

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Annette Mikula
INITIATED BY

Amy Spoden, Asst. Human Resource Director
DRAFTED BY

County Board
Staff Committee
SUBMITTED BY



November 6, 2019
DATE DRAFTED

AMENDING THE COUNTY'S PERSONNEL ORDINANCE

1 **WHEREAS**, Rock County has an established Personnel Ordinance; and,

2
3 **WHEREAS**, it is good practice to review the personnel ordinance language on an annual basis; and

4
5 **WHEREAS**, certain additional changes have been suggested by Employees and Department Managers; and,

6
7 **WHEREAS**, the County wants to incorporate these additional changes to the Personnel Ordinance effective
8 December 13, 2019

9
10 **NOW, THEREFORE, BE IT RESOLVED**, that the Rock County Board of Supervisors assembled this
11 12th day of December, 2019 does hereby amend Chapter XVIII, the County's Personnel
12 Ordinance as follows:

13
14 **CHAPTER XVIII**
15 **Section 3: Recruitment and Selection**

16 Recruitment
17 18.301

18
19 The Human Resources Director shall develop and conduct an active recruitment program designed to
20 meet current and projected County manpower needs.

21
22 Recruitment shall be tailored to the position to be filled and shall be directed to sources likely to yield
23 qualified candidates. Applications received are maintained by Applicant Tracking Software. Candidates
24 are notified by the system as they progress thru the life cycle of the recruitment.

25
26 (a) Job Announcements and Publicity.

27
28 Human Resources shall issue job announcements and otherwise publicize
29 vacancies as may be appropriate. Job vacancies shall be formally announced for a
30 minimum of five working days prior to the closing date for filing applications.
31 Depending upon the vacancy and the scope of the recruitment process, this period
32 may be adjusted accordingly. The Human Resources Director may also initiate
33 continuous recruitment programs for any class of positions. (See HR Policies and
34 Procedures.)

35
36 (b) Application Form.

37
38 All applications for employment shall be made on forms prescribed by the Human
39 Resources Director. The Human Resources Director may require proof of
40 application statements.

41
42 (c) Rejection of Applications.

43
44 Human Resources may reject any application if the applicant:

- 45
46 (l) does not meet the minimum qualifications established for the position.

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- 47 (2) is physically, mentally or otherwise unable to perform the duties of the
- 48 position, with or without a reasonable accommodation, as permitted under
- 49 applicable State and Federal laws.
- 50
- 51 (3) has been convicted of a crime, which renders him/her unsuitable for the
- 52 position, as permitted under applicable State and Federal laws.
- 53
- 54 (4) is not within the legal age limits prescribed for the position or for County
- 55 employment.
- 56
- 57 (5) has established an unsatisfactory employment record, which demonstrates
- 58 unsuitability for the position.
- 59
- 60 (6) is a member of an organization, which advocates the violent overthrow of
- 61 the government of the United States.
- 62
- 63 (7) based on job related factors, is found by Human Resources to be clearly
- 64 unsuitable for the position for which he/she has applied.
- 65
- 66 ~~(d) Whenever an application is rejected, notice of such rejection shall be promptly~~
- 67 ~~made to the applicant.~~
- 68
- 69 (d) Human Resources may select only the best qualified applicants for screening and
- 70 final consideration.
- 71
- 72 (e) Applicants that are not selected for a position have the ability to review their
- 73 individual results. Candidates who do not agree with their recruitment process
- 74 results may request the Human Resources Director to review the results.
- 75
- 76

Section 5: Fringe Benefits

Holidays
18.501

The following holidays are observed by the County and shall be granted to regular employees with pay and to temporary employees without pay, unless such employees are required to be on scheduled work:

- 84 (a) New Year's Day
- 85 (b) Spring Holiday to be observed the Friday immediately preceding
- 86 Easter
- 87 (c) Memorial Day
- 88 (d) July 4th
- 89 (e) Labor Day
- 90 (f) Thanksgiving Day
- 91 (g) Friday following Thanksgiving
- 92 (h) Day before Christmas
- 93 (i) Christmas Day
- 94 (j) One Floating Holiday
- 95 (k) Any additional holiday granted by the County Board.
- 96 (l) The County Administrator may designate additional holidays in
- 97 unusual circumstances with the approval of the County Board
- 98 Chair and/or Vice Chair.
- 99

For employees working the standard work schedule, when a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday shall be observed.

For employees not working the standard work schedule see the HR Policies and Procedures.

