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# **Chapter 1**

## **Employment Policies**

### **A. INTRODUCTORY STATEMENT**

This handbook is intended to provide you with information about working conditions, employee benefits, and the policies affecting your employment with Kewaunee County. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Kewaunee County to benefit employees.

The statements in this book are intended as explanation only and create no new rights or obligations. It is not, nor is it intended to be, a contract of employment or a promise of employment. The County reserves the right to modify, revoke, suspend, terminate, or change any or all of such plans or procedures, in whole or in part, at any time, with or without notice. Any statements set forth which are in conflict with, are superseded by, and subject to all federal and state laws, county ordinances and resolutions, and if applicable, collective bargaining agreements and individual employment contracts, related to employee rights and benefits.

Departments may choose to adopt specific work rules and procedures in addition to the policies and procedures set forth in this manual. These rules and procedures must be approved by the Department's respective committee.

Employees of Kewaunee County are employees-at-will. No person has authority to make any agreement for employment for any specified period of time or to make any agreement contrary to the foregoing.

Only the Kewaunee County Personnel Committee or Kewaunee County Board of Supervisors has the ability to adopt any revisions to the policies in this handbook. Employees will, of course, be notified of such changes to the handbook as they occur.

### **B. EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of Kewaunee County that employment decisions shall be based on merit, qualifications, and competence. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant's or employee's age, race, creed, color, religion, disability, marital status, sex, pregnancy, national origin, ancestry, sexual orientation, genetic information, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this State, use or nonuse of lawful products off the employer's premises during nonworking hours, or any other characteristics protected by state or federal law. In addition, it is Kewaunee County's policy to provide an environment that is free of harassment of any kind, including that which is sexual, age-related, or ethnic. This policy governs all aspects of employment, promotion, assignment, discharge, and other terms and conditions of employment.

Kewaunee County adheres to the principles set forth by the Americans with Disabilities Act, Title 1 of 1990, and all State regulations, which pertain to employment practices.

Kewaunee County has established an Affirmative Action program to initiate and promote equal employment opportunities throughout the County.

The County Administrator or his designee is the designated Equal Rights Officer, as required by law.

### **C. SEXUAL HARASSMENT AND OTHER HARASSMENT POLICY**

1. **Statement of policy.** It is the policy of Kewaunee County to maintain a working environment that is free from all forms of discrimination, including sexual harassment and harassment generally. It is against the policy of Kewaunee County and illegal under state and federal law, for any employee, male or female, to sexually harass another employee. It is also against the policy of Kewaunee County, and in certain circumstances it is illegal under state law, for an employee to harass another employee.
2. **Definition of sexual harassment**
  - a. Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
    1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
    2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
    3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
    4. Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:
      - a. Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
      - b. Touching or grabbing a sexual part of an employee's body;

- c. Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;
  - d. Continuing to ask an employee to socialize on or off duty when that person has indicated that she or he is not interested;
  - e. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
  - f. Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
  - g. Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
  - h. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
  - i. Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.);
  - j. Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
  - k. Harassing acts or behavior directed against a person on the basis of an employee's sex or sexual orientation; or
  - l. Off-duty conduct that falls within the above definition and affects the work environment.
- b. Sexual harassment can also consist of intimidating, abusive or hostile behavior of a nonsexual nature toward an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female, or males because they are male, for example, is likewise a violation of this Policy on the same level as harassment of a sexual nature.
- c. Sexual harassment can also take the form of offensive conduct by nonemployees, such as vendors, outside contractors, and the like, against employees in the workplace.
3. **Definition of Harassment.** Harassment consists of intimidating, abusive or hostile behavior toward an employee which serves no legitimate purpose. Verbal abuse, bullying and continuous hostility that is directed at another employee is likewise a violation of this Policy.

4. **Covered employees.** This policy applies to all employees of Kewaunee County, including, but not limited to, full and part-time employees, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, on or off duty employees harassing another employee on or off duty, employees working under contract for the county, and employees harassing nonemployees while the employee is on duty or in county uniform.
5. **Procedures for reporting harassment**
  - a. Any employee who feels subjected to sexual harassment or other forms of harassment should immediately contact one of the persons below with whom the employee feel comfortable. Complaints may be made orally or in writing to the employee's immediate supervisor or department head, any other department head, the County Administrator, the Chair of the County Board or the Corporation Counsel.
  - b. Although employees are encouraged to try to resolve disputes with the help of their immediate supervisor, employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment or other forms of harassment.
  - c. The employee should be prepared to provide the following information to the individual to whom a complaint of sexual harassment is made:
    1. The employee's name, department and position title;
    2. The name of the person committing the sexual harassment, including person's title, if known;
    3. The specific nature of the harassment, its duration, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
    4. Any witnesses to the harassment; and
    5. Whether the employee has previously reported such harassment and, if so, when and to whom.
  - d. The filing of a bona fide complaint or otherwise reporting harassment will not adversely affect the individual's employment status or future terms and conditions of employment.
6. **Investigation**

- a. In the event the employer receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed.
- b. The employer is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Investigation of complaints shall be done by an Investigative Committee, which shall be appointed by the Personnel Committee of the County Board from among the Department Heads. The Personnel Committee shall assure that the Investigative Committee is gender balanced and composed of persons with skill and experience in conducting investigations, such as the Sheriff, Corporation Counsel, or Public Health Director, and shall be chaired by the County Administrator.
- c. Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the County Administrator. Failure by a supervisor to appropriately report or address such sexual harassment complaints, other forms of harassment or suspected acts shall be considered to be in violation of this policy.
- d. Care will be taken to protect the identity of the complaining party and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.
- e. When an allegation of harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the County Administrator. The County Administrator shall then assign the complaint to a member of the Investigative Committee, who may request assistance from other members of the Investigative Committee if necessary.
- f. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.
- g. Upon the receipt of a complaint of sexual harassment or other forms of harassment, the investigator shall immediately:

1. Obtain a written statement[s] from the person complaining of sexual harassment that includes a comprehensive report of the nature of the harassment complained of, and the times, dates and places where the harassment occurred. The investigator shall orally question the person complaining of harassment about any information in the written statement that is not clear or needs amplification.
2. Obtain a written statement[s] from witnesses that includes a comprehensive report of the nature of the conduct witnessed, and the times, dates, and places where the conduct occurred, and the conduct of the person complaining of harassment toward the person against whom the complaint of harassment was made.

The investigator shall orally question witnesses about any information in their written statements that is not clear or needs amplification.

3. Obtain a written statement[s] from the person against whom the complaint of harassment has been made. The investigator shall orally question the person against whom the complaint of harassment has been made about any information in the written statement that is not clear or needs amplification.
  4. Prepare a report of the investigation, that includes the written statement of the person complaining of harassment, the written statements of witnesses, the written statement of the person against whom the complaint of harassment was made, and the investigator's notes connected to the investigation, and submit the report to the Investigative Committee.
- h. The investigator may require any statement to be made under oath. When a statement is made under oath, it shall be substantially in the following form:

I, \_\_\_\_\_, hereby make oath with full understanding that false statements will result in disciplinary action, including possible job termination, that the following is true:

[INSERT FACTS HERE]

Date-

Signature

- i. Upon receipt of a report of the investigation of a complaint of harassment against an employee, the Investigative Committee shall immediately review the report. The Investigative Committee may question the person complaining of harassment, the person against

whom the complaint of harassment has been made, witnesses to the conduct in question or any other person who may have knowledge about the conduct in question. The Investigative Committee shall keep written records of the investigation in the same manner prescribed for the investigator. If the Investigative Committee finds the investigation report is adequate, a determination may be made as to whether harassment occurred based on the report.

- j. Based on the report and the separate investigation, where one is made, the Investigative Committee shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the Investigative Committee shall look at the record as a whole and at the totality of the circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis.

**7. Sanctions**

- a. If the Investigative Committee determines that the complaint of harassment is founded, the County Administrator shall take immediate and appropriate disciplinary action against the employee guilty of harassment, consistent with her/his authority under the County Personnel Policy and Wisconsin State Statutes.
- b. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the County Administrator believes relate to fair and efficient administration of the County, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the County.
- c. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.
- d. Any disciplinary action shall be consistent with applicable collective bargaining agreements and the County Personnel Policy.
- e. A written record of disciplinary action taken shall be kept, including verbal reprimands.
- f. The victim of harassment shall be informed of the nature of any disciplinary action taken.



3. Orally answering questions when required to do so by an investigator during the course of an investigation of harassment.
- f. Employees are also obligated to refrain from making accusations of harassment in bad faith.
- g. Disciplinary action may be taken against any employee who fails to report instances of harassment, or who fails, or refuses to cooperate in the investigation of a complaint of harassment, or who files a complaint of harassment in bad faith.

#### **D. DRUG AND ALCOHOL FREE WORKPLACE**

No employee of Kewaunee County may consume any intoxicant or controlled substance not prescribed by a physician during working hours. Nor shall any employee of Kewaunee County report to work while under the influence of an intoxicant or controlled substance not prescribed by a physician. Nor shall any employee of Kewaunee County consume any intoxicants, outside of working hours, on any county owned property, with the exception of county parks, where consumption of intoxicants by the public is permitted.

Any employee found to have consumed intoxicants while on duty or to have reported to work while under the influence shall be subject to disciplinary action up to and including termination.

Any employee found to have consumed intoxicants on county property outside of working hours shall be subject to disciplinary action up to and including termination.

Where reasonable suspicion exists to believe than an employee has violated the prohibition against consuming or being under the influence of intoxicants or controlled substances while at work, that employee shall submit to an evidentiary chemical test of breath, blood, or urine. A refusal to submit to such tests shall be the basis for disciplinary action up to and including termination.

Any employee who is prescribed any medication by a licensed physician shall inquire of that physician as to whether or not the medication will be likely to affect the employee's performance of assigned duties. If, in the physician's opinion, to a reasonable degree of medical certainty, the employee's ability to perform the required duties will be impaired as a result of the medication, the employee shall notify the department head of that fact. The employee shall have the option of being placed on sick leave until such time as the physician releases the employee to return to work or to sign such releases as may be necessary for the department to consult with the physician. The release may be limited to the extent that the physician may discuss only how the medication or controlled substance will affect the employee's performance of assigned duties. After such consultation, if it is determined that

the employee is unable to perform the assigned duties the employee shall be placed on sick leave until such time as the employee is able to resume full duties.

#### **E. DRUG TESTS**

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g. blood, urine) to determine the use of controlled substances. The County will protect the confidentiality of all drug test results. Drug tests shall be conducted in any of the following situations: pre-employment; reasonable cause (when workplace behavior indicates that an employee is under the influence of drugs/alcohol and must be witnessed by at least one supervisor); post-accident (any current employee who is involved in a serious incident or accident while on duty, whether on or off the employer's premises); and random testing.

#### **F. PUBLIC RELATIONS**

County employees have a significant public relations responsibility. Employee work attitudes and appearance are all subject to close inspection by County employees, and by the ultimate employer, the County citizens. In some cases, a single County employee may be the only County employee known by an individual citizen. Taxpayers may base their total judgment of the efficiency and character of their County's government on the performance of that employee. To them, that employee is the County.

If employees take pride in the fact that they are doing their job well, others will catch the same spirit. The reputation, which Kewaunee County enjoys, depends largely on what employees think and say about it. To publicly disparage another department or employee is inappropriate and will not be tolerated. We are all part of the overall image of County government.

When asked for information, employees should be helpful and friendly. A single employee cannot possibly know all of the answers, but the employee can make sure that the person asking the question is referred to the right source. They should be kind and considerate to each other and to the Public.

All television, radio, newspaper or other media inquiries shall be referred immediately to the employee's Department Head or immediate supervisor. Department Heads will coordinate a response to the media inquiry.

Together we need to provide prompt, professional service to our internal and external customers at all times.

#### **G. CONFIDENTIALITY**

The protection of confidential information is vital to the interest and the success of Kewaunee County. Such confidential information includes but is not limited to the following examples:

1. Labor relations strategies;
2. Privileged legal advice, documents, knowledge or strategies;
3. Confidential law enforcement investigative information;
4. Confidential Human Service, Health and AODA or mental health information; or
5. Private health information regarding clients or co-workers.

