



COUNTY BOARD STAFF COMMITTEE
Minutes – November 13, 2018

Call to Order. Vice Chair Mawhinney called the meeting of the County Board Staff Committee to order at 4:00 P.M. in Conference Room N-1 on the fifth floor of the Rock County Courthouse-East.

Committee Members Present: Supervisors Mawhinney, Bussie, Thomas, Brill, Bostwick, Peer, and Podzilni (arrived at 4:10 PM).

Committee Members Excused: Supervisors Sweeney and Yeomans.

Staff Members Present: Josh Smith, County Administrator (arrived at 4:10 PM); Randy Terronez and Nick Osborne (arrived at 4:10 PM), Assistants to the County Administrator; Annette Mikula, Human Resources Director; Richard Greenlee, Corporation Counsel; Bridget Laurent, Deputy Corporation Counsel; Duane Jorgenson, Public Works Director; Greg Cullen, Airport Manager.

Others Present: Supervisors Fox, Brown, Richard, Aegerter; Billy Bob Grahn; Wayne Skottum.

Approval of Agenda. Supervisor Bostwick moved approval of the amended agenda as presented, second by Supervisor Bussie. ADOPTED.

Citizen Participation, Communications and Announcements. Supervisor Bussie said there is a quorum of the Public Works Committee present, but no business of the Public Works Committee will be conducted.

Approval of Minutes – October 23, 2018 and October 25, 2018. Supervisor Peer moved approval of the minutes of October 23, 2018 and October 25, 2018 as presented, second by Supervisor Bussie. ADOPTED.

Transfers. None.

Review of Payments The Committee accepted the reports.

Resolutions.

Revising Board Rules and Establishing Airport Board

“NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors in session this ___ day of _____, 2018, does hereby Amend the Rock County Board Rules of Procedure as follows (new language is underlined; ~~deleted language is shown with a strikethrough~~):

1. RULE IV.F. is amended to read as follows:

F. ~~Except for the Airport Board as articulated in Rule V.O.,~~ or when uniformly mandated to the contrary by law, each committee shall be composed of a majority of County Supervisors and such additional members as required by ~~law~~ these Rules and approved by the County Board. No committee may create sub-committees or otherwise subdivide committee responsibilities, unless authorized by the whole County Board. Any committee may rely on its members, County staff, or other individuals or organizations to conduct research and provide additional information to the committee for the purpose of fulfilling its responsibilities. Such research or information gathering, when conducted cooperatively without a quorum of the committee, shall not be considered a sub-committee or governmental body unless creation of a sub-committee has been previously approved by the County Board.

2. RULE V.A. is amended to read as follows:

A. The following shall be the standing committees of the County Board of Supervisors and shall have the general duties and responsibilities stated in Rule IV, shall approve all contracts, claims and demands and causes of action less than \$10,000 and shall review the prior month's payments against the accounts under their jurisdiction. Upon request from department heads and review by the County Administrator, or a designated agent, standing committees reallocate amounts more than \$5,000 and up to \$10,000 between detail accounts or create new detail accounts of an individual county office or department within their jurisdiction. With review by the County Finance Director, the County Administrator or the Administrator's designee may approve reallocation requests of \$5,000 or less, or create detail accounts for any transfer of \$5,000 or less without further committee action.

- Agricultural/ Land Conservation Committee
- Board of Health
- County Board Staff Committee
- Developmental Disabilities Board
- Education, Veterans and Aging Services Committee
- Finance Committee
- General Services Committee
- Health Services Committee
- Human Services Board
- Planning & Development Committee
- Public Safety & Justice Committee
- Public Works Committee
- Rail Transit Commission

-Southern Wisconsin Regional Airport Board

3. RULE V.M(2) is amended to read as follows:

(2) The committee shall convene from time-to-time as the County Highway Committee and shall have such powers and duties conferred by State law and County Board policy. The committee shall have policy supervision over the Department of Public Works that includes highway, ~~airport~~, parks and motor pool operation.

4. RULE V.O. is created to read as follows:

O. Airport Board

(1) The committee shall be composed of nine members, of which three shall be County Board Supervisors. Six members shall be drawn from the community, and not elected to any county office, or employed by Rock County, and shall have a demonstrated interest or competence in the field of aviation.

