Employees authorized for a definite term, other than regular permanent full-time and part-time employees.
- (27) LONGEVITY. Years of continuous service with the County.
- (28) MARKET ADJUSTMENT. An adjustment made to compensation to provide equity with comparable positions outside of County service.
- (29) NONEXEMPT EMPLOYEE. Employees paid on an hourly basis meeting the criteria defined by the Fair Labor Standards Act (FLSA).
- (30) NON-REPRESENTED EMPLOYEES. Persons employed by Oneida County who are not represented by a bargaining group.

- (31) OUT-OF-CLASS PAY. Temporary pay adjustment for employees moved into positions of higher responsibility and pay.
- (32) OVERTIME. Hours worked by eligible employees in excess of the established work period.
- (33) OVERTIME PAY. Compensation paid to nonexempt employees working beyond their normally scheduled work period, at straight time up to forty (40) hours per week and at time and one half after forty (40) hours per week. Paid time is considered work time for overtime calculation. Exempt employees are not eligible for overtime pay.
- (34) OVERSIGHT COMMITTEE. Committee, board, or commission designated to oversee a particular department.
- (35) PAID TIME OFF: Consolidation of all paid time benefits, except Compensatory Time off, into a single employee "bank account" of paid leave.
- (36) PAY RANGE. The minimum through maximum rates of pay established for each grade.
- (37) POSITION DESCRIPTION. See Job Description.
- (38) PROBATIONARY PERIOD. See Introductory Period.
- (39) PROMOTION. The assignment of an employee from one class to another class with a higher pay grade.
- (40) RECLASSIFICATION. The reassignment of a position from one classification to another classification to recognize a change in the duties and responsibilities of the position or to correct an error in the original assignment.
- (41) SEASONAL EMPLOYEE. Individuals hired to perform work of a seasonal nature. May return year after year.
- (42) SENIORITY DATE. Date of hire with the County into regular permanent full-time or regular permanent part-time positions, unless adjusted for leave of absence or transfers between bargaining groups.
- (43) SICK LEAVE. Allowable time off with pay earned for use in the event of health problems as well as any personal health related appointments which cannot be scheduled outside of regular working hours.
- (44) STEP INCREMENT. Increase in wages within a specific pay grade.
- (45) SUPERVISOR. The person responsible for the assignment, direction and evaluation of the work of another employee or supervision of another employee.
- (45.1) SUSPENSIONS. (Cr. #91-2007) A temporary severance of active employment for either a definite or indefinite period. A suspension may be paid or unpaid.
- (46) TERMINATION. The removal of an employee from the payroll for voluntary or involuntary reasons, including dismissal, resignation, retirement or death.
- (47) TRANSFER. The assignment of an employee from one position to another in the same class or to a class with the same pay range.
- (48) VACANT POSITION AUDIT. Review of a position to determine if it is still necessary and whether appropriated funds exist to continue the position.
- (51) WORK DAY. The established hours an employee is required to work each day.
- (52) WORK PERIOD. The established unit of time used to determine overtime eligibility.
- (53) WORK RULES. Any departmental or County regulation which is job related.
- (54) FURLOUGH. By action of the Labor Relations and Employee Committee, designated time off without pay. Furlough days are distinct and separate from Closed Days. (Am. Res. #63-2009)

4.03 SCOPE.

This ordinance shall govern the personnel policies and procedures for all employees and departments of the County, with the exception of the following positions:

- (1) Members of the County Board.
- (2) Elected County officials.
- (3) Members of boards, commissions, Committees, and judges when they are acting in that capacity.
- (4) Employees employed directly by the County Board pursuant to statute who have employment agreements with Oneida County.
- (5) Students engaged in field training.
- (6) Volunteers.
- (7) Persons under contract to make or conduct a temporary special inquiry, investigation or examination on behalf of Oneida County.
- (8) Employees represented by unions are exempt from specific provisions of this ordinance to the degree that relevant collective bargaining agreements have specific contrary provisions which cannot be harmonized with this code.
 - (a) Provisions of this Ordinance discuss wages and benefits, hours of work, and other conditions of employment, and are mandatory subjects of bargaining.
 - (b) Provisions of this Ordinance not addressed in the relevant collective bargaining agreements that pertain to work rules, general County operation, or any other right reserved by Oneida County, shall apply to all employees of the County.
- (9) Supported work program positions.
- (10) Employees hired under the provisions of Chapter 5 (Sheriffs Department), to the extent that Chapter 5 has specific provisions that cannot be harmonized with this Chapter.

4.04 PERSONNEL POLICIES.

The authority to implement policies consistent with this chapter is vested within the Labor Relations and Employee Services Committee. Personnel policies will be promulgated as follows:

- (1) The County Coordinator shall prepare draft personnel policies. Draft policies shall be circulated to the County Coordinator, Corporation Counsel, Finance Director and all other affected department heads at least 30 days prior to the Labor Relations and Employee Services Committee's consideration of these policies for the submission of written comments and recommendations.
- (2) The County Coordinator shall consider the comments and recommendations submitted and incorporate those changes if he/she deems them appropriate, with the approval of the Labor Relations & Employee Services Committee. Where the County Coordinator deems a recommended change inappropriate, he/she shall present the written comments and recommendations to the Labor Relations and Employee Services Committee, which shall make the final decision.

4.05 SUPERVISORY RESPONSIBILITY.

It is the responsibility of every employee holding a supervisory position to administer these policies in a fair and impartial manner.

4.06 CHANGES TO THE PERSONNEL ORDINANCE.

The County may from time to time amend this ordinance as it sees fit. Such amendments shall be approved by the County Board by a simple majority vote of the members present. In the event federal or state mandates are amended that deviate from this policy or are held unconstitutional by a court of competent jurisdiction, this ordinance shall be deemed to have been amended automatically at that time.

4.07 EMPLOYEE HANDBOOK.

In addition to the Personnel Policies the County shall create and maintain an Employee Handbook as a tool for providing general policy guidance to employees. The County Coordinator is responsible for maintaining the Oneida County Employee Handbook. Employees shall sign and return the acknowledgment sheet signifying receipt and understanding of the contents of the Oneida County Personnel Policies to the County Coordinator to be filed in the employee's personnel file.

4.08 ROLE OF THE COUNTY COORDINATOR.

All Personnel activities and issues, unless otherwise requested or directed by the County Coordinator, the Labor Relations and Employee Services Committee or the County Board will be conducted through the County Coordinator's Office or the County Coordinator. The County Coordinator, the Employee Services Manager and the Corporation Counsel or his/her designated representatives shall be responsible for ensuring the Personnel Ordinance is adhered to and are responsible for interpretations of the intent of the language in this chapter.

- (1) New positions or vacancies shall be filled through the County Coordinator's office. All applications for employment shall be accepted and processed through the County Coordinator office.
- (2) Unless otherwise directed by the County Board or the Labor Relations & Employee Services Committee, the County Coordinator is the Chief Negotiator and Spokesperson for Oneida County with regard to communicating with the bargaining group business representatives. The Corporation Counsel is designated as alternate spokesperson.
- (3) All official personnel files shall be stored and maintained in the Oneida County Coordinator office.
- (4) The County Coordinator shall be responsible for the administration of benefits. All payroll changes will be authorized by the County Coordinator prior to submission to the Finance Department.

4.09 RIGHTS OF THE COUNTY.

The County of Oneida reserves unto itself all rights commonly associated with the employer in the employment relationship, including but not limited to, the following:

- (1) To direct all operations of the County.
- (2) To establish reasonable work rules and schedules of work.
- (3) To hire, promote, transfer, schedule and assign employees to positions within the County.
- (4) To suspend, demote, discharge and take other disciplinary action against employees.
- (5) To relieve employees from their duties because of lack of work or any other legitimate reason(s).
- (6) To maintain efficiency of County operations.
- (7) To take whatever action is necessary to comply with state or federal law.
- (8) To introduce new or improved methods or facilities.
- (9) To change existing methods or facilities.

- (10) To determine the kinds and amounts of services to be performed as pertains to County operations, and the number and kind of classifications to perform such services.
- (11) To contract out for goods and services.
- (12) To determine methods, means and personnel by which County operations are to be conducted.
- (13) To take whatever action is necessary to carry out the functions of the County in situations of emergency.
- (14) To take whatever measures as are reasonable to comply with the mandated obligations of the County.

4.10 AT-WILL EMPLOYMENT.

- (1) Employment with Oneida County is voluntarily entered into, and the employee is free to resign at-will at any time, with or without cause. Similarly, Oneida County may terminate the employment relationship at-will at any time, with or without notice or cause.
- (2) Policies set forth in this ordinance and the Oneida County Non-Represented Employee Fringe Benefit Plan are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind, or a contract of employment between Oneida County and any of its employees. The provisions of this ordinance have been developed at the discretion of the County Board and may be amended or canceled at any time, at Oneida County's sole discretion and without notice.

4.11 NONDISCRIMINATION.

In the interpretation and implementation of this ordinance all applicants and employees shall be treated without regard to political affiliation, religious beliefs, race, color, creed, national origin, sex, sexual orientation, as defined under Wisconsin law, age or disability, and with proper regard for their rights as citizens.

4.12 AMERICANS WITH DISABILITIES ACT (ADA).

Any employee who is a qualified individual with a disability as covered by the Americans with Disabilities Act (ADA) is eligible for, upon request, reasonable accommodation as defined by the Act. The County in its sole discretion may make reasonable and necessary accommodations which do not impose an undue hardship as defined by the ADA including, but not limited to, modified work schedules, reassignment to a vacant position within the County work force, including the various bargaining units, with the appropriate adjustment in wage rates, restructuring of existing job duties, use of adaptive devices and making facilities accessible, provided the employee is otherwise qualified and can perform the essential functions of the job. No accommodation made under this paragraph shall be deemed an amendment or breach of this ordinance or any bargaining agreement or otherwise be treated as precedential.