Floating holidays must be taken in whole day increments (pro-rated for part-time employees).

108 The floating holiday shall accrue to the employee effective any work shift starting on or after 4 a.m. of
 109 January 1st of each year. Employees need to use the floating holiday on or before December 31 of each
 110 calendar year. If the floating holiday is not used by December 31, the floating holiday will be
 111 forfeited. During their first year of employment, Employees hired after November 30, will have until
 112 January 31 of the following year to use their floater from the previous year.

113
 114
 115 Jury Duty
 116 18.510

117
 118 Any employee called for jury duty in any court of competent jurisdiction shall be granted time off from
 119 his/her regular and normal daily schedule of working hours with pay, for such jury service provided
 120 such employee shall remit to ~~Employer~~ Rock County Treasurer's Office all fees received from the
 121 Clerk of Courts for such service, and further provided that no claim for overtime pay or compensatory
 122 time off shall be made by such employee as a result of his/her jury services. If a second or third shift
 123 employee is selected to serve on a jury panel, the employee will not be required to work their next
 124 scheduled shift, if such shift begins on the same calendar day. If the employee does not remit the fee,
 125 he/she shall be considered to be on leave of absence without pay while performing jury duty. The
 126 County shall pay a reasonable amount for the difference if the employee has to pay parking fees and
 127 reimbursement from the Court does not fully cover the fee.

128
 129 Should an employee not be selected to serve on a jury panel, the employee will report back to work
 130 within one hour of dismissal by the court.

131
 132 If the employee chooses not to return to work, they may use available benefit time to take the rest of the
 133 day off. Sick Leave cannot be used.

134
 135
 136 Sick Leave
 137 18.515

138
 139 Sick leave pay shall commence on the first day of any period of illness due to accident, injury or disease.

140
 141 (1) All full-time employees shall earn one sick leave day per month of
 142 continuous employment. All part-time employees whose regular workweek
 143 is sixteen hours or more shall earn one sick leave day on a prorata basis
 144 directly in relation to the normal full time employment period. All part-
 145 time employees, who work less than sixteen hours per week, shall not earn
 146 sick leave. Temporary and seasonal employees are not eligible for sick
 147 leave.

148
 149 (2) Sick leave shall be granted after three months continuous service (from
 150 original hire date) when an employee is required to be absent from work
 151 because of:

152
 153 (a) Illness of the employee.

154
 155 (b) Illness of an employee's spouse

156
 157 (a) Illness of a minor child (includes stepchild, current foster child,
 158 grandchild, or any other child they are legally responsible for and
 159 can provide legal documentation supporting the responsibility) or
 160 a child who meets the definition of a disabled adult child.

161
 162 (b) Adult child when covered by an approved FMLA.

163
 164 (c) Illness of a parent (includes stepparents and current foster
 165 parents).

166
 167 (d) Contact with or exposure to a contagious disease rendering the
 168 employee's presence hazardous to fellow workers

- 169 (e) Reasonable medical or dental attention that cannot be scheduled during
170 non-working hours.
- 171
- 172 (3) Sick leave shall accrue to a maximum of one hundred thirty days.
- 173
- 174 (4) Employees who are absent from work for reasons which entitle them to
175 sick leave shall notify their supervisor in accordance with Department
176 Work Rules.
- 177
- 178 (5) A supervisor may identify a potential problem with an employee's sick
179 leave usage. Patterns that may indicate a problem with sick leave usage
180 include but are not limited to:
- 181
- 182 a) It occurs before or after a holiday,
- 183
- 184 b) It occurs before or after a scheduled day off,
- 185
- 186 c) An employee takes sick leave in excess of three days which has not been
187 reported to FMLA, or
- 188
- 189 d) The employee has a history of using short amounts of sick leave
190 repeatedly over an extended period of time.
- 191
- 192 e) It occurs on a day that an employee previously requested off and was
193 denied.
- 194
- 195
- 196 Once a potential problem with sick leave usage has been identified the
197 supervisor shall meet with the employee to discuss the reason(s) for the
198 absences. The goal of the meeting is to gather information, counsel the
199 employee and if there is an admitted problem, have the employee change
200 his/her behavior.
- 201
- 202 When a problem has been identified and the employee has not voluntarily
203 changed their behavior, a Department Head or the Human Resources
204 Director may require the employee to submit a medical statement, stating
205 the specific illness, period of treatment, and date that the employee may
206 return to work.
- 207
- 208 The Department Head or Human Resources Director may require an
209 employee to take a medical examination on returning from sick leave or on
210 such occasions that it is in the best interest of the County. The medical
211 examination shall be given by a physician designated by the Human
212 Resources Director.
- 213
- 214 The Department Head or the HR Director may investigate the alleged
215 illness of an employee absent from work on sick leave. False or fraudulent
216 use of sick leave shall be cause for disciplinary action against the
217 employee, up to and including dismissal.
- 218
- 219 (6) An employee on vacation who presents an acceptable medical certificate
220 giving the dates of illness may have that portion of his/her vacation leave
221 converted to sick leave.
- 222
- 223 (7) Sick leave shall be debited in no less than quarter hour units.
- 224
- 225 (8) No credit for sick leave shall be granted for time worked by an employee in
226 excess of his/her normal workweek.
- 227
- 228 (9) A regular employee who moves from one department to another by
229 transfer, promotion or demotion shall have his/her total sick leave credits
230 transferred to the new department.
- 231