(2) The Airport Board shall have policy supervision over the Southern Wisconsin Regional Airport

BE IT FURTHER RESOLVED that the Southern Wisconsin Regional Airport (SWRA) Department be created with the Airport functions under the Department of Public Works transferred to the new department.”

Supervisor Bussie moved approval of the above resolution, second by Supervisor Peer.

Supervisor Fox explained how the Airport Ad Hoc Committee conducted a study of the Southern Wisconsin Regional Airport, looking at a good cross section of the areas of use and need. The outcome of this study, and after much debate, included the need for a separate Airport Board. He said this Board should be made up of nine members, three County Board Supervisors and six members from the community who are not elected to any county office or employed by Rock County and who also have a demonstrated interest or competence in the field of aviation.

Mr. Greenlee said there are a number of changes that would need to be made. Currently, the airport is under the Public Works Committee with the Public Works Director overseeing the Airport Manager. This resolution would create a new board with policy supervision over the Southern Wisconsin Regional Airport, which would be transferred to a new department. He said the Board Rules would need to be amended to create this new committee and remove the airport from the Public Works Committee. With the minority of this committee being County Board Supervisors this would also need to be changed in the Board Rules.

ADOPTED.

Approving 2019-2020 Intergovernmental Agreement with Dane County for Medical Examiner Services

“NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly assembled this ___ day of _____, 2018 approves the Dane County Intergovernmental Agreement that delineates the roles and responsibilities of each county for the period January 1, 2019 through December 31, 2020.”

Supervisor Peer moved approval of the above resolution, second by Supervisor Bostwick.

Mr. Terronez said this would be the third two-year renewal.

ADOPTED.

Support for Increased Public Defender Access and Compensation

“NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors duly assembled this ___ day of _____, 2018, does hereby implore the Wisconsin legislature to provide adequate resources to the State Public Defender’s Office for representation of indigent clients by increasing the rate of reimbursement for assigned attorneys consistent with the reasoning of the Wisconsin Supreme Court in its Decision in *In re the Petition to Amend SCR 81.02*, decided and filed by the Court on June 27, 2018, to \$100/hour, which will ensure the prompt appointment of counsel.

BE IT FURTHER RESOLVED that the County Clerk be authorized and directed to send a copy of this resolution to Governor Walker, the Rock County Legislative Delegation and the Wisconsin Counties Association.”

Supervisor Bostwick moved approval of the above resolution, second by Supervisor Thomas. ADOPTED.

Approving the 2019 Base Wage Rates for all Employees except Represented Law Enforcement Employees, and Amending the Personnel Policy Wage Appendixes

“NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly assembled this ___ day of _____, 2018 does hereby approve the County’s 2019 Pay Plans by increasing each step by 2.00% effective January 1, 2019.”

Supervisor Peer moved approval of the above resolution, second by Supervisor Brill. ADOPTED.

Setting the 2019 Salary of the County Administrator

“NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly assembled this ___ day of _____, 2018 does hereby authorize that the County Administrator’s salary be adjusted by 2.00% effective 1-1-19.

BE IT FURTHER RESOLVED, that the health insurance plan granted other Unilateral employees be continued.

BE IT FURTHER RESOLVED, that the dental plan available to Unilateral employees be continued.

BE IT FURTHER RESOLVED, that the current car allowance of \$6,000 annually be continued and the current expense allowance of \$2,000 annually be continued.

BE IT FURTHER RESOLVED, that the County continues to contribute annually to a deferred compensation program and the contribution in 2019 increase from \$5,500 to \$6,000.”

Supervisor Thomas moved approval of the above resolution, second by Supervisor Bussie. ADOPTED.

Supervisor Podzilni, Josh Smith and Nick Osborne arrived at 4:10 P.M.

Proclamation to Recognize the Second Monday in October as “Indigenous Peoples Day”

“NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly assembled this ___ day of _____, 2018, to affirm and proclaim that the second Monday in October will be known as Indigenous Peoples Day.”

Supervisor Peer moved approval of the above resolution, second by Supervisor Thomas.