Any employee who discloses confidential information will be subject to disciplinary action, up to and including termination and legal action, even if he or she does not actually benefit from the disclosed information.

## **H. CONFLICT OF INTEREST**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Kewaunee County wishes the County to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

No County employee is allowed to conduct business relating to outside employment while on County paid time, nor is an employee allowed, at any time, to use County facilities, supplies, equipment, telephones or property in the performance of outside duties.

Examples of matters and relationships that could create a conflict of interest or a potential conflict, include, but are not limited to, when an employee or a member of the employee's immediate family:

1. Accepts or solicits a gift, favor, or service from an individual, business, or other party involved, or potentially involved, in a contract or transaction with the County;
2. Accepts, agrees to accept, or solicits money or other tangible or intangible benefit in exchange for the exercise of official powers or the performance of official responsibilities;
3. Accepts employment or compensation or engages in any business or professional activity that might cause the disclosure of confidential County information;
4. Accepts other employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties.

## **I. GIFTS AND GRATUITIES**

Pursuant to Kewaunee County Ordinance 111-2-74 it shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he is not authorized to receive from any person, if such person:

1. Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or
2. Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official; or
3. Has interest which may be substantially affected by such public employee's employer or the governmental body of the public official.

The receipt of any gift, gratuity, or anything of value as denoted above is contrary to the public policy of the County of Kewaunee.

#### **J. COMPUTER USAGE**

Computers represent a powerful resource. Just as a person learns social codes and behaviors which are acceptable in society, there is a need to learn correct procedures and rules for using computers. Employees are required to become knowledgeable about and adhere to the following guidelines. Breaking any of these rules will be cause to deny access to computers and will subject employees to disciplinary action.

1. All computer systems and networks are Kewaunee County property and as such users shall have no expectation or right to privacy. All programs and data are subject to inspection, review, or examination by authorized Kewaunee County personnel at any time or for any reason.
2. Installation of all software must be pre-approved by the Information Systems Director.
3. The unauthorized installation, use, storage or distribution of copyrighted software or material is against the law and is prohibited.
4. Software licensed by and to Kewaunee County may only be used in accordance with the applicable license.
5. Modifying or damaging information without authorization (including, but not limited to, altering data, introducing viruses or worms, or simply damaging files) is unethical, a violation of Kewaunee County policies and is a felony in Wisconsin.
6. Divulging a fellow employee's personal information (including, but not limited to home telephone number(s), address, social security number) is prohibited.

#### **K. INTERNET AND E-MAIL POLICY**

Voicemail, electronic mail (e-mail) and other computer information systems are available to various positions throughout Kewaunee County in order to enhance productivity and provide more efficient services for our customers. Kewaunee County's voicemail and e-mail as well as its Internet access are County property and are intended solely for carrying out County business. Additionally, all files and messages sent, received, composed, and/or stored on any computer system are the property of the County.

All messages transmitted via these systems will be treated as business messages. Any employee who sends a personal message on these systems should be aware that such messages will be viewed as a business message and not a personal, confidential message of the employee. Employees must not copy and send by e-mail or the Internet any information or software that is protected by copyright or other intellectual property laws.

Use of the Internet is not confidential, but a public service and a privilege, not a right. Internet use may be revoked at any time for unacceptable use. The County retains the right to keep, retrieve and monitor all access to Internet and online service activity. Furthermore, a specific review of an individual's files and/or activity may be authorized without notification to that individual.

All employees should keep e-mail, Internet and voice messages businesslike and refrain from using the systems for gossip, personal messages, chat rooms or chain letters. E-mail and voice messages should not be profane, vulgar, defamatory, or harassing.

No one may use the voicemail, e-mail, the Internet or other computer systems to download, send or forward to others any discriminatory or threatening messages, ethnic or racial slurs, indignities, obscenities, sexual or offensive comments, off-color jokes, lewd graphics or pictures, pornography, or anything that may be construed as harassment or showing disrespect for others. Nor may employees use voicemail, e-mail or the Internet to solicit others for commercial ventures, religious or political causes, outside organizations or other non-business matters. Any employee misusing the voicemail, e-mail, the Internet or computer system will be subject to withdrawal of access and discipline.

Some personal messages may be allowed if they do not take away from doing pre-assigned job duties. They would include e-mail to family members. A misuse of the privilege, however, may result in removal of such privilege for that individual. Kewaunee County employees should keep this in mind when using County electronic equipment. What an individual does not only affects that individual, but fellow co-workers as well. If an abuse is happening, please report that individual to your Department Head or Supervisor.

The County reserves the right to access, search, and monitor, without advanced notice, the voicemail, e-mail or computer files of any employee that were created, stored on or deleted from the computer and voicemail systems. Accordingly, no employee should expect his or her voicemail, e-mail or computer files, communications, or usage to be confidential or private. Kewaunee County internal security systems should be maintained

and protected by all county employees. Kewaunee County employees should consider passwords confidential and not public knowledge. Passwords will be required to be changed every ninety days. Passwords should not be easily recognized. A combination of letters and numbers should be used. Passwords should be a five digit minimum. Maintaining Kewaunee County security should be a top priority. Any employee caught or attempting to use a fellow employee's password will result in or be subject to disciplinary action.

#### **L. ACCESS TO PERSONNEL RECORDS**

Personnel files are the property of Kewaunee County and access to the information they contain is restricted. Generally, only officials and representatives of the employer who have a legitimate reason to review information in a file are allowed to do so. Employee access to personnel files will be governed by sec. 103.13 of the Wisconsin Statutes.

Where specific Federal laws or regulations, or specific State Statutes or rules require, (such as the American With Disabilities Act, HIPAA etc.) separate files for specific information will be maintained. These files are also the property of Kewaunee County. Access to these files will be limited in accordance with the applicable laws.

#### **M. PERSONAL INFORMATION**

It is the responsibility of each employee to promptly notify the County Administrator's Office of any changes in personal data. Personal mailing addresses, marital status, telephone number, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times in the employee's personnel file.

#### **N. DEMEANOR AND APPEARANCE**

The County requires all employees to present a professional image to the public and clients. Accordingly, each employee is required to wear appropriate attire while on duty or conducting County business.

All employees are expected to be neat and clean in appearance and to dress in a manner appropriate to the nature of their position.

Personal appearance appropriate in the courtroom is substantially different than that required for maintaining a boiler or parking lot surface. Each department head shall periodically review with department employees the nature of the position involved, the appropriateness of dress and the continuing need to present a positive image.

Unacceptable clothing includes, but is not limited to: sweatpants, or workout attire; cutoffs; beach attire; halter, crop, or tank tops; dresses, skirts, or shorts that are excessively short; sheer clothing or clothing that is otherwise revealing, distracting, or provocative.

All County employees will always present a positive image and demonstrate pride in their work. Employees shall maintain an even, cheerful disposition regardless of provocation, remaining calm and collected at all times. Disagreeable duties shall be performed and unpopular direction carried out without grouchiness, sarcasm, wisecracks and flares of temper.

**O. DEPARTMENT HEAD MEETINGS**

Department Heads are required to attend Department Head meetings unless excused by the County Administrator.

**P. EXPENSE REIMBURSEMENT**

To provide for uniform reimbursement of expenses incurred by supervisors and employees, the following rules shall govern reimbursement of expenses:

1. Expenses must be ordinary and necessary and must be incurred in the performance of Kewaunee County business.
2. Mileage shall be reimbursed at the rate to be set by the County Board from time to time. No commuting mileage shall be reimbursed.
3. Meals, including gratuities not exceeding 15%, may be reimbursed if the employee is absent from the county on business.
4. No reimbursement may be claimed or paid for alcoholic beverages.
5. Reimbursement for lodging at usual and reasonable rates shall be permitted.
6. Parking and registration fees are also reimbursable if necessary. In order for registration to be reimbursed, the meeting or conference must be approved.
7. All business travel by a county employee must be approved by the appropriate oversight committee chairman and department head. If travel is required and the appropriate oversight committee cannot review the request before departure, the request should be submitted to the department head and then forwarded to the County Administrator for review and approval.
8. Budgeted business travel by county employees outside of the State of Wisconsin must be authorized by the oversight committee and the County Administrator. Non-budgeted business travel by county employees outside of the State of Wisconsin must be authorized by the oversight committee, the County Administrator and the Finance Committee. The County Administrator may grant advance authorization for out of state travel in the event of emergency situations, subject to later review by the Finance Committee.
9. Travel within 50 miles requires approval for overnight stay.

10. Employees may be reimbursed for meals within Kewaunee County when the employee is attending a regional meeting of a state association, in which membership has been approved.
11. The Finance Committee may grant variances from this policy in unusual circumstances.
12. Claims for reimbursement shall be made on a form approved by the County Clerk's Office. All employee claims must be signed by the employee affirming the claim is accurate and justified. All claims of employees must be countersigned by the department head or the director's designee. The Department Head is responsible for the validity of all claims approved by any designees. All claims, in excess of \$3.00, must be accompanied by receipts for expenses incurred or a statement explaining the absence of a receipt.

#### **Q. USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property for County business, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

Employees shall notify the supervisor if any equipment, machines, tools, or vehicles appears to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor will answer any questions about an employee's responsibility for maintenance and care of equipment and vehicles on the job.

The improper, careless negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, will result in disciplinary action, up to and including discharge. No smoking is allowed in County owned vehicles.

In order to minimize the use of personal vehicles while conducting County business, Kewaunee County provides a pool of vehicles for employee use. It is the policy of Kewaunee County that the pool of county owned vehicles shall be used for travel associated with official Kewaunee County business. It is the obligation of each employee requesting to use a vehicle to make reservations in advance with the County Clerk's office. Failure to request a County owned vehicle may result in non-payment of a voucher for personal mileage if a vehicle was available and not used. Vehicle keys, as well as a trip ticket, are to be picked up in the County Clerk's office the day of travel. However, if travel is required prior to normal office hours, it is the responsibility of the employee to make arrangements with the County Clerk's office to pick up the keys the day before actual use. Employees will be allowed to take such vehicle home for early departure the next day. It is also the responsibility of the employee to make sure the vehicle is returned promptly for use by other staff.

In certain circumstances, a County owned vehicle may be provided for certain employees in order to carry out their assigned duties. These vehicles should be housed on County-owned property during non-working hours and used by employees only to carry out their job duties as needed. The County requires that no personal items other than incidentals be stored in the vehicle. The vehicle is to be locked each night with work articles stored either in the lock box or trunk during times when the vehicle is not in use.

In instances where a County-owned vehicle is provided to an employee on a 24-hour basis, it is the policy of the County that the only personal use allowed would be commuting between an employee's home and his/her work.

Only Kewaunee County employees or elected officials may operate or drive County equipment and vehicles. Spouses, family members, acquaintances or clients served by Kewaunee County are strictly prohibited from operating or driving County owned equipment of vehicles.

## **R. ELECTRONIC DEVICE USAGE**

When an employee is operating a county owned car, truck, a motorized piece of equipment, or any other motorized county owned vehicle, or when an employee is operating a personal vehicle conducting county business, the following conduct is expected:

1. Employees are not permitted to use a cell phone, either hand-held or hands-free, while operating a vehicle. This includes, but is not limited to, answering or making calls or engaging in phone conversations. Incoming calls shall go unanswered while an employee is operating a vehicle. Employees should consider directing all calls to voicemail prior to operating a vehicle.
2. Employees are not permitted to read or respond to emails, text messages, view or read information, check for missed calls or received messages, view the internet or otherwise direct attention to a personal electronic device while operating a vehicle.
3. Employees shall not make adjustments to a global positioning device while operating a vehicle.
4. An employee shall park the vehicle in a safe location prior to making a call, receiving a call or directing attention to a personal electronic device.

## **S. VEHICLE INSURANCE**

Personnel who use their personal vehicle for County travel on a regular and frequent basis as defined by their job description shall carry minimum limits of liability of \$100,000/\$300,000 or a combined single limit of \$300,000 for automobile liability insurance.

