Resolution No: 13-16

Resolution Adopting Comprehensive Revision to Polk County Personnel Policies-Chapter 8 Personnel Policies

TO THE HONORABLE SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, it is in the interest of the County to provide for a comprehensive revision of existing county personnel policies that conforms to law, is compatible with the County Administrator form of organization, and facilitates the development of a General Code of County Ordinances; and

WHEREAS, the General Government Committee has recommended that the Polk County Board of Supervisors adopt the attached "Chapter 8, Personnel Policies", as a comprehensive revision to the various existing county personnel policies.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors adopts "Chapter 8, Personnel Policies", attached hereto and incorporated herein. *

BE IT FURTHER RESOLVED that the various county policies identified in the Appendix - Table of County Personnel Policies Repealed and Superseded by Resolution No. 13-16, attached to and incorporated in said policy, shall be repealed and be superseded by "Chapter 8, Personnel Policies".

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Dated Submitted To County Board	March 15, 2016
Submitted ~~and Sponsored~~ By:	
Review By County Administrator: ☒ Recommended ☐ Not Recommended ☐ Reviewed Only Dana Frey, County Administrator	Review By Corporation Counsel: ☒ Approved as to Form ☒ Recommended ☐ Not Recommended ☐ Reviewed Only Jeffrey B. Fuge, Corporation Counsel

* A copy of the Chapter 8, Personnel Policies can be viewed in the Polk County Clerk Office or on the Polk County Website.

Acknowledgement of County Board Action
Mark As Appropriate: At the special meeting held, after issuance of proper written notice on the 15th_day of **March**, 2016, the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 13-2016: Resolution Adopting Comprehensive Revision to Polk County Personnel Policies-Chapter 8 Personnel Policies, as follows: ☐ Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against. ☒ Adopted by unanimous vote. ☐ Defeated by a vote of _____ in favor and _____against. ☐ Defeated by voice vote. ☐ Action Deferred by Procedural Action, as follows: _____ SIGNED BY: _____ William F. Johnson, IV, County Board Chairperson Attest: _____ Carole T. Wondra, County Clerk

STATE OF WISCONSIN)
)SS
COUNTY OF POLK)

I Carole T. Wondra, Clerk for Polk County, do hereby certify that the attached is a true and correct copy of Resolution No. 13 -16, that was adopted by the Polk County Board of Supervisors on March 15, 2016.

Carole T. Wondra 3-23-16

Carole T. Wondra, Date
Polk County Clerk

Chapter 8

Personnel Policies

(Adopted March 15, 2016)

Chapter 8. Personnel policies

Section 1. General

1.01. **Scope.** This policy governs employment-related policies for all employees except that, if in conflict with a collective bargaining agreement or other contractual obligation, the provisions of that agreement or contract prevail. Further, in the event any policy violates federal or state law or is held invalid by a court of competent jurisdiction, the affected policy shall be deemed to have been severed from this policy to the extent of its invalidity.

1.02. **Definitions.** For purposes of this policy, the following terms have the meanings given.

a. *Fair Labor Standards Act (FLSA)* means Fair Labor Standards Act of 1938 as amended, at 29 U.S.C. § 201 *et seq.*, and the federal regulations implementing the same, at 29 C.F.R. Parts 510 to 794.

b. *Exempt employee* means an exempt employee as defined in the FLSA.

c. *Non-exempt employee* means a non-exempt employee as defined in the FLSA.

d. *Regular work day* means Monday through Friday, other than official county holidays unless otherwise determined by the department head.

e. *Supervisory authority* means an employee's direct supervisor or, in the case of a non-elected department head, the county administrator and, in the case of the county administrator, the administrative committee and the County Board.

f. *Regular pay* means the base amount paid a non-exempt employee on an hourly basis.

g. *Anniversary date* means the day of the year on which an employee began his or her current permanent uninterrupted employment.

h. *Holiday* means New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day, Labor Day, Veterans' Day, Christmas Eve, Christmas Day and Good Friday. For employees of the Sheriff's department, Christmas Eve and Good Friday holidays are replaced by Presidents Day and Easter Day.

i. *County* means Polk County, Wisconsin.

j. *FMLA* means the Family and Medical Leave Act of 1993 as amended, at 29 USC § 2601 *et seq.*, and the federal regulations implementing the same, at 29 C.F.R. Parts 825.

k. *Hiring authority* means the person who is empowered to make offers of employment by the employee relations director.

l. *Reduction* in *force* means the elimination of positions or a reduction in hours for positions due to financial constraints.

a. *Position* means a financially compensated employment opportunity controlled by the county and as defined by county labor agreement, contract, or similar.

b. *Limited position* means a position with a defined ending date, either funded entirely through a grant or other dedicated revenue or limited by the type and scope of work to be performed. Types of limited positions are:
   i. A *temporary limited position* is one that does not exceed 2080 hours in any calendar year (including extensions) for any one department.
   ii. A *seasonal limited position* is a position that fulfills a specific assignment of a recurring, well-defined nature, not to exceed six months in any calendar year.
   iii. An *emergency limited position* is an appointment to meet staffing needs of an unforeseen or critical nature.
c. *Full-time positions* are those non-limited positions designed for a full work week as defined by labor contract, personnel policy, or other appropriate controlling document (such as County Board resolution or contract with outside agency).
d. *Part-time positions* are those non-limited positions designed to work fewer hours than a full work week as defined by labor contract, personnel policy, or other appropriate controlling document including County Board resolution or contract with an outside agency. Part time positions are divided into three sub-classifications:
   i. *Regular part-time* positions are scheduled to work 1020 hours or more in a calendar year.
   ii. *Restricted part-time* positions scheduled to work less than 1020 hours in a calendar year.
   iii. *Casual* positions are limited part-time positions with an irregular or variable number of hours per year but established on a permanent basis by County Board resolution and do not exceed 600 hours in a calendar year except in the case of the sheriff's department.
e. *Fee Reimbursement Funded* positions are limited, full-time, or part-time positions that provide patient care and that are fully funded through fees and charges.

1.03. <u>Powers and duties.</u> Responsibility for the implementation of this policy is assigned to the following groups or individuals:

a. *General government committee.* The general government committee reviews County personnel policy including this policy and makes recommendations to the County Board.

b. *County administrator.* The county administrator oversees the management of departments and implements the policy established by the County Board including preparing a budget recommendation consistent with that policy.

c. *Employee relations director.* The employee relations director implements the work-related components of this policy, develops and maintains instructions as to its implementation including any handbook derived from this or other County Board policy, periodically reports to the general government committee and the County Board on employment related policy issues including diversity and equal opportunity and periodically reviews the elements of this policy to determine any need for amendment. The employee relations director also oversees the

recruitment and disciplinary processes and is responsible for directing employee safety procedures and processes.

d. *Department heads.* Department heads manage their departments, including staff assignments, and are responsible for setting hours and conditions of work within the scope of this policy as limited by State or Federal law, contractual or grant restrictions, codes of ethics or other statements of professional responsibility. Department heads also manage the recruitment and disciplinary process with the employee relations director and may adopt additional safety procedures and processes beyond those generally applicable to all employees, including employee handbooks or manuals consistent with this policy and with the approval of the employee relations director.

e. *Other managers.* All other managers are responsible for the implementation of relevant aspects of this policy as well as any directives issued by department heads that do not conflict with this policy or State or Federal law, contractual or grant restrictions, codes of ethics or other statements of professional responsibility.

Section 2. Employment policy.

2.01. Conditions of employment and general rules of work. County employees must abide by the following rules or conditions as interpreted by the employee relations director.

a. *Equal Opportunity.* Polk County is committed to equality of opportunity in its employment practices without regard to an employee or employment candidate's political affiliation, religious beliefs, race, color, creed, national origin, sex, sexual orientation, ancestry, use of lawful products, military participation, age or disability, and other classifications protected under Federal and Wisconsin law and with proper regard for their rights as citizens. The employee relations director is responsible for the development, maintenance, and enforcement of the equal opportunity and affirmative action plans for Polk County.

b. *Workplace and sexual harassment.* Polk County is committed to maintaining a safe workplace environment that is free from discrimination, harassment and retaliation. Workplace harassment and discrimination, whether engaged in by employees, supervisors, or members of the public, will be subject to disciplinary action as will retaliatory acts taken against employees for reporting workplace harassment or discrimination. Any employee who believes he or she has been subject to actions that violate this policy may report this action directly to his or her supervisor, the employee relations director, or the county administrator. The employee relations director must investigate any allegation made under this section and take appropriate action based on the findings of that investigation.

c. *Restrictions on nepotism.* Unless there is an exception pursuant to Federal or State law, no person will be appointed to any County position by an appointing authority when the appointing authority is an immediate family member, and no employee shall directly or indirectly supervise his or her spouse.

d. *Hours of operation.* Unless otherwise authorized by the county administrator after advising the County Board, all County offices that serve the general public must be open from 8:30 AM until 4:30 PM on all regular work days except when subject to weather related or emergency closure.

e. *Timekeeping.* All employees will record work time through the County's prescribed timekeeping system in accordance with the rules developed and published by the employee relations department.

f. *Overtime and Compensatory Leave.* Overtime work must be approved by the employee's supervisory authority before it is performed and funded within the constraints of a department's personnel budget. Overtime must be paid for hours as provided by the Fair Labor Standards Act, except that a department head may authorize overtime for work on weekends or holidays in excess of a regular work week regardless of whether the employee was on vacation or holiday during this period. In lieu of overtime pay and at the discretion of the department head, non-exempt employees may accrue compensatory leave at one and one-half times the hours worked to a maximum of 45 hours (30 hours worked) in a calendar year. Any unused compensatory leave balances will be paid out monetarily annually on the 25th payroll of a calendar year.

g. *Prohibited drug and alcohol use.* Polk County government is a drug-free workplace. While on Polk County premises and/or while conducting county business activities off Polk County premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs or abuse prescription drugs. Any employee under the influence of drugs or alcohol while at work or conducting official Polk County business is subject to disciplinary action up to and including termination. A department head may, at his or her discretion and subject to applicable Federal and State regulation, institute a drug testing policy for that department.

h. *Smoking and tobacco use.* Tobacco use is prohibited within 50 feet of any Polk County Government owned entrance, ventilation unit, or window unless in a designated area assigned by the director of the buildings, parks and recreation department and in all County –owned motor vehicles.

i. *Solicitation and distribution.* Solicitation by employees during working time is prohibited, as is the distribution of materials or literature, except that a department head may allow limited and unobtrusive non-commercial collections or activities for employee-related assistance.

j. *ID badge.* All employees must wear a visible employee ID badge issued by the employee relations director while at work except when doing so places an employee's physical safety at risk.

k. *Internet and computer use policy.* Computers, email, and all related peripherals are the property of the County. Incidental personal use of such equipment or software is allowed only to the extent that it does not result in any increased costs to the County or interfere with the fulfillment of the employee's duties or in any other way result in violation of this policy. The use of County computer systems

such as email and internet is not private and subject to monitoring at all times by the county. Improper use of the computer system such as gaining unauthorized access to documents, introducing viruses or malware to the system, accessing sexually-explicit or inappropriate sites, use of the system to harass others or in any other way violate County policy is subject to disciplinary action, as is violation of copyright laws and licenses. It is also prohibited to share passwords with others. The employee relations director and information technology director must develop rules and procedures to ensure this standard is met and enforced.

l. *Code of ethics.* Polk County employees will abide by the code of ethics and conflict of interest policy, subject to disciplinary action on violation.

m. *Cell phone use.* The County will provide an employee a cell phone and/or a similar wireless communication device and pay the cost of service only at the convenience of the County and where considered used primarily for noncompensatory business purposes within the meaning of Internal Revenue Service guidelines. All cell phone and wireless contracts must be approved by the finance director or his/her designee. Notwithstanding any policy to the contrary and except for law enforcement staff, hand-held County-funded cell phones may not be used while an employee is operating a motor vehicle nor may personal cell phones be used while an employee is operating any motor vehicle while on County business. Violation of this provision is subject to disciplinary action.

n. *Outside employment.* No employee may be employed by or provide services for any private business if that employment interferes with, or is adverse to, the proper performance of his or her official duties. No employee may be employed by a business that transacts business with the County and, by so doing, puts that business in a more favorable position than its competitors to do business with the County.

2.02. Compensation plan. The County Board annually sets the compensation plan as part of the annual budget resolution, including compensation for every county employee not represented by a labor union.

a. *Interim adjustments.* The employee relations director may, at his or her discretion and using funds assigned for that purpose, conduct an analysis of any position to determine market compensation level. For purposes of this study, the primary market includes the Wisconsin counties of Barron, Dunn, Pierce, Burnett, St. Croix and Polk County and considers both public and private positions. Should the employee relations director determine that that market not provide an adequate sample, the employee relations director may expand the sample size. If the difference in salary so determined is considered significant enough to potentially affect retention or recruitment, the employee relations director may increase salary for the subject position, with the concurrence of the county administrator, to a level necessary to recruit or retain subject employees. Should the analysis determine that the market compensation level is lower than the current compensation for the subject position, the employee relations director may reduce the starting salary for that position and, for incumbent employees,

restructure duties and responsibilities or take other steps including limiting annual increases so as to realign compensation with the labor market.

b. *Special compensation rules.* Any full-time non-exempt employee required to work on a holiday must receive holiday pay and additional pay equal to one and one-half times his or her regular hourly rate of pay.

c. *Longevity pay.* Every regular full time employee who has a length of service of over 5 years as of July 1 in any year must receive a longevity bonus on the 25th payroll determined as follows:

Length of service	*Maximum bonus*
Five to ten years	*$80*
Ten to fifteen years	*$150*
Fifteen to twenty years	*$225*
More than twenty years	*$290*

Should the total amount calculated using this table for all employees exceed the appropriation for longevity pay in the annual budget, these amounts must be proportionately reduced until the total amount calculated equals the appropriation in the annual budget.

d. *On call pay and call in pay.* A department head may establish on call pay for any employee who may be required to work at a time outside of their normal work schedule and/or a minimum pay amount for anyone who is called in to work outside of their normal work schedule with the approval of the employee relations director. The amount of on call pay may not exceed $2.00 per hour.

2.03. Recruitment and promotion. Notwithstanding any other policy to the contrary, the county administrator may authorize the filling of any vacant position authorized in the annual budget resolution. The county administrator may also authorize replacing a full-time vacant position with a part-time or limited position or a full-time position at a lower pay grade. The employee relations director is responsible for the management of this process.

a. *Notice.* All vacancies must be noticed in a central location within each county building and on the County website.

b. *Internal applicants.* First consideration may be given to promotion of a current employee. If it is determined by the supervisor that an adequate pool of applicants exists without advertising and seeking outside applicants, the supervisor may confine the initial interview process to only internal applicants. For purposes of this section, internal applicants include any former employees separated because of a reduction in force.

c. *Veterans preference.* It is the policy of Polk County to give veterans preference to eligible individuals. Points equivalent to five percent of the total possible score will be given to veterans discharged under honorable conditions from active duty

with the United States Armed Forces. Points equivalent to ten percent of the total possible score will be given to veterans with service-connected disabilities. (Active duty for training purposes as a member of the National Guard or a Reserve component is not creditable for veteran's preference points.) Veteran's preference will be applied only for initial County employment and cannot be used for promotion or transfer purposes. In addition, if two (or more) candidates for initial County employment are deemed to be equally qualified and both meet the requirements of the position, that applicant who is a veteran must be given preference in hiring.

d. *Advertising.* Should the appointing authority determine that an insufficient number of qualified internal applicants exist, the appointing authority must publish an advertisement in the County's newspaper of official record and contact the State Department of Workforce Development or any successor agency. The director of employee relations must determine whether additional advertising beyond this level is needed to develop an adequate pool of applicants.

e. *Relocation expenses.* The employee relations director may authorize the reimbursement of relocation expenses with the approval of the county administrator in an amount not to exceed $5,000.

f. *Medical examinations.* If required by the County as a condition of employment, an applicant for employment with the County must satisfactorily pass a complete physical and/or psychological examination before being accepted for employment. The County will pay the cost of the physical examination, which must be conducted by a provider selected by the employee from a list provided by the County.

g. *Starting pay.* Any starting salary above the minimum for a position must be approved by the employee relations director with the concurrence of the county administrator.

h. *Orientation.* All new employees must receive an orientation within the first three days of employment, and a form to that effect must be prepared by the employee relations director and signed by the employee.

i. *Reinstatement.* An individual who left employment with Polk County through a reduction in force within 18 months of the date when the application process begins may be given preference over all outside applicants in hiring provided that individual continues to meet all work requirements. The hiring authority may reinstate that former employee in lieu of conducting a formal hiring process.

j. *Exit interview.* On termination of employment with the county, the supervising authority must request that the employee submit to an exit interview. If held, the results of that interview must be transmitted by the supervisory authority to the department head and the employee relations department.

2.04. Benefit structure. Funding and specific provisions of employee benefits is as incorporated in the annual budget. For purposes of budget preparation, benefits include life insurance, health insurance, disability insurance, workers compensation and the County share of Wisconsin Retirement System payments. A Section 125 Plan with a medical flexible spending account option may also be made available to employees.

a. *Health insurance eligibility.* An employee must apply for health insurance within 30 days of their start date, at which point coverage will begin as of the first day of the following month. Regular part-time employees are eligible for health insurance, with premium amount paid by the County based on the ratio of hours worked to full time hours as determined by the employee relations director.

b. *Disability insurance.* The employee relations director must make disability insurance available to all benefit-eligible employees, with the share paid by the County as determined in the annual budget.

a. *County-funded disability insurance.* County-funded extended leave insurance is pay due to illness or injury that occurs outside of County employment and which is not covered by the Worker's Compensation Act, including military leave that qualifies under FMLA. Employees accrue extended leave insurance coverage at the rate of five days' pay per year with a maximum insurance coverage equal to 20 days' pay. Extended leave insurance may be paid in the case of qualifying illness or injury after three days of absence, either paid personal time off or leave without pay.

c. *Other benefits.* The county administrator may also authorize other benefits with no direct cost to the County or with negligible cost of administration only after advising the County Board.

2.05. Employee leave. All leave, other than holiday, military, bereavement, or jury duty leave, must be approved in advance by an employee's supervisory authority. Amounts expressed in days must be converted to an hourly amount for those employees whose regular schedule is not a 7.5, 8, or 8.5 hour day. The Golden Age Manor administrator may independently establish rules for employee leave with the approval of the employee relations director and within standards set by State and Federal law.

a. *Personal time off.* Personal time off is paid leave for absence from work including vacation, illness or injury not covered by the Worker's Compensation Act, including military leave that qualifies under the FMLA, and inclement weather. Employees accrue personal time off at the rate of three weeks per year on hiring, with an additional two days added after three years, an additional week on their sixth anniversary date, an additional day on their tenth anniversary date, an additional week on their 13th anniversary date and an additional day on their 15th and 20th anniversary dates. In addition to the above, exempt employees will receive an additional day of personal time off on their first anniversary date and thereafter. The maximum personal time off accrual is 240 hours for non-exempt and 300 hours for exempt employees determined as of an employee's anniversary date.

b. *Holiday.* A holiday is paid leave on a specified day for all regular employees who are in pay status the work day preceding and first work day following the paid holiday. In pay includes employees on personal time off, sick leave or extended leave, disability subject to workers' compensation, and any employee that may have been excused for compelling personal reasons the workday preceding and

the first work day following the paid holiday. Should a holiday occur on a day when an employee is not scheduled to work, the nearest scheduled workday will be a holiday.

c. *Sick leave.* Sick leave is paid leave due to illness or injury that occurs outside of the employment of the County and which is not covered by the Worker's Compensation Act, including military leave that qualifies under the Family and Medical Leave Act. No new sick leave may accrue after December 31, 2012. Existing sick leave balance will be retained for every employee and may be used in the case of illness or injury after an employee's extended leave insurance coverage is exhausted until short-term disability insurance payments are received and, if long-term disability insurance is not elected, after short-term disability insurance is exhausted, to supplement payment of disability insurance up to the full amount of an employee's pay, or after exhaustion of short-term disability benefits.

d. *Accrual.* The accrual of personal time off and extended leave insurance coverage must be according to the amount of hours paid an employee per pay period, not to exceed the maximum accrual defined by the employee's accrual classification. Employees working less than full time must accrue benefits equivalent to the ratio of hours worked to a full-time equivalent. An employee who works fewer than 1,020 hours annually is not entitled to any benefits under this section.

e. *Jury duty leave.* An employee who is required to be on jury duty during scheduled working hours must retain full pay and benefits, provided all jury duty fees received, less any mileage or transportation reimbursement, is paid to the County. Jury duty leave applies only to the time the employee is required to be present in court for jury duty, allowing for transition time.

f. *Bereavement leave.* Bereavement leave is leave at the regular rate of pay provided employees on death of relatives taken at the request of the employee. In the event of a death of a member of the employee's immediate family, the employee may receive up to 24 hours or three regular work days of leave whichever is less; in the event of the death of an aunt or uncle, up to 8 hours or one regular work day, whichever is less, paid leave with an annual maximum of 16 hours or two regular work days, whichever is less and, should the employee serve as a pallbearer for another individual, the time needed to do so with allowance for travel and not to exceed 8 hours. For purposes of this section, immediate family includes a spouse, a child, parent or sibling, including in-law or step, grandchild and grandparent.

g. *Leave without pay.* A department head or, in the case of a non-elected department head, the county administrator, may grant a leave without pay of up to 30 days at the request of an employee. A leave of greater than 30 days must also be approved by the county administrator. No benefits may be earned during a leave without pay, although employees may agree to pay the full amount of their health insurance. Individuals on a leave of absence for five (5) days or less per anniversary year will not be prorated for sick leave, vacation or insurance.

h. *Military leave of absence*. An employee may take military leave with pay for up to 30 days annually, such pay being equal to the difference between the employee's regular and military pay. This leave must be based upon actual military orders, and length of service will continue to accrue throughout military leave. Leaves of absence or those for more than 30 days are considered leave without pay.

i. *Voluntary shared personal time off.* An employee who has been a county employee for more than six months, qualifies for FMLA due to a medical condition or the medical condition of an immediate family member, provides a written physician's statement supporting the claim, and is not receiving workers' compensation because of that medical condition may apply to receive voluntary shared personal time off in an amount not to exceed 1,040 hours. Prior to the use of voluntary shared personal time off, the employee must have first exhausted all sick, extended leave, personal time off, and compensatory leave. An employee may donate the lesser of 40 hours of personal time off or the difference between accrued personal time off and 75 hours. No donation may be less than 12 hours. The employee relations director is responsible for the administration of this program.

j. Family and medical leave. Eligible employees may qualify for unpaid leave under Wisconsin's Family and Medical Law, the Federal Family and Medical leave Act, or both. When applicable, these leaves must run concurrently.

2.06. Emergency closure. It is the policy of Polk County to keep its facilities and services available to the public whenever reasonably possible. Should circumstances arise where the health, safety and general well-being of employees and the public becomes a consideration, the county administrator may direct a full or partial closure of some or all County offices and services. If employees are unable to work, they must use paid time off or leave without pay for such period that that this full or partial closure is in effect.

2.07. Business expenses. Polk County employees must be reimbursed for the following expenses through the regular payroll process.

a. Travel. Overnight travel must be approved in advance by the employee's supervisory authority and must be funded for that department in the annual budget. Polk County employees must abide by, and will be reimbursed under, the State of Wisconsin travel policy as interpreted by the finance manager and county administrator, provided that no reimbursement may be made for meals within the County without prior approval. With prior approval, an employee may be accompanied by a family member or friend when the presence of a companion will not interfere with the successful completion of business objectives. All travel expense reimbursements must be filed within 60 days of travel completion to be paid. Every employee is responsible for the preparation and submission of their own travel expense reimbursement requests.

b. *Vehicle expenses.* No personal use of County-owned or leased vehicles is permitted except in an emergency.

c. *Medical examinations.* The county will reimburse employees for the cost of all County-required medical tests not paid by the employee's insurance.

d. *Safety equipment.* Safety equipment required by the County must be provided to employees at no cost up to a limitation set by the department head.

e. *Uniform allowance.* The County may also provide a uniform allowance to employees as approved in the annual budget and to a limitation set by the department head.

2.08. Payroll processing. Employees will be paid bi-weekly through direct deposit, with appropriate deductions for benefits, taxes, and related payroll transactions.

2.09. Discipline. Supervisors must use discipline in addressing work-related issues only in consultation with the employee relations director. Misconduct that can lead to disciplinary action includes, but is not limited to:

- Theft or inappropriate removal or possession of property;
- Falsification of timekeeping records;
- Working under the influence of alcohol or illegal drugs;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace;
- Fighting or threatening violence in the workplace;
- Boisterous or disruptive activity in the workplace;
- Negligence or improper conduct leading to damage of property;
- Insubordination or other disrespectful conduct;
- Violation of safety or health rules;
- Tobacco use in the workplace;
- Sexual or other unlawful or unwelcome harassment;
- Excessive absenteeism or any absence without notice;
- Unauthorized use of telephones, or other County-owned equipment;
- Unauthorized disclosure of confidential information;
- Violation of personnel policies; and
- Unsatisfactory performance or conduct.

The County may take any disciplinary action it deems appropriate under the circumstances of the individual case. Disciplinary appeals and appeals for safety purposes are subject to the workplace discipline and safety appeals process.

2.010. Separation. The following section governs separation from County employment as implemented by the employee relations director.

a. *Retirement.* An employee may receive a sick leave payout under this section when he or she has permanently ceased employment by the County and is eligible to receive retirement benefits under the Wisconsin State Retirement system.

b. *Sick leave payout.* In case of retirement or forced retirement due to disability, the employee must receive 50 percent of their accumulated sick leave paid to a Health Reimbursement Account established for that employee. Employees who, prior to January 1, 2012, were eligible for a larger payout as a percentage of accrued sick leave upon retirement will receive the difference between the amount calculated

and paid to a Health Reimbursement Account under this section and the amount they would have received under this larger payout as a lump-sum distribution to their Health Reimbursement Account. Upon death while in employment status, an employee's estate must receive a lump sum payment equal to the value of one-half of that employee's remaining unused sick leave, not to exceed 360 hours.

c. *Resignation.* An employee must provide his or her supervisory authority with a minimum of two weeks' notice to be considered resigned in good standing unless the supervisory authority agrees to waive this requirement.

d. *Reduction in force.* If the County Board, department head, or other County official takes action that would result in a reduction in force and the elimination of a position or positions, the department head may first consider voluntary reductions to reduce costs. In making a determination to eliminate a position, the department head must consider length of service, past performance, and the ability to reassign duties based on areas of expertise and experience. Employees must receive written notification of any layoff at least two weeks before its effective date.

e. *Severance.* The employee relations director may, with the approval of the county administrator, negotiate a severance agreement on termination of any employee to provide additional compensation based on length of service and in return for settlement of any potential claim against the County. A department head whose position is eliminated or who is otherwise terminated for reasons other than past performance is eligible for severance pay equal to one month's salary for each year of service beyond one year, with a maximum severance amount of four months' salary. No severance may be paid for any employee terminated for violation of State or Federal law or gross violation of County policy.

Section 3. Personnel administration.

3.01. Position documentation and records. The following procedures or documentation standards must be followed for all County positions.

a. *Position description.* The employee relations director must ensure that a position description exits for every County position and must periodically review and oversee the amendment of these descriptions to ensure that they accurately reflect the requirements and duties of that position.

b. *Employee performance appraisal.* All supervisory authorities must conduct an annual performance appraisal of those regular employees they supervise on forms prescribed by the employee relations director.

c. *Employment records.* The employee relations director must maintain all employment records assuring confidentiality under State and Federal law.

d. *Access to personnel files.* Employees may access their personnel files in accordance with Wisconsin statutes section 103.13. Employee requests to review his/her personnel file must be directed to the employee relations director.

3.02. Positions, how created. No position may be created except as herein provided.

a. Any non-limited position must be authorized by appropriation in the final annual budget resolution.

b. A department head may establish limited positions or expand the hours of existing part-time non-limited positions for a period not to exceed one hundred thirty-five (135) calendar days or the remainder of the calendar year, whichever is shorter, on approval by the employee relations director and provided adequate funding for that purpose is available.

c. The sheriff may establish a casual position with the approval of the employee relations director for the remainder of the calendar year.

In an emergency where it is not possible to receive prior approval of the employee relations director, a department head may establish a limited position provided such approval is received within 72 hours of that hire.

3.03. Limited positions, restrictions. Limited employees do not participate in the County's benefits program except as provided for elsewhere in the County's personnel policy or collective bargaining agreements or as required by law. The number of hours worked may be either full-time or part-time. Limited positions must serve one of four major purposes:

a. To fill positions that are temporarily vacated by non-limited employees.
b. To provide assistance to departments with temporary and substantial increases in workload.
c. To fill a full or part-time position for a limited period of time as part of a seasonal program or activity.
d. To enable county participation in an activity for which a dedicated funding source is available.

Unless subsequently authorized by the County Board in the annual budget resolution, a limited positions ends when the dedicated revenue used to fund this position is exhausted or when any contractual time limitation associated with that funding is reached.

Section 4: Workplace Discipline and Safety Appeals

4.01. General. Pursuant to Wis. Stat. §66.0509(1m), employees may appeal certain decisions related to terminations, employee discipline and workplace safety as required by law. If an employee is subject to a contractual or other statutory grievance procedure, that procedure must be followed as applicable.

4.02. Definitions:

a. Employee. Appeals rights pertain only to employees working in a full-time or regular part time capacity at the time of the safety or disciplinary decision; employees for this purposes does not include elected or appointed officials, limited term employees, independent contractors, temporary employees and employees employed with the County for less than 6 months.
b. Discipline. Discipline is defined as an adverse employment action which directly affects an employee's pay during the course of their employment.
c. Termination. Termination is defined as a separation from employment that is initiated by the employer for disciplinary or performance reasons.

d. Workplace Safety. Workplace Safety includes any condition of employment related to the physical health and safety of the physical work environment; this does not include conditions of employment unrelated to the physical environment such as hours of work, overtime and work schedules.

4.03. Procedures:

a. Conditions Precedent – Workplace Safety Appeals. An employee may not file an appeal relating to a condition that the employee believes to be a workplace safety violation without first reporting the condition in writing to their supervisor and/or the employee relations director. Upon receipt of the initial report, the employer shall have ten (10) calendar days in which to investigate the condition and advise the employee in writing of the investigative findings. If the employer advises the employee in writing within ten (10) calendar days that corrective action is being taken in accordance with the law, no appeal under this section may be initiated. If the employer provides the employee with a non-action notice, the employee may proceed with filing an appeal.

b. Filing. An employee may initiate an appeal to the employee relations director within fifteen (15) calendar days of the decision giving rise to appeals related to discipline or termination and within seven (7) calendar days of the employee's receipt of non-action notice in workplace safety determinations; the appeal must be in writing in the format prescribed by the employee relations director.

c. Acceptance and Review – Discipline and Termination Appeals. The employee relations director will notify the employee of any defects in the appeal. The employee will have seven (7) calendar days to remedy the defect. If the appeal is not remedied or if the appeal does not meet timeliness standards, the employee may seek review by the General Government Committee. The General Government Committee will only determine whether there are extreme circumstances that rendered compliance with the time-frames unduly burdensome. Such exceptions will be construed narrowly. The decision of the Committee will be final. Failure by the employee to comply with timelines herein required constitutes a waiver by the employee of their right to access the appeals procedure.

d. Certification. By filing and signing the appeal, the employee is declaring under penalty of false-swearing that the information contained within the appeal is true and correct to the employee's belief.

4.04. Impartial Hearing Officer (hereinafter Officer)

a. Selection. The employee relations director shall, in a reasonable timeline, establish a panel of three (3) officers identified based on the nature of the dispute. The employee has ten (10) calendar days to select an officer.

b. Scope of Authority. The officer conducts the hearing and may limit the scope of the hearing by defining the issues, identifying areas of agreement and to hear the parties' respective arguments. The officer may, at his or her discretion, attempt to mediate the dispute prior to the date established for the hearing. The employer shall be responsible for the cost of the officer.

4.05. Appeal Procedure – Discipline and Termination

a. Scheduling. The officer will establish a hearing date within forty-five (45) days of his or her selection. This timeframe may be expanded for good cause by the

officer or by mutual agreement of the parties, but may not extend beyond ninety (90) days of his or her selection.

b. Process. Discovery may be authorized by the officer. Formal discovery, if authorized, must be provided no later than seven (7) calendar days prior to the scheduled hearing date along with a list of anticipated witnesses. The employee and the employer may call witnesses and represent testimony and exhibits that are relevant to the events at issue in the appeal. The officer is not bound by rules of evidence and may admit all evidence that the officer determines reliable and relevant. Each party may choose to submit a two-page summary of their position. The employer or employee may choose to be represented; representation need not be by attorney. The hearing shall be recorded; costs for production of transcripts shall be borne by the requestor. The hearing shall be closed unless requested to be open by the employee.

c. Decision. Except for an appeal involving termination of an employee that is subject to Wis. Admin. Code Chapter DHS 5, the employee bears the burden of proof to persuade the officer by clear, convincing and satisfactory evidence that the employer abused its discretion in disciplining or terminating the employee. In determining whether this burden has been met, the officer shall consider whether there was a rational basis for the discipline or termination. The officer shall issue a written decision within seven (7) calendar days of the close of the hearing. The decision shall contain a statement of issues, standard of review, findings, and if the appeal is sustained, a remedy for the employee.

d. Remedies.

    i. Termination and Discipline. If the appeal is sustained, the officer may award the employee one of the following remedies:

        1. Reinstatement with or without back-pay or suspension
        2. Reinstatement with a lesser employment action such as a reduction in rank and/or base pay; demotion, oral or written reprimand
        3. Reinstatement with actual back-pay
        4. Reinstatement with no adverse employment action

    ii. Workplace Safety. If the appeal is sustained, the officer may issue an order requiring the employer to take corrective action. The officer's order is limited to requiring action to bring the stated issue into legal compliance.

4.06. <u>Final Appeal to County Board.</u>

a. Filing. The employee may file a final appeal request in the format prescribed by the employee relations director, to the employee relations director, within seven (7) days of the decision issued by the impartial hearing officer.

b. County Board Final Appeal. The employee relations director shall forward the final appeal to the County Board Chair along with a copy of the hearing record and audio recording. The chair shall schedule a meeting to review the record and hearing officer decision. The board may not take new evidence and may only conduct a review of the record.

c. Standard of Review. The board may only overturn the decision of the independent hearing officer if the board determines the officer abused his or her discretion and rendered a decision that is arbitrary, oppressive or unreasonable.

d. Remedies.
    i. Discipline and Termination. If the county board overturns the officer's decision, the matter goes back to the officer for reconsideration of his or her decision consistent with the findings made by the county board.
    ii. Workplace Safety. The county board may immediately require the employer to take corrective action to bring the workplace safety issue into legal compliance.
e. The decision of the county board is final.

Section 5: Severability and legal limitations

5.01. Severability and legal limitations. Should any part of this policy be found to be in violation of State or Federal law, rule, or regulation, that portion of the policy is null and void but the remainder of the policy continues to be effective. This policy has been developed at the discretion of the County Board and may be amended or canceled at any time at Polk County's sole discretion. This policy is not intended to create a contract, nor is it to be construed to constitute contractual obligations of any kind, or a contract of employment between Polk County and any of its employees or any promise of employment or guarantee of any rights or benefits and does not create tenure or a property interest in employment. The employment relationship is at-will and the employment relationship may be terminated at any time for any reason, with or without cause and with or without notice, at the option of Polk County or the employee. This policy is not, nor is it intended to be, a contract of employment or a promise of employment, a guarantee of any rights or benefits and does not create tenure or a property interest in employment.

Resolution No. 13 -16: Resolution Adopting Comprehensive Revision to Polk County Personnel Policies-Chapter 8 Personnel Policies

Appendix - Table of County Personnel Policies Repealed and Superseded by Resolution No. 13 -16.

Policy No.	Policy Name
0010	Interim Employment Policy
0010.a	Interim Administrative Policy
0012	Workplace Discipline and Safety Appeal Policy
0020	Employee Orientation.pdf
0020a	Employee Orientation Department
0040	Policy Development and Administration
0103	Employment
0104	Affirmative Action
0105	Nepotism
0202	Personnel Records
0205	Probation
0209	Employee Performance Reviews
0302	Benefit Administration for Non-Represented Employees
0390	Non-Represented Employees Compensation Management
0390S	Non-Represented Employees Pay Plan DB Ratings
0390S2	Non-Represented Employees Pay Plan General Pay Scale
0395	Severance Agreement
0502	Justice Center Security
0505	Clean Air and Tobacco Use
0506	Employee ID Badge
0507	Overtime and Hours of Work
0508	Voluntary Vacation Leave Donation
0512	County Business Travel & Expense Reimbursement
0701	Employee Conduct and Work Rules
0702	Prohibited Drug and Alcohol Use
0703	Sexual Harassment
0708	Exit Interviews
0714	Drug and Alcohol Testing
0716	Employee Discipline
0781	Appeals Procedure
0851	Emergency Closure of County Offices
0881	Position Administration
0901	Computer Policies and Procedures
0902	Internet Use Policy
0903	E-mail Acceptable Use