Mr. Grahn, a Native American drummer and singer, an Eagle Feather carrier and a staff carrier, explained he had started the process for this resolution about seven years ago and that it is now his duty to carry out the wishes of the Elders of the Bad River Tribe. He said this resolution helps bring into focus a greater understanding of the indigenous peoples, especially the tribal nations of Wisconsin.

Supervisor Brown and Aegerter said they were there to ask for the support of the County Board to recognize the indigenous peoples. Ms. Brown said she had been asked to keep the Ho Chunk updated on this.

Mr. Grahn and Supervisor Aegerter talked about ACT 31, which is about teaching Indian history in the schools.

ADOPTED.

Amending the County's Personnel Ordinance

“NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors assembled this _____ day of _____, 2018 does hereby amend Chapter XVIII, the County's Personnel Ordinance as follows:

Section 4: Salary Administration

Productivity/Incentive Awards

18.406

~~Extraordinary productivity/incentive awards may be granted in recognition of exceptional performance in addition to an employee's regular pay. Recommendations for such pay shall be initiated by the employee's supervisor and/or Department Head, reviewed and approved by the Human Resources Director, County Administrator, appropriate Governing Committee and the County Board Staff Committee. Specific guidelines for the administration of the Productivity/Incentive Awards Program shall be the responsibility of the Human Resources Director to establish and maintain subject to approval by the County Administrator and County Board Staff Committee. Such requests shall be in writing and supported by evidence of the following:~~

- ~~(a) The employee has personally conceived and suggested a procedure or device which has resulted in substantially greater operating efficiency or in a marked decrease in operating expenses; or,~~
- ~~(b) The employee has performed extensive collateral duties or has continually completed difficult work assignments, which significantly increased the efficiency and effectiveness of his/her department's program or the County service.~~

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:

- (a) New Year's Day
- (b) Spring Holiday to be observed the Friday immediately preceding Easter
- (c) Memorial Day
- (d) July 4th
- (e) Labor Day

- (f) Thanksgiving Day
- (g) Friday following Thanksgiving
- (h) Day before Christmas
- (i) Christmas Day
- (j) One Floating Holiday
- (k) Any additional holiday granted by the County Board.
- (l) The County Administrator may designate additional holidays in unusual circumstances with the approval of the County Board Chair and/or Vice Chair.

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.

~~Unilateral A Positions who are required to work a holiday, will be paid or granted compensatory time off at a rate of time and one half and receive an additional day in lieu thereof.~~

~~Pool/Relief of Unilateral A positions who are required to work a holiday will be paid at a rate of time and one half.~~

~~For supervisors working at the 911 Communication Center, who are required to work on a holiday, they will be paid or granted compensatory time off at a rate of time and one half for all hours worked between 7:00 a.m. the day of the holiday through 6:59 a.m. the day after the holiday, and earn 8 hours of holiday time in lieu of~~

~~Whenever a designated holiday falls on an employee's scheduled day off, an additional day shall be granted in lieu thereof.~~

~~Unilateral C Employees (FLSA exempt) who work on a holiday shall receive a day in lieu thereof.~~

~~Regular part-time employees who normally work sixteen or more hours per week shall be paid for holidays which fall on days for which they would otherwise be scheduled to work, according to the number of hours for which they would be scheduled to work on that day.~~

~~When a holiday falls within a period of leave with pay, the employee shall receive pay for the holiday.~~

~~When a holiday falls within a pay period of leave without pay, the employee shall receive no pay for the holiday.~~

~~In order to receive holiday pay, employees must normally be scheduled to work for not less than 4 hours the regular workday before and not less than 4 hours the regular~~

~~workday after the holiday, unless on authorized paid time off (sick leave, vacation) or on paid FMLA.~~

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

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

The floating holiday may be taken upon at least 7 days advance notice. The floating holiday request will normally be approved, however, it may be denied by the Department Head, even with a 7 day advance notice, if granting the request would put the department, division, unit, or shift below the minimum staffing needs of the department, division, unit or shift. A floating holiday with less than 7 day notice may be granted in an emergency circumstance at the discretion of the Department Head or his/her designee. Employees are strongly encouraged to use their floating holiday prior to the last payroll period of the calendar year.

