

**KENOSHA COUNTY POLICIES AND PROCEDURES TABLE OF CONTENTS**

**2017**

PURPOSE and SCOPE.....4

EMPLOYMENT POLICIES .....4

    I.    Equal Employment Opportunity .....4

    II.   Harassment Prevention.....4

    III.  Drug and Alcohol Free Workplace .....4

    IV.  Violence in the Workplace.....5

    V.    Respectful Workplace .....5

    VI.   Weapons.....6

    VII.  Search.....7

    VIII. Ethics .....7

    IX.  Electronic Communication.....7

    X.    Social Media .....8

    XI.  Personnel Records.....8

    XII. Personal Appearance/Dress Code.....9

HIRING and PROMOTION PROCEDURE and POLICIES .....9

    I.    Recruitment .....9

    II.   Selection.....11

    III.  Eligibility Lists.....13

    IV.  Certification and Appointments.....14

    V.    Hiring of Department and Division Heads and Administrative Staff to the County Executive.....15

    VI.   Employment Protection for Exempt Employees.....16

    VII.  New Position Evaluation Period.....16

    VIII. Residency.....16

    IX.  Consolidation of Years of Service.....16

    X.    Separation of Employment.....17

    XI.  Reduction in Force/Hours and Re-employment.....17

HOURS of WORK and ATTENDANCE POLICIES.....19

    I.    Hours of Work .....19

    II.   Overtime .....20

III.	Compensatory Compensation (Comp Time) .....	21
IV.	Time and Attendance .....	21
V.	Inclement Weather .....	22
COMPENSATION and REVIEW POLICIES .....		23
I.	Accurate Recording of Time .....	23
II.	Pay Periods.....	23
III.	Wages.....	23
IV.	Safe Harbor .....	25
V.	Annual Performance Evaluations .....	25
VI.	Travel and Reimbursement Policy .....	26
VII.	New Position Placement/Reclassification of Positions .....	26
BENEFIT POLICIES .....		27
I.	Paid Time Off (PTO) .....	28
II.	Paid Holidays .....	29
III.	Accident and Sickness Pay Maintenance Plan .....	29
IV.	Fitness-For-Duty and Return to Work.....	31
V.	Light Duty.....	32
VI.	Employee Health Benefit .....	33
VII.	Section 125 Plans.....	34
VIII.	Wisconsin Retirement System (WRS) .....	34
IX.	Life Insurance .....	34
X.	Worker's Compensation.....	34
XI.	Tuition Reimbursement.....	35
XII.	Leaves of Absence (FMLA, A&S beyond 1 year, Funeral, Jury Duty, Military, Personal, Unpaid) .....	35
XIII.	Post-Retirement Health Benefit .....	37
RULES and REGULATIONS .....		38
I.	Uniform Work Rules.....	38
II.	Progressive Discipline Policy.....	38

III.	Grievance Procedure .....	42
IV.	Conflict Resolution Policy .....	43
	AUTHORITATIVE REFERENCE .....	44
	STATUTORY CONFLICTS .....	44
	POLICY CHANGES .....	44
	MODIFICATION of COUNTY BOARD POLICY .....	44
	POLICY ACKNOWLEDGMENT .....	45

## KENOSHA COUNTY POLICIES AND PROCEDURES

### **PURPOSE and SCOPE**

This employee handbook sets forth employment guidelines which employees are expected to follow and lets employees know what they can expect from the County. Kenosha County retains all the rights and functions of management and those that it has by law. None of the statements or policies outlined in this policy booklet are meant to imply that the County is guaranteeing employment for anyone. This handbook is not nor is it intended to be construed as an employment contract. Final interpretation and implementation of any of the policies or rules in this handbook are vested solely with County administration. The policies, procedures and practices contained in this handbook are subject to change at any time by the County and are reviewed and revised periodically. This employee handbook replaces all prior versions.

Communication is a joint responsibility shared by the County and its employees. Kenosha County welcomes questions about the information contained in this handbook or about any other aspect of the employee's job. Employee opinions and suggestions are important and employees are encouraged to talk to any member of management about issues at work that is a concern to them. The County will attempt to provide employees with honest, straightforward responses to their questions and comments.

### **EMPLOYMENT POLICIES**

#### **I. Equal Employment Opportunity**

Kenosha County is committed to a policy of equal opportunity for all employees. It is the County's policy to seek and employ the best qualified personnel in all positions in a manner which will not discriminate against or give preference to any person because of race, color, political affiliation, religion, age, sex, national origin, disability, ancestry, sexual orientation, military service, marital status, arrest record or any other discriminatory basis prohibited by State or Federal Law. Kenosha County's Affirmative Action Policy is available at:

<http://www.kenoshacounty.org/index.aspx?nid=106> .

#### **II. Harassment Prevention**

Kenosha County is further committed to providing a work environment in which employees are treated with courtesy, respect and dignity. Kenosha County will not tolerate any form of harassment, verbal or physical. All employees are encouraged to bring any concerns to the attention of the Director of Human Resources as set forth in the County's harassment prevention policies, available at: <http://www.kenoshacounty.org/index.aspx?nid=106> .

#### **III. Drug and Alcohol Free Workplace**

Kenosha County recognizes that the use and/or abuse of illegal drugs and/or alcohol can have a significant impact on the workplace in terms of safety, work injuries, sick leave, undue medical expenses, absenteeism and productivity. Kenosha County recognizes its legal responsibilities to

protect its employees from employees who use or abuse drugs and/or use or is impaired by alcohol on the job. The County is also concerned about its employees who use or abuse drugs and/or alcohol. Therefore, Kenosha County has established a drug and alcohol abuse policy available at: <http://www.kenoshacounty.org/index.aspx?nid=106> .

#### **IV. Violence in the Workplace**

The safety and security of all employees is of primary importance to Kenosha County. Threats, stalking, threatening and abusive behavior, or acts of violence against employees, visitors, customers, clients and residents, and/or County facilities or property by anyone on County premises, on a County-controlled site, or in connection with County employment or County business will not be tolerated (even those made in jest). Violations of this policy will lead to corrective action up to and including discharge and/or referral to appropriate law enforcement agencies for arrest and prosecution. Kenosha County reserves the right to take any necessary legal action to protect its employees.

Any person who makes threats, stalks, exhibits threatening behavior, or engages in violent acts on County premises, on a County-controlled site, or in connection with County employment or County business shall be removed from the premises as quickly as safety permits and shall remain off County premises pending the outcome of an investigation. Following investigation, the County will initiate an immediate and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or discharge, and/or civil or criminal prosecution of the person or persons involved.