Personnel in this category must provide the County with evidence of insurance (certificate of insurance or photocopy of the policy declarations page) showing the

minimum limits required. Mileage will not be reimbursed to any employee required to have such coverage who does not comply with this policy.

This policy is to be administered by the County Administrator, through the Department Heads.

#### **T. AUTOMOBILE INSURANCE DEDUCTIBLE REIMBURSEMENT**

An employee may seek reimbursement of their automobile insurance deductible by making a written request to the Finance and Public Property Committee. A standard form is attached to these policies or forms can be obtained from the Kewaunee County Administrator's Office.

The Finance and Public Property Committee may reimburse the employee if the Finance and Public Property is satisfied the employee was using their personal vehicle as follows:

1. While conducting approved County Business, which is to say the employee had express authorization from their immediate supervisor to be conducting the County Business the employee was engaged in when the accident or occurrence occurred;
2. While following Kewaunee County's Personnel Policy including, but not limited to, the provisions entitled "Use of Equipment and Vehicles";
3. The accident or occurrence that gave rise for the insurance claim was not caused by the Employee's own intentional conduct or gross negligence;
4. No automobile insurance deductible will be reimbursed if the accident or occurrence that gave rise to the insurance claim occurred during the employee's commute to or from work. NO automobile insurance deductible will be reimbursed if the accident or occurrence that gave rise to the insurance claim occurred while the employee was conducting personal business;
5. The amount of the Insurance Deductible reimbursement is limited to \$500 (five-hundred dollars);
6. Any other factor the Finance and Public Property considers important to the request at hand.

This provision for reimbursement does not create any entitlement to reimbursement. Employees receive mileage reimbursement that, in part, reimburses the employee for expenses related to the use of the employee's personal vehicle including insurance costs. The Finance and Public Property Committee has broad discretion and may consider multiple factors in approving or denying a reimbursement request including, but not limited to, the County's best interests. Any employee who has been approved for reimbursement shall also sign an agreement wherein the employee agrees to reimburse the County should the employee receive or be entitled to receive reimbursement from a third party for the Automobile Insurance Deductible.

#### **U. ANNUAL REPORTS**

All Department Heads and Elected Officials shall prepare an Annual Report to the County Board. Department Heads and Elected Officials shall contact the County Clerk to request to be on the agenda. The County Board Chair will review the requests and may limit the number of reports accepted on the agenda. Department Heads and Elected Officials shall provide a copy of their annual report to the County Clerk in advance of their annual report to the County Board. All Department Heads and Elected Officials shall personally appear to give the report to the Board.

#### **V. BLOODBORNE PATHOGENS (HEPATITIS B VACCINATION)**

Kewaunee County has a Bloodborne Pathogen (BBP) Exposure Control Plan in effect. Please contact either the Public Health Department or the County Administrator's Office for a copy.

Each year Kewaunee County will provide BBP in-service to all employees. The County Administrator is responsible for maintaining the training records and shall have a separate secure file area for these files.

Employees whose classifications are subject to this plan are required to follow its precautionary provisions. Employee's who violate the provisions of this plan by failing to follow precautionary procedures may be subject to disciplinary procedures as outlined in this handbook or the applicable labor agreement.

Hepatitis B vaccination shall be made available after the employee has received the training in occupational exposure and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete Hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons. The vaccination program consists of a series of three inoculations over a six month period.

All employees who decline the Hepatitis B vaccination offered shall within 10 days of hire, sign the Department of Commerce required waiver indicating their refusal. Employees may rescind their waiver at any time.

#### **W. ORIENTATION PERIOD**

All employees shall be evaluated by the department head at least every three months during their first year of their employment. The department head shall report periodically to the County Administrator on the employee's job performance.

If the department head determines that an employee should not be retained in county employment during their first year of employment, he/she shall notify the County Administrator of that decision at least one month before the end of the first year of employment.

**AUTOMOBILE INSURANCE DEDUCTIBLE REIMBURSEMENT REQUEST FORM**

Name of Employee: \_\_\_\_\_

Amount of Deductible Requested (Limit \$500): \_\_\_\_\_

\*\*\* Please attach a written statement that outlines the facts and circumstances of the accident, including the date, time and location of the accident, and the nature of work you were performing when the accident occurred.

By signing and submitting this request, I hereby agree that I will promptly reimburse Kewaunee County any sum of money Kewaunee County contributes toward the cost of my automobile insurance deductible that I recover from a third party.

Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**KEWAUNEE COUNTY'S AUTOMOBILE INSURANCE DEDUCTIBLE REIMBURSEMENT POLICY**

An employee may seek reimbursement of their automobile insurance deductible by making a written request to the Finance and Public Property Committee.

The Finance and Public Property Committee may reimburse the employee if the Finance and Public Property is satisfied the employee was using their personal vehicle as follows:

- \* While conducting approved County Business, which is to say the employee had express authorization from their immediate supervisor to be conducting the County Business the employee was engaged in when the accident or occurrence occurred;
- \* While following Kewaunee County's Personnel Policy including, but not limited to, the provisions entitled "Use of Equipment and Vehicles";
- \* The accident or occurrence that gave rise for the insurance claim was not caused by the Employee's own intentional conduct or gross negligence;
- \* No automobile insurance deductible will be reimbursed if the accident or occurrence that gave rise to the insurance claim occurred during the employee's commute to or from work. NO automobile insurance deductible will be reimbursed if the accident or occurrence that gave rise to the insurance claim occurred while the employee was conducting personal business;
- \* The amount of the Insurance Deductible reimbursement is limited to \$500 (five-hundred dollars);
- \* Any other factor the Finance and Public Property considers important to the request at hand.

This provision for reimbursement does not create any entitlement to reimbursement. Employees receive mileage reimbursement that, in part, reimburses the employee for expenses related to the use of the employee's personal vehicle including insurance costs. The Finance and Public Property Committee has broad discretion and may consider multiple factors in approving or denying a reimbursement request including, but not limited to, the County's best interests. Any employee who has been approved for reimbursement shall also sign an agreement wherein the employee agrees to reimburse the County should the employee receive or be entitled to receive reimbursement from a third party for the Automobile Insurance Deductible.

## **Chapter 2 Hiring Procedure**

### **A. RECRUITMENT AND SELECTION**

The standard of the County is to recruit and select the most qualified persons for County positions. Recruitment and selection is conducted in compliance with all applicable laws. Recruitment is the responsibility of the County Administrator's Office, which works in conjunction with the department in need of staff.

The aim of recruitment is to meet current and projected County staffing needs. Recruitment is tailored to the position to be filled and is directed to sources likely to yield qualified candidates.

The County Administrator's Office is responsible for publicizing vacancies for any job vacancies not filled from within a department.

All applicants for employment must complete an application form and resume.

Applications may be rejected for a variety of reasons including: missing the filing deadline, not meeting the minimum qualification standards, falsifying the application, and having established an unsatisfactory employment record which demonstrates unsuitability for the position.

The employment interview is the key to the selection process and is to be job focused. The goal of the interview is to determine the candidate who can best deliver what the position requires. The process is driven by honesty, objectivity and validity with optimum regard for employment laws. Precaution is exercised by all persons participating in the selection process to maintain the appropriate level of integrity and confidentiality.

In addition to the employment interview, other devices may be used to screen applicants. Such devices may include: a review of training and experience, work sample, performance tests, practical written tests, physical fitness examinations, background and reference inquiries, etc. The device used is determined by its relevance to the position being filled, departmental requirements, and applicable laws.

All applicants will be given notice of whether they were selected for the position.

### **B. NEPOTISM**

The employment of immediate family members in a supervisor-subordinate relationship may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day to day working relationships.

No person shall be employed, promoted, or transferred to any department or agency of Kewaunee County when the employment, promotion or transfer will result in a supervisor-subordinate relationship between immediate family members. Immediate family is defined as wife, husband, father, step father, mother, step mother, guardian, sister, step sister, brother, step brother, child, step child, aunt, uncle, grandchild, grandparent, father-in-law, mother-in-law, sister-in-law, or brother-in-law.

If a violation of this policy is established after employment, through marriage or other means, the individuals concerned will decide who is to be transferred or terminated. If that decision is not made within 30 calendar days, management will decide.

This policy does not apply to temporary employees.

### **C. AUTHORIZED POSITIONS**

As used in this policy the word “position” means a group of duties and responsibilities which requires the services of an employee on a full or part-time basis.

A full-time position is one in which the employee is employed for a work year of 2080 hours per year, except certain authorized positions in the Sheriff’s Department that are considered full-time at 1946 hours per year.

A part-time position is one in which the employee works less than the number of hours which constitutes full-time in the employing department. Full-time equivalent means the percentage of full-time of a position, determined by the number of hours of a part time position divided by the number of regular full-time work hours of the employee’s department. (Example: A part-time position for 1040 hours per year is .5 of an FTE position  $1040/2080 = .5$ )

The Kewaunee County Board of Supervisors hereby directs department heads to fully and thoroughly examine the continuing need for positions which are vacated in order to determine whether county services may be provided with reduced or reallocated staff.

### **D. CREATION OF POSITIONS**

The Personnel Committee shall have the exclusive authority to set the number of positions authorized for each county department or agency and the level of compensation and benefits for such positions. Except as hereafter provided, no department or agency may create any position or employ any person, and the payroll department or treasurer may not issue paychecks for any person if the employment of the person or creation of the position is not authorized in advance by the Personnel Committee. New positions should not be created unless no reasonable alternative exists to provide necessary services.

The department head initiating the request for a position shall submit the request in writing to the standing committee, board or commission which oversees operation of the department. The standing committee shall approve, modify or reject the request.

If the standing committee votes to approve creation of a position, the request for the position shall be referred to the Personnel Committee who will review the request. If the Personnel Committee approves the position, funding for the position may be included as part of the budget request of the department for the next fiscal year and the new position may not be filled until the beginning of the next fiscal year.

If a newly created position is to be filled prior to the beginning of the next fiscal year and is not otherwise budgeted for, the request must also be referred to the Finance Committee for its review and appropriation of funds.

A position may be increased from part-time to full-time by action of the Personnel Committee, at the request of the standing committee.

However, in the event that sufficient funds for the full-time position are not included in the department's budget for that fiscal year or available from another source, the matter also must be referred to the Finance Committee to identify a funding source.

#### **E. PROJECT POSITIONS**

A position may be created through the procedures listed above as a project position where the cost of the salary and fringe benefits of the position will be paid by a grant of State or Federal aid.

A project position shall be limited in term to the duration of its grant funding. In the event grant funding of a project position is eliminated, the position shall be eliminated when the funding terminates. If the grant funding of a project position is reduced, the position shall be reduced in hours to a level which the remaining funds will support.

If the grant funding of a project position has been eliminated, the position may be continued only if an additional regular position is created through the procedures listed above. If the grant funding of a project position is reduced, the portion of the project position which is reduced may be continued with county funding only if an additional regular part-time position is created through the procedures above.

Subject to prior approval of the Personnel Committee, or in emergency situations, by the County Administrator, department heads may hire temporary employees either from the general labor force or through temporary employment agencies. The Personnel Committee shall develop policies to govern employment of temporary replacements. Departments hiring temporary employees shall pay the cost of such temporary employment out of their department budgets.

#### **F. FILLING VACANCIES**

A vacancy is created when a budgeted position is not currently filled by an incumbent. Vacancies shall be filled as follows:

1. Department Heads may fill budgeted, non-supervisory, and non-managerial vacancies from within their department.
2. Budgeted, non-supervisory and non-managerial vacancies not filled from within a department may be filled with the authorization of the Kewaunee County Administrator.
3. All vacancies not authorized to be filled by the Department Head or Kewaunee County Administrator must receive authorization from the county board committee which oversees the operation of the department.
4. The approval by the oversight committee must be ratified by the Personnel, Advisory and Legislative Committee at its next scheduled meeting. The Personnel, Advisory and Legislative Committee shall directly approve filling vacancies in departments that do not have oversight committees.
5. Vacancies that have not received authorization to be refilled within 45 days shall be administratively frozen. The Personnel, Advisory and Legislative Committee shall consider the position at its next scheduled meeting for an affirmative vote to fill the vacancy or to eliminate the position. Positions may only be eliminated by an affirmative vote.