Leave of Absence Policy (Non FMLA)

18.508

The County Administrator or the Department Head after consulting with the Human Resources Director, may grant a regular employee leave of absence (with or without pay) for a period up to ~~one year~~ six months except for an educational leave, subject to the following conditions:

- (1) Leave of absence (with or without pay) may be granted when it is in the best interest of the County to do so. Requests for leave of absence shall be approved prior to the taking of such leave. When such leave is requested as an extension of sick leave, an acceptable physician's certificate shall be required.
- (2) At the expiration of a leave of absence without pay, the employee shall be reinstated to the position he/she vacated or to an equivalent position which is vacant at the time, provided the employee meets the stated qualifications. If there is not a suitable vacancy available, the employee's name shall be placed on an appropriate reinstatement list.
- (3) Credit toward vacation and sick leave shall not be earned after 30 days while an employee is on leave without pay. Insurance benefits may be retained according to HR Policy and Procedure.

(4) Leave without pay shall not constitute a break in service; however, if the employee is absent more than thirty days during a calendar year, it shall change the employee's anniversary date.

When a leave without pay of more than thirty (30) consecutive days is taken, the employee's anniversary date shall be moved ahead by the total number of days of the leave.

(5) A return to work earlier than the scheduled termination of leave date may be arranged by the supervisor and the employee, with the approval of the Human Resources Director.

(6) Employees on leave of absence from the County may not be employed full time elsewhere. Employees holding employment elsewhere during a leave of absence shall be deemed to have voluntarily resigned from employment with Rock County.

(7) If an employee is unable to return to work on the date stipulated, he/she may submit a written request to extend the leave of absence, subject to the approval of the County Administrator or Department Head and the HR Director. If, on the date following the expiration of the leave of absence, an extension is not requested and granted and the employee has not returned to his/her position, the employee shall be considered to have voluntarily resigned from County employment.

Unauthorized Absence. It is recognized that there may be extenuating circumstances for unauthorized absence, and due consideration shall be given each case. However, an employee who is absent from duty without approval shall receive no pay for the duration of the absence, and shall be subject to disciplinary action, which may include dismissal.

Bereavement Leave

18.509

In the event of a death an employee may be excused from work without loss of pay for up to a maximum of thirty-two (32) hours annually for the purpose of attending a person's wake, visitation, memorial service, funeral, or make necessary arrangements regarding the person's death, within a reasonable time after the occurrence.

If additional time is required beyond the thirty-two (32) hours annually, an employee may request to use accumulated vacation, holiday or comp-time. Sick leave cannot be used.

Bereavement leave cannot be accrued from one year to the next.

Bereavement leave can be used in increments of quarter hours.

A second or third shift employee may be excused from work the scheduled shift before or after the event, provided the shift begin or ends on the same calendar date of the event.

All leaves under this section shall be prorated based upon the employee's FTE.

Sick Leave

18.515

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

- (1) All full-time employees shall earn one sick leave day per month of continuous employment. All part-time employees whose regular workweek is sixteen hours or more shall earn one sick leave day on a prorata basis directly in relation to the normal full time employment period. All part-time employees, who work less than sixteen hours per week, shall not earn sick leave. Temporary and seasonal employees are not eligible for sick leave.
- (2) Sick leave shall be granted after three months continuous service (from original hire date) when an employee is required to be absent from work because of:
 - (a) Illness of the employee.
 - (b) Illness of an employee's spouse
 - (c) Illness of a minor child (includes stepchild, current foster child, grandchild, or any other child they are legally responsible for and can provide legal documentation supporting the responsibility) or a child who meets the definition of a disabled adult child.
 - (a) Illness of a parent (includes stepparents and current foster parents).
 - (e) Contact with or exposure to a contagious disease rendering the employee's presence hazardous to fellow workers.
 - (d) Reasonable medical or dental attention that cannot be scheduled during non-working hours.
- (3) Sick leave shall accrue to a maximum of one hundred thirty days.
- (4) Employees who are absent from work for reasons which entitle them to sick leave shall notify their supervisor ~~as close to their regular starting time as possible~~ in accordance with Department Work Rules.