All employees are responsible for notifying management of any threats that they witness or receive or that they are told another person witnessed or received. Even without a specific threat, all employees should report any behavior they have witnessed that they regard as potentially threatening or violent or that could endanger the health or safety of an employee when the behavior has been carried out on County premises, on a County-controlled site, or is connected to County employment or County business. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threatening behavior and the person or persons being threatened.

The County will conduct an investigation in as confidential a manner as possible. Interviews, allegations, statements and identities will be kept confidential to the extent possible. However, the County will not allow the goal of confidentiality to be a deterrent to an effective investigation. A timely resolution of each complaint will be reached and communicated to the employee. Appropriate corrective action, up to and including discharge, will be taken promptly against any employee engaging in violent behavior. The corrective action issued will be proportional to the severity of the conduct. The alleged perpetrator's employment history and any similar complaints of prior inappropriate behavior will be taken into consideration.

#### **V. Respectful Workplace**

Kenosha County strives to maintain a workplace that fosters mutual respect and promotes harmonious, productive working relationships. The County believes in going beyond what is

required by law and expects employees to treat each other in a manner in which they would like to be treated and to give to others the respect that is due to every individual whether it is a fellow employee, member of management, client, customer, vendor or visitor to our premises. Therefore, Kenosha County prohibits any behavior that is discourteous or demeaning to other employees. Disrespectful behavior may include, but is not limited to, the following:

- Jokes that demean another individual or group of individuals;
- Name calling or nicknames that may be offensive;
- Taking credit for another individual's work or ideas;
- Refusing to communicate or speak with another individual;
- Offensive verbal, visual, or physical conduct;
- Repeated negative comments about others, either verbally or in writing;
- Threatening another individual;
- Invading another's privacy;
- Knowingly blaming other individuals for a mistake they did not make;
- Purposely invading another's personal space;
- Gossiping about another individual; and
- Any type of "bullying" behavior.

The County expects that everyone will act responsibly to establish a pleasant and friendly work environment. However, if an employee feels they have been subjected to any form of disrespectful behavior, the employee should report that conduct to his or her immediate supervisor, another member of management, or the Division of Human Resources within seven calendar days of the offense. Employees are not required to approach the person who was disrespectful to them and may bypass any offending member of management. All employees should notify a member of management regarding any disrespectful behavior that they witness or are told another person received.

The County will conduct an investigation in as confidential a manner as possible. Interviews, allegations, statements and identities will be kept confidential to the extent possible. However, the County will not allow the goal of confidentiality to be a deterrent to an effective investigation. A timely resolution of each complaint will be reached and communicated to the employee. Appropriate corrective action, up to and including discharge, will be taken promptly against any employee engaging in disrespectful behavior. The corrective action issued will be proportional to the severity of the conduct. The alleged perpetrator's employment history and any similar complaints of prior disrespectful behavior will be taken into consideration.

## **VI. Weapons**

Despite some laws that allow people to carry firearms in public, Kenosha County prohibits all non-sworn County employees from possessing or carrying weapons of any kind in County buildings, in County vehicles, or while on County time. This includes:

- Any form of weapon or explosive;
- All firearms; and
- All other objects capable of inflicting death, bodily injury or property damage.

Employees are responsible for making sure that any item they possess is not prohibited by this policy.

While the County has a policy prohibiting weapons, nothing in this policy shall be construed as creating any duty or obligation on the part of the County to take any actions beyond those required of an employer by existing law.

## **VII. Search**

Employee access to Kenosha County premises is conditioned upon the County's right to inspect or search the person, or personal effects of any employee when reasonable suspicion of wrongdoing exists.

County owned offices, desks, file cabinets, closets, lockers, computer files, or similar places may be inspected with or without reasonable suspicion of wrongdoing with the authorization of the Director of Human Resources. Because even a routine inspection or search might result in the viewing of an employee's personal possessions, employees are encouraged not to bring any item of personal property into the workplace that they do not want revealed to the County.

Any prohibited materials (or materials that may be found to be prohibited) that are found in an employee's possession during an inspection or search will be collected by the County and placed in a sealed container or envelope. The employee's name, date, circumstances under which the materials were collected, and by whom they were collected will be recorded and attached to the container or written upon the envelope. If, after further investigation, the collected materials prove not to be prohibited, they will be returned to the employee and the employee will sign a receipt for the contents. If the prohibited materials prove to be illegal and/or dangerous, they will not be returned to the employee, but will be turned over to the appropriate law enforcement agency.

Employees who refuse to cooperate with the County in regard to such searches will be issued corrective action up to and including discharge.

## **VIII. Ethics**

All who work for Kenosha County are expected to comply with the Kenosha County Code of Ethics. The Code of Ethics is available at:

<http://www.kenoshacounty.org/DocumentCenter/Home/View/578>

## **IX. Electronic Communication**

Personal computers (PCs), data terminals, telephonic equipment, and all other electronic communications systems are tools provided to assist employees in performing their assigned job activities. The term electronic communications systems includes, but is not limited to, voice mail, e-mail, internet and intranet, cell phones, text messaging, smart phones, instant messaging or handheld computers. Improper use of the County's electronic information systems or its data files is a serious offense. Personal cell phones may be used for County business in accord with Department of Finance and Administrative Services Procedures. Kenosha County's policy

outlining proper use of County-provided electronic equipment can be found at: <http://www.kenoshacounty.org/index.aspx?nid=106> .

The County's Cellular Phone and Paging Device Policy for those employees who are required to carry such to conduct County business can be found at: <http://www.kenoshacounty.org/index.aspx?nid=106>

## **X. Social Media Use Policy**

This policy outlines appropriate use of social media as it relates to Kenosha County, by employees and department for official and personal use. This policy is to be used in conjunction with other Kenosha County policies. The Social Media Policy is available at: <http://www.kenoshacounty.org/DocumentCenter/View/5235>. County employees will be expected to sign a form acknowledging receipt of such policy annually.

## **XI. Personnel Records**

Kenosha County is required to keep accurate, up-to-date employment records on all employees to ensure compliance with State and Federal regulations, to keep fringe benefits information up to date and to make certain that important mailings reach all employees. All information contained in personnel files is the property of the County and is considered confidential. Access to the personnel file is limited to the employee, the employee's supervisor and the Division of Human Resources.

Employees must inform the Division of Human Resources of any necessary updates to their personnel files such as a change in address, telephone number, emergency contact, marital status, number of dependents, military status or any other change in status within 30 days of the effective date of the change.

Employees also should inform their supervisor and the Division of Human Resources of any outside training, professional certifications and education they have achieved.