#### **G. HIRING PROCEDURE**

Except for vacancies filled from within a department by the Department Head, the following procedure shall apply when it is determined that a new position should be created or a vacant position filled:

1. Kewaunee County will not discriminate in its hiring practices and procedures. Kewaunee County is an equal opportunity employer.
2. The department head in conjunction with the oversight committee and the County Administrator shall prepare a job description listing the duties and responsibilities of the position and the minimum standard of qualification necessary to successfully fill the position.
3. Positions contained within a collective bargaining unit shall be posted in compliance with the provisions of the appropriate collective bargaining agreement where required.
4. The County Administrator shall advertise the position in a manner most likely to produce a suitable number of qualified applicants for the position.

5. Applicants may be required to submit to testing to assist in determining the most qualified among the group. Prior to administration of any testing, the County Administrator shall set a minimum standard of performance to be achieved upon such testing in order to be considered for hiring to the county position.
6. The department head shall initially review the applications received and select from among the applications those which meet the minimum standard as previously set. The department head shall present the selected applications to the County Administrator for review.
7. The County Administrator and the department head will schedule the interview session for all candidates that have been selected to participate. The interview will be conducted by an interview team made up of the department head, the County Administrator, and such other persons as appropriate for the position being considered. The chair of the oversight committee may participate as a member of the interview team at the chairman's discretion.
8. Following the completion of the interview procedure, the interview team, shall rank the candidates. The references of prospective new hires will be checked via telephone or mail. The position shall then be offered first to the top ranked candidate. If that candidate does not accept employment with Kewaunee County, then it shall be offered to the next most highly ranked candidate.
9. The ranked list is valid for one year and may be used to fill the same or similar positions.
10. Hiring of a Department Head or filling a vacancy in a Department Head position will be conducted by the County Administrator pursuant to Wis. Stats. 59.18(2)(b) with confirmation by the Personnel, Advisory, and Legislative Committee. The Personnel, Advisory and Legislative members may be present for interviews with Department Head applicants at their discretion.
11. Any employment offer to any employee, except for a temporary employee, not made in compliance with this procedure shall be voidable and not binding upon the county.

## **H. IMMIGRATION LAW COMPLIANCE**

Kewaunee County complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and aliens who are authorized to work in the United States.

As a condition of employment, each new employee must properly complete, sign and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with the County, if their previous I-9 is more than three (3) years old, or if their previous I-9 is no longer valid. The County will provide information to the Social Security office and notify employees of discrepancies. In the event of a problem with information provided to the Social Security office, the County will notify the employee as required by current regulations and, if the discrepancy is unresolved, take action to terminate employment if required.

#### **I. PREEMPLOYMENT PHYSICAL**

A candidate who is offered a position as a regular full-time or regular part-time employee at the Kewaunee Landfill, Highway Department, Promotion and Recreation Department, Sheriff's Department, or Maintenance Department shall be required to pass the County's medical examination before employment. Such examinations shall be at the County's expense and shall be given by a licensed, qualified examiner who may be designated by the County Administrator. Forms shall be provided by the County Administrator and shall contain a section of the employee's complete health history.

Information given thereon, as well as information given to the examining physician by the employee, must be accurate and complete. The medical examination will be placed in the employee's confidential medical file, apart from the employee's personnel file.

#### **J. TB TESTS**

Within 10 days of employment all newly hired employees shall submit to a skin test for tuberculosis, administered by the Public Health Department. In the event a skin test is not appropriate, the newly hired employee shall have some other County approved TB test at County expense. The County will follow the CDC guidelines and recommendations for TB detection. The County will offer annual tuberculosis skin tests to all County employees, at County expense.

#### **K. EMPLOYMENT STATUS CHANGE**

##### **1. Employees elected to County Office**

Employees who are elected to any office of Kewaunee County, or appointed to an elected office, shall be administratively terminated from their previous position at the end of the day preceding the day that they assume elected office.

Under such administrative termination, such employees shall be entitled to the same termination benefits as employees who voluntarily resign with

proper notice. In addition, such employees shall be eligible for uninterrupted group insurance benefits.

Administratively terminated employees shall not be eligible for any special re-employment rights following the completion of their term of office in an elected position.

**2. Current employees selected to fill vacant positions**

On the date of appointment to a vacant position other than an elected office, available sick, vacation, and accrued legal holiday time, based on total length of employment, will convert equally to the new position.

**L. KEY CONTROL**

New employees will be issued a building and/or office key by the County Administrator's Office on the first day of employment. The County Administrator's Office will complete the Key Issuance Form confirming the key number issued to the employee.

The employee will sign the form indicating acceptance of the key. A staff member from the County Administrator's office will sign the form as a witness. The original form will be retained by the County Administrator's office for filing in the individual's personnel file and for accurately maintaining the key inventory log.

**M. IDENTIFICATION CARDS**

Kewaunee County is committed to providing a safe and secure environment for its employees and those who visit Kewaunee County. In order to accomplish that, and to ensure the public that individuals providing services on behalf of the County are indeed County employees, all employees will be issued and will wear a pictured identification card. All employees, except those working at the Solid Waste Site and those engaged in offsite work such as highway workers, are required to wear their identification cards during normal business working hours.

New identification cards will be issued from time to time, at which time the old identification card must be surrendered to the County Administrator's Office. Upon termination, resignation or retirement identification cards must be turned into the County Administrator's Office.

## **Chapter 3**

### **Hours of Work and Attendance Policies**

#### **A. LUNCH PERIOD AND BREAKS**

One unpaid lunch period is normally scheduled midway in an eight (8) hour shift. Lunch periods, unless specified differently in a bargaining agreement, will not be longer than one half hour. The assigned time may be staggered among department personnel to allow the County offices to remain open throughout the normal business day. Supervisors or Department Heads assign designated lunch period times according to the needs of the department.

Rest breaks are normally taken in two (2) ten minute daily intervals, one in the first half of the work day, the other in the last half of the work day, unless specified differently in a bargaining agreement. Break time cannot be accumulated or used to extend lunch periods, to justify tardiness, or to shorten the work day.

#### **B. CONDITIONS OF WORK**

The following work rules shall govern all officials and employees unless the terms of an applicable collective bargaining agreement govern. Regular office hours shall be Monday through Friday, from 8:00 a.m. to 4:30 p.m. Due to the varying needs of departments and because certain essential County services are provided on a 24-hour basis, County employees may have different work schedules based on department and job function. Regular hours are subject to change without advance notice.

Department Heads may utilize flexible scheduling to permit an employee to deviate from the normal hours of work. Flexible scheduling shall be used sparingly and for limited terms. Use of flexible scheduling shall not interfere with the public's access to the services offered by the Department.

From time to time an office may need to close due to illness, training sessions, employee funeral and other similar situations. When these occasions arise it is necessary to inform the County Administrator of the situation, and arrange to forward the department's calls to an alternate location or other appropriate coverage.

The minimum work week for full-time employment shall be the regularly established number of hours as approved by the County Board of Supervisors

#### **C. OVERTIME PAY**

1. Employees who are covered by a collective bargaining agreement shall earn overtime as provided in the applicable agreement.
2. Non-exempt employees who are not subject to overtime provisions contained in a collective bargaining agreement will be paid overtime in accordance with the Federal Fair Labor Standards Act.

3. Exempt employees are expected to complete their duties in whatever amount of time is required to perform them. Actual time worked by exempt employees may vary, but the regular work week is a presumptive guide as to the amount of time that should be worked by exempt employees. Exempt employees are expected to complete their assigned duties in a timely fashion.

#### **D. COMPENSATORY TIME**

1. The Personnel, Advisory and Legislative Committee may approve of the use of Compensatory Time for specific departments or units of departments.
2. If authorized by the Personnel, Advisory and Legislative Committee, non-exempt employees may elect compensatory time off in lieu of overtime payment, subject to the mutual agreement of the employee and his/her supervisor.
3. Compensatory time off shall be earned at the rate of one and one half hours for every hour of overtime worked.
4. Compensatory time may be accumulated to a maximum balance of 24 hours. After an employee has accumulated 24 hours of compensatory time off, additional overtime shall be paid in cash at the rate of time and one half.
5. An employee may schedule and use accumulated compensatory time at any time with the approval of his/her supervisor.

#### **E. FLEX TIME**

From time-to-time, employees may be required to work beyond their regularly assigned hours of work. Employees shall be granted one hour for each hour worked beyond the regular hours of work. This policy is not a substitute for overtime payments Kewaunee County is required by law to make. This policy is directed to employees that are infrequently called upon to work beyond normal working hours. In these situations, it is a benefit to Kewaunee County and to the employee to offer the employee time-off on a hour for hour basis. Flex time shall be used as follows:

1. An employee may schedule and use accumulated flex time with the approval of his/her supervisor.
2. Flex time shall be used within one week of its occurrence.
3. Supervisors may direct an employee to use flex time on a specified date and time.
4. Supervisors may only impose use of flex time at the beginning of the regularly assigned hours of work or the end of the regularly assigned hours of work.

#### **F. ATTENDANCE AND ABSENTEEISM**

All County employees are expected to be punctual in reporting and leaving work and maintain regular attendance at their respective jobs. Unsatisfactory attendance, including reporting late, or quitting early, may be cause for disciplinary action, up to and including termination.

An employee who will be late or absent from work is required to call his/her supervisor prior to the start of their work day as determined by their department, unless physically unable to do so, which inability shall be verified if possible. While it is recognized that there may be extenuating circumstances for unauthorized absence and due consideration will be given for each case, an employee who is absent from duty without approval for three (3) consecutive scheduled work days will be considered to have voluntarily terminated his/her position.

Management will review the use of sick time on a continual basis, specifically looking for:

1. Abuse of sick leave where “days off” are asked for using sickness or personal injury as a basis and the employee is engaged in other activity.
2. Development of “pattern of use”:
  - a. Days directly proceeding or following weekends or scheduled days off.
  - b. Taking a “sick day” off on the same day of the week or the same date each month.
  - c. Extension of holiday or vacation by using “sick days” as an excuse

Habitual/chronic absenteeism or tardiness will subject an employee to discipline, up to and including termination.

**G. EMERGENCY CLOSING PROCEDURE**  
**CALL-IN NUMBER: (920) 388-7167**

Emergency conditions, such as severe weather, fire, bomb threat, flood, tornado, etc can disrupt County operations and interfere with work schedules as well as endanger employees’ well being. These extreme circumstances may require the closing of the work facility.

The County Administrator, or his designee, in their sole discretion, shall have the responsibility for determining whether an emergency situation exists and/or whether the County’s operations can be adequately performed. When it is deemed necessary that an emergency situation exists, employees shall be released from work. Employees may take leave without pay, use compensatory time or use vacation time.

In the event that such an emergency occurs during non-working hours, the same notification procedures will be followed as described in the Snow Emergency Procedure.

**H. SNOW EMERGENCY PROCEDURE**  
**CALL-IN NUMBER: (920) 388-7167**

The following procedures shall apply to all County Offices, except the Kewaunee County Sheriff's Department and Highway Department.

If there has been a heavy snowfall during the night prior to a regular workday, the following procedure shall be followed:

At about 6:00 a.m. the County Administrator or his designee shall consult with the County Highway Commissioner and Sheriff, in order to determine whether the roads are impassable or travel would be considered hazardous, and

The County Administrator or his designee shall then determine whether county offices shall open for business on that day. If it is determined that county offices shall not open, the County Administrator or his designee shall:

1. Notify selected department heads of this decision, who shall communicate this information to the county employees by telephone.
2. Post a message in a designated voicemail box.
3. All officials and employees shall be responsible to contact the voicemail box.

In the event that an official weather forecast for dangerous winter weather is issued for a normal work day, the following procedure shall be followed:

Upon receipt of such a forecast, the County Administrator or his designee shall consult with the County Highway Commissioner and Sheriff in order to determine whether the roads are likely to become impassable or travel hazardous, so that county employees should be sent home early.

If it is determined that county offices should be closed, the County Administrator, or his designee, shall notify all department heads of the time of closing.