232 Employees who resign or retire with ten or more
 233 years of continuous service shall be paid for one half of the accumulated
 234 sick leave days, not to exceed a total of sixty-five days. In the event of the
 235 death of an employee, the County shall make the same sick leave payment
 236 to the employee's estate. In the event of a discharge, the employee will not
 237 receive this benefit.

238
 239 Subpoenaed Witness
 240 18.516

241
 242 When subpoenaed to appear before a court, public body, or commission in connection with County
 243 business on regular work time, the employee shall be paid at his her regular rate of pay and the employee
 244 shall remit his/her fee to the County.

245
 246 Employees who are off duty and are subpoenaed to appear in court as a result of their work assignment
 247 shall receive a minimum of two hours pay at the rate of time and one half. If the employee is required by
 248 the court to be present in court for time over and above the minimum, the employee will be paid at the
 249 rate of time and one half. Employees shall be reimbursed for mileage costs incurred because of court
 250 appearances required under this provision. Employees shall sign and turn over to the County any and all
 251 fees and reimbursements paid because of court appearances resulting from their work assignment.

252
 253 Subpoena Cancellation Pay. Employees who are subpoenaed to testify on off duty time and are not
 254 notified of the cancellation or dismissal of said subpoena at least twenty-four hours prior to the time
 255 scheduled for appearance, shall be paid two hours of pay at their regular rate of pay. There shall be a
 256 maximum of two (2) canceled subpoenas per day.

257
 258 Employees subpoenaed to appear before a court, public body, or commission for reasons outside of their
 259 County employment will be given time off of work if they must appear during their normally scheduled
 260 shift. The time away from work will be covered by the employee's benefit time or will be leave without
 261 pay if the employee does not have appropriate benefit time to cover.

262
 263 Section 6: Conditions of Employment

264 Discipline/Investigations
 265 18.607

266
 267 The purpose of discipline is correcting job behavior and performance problems of employees.
 268 Employees shall be informed of standards of conduct and performance. All staff must notify their
 269 immediate supervisor within twenty-four (24) hours of all arrests and convictions for any ordinance
 270 (other than minor traffic violations), misdemeanor or felony violations that may impact their ability to
 271 complete the essential functions of their position.

272
 273 No disciplinary action will be taken until a thorough investigation has been completed. Employees
 274 under investigation shall have the right to representation during the investigatory process. The
 275 employee will be allowed to have a representative of their choice who is not a supervisor or manager
 276 within Rock County. The representative will be limited to listening and advising the employee but will
 277 not be allowed to speak in place of the employee. Unilateral employees other than Department Heads
 278 shall be allowed to have a representative of their choice who has equal or less authority than they do.
 279 Employees may be placed on a Paid/Non Paid Administrative Leave during the investigation. Rules
 280 and standards shall be consistently applied. Penalties shall be uniform and shall match the infraction.
 281 Persons administering corrective discipline shall systematically document the case. Records of written
 282 reprimands, suspensions, demotions and terminations shall be provided to Human Resources and kept
 283 in the employee's personnel file. Written reprimands will remain in effect for a period not to exceed
 284 one year, and at the end of such period shall be removed from the active Employee's personnel file.
 285 Records of suspension shall remain in the active Employee's personnel file for a period of two years
 286 and at the end of such period shall be removed from the Employee's personnel file.