- (5) A supervisor may identify a potential problem with an employee's sick leave usage. Patterns that may indicate a problem with sick leave usage include but are not limited to:
- a) It occurs before or after a holiday,
 - b) It occurs before or after a scheduled day off,
 - c) An employee takes sick leave in excess of three days which has not been reported to FMLA, or
 - d) The employee has a history of using short amounts of sick leave repeatedly over an extended period of time.
 - e) It occurs on a day that an employee previously requested off and was denied.

Once a potential problem with sick leave usage has been identified the supervisor shall meet with the employee to discuss the reason(s) for the absences. The goal of the meeting is to gather information, counsel the employee and if there is an admitted problem, have the employee change his/her behavior.

When a problem has been identified and the employee has not voluntarily changed their behavior, a Department Head or the Human Resources Director may require the employee to submit a medical statement, stating the specific illness, period of treatment, and date that the employee may return to work.

The Department Head or Human Resources Director may require an employee to take a medical examination on returning from sick leave or on such occasions that it is in the best interest of the County. The medical examination shall be given by a physician designated by the Human Resources Director.

The Department Head or the HR Director may investigate the alleged illness of an employee absent from work on sick leave. False or fraudulent use of sick leave shall be cause for disciplinary action against the employee, up to and including dismissal.

- (6) An employee on vacation who presents an acceptable medical certificate giving the dates of illness may have that portion of his/her vacation leave converted to sick leave.
- (7) Sick leave shall be debited in no less than quarter hour units.

- (8) No credit for sick leave shall be granted for time worked by an employee in excess of his/her normal workweek.
- (9) A regular employee who moves from one department to another by transfer, promotion or demotion shall have his/her total sick leave credits transferred to the new department.
- (10) Unilateral Employees who resign or retire with ten or more years of continuous service shall be paid for one half of the accumulated sick leave days, not to exceed a total of sixty-five days. In the event of the death of an employee, the County shall make the same sick leave payment to the employee's estate. In the event of a discharge, the employee will not receive this benefit.

Section 6: Conditions of Employment

Discipline/Investigations

18.607

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

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

Suspensions, demotions, and terminations shall be discussed with the Human Resources Director or the County Administrator before such actions are taken. In the event that the

immediate dismissal action is required and the HR Director or the County Administrator cannot be reached, the employee shall be suspended with pay pending investigation.

Disciplinary Action (Grounds for)

18.608

The following shall be grounds for disciplinary action ranging from a written reprimand to immediate discharge depending upon the seriousness of the offense in the judgment of management:

- (a) Dishonesty or falsification of records.
- (b) Use, possession, distribution, selling, or being under the influence of alcohol or illegal drugs while on Rock County premises or while conducting business related activities off Rock County premises. The legal use of prescribed drugs when taken in standard dosage and/or according to a physician's prescription is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- (c) Unauthorized use or abuse of County equipment or property.
- (d) Theft or destruction of County equipment or property.
- (e) Work stoppages such as strikes or slowdowns.
- (f) Insubordination or refusal to comply with the proper order of an authorized supervisor.
- (g) Unlawful conduct defined as a violation of or refusal to comply with pertinent laws, ordinances and regulations.
- (h) Habitual tardiness, unauthorized or excessive absence or abuse of sick leave, or repeated attempts to use unpaid leave when the employee does not have benefit time available.
- (i) Use of official position or authority for personal or political profit or advantage.
- (j) Disregard or repeated violations of safety rules and regulations.
- (k) Incompetence, unprofessional or poor work performance.

- (l) Discrimination because of race, color, creed, national origin, marital status, sex, sexual orientation, or any other grounds prohibited by State or Federal law.
- (m) Violations of Section 18.601 "Communications and Confidentiality".
- (n) Failure to call in or report to work.
- (o) Sleeping during scheduled work hours.
- (p) Being disrespectful or bullying in dealing with fellow employees or the general public.
- (q) Failure to exercise good professional judgment and/or failure to conform to the County's or your Department's goals and mission.
- (r) Disregard or repeated violations of Rock County Ordinance, Policy or Procedure, or Department Work Rules.

Other circumstances may warrant disciplinary action and will be treated on a case by case basis.