If county offices are closed, employees may take leave without pay, use compensatory time or use vacation time.

The County Administrator may authorize certain employees to report to work to complete essential county business.

## **Chapter 4**

### **Compensation and Review Policies**

#### **A. ACCURATE RECORDING OF TIME**

Accurately recording time worked is the responsibility of every hourly employee. Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Hourly employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Employee time cards are due bi-weekly at or before 9:00 AM on the Friday opposite payday.

Salaried department heads and supervisors are not required to maintain a time card. However, if using sick leave or vacation, the salaried employee must complete a Salary Employee's Absence Report and turn it in to the Payroll Technician in the County Clerk's Office.

Tampering, altering, or falsifying time cards or recording time on another employee's time card may result in disciplinary action, up to and including termination.

It is the employee's responsibility to complete and sign his/her own time card to certify the accuracy of all time recorded. The supervisor will review and then sign the time card before submitting it for payroll processing. In addition, if corrections or modifications are made to the time card, both the employee and the supervisor must verify the accuracy of the changes by initialing the time card.

#### **B. PAY PERIOD AND PAYDAY**

Each payroll period is two weeks long, beginning on a Sunday and ending on Saturday. Payday for all County employees is bi-weekly on Friday.

The earnings and deductions statement shall indicate regular hours worked, the employee's rate of pay, overtime hours worked and all deductions made, within the limits of the computerized payroll system. For those who qualify, benefits paid will also be indicated.

All employees are paid by direct deposit. The earnings and deduction statements are given to employee's either in their departmental mailboxes or mailed to their homes, depending on the location of their department.

In order to process payroll and issue payment to an employee, it is necessary for the employee to be enrolled on the payroll system of the County. Payments will be delayed

if an employee has not completed the appropriate forms as prescribed by the County Administrator's Office to enroll the employee in the payroll system.

### **C. PAYROLL DEDUCTIONS**

Certain deductions from your pay are required by law. Federal laws require that income and social security taxes be withheld. State law requires withholding for income tax purposes.

You may authorize additional deductions for deferred compensation, Section 125 plans, Wisconsin Retirement, health insurance, dental insurance, and such other deductions as authorized by Kewaunee County.

Unless prohibited by law, Kewaunee County will comply with any applicable collective bargaining agreement that requires union dues to be deducted from the pay of employees.

The law requires the County to make deductions from an employee's pay for matters such as garnishments, child support payments and bankruptcy payments. The County is not required to inform employees before deducting payments for such matters. The County reserves the right to deduct any garnishment processing fees or other legally authorized fees from the employee's pay.

### **D. PERFORMANCE EVALUATIONS**

Periodic (yearly) performance evaluations are an important part of the employment relationship. This is an opportunity to communicate with employees to let them know how they are doing; to enable employees and supervisory personnel to work together to improve employee performance; to enable employees and supervisory personnel to improve service to County citizens; and to receive concerns from employees concerning any job difficulties that they may be having.

Employees, other than probationary employees, shall, to the extent practicable, be evaluated yearly. The performance evaluation should be completed by the department head (or supervisor) and reviewed together with the employee. Upon completion of the review, both the department head (or supervisor) and the employee should sign the document. The original should be forwarded to the County Administrator and a copy given to the employee, as well as a copy put in the department's file.

Some of the factors that are considered in the review are: quality, productivity, job knowledge, reliability, availability, independence, creativity, initiative, adherence to policy, interpersonal relationships, and behavior pattern. This evaluation shall take into consideration the current job description and pre-stated and agreed upon measurable objectives. Job descriptions shall be reviewed with each employee as part of the performance evaluation process.

Employees other than department heads are evaluated by their immediate supervisor. Department Heads are evaluated by the County Administrator.

**E. MINIMUM CALL-IN PAY**

When an employee is called-in to perform work outside of regular working hours, he or she shall be paid for a minimum of two-hours pay. Minimum call-in pay does not apply to situations where an employee is directed to report early for work or directed to work beyond the normal working hours. Minimum call-in pay applies to those situations where an employee is called in on a day or at a time that is detached from the normal hours of work.

**F. PREMIUM PAY FOR HIGHWAY EMPLOYEES**

Employees in the Highway Department who are called in to work between the hours of 12:00 AM and 7:00 AM, at any time between November 15 and May 15 shall receive a shift premium of one dollar and 50/100 (\$1.50) per hour for hours worked between 12:00 AM and 7:00 AM.

**G. STAND-BY DUTY FOR HUMAN SERVICES EMPLOYEES**

Human Services employees who accept weekly stand-by duty shall receive four (4) hours of compensatory time for each period of seven consecutive days of stand-by duty. An employee who is on stand-by for less than a full week shall receive prorated compensation.

## Chapter 5 Benefit Policies

### A. BENEFITS

The benefits provided below apply to permanent full-time employees working 2080 hours per year. Employees working less than 2080 hours will receive the benefits set forth in this chapter on a prorated basis. Employees that work less than 600 hours are not eligible for the benefits set forth in this chapter unless required by law or specifically provided for in this chapter.

### B. VACATION

1. **Vacation Leave.** Each employee shall earn annual vacation leave with pay on the anniversary date of employment as follows:

1 week	after 6 months of service
1 week	after 1 year of service
2 weeks	after 2 years of service
2 weeks and 1 day	after 3 years of service
2 weeks and 2 days	after 4 years of service
2 weeks and 3 days	after 5 years of service
2 weeks and 4 days	after 6 years of service
3 weeks	after 7 years of service
3 weeks and 1 day	after 12 years of service
3 weeks and 2 days	after 13 years of service
3 weeks and 3 days	after 14 years of service
3 weeks and 4 days	after 15 years of service
4 weeks	after 16 years of service
5 weeks	after 25 years of service

2. **No Accumulation.**
  - a. Except as stated in paragraph b., vacation shall not accumulated from year to year. The vacation leave authorized after the first six months of employment shall be used in the second six months of employment. All other vacation earned shall be used within the one year period commencing with the employees anniversary date.
  - b. Notwithstanding paragraph a., employees may carry-over a maximum of 40 hours of unused vacation leave into the next 12 month period.
3. **Vacation Week.** A week of vacation is defined as forty (40) work hours.
4. **Donation of vacation.** An employee who has exhausted all his/her available leaves, including, without limitation, all his/her accrued sick leave, any compensatory time, vacation, and personal day, and who needs leave for continuing sickness or injury may file a request with the County Administrator

for donated leave. The Kewaunee County Administrator will seek donors via email or other means. Donors may donate any unused vacation. Donated hours will be valued at the lower rate of pay of the donor or recipient of the hours.

5. **Vacation Use Highway Department.** Employees with three weeks of vacation or more shall use at least one-third of their vacation between October 1st of the current year and April 1st of the following year.

### **C. HOLIDAYS**

Eligible hourly employees shall receive eight (8) hours pay and salaried employees shall receive an equivalent of a full day's pay for the following holidays:

- January 1
- Friday preceding Easter
- Memorial Day
- July 4
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- December 24
- Christmas Day
- December 26
- Floating Holiday

Employees covered by a collective bargaining agreement shall only be eligible for the holidays provided in the collective bargaining agreement.

Landfill employees shall receive eight (8) hours pay for the following holidays:

- January 1
- Memorial Day
- July 4
- Labor Day
- Thanksgiving Day
- Christmas Day
- Two (2) Floating Holidays

The holiday schedule may vary depending on the department with the approval of the Personnel, Advisory and Legislative Committee.

Kewaunee County may fix the date for floating holidays. If no date is fixed for a floating holiday, employees may schedule floating holidays with the consent of their immediate supervisor.

If a holiday falls on a Saturday, it shall be observed the preceding work day and if a holiday falls on a Sunday, it shall be observed on the following work day.

No holiday pay is to be paid to an employee who is absent from work on the work days immediately prior to or following such holiday unless such absence is due to sick leave, vacation leave, authorized or directed leave.

If a holiday falls during a vacation period, the employee shall be paid the holiday for that day and a vacation day will not be deducted from the employee's annual vacation leave.

If an employee is called in to work on a holiday, the Employee will receive holiday pay plus straight pay for hours worked.

#### **D. HEALTH INSURANCE**

Kewaunee County offers a medical plan for County employees. The County will pay that portion of the single plan and that portion of the family plan as authorized by the County Board. Medical insurance shall become effective the first day of the month following the first full 30 days of employment. Part-time employees must work a minimum of 600 hours per year to qualify for health insurance. Costs of the health insurance are then prorated based on the number of hours worked.

Retired employees and their spouses may remain on the County medical plan until the age of 65. Retired employees and spouses are required to pay 100% of the premium.

#### **E. LIFE INSURANCE BENEFIT**

Kewaunee County enrolls eligible employees in a term life insurance program with a death benefit in the amount of \$20,000 if the death occurs in the course of employment. Kewaunee County also provides an accidental death or dismemberment insurance to eligible employees.

#### **F. BENEFITS CONTINUATION (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, death of an employee, reduction in an employee's hours, leave of absence, employee's divorce or legal separation, a dependent child no longer meets eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates.

The County Administrator's office provides each eligible employee with a written notice describing rights granted under COBRA. The notice contains important information about the employee's rights and obligations if they want to terminate coverage or continue coverage until they have coverage elsewhere, or the time period of extension has elapsed.

#### **G. DENTAL INSURANCE**

Kewaunee County offers a dental plan for County employees. The County will pay that portion of the single plan and that portion of the family plan as authorized by County Board. Dental insurance shall become effective the first day of the month following the first full 30 days of employment.

Part-time employees must work a minimum of 600 hours per year to qualify for dental insurance. Costs of the dental insurance are then prorated based on the number of hours worked.

#### **H. WISCONSIN RETIREMENT**

Employees may be eligible to participate in the Wisconsin Retirement System. All employees eligible for the Wisconsin Retirement System shall contribute a percentage of the contribution rate as follows:

Employees shall contribute a percentage of each payment of earnings in an amount as established by law. Kewaunee County will pay the remaining portion of the contribution rate on behalf of the employees.

Law enforcement employees shall contribute a percentage of each payment of earnings in an amount as established by an applicable collective bargaining agreement or as provided by law. Kewaunee County will pay the remaining portion of the contribution rate on behalf of law enforcement employees.

Nonrepresented managerial law enforcement employees shall contribute the same percentage of each payment of earnings as the law enforcement employees they manage or such other amount as required by law. Kewaunee County will pay the remaining portion of the contribution rate on behalf of non represented managerial law enforcement employees.

Contribution rates are determined by the Trust Funds Board and are subject to change.

#### **I. DEFERRED COMPENSATION**

The County provides the means under Section 457 of the Internal Revenue Code to defer earned income. Employees pay state/federal taxes on deferred income, usually on/after retirement. Income is deferred through payroll deduction. This program will not impact the calculation of Social Security benefits. At the present time, representatives from the

Nationwide Retirement Solutions meet on an individual basis every six months at the various work locations. Employees should consult with the County Clerk's office for more information concerning Deferred Compensation.

**J. SECTION 125 FLEXIBLE BENEFIT PLAN**

Kewaunee County offers a Section 125 Flexible Benefit Plan for employees. Employees may elect to deposit monies in flexible spending accounts on a pre-tax basis.

**K. WORKERS COMPENSATION**

The County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains a work-related injury or illness must inform his/her supervisor immediately, and the County Administrator's office within 24 hours of the injury/illness.

No matter how minor an on the job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off duty recreational, social, or athletic activity sponsored by the employer.

If the employee is absent from work for three (3) days or less he/she will use their sick leave. If the employee is absent more than three (3) days, but less than ten (10) days, he/she will use sick leave for the first three (3) days and workers' compensation will pay a percentage of wages for the remaining seven (7) days. If the employee is absent for more than ten (10) days, workers' compensation will pay a percentage of wages for the entire time.

**L. ALTERNATE WORK ASSIGNMENT/LIGHT DUTY**

It shall be the policy of Kewaunee County to comply with all applicable State and Federal laws which affect the working status of employees who have been injured or ill. This procedure does not in any way constitute an employment contract and Kewaunee County reserves the right to amend this procedure at any time.