4.13 SAFE WORKING ENVIRONMENT.

Oneida County is committed to providing a work environment that is free of unlawful harassment. Actions, jokes, comments or conduct based on an individual's sex, race, ethnicity, age, religion or any other legally protected characteristic will not be tolerated. Sexual or other unlawful harassment is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship and is strictly prohibited. Any employee who experiences or witnesses an incident of sexual or other unlawful harassment shall promptly report the matter pursuant to the County's Harassment Policy.

4.14 GOAL REVIEW PROCEDURE.

- (1) COMMITTEE OF JURISDICTION AND DEPARTMENT HEAD GOAL REVIEW AND REVISION PLAN.
 - (a) Purpose: To identify the factors that will have a significant impact upon the operations of a department and to establish long and short term goals that address those factors identified. Once completed, a written document shall be generated and known as the department's action plan.
 - (b) The committee of jurisdiction and department head will meet to review and revise the department's action plan annually. The date and time of this review will be determined by the parties; however, the action plan must be completed, and approved by the committee of jurisdiction, on or before December 15th of each year. Additional reviews may occur more frequently as determined by the parties. Upon completion of the department's action plan, the department shall place a copy of the plan into the County's ALLSHARE file. Between December 15th and December 31st, the Labor Relations and Employee Services Office shall publish a list of those departments who have posted their completed action plans. The department head's general pay increase will not occur until the department's action plan has been posted to ALLSHARE. Delayed general pay increase may be made retroactive.
- (2) DEPARTMENT HEAD AND EMPLOYEE REVIEW AND REVISION PLAN.
 - (a) Purpose: To identify those factors involving department employees which will have a significant impact on the ability of the department to meet the goals of the department's action plan and to establish individual action steps that further the operations of the department. Once completed, this document shall be known as the employee's action plan.
 - (b) The department head, or when delegated, the employee's direct supervisor, will meet with the employee to review the department's action plan annually. The date and time of this review will be determined by the parties; however, the employee's action plan must be completed, and approved by the department head on or before December 15th of each year. Additional reviews may occur more frequently as determined by the parties. At a minimum, each employee's action plan will reference the department's action plan with a section detailing the employee's actions in support of the department plan. The Labor Relations and Employee Services Committee shall be notified when the employee's action plan has been completed. The department head's or, if delegated, the employee's direct supervisor's general pay increase will not occur until the Labor Relations and Employee Services Committee has been notified that all employee action plans within the department, or unit, have been completed. Delayed general pay increase may be made retroactive.
- (3) COMMITTEE TO DEVELOP FORMS NECESSARY IN COMPLETING ACTION PLANS. The Labor Relations and Employee Services Committee shall develop such forms as may be necessary for departments to complete their action plans. The LRES Committee shall be responsible for making changes to the Goal Review procedure as conditions or situations warrant.

NON-REPRESENTED EMPLOYEE GRIEVANCE PROCEDURE

4.15 GRIEVANCES.(Am. Res. #61-2011)

All employees who have completed their introductory period may submit grievable issues to the grievance process.

4.16 RESERVED.

Editor's note—

Res. No. 61-2011, § 4, adopted Sept. 20, 2011 deleted § 4.16, entitled, "Grievance progression".

4.161 GRIEVANCE PROCEDURES FOR EXTERNAL COMPLAINTS REGARDING COUNTY SERVICES. (Cr. #21-2007)

- (1) PURPOSE: The purpose of this procedure is to provide the public with the opportunity to present grievances about the conduct of County Board elected and/or appointed department heads.
- (2) (A) If the head of the department is the subject of the grievance, the grievance shall be directed to the County Board Chair. The County Board Chair shall review the grievance and either resolve it or refer it to an ad hoc committee comprised of him/herself, the chair of the committee of jurisdiction and the chair of the Labor Relation and Employee Services Committee for review and resolution. In the event the County Board Chair or any other member of the ad hoc committee is unavailable or has a conflict, the respective vice chair shall serve. The County Board Chair, in the first instance, or the ad hoc committee may require the assistance and cooperation of any county employee. The ad hoc committee may seek legal representation pursuant to s. 1.39(1)(a) and (3) of the Code for assistance or to conduct an independent investigation with written report and recommendation to the ad hoc committee. The ad hoc committee shall inform the grievant and the department head in writing of its decision regarding the complaint/grievance.
- (B) Forms for grievances shall be provided for the convenience of the public through the Labor Relations and Employee Services Department.

CLASSIFICATION PLAN

4.17 CLASSIFICATION PLAN RESPONSIBILITIES.

The purpose of the Oneida County Classification Plan is to provide a system of standardized job titles, standardized job descriptions, and equitable position evaluation for the effective administration of essential personnel activities. Oneida County will utilize the Classification Plan for the following management functions: strategic planning, budget planning, measurement of job performance, establishment of fair and equitable pay standards, employee selection and recruitment, employee training and development, and career development. The Oneida County Coordinator is responsible for the overall development and administration of the Classification Plan, in coordination and cooperation with the Labor Relations and Employee Services Committee, department heads, and other appropriate resources.

4.18 EMPLOYEE CLASSIFICATIONS.

- (1) FAIR LABOR STANDARDS ACT (FLSA). Classification of employees for compensation purposes. All positions in Oneida County have been classified according to the provisions contained in the FLSA. The County Coordinator is responsible for determining a position's classification.
 - (a) Exempt employees are classified as executive, professional or administrative and are paid on a salaried basis. These employees are exempt from receiving overtime under the FLSA. The County may make exceptions as required to meet the staffing demands or particular intra-departmental needs within the organization. The distinction that these employees are paid by salary versus hourly wages creates performance expectations often requiring extra hours of work. Consequently, as a general rule, exempt employees must use paid leave for any time away from work during their normal work hours. However, employees may be allowed to "flex" their time with prior approval from their committees of jurisdiction.

An employee on a reduced schedule family or medical leave is subject to leave bank deductions for the difference in hours between what they would have worked as part of their normally scheduled workday and the amount of the reduced scheduled leave.

- (b) Nonexempt employees are classified as hourly employees and are entitled to receive overtime compensation for all hours worked beyond the established work period.
- (2) REPRESENTATION. Employees are further classified within Oneida County as represented or non-represented. Employees, regardless of representation, shall be additionally classified according to the FLSA.
- (a) Non-represented employees are classified by virtue of supervisory responsibilities, confidentiality or voluntary non-representation as unrepresented by a bargaining group.
 - (b) Represented employees are represented by a bargaining group and have a representative established by that bargaining group.
- (3) TYPES OF EMPLOYEES. Employees may be classified as regular or temporary.
- (a) Regular employees are those working on an ongoing as opposed to a temporary basis. Regular full-time employees work equivalent to the department's normal, full-time work period on a regular basis. Regular part-time employees work fewer hours than the department's regular full-time workweek on a regular basis.
 - (b) Temporary employees are engaged to work full-time or part-time with the understanding that their employment will be terminated not later than the completion of a specific assignment. Employees subsequently hired as regular employees might not receive time-in-service credit for work performed as a temporary employee.
 - 1. Contracted/leased services are temporary employment situations where employees are obtained through an agency for a specific purpose, need or project, and will normally be used to meet some sort of emergency staffing situation. The individuals working in this employment classification are not considered County employees and receive no benefits or representation privileges of County employees.
 - 2. Limited Term Employees are authorized and employed for a definite term, other than regular permanent full-time and part-time employees, to fulfill the casual needs of a department. Upon request from a department head, the County Coordinator may authorize LTEs for a period not to exceed three (3) months, as may be required by PTO, sickness, special projects, and leaves of absence or emergencies, provided appropriated funds are available for such purpose and provided the position is a duly authorized and a created position. Any LTE request over three (3) months in duration not duly authorized and created, shall require the approval of the Labor Relations and Employee Services Committee. Funding for LTE positions must be available in the requesting department's budget.
 - 3. Intern employees are individuals working for Oneida County in the capacity of a training position. A department may employ intern employees provided that the department head consults with the County Coordinator prior to entering into any agreements for an intern employee. The wage for the intern may be established by mutual agreement between the department, sponsoring agency and the intern, with the approval of the County Coordinator. Departments shall budget for interns where the County provides compensation.
 - 4. Seasonal employees are hired for seasonal work by the County. These employees may be called back in subsequent years. The wage rate shall be set by the appropriate bargaining contract, or in the absence of a contract, by the Labor Relations & Employee Services Committee, which will consult with the department head in charge of the position.

4.19 ADMINISTRATION OF THE CLASSIFICATION PLAN.

- (1) Each position shall be allocated to its appropriate classification within the Oneida County Classification and Compensation Plan, on the basis of duties and responsibilities, by the County Board.
- (2) Each position allocated by the Oneida County Board of Supervisors shall have on file in the County Coordinator's office a completed position questionnaire, an approved position description complete with the appropriate FLSA, representation, employment status, and compensation classification.