Lunch Periods and Break Time

18.614

- (a) Lunch Periods.
Lunch periods are normally scheduled midway in an eight hour shift. Lunch periods shall not be longer than one hour nor shorter than thirty minutes.
- (b) Break Time.

Employees may leave their workstation and return fifteen minutes later for two breaks in an eight hour shift, one during the first four hours of their first shift, and the second during the last four hours of their shift. Breaks not taken are lost. Breaks cannot be accumulated or used to extend lunch periods or to shorten the workday. Breaks must be used in 15 minute increments.

Lunch periods and break times are to be arranged between the employee and his/her supervisor or Department Head. Since most County offices remain open continuously on normal work days between 8:00 a.m., and 5:00 p.m., it is the Department Head's responsibility to assure that lunch periods and breaks are scheduled so that adequate staff coverage is provided at all times.

Employees who are on a nonstandard work schedule or work 2nd or 3rd shift shall follow Department Work Rules for lunches and breaks.

- (c) The Lunch Period and Break Times cannot be combined to the start or end of the shift in order to come in late or leave early.

Section 7: Performance Evaluation

Administration

18.702

Each employee shall be evaluated at the following periods:

- (a) Probationary Period (of one year).

Each employee shall be evaluated during their probationary period and one month prior to the completion of the probationary period.

- (b) Probationary Period (of less than one year).

Each employee shall be evaluated ~~one month~~ prior to the completion of the probationary period.

- (c) Annual.

Each employee shall receive an annual performance evaluation close to his/her anniversary date, or at another specified time if the Department Head elects to evaluate members of a classification or the whole department together at one time.

- (d) Special.

A special performance evaluation be completed shall:

- (1) Whenever there is significant change in the employee's performance,
- (2) Whenever a supervisor permanently leaves his/her position, in which case, the supervisor shall complete a performance report on each employee under his/her supervision that has not been evaluated within six months prior to the date the supervisor expects to leave.

When an employee has accepted a new position with in Rock County, the current supervisor should complete a performance evaluation for the employee if they have not received a performance evaluation in the last six months.

Section 8: Grievance Procedure

Filing a Grievance

18.804

This grievance procedure is available to all unilateral County employees (except Department Heads and elected County Officials), ~~members of a bargaining unit that previously contained a grievance procedure, seasonal and temporary employees of the County.~~

Limitations:

1. A grievance that may be brought by or on behalf of a law enforcement officer using the procedure specific in Wis. Stat. Section 59.26(8) may not be brought under this section.
2. A grievance that may be brought by or on behalf of an employee under a grievance procedure that is contained in a collective bargaining agreement may not be brought under this section.
3. A grievance filed outside of the specified time lines in 18.806 will be denied. The employee will forfeit all rights to participate in the grievance procedure as spelled out in 18.806.

Grievance Procedure

18.806

A formal grievance of an employee shall be handled in accordance with the following procedure.

STEP 1. Supervisor.

The employee shall, within seven (7) calendar days of the event giving rise to the grievance or within ten calendar days of the date he/she could reasonably be expected to have knowledge of the grievance, present his/her formal grievance in writing on the form designated by the County to his/her immediate supervisor unless the immediate supervisor is the subject matter of the grievance, in which case, the employee may immediately proceed to Step 2. If the Department Head is the subject matter of the grievance, the employee may immediately proceed to Step 3. The supervisor shall within three (3) calendar days meet and discuss the grievance with the employee and then reply in writing within three (3) calendar days.

STEP 2. Department Head.

In the event that the immediate supervisor's decision is not satisfactory to the employee or the immediate supervisor is the subject matter of the grievance, the employee may within seven (7) calendar days, present the grievance in writing to his/her Department Head. The Department Head, or his/her designee, shall, within five (5) calendar days, meet and discuss the grievance with the employee and then reply in writing within five (5) calendar days.

STEP 3. Human Resources Director.

In the event that the Department Head's decision does not satisfy the employee's grievance or if the Department Head is the subject matter of the grievance, the employee may, within seven (7) calendar days, present the grievance in writing to the Human Resources Director. The Human Resources Director shall arrange to meet within ten (10) calendar days of receipt of the grievance with the employee, his/her representative, if any, and any other person the Human Resources Director deems necessary. If, in the judgment of the Human Resources Director, a hearing is necessary to ascertain the facts surrounding the dispute, one shall be scheduled as soon as practicable. After the hearing, the Human Resources Director shall respond to the grievance in writing to the employee within ten (10) calendar days.