Employees injured on the job are encouraged to return to work as soon as possible. The return to work may include duties of a restricted nature or “light duty” as indicated by the employee’s attending physician or health care practitioner. Departments are not required to return injured employees to work on a restricted basis if no productive work can be performed. Restricted return to work requests will be evaluated on a case by case basis. Departments must notify the County Administrator prior to the return to light duty employment.

Employees injured or disabled off the job may be allowed to return to work on restricted or “light duty” basis. Employees will be required to submit a physician’s or health care provider’s certification indicating the work restrictions, if any, under which they may return to work. Department heads should consider prior to allowing an employee to return to work on a restricted basis, the work would be out of the employee’s job description, and if productive work will be performed. Departments must notify the County Administrator prior to an employee’s return to work under a light duty or restricted return to work situation.

Kewaunee County desires that employees, unable to perform the functions of the regular job because of a work-related injury or illness that prevents their return to regular assigned duty, where possible, be temporarily assigned alternative productive work subject to necessary medical certification. Kewaunee County does not assign employees to non-productive work. It does however, desire to obtain the benefits of a temporary assignment of alternative productive work, which maintains a level of activity, which is productive and serves a therapeutic purpose, which quickens the employee’s return to regular assignment. Alternative productive work is reserved for employees that are temporarily disabled because of a work-related injury or illness. Alternative productive work may be assigned within or outside an employee’s regular department. THE WORK ASSIGNED UNDER THIS POLICY IS NOT PERMANENT IN NATURE AND THE COUNTY RETAINS THE ABSOLUTE DISCRETION TO MODIFY WORK ASSIGNED HEREUNDER AT ANY TIME.

**Procedure:**

1. An employee injured or suffering an illness, at work, will provide to their supervisor as soon as possible, written certification of any restrictions imposed upon them by a licensed medical provider. This will include the projected duration of the restriction(s).
2. The department head will evaluate the restriction(s) and determine if temporary assignment of alternative productive work is available. The department head may recommend assignment of restricted employee to such available work for the hours that such work is available.
3. It is expressly understood that:
  - a. No obligation exists for the County to provide, convert a regular job, or create a temporary assignment of alternative productive work.
  - b. Temporary assignment of alternative productive work does not create a regular employment opportunity, and is made as a temporary

assignment only, which will terminate at the conclusion of a specified time period. The specific end date of the assignment will be communicated clearly in writing to the employee upon temporary assignment of alternative productive work. Vacation and paid Holidays may be excluded in calculating period.

- c. Unused accrued vacation and sick leave may be used in lieu of a temporary assignment to alternative productive work.
  - d. The department head, based on the number of employees assigned such duty status will determine the amount of temporary assignment of alternative productive work available in any department.
  - e. Temporary assignment of alternative productive work is separate and distinct from the duties of the employee's regular job, however, the employee may be assigned to perform those duties of the regular job that the employee may perform without restriction or limitation.
  - f. An employee is entitled to remain on unpaid FMLA leave until the FMLA leave entitlement is exhausted. Nothing in this policy shall be construed as limiting an employee's state and federal FMLA rights.
  - g. Temporary assignment of alternative productive work may be considered only when an employee is certified as unable to perform the functions of their regular job.
  - h. An employee's regular work schedule may change during the temporary assignment of alternative productive work to accommodate the departments needs.
  - i. If alternative productive work is unavailable within an employee's regular department, the County may assign alternative productive work to the employee outside the employee's regular department.
4. The County Administrator will be contacted immediately by a supervisor prior to their making a recommendation of assignment of a restricted employee to temporary assignment of alternative productive work status.
  5. All temporary assignment of alternative productive work will be reviewed each thirty- (30) calendar day period by the respective department head and the County Administrator.

## **M. FAMILY AND MEDICAL LEAVE**

Family & Medical Leave refers to unpaid family, caretaking and medical leave for eligible employees. Eligible employees may be able to take unpaid family, caretaking or medical leave under Federal and/or State law.

Wisconsin law allows employees who have worked at least 1, 000 hours in the past 12 months to take the following leave in a calendar year:

1. Up to 6 weeks of family leave for the birth or adoption of a child. This leave must begin and end within 16 weeks of the birth or adoption of a child.

2. Up to 2 weeks of family leave to care for a child, spouse, parent or spouse's parent suffering from a serious health condition.
3. Up to 2 weeks of medical leave for an employee to care for his/her own serious health condition, which render him/her unable to perform the essential functions of the job.

Federal law allows employees who have worked at least 1,250 hours and 12 months to take up to 12 weeks of leave during a twelve month period commencing with the first day of FMLA usage for one or more of the following reasons:

1. Family leave for the birth of an employee's child or because of the placement of a child with the employee for adoption or foster care.
2. Family leave to care for a child, spouse or parent suffering from a serious health condition. Federal law does not provide for leave for a spouse's parent.
3. Medical leave for an employee to care for their own serious health condition which renders them unable to perform the essential functions of the job.
4. Due to any qualifying exigency arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation.
  - a. A "qualifying exigency" is defined as the following:
    1. Short-notice deployment.
    2. Military events and related activities.
    3. Childcare and school activities.
    4. Financial and legal arrangements.
    5. Counseling.
    6. Rest and recuperation.
    7. Post-deployment activities.
    8. Additional activities not encompassed by any of the above, but agreed to by the employer and employee.
  - b. A "covered military member" means the employee's spouse, son, daughter, or parent on active duty or called to active duty status.

If the employee qualifies for leave under both the Wisconsin and Federal leave, the leaves will run concurrently and will be deducted from an employee's leave entitlement under state and federal laws. Each work day or work week in which an employee works fewer than the regularly scheduled hours for that employee by using partial or intermittent leave, the specific amount taken will be deducted for purposes of computing leave taken and leave remaining. Intermittent leave may not be taken in increments of less than ½ hour.

Procedure: Employees who need to take family leave for birth/adoption/foster care placement must request leave from their supervisor at least 30 days in advance of the need. Employees who take medical leave should make reasonable efforts to schedule planned medical treatments so as not to unduly disrupt business operations. Employees must provide at least 30 days notice for planned medical treatments for themselves or family members, and as much notice as practicable in emergency situations. Request for leave forms are available from the County Administrator's Office or on the Intranet.

Employees on medical leave may be required to provide a "fitness for duty" certification before they return to work to indicate that they can perform the essential functions of the job. This should be obtained from the health care provider.

Prior to leave commencing, an employee's health care provider may be required to complete and sign the necessary forms and medical certifications. These forms are available from the County Administrator's Office. If required, the completed certification must be returned no later than 15 days of receipt.

An employee may substitute accrued paid sick leave or other accrued leave for any portions of the unpaid 12-week leave period. However, after the first two weeks (caretaking leave and medical leave) or the first six weeks (family/parental leave) the County requires that any paid vacation or sick leave be substituted for the remaining leave period.

Upon return from family or medical leave, an employee will be returned to the position he/she held immediately prior to the leave if the position is vacant. If the position is not vacant, the employee will be placed in an equivalent employment position.

Military Caregiver Leave. Federal law allows eligible employees who are family members of covered service members to take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

"Family members of a covered service member" include the spouse, son, daughter, or parent, or next of kin of a covered service member.

A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by

court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member.

A "covered service member" is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

The "single 12-month period" begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date, regardless of the method used by the employer to determine the employee's 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service member during this "single 12-month period," the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited.

A "serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period", provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a

serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the "single 12-month period," take 16 weeks of FMLA leave to care for a covered service member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the "single 12-month period," even if the employee takes fewer than 14 weeks of FMLA leave to care for a covered service member.

This policy provides an introduction to the rights provision of the family and medical leave laws. Specific questions an employee may have about this law, substitution, insurance and benefits, etc. should be directed to the County Administrator's Office.

## N. SICK LEAVE

1. **Actual time lost.** All employees shall be granted sick leave with pay for actual time lost according to the provisions of this Section.
2. **Maximum Accumulation.** Payment for leave of absence due to sickness or accident shall be allowed to all employees on the basis of eight (8) hours per month of continuous service, to a cumulative maximum amount of nine hundred sixty (960) hours; providing no payments to the employee were made under the Worker's Compensation Act.
3. **Permitted uses of sick leave.** Accumulated sick leave may be used for:
  - a. Any leave permitted under the State or Federal family and medical leave acts.
  - b. Sick leave may be taken when an employee is prevented from performing duties because of sickness, injury or pregnancy.
  - c. Sick leave may be taken when an employee needs to care for an immediate family member who requires care because of sickness, injury or pregnancy.
  - d. Sick leave may be taken when an employee has an appointment with a medical doctor, dentist, physician's assistant, nurse practitioner, chiropractor, psychologist or optometrist. Employees shall make every effort to schedule appointments outside of working hours.
  - e. Sick leave may be taken when it is necessary for the employee to accompany an immediate family member to an appointment with a medical doctor, dentist, physician's assistant, nurse practitioner, chiropractor, psychologist, or optometrist. Employees shall make every effort to coordinate with immediate family members to schedule appointments outside of working hours.

- f. **Immediate family** for the purposes of permitted uses of sick leave is defined as those individuals who live in the same household as the employee and are related by kinship, adoption, or marriage; or are foster children; and an employee's minor child regardless of whether the child lives in the same household.
4. **Replacement of hours.** Sick leave taken and allowed shall be subtracted from the cumulative number of hours credited to the employee's account. Replacement of such sick leave hours used under this Section shall be acquired upon return to active service at the rate of eight (8) hours per month of continuous service until the cumulative total reaches the maximum of nine hundred sixty (960) hours.
5. **Medical Certificate.** Commencing with the third consecutive day of absence due to sickness a certificate issued by a qualified licensed medical doctor, dentist, physician's assistant, nurse practitioner, chiropractor, optometrist, or psychologist shall be required from all employees upon return to work in order to qualify for sick leave benefits. Sick leave shall be granted only in full hour increments, and must be reported accordingly.
6. **Unused sick leave.** Upon retirement, an employee shall be credited with the cash equivalent of eighty-five percent (85%) of the employee's accumulated but unused sick leave up to a maximum of seven hundred twenty (720) hours. Said monies shall remain on account with the Employer and shall be used to pay for the cost of continued group health insurance coverage until exhausted.
7. **Sick leave for part-time employees.** Paid sick leave shall be granted to those employees classified as part-time under this policy on a prorated basis and only if an employee works a minimum of 600 hours per year.
8. **Employees hired on or after January 1, 2013:**
  - a. The maximum accumulation set forth in Paragraph 2 above shall be eight hundred fifty (850) hours.
  - b. The maximum accumulation set forth in Paragraph 4 above shall be eight hundred fifty (850) hours.
  - c. The unused sick leave credit set forth in Paragraph 6 above shall be seventy percent (70%) of the employee's accumulated but unused sick leave up to a maximum of five hundred ninety-five (595) hours.

**O. BEREAVEMENT (FUNERAL) LEAVE**

1. **Funeral Leave for Employee Family**

- a. In the event of a death of an employee's father, mother, husband, wife, brother, sister, son, daughter, stepfather, stepmother, stepson, stepdaughter, father-in-law, mother-in-law, grandchild, such employee will be paid for straight time lost from scheduled work not to exceed three (3) consecutive scheduled work days beginning no later than the first working day after the date of the funeral.
  - b. In the event of a death of an employee's brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandmother, such employee will be paid for straight time lost from scheduled work not to exceed one (1) scheduled work day beginning no later than the first working day after the date of the funeral.
2. **Funeral Leave for Fellow Employees.**
- a. When the funeral of a Kewaunee County employee occurs on a regular workday (Monday through Friday) current employees in the deceased employee's department present at the funeral shall be granted one (1) day of funeral leave with pay.
  - b. When the funeral of a current full-time or part-time Kewaunee County employee occurs on a regular workday (Monday through Friday) employees present at the funeral shall be granted four (4) hours funeral leave with pay. Any additional time away from duty will be treated, at the employee's option, as vacation, compensatory time, or unpaid leave.
  - c. Funeral leave for deceased county employees does not apply to temporary or part-time employees working 15 hours or less per week.
  - d. Department heads shall receive four (4) hours of funeral leave with pay for attending the funeral of a department head occurring on a regular workday.
3. Employees shall timely indicate the number of days and dates of funeral leave taken by an employee with the standard payroll forms. An employee may be required to furnish verification of the date of death, date of funeral, and relationship of the deceased.

**P. JURY DUTY AND COURT APPEARANCES**

An employee who is subpoenaed in connection with County business, called upon to serve jury duty, or called as a witness, will be paid his/her regular salary up to eight (8) hours per day. The employee will not be entitled to jury duty pay or witness fees in addition to his/her regular pay and must immediately tender any such payment to the County.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits. Either

the employer or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

No employee will receive salary for attending court in cases involving a criminal act by the employee or a civil case initiated by the employee.

**Q. MILITARY RESERVE**

An annual leave of absence for the two (2) weeks of mandatory training shall be granted to those employees who are members of the Armed Forces Reserve Components that actually participate during said period in accordance with the Universal Military Training and Service Act of 1951 as amended. Payment for said leave of absence shall be made for the difference between the compensation paid by the Armed Services to said employee and the regular amount of wages that the said employee would have earned (the product of the normal work week times the occupational rate classification) provided said employee was not on said leave of absence. The payment of said difference in earnings shall be upon presentation of a true copy of the reservist's earning record of payment by the Armed Forces for said period of leave of absence.

**R. LEAVES OF ABSENCE**

Department Heads may grant an employee an unpaid leave of absence for up to one week. The County Administrator may grant an employee an unpaid leave of absence for up to three weeks. Any requests for unpaid leaves of absence exceeding three weeks shall be directed to the Personnel, Advisory and Legislative Committee for consideration.

## **Chapter 6**

### **Rules and Regulations**

#### **A. DISCIPLINE POLICY**

Whenever and wherever people work together, certain standards of reasonable conduct need to be established in order to maintain an orderly and efficient work atmosphere.

Corrective discipline is not intended to punish employees. The intent of discipline is to impress upon employees the County's expectations and to provide employees with the tools to be successful. The County desires to take measures which are targeted to correct whatever problem the employee has and to make the employee aware of the importance of abiding by County operating policies and procedures.

Employees whose performance falls short of expected levels or who violates norms of work behavior may be disciplined by their supervisors. Except where otherwise specifically provided for in a collective bargaining agreement, supervisors may use discipline in an attempt to induce positive change in the employee's performance. Supervisors may utilize oral reprimand, written reprimand, performance improvement plans, suspension or termination. Discipline will be meted out on a case-by-case basis taking into account the facts and circumstances of the infraction, the employees work history, prior discipline, other similar disciplinary matters, and such other relevant considerations for the facts at hand.

Nothing in the paragraph limits the power of management to immediately suspend or terminate an employee at its discretion.

It is not possible to list every conceivable infraction for which discipline may be imposed and the County can amend the following guidelines at any time. For illustrative purposes only, the following types of conduct are unacceptable in our workplace:

1. Incompetence or inefficiency.
2. Theft or misappropriation of County or employee property or any form of dishonesty.
3. Falsifying records or information.
4. Refusal to follow the direct order of a supervisor or management.
5. Fighting with, threatening or intimidating the general public or other employees.
6. Use or possession of controlled substances or alcoholic beverages on County premises while on duty, or when expected to return to duty.
7. Reporting for work under the influence of controlled substances or alcoholic beverages.
8. Harassment of any employee because of race, color, religion, age, sex, national origin, handicap, ancestry, sexual orientation, marital status, or arrest or conviction record.
9. Being absent without notice.

10. Excessive absenteeism.
11. Failure to report absence.
12. Habitual tardiness.
13. Leaving the job without permission.
14. Excessive time at break periods.
15. Engaging in conduct or activities which may serve to lengthen the healing period for a work related injury or illness.
16. Sleeping on the job.
17. Destruction or defacing of County or other employee's property or equipment.
18. Misuse or unauthorized use of County property.
19. Failure to promptly report defective equipment or safety hazards.
20. Horseplay or violation of safety procedures.
21. Possessing weapons or explosives of any type on County property without County authorization.
22. Engage in illegal activities off the job, the circumstances of which substantially relate to the circumstances of the job.
23. Substandard quality and quantity of work, including deliberate reduction of output.
24. Failure to complete reports promptly and accurately.
25. Unacceptable appearance.
26. Discourteous treatment of the general public or co-workers or the use of profanity or threatening language.
27. Sick leave abuse.
28. Any other activity which is not compatible with good public service.
29. Knowingly making false or malicious statements with the intent to harm or destroy the reputation, authority or official standing of individuals or organizations.
30. The use of telephones, cellular telephones, PDAs, or other similar electronic communication devices during working hours for personal matters is prohibited.

## **B. UNION BUSINESS PROHIBITED DURING WORKING TIME**

Employees may not solicit for membership or carry on any union business during working time.

## **C. EMPLOYEE GRIEVANCE PROCEDURE**

1. **Authority.** This Employee Discipline Procedure is adopted pursuant to Wis. Stat. §66.0509.
2. **Definitions**
  - a. "Days" means calendar days. Saturdays, Sundays and Holidays shall be counted. In counting days, the day of the act, event or occurrence

from which the designated period of time begins to run shall not be included. The last day of the period so counted shall be included, unless it is a day County offices are closed, then the last day shall be the next calendar day County offices are open. The last day ends at the time County offices close on the last day.

- b. “Employee” means a full-time or permanent part-time employee of Kewaunee County. Excluded from the definition of employee are elected officials, limited term employees, contractors, employees covered by a collective bargaining agreement containing a grievance procedure, and any employees who serve at the pleasure of an appointing official as provided by the Wisconsin Statutes. The definition of employee also excludes any employee who is on probationary status, or if no probationary status exists, employees in their first year of employment are excluded.
- c. “Employee Discipline” means suspension or termination from employment.
- d. “Good Cause” means 1) the party seeking a deviation from the rules has acted diligently and in good faith, 2) the opposing party has not been unfairly prejudiced, and 3) the party seeking a deviation from the rules has acted promptly to remedy the situation.
- e. “Suspension,” for the purposes of the employee discipline procedure, means the employee is involuntarily suspended from employment without compensation for unsatisfactory performance or misconduct for a period greater than one regularly scheduled workday, or any second full workday suspension for unsatisfactory performance or misconduct occurring within a one-year period. Suspension does not include any voluntary leave of absence, furlough, layoff, workforce reduction, job transfers or demotions, medical leave, or military leave.
- f. “Termination,” for the purposes of the employee discipline procedure, means the employee is involuntarily dismissed from employment for unsatisfactory performance or misconduct. Termination does not include voluntary termination, layoffs, workforce reduction, job transfers or demotions, action taken as a result of an employee failing to meet the qualifications of a position, end of employment due to disability, retirement, or end of employment due to the completion of a contract.
- g. Time Limits. All time limits set forth herein are to be strictly adhered to unless both parties mutually agree to waive the applicable time limit. In addition, an impartial hearing examiner may permit exceeding

a time limit for conducting a Pre-Hearing Conference or Final Hearing for good cause.

3. **General Complaint Procedure**

a. Any complaint concerning employee discipline shall be raised with the Kewaunee County Administrator in writing within 7 days of its occurrence or shall be considered waived. Such complaint shall be resolved as follows:

1. **Step One:** By a meeting with the Kewaunee County Administrator, the Department Head and the complaining employee. The Kewaunee County Administrator shall reduce his/her decision to writing with a copy to the complaining employee no later than 7 days from the date of the Step One Meeting. No right to appeal to the Second Step shall accrue in the event the complaint is sustained or the employee agrees to an adjustment of the employee discipline.

2. **Step Two:** In the event the complaint is not resolved in Step One, the complaining employee must prepare a written request for a final hearing no later than 7 days from the date on which the written denial is received by the complaining employee. The written request for a final hearing must be filed with the Kewaunee County Administrator and a copy delivered to the Department Head.

4. **Final Hearing Procedures**

a. **Appointment of an impartial hearing examiner.**

1. **Suspension Cases.** The Kewaunee County Administrator will appoint an impartial hearing examiner to hear all suspension cases from a list of impartial hearing examiners approved by the Kewaunee County Board of Supervisors.

2. **Termination Cases.** In termination cases the Kewaunee County Administrator shall provide the complaining employee a list of at least three impartial hearing examiners approved by the Kewaunee County Board of Supervisors. The employee may, within 5 days of receipt of the list of examiners, rank the hearing examiners in order of preference and return the list to the Kewaunee County Administrator. The Kewaunee County Administrator will contact the impartial hearing examiners in order of the employee's preference. If the employee fails to provide the Kewaunee County Administrator with a ranked list of examiners, the Kewaunee

County Administrator will arrange for one of the examiners on the list to serve as the impartial hearing examiner.

- b. **Scheduling for a suspension case.** In suspension cases the impartial hearing examiner shall convene a final hearing within 30 days from the date the employee filed the request for a final hearing with the Kewaunee County Administrator.
- c. **Pre-hearing conference; Scheduling for a termination case.** In termination cases the impartial hearing examiner shall convene a Pre-Hearing Conference within 10 days from the date the employee filed the request for a final hearing with the Kewaunee County Administrator. At the Pre-Hearing Conference the impartial hearing examiner shall set a final hearing date, resolve any evidentiary or procedural questions by order, and take any other action necessary to ready the matter for a final hearing. The final hearing shall be scheduled within 30 days of the Pre-Hearing Conference. The Pre-Hearing Conference may be held in person, via telephone, or by audio/visual means at the discretion of the impartial hearing examiner.
- d. **Discovery; Disclosure of Evidence.** There shall be no pre-hearing discovery. The Employee and the County shall exchange a list of witnesses they intend to call at the hearing and any documents and exhibits they intend to introduce at the hearing no less than 10 days before the hearing. The parties shall provide a copy of the witness list, documents and exhibits to the impartial hearing examiner. No witness, exhibit or document which was not identified or exchanged by a party may be introduced absent a finding by the impartial hearing examiner that there was good cause for the failure of the party to identify a witness or document within the disclosure deadline.
- e. **Final Hearing Procedures.** The impartial hearing examiner shall preside over the hearing. At the hearing, the employee may have representation by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the impartial hearing examiner. The impartial hearing examiner shall take notes of all the testimony, mark and preserve all exhibits. The rules of evidence do not apply at a final hearing. The impartial hearing examiner shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant, or unduly repetitious testimony. Hearsay evidence may be admitted if the impartial hearing examiner is satisfied the evidence is reliable. The impartial hearing examiner may not make any finding or conclusion based solely on hearsay evidence. The impartial hearing examiner may order the proceedings to be recorded by a digital recording device or some other reliable audio/visual means.

1. **Suspension Case.** At the close of the evidentiary portion of the hearing, the impartial hearing examiner shall provide each party an opportunity to make oral closing arguments. The impartial hearing examiner shall render a written decision within 10 days of the close of the hearing.
  2. **Termination Case.** At the close of the evidentiary portion of the hearing, the impartial hearing examiner may hear closing arguments, establish a briefing schedule or both. The impartial hearing examiner shall render a written decision within 20 days of the close of the record.
- f. **Burden of Proof.** In all cases, the complaining employee bears the burden of proof by clear, convincing and satisfactory evidence that the suspension or termination of the employee was arbitrary and capricious.
  - g. **Decision.** In rendering a decision, the impartial hearing examiner must decide: 1) Was Kewaunee County's decision to impose discipline upon the employee in the first instance arbitrary and capricious?; and, if applicable, 2) Was Kewaunee County's decision concerning the actual discipline imposed arbitrary and capricious? The impartial hearing examiner may not change or modify any discipline imposed. The impartial hearing examiner shall provide the reasons for the determination reached in its written decision.
  - h. **Sustained Complaints.** In the event a disciplinary decision by Kewaunee County is found to be arbitrary and capricious, the Kewaunee County Personnel, Advisory, and Legislative Committee shall review the matter to determine if a lesser form of discipline or other corrective action is warranted. The Personnel, Advisory and Legislative Committee shall decide whether or not the employee will receive back pay for any work time missed as a result of discipline that was reversed by an impartial hearing examiner.

5. **Appeal of a Final Hearing Decision**

- a. An employee or Kewaunee County may, within 7 days of receipt of the decision of the impartial hearing examiner, appeal the decision to the County Board of Supervisors by filing a written notice of appeal with the County Clerk and delivering a copy to the Kewaunee County Administrator.
- b. The written notice of appeal must contain a statement explaining the reasons for the appeal.

- c. Any arguments Kewaunee County or the employee wishes the County Board to consider may be submitted in writing provided the written arguments are received by the County Clerk at least 7 days prior to the County Board meeting at which the appeal will be heard.
- d. The appeal will be placed on the agenda for the first County Board meeting that is held at least 10 days after the County Clerk receives a written notice of appeal. The appeal will be noticed for consideration in closed session pursuant to Wis. Stat. §19.85(1)(b) pertaining to the dismissal, demotion, licensing or suspension of a public employee. The County Clerk will provide a copy of the meeting notice to the employee, and the employee may request that an open session be held.
- e. The employee has the right to be represented by an attorney. The employee and the employee's attorney may attend the closed session. The employee or the employee's attorney may address the County Board. The employee and the employee's attorney will be excluded from any closed session while the County Board engages in deliberation of the appeal.
- f. The County Board's consideration of the appeal will be limited to review of the record and any oral or written arguments to determine whether there was any procedural error or any abuse of discretion.
- g. The County Board will convene in open session when the Board concludes discussing and deliberating the appeal. The Chairperson of the Board will call for motions to: 1) affirm the decision of the impartial hearing examiner, 2) reverse the decision of the impartial hearing examiner, 3) remand the matter for further proceedings, or 4) substitute a lesser discipline. The County Board will vote on motions duly made and seconded and a simple majority vote shall decide the appeal. The decision of the impartial hearing examiner will stand in the event of a tie vote.
- h. The County Board Chair shall prepare and sign a written determination reflecting the County Board's Decision. The County Board may enlist the assistance of the Corporation Counsel in preparing the written determination. A copy of the determination will be provided to the employee within 10 calendar days following the County Board's decision.
- i. The decision of the County Board is final.

#### **D. WORKPLACE SAFETY**

Establishment and maintenance of a safe work environment is the shared responsibility of Kewaunee County and employees from all levels of the organization. The County will take all reasonable steps to assure a safe environment and compliance with federal, state, and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the organization are expected to correct or report unsafe conditions as promptly as possible.

All accidents, (on County property or while conducting business for the County) that result in injury must be reported to the appropriate supervisor and to the County Administrator's office within twenty-four (24) hours, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and worker's compensation procedures.

#### **E. WORKPLACE SAFETY GRIEVANCE PROCEDURE**

1. **Authority.** This Workplace Safety Grievance Procedure is adopted pursuant to Wis. Stat. §66.0509.
2. **Conditions precedent to filing a Workplace Safety grievance.**
  - a. An employee may not file a grievance relating to a condition that the employee believes constitutes a workplace safety violation unless the employee has first reported the condition to the Kewaunee County Administrator in writing.
  - b. Upon receipt of a notice alleging a workplace safety violation, the County shall have 14 days in which to investigate the condition and advise the employee in writing that the County: has determined that the condition does not constitute a workplace safety violation and will not be taking corrective action; or will be taking corrective action in accordance with law to address the condition. No workplace safety grievance may be initiated if the County advises the employee that it will be taking corrective action in accordance with the law and has commenced corrective action.
3. **Initiating a grievance regarding workplace safety.**
  - a. An employee may initiate a grievance concerning workplace safety under any standard established or adopted under Wisconsin Administrative Code Chapter Comm 32 within 5 days of receipt of notice from the County that it will not be taking corrective action with respect to the alleged workplace safety violation or as soon as the

grievant knew or should have known the County has failed to commence corrective action in accordance with the law.

- b. If a grievance is untimely or incomplete, the Kewaunee County Administrator shall respond to the grievant in writing identifying the information needed to complete the grievance. The employee shall have 5 days to provide the requested information to the Kewaunee County Administrator. Failure to respond to the Kewaunee County Administrator for additional information shall constitute a waiver and abandonment of the right to use the grievance procedure. If the Kewaunee County Administrator believes the grievance is incomplete after receipt of additional information from the employee, the Kewaunee County Administrator shall forward the grievance to the Kewaunee County Personnel, Advisory and Legislative Committee for a final determination as to whether or not the grievance will proceed to a hearing before an impartial hearing examiner.

4. **Hearing before an impartial hearing examiner.**

- a. **Appointment of impartial hearing examiner.** The Kewaunee County Administrator will appoint an impartial hearing examiner to hear all properly filed workplace safety grievances.
- b. **Scheduling for a hearing.** The impartial hearing examiner shall convene a hearing within 30 days of appointment.
- c. **Discovery; Disclosure of Evidence.** There shall be no pre-hearing discovery. The Employee and the County shall exchange a list of witnesses they intend to call at the hearing and any documents and exhibits they intend to introduce at the hearing no less than 10 days before the hearing. The parties shall provide a copy of the witness list, documents and exhibits to the impartial hearing examiner. No witness, exhibit or document which was not identified or exchanged by a party may be introduced absent a finding by the impartial hearing examiner that there was good cause for the failure of the party to identify a witness or document within the disclosure deadline.
- d. **Hearing Procedures.** The impartial hearing examiner shall preside over the hearing. At the hearing, the employee may have representation by an attorney and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the impartial hearing examiner. The impartial hearing examiner shall take notes of all the testimony, mark and preserve all exhibits. The rules of evidence do not apply at a final hearing. The impartial hearing examiner shall admit all testimony having reasonable probative value, but shall exclude immaterial,

irrelevant, or unduly repetitious testimony. Hearsay evidence may be admitted if the impartial hearing examiner is satisfied the evidence is reliable. The impartial hearing examiner may not make any finding or conclusion based solely on hearsay evidence. The impartial hearing examiner may order the proceedings to be recorded by a digital recording device or some other reliable audio/visual means. At the close of the evidentiary portion of the hearing, the impartial hearing examiner shall provide each party an opportunity to make oral closing arguments. The impartial hearing examiner shall render a written decision within 20 days of the close of the hearing.

- e. **Burden of Proof.** The employee shall have the burden of proving by a preponderance of the evidence that the condition identified by the employee constitutes a workplace safety violation and that corrective action is required.
- f. **Decision.** The impartial hearing examiner shall provide the reasons for the determination reached in its written decision. If the workplace safety grievance is sustained, the impartial hearing examiner may issue an order which includes a statement as to the particular provisions of Wisconsin Administrative Code Chapter Comm 32 that are implicated by the Workplace Safety grievance and order the County to take corrective action in accordance with the law. The impartial hearing examiner shall have no authority to require the County to take any specific corrective action or provide any specific remedy in response to any sustained grievance.

5. **Appeal of Hearing Decision.**

- a. An employee or Kewaunee County may, within 7 days of receipt of the decision of the impartial hearing examiner, appeal the decision to the County Board of Supervisors by filing a written notice of appeal with the County Clerk and delivering a copy to the Kewaunee County Administrator.
- b. The written notice of appeal must contain a statement explaining the reasons for the appeal.
- c. Any arguments Kewaunee County or the employee wishes the County Board to consider may be submitted in writing provided the written arguments are received by the County Clerk at least 7 days prior to the County Board meeting at which the appeal will be heard.
- d. The appeal will be placed on the agenda for the first County Board meeting that is held at least 10 days after the County Clerk receives a written notice of appeal.

- e. The employee has the right to be represented by an attorney. The employee or the employee's attorney may address the County Board. The County Board may, subject to Wisconsin Open Meetings law, convene in closed session.
- f. The County Board's consideration of the appeal will be limited to review of the record and any oral or written arguments to determine whether there was any procedural error or any abuse of discretion.
- g. The County Board will convene in open session when the Board concludes discussing and deliberating the appeal. The Chairperson of the Board will call for motions to: 1) affirm the decision of the impartial hearing examiner, 2) reverse the decision of the impartial hearing examiner, 3) remand the matter for further proceedings, or 4) order that corrective action be taken according to law. The County Board will vote on motions duly made and seconded and a simple majority vote shall decide the appeal. The decision of the impartial hearing examiner will stand in the event of a tie vote.
- h. The County Board Chair shall prepare and sign a written determination reflecting the County Board's Decision. The County Board may enlist the assistance of the Corporation Counsel in preparing the written determination. A copy of the determination will be provided to the employee within 10 calendar days following the County Board's decision.
- i. The decision of the County Board is final.

**F. OFFICE MAINTENANCE**

- 1. Desktops must be cleared off if you wish to have the custodial staff clean your desk.
- 2. Contact the Maintenance Manager on heating and air conditioning problems. Thermostats are to be adjusted by the Maintenance staff only.
- 3. Windows must be closed and locked at night, lights must be turned off, and all other electronics must also be shut off.
- 4. Window sills and/or floor space is not be used for storage.
- 5. Refreshments are allowed in the work area, but please use discretion. Employees are expected to throw empty cans/trash away into appropriate containers.
- 6. Any alteration, change or remodeling that will have an effect on the HVAC or lighting must have prior approval by the Public Property Committee and/or Maintenance Manager.

**G. DRIVER'S LICENSES**

Suspension, revocation or other loss of license may result in termination if an employee's duties require a driver's license or a commercial driver's license. An employee shall notify his/her immediate supervisor and the County Administrator immediately upon suspension, revocation or other loss of license. The County may attempt to place the employee in another position if a position is available. The County will not displace another employee to accommodate an employee who has lost driving privileges. Any employee temporarily or permanently placed in another position will receive the wages and work the hours the new position provides.

## **Chapter 7**

### **Termination of Employment**

#### **A. EXIT INTERVIEWS**

In cases of resignation or retirement, Kewaunee County will generally schedule exit interviews at the time of employment termination. Department Head exit interviews will be conducted by the County Administrator. All other interviews will be conducted by the supervisor/department head.

The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, and return of Kewaunee County owned property. Suggestions, complaints, and questions can also be voiced.

#### **B. RESIGNATIONS**

Resignation is a voluntary act initiated by the employee to terminate employment with the employer. An employee may quit employment with the County at any time. An employee may be dismissed at any time at the option of the County. The publishing of this Personnel Handbook does not guarantee or make a promise of employment.

Employees are encouraged to give two (2) weeks written notice of intent to terminate their employment. This resignation should be given to the employee's supervisor and should indicate the last day they will be available for work.

Department heads and supervisors are requested to give four (4) weeks written notice to the County Administrator.

Resignations shall be viewed as evidence of the person's intent to resign as long as it is a voluntary statement. Resignations that are reached as part of a discharge agreement shall be binding. Resignations are valid upon the acceptance by the appropriate supervisor.

#### **C. RETURN OF PROPERTY**

Employees are responsible for all property (i.e. keys, software, calculators, pagers, tools, books, etc.), materials or written information issued to them or in their possession or control. Employees must return all Kewaunee County property immediately upon request or upon termination of employment. Kewaunee County may also take all action deemed appropriate to recover or protect its property.

**EMPLOYEE ACKNOWLEDGEMENT FORM**

I have received a copy of the Kewaunee County Personnel Policy. I acknowledge that it is my responsibility to ask my supervisor/department head or the County Administrator questions about anything I do not understand.

I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices from the County Board and Department Heads. I understand that revised policies may supersede, modify, or eliminate existing policies. The Personnel, Advisory and Legislative Committee has the ability to change the policies in this handbook at any time. All substantive changes to the policies contained in this handbook will be approved by the County Board prior to implementation.

I have entered into my employment relationship with Kewaunee County voluntarily and acknowledge that there is not a specified length of employment. Accordingly, either the County or I can terminate the relationship at will, at any time, subject to law and any provisions of existing collective bargaining agreements.

I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name (Typed or Printed)

\_\_\_\_\_  
Date

After you have read and signed this page, please detach the page from the booklet and return to your immediate supervisor. The original will be sent to the County Administrator's office and a copy retained in your department. Thank you.