In addition to a general personnel file, the County maintains a separate medical file which may contain worker's compensation forms, related correspondence and medical reports and other medical certificates or reports on each employee. Access to an employee's medical file is extremely limited and on a need-to-know basis only.

Employees will be permitted to review their personnel files at reasonable times with reasonable written notice. Requests for release of information will be honored when a written authorization request is submitted by the employee. This paragraph does not apply to information covered by open records laws, when required as part of an established statutory reporting requirement, in response to a court order, administrative summons, search warrant or subpoena, when requested as part of an appropriate governmental inquiry into the county's employment practices, or to protect the legal interests of the County when the actions of an individual appear to violate the conditions of employment or threaten physical injury to member of the general public, to other employees or to County property.



## **XII. Personal Appearance/Dress Code**

An employee's appearance reflects Kenosha County's image to the public. All employees are expected to be clean, to be concerned with good personal hygiene, and wear clothing that is suitable for their job assignment and the office in which they work. Moderation and good taste in dress and grooming are expected of all employees. Unkempt appearance can offset many other fine qualities and can negatively reflect the County's image. As all employees reflect the County's image and are in contact with the public, the County asks that all employees refrain from wearing shorts, tennis shoes, short skirts, T-shirts, excessive jewelry, excessive perfume and tight or revealing apparel. Excessive or inappropriate tattoos and/or body piercings are prohibited. Conservative tattoos or body piercings may be allowed. Each County Department/Division will be expected to establish an employee dress code in accordance with the above standards.

## **HIRING and PROMOTION PROCEDURE and POLICIES**

The purpose of the Kenosha County Hiring and Promotion Procedure is to establish a fair, open and uniform County personnel hiring and promotion procedure without use of any personal or political influence to further eligibility or appointment. In an effort to maintain an effective and responsive work force for the County, all hiring will be done through the Division of Human Resources except as provided below.

This procedure governs personnel administration for Kenosha County Exempt (formerly non-represented), Non-Exempt (formerly union members), and grant funded employees, except where the Deputy Sheriff Collective Bargaining Agreement and/or the Civil Service Ordinance supersedes.

Also excluded are:

- Members of the Kenosha County Board of Supervisors;
- Members of Boards, Commissions and Committees;
- Elected County officials;
- Court-appointed employees;
- Members of the County Executive's staff;
- Emergency appointments; and
- Department Heads and Division Heads and their designated assistants.

### **I. Recruitment**

The Director of Human Resources will develop and conduct an active recruitment program designed to meet current and projected County staffing needs.

#### Notice of Job Openings

Notice of job openings which are to be filled will be given to the Director of Human Resources in the form of a Personnel Requisition Form.

### Job Announcements and Publicity

- The Director of Human Resources will issue job announcements and publicize vacancies through appropriate media.
- Job announcements will include the job title, job duties, salary range, job qualifications, closing date for applications, and other pertinent information.
- Job vacancies will be formally announced at least five working days prior to the closing date for filing applications. The announcements will be posted at locations considered appropriate by the Director of Human Resources.

### Application Process

All applicants for employment and promotion will file applications and any other appropriate forms provided and required by the Division of Human Resources.

### Internal Applicants

County employees who have been employed for at least 12 months, have a satisfactory performance record, have not been issued any corrective disciplinary action in the previous 12 months and meet the education and experience level of the vacant position, may apply for job vacancies. In the event of extraordinary circumstances, any of the above may be waived with the approval of the Director of Human Resources.

- Employee transfers and promotions cannot create a direct or indirect supervisor/subordinate relationship with an immediate family member (including domestic relationships.) The Director of Human Resources may waive such requirement under exceptional circumstances.
- The order of consideration for County employees shall be the following: Exempt employees shall be given first consideration for Exempt positions prior to Non-Exempt and grant employees;
- Non-Exempt employees shall be given first consideration for vacancies in the same job title; and
- Grant, temporary, and seasonal employees shall be given consideration over outside applicants.

Employees defined under this section shall not include any elected Kenosha County officials. If an elected official applies for a position subject to this hiring and promotion procedure, said elected official shall be subject to the same application process as any other person applying for a position with Kenosha County who is not currently employed by Kenosha County.

Those employees transferring under this provision shall carry with them County-wide length of service for fringe benefits of retirement, paid time off (PTO), medical insurance, life insurance and other fringe benefits as set forth in other County policies.

## Application Review

The Director of Human Resources and the Department/Division Head shall reject any application if the applicant:

- Does not meet minimum qualifications established for the position;
- Has not provided a completed application form for review;
- Deliberately falsifies the application;
- Has been convicted of a crime which renders the applicant unsuitable for the position;
- For new hires, has the following immediate family (including domestic partner relationships) as a supervisor in the same department/division: spouse, son, daughter, brother, sister, father, mother, father-in-law, mother-in-law, sister-in-law, brother-in-law, aunt, uncle, grandchild, step-child, step-parent, son-in-law and daughter-in-law. The Director of Human Resources may waive such requirement under exceptional circumstances;
- Is not within legal age limits required for the position;
- Has established an unsatisfactory employment record which demonstrates unsuitability for the position;
- Is a former county employee who was dismissed or quit for conduct and/or performance which directly conflicts with an employment position for which he or she may be considered; and
- Attempts to use personal or political pressure to further their eligibility or appointment.

Whenever an application is rejected, notification of such rejection will be sent to the applicant. The Director of Human Resources with the assistance of the Department/Division Head wherever possible, shall screen for only the best qualified applicants. Selection and screening will be based upon the results of selection devices and evaluation of such factors as education, training, capacity, knowledge, skills, ability, character, physical and overall fitness for the position.

## **II. Selection**

### Selection Process

The selection process will be reliable, objective, and valid by a practical and job-related assessment of each applicant's knowledge, skills and ability.

### Selection Devices

The Director of Human Resources, with the Department/Division Head, will determine when formal selection devices are to be used to select applicants. Tests may be written, oral, physical (including pre-employment drug and alcohol screen), demonstration of skill, or an evaluation of training and experience; and such other tests as deemed appropriate by the Director of Human Resources in conjunction with the Department/Division Head. Examinations may consist of one or more tests in any combination. Applicants shall not be questioned in any manner regarding matters of race, color, political affiliation, religion, age, sex, national origin, disability, ancestry,

sexual orientation, military service, marital status, arrest record or any other topics prohibited by State or Federal Law.

In development of selection devices, the Director of Human Resources will confer with Department/Division Heads, consultants, or others familiar with the knowledge, skills, and abilities required in the position.

Formal selection materials will be known only to the Director of Human Resources. Every precaution will be exercised by all persons participating in the development and maintenance of test materials to ensure the highest level of test security.

#### Weighting and Scoring of Examination

The Director of Human Resources will establish minimum standards for each component of each examination, and may provide with respect to any such component that all applicants who fail to meet the minimum standards shall not be permitted to take any further component of the examination.

#### Examination Announcements

Announcements of an open, competitive examination will be made at least one week prior to the date the examination is to be conducted. Announcements will be made through the Job Opportunity flyer and posted on the bulletin board in the Division of Human Resources. Announcements may also be circulated through the Internet, press, radio, television, and other forms of public communication. Announcements will specify the date, place, and manner in which an application for examination shall be made.

Examinations will be conducted by the Director of Human Resources or by persons so designated, at such times and places deemed to be practical, convenient and in the best interests of Kenosha County.

#### Admission

Admission to competitive examinations shall be granted only to applicants whose qualifications satisfy the standards established by the Director of Human Resources and the Department/Division Head.

#### Applicant Background Investigation

The Director of Human Resources may make such investigation of the background of applicants, including social security trace, criminal conviction record, verifications of claimed experience and training, references, work habits, judgments, liens, general reputation, motor vehicle reports, consumer and credit reports as is determined necessary to establish the fitness, character and qualifications of applicants.

Access to this information is strictly limited to employees of the Division of Human Resources and others on a need to know basis to ensure that the privacy of the applicant is respected. All searches will be in compliance with all applicable federal and state laws regarding the collection, storage, use and disposal of information obtained as part of the credit check. This includes the consent and notice provisions of the Fair Credit Reporting Act and the Fair and Accurate Credit Transactions Act.

#### Oral Interview Panel

The Director of Human Resources will arrange an oral interview for those applicants whose qualifications best meet the qualifications of the position for which they applied. The interview panel will include a representative of the department/division, the Human Resources Division, and other professionals as determined appropriate by the Human Resources Director.

#### Cancellation or Postponement

The Director of Human Resources may cancel or postpone any selection device when there are an insufficient number of qualified candidates. Suitable notice will be given of such action. The Director of Human Resources may discontinue offering any examination in the County when there are a sufficient number of names on the eligibility list to meet the needs of the County.

#### Responsibilities of Applicants

All applicants are responsible for reporting to and participating in all tests or parts of an examination and furnishing all information or materials that are requested, in accordance with the examination announcement and such instructions as are furnished by the Division of Human Resources. Candidates who fail to follow such instructions shall be disqualified. Applicants must notify the Division of Human Resources immediately of any change in name, address, or phone number.

#### Notification of Candidates

Each person competing in the selection process shall be given notice of whether they were certified as eligible.

### **III. Eligibility Lists**

The Director of Human Resources will be responsible for establishing and maintaining eligibility lists as may be necessary or desirable. All eligibility lists shall be posted as category grouped. All lists shall have a life of one year, with the ability to extend if agreed to by the Department/Division Head and Director of Human Resources.

## Responsibility of Eligible Candidates

It will be the responsibility of all persons whose names appear on employment lists to inform the Division of Human Resources, in writing, of any changes in name, address, phone number, or availability of employment.

A reemployment list for Exempt and Non-Exempt employees will be determined in accordance with the Kenosha County Reduction in Force and Reemployment Policy.

## **IV. Certification and Appointments**

### Types of Appointments

- **Full-Time Appointments:** For persons from an employment list, a promotional list, or a reemployment list, who are normally scheduled to work 40 hours per week for 52 weeks per year.
- **Part-Time Appointments:** Employees who are normally scheduled to work less than 40 hours per calendar week for 52 weeks per year. **Emergency Appointments:** For persons selected by departments with approval of the Director of Human Resources to meet emergency situations. Such appointments will not exceed 60 working days, will not be renewed, and may be made without regard to an existing list. **Temporary Employees:** A short-term, temporary appointment of an individual who meets qualification requirements for a position not to exceed an agreed upon time between the Department/Division Head and Director of Human Resources based upon the work load and needs of the department/division.
  - Temporary appointments will be made from appropriate eligibility lists. If no list is available for temporary work, Director of Human Resources shall appoint a qualified candidate.
  - The acceptance or refusal by an eligible candidate of a temporary appointment will not affect the applicant's standing on the eligibility list for permanent appointment.
- **Grant Appointments:** For persons who work in some grant funded positions on either a full-time or part-time basis. The terms of the grant specify the pay and benefits of such positions. Grant funded positions will be eliminated when the grant expires or funding is exhausted.
- **Seasonal Appointments:**
  - **Long Term:** For persons who work seven to nine months in seasonal work assignments.
  - **Short Term:** For persons who work to meet seasonal program needs, not to exceed 180 calendar days in any 12 month period.
  - Seasonal employees are not eligible for fringe benefits except as mandated by the Wisconsin Retirement System (WRS).

### Certification from Eligibility Lists

The Director of Human Resources will submit a certification for appointment to the Department/Division Head. The Department/Division Head will make an appointment from among the names appearing on the certification.

- When eligible candidates are ranked and listed numerically by final examination score, the five persons having the highest ranking will be certified.
- When eligible candidates are ranked and listed by category, all persons in the highest ranking category will be certified, with first consideration being given to Kenosha County employees within that category.

### Expanded Certification

As a result of the analysis of the work force that has been completed by department and equal employment opportunity job category and where there is evidence of under-representation, an expanded certification of eligible candidates may be used.

Expanded certification will be used only in those instances when the operating department and the Division of Human Resources both agree. The class, equal employment opportunity job category, or department in general must have a hiring goal established for a minority, female, etc., and the hiring list used must be of an "open competitive" nature and will lead to an original appointment. Additionally, expanded certification will be used when, under normal certification, no minorities would be certified to the department for appointment.

Expanded certification will mean that the Division of Human Resources will add the names of the two highest scoring minority applicants and/or the two highest scoring female applicants to the certification list for position in an under-represented class.

All persons so certified must meet all minimum qualifications and must have successfully completed the examination for the position to be filled.

### **V. Hiring of Department/Division Heads and Administrative Staff to the County Executive**

Department/ Division Heads and administrative staff who work for the County Executive are County employees appointed by the County Executive. The County Executive will submit to the County Board for review and approval the name of the individual to be hired as a Department/Division Head.

Department Heads and administrative staff to the County Executive are "at will" employees who work at the pleasure of the County Executive.

## **VI. Employment Protection for Exempt Employees**

Exempt employees with the exception of Department Heads and administrative staff to the County Executive who have successfully completed either a probationary period, or evaluation period, are not subject to discharge except in the case of just cause.

## **VII. New Position Evaluation Period**

All newly hired Non-Exempt and Exempt employees, with the exception of Department Heads and County Executive administrative staff, will serve a twelve (12) month evaluation period. County employees who receive a new position through job posting, promotion or transfer etc., will also serve a twelve (12) month evaluation period in the new position.

The evaluation period is intended to give employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County will use this period to evaluate employee capabilities, work habits, attendance and overall job performance. If the County determines that the designated evaluation period does not allow sufficient time to thoroughly evaluate the employee's performance, the evaluation period may be extended for a specific period with approval of the Director of Human Resources.

Either the employee or the County may end the employment relationship during the evaluation period at any time with or without cause or advance notice. Internal candidates who are selected but fail to demonstrate the ability to handle a new job during the evaluation period are not guaranteed a return to their former job. Employees who fail to have the ability to handle a job obtained through job posting during the evaluation period will have no recourse to the County's grievance procedure.

## **VIII. Residency**

Sworn Sheriff's Department personnel are required to reside within fifteen (15) miles of the borders of Kenosha County.

Department/Division Heads shall be reimbursed for directly related moving expenses at a rate of seventy-five (75%) not to exceed a maximum of \$1,500.00. If a Department/Division Head voluntarily leaves the employment of Kenosha County within one year from the date of moving expense reimbursement, the individual will be required to pay any moving expenses reimbursement back to the County.

## **IX. Consolidation of Years of Service**

Effective January 1, 2014 an employee who is re-employed by the County may request a bridge in service from the Director of Human Resources if that employee had a minimum of five years of previous service with the County and had resigned in good standing. Said request must be made after the employee has been reemployed for a period of 24 months. This bridge in service applies only to County length of service for the purpose of benefits.



## **X. Separation of Employment**

### Resignation/Retirement

It is recommended employees provide two weeks or more working notice of their intent to resign or retire from County employment. The employee is to give written notification to his or her Department/Division Head or supervisor with a copy to the Director of Human Resources. Retirements can't be effective on an actual or observed holiday.

A written resignation received and accepted by a management representative will be considered irrevocable. An employee may in writing and prior to the effective date of resignation make a request to rescind the resignation, but the employee has no right to demand that the request be approved.

Employees who fail to provide two weeks working notice will jeopardize a status of "resignation in good standing."

### Job Abandonment

Employees who fail to report to work or contact their supervisor for two consecutive workdays shall be considered to have abandoned their job without notice as defined in this handbook. The supervisor shall notify the Division of Human Resources at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible for rehire and have no recourse to the County grievance procedure.

### Termination

The County retains the right to terminate employees hired on an at-will basis at any time subject to the terms of the County grievance procedure.

### Release

Release is the end of grant funded, temporary or seasonal employment.

### Automatic Termination

If an employee does not return to work on the first workday following the expiration date of a leave of absence, employment will be automatically terminated.

## **XI. Reduction in Force/Hours and Re-employment**

If a reduction in staff is deemed necessary because of changes in duties, organizational changes, lack of funds or lack of work, the Department/Division Head of the area to be affected will work with the Director of Human Resources to document the business reason for such and the process for the restructuring. This may include an analysis of business needs to determine the appropriate criteria to use, development of a communication plan, job re-evaluations, and salary administration.

Job-related criteria will be the primary factor in selecting which Non-Exempt and Exempt employees will remain with the County. The criteria used will be determined based on the reason for the reduction in force and the determination of the budgetary and departmental needs. Job-related criteria may include an employee's current performance (as noted by the most current performance review), competencies, skills, responsibilities, experience, leadership, education and training, personal commitment, absence record, and length of service with the County.

An employee who is laid off will be placed on a reemployment list for a period of one year for an available assignment to a position in the job title and department in which they were assigned prior to being placed on the re-employment list.

If more than one employee from the same job title and department is on the re-employment list, the best qualified employee based on job-related criteria will be appointed to the first available position in the job title and department in which the employee was assigned prior to being placed on a reemployment list. Length of service with the County will be taken into consideration if all other qualifications are equal, as determined by the Director of Human Resources.

An employee whose name appears on a re-employment list may be appointed to a position other than the position to which they are eligible for re-employment. If the position is in the same or lower job title, upon satisfactory completion of the evaluation period, the employee's name would be removed from the reemployment list. If the appointment is to a position in a higher job title, upon meeting all qualifications and completing the appropriate evaluation period, the employee's name would be removed from the re-employment list.

Names shall be removed from the re-employment list when:

- The employee is appointed from the re-employment list to any position;
- The employee declines an appointment to any position; or
- The employee's name has remained on the re-employment list for twelve months.

An employee on the re-employment list who is appointed to a position shall return to work as soon as possible following the date of notice but no later than two weeks from that date. An employee who fails to notify the County of his or her intent to report for work within the two-week recall period shall be considered to have voluntarily terminated his or her employment with the County. Exceptions to the return to work requirement may be made at the discretion of the Director of Human Resources.

It will be the responsibility of all persons whose names appear on re-employment lists to inform the Division of Human Resources, in writing, of any changes in address, phone number or availability of employment. Persons who fail to do so may be considered to have forfeited their reinstatement or other placement rights.

Under certain circumstances, workweek reductions may be imposed in lieu of layoff. Employees assigned to reduced workweeks in lieu of layoff shall have their pay and benefits eligibility administered on a prorated basis effective from the date of reduction.

## **HOURS of WORK and ATTENDANCE POLICIES**

### **I. Hours of Work**

The standard workweek is 40 hours. The standard workday is eight hours for Non-Exempt employees. Workday lengths for Exempt employees are determined primarily by their current workloads. General office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. The workweek commences on Sunday morning at 12:00 a.m. and ends the following Saturday evening at 11:59 p.m.

The Department of Public Works, Brookside Care Center, Division of Health, Sheriff's Department, District Attorney and Circuit Court will establish operating hours, meal and break periods that best serve the operational needs of their departments. Employees should consult the policies of these individual departments/divisions for clarification of work hours.

At times it may be necessary for a Department/Division to modify an employee's starting and quitting time as well as the number of hours worked to accommodate Kenosha County needs. Advance notice of such modifications will be provided when possible.

#### Meal Periods

An unpaid meal period is provided to any employee who works a minimum of six hours per day. The normal meal period should occur approximately halfway through the workday. However, certain departments may require alternate meal periods. The length of the meal period may vary from 30 minutes to one hour according to the needs of the department.

Employees who receive a paid break period in lieu of an unpaid meal period are not to leave the premises during this paid break period without authorization from the employee's supervisor.

The practice of extending meal periods with break periods is not permitted.

#### Break Time for Nursing Mothers

The County accommodates breastfeeding mothers who wish to express breast milk during the workday when separated from their children. The provisions of this section meet the requirements of the Fair Labor Standards Act as it relates to breaks for nursing mothers.

For up to one year after the child's birth, any employee who is breast feeding her child will be provided reasonable break times to express breast milk for her child. The County has designated certain rooms in employee-occupied buildings for this purpose. A small refrigerator reserved for the specific storage of breast milk is available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any non-conforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the Division of Human Resources. Additional

rules for use of the room and refrigerator storage will be provided. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

## **II. Overtime**

When business or department conditions require, employees may be needed to work overtime. When this occurs, the employee's supervisor will make every effort to provide timely advance notice. Such a request for overtime is considered to be voluntary. Mandatory overtime is required only under the following circumstance:

- Employees of the Sheriff's Department;
- When the County Executive declares an emergency;
- For snow and ice removal for Department of Public Works employees;
- For Registered Nurses in the Division of Health when patient care concerns require an extension of the workday;
- For employees of the Circuit Court and District Attorney engaged in court room activities or processing court related orders; and
- For employees in the Department of Finance and Administrative Services during payroll processing periods and computer system maintenance/emergencies.

Employees who wish to voluntarily remain at work to complete work assignments must obtain supervisory approval prior to working overtime. All Non-Exempt employees will be paid one and one-half times their regular rate of pay for all hours worked in excess of 40 in one workweek, except for those employees covered by the law enforcement exemption in the Fair Labor Standards Act. Employees covered by the law enforcement exemption will work 171 hours over a 28 day period before earning overtime\*\*. Paid benefit time will be included as time worked in the computation of overtime. Non-Exempt employees who work as professionals (social workers, registered nurses, juvenile court intake workers) may be compensated by salary at the discretion of county administration.

Non-Exempt employees must be compensated for working overtime either with wages or, if Department/Division policies permit, compensatory time. Exempt employees are not eligible to be paid overtime.

*\*\*For the current budget year, Kenosha County will implement a 40 hour/week overtime practice and a 5/2-4/2 work schedule as a means to generate the same level of budget savings as the 171 hour/28 day overtime policy. Fair Labor Standards Act overtime and overtime paid on a 171 hour/28 day basis remains the standard policy during the trial period and it becomes the responsibility of the Sheriff's Department to manage the 5/2-4/2 schedule in full compliance with FLSA.*

### **III. Compensatory Compensation (Comp Time)**

#### Non-Exempt Employees

Non-Exempt employees may be eligible for compensatory time off at a rate of time and one-half for all hours worked in excess of 40 hours in one workweek, in lieu of overtime pay. The Department/ Division Head shall have the discretion to authorize either comp time or overtime pay. Employees may not be forced to take comp time in lieu of overtime pay. An employee shall not accumulate compensatory time off in excess of 240 hours at any time. Departments/Divisions with Non-Exempt employees exempt from overtime and compensatory time may establish adjustable or flexible hour schedules for such Non-Exempt employee group.

Compensatory time may be accumulated during the period December 1 to May 31 and June 1 to November 30 of any calendar year. Any accumulated unused compensatory time off which has not been used at the close of the above six month period shall be paid for as earned wages or salary by the last day of June and December.

Temporary employees shall not be granted compensatory time.

#### Exempt Employees

Exempt, employees are expected to structure their workday without hourly limits based on the nature and volume of their work and the time necessary to perform their assigned work, with the knowledge and approval of their supervisors.

### **IV. Time and Attendance**

Kenosha County recognizes the need for employees to be absent from work due to illness or the need to take care of personal business during the normal workday. The County instituted paid time off (PTO) to provide for these needs as they arise. Employees also may qualify for a leave of absence for their own major illness, the major illness of a family member, the birth or adoption of a child, worker's compensation injury, personal circumstances, or military and/or reserve duty. Having provided for these situations, it is important to remember that excessive absenteeism, tardiness, and/or leaving early causes the burden of filling in for the absent employee to fall on other employees. It is a requirement of each job that an employee report to work punctually and work all scheduled work hours as well as any necessary overtime.

Situations when employees are not on an approved leave of absence and are absent from work without sufficient PTO to cover that absence, will be addressed through the normal corrective action process. Corrective action will be taken each time this occurs at a schedule determined by Department/Division policies.

Consecutive days of absence for the same reason may be deemed to be one incident for the purpose of the Brookside Attendance Policy. A Brookside Care Center employee who is absent for more than three consecutive days, must bring in medical documentation certifying the absence in order for the consecutive days of absence to be counted as one incident.

Unexcused absences from work for two consecutive scheduled workdays without calling or notifying the employee's supervisor will be considered a voluntary resignation. The employee is deemed to have quit without notice and his or her employment will be terminated immediately. An appeal may be made in writing to the Director of Human Resources. If it is determined that there were extenuating circumstances for the absence and failure to notify, the employee will be reinstated.

Periodically, special circumstances will occur that warrant an employee being excused from work without sufficient PTO to cover the absence. To ensure fairness throughout the County, these types of requests require the approval of the Director of Human Resources.

Occasionally, an employee will exhibit a pattern of absenteeism that requires corrective action despite having sufficient PTO to cover those absences (for example, consistently missing a specific day of the week, the day before or after a holiday, or the day before or after a scheduled vacation) unless they are approved to be absent.

An employee who is going to be absent, tardy, or leave early from work is responsible for notifying his or her supervisor as soon as possible, regardless of whether the employee has sufficient PTO to cover the absence. An employee who is absent and fails to notify his or her supervisor will be subject to corrective action for failure to notify. An employee who has been absent two consecutive days without calling the supervisor will be considered to have voluntarily resigned.

Occasionally, Non-Exempt employees may be permitted to make up missed time with the prior approval of their supervisor. The supervisor will determine the exact amount of time the employee will be allowed to make up in a workweek. Each supervisor must be consistent in allowing employees to make up time within the department. No employee will be permitted to work more than 40 hours during the workweek for the purpose of making up time. No swapping of workdays is permitted except as permitted by the Sheriff's Department in its departmental policies.

## **V. Inclement Weather**

Because of the critical nature of County work, County offices need to be open and operating during all business hours. Inclement weather rarely warrants closing County offices during normal hours of operation and employees should be present during all required hours. However, each employee needs to make a personal judgment pertaining to personal safety when traveling to and from work in certain conditions, understanding that any absence puts a greater burden on those employees who come to work despite difficult weather conditions. Loss of work time due to inclement weather will be charged against the employee's paid time off (PTO) balance. For employees who have no PTO remaining, the time absent will be charged as leave without pay.

Employees who work in 24/7 operations will be expected to make every effort to report to work during inclement weather, including accepting a ride to work in a weather-worthy vehicle when offered. Those employed by 24/7 operations who do not report to work must provide evidence of an extraordinary circumstance to avoid discipline.

## **COMPENSATION and REVIEW POLICIES**

### **I. Accurate Recording of Time**

#### Non-Exempt Employees

All employees in a position designated as FLSA Non-Exempt are required to accurately record their time each workday. Each employee should record time using the appropriate procedure for the Department or Division in which the employee works. Non-Exempt employees have a limited number of minutes before their shift to mark their time unless overtime has been authorized. Similarly, employees have a limited number of minutes after the start of their shift before wages are deducted. Employees who have an unpaid meal period are also required to mark their time, if possible. Time recording shall be in accordance with Kenosha County Payroll procedures.

#### Exempt Employees

All employees in a position designated as FLSA Exempt are required to accurately record benefit time on their timecards when taken. Time recording shall be in accordance with the Kenosha County payroll procedures.

### **II. Pay Periods**

With some exceptions, County employees are paid on the bi-weekly basis. All employees are paid by direct deposit to the bank account(s) they designate. Deposits are made on the second Friday following the last day of the two-week work period. In the event a holiday falls on a payday Friday, every effort will be made to deposit wages on the last workday prior to the holiday.

### **III. Wages**

Wages are determined through analysis of the nature of the work performed by the employee and the occupational market within which the employee works. Wage schedules are reviewed and changed, if necessary, annually as part of the budget process. Job classifications and rate schedules for the current year are attached to this handbook and made a part hereof.

Newly hired employees are placed in the pay range for their position between the starting wage and the midpoint of the pay range. Starting wages beyond the midpoint of the pay range must include budget review and be approved by the County Executive.

All County employees who are not at the top of the wage range may be eligible for an annual wage increase equal to three percent (3%) of the midpoint of the wage range from which their job is paid. This annual wage increase is generally awarded on the anniversary date of the employee's current job, provided the employee has received a rating of "above average" or higher on his or her annual performance review for the most recent rating period.

In addition to regular hourly wages, some employees earn shift differential for working second shift, third shift and weekends. Employees who carry shift differential earn the difference as part

of their base wage. The base wage does not change when an employee works another shift which carries a higher or lower shift differential, except for certain employees of Brookside Care Center.

The County Executive has the authority to respond to market influences which affect hiring and retention by adjusting individual employees' wages within the limits of the job classification wage scale.

Reimbursable items such as uniforms, tools, safety shoes, child work permits, CDL renewals, boiler license and renewals, call in pay, clothing allowance, may be included in the wage package.

Supervisors of employees temporarily performing a higher-rated job may request a temporary increase in that employee's wages of five percent (5%) of the employee's current pay within the applicable wage range. Requests are made through the Division Director of Human Resources. The temporary assignment must have an anticipated duration of at least four weeks. This does not apply to Highway employees who operate under a divisional policy.

Brookside Care Center Registered Nurses will receive a \$1.50 more per hour when temporarily assigned to RN Shift Supervisor duties.

Brookside Care Center newly hired RNs and LPNs may be hired at any step on the wage scale commensurate with their years of nursing experience with the approval of the Director of Human Resources.

#### Wage Determination for Job Promotion, Demotion and Lateral Transfers

- An employee transferring to a higher rated job through a job promotion shall earn a wage not less than five percent (5%) wage increase or the minimum of the new pay range, whichever is greater.
- An employee who transfers to a new job in the same pay range, shall retain his or her rate of pay if at the maximum. If the employee is not at the maximum, they will advance on the previous schedule.
- An employee going to a lower rated job through a job posting shall receive the maximum of the new range if lower, or the wage the employee was earning at the time of his or her job change.

If an employee is promoted to a Department Head position, placement in the new pay range will be in accordance with the appointment confirmation by the County Board of Supervisors.

Wages for temporary, seasonal and grant employees, etc., are reviewed and adjusted annually, if necessary, based on current market availability of type and class of position required to fill the current need.

#### Wage Adjustments

The Kenosha County Budget authorizes expenditures of up to \$100,000 for wage adjustments and stipends deemed necessary for purposes including but not limited to employee retention, special



assignments, in-range market adjustments, etc. Proposals for adjustments must be made to the Director of Human Resources by the Department Director. The proposal includes operational justification for the recommended increase. Fiscal analysis and sign-off is required by the Department Director of Finance and Administration before presentation for approval to the County Executive.

#### **IV. Safe Harbor Policy**

Exempt employees must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any work week in which they perform no work at all for Kenosha County.

There are certain circumstances where deductions from the salaries of exempt employees are permissible under the Fair Labor Standards Act (FLSA). Such circumstances include:

- Full day absences for personal reasons such as vacation or personal days or PTO.
- Full day absences for sickness or disability which may be reimbursed by the County's Accident and Sickness Leave benefit plan.
- Full day disciplinary suspensions for major safety violations or significant infractions of important written workplace conduct rules.
- To offset amounts received as payment for witness or jury fees, or for military pay.
- Family and Medical Leave absences (full day absences).
- The first or last week of employment in the event you work less than a full week.
- Any other deductions allowed by state or federal law.

Exempt employees who believe that an improper deduction has been made to their salary, should immediately report this information to their direct supervisor, or to the Director of the Division of Human Resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

#### **V. Annual Performance Evaluations**

All employees must be evaluated by their supervisor at least once per year on the anniversary date of the employee's current job. Criteria upon which employees are evaluated include, but are not limited to, accuracy, quality of work, quantity of work, dependability, adaptability, job knowledge, organization, judgment, initiative, ability to get along with others, attitude and attendance. Evaluations become a permanent record in an employee's personnel file and are considered for wage increases, promotions, transfers, disciplinary action and workforce reductions. Employees will be eligible for wage increases of three percent (3%) of the midpoint of the range from which their job is paid.

An employee who receives an average evaluation, a less than satisfactory evaluation, or is deficient in a major area of job performance, will not be eligible for a wage increase.

Step increases are to be reported to the Finance/Administration Committee annually.

## **VI. Travel and Reimbursement Policy**

Employees who are required to travel in the course of fulfilling their official duties will be reimbursed for reasonable expenses in accordance with the County's travel policy. The County's Travel and Reimbursement Policy can be found at:

<http://www.kenoshacounty.org/DocumentCenter/Home/View/193>.

## **VII. New Position Placement/Reclassification**

### New Position Placement

New positions must be passed in the budget. New positions should be submitted per budget instructions provided by the Division of Financial Services. If a Department is planning on submitting a newly created position in the budget, the Division of Human Resources must be informed. The Division of Human Resources, with the approval of the County Executive, will proceed with the placement of the position.

The Division of Human Resources will study the position, develop a job description, and determine a preliminary point total and placement in the pay matrix or wage schedule.

The job description and additional information pertaining to the new position, along with the recommendations from the Division of Human Resources, will be presented to the County Executive for approval.

If approved, the County Executive shall authorize the Department Head to submit the position request in the budget or budget amendment for County Board approval.

### Position Review

Reclassification requests for positions will be sent to the Director of the Division of Human Resources.

The Division of Human Resources will proceed to gather the facts surrounding the reclassification request, and will present to the County Executive a reclassification study and a recommendation. This will only be approved if there is a major change in the duties and responsibilities of the position in question. With the approval of the County Executive, the reclassification study and recommendation resulting in a higher rated job will be forwarded to the appropriate oversight committee, the Finance/Administration Committee and the County Board, if necessary.

With a recommendation from the Director of Human Resources, a request to have a position reclassified from a higher rated job to a lower rated job may be approved by the County Executive. Reclassifications of Exempt employees shall be a minimum of five (5%) percent salary increase or the minimum of the new pay range, whichever is greater.

The effective date of the reclassification becomes the employee's new anniversary date for purposes of performance evaluation and step increases.

## **BENEFIT POLICIES**

In general, regular full-time Non-Exempt employees are eligible to receive benefits on their 81<sup>st</sup> day of employment with the County.

Part-time Brookside employees, Registered Nurses, School Nurses and clerical employees who work 16 hours or more per week may be eligible for fringe benefits, including the employee health benefit, based on the number of hours worked in a twelve (12) month period from approximately mid-October to mid-October.

For the purpose of the **employee health benefit**, the following schedule will apply:

- Employees who average less than 16 hours receive no health benefit
- Employees who average 16 hours but less than 24 hours receive 50% benefit
- Employees who average 24 hours but less than 30 hours receive 75% benefit
- Employees who work 30 hours or more per week earn 100% benefit

All other full time employee benefits are based on a 32 or more hour work week.

New hires will be eligible for benefits after working 81 calendar days, whichever is sooner. Benefit eligibility will be based on the numbers of hours worked in 81 calendar days.

Long term seasonal employees, short term seasonal employees and Deputy Medical Examiners average less than 30 hours/week and are not eligible for benefits, except as mandated by the Wisconsin Retirement System (WRS).

Exempt employees are eligible for benefits on the 31<sup>st</sup> calendar day of employment.

### **I. Paid Time Off**

Employees will be granted a “bank” of time to use for vacation, sick, and personal reasons based on eligible years of service with Kenosha County. This bank is referred to as paid time off (PTO). PTO does not include designated paid holidays.

Employees increase the number of PTO days as their years of service increase, indicated in the chart below:

<u>Calendar Years of Service</u>	<u>PTO Days per Year</u>
Date of Hire through 12/31(first year)	Prorated *
2 <sup>nd</sup> through 6 <sup>th</sup> years	15 days
7 <sup>th</sup> through 14 <sup>th</sup> years	20 days
15 <sup>th</sup> year and beyond	25 days

\*One day for each two months worked. Full credit given if hire date is by 15<sup>th</sup> of month. In the above example, for calendar years two through six, after 15 days are used no more PTO time is

available for the remainder of the calendar year. Any employee who does not have sufficient PTO to cover an absence will be subject to corrective action under the attendance policy.

The County makes the full balance of PTO available on January 1, of each year.

PTO is paid at an employee's regular straight-time hourly rate.

If employees resign, retire or otherwise terminate employment with the County with PTO days remaining in their PTO bank, they will not receive pay for those days.

To schedule PTO, employees must secure their supervisor's written approval in advance, except in the case of emergency. Each Department/Division has its own guidelines on scheduling and - advance notice requirements for requesting paid time off absences. All PTO is subject to the needs of the Department/Division.

PTO days can be scheduled individually, in blocks of days or in hourly increments only if such increments are not limited by the Department/Division.

PTO is reported on employees' Kronos ledger or time card. Employees are responsible for accurately tracking their paid time off benefit.

Employees can carry over up to five PTO days from year to year. This is to encourage employees to save PTO for emergencies that may occur at the end of the year. All other PTO not used in the calendar year is forfeited. Employees may not cash out unused PTO.

PTO will be prorated for part time & temporary employees who obtain full time positions with the County.

The PTO schedule for Corrections Officers and Direct Supervision Officers is as follows:

16 days for the second through sixth year; 21 days for the seventh through 14<sup>th</sup> year; and 26 days for the 15<sup>th</sup> year and beyond.

Sheriff's Department Sworn Exempt employees are not required to use PTO before earned vacation.

#### PTO Implementation for Existing Employees

Exempt and employees formerly represented by 990 Professional & 5061, who earned more than 25 paid days off (vacation and casual/personal) by December 31, 2011, will retain their number of paid days off, up to a maximum of 30 days, in their PTO bank for the balance of their employment with Kenosha County. Employees formerly in Locals 1392, 168 & 990 Clerical, who have earned more than 25 paid days off including casual days but excluding side letter vacation days, by December 31, 2012 will retain their number of paid days off up to a maximum of 30 days in their PTO bank for the balance of their employment with Kenosha County. Employees in Local 1090 Parks who have earned more than 25 paid days off including casual days but excluding side letter vacation days, by December 31, 2013 will retain their number of paid days off up to a maximum of 30 days in their PTO bank for the balance of their employment with Kenosha County.

## **II. Paid Holidays**

Kenosha County normally observes the following holidays during the year: New Year's Day, the Friday before Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve Day, Christmas Day and New Year's Eve Day. Some departments/divisions substitute Veterans Day for the day after Thanksgiving. Martin Luther King Day may be observed as an unpaid day off with supervisory approval. Exempt employees will be required to authorize such deduction in pay by submitting a voluntary leave without pay form to the Division of Finance.

If one of the above holidays falls on a Saturday, it is generally observed on the preceding Friday. If the holiday falls on a Sunday, it is generally observed on the succeeding Monday.

Employees who work in 24/7 operations observe holidays with policies that meet the needs of the Department/Division. Those employees should consult their Department/Division policies. Employees are not paid overtime when scheduled or called to work on a holiday unless holiday hours cause the total number of hours in a work week to exceed 40.

Holidays are paid at an