4.20 ESTABLISHING POSITIONS.

- (1) No regular position may be created except by resolution of the County Board. The County Board shall allocate to each department the number of full-time and part-time positions. Under the authority of the County Board, the Labor Relations and Employee Services Committee may approve temporary positions.
- (2) The County Board, upon recommendation of the Labor Relations and Employee Services Committee, may create new classifications or divide, combine or abolish existing classifications.
- (3) Requests considered during the budget process for new positions shall be submitted to the County Coordinator on or before the date designated by the Labor Relations & Employee Services Committee at the beginning of the annual budget process. All position requests shall be accompanied by the appropriate form(s) designated by the County Coordinator. Other documentation may be necessary as required herein.
 - (a) Upon review by the County Coordinator and the Employee Services Manager, the new position request shall be forwarded to the appropriate oversight Committee for review and approval.
 - (b) Upon approval by the oversight Committee, the Labor Relations and Employees Services Committee shall consider the request.
 1. All requests shall include the appropriate paperwork including, but not limited to, the completed request form(s), position questionnaire, position description, fiscal note approved by the Finance Office, and a resolution for submission to the County Board.
 2. The department head, in coordination with the County Coordinator, shall complete a position questionnaire which shall be reviewed by the Labor Relations and Employees Services Committee. The County may, in its discretion, submit the position questionnaire to a third party consultant for review and analysis.
 - (c) In the event the Labor Relations and Employees Services Committee determine that a need for the position exists, and that funding is available, the resolution shall be forwarded to the County Board. The County Board shall thereafter consider the recommendation.
- (4) Under extraordinary and unanticipated circumstances, a department seeking additional positions not previously allocated to that department shall present in writing the need and reasons for the position to the oversight Committee, which shall forward their recommendation to the Labor Relations and Employee Services Committee, which shall investigate the need.
 - (a) A department head shall make a request for a new position and creation outside of the budget process to the County Coordinator. Said request shall include all of the information as required in 4.20 (3)(b)2. However, other information may be required in the approval process as deemed necessary.
 - (b) Upon review by the County Coordinator and Finance Department, the oversight Committee shall consider the merits of the request, and if approved, shall forward the request to the Labor Relations and Employee Services Committee for consideration.
 - (c) The Labor Relations and Employee Services Committee shall consider the request from the oversight Committee, review the need for the position, and determine the validity of the extraordinary and unanticipated circumstances that exist that necessitate the creation of this

position outside of the budget process. After consideration of the information presented, the Labor Relations and Employee Services Committee shall approve or disapprove the request.

If the Labor Relations and Employee Services Committee determines either that the request does not meet the "extraordinary and unanticipated circumstances" criterion, or that the need for the position is not sufficient to justify an out-of-budget allocation, the Committee, in its sole and final discretion, may deny the request.

- (d) Upon approval of the Labor Relations and Employee Services Committee, the Finance Committee shall determine the availability and source of funds required for the position and may, at its sole discretion, allocate from the unencumbered balance of the Contingency Fund an amount equal to the total cost of the position and/or make other necessary budget adjustments in accordance with §65.90(5)(b) of the Wisconsin Statutes.
 1. Positions which the Finance Committee determines cannot be funded with available resources shall be referred back to the Labor Relations and Employee Services Committee for further study.
- (e) If approved by all three Committees, the resolution shall be brought before the County Board for consideration.
 1. The extraordinary and unanticipated need for the position shall be expressly documented within the resolution to be presented for approval to the County Board. The resolution shall state that an exception to the budget process has been recommended and a draft position description shall be attached reflecting the rate of pay, cost of benefits and the effective date.
 2. Said resolution will require the necessary vote of the Board to be adopted, unless statutory requirements mandate a larger majority of the Board.
- (5) Any position created within the budget cycle shall be effective on January 1st of the following year, unless otherwise stated in the resolution. A position created as an exception to the budget cycle shall be effective on the date of passage of the resolution creating and authorizing the position, unless otherwise provided. (6) Nothing contained in this ordinance shall be construed to require the Labor Relations and Employee Services Committee or any department to fill all positions allocated by the County Board.

4.21 AMENDMENTS AND MAINTENANCE OF THE CLASSIFICATION PLAN.

The primary purpose of classification review and reclassification is to establish the appropriate compensation of a particular position/employee. It is the intent of Oneida County to balance accurate classification of employees with responsible budgeting of the tax dollars levied by the County. For that reason, the Classification Review and Reclassification process will be conducted as part of the annual budget process. A request for reclassification of an existing position or classification of a new position shall be initiated in accordance with the budget timelines established by the Finance Committee.

In situations where one or more of the following circumstances exist, the procedures set forth in subparagraph (6) shall be observed:

- (1) One or more new positions are under consideration for possible establishment.
- (2) Significant change of duties or responsibilities of any existing position which may require the reallocation of such position to a different classification. Reclassification consideration for existing positions requires that the employee and the department head to document that there have been substantial changes in the character of existing duties since the most recent review of the position. Changes in duties may result from one of the following:
 - (a) Changes resulting from a substantial, immediate reassignment of duties due to reorganization shall be clearly documented in writing and verified by the Department Head and the County Coordinator.

- (b) Changes resulting from a logical and gradual change of responsibilities must have been in effect since at least January 1 preceding the reclassification request so that it is clear that the changes that exist are likely to remain as part of the essential duties of position.
- (c) Reclassification consideration shall not be given for temporary changes in job duties.
- (3) A new classification is created to which any position more may appropriately be allocated.
- (4) Because of the abolition or combination of any existing positions or classifications, an amendment to the classification plan is required.
- (5) A position is vacant for more than one year.
- (6) Reclassification Procedures are as follows:
 - (a) Department heads shall report the significant facts relating to such possible changes in the classification plan to the oversight Committee. The employee and the department head shall complete a revised position questionnaire which shall include a statement identifying those duties that have changed and shall be reviewed by the County Coordinator. The County Coordinator shall review and analyze the questionnaire. The County may, in its discretion, submit the position questionnaire to a third party consultant for review and analysis. Upon completion of the review, the position questionnaire and any recommendation regarding the position shall be forwarded to the Labor Relations and Employee Services Committee for further consideration.
 - (b) The Labor Relations and Employee Services Committee shall initiate an inquiry into the classification of any position upon its own initiative or at the request of a department head, the County Coordinator, or upon written request of any employee, not more than once every two years. Under no circumstance shall a position be re-evaluated more than once in any 12 month period without authorization of the County Coordinator and the committee of jurisdiction.
 - (c) After the inquiry has been completed, the Labor Relations and Employee Services Committee shall adopt, modify or reject the proposed change. In the event the Labor Relations and Employee Services Committee approves changes in the classification plan, it shall prepare in a report reflecting all changes to the classification plan for the previous month to the County Board. Reports shall be presented to the County Board at each County Board meeting if such a report exists. No change in the compensation plan may be requested until the classification plan change has been approved by the department head and the oversight Committee and forwarded to the Labor Relations and Employee Services Committee for review and disposition. The County Coordinator shall notify the Finance Department of any changes in compensation.
 - (d) Successful requests for the reclassification of an existing position or classification of a new position shall be placed in the department's budget request and shall be effective on the first (1st) day of the next fiscal year. In certain circumstances, such as an ongoing appeal, a retroactive adjustment may be warranted. In these instances, such retroactive adjustment shall be by recommendation of the County Coordinator to the Labor Relations and Employee Services Committee and shall be at the discretion of the Labor Relations and Employee Services Committee.

COMPENSATION PLAN

4.22 COMPENSATION PLAN.

Oneida County shall maintain a current compensation plan for all non-represented employees. The objective of the County is to provide an appropriate salary structure in order to facilitate the recruitment and the retention of competent employees, and to provide appropriate pay incentives for heightened employee productivity.

- (1) The Labor Relations and Employee Services Committee or its designee shall be responsible for the development and administration of the compensation plan, through periodic reviews and comparative studies of pertinent factors affecting the levels of pay. The Labor Relations and Employee Services Committee shall recommend necessary amendments to the County Board, when necessary, which shall become effective in accordance with the action of the County Board.
- (2) Such compensation plan is directly linked to, and shall be based upon, the principles of uniformity of pay for each classification; relative difficulty, complexity and responsibility of work; recruiting experience; prevailing rates of pay for similar jobs in public and private sector service; changes in cost of living indices; and financial policies of the County.
- (3) Each position shall be analyzed by the County Coordinator and the agent or designee evaluating position requests and changes to determine job value. Jobs of similar values shall be grouped in categories called grades. Salary grades will be established by the County Board for each position grade in accordance with applicable criteria. The Labor Relations and Employee Services Committee will review the salary grades annually and recommend to the County Board any changes in the salary grades that appear necessary after consideration of the appropriate criteria. As applicable law requires, the Labor Relations and Employee Services Committee may make adjustments in the hours of work, accrual and use of PTO and holiday time, and other fringe benefits and non-wage items, applicable to non-represented employees.

4.23 STEP PROGRESSION.

Employees covered under a bargaining contract shall move through the negotiated wage schedule pursuant to contract provisions. Non-represented employees shall move through the appropriate wage schedule as set forth by the applicable compensation plan.

4.24 OUT-OF-CLASS PAY.

Occasionally, there may be a need to place an employee in a position of higher responsibility and pay for a temporary period of time. Where other provisions are not already in place, the practice for compensating these individuals will be to place them at the minimum of the position they are temporarily filling. When such placement results in a reduction or no increase in compensation, the County Coordinator shall recommend the step within the Oneida County Classification and Compensation Plan that provides some gain in compensation. Such compensation shall be referred to as out-of-class pay. A request for out-of-class pay may be requested by an employee but requires the approval of the department head or oversight Committee. Such request should be presented to the County Coordinator who shall have authority to authorize temporary out-of-class pay for a period up to three (3) months in duration. Out-of-class pay for periods longer than three (3) months shall require Labor Relations and Employee Services Committee approval. Should there be a disagreement between the requester and the County Coordinator, the matter shall be decided by the Labor Relations and Employee Services Committee.

4.25 HOURS OF WORK AND OVERTIME.

- (1) Regular hours of work for County employees shall be determined by the department head and oversight Committee in accordance with prevailing departmental practices.
- (2) It is the policy of the County to avoid overtime work for all employees, if at all possible. Regular nonexempt employees shall work overtime when directed to do so by the department head or supervisor.

Nonexempt employees working beyond their normally scheduled work period, at straight time pay up to forty (40) hours per week and at one and one-half (1½) times the employee's regular rate of pay after forty (40) hours per week. In lieu of overtime pay and upon mutual agreement with management, employees may accrue compensatory time at one and one-half (1½) times the hours paid.

- (3) Exempt employees, which include all salaried personnel, are expected to work the time required to complete the job for which they are hired and shall not receive overtime pay. The Labor Relations and Employee Services Committee shall have the authority to make exceptions for exempt employees to receive overtime pay.
- (4) Any change in an established work period will require approval of the requesting department's oversight Committee, the Labor Relations and Employee Services Committee and the County Board by resolution.

4.26 COMPENSATORY TIME.

- (1) Exempt employees are not generally eligible for overtime or compensatory time. Those exempt employees given an exception to receive overtime pay may also be compensated for overtime work in the form of straight time compensatory time off.
- (2) Nonexempt employees, employees asked to work overtime may mutually agree with their supervisors to accrue compensatory time off in lieu of overtime pay. Where the employee and the supervisor do not mutually agree to compensatory time off in lieu of overtime pay, or when the overtime request results in the employee exceeding their compensatory time accrual maximum, the employee shall be paid for the overtime hours worked.
- (3) Those employees eligible to accrue compensatory time are authorized to accrue up to a maximum of 40 hours.
 - (a) Exceptions to the 40 hour maximum accrual may be made for those departments with exceptionally heavy seasonal workloads.
 1. The decision to grant an exception to the 40 hour maximum accrual shall be at the sole discretion of the Labor Relations and Employee Services Committee.
 2. Employee's granted an exception to the 40 hour maximum accrual shall utilize all earned comp time above the 40 hour cap within six (6) months from when it was earned.
 - (b) Compensatory time of Non-exempt employees is not carried over and shall be paid out to them in the first paycheck in December.
 - (4) Use of compensatory time shall be scheduled at the discretion of the department head. Employees and managers shall make every effort to ensure that employees utilize all compensatory time accruals prior to terminating. In cases where this is not possible, hourly employees shall be paid out for their accruals at current rate of pay. Earned compensatory time not carried over shall be paid out annually to nonexempt employees in the first paycheck in December.

4.27 MILEAGE REIMBURSEMENT.

Mileage shall be reimbursed pursuant to the terms and conditions set forth in Section 3.10 of the County Code. In no circumstance shall the rate exceed the IRS federal mileage rate.

4.28 TRAVEL POLICY.

- (1) IN-TOWN TRAVEL.
 - (a) Employees will be paid for all travel time which occurs during their normal work day and as part of their work but not including travel reporting to and/or from work.
 - (b) If the employee must travel within the city as part of their job, the time spent traveling during normal working hours will be paid. This includes travel to County approved training programs.
 - (c) Travel time during breaks or lunch is not paid.

- (d) In-town overnight stays are so rare that they are not considered and will be handled on an individual basis.

(2) OUT-OF-TOWN-TRAVEL.

- (a) *Same-day Travel.* If a non-exempt employee is given a one-day assignment in another city, all the time spent actually traveling between cities is counted as "hours worked" and will be paid. Travel time is from the point of departure; *i.e.*, the employee's home, work site or public transportation station or airport, whichever is closer to the destination. The only exception to this is when a group of employees, 3 or more, are car pooling in which case the employee driving will be allowed mileage and travel time resulting from picking up the other employees. Time spent traveling between the employee's home and public transportation (airport, bus station or train station) is not considered to be time worked and is not compensable. Assignment includes County approved and paid for seminars or training programs as well as directed work activities. Travel time during breaks or lunch is not paid.
- (b) *Overnight Travel.* If a non-exempt employee's out-of-town assignment requires an overnight stay, time spent traveling to and from the other city is counted as hours worked. Even if it falls on a day that is normally a nonworking day for the employee (such as Saturday or Sunday).

Travel time is from either the employee's home, work site or public transportation station or airport, whichever is closer to the destination. The only exception to this is when a group of employees, 3 or more, are car pooling in which case the employee driving will be allowed mileage and travel time resulting from picking up the other employees. Time spent traveling between the employee's home and public transportation (airport, bus station or train station) is not considered to be time worked and is not compensable. Travel time during breaks or lunch is not paid.

- (3) OVERTIME CALCULATION. Time spent traveling which is paid by the County is considered "time worked" and will be used in determining overtime or compensatory time calculations.
- (4) EMPLOYEE TRAVEL TIME SCHEDULING. The department head or immediate supervisor has the authority to schedule the time and method of County paid employee travel. The most cost efficient method of travel and scheduling will be utilized. Exceptions may be granted by the Labor Relations & Employee Services Committee or its designee.
- (5) METHOD OF TRAVEL. Employee travel that is paid for by the County shall be by the most cost efficient method available. The County retains the right to determine such mode of travel. Where the employee requests an alternate mode of travel, which has been approved by the County, the County will only pay for the travel time which the County would have been obligated to pay had the employee used the most efficient travel method available.
- (6) EXCEPTIONS. From time to time situations may arise which may not be specifically addressed by this policy. Questions involving these situations are to be made known to the Department Head who will discuss them with the County Coordinator whose responsibility it is for the interpretation and implementation of this policy.
- (7) AUTHORITY. The Labor Relations & Employee Services Committee retains final authority in all matters pertaining to this policy.

4.29 MEAL REIMBURSEMENT.

The County Coordinator shall review the meal rates and recommend to the Labor Relations & Employee Services Committee and Finance Committees any adjustments for meal rates during the annual budget process.

4.30 ANNUAL SALARY REVIEW.

The Labor Relations and Employee Services Committee shall conduct an Annual Wage and Salary Review and make specific recommendations for changes in pay rates, fringe benefits and other conditions of employment to the County Board. Any across-the-board adjustments to the Compensation Plan shall be provided to all employees, including those serving an introductory period, regardless of their performance level. All increase approvals shall, to the extent feasible, be on a timely basis in conjunction with the annual budget cycle.

HIRING AND TERMINATION

4.31 HIRING WAGE RATE AND PTO BENEFIT.

New employees may normally be hired at Step 1 of the pay grade established for their position as provided in the Classification and Compensation Plan and at the starting accrual for any PTO benefit.

The following procedures shall be utilized when considering wage offers. Department heads may recommend a starting salary to the County Coordinator. The County Coordinator shall recommend a starting salary to the Labor Relations and Employee Services Committee, which shall approve any salary for newly hired employees up to Step 6. For non-represented employees, the Labor Relations and Employee Services Committee may authorize up to ten (10) PTO days as a recruitment incentive on the basis of credit for directly related employment experience. Such credit shall be granted only at the time of hire.

4.32 FILLING POSITION VACANCIES. (Am. #91-2007; Am. Res. #17-2009)

- (1) Notification of Position Vacancy. All County departments shall notify their Committee of Jurisdiction Chairman and the Labor Relations and Employee Services Department of a position vacancy (the term vacancy used herein includes current or future vacancies). This notification shall occur within three working days of the department becoming aware of the vacancy or future vacancy. This notification shall also include whether or not the department head wishes to fill the vacancy or future vacancy.
- (2) Mandatory Vacancy Period.
 - (A) Due to budget constraints, the LRES Committee/County Board has mandated that all positions remain vacant for six (6) months. An exception may only be made where public safety or welfare would be immediately placed in jeopardy. Under said exceptions, Department Heads must still follow the steps for filling the vacancy as outlined in this process/policy under (4) Deliberation of vacancy.
 - (B) Only those positions specifically identified below will be exempt from the six (6) month vacancy mandate:
 1. Non-Tax Levy supported positions that are supported completely and directly by federal, state, or other external revenues.
 2. The Chief Deputy, Lieutenants, Jail Administrator and Assistant Jail Administrator positions assigned to the Sheriff's Office are exempt from the moratorium.
 3. Any Deputy Sheriff, Lead Corrections Officer, Lead Telecommunicator, Corrections Officer, Telecommunicator, Sergeant, or Detective Sergeant in the Sheriff's Office that becomes vacant must be held open for at least eight (8) weeks. Once the eight (8) weeks has elapsed, the Department may proceed with the recruitment process without appeal.
 4. Child and Adult Protective Social Workers and Economic Support Specialists positions are exempt from the moratorium.