By mutual agreement between the Employer and the Employee the timelines in Steps 1, 2 and 3 may be extended.

STEP 4. Impartial Hearing Officer (IHO).

In the event the decision of the Human Resources Director does not resolve the grievance, the employee may, within seven (7) calendar days, request a hearing before an Impartial Hearing Officer and pay the filing fee (if one is established) by the County Board. The cost of the impartial hearing officer shall be equally shared by the parties.

- a. ~~The Human Resources Director~~ Office of Corporation Counsel shall upon receipt of a written hearing request, provide the employee with the name of an Impartial Hearing Officer. The Impartial Hearing Officer must not be an employee of the County. The Impartial Hearing Officer may be a lawyer, a professional mediator/arbitrator or other qualified individual as determined by the County Administrator.
- b. The Impartial Hearing Officer shall be impartial and may not have any prior knowledge of the grievance.
- c. ~~The Human Resources Director~~ Office of Corporation Counsel will contact the hearing officer and schedule a meeting with the employee and the IHO to discuss the hearing. This meeting shall occur within two weeks of the date the Human Resource Director receives the request for the hearing. If the employee does not respond to the ~~HR Director's~~ attempt to schedule the meeting or does not attend a scheduled meeting, the request for a hearing

shall be considered withdrawn and the decision of the HR Director shall stand.

- d. The Impartial Hearing Officer may decide the case on the existing record or may conduct a hearing. A hearing will be scheduled within 30 calendar days of receipt of the hearing request and filing fee. The Impartial Hearing Officer may reschedule the hearing with permission of both parties.
- e. The Impartial Hearing Officer, with the consent of both parties, may use his/her best efforts to mediate the grievance.
- f. The employee has a right to be represented at the hearing (at the employee's expense) by a person of the employee's choosing.
- g. The County has the burden of proof in a reprimand, suspension or termination grievance to show that its actions were not arbitrary or capricious. The employee has the burden of proof in a workplace safety grievance.
- h. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence.
- i. The hearing shall be recorded by a court reporter, who will make a record of the proceedings, and the costs will be shared equally by the parties.
- j. Formal rules of civil procedure will not be followed.
- k. Both parties may introduce exhibits and present witnesses. Witnesses shall be sworn to tell the truth.
- l. The Impartial Hearing Officer shall provide a written decision within thirty (30) calendar days following the close of the record. The written decision should include a case caption; the parties and appearances; a statement of the issues, findings of fact; any necessary conclusions of law; the final decision and order; and any other information the hearing officer deems appropriate.
- m. The Impartial Hearing Officer shall have the power to sustain or deny the grievance. He or she shall have the power to order only the following remedies: withdrawal of a written reprimand, reduction of suspension, transfer to original position from demoted position, reinstatement with or without some or all back pay. The Impartial Hearing Officer may recommend other remedies, however, all other remedial authority shall be subject to the determination and approval of the County Board, and shall be addressed by the County Board in the event the grievance is sustained.

STEP 5. County Board.

An employee or the County, within ten (10) calendar days of receipt of the hearing officer's decision, may appeal the decision to the County Board by filing a written notice of appeal with the County Clerk.

- a. The written notice of appeal must contain: (1) a statement explaining the reason for the appeal, (2) a copy of the written grievance filed with the County, (3) the County's response to the grievance, and (4) a copy of the Impartial Hearing Officer decision. The notice of appeal may not contain any information that was not admitted into evidence at the hearing.
- b. The appeal will be placed on the agenda for a County Board meeting that is held at no longer than sixty (60) calendar 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. Section 19.85(1)(b) pertaining to dismissal, 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.
- c. The employee has the right to representation by a person of the employee's choosing and at the employee's request. The employee and the employee's representative may attend the closed session.
- d. The employee or the employee's representative and a representative of the County may address the County Board for an equal period to be determined by the County Board Chair. The appealing party will go first and may reserve a part of his/her time for rebuttal. The responding party will go second. The appealing party may present a rebuttal, if he/she has reserved any time and not used it.
- e. The employee and the employee's representative, and the person speaking on behalf of the County, will be excluded from any closed session during the County Board's discussion or deliberation.
- f. The County Board's consideration of the appeal will be limited to a review of the Impartial Hearing Officer's written decision, the record before the impartial hearing officer, the appealing party's reason(s) as to why the decision is wrong, and the response by the other party along with any oral presentations made by the parties. Only matters admitted into the evidence before the Impartial Hearing Officer shall be considered a part of the record.
- g. Should the County Board Chair become aware of some relevant piece of information that could have had a significant impact on the decision of the impartial hearing officer, that neither party was aware of, or could have been expected to be aware of, prior to the impartial hearing officer's decision, the County Board Chair, with the advice of the Corporation

Counsel, may take whatever action he/she deems appropriate so as not to disadvantage either party, and report such action to the County Board.

- h. The County Board shall give due deference to the decision and recommendation of the Impartial Hearing Officer and his/her decision shall not be overturned unless the Board finds ~~by a simple majority vote~~ that by a simple majority vote the appealing party has established by evidence that is clear, satisfactory, and convincing: (1) the hearing was not conducted fairly, (2) there was fraud or corruption on the part of the hearing officer, or (3) the hearing officer made an error in fact or law.
- i. In the event the County Board does not sustain the Impartial Hearing Officer's decision, then the Board may render a new decision and remedy, or take other action as appropriate.
- j. The County Board Chair shall prepare and sign a written determination reflecting the County Board decision. The County Board Chair may enlist the assistance of the Corporation Counsel in preparing the determination. A copy of the determination will be provided to the employee within ten (10) calendar days following the County Board's decision.

The County Board's decision is final and may not be appealed

Failure to Follow Grievance Procedure

18.808

If at any time during the grievance process, the employee fails to follow any proscribed timeline, procedure or requirement, as outlined in this chapter, the Human Resources Director, or the County Board Chair if at Step 5 may dismiss the grievance."

Supervisor Brill moved approval of the above resolution, second by Supervisor Peer.
ADOPTED.

Committee Action and Updates.

Review and Possible Action on Proposed Changes to the Rock County Administrative Policy and Procedural Manual

Supervisor Brill moved approval of the proposed changes to the Rock County Administrative Policy and Procedural Manual as outlined, second by Supervisor Thomas.

Ms. Mikula said there is a change to page 156, with the adoption of the 2019 Budget earlier that day, and the Assistant Food Service Manager and Food Services Manager need to be un-struck.

Supervisor Bussie moved to have the positions of Assistant Food Service Manager and Food Services Manager under Policy 5.31(C)(2) un-struck, second by Supervisor Thomas. ADOPTED.

ADOPTED.

Update on Town of Beloit Incorporation. Mr. Smith said Supervisor Podzilni, Mr. Osborne and he had just come back from the Incorporation Review Board in Madison. He said there were a great many questions on if the 6 criteria needed (natural boundaries, population, tax revenue, level of services, impact on the remainder of the town, and land use) for incorporation are met. He added there were Incorporation Review Board concerns on whether the west side of the proposed village met the criteria. Mr. Smith said there is concern the remnant town will be able to operate as they will be starting out with about 67% debt. He said the next meeting will be in December and he is not sure if they will make a final decision at that time.

Executive Session: Supervisors Mawhinney and Bussie moved to go into Executive Session at 4:39 P.M. per Section 19.85(1)(g), Wis. Stats. – Confer with Legal Counsel Regarding Potential Litigation. ADOPTED on a roll call vote with the following: Ayes – Supervisors Bostwick, Thomas, Brill, Peer, Bussie, Podzilni and Mawhinney. Absent – Supervisors Yeomans and Sweeney.

Supervisor Brill moved to go out of Executive Session at 4:48 P.M., second by Supervisor Bussie. ADOPTED.

Adjournment. Supervisor Bostwick moved adjournment at 4:48 P.M., second by Supervisor Thomas. ADOPTED.

Respectfully submitted,

Marilyn Bondehagen
Confidential Administrative Assistant

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.