287
 288 Suspensions, demotions, and terminations shall be discussed with the Human Resources Director or the
 289 County Administrator before such actions are taken. In the event that the immediate dismissal action is
 290 required and the HR Director or the County Administrator cannot be reached, the employee shall be
 291 suspended with pay pending investigation.

292

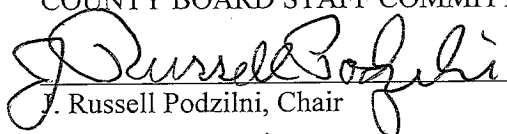
293 An employee may only be suspended, demoted, or terminated for just cause. In determining whether
294 just cause exists, the following standards must be applied to the extent applicable:
295

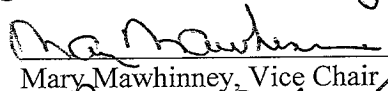
- 296 (a) Whether the employee could reasonably be expected to have had knowledge of the likely
297 consequences of the alleged conduct
- 298 (b) Whether the rule or order that the employee allegedly violated was reasonable.
- 299 (c) Whether the County made a reasonable effort to investigate and discover whether the
300 employee did in fact violate a rule or order.
- 301 (d) Whether the investigation was fair and objective.
- 302 (e) Whether the County discovered substantial evidence that the employee violated the rule or
303 order
- 304 (f) Whether the County is applying the rule or order fairly and without discrimination against
305 the employee.
- 306 (g) Whether the proposed discipline reasonably relates to the seriousness of the alleged
307 violation and the employee's record of service with the County.
- 308

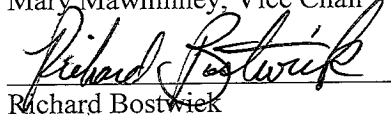
309 Notwithstanding the above, whenever an employee is laid off under section 18.613, it shall
310 not be considered discipline and the employee shall not be considered terminated under this
311 section. Dismissal of an employee during his or her initial Probationary Period shall not be
312 considered a termination under this section.

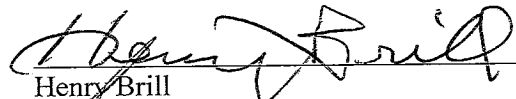
Respectfully Submitted,

COUNTY BOARD STAFF COMMITTEE

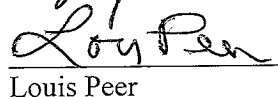

J. Russell Podzilni, Chair


Mary Mawhinney, Vice Chair

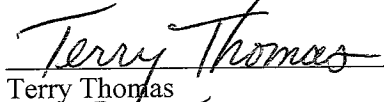

Richard Bostwick


Henry Brill


Betty Jo Bussie


Louis Peer


Alan Sweeney


Terry Thomas


Bob Yeomans


FISCAL NOTE:

Minimal fiscal impact.

LEGAL NOTE:

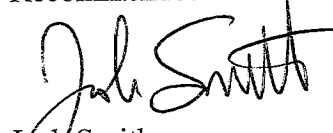
The County Board is authorized to take this action by Wisconsin Statutes §§ 59.03 and 59.52(8).


Sherry Oja
Finance Director


Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

Executive Summary

Rock County has a Personnel Ordinance that establishes a uniform personnel program for Rock County. The ordinance is reviewed annually and suggestions for modifications are brought forward to the County Board Staff Committee and the County Board.

It is important to give our workforce a voice in the process, and in 2019 a survey was sent to managers and employees to solicit input into suggestions for modifications to the current personnel ordinances and for suggestions for new ordinances. Overall there were 58 employee responses. The Human Resources Department identified several areas that were brought to their attention during 2019.

A draft of the proposed changes was reviewed with the County Administrator. There were some additional suggestions offered and a final version of proposed changes was compiled.

These changes are summarized below and a full version of the Ordinance language is included with the resolution.

Proposed Personnel Ordinance Changes

Rock County Ordinance

- **18.301 – Recruitment**

Updates candidate notification process.

- **18.501 – Holidays**

Updates floating holiday language to clarify it can be used on December 31st.

- **18.510 Jury Duty**

Clarifies where jury duty pay should be remitted to the Rock County Treasurer's Office.

- **18.515 –Sick Leave**

Clarifies language that sick leave can be used for an adult child when covered by approved family medical leave.

- **18.516 - Subpoenaed Witness**

Clarifies that if an employee is subpoenaed for reasons outside of their County employment, and they must miss work, they need to use benefit time or take it as time without pay.

- **18.607 – Discipline/Investigations**

Clarifies that employees who are laid off or dismissed during probation are not considered terminated for cause.