5. The Attorney and Paralegal assigned by Corporation Counsel to CHIPS and Adult Protective Services cases.
 6. Emergency Management.
 7. All other positions will be subject to the moratorium and will not be filled for six (6) months unless, an appeal is granted by the Labor Relations and Employee Services Committee.
 8. Thirty Days prior to the end of the six (6) month period a Department Head may wish to pursue the steps outlined in this process for having the vacancy filled.
- (3) Appeal Process. Department Heads may appeal to the County Coordinator to fill positions covered by the vacancy mandate. Appeals should be submitted per the guidelines set forth in (4) Deliberation of Vacancy below.
- (4) Deliberation of Vacancy.
- (A) Whenever the department head wishes to fill the vacancy, the Department Head and Employee Services Manager will review the job description and make any necessary changes.
 - (B) The Department Head shall present to the County Coordinator his/her rationale for filling the vacancy, the costs associated with filling the vacancy, funding sources, the job duties to be performed, alternatives to filling the vacancy, and any other pertinent information.
 - (C) The County Coordinator shall indicate in writing to the Department Head if he/she is in support of filling the vacancy.
 - (D) The Department Head shall present to the Committee of Jurisdiction his/her rationale for filling the vacancy, the costs associated with filling the vacancy, funding sources, the job duties to be performed, alternatives to filling the vacancy, and any other pertinent information including whether or not the County Coordinator supports filling the vacancy.
 - (E) The Committee of Jurisdiction may decide not to fill the vacancy, in which case, no recruitment activity will commence. If the Committee of Jurisdiction wishes to have the vacancy filled, it will make and pass a motion to that effect, and will forward the recommendation on to the Labor Relations and Employee Services (LRES) Committee.
 - (F) The LRES Committee will review the position with the County Coordinator and the Department Head and any other interested person(s). If the LRES Committee agrees with the recommendation to fill the vacancy, it will make and pass a motion to that effect. Recruitment activity will then commence.
- (5) Approval. Once approval has been obtained, recruitment procedures as detailed in the General Code of Oneida County shall commence.
- (6) The County Coordinator and the chairpersons of the Committee of Jurisdiction and the Labor Relations and Employee Services Committee may authorize an emergency filling of a vacancy. This emergency authorization must be confirmed by a majority vote of the members of the committee of Jurisdiction and the Labor Relations and Employee Services Committee at their next meeting(s). An emergency authorization may only be made where public safety or welfare would be immediately placed in jeopardy.
- (7) Elimination of Position.
- (A) Thirty days prior to the end of the six (6) month vacancy period, a Department Head may ask that the position be reviewed and evaluated by the County Coordinator and a recommendation given to the LRES Committee regarding the need to continue the position. The position vacancy will be placed on the LRES Committee agenda where a final determination shall be made.
 - (B) Any vacant position that is not authorized to be filled according to the rules contained herein, and remains vacant for a period of more than six (6) consecutive months, shall automatically be eliminated.

(C) Any vacant position, funded by grant monies, where the grant monies are no longer available, in whole or in part, shall be eliminated.

(8) Approved vacancies shall be filled as follows:

(A) Whenever it is felt the local area could support filling a vacancy by advertising in the official County newspaper, such advertisements shall be made. Other forms or sources of public notice may be used at the discretion of the County Coordinator. Public announcements of vacancies shall include at least the following information:

1. Classification/Position title.
2. Department where the position vacancy exists.
3. Salary range.
4. Benefit summary.
5. Minimum qualifications and requirements of the position.
6. Address and phone number to request and submit application.
7. Application deadline.
8. EEO statement; drug free, alcohol free and smoke free workplace statement.

(B) In some positions, including new hires for regular and permanent part-time positions, a medical examination may be required. For those employees required to have a Commercial Drivers Licenses (CDL), a drug and alcohol test is required prior to employment and each applicant will provide any drug and alcohol testing information as required by the Department of Transportation mandated regulations. Each applicant will sign a waiver for release of information from their previous employers for the purpose of reference checks. Each applicant must also file a County application form with the office identified in the job ad.

(C) Applicant evaluation prior to oral evaluation may consist of one (1) or more of the following as deemed appropriate by the County Coordinator, department head, oversight Committee or Labor Relations and Employee Services Committee:

1. Written examinations.
2. Evaluation of education, qualifications and experience.
3. Performance of tasks required.
4. Other requirements allowed by law.

(D) A Selection Committee shall be appointed consisting of any two (2) or more members selected from the following:

1. Oversight Committee member(s).
2. Department Head or designee.
3. Labor Relations and Employee Services Committee member(s).
4. County Coordinator.
5. Employee Services Manager.

(E) Initial screening of applicants will be done by the Labor Relations and Employee Services Office. The Selection Committee shall participate in the screening and formal interview process of all non-elected department head positions and shall be responsible for the hiring decision, unless otherwise required by statute. If the Selection Committee so desires, it may screen the applications after the deadline for accepting applications has passed, using experience and qualifications criteria. In screening applications, the County Coordinator's Office shall certify to the departments those applicants who are eligible for final selection. The screeners may reduce the number of applicants interviewed to a number not less than five (5) provided five (5) or more

qualified individuals have applied. When possible, the County Coordinator's Office shall certify only the top five (5) ranked applicants. If the selection process does not provide for the ranking of applicants, the County Coordinator's Office shall, if possible and under specific criteria, establish categories of "most qualified, second most qualified, third most qualified," and so on. The department shall first make employee selections based upon selections from the first category, then the second category, and so on. If neither of the above two methods is available, the County Coordinator's Office may certify all applicants or implement random selection methods to reduce the applicant pool to a more manageable number.

- (F) Applicants will be notified at least five (5) working days prior to the date of the scheduled interview when possible. Applicants not selected for interview shall, if possible, be notified by mail on the same date as those who are selected for interview.
- (G) The Selection Committee shall conduct oral evaluation interviews and shall certify the top three (3) applicants, provided three (3) qualified individuals have applied to fill possible vacancies in the ensuing year. Where a certified eligibility list exists, the department head shall fill the vacancy from the list.
 1. The application forms, ratings and certified eligibility list shall be utilized for future vacancies in the same classification for a period not to exceed twelve (12) months. If less than three (3) qualified applicants remain available to fill a vacancy in the same classification during said period, the department head may request that the formal selection process be reinitiated.
 2. At the request of the Department Head, the Selection Committee may certify more than three (3), provided that all certified applicants meet the minimum qualifications. The County Coordinator shall verify that all of the certified applicants meet the minimum qualifications.
- (H) No applicant shall be considered for a vacancy where appointment to such vacancy would result in members of an immediate family being employed in a direct supervisor-employee relationship.
- (I) No person shall serve as a member of the Selection Committee for a vacancy in which an applicant is a member of his/her immediate family. Any Selection Committee member named as a reference shall be disqualified from voting on the vacancy for that applicant. In the event an interviewer is uncomfortable with evaluating an applicant, the interviewer should identify the concern to the other interviewers and a decision should be made collectively whether the interviewer should or should not participate.
- (J) The County Coordinator will verify eligibility of interviewers when coordinating interviews.
- (K) Applicants selected to receive a formal job offer shall be notified in writing by the County Coordinator. This job offer shall include the pay rate, percentage of full-time employment, position title, appropriate department, shift if appropriate, and shall request a written acceptance letter which includes the individual's proposed start date.
- (L) Exceptions to this process are outlined in Sections 4.35 Promotions and 4.36 Transfers.
- (M) Upon request by the department head, as required by statute, and authorized by the County Coordinator, Oneida County may conduct background investigations and reference checks on applicants.

4.33 QUALIFICATIONS OF EMPLOYEES.

The County will make every effort to hire the most qualified individual for any vacant position. If fully qualified persons cannot be recruited, the Labor Relations and Employee Services Committee may authorize the appointment of persons having less than the minimum qualifications.

4.34 INTRODUCTORY PERIOD.

Newly hired, promoted, demoted or transferred employees shall serve an introductory period of a minimum of six (6) months duration, with the exception of department heads, who shall serve an introductory period of one (1) year to determine that the employee is suited and qualified for the position, unless waived by the Board or the Labor Relations & Employee Services Committee. Any reference to probationary period in the various contracts has the same meaning as introductory period. Upon successful completion of the introductory period, benefit accruals shall be made available to newly hired employees. Movement within the grades shall be considered annually and will be based on department head review of the employee's performance. No adjustment shall be approved which would result in an employee's placement above the maximum for the grade.

- (1) During the introductory period, the employee may be discharged by written notification from the department head in consultation with the County Coordinator. Such discharge shall be without recourse to the grievance procedure. Department head terminations are within the discretion of the Committee of Jurisdiction or County Board.
- (2) An employee's introductory period may be extended for a maximum of three (3) months on a onetime basis by recommendation of the department head to the County Coordinator. The County Coordinator shall provide notice to the Labor Relations and Employee Services Committee. Such request must be timely and before the date the employee would have completed their introductory period. The County Coordinator may delay any increases or notice of successful completion of the introductory period until the next available meeting of the Labor Relations and Employee Services Committee, providing notice is given to the County Coordinator prior to the completion date.
- (3) Introductory employees shall have their introductory period extended if they are absent from work for any reason for more than three (3) days during their introductory period. Department heads shall inform the County Coordinator of the need for any adjustments.

4.35 PROMOTIONS.

Promotions come under the authority and by recommendation of the department head for any given vacancy. If the department head and employee concur, the employee shall be considered for noncompetitive promotion by the Labor Relations and Employee Services Committee.

- (1) The promoted employee shall move to the appropriate grade and step which provides an increase in wage or salary as a result of a promotion.
- (2) A promoted employee shall serve an introductory period appropriate to the department in which they are employed. If during this period the employee's performance does not meet acceptable standards of performance in fulfilling the higher responsibilities of the position to which promoted, the County may restore the individual to a position commensurate with his/her former status for which they are qualified. If unable to do so, the employee shall be terminated.
- (3) Whenever a promotion is considered by a department head to fill a vacant position, any County employee applicants must be considered on the same basis as the public applicants.

4.36 TRANSFERS.

The County may transfer employees from any position to any equivalent position at its own discretion. Individuals desiring transfer from one position to another shall inform the department heads of their interest in the position by submitting a formal written request to receive consideration when a vacancy exists.

- (1) A transferred employee shall serve an introductory period appropriate to the department in which they are employed. If during this period the employee's performance does not meet acceptable standards of performance in fulfilling the responsibilities of the position to which transferred, the

County may restore the individual to a position commensurate with his/her former status for which they are qualified. If unable to do so, the employee shall be terminated.

- (2) Whenever a transfer is considered by a department head to fill a vacant position, any County employee applicants must be considered on the same basis as the public applicants.

4.37 DEMOTIONS.

- (1) A demotion is an assignment of an employee from one job classification to another job classification with a lower maximum wage or salary. A demotion can be either disciplinary or non-disciplinary.
- (2) The Labor Relations and Employee Services Committee shall determine the salary or wage level for a change in classification.

4.371 SUSPENSION. (Cr. #91-2007)

After consultation with the Corporation Counsel, the County Coordinator may suspend any personnel, including department heads, with pay, on an emergency basis or pending investigation, with the Approval of the Labor Relations and Employee Services Committee.

Editor's note—

Res. No. 91-2007, adopted Oct. 16, 2007, amended the Code by redesignating § 4.38 as 4.39 and by adding new provisions designated as § 4.38. Inasmuch as there were already provisions designated as § 4.39, the new provisions have been redesignated as § 4.371 and § 4.38 remains as such, at the discretion of the editor.

4.38 TERMINATION OF EMPLOYMENT. (Am. #91-2007)

- (1) An employee voluntarily terminating employment shall give at least two (2) weeks written notice to the department head and the committee of jurisdiction stating the last day of employment. Such notice shall be exclusive of any earned PTO time due. Employees who have completed their introductory period and who terminate their employment by providing proper notice or employees who are laid off shall receive all earned PTO, payable on the regular payday, on or following the last day of employment.
- (2) An employee whose employment is terminated by death shall be paid out one hundred percent (100%) of all earned PTO.
- (3) All terminations, other than voluntary, must be discussed with the County Coordinator before the termination can be implemented.
- (4) The County Coordinator shall consult with the Corporation Counsel and Employee Service Manager prior to recommending the termination of a department head, and if the County Coordinator recommends termination the County Coordinator shall forward that recommendation to the Labor Relations and Employees Services Committee and the department's oversight committee. A department head may only be terminated, upon the recommendation of the County Coordinator, by the Labor Relations and Employee Services Committee and the department's oversight committee. A separate concurring majority vote of each committee is necessary prior to termination. The County Board must ratify termination of personnel appointed by the County Board.
- (5) The County reserves the right to discipline employees up to, and including, termination of employment.

WORK RULES

4.39 EMPLOYEE WORK RULES.

- (1) [GENERALLY.] The following work rules apply to all County employees. These work rules do not prohibit individual departments from promulgating other work rules to cover unique department situations, conditions or work behaviors. All separate department work rules shall be reviewed and approved by the County Coordinator's Office. The following work rules are not all inclusive of prohibited employee acts; nor do these work rules supersede the provisions of any employees union contract. County employees are prohibited from committing any of the following acts:
- (2) WORK PERFORMANCE.
 1. Insubordination, disobedience, failure or refusal to follow the written or oral instruction of supervisory authority or to carry out work assignments.
 2. Neglecting job duties and responsibilities.
 3. Disclosure of confidential information and records to unauthorized personnel.
 4. Intentionally falsifying records or giving false information to other government agencies or private organizations or to employees responsible for record keeping.
 5. Failure to observe all safety rules and practices, including the use of protective equipment and clothing or in the operation of vehicles and equipment.
 6. Attempting to keep secret or unavailable information or records which are public or which rightfully should be furnished to government employees.
- (3) ATTENDANCE AND PUNCTUALITY.
 1. Failure to report promptly at the starting time of a shift; leaving before the scheduled quitting time of a shift; or failure to notify the proper authority of impending absence or tardiness.
 2. Excessive absenteeism.
 3. Unexcused absence for 3 consecutive work days.
 4. Abuse of sick leave privileges.
 5. Failure to observe the time limits of lunch, rest, wash-up periods.
- (4) USE OF COUNTY PROPERTY.
 1. Abuse or misuse of government or private property, materials or equipment including motor vehicles.
 2. Stealing or unauthorized possession or use of government or private property, equipment or materials.
 3. Unauthorized use of property, including but not limited to, vehicles, telephones, copy machines or mail service or computer hardware, software, modems, networks, electronic communication systems or the unauthorized copying of software or records for personal use.
 4. Rules deemed necessary to carry out the purposes of this section may be promulgated jointly by the Labor Relations & Employee Services Committees and any other committee having jurisdiction over certain property, equipment or County government functions.
- (5) PERSONAL ACTIONS AND APPEARANCES.
 1. Threatening, attempting or inflicting bodily harm to fellow employees, representatives of other agencies or the general public.
 2. Threatening, intimidating, interfering with or using abusive or profane language toward others, including ethnic slurs.
 3. Unauthorized possession of weapons.

4. Dishonesty or making false or malicious statements concerning other employees, supervisors or the County.
 5. Unauthorized possession or use of alcoholic beverages or narcotics during work hours while on County time or property or while engaging in business.
 6. Reporting to work in a condition to be unsafe to the employee, others or physical property; or to be unable to perform job responsibilities due to the influence of alcohol, narcotics, medicine or sickness; or to manifest any evidence of alcohol when such evidence affects the performance of job functions.
 7. Eating or drinking in unauthorized areas.
 8. Selling commercial or private products or services on County time or premises without authorization.
 9. Unauthorized solicitation of funds or donations for any purpose on County time.
 10. Unauthorized distribution of printed matter on County time.
 11. Unauthorized possession, lending, borrowing or duplication of keys or government credit cards, careless or improper use of keys or credit cards or failure to report promptly the loss of keys or credit cards.
 12. Unauthorized or improper use of a uniform, failure to wear a uniform properly.
 13. Soliciting or accepting unauthorized compensation, reward, gratuity or gift of any kind or value for any matter related to the employee's job as an employee of the County.
- (6) OUTSIDE ACTIVITIES AND EMPLOYMENT.
1. Transacting business as an employee of the County with any business entity in which the employee has an interest except as authorized by law.
 2. Engaging in any outside activities or employment which may impair the employee's independent judgment or his ability to perform his duties as an employee of the County.
- (7) EMPLOYEE SOLICITATION RULES AND PROCEDURES.
- (a) *Solicitation by Employees* . Employees may not solicit memberships, dues, contributions or support for any organization or cause during working time. "Working time" includes the period when either the employee doing the solicitation or the employee being solicited is required to be performing the duties of their job. Working time does not include break time or meal time. Employees are not permitted to solicit or distribute literature in working areas at any time.
 - (b) *Solicitation by Others* . Individuals not employed by the County may not solicit or distribute literature for any purpose at any time in County offices.
 - (c) *Bulletin Board* . Employees may post noncommercial notices such as personal items for sale and requests for rides to and from work, etc. on break room bulletin boards. All posted items must be dated, including the employee's signature and be initialed by the County Coordinator's Office or designated representative. Notices may remain up for a total of 30 calendar days. The County may post notices pertaining to commercially offered discounts, memberships, etc. on break room bulletin boards provided the postings are dated and initialed by the County Coordinator's Office or designated representative. Notices may remain up for a total of 30 calendar days.

4.40 POLITICAL RIGHTS AND PROHIBITED PRACTICES.

- (1) All employee of the County have the right to freely express their views as citizens, to pursue their legitimate involvement in the political system and to vote.
- (2) No County employee while on County time or acting in an official capacity as a County employee shall engage in any political activity designed to improve or favor the changes of any person or political

party, nor shall any County employee receive subscriptions or contributions for a person or party, or solicit assistance, subscriptions or support for any party or person while on County time or while acting in an official County capacity. Any violation of this provision shall be considered grounds for dismissal.

- (3) Any employee who declares their intention to run for partisan political office shall not be denied a leave of absence from the time of the declaration through the duration of the election campaign. If elected, the employee shall be separated from the County's employ, upon assuming the duties and responsibilities of such office, as specified under this section.
- (4) County employee as covered herein may be granted a leave of absence by his department head or supervisor to participate in a partisan political campaign.
- (5) All County employees working in federally aided programs are subject to the provisions of the Federal Hatch Political Activities Act.
- (6) Permitted Political Activities.
 - (a) Membership in a political party and participation in party affairs, as long as activities are limited to nonworking hours.
 - (b) Voluntary contributions for political purposes.
 - (c) Participation as a candidate for a nonpartisan part-time office (e.g., city alderman, school board, etc.), except where a conflict exists between official County employment and elective responsibilities.
 - (d) Involvement in a polling place or participation in tallying votes on partisan political issues.
 - (e) Holding office or active identification as an official of any political organization.
 - (f) Management of a campaign for a candidate in a partisan political election.
- (7) Prohibited Political Activities.
 - (a) Using government authority or influence to interfere with or affect a nomination or election.
 - (b) Using governmental authority or influence to intimidate, threaten or coerce any person to vote contrary to his own voluntary choosing.
 - (c) Directly or indirectly intimidating, threatening or coercing any person to pay, lend or contribute anything of value, including services, to any party, organization, group or individual for political purposes.
 - (d) Using any official authority or influence to coerce any individual or group for political action or to confer benefits or effect reprisals to secure desired political action or inaction.
 - (e) Offering to pay or accepting benefits in return for desired political action or inaction, requesting or receiving anything of value for influence or help in securing appointive office or paying or offering payment for securing appointive office.
 - (f) Participating in the solicitation of funds to be used in any manner for partisan purposes while on duty in County employment.
 - (g) Engaging in political activities, such as, but not limited to, car-top advertisement for political candidates while your auto is parked on County owned property or wearing political identification while on duty.

4.41 CODE OF ETHICS.

- (1) **PURPOSE.** The following policy is set forth because the proper operation of democratic government requires that employees be independent, impartial and responsible to the people and for the public to have this section shall deny any individual rights granted by the United States Constitution, the Constitution of the Sate of Wisconsin, the laws of the United States and the State or by the labor agreements negotiated with certified employee bargaining unit representatives.

- (2) **CONFLICT OF INTEREST.** No County employee shall use his or her office or position for personal financial gain or the financial gain of his or her family. No employee shall engage in his or her own business activity, accept private employment or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of his or her official duties or would impair his or her independence of judgment or action in the performance of his or her official duties. No employee shall use or disclose privileged information gained in the course of or by reason of his or her official position or activities.
- (3) **POLITICAL ACTIVITY.** No employee is precluded from engaging in political activity, provided that such activity does not interfere with

normal work performance, is not conducted during normal working hours and does not involve the use of County equipment or property. Employees are specifically prohibited from directly or indirectly coercing any person to hold or contribute monetary or other types of assistance to any political candidate, party or purpose. Employees shall comply with the provisions of the Federal Hatch Act, as may be amended from time to time.
- (4) **NEPOTISM.** No personal shall be employed, promoted or transferred to any department or agency within County government or to a division or section thereof when, as a result, he or she would be directly supervising or receiving direct supervision from a member of his or her immediate family without specific approval of the Labor Relations & Employee Services Committee.

EXCUSED ABSENCES

4.42 PAID TIME OFF/UNPAID TIME OFF. (Am. Res. #63-2009)

Paid Time Off consolidates all paid time benefits, except Compensatory Time off, into a single "bank account" of paid leave that the employee will manage and draw from in accordance with the following provisions.

Use. The employee may use Paid Time Off in increments as small as fifteen (15) minutes. If PTO is converted to into weeks, non-represented are granted 6 day vacation weeks. PTO shall not be retroactive except in the case of an emergency. Non-emergency notification must be made and approved before the start of the employee's shift. In cases of emergency, the employees Supervisor or Labor Relations and Employee Services Office shall be notified in a reasonable time frame following the event. It will be left up to each department to establish procedures.

Part-time positions are granted Paid Time Off based on the authorized percentage the part-time employee works, not actual hours. It is the responsibility of the department head to ensure that the part-time employee works very close to their authorized number of hours.

Pay. Paid Time Off hours will be paid at the current rate of the employee at the time the PTO is taken.

Banks. Employees may bank an unlimited amount of Paid Time Off.

Termination. Upon termination, for any reason, the employee shall be paid the total amount of Paid Time Off in the employee's bank, up to 1,000 hours, at the rate of pay of the employee at the time of termination. An employee who terminates his/her employment prior to their anniversary date will have earned some Paid Time Off days/hours. This will be pro-rated and considered as part of the payout, provided the employee has not borrowed more than what they have earned. For Part-Time employees, the amount of the PTO payout shall be reduced according to their part-time percent (for example, a 75% position might be paid out 750 hours).

Schedule. The following schedule of accruals shall be pro-rated for part-time employees based upon the normal hours of work of the respective employee.

An employee with more than 6 months, but less than one year of continuous service for the County shall be entitled to the equivalent of 5 "days", recorded in hours.

An employee with more than 1 year, but less than 8 years of continuous service for the County shall be entitled to the equivalent of 28 "days", recorded in hours.

An employee with more than 8 years, but less than 15 years of continuous service for the County shall be entitled to the equivalent of 33 "days", recorded in hours.

An employee with more than 15 years, but less than 20 years of continuous service for the County shall be entitled to the equivalent of 39 "days", recorded in hours.

An employee with more than 20 years, but less than 25 years of continuous service for the County shall be entitled to the equivalent of 45 "days", recorded in hours.

An employee with more than 25 years of continuous service for the County shall be entitled to the equivalent of 51 "days", recorded in hours.

Borrowing. On January 1st each calendar year, the Finance Department will automatically credit your Paid Time Off bank with that years amount of Paid Time Off. Since Paid Time Off is not earned until after the employee's anniversary date the employee is able to "borrow" PTO days/hours. If the employee's employment with Oneida County ends prior to the employee's anniversary date, the employee may owe the County for the "borrowed" days. All borrowed and owed Paid Time Off days will be recouped by deductions from the employee's last check or checks and through whatever legal action may be required.

LOA. Employees on an unpaid Leave of Absence of seventy-five (75) hours or more do not earn PTO days. An employee's PTO earnings will be adjusted accordingly. If an employee has PTO balance they may not be granted an unpaid LOA.

Closed Days. When the Courthouse and its outlying offices are closed, (a) an employee may elect to be paid for that day, excluding Saturdays and Sundays, using earned or borrowed Paid Time Off days, or an employee may elect to not be paid for this time.

Furlough Time. For legitimate business reasons the Labor Relations and Employee Services Committee may designate furlough time. Furlough time is employee time off without pay, which may result in the cessation of certain County operations and the closing of the courthouse and other County facilities. Employees may not use PTO while on furlough. Furlough time will be prorated for part-time employees. Furlough time will not be considered unpaid leave for the calculation of PTO accruals or additional employee share of health insurance. (Am. Res. #63-2009)

Working. The Department Head may authorize an employee to work on a day that the Courthouse and/or outlying offices are closed. It is expected that this will be a rare occurrence. Department Heads must obtain their Committee of Jurisdiction's approval when the Department Head realizes this may be an on-going occurrence, with notification to the Labor Relations and Employee Services and Finance Offices. Employees will be paid at their straight time hourly rate unless the pay qualifies as overtime according to the Compensatory Time and Overtime rules.

4.43 HOLIDAYS.

This section no longer applies and is now incorporated with the Paid Time Off section. Also, no additional pay considerations shall be given to the non-represented for working on a holiday. The non-represented have the option of taking a holiday as unpaid and not using a day of Paid Time Off. All holidays are to be called Closed Days.

If any designated holiday falls on a Sunday, the following Monday shall be deemed the holiday. When the holiday falls on a Saturday, the Friday immediately preceding the Saturday shall be deemed the holiday. In the event that Christmas Eve falls on a Sunday, the holiday will be observed on the following Tuesday.

- (1) Oneida County has nine (9) paid closed days. In some departments, due to shifts and/or bargaining agreements, there may be differences of dates observed as closed days:

New Year's Day

Good Friday

Memorial Day

Fourth of July

Labor Day

Thanksgiving Day

Friday following Thanksgiving

Christmas Eve

Christmas Day

Non-represented employees and nonessential personnel, as determined by individual departments, shall use the dates listed above as holidays, unless a collective bargaining agreement has different days established. In those cases it may be more productive to observe the same holidays as the represented employees.

4.44 LEAVES OF ABSENCE.

An employee may not exceed six (6) months in any 12 month period on a leave of absence. The following types of leave, unless otherwise specified or provided for in this ordinance, are unpaid. Leaves available to eligible employees of Oneida County include: Personal Leave, Medical Leave, Military Leave, Jury Duty Leave and Bereavement Leave. Leaves of absence are not intended to add to the PTO benefit offered by the County.

- (1) Employees must have completed their initial introductory period to be eligible for leaves of absence, with the exception of military leave, jury duty and bereavement leave. Department heads may approve absences of less than three (3) days during the introductory period. Such time off shall be without pay and absences totaling three (3) or more days will not require an adjustment to the introductory period. In some instances, individual circumstances may dictate an exception for introductory employees. Such leaves are at the sole discretion of Oneida County. Absences of three (3) or more days shall be brought to the attention of the County Coordinator, who shall provide a recommended course of action to the department head. Eligible employees shall make written application for leaves of absence to the department head or oversight Committee at least ten (10) days prior to the desired starting date of leave, except in cases of illness, injury or bereavement.
- (2) Employees requiring a leave of absence for medical reasons shall simultaneously use any sick leave and PTO accrual with any family medical leave entitlement, consistent with State and Federal laws and the County's Family Medical Leave Policy.
- (3) In the event of anticipated return to work from any type of leave on a date earlier than that date originally established, the employee shall notify the department head a minimum of five (5) working days in advance of the anticipated return. Requests for extension of leaves shall be made a minimum of five (5) working days prior to the expiration of the original leave. Should an employee overstay a leave, unless an extension is granted, or accept employment elsewhere during a leave, the employee shall be deemed to have voluntarily terminated employment.

4.45 ACCRUAL OF BENEFITS.

Employees do not accrue benefits as if worked while on unpaid leave.

4.46 MEDICAL LEAVE.

- (1) Medical leave is provided to employees in accordance with federal and State family medical leave act provisions. A leave of absence may not exceed the earned benefits or eligibility for entitlement. A physician's certificate may be required from time to time to substantiate the need for continuing a leave of absence. Employees on a medical leave of absence shall be entitled, upon expiration of such leave, to be reinstated to the position in which they were employed at the time the leave was granted. If one employee elects to take time off under either the State or Federal Family Medical Leave Acts, the employee may not exceed the 12 weeks allowed under the Federal Family Medical Leave Act. The period of eligibility for use of Family Medical Leave, State or Federal, is from January 1st through December 31st of any given year.
- (2) During Federal and State Family Medical Leave, the employee's benefits shall continue on a prorated basis. However, health insurance benefits shall be unaffected for a period not to exceed the duration of the authorized leave, up to twelve weeks. In either case, the employee must continue to pay the employee contribution towards health insurance as well as any other benefits he or she wishes to continue.
- (3) Employees taking any leave of absence qualifying for Family Medical Leave will simultaneously exhaust their Family Medical Leave entitlement.

4.47 MILITARY LEAVE.

- (1) It is the policy of Oneida County to provide a nondiscriminatory and supportive environment for County employees serving in the Armed Forces, the Reserves or the National Guard. The County hereby incorporates by reference the Uniformed Services Employment and Reemployment Rights Act (USERRA; 38 U.S.C. 4301-4333) and the County Military Leave Policy, which is on file in the County Coordinator's office.

4.48 JURY DUTY LEAVE.

Employees called for jury duty shall be entitled to receive their normal pay from the County for the actual period of such duty, provided they remit the jury compensation to the County. Benefit accruals continue while in a paid status.

4.49 BEREAVEMENT LEAVE.

- (1) Employees shall be entitled up to three (3) days of bereavement leave to attend a funeral or services in the event of the death of an employee's spouse, child, parent, brother, sister, stepparent or stepchild. Two (2) days of bereavement leave shall be allowed to attend a funeral or services in the event of the death of an employee's mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandparent of spouse, or grandchild. This leave is separate from any benefit accruals and if additional leave time is required beyond that specified in this Section, such additional leave time may be taken and deducted from the employee's PTO or compensatory time. Bereavement leave will be deducted from the sick leave bank for an employee attending the funeral of an individual not listed above, with department head approval. If the employee has no sick leave, then the employee's PTO shall be used.
- (2) Payment for such leave shall only be for days lost from the regular schedule of the employee.
- (3) The employee may be required to furnish proof satisfactory to the County of the death and relationship to the deceased.

BENEFITS

4.50 HEALTH INSURANCE. (Am. Res. #93-2010; Am. Res. #61-2011)

- (1) Eligible employees shall be entitled to health insurance through the County's group health plan(s). Family plans shall be provided for employees requiring such coverage.
 - (a) The County may continue to offer coverage under a standard policy or offer dual choice options at its discretion.
 - (b) Employees on an unpaid leave of absence of greater than three (3) days may continue health insurance coverage at their own expense, except as otherwise provided.
 - (c) Health insurance coverage shall begin on the first day of the month following thirty (30) days of employment.
- (2) In the event that two (2) individuals in the same household are employed by Oneida County and who could, under the rules of health insurance plan(s), qualify for coverage under one (1) family health insurance plan, the two (2) employees will be entitled to their choice of one (1) family plan or two (2) single health plans. In the event that employee should terminate his/her employment with the County for whatever reason, the remaining employee shall be entitled to convert to the family plan without:
 - a. Loss of coverage.
 - b. Proof of insurability.
 - c. Medical underwriting.
 - d. Incurring inclusions for preexisting conditions for the employee and any member of the employee's family previously covered under a policy with Oneida County.
- (3) It shall be the employee's responsibility to notify the County Coordinator of any change in family status for any medical insurance with Oneida County. This shall include, but not be limited to, changing from family to single coverage. Such notification shall take place within 30 days of the change in family status. Failure to notify the County shall result in the employee assuming responsibility for the additional cost until proper notice is given. It shall also be the employee's responsibility to notify the County Coordinator of any change in family status due to marriage, divorce, death or change in the number of dependent children for health insurance coverage.
- (4) The County may, from time to time, change health insurance carriers or self fund coverage. In the event that the County is contemplating a change in coverage, the bargaining groups will be notified of the proposed change and given the opportunity for input ten (10) days prior to the decision of the County Board.
- (5) All disputes relating to insurance coverage are deemed as disputes between the employee and the insurance carrier and are not subject to any grievance provisions.

4.51 WORKER'S COMPENSATION.

All job-related accidents and injuries shall be reported to the department head or designee immediately. Forms shall be completed and submitted within 24 hours to the County Coordinator. The County Coordinator is advised of claims and kept current with claim status. In the event time is lost due to an on-the-job injury, compensation will be paid in accordance with the prevailing laws for the State of Wisconsin. Employees shall receive their regular salary or wage for up to six (6) months. After which time, an employee entitled to worker's compensation may elect to use as much PTO or compensatory time pay to equal full salary or wage. In no case shall aggregated benefits exceed regular salary or wage. Employees must continue to pay their regular portion of benefit contributions. Employees receiving worker's compensation shall continue to accrue benefits at the same level as if working. During the first six (6) months the workers compensation shall be paid directly to the county.

4.52 LIFE INSURANCE.

The County shall participate in the State Group Life Insurance Plan and pay the entire premium of the basic plan for non-represented, eligible employees. Eligible represented employees shall pay their required premium in accordance with Wisconsin Statutes and rules of the Wisconsin Group Life Insurance Board.

4.53 SECTION 125 PLAN.

The County offers employees IRC Section 125 plans.

4.54 DEFERRED COMPENSATION.

All regular employees are eligible to participate in any deferred compensation plan offered through the County.

4.55 RETIREMENT. (Am. Res. #61-2011)

- (1) Oneida County offers employee's retirement benefits under the Wisconsin Retirement System. The Finance Director shall be the agent for the County in all matters pertaining to the Fund. If the Finance Director is unable to perform the duties of such agent because of absence, disability or death, the Finance Department Account Technician shall act as the agent.
- (2) Eligible employees receive retirement benefits subject to Wisconsin Retirement (WRS) rules.

4.56 INCOME CONTINUATION.

The County offers income continuation through the WRS.

MISCELLANEOUS

4.57 INCLEMENT WEATHER.

- (1) Each employee accepts the responsibility for reporting to work at the regularly scheduled time regardless of prevailing weather conditions.
- (2) Employees not reporting to work shall not be paid. Employees may use earned PTO or compensatory time to minimize or avoid a loss of wages as a result of the absence. Employees may not use sick leave under inclement weather circumstances, unless the employee is sick. The County may ask for verification of illness.

4.58 MULTIPLE EMPLOYMENT WITHIN THE COUNTY.

Employees shall not hold more than one (1) County position, except as approved by the Labor Relations and Employee Services Committee.

4.59 REFERENCE CHECKS.

Unless delegated by the County Coordinator, no County employee shall reply to an official reference check request from a potential employer. Requests for reference checks should be forwarded to the County Coordinator and must be made in writing and include an authorization from the employee for the release of the requested information. In the event a reference check is not accompanied by an employee release, the County Coordinator shall provide the dates of employment, position held, and job location. This paragraph

is not intended to prohibit employees from serving as personal references. Employment verification requests shall be referred to the County Coordinator and must include the same authorization requirements as listed above. Payroll and salary verification requests may be sent directly to the Finance Department. The Sheriff or the Sheriff's designee shall be reply to background investigations of law enforcement personnel.

4.60 DRUG FREE WORK PLACE.

- (1) Oneida County is a drug free work place. Employees must report to the work place free of drugs, intoxicants, alcohol, narcotics or any other controlled substance. Employees may be disciplined, up to and including termination, for possession, consumption, not being free of or use of, any illegal drugs, drug paraphernalia, intoxicants, alcohol, narcotics or any other controlled substance, on or about County premises at any time.
- (2) Because prescription medication can also affect an individual's demeanor and job performance, it is the employee's responsibility to notify his or her immediate supervisor if he or she is taking legal prescription drugs that may affect performance or ability to perform the position duties. Such prescription drugs must be given under medical supervision, taken as prescribed and may not interfere with the performance of job duties.
- (3) Under certain circumstances, the County may require an employee to undergo a drug and/or alcohol test when the County has reasonable suspicion that the employee is in violation of this rule. Any decision to require an employee undergo drug and/or alcohol testing will be made pursuant to the Oneida County Drug Free Workplace policy. The collection and analysis of any samples collected from an employee will be in conformity with the procedures and standards set forth in the Oneida County Drug Free Workplace Policy.
- (4) Depending on the seriousness and circumstances of the offense employees may be subject to disciplinary action and at the County's sole discretion, an employee who tests positive for drugs and/or alcohol may be referred to counseling, rehabilitation, or an employee assistance program (EAP). Refusal to cooperate in this program may result in discipline, up to and including termination.
- (5) Commercial Drivers Licenses (CDL). Due to the number of employees holding commercial drivers licenses, the County has been mandated to comply with the Department of Transportation regulations for testing employees.
- (6) The Oneida County Drug Free Work Place Policy shall at all times be followed in the enforcement of this ordinance section.

4.61 SMOKE FREE WORK PLACE.

Oneida County is a smoke free work place. Smoking is prohibited in any buildings or vehicles that are owned, leased or rented by Oneida County.

4.62 ALCOHOL FREE WORK PLACE.

Oneida County is an alcohol free work place. Alcohol consumption and sale are prohibited in any building or vehicle owned, leased or rented by Oneida County.

4.63 DISABLED EMPLOYEE PARKING.

Disabled parking is available at all Oneida County facilities. Any employee having a need for designated parking due to a disability, whether permanent or temporary, should notify the County Coordinator to request consideration for disabled parking.

4.64 OUTSIDE EMPLOYMENT.

It is the expectation of Oneida County that employees be available and report to work for their scheduled work hours. It is also the expectation of Oneida County that employees subject to on-call hours will be available when called in and that they report to work. When a conflict arises and the employee is unavailable, he or she may be subject to disciplinary action, up to termination. Employees shall notify and seek approval from their department heads prior to accepting outside employment. The County may prohibit an employee from accepting outside employment that impairs, interferes or conflicts with their duties as an Oneida County employee.

4.65 SAFETY.

It is the employee's responsibility to comply with all safety requirements set forth by the County or its departments. Specific safety policies are set forth in each individual department's Safety Manual and are administered by the Safety/Risk Manager.

EFFECTIVE DATE

4.67 EFFECTIVE DATE.

This ordinance shall be effective October 18, 2006.

FOOTNOTE(S):

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Editor's note— Ord. No. 79-2006, § 4, adopted Oct. 17, 2006, amended Ch. 4 in its entirety to read as herein set out. Former Ch. 4, §§ 4.01—4.34, pertained to similar subject matter, and derived from Ord. No. 22-97; Ord. No. 40-97; Ord. No. 70-2000; Ord. No. 01-2002; Ord. No. 03-2004; Ord. No. 04-2004; Ord. No. 117-2003; Ord. No. 69-2005; Ord. No. 40-2006 and Ord. No. 50-2006. ([Back](#))