

1 **Amended Resolution #12-2009**

2
3 **GENERAL CODE OF ONEIDA COUNTY, WISCONSIN**
4 **ORDINANCE AMENDMENT #**

5
6 **Ordinance Amendment offered by Supervisors of the Labor Relations and Employee**
7 **Services Committee**

8
9 **Whereas**, the Oneida County Board of Supervisors has been made aware of future
10 budget constraints, and

11
12 **Whereas**, the Labor Relations and Employee Services Committee has reviewed the
13 Vacancy Review Policy and recommends necessary changes due to the economy and budget
14 constraints.

15
16 **NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF**
17 **SUPERVISORS DOES ORDAIN AS FOLLOWS:**

18 Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict
19 with this ordinance shall be and hereby are repealed as far as any conflict exists.

20 Section 2. This ordinance shall take effect the day after passage and publication as
21 required by law.

22 Section 3. If any claims, provisions or portions of this ordinance are adjudged
23 unconstitutional or invalid by a court of competent jurisdiction, the
24 remainder of this ordinance shall not be affected thereby.

25 Section 4. Section 4.32 of the General Code of Oneida County, Wisconsin, is amended as
26 follows [additions noted by underline, deletions noted by strikethrough]:

27
28 4.32 Filling Position Vacancies. ~~When a permanent vacancy exists or is anticipated in an existing~~
29 ~~position or classification, the department head in conjunction with the committee of jurisdiction~~
30 ~~and Labor Relations and Employment Services Committee, shall review the position and~~
31 ~~determine whether to fill the position provided funding exists for the position. Any vacant~~
32 ~~position that is not authorized to be filled according to the rules and that remains vacant for a~~
33 ~~period of six consecutive months shall automatically be eliminated. Vacancies shall be filled as~~
34 ~~follows:~~

35
36 (1) Notification of Position Vacancy. All County departments shall notify their Committee
37 of Jurisdiction Chairman and the Labor Relations and Employee Services Department of
38 a position vacancy (the term vacancy used herein includes current or future vacancies).
39 This notification shall occur within three working days of the department becoming
40 aware of the vacancy or future vacancy. This notification shall also include whether or
41 not the department head wishes to fill the vacancy or future vacancy.

42
43 (2) **Mandatory (DELETE) Vacancy Period.**

44
45 (A) Due to budget constraints, the LRES Committee/County Board has mandated s/b
46 recommended that all positions remain vacant for six (6) months. An exception may only
47 be made where public safety or welfare would be immediately placed in jeopardy. Under
48 said exceptions, Department Heads must still follow the steps for filling the vacancy as
49 outlined in this process/policy under (4) Deliberation of vacancy.

50 (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. 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.
7. 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.

- 102 (5). Approval. Once approval has been obtained, recruitment procedures as detailed in the
103 General Code of Oneida County shall commence.
104
- 105 (6). The County Coordinator and the chairpersons of the Committee of Jurisdiction and the
106 Labor Relations and Employee Services Committee may authorize an emergency filling
107 of a vacancy. This emergency authorization must be confirmed by a majority vote of the
108 members of the committee of Jurisdiction and the Labor Relations and Employee
109 Services Committee at their next meeting(s). An emergency authorization may only be
110 made where public safety or welfare would be immediately placed in jeopardy.
111
- 112 (7) Elimination of Position.
113
- 114 (A) Thirty days prior to the end of the six (6) month vacancy period, a Department Head may
115 ask that the position be reviewed and evaluated by the County Coordinator and a
116 recommendation given to the LRES Committee regarding the need to continue the
117 position. The position vacancy will be placed on the LRES Committee agenda where a
118 final determination shall be made.
119
- 120 (B) Any vacant position that is not authorized to be filled according to the rules contained
121 herein, and remains vacant for a period of more than six (6) consecutive months, shall
122 automatically be eliminated.
123
- 124 (C) Any vacant position, funded by grant monies, where the grant monies are no longer
125 available, in whole or in part, shall be eliminated.
126
- 127 (8). Approved vacancies shall be filled as follows:
128
- 129 (A) Whenever it is felt the local area could support filling a vacancy by advertising in the
130 official County newspaper, such advertisements shall be made. Other forms or sources of
131 public notice may be used at the discretion of the County Coordinator. Public
132 announcements of vacancies shall include at least the following information:
- 133 1. Classification/Position title.
134 2. Department where the position vacancy exists.
135 3. Salary range.
136 4. Benefit summary.
137 5. Minimum qualifications and requirements of the position.
138 6. Address and phone number to request and submit application.
139 7. Application deadline.
140 8. EEO statement; drug free, alcohol free and smoke free workplace
141 statement.
- 142 (B) In some positions, including new hires for regular and permanent part-time positions, a
143 medical examination may be required. For those employees required to have a
144 Commercial Drivers Licenses (CDL), a drug and alcohol test is required prior to
145 employment and each applicant will provide any drug and alcohol testing information as
146 required by the Department of Transportation mandated regulations. Each applicant will
147 sign a waiver for release of information from their previous employers for the purpose of
148 reference checks. Each applicant must also file a County application form with the office
149 identified in the job ad.
- 150 (C) Applicant evaluation prior to oral evaluations may consist of one (1) or more of the
151 following as deemed appropriate by the County Coordinator, department head, oversight
152 Committee or Labor Relations and Employee Services Committee:

- 153 1. Written examinations.
- 154 2. Evaluation of education, qualifications and experience.
- 155 3. Performance of tasks required.
- 156 4. Other requirements allowed by law.
- 157 (D) A Selection Committee shall be appointed consisting of any two (2) or more members
- 158 selected from the following:
- 159 1. Oversight Committee member(s).
- 160 2. Department Head or designee.
- 161 3. Labor Relations and Employee Services Committee member(s).
- 162 4. County Coordinator.
- 163 5. Employee Services Manager .
- 164 (E) Initial screening of applicants will be done by the Labor Relations and Employee
- 165 Services Office. The Selection Committee shall participate in the screening and formal
- 166 interview process of all non-elected department head positions and shall be responsible
- 167 for the hiring decision, unless otherwise required by statute. If the Selection Committee
- 168 so desires, it may screen the applications after the deadline for accepting applications has
- 169 passed, using experience and qualifications criteria. In screening applications, the
- 170 County Coordinator’s Office shall certify to the departments those applicants who are
- 171 eligible for final selection. The screeners may reduce the number of applicants
- 172 interviewed to a number not less than five (5) provided five (5) or more qualified
- 173 individuals have applied. When possible, the County Coordinator’s Office shall certify
- 174 only the top five (5) ranked applicants. If the selection process does not provide for the
- 175 ranking of applicants, the County Coordinator’s Office shall, if possible and under
- 176 specific criteria, establish categories of “most qualified, second most qualified, third most
- 177 qualified,” and so on. The department shall first make employee selections based upon
- 178 selections from the first category, then the second category, and so on. If neither of the
- 179 above two methods is available, the County Coordinator’s Office may certify all
- 180 applicants or implement random selection methods to reduce the applicant pool to a more
- 181 manageable number.
- 182 (F) Applicants will be notified at least five (5) working days prior to the date of the
- 183 scheduled interview when possible. Applicants not selected for interview shall, if
- 184 possible, be notified by mail on the same date as those who are selected for interview.
- 185 (G) The Selection Committee shall conduct oral evaluation interviews and shall certify the
- 186 top three (3) applicants, provided three (3) qualified individuals have applied to fill
- 187 possible vacancies in the ensuing year. Where a certified eligibility list exists, the
- 188 department head shall fill the vacancy from the list.
- 189 1. The application forms, ratings and certified eligibility list shall be
- 190 utilized for future vacancies in the same classification for a period not to
- 191 exceed twelve (12) months. If less than three (3) qualified applicants
- 192 remain available to fill a vacancy in the same classification during said
- 193 period, the department head may request that the formal selection
- 194 process be reinitiated.
- 195 2. At the request of the Department Head, the Selection Committee may
- 196 certify more than three (3), provided that all certified applicants meet the
- 197 minimum qualifications. The County Coordinator shall verify that all of
- 198 the certified applicants meet the minimum qualifications.
- 199 (H) No applicant shall be considered for a vacancy where appointment to such vacancy
- 200 would result in members of an immediate family being employed in a direct supervisor-
- 201 employee relationship.
- 202 (I) No person shall serve as a member of the Selection Committee for a vacancy in which an
- 203 applicant is a member of his/her immediate family. Any Selection Committee member

204 named as a reference shall be disqualified from voting on the vacancy for that applicant.
205 In the event an interviewer is uncomfortable with evaluating an applicant, the interviewer
206 should identify the concern to the other interviewers and a decision should be made
207 collectively whether the interviewer should or should not participate.

208 (J.) The County Coordinator will verify eligibility of interviewers when coordinating
209 interviews.

210 (K.) Applicants selected to receive a formal job offer shall be notified in writing by the
211 County Coordinator. This job offer shall include the pay rate, percentage of full-time
212 employment, position title, appropriate department, shift if appropriate, and shall request
213 a written acceptance letter which includes the individual's proposed start date.

214 (L.) Exceptions to this process are outlined in Sections 4.35 Promotions and 4.36 Transfers.

215 (M.) Upon request by the department head, as required by statute, and authorized by the
216 County Coordinator, Oneida County may conduct background investigations and
217 reference checks on applicants.

218

219 Approved by the Labor Relations and Employee Services Committee on .

220

221 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

222

223 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by
224 the Corporation Counsel, _____, Date: _____

225

226

227 Offered and passage moved by:

228

Supervisor

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Supervisor

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233

Supervisor

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235

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Supervisor

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Supervisor

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243 Seconded by: _____

244

245

246 _____ Ayes

247

248 _____ Nays

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250 _____ Absent

251

252 _____ Abstain

253

254

255 _____ Adopted
256
257 by the County Board of Supervisors this ____ day of _____ 2009.
258
259 _____ Defeated
260
261 _____
262 Robert Brusio, Clerk Andrew P. Smith, County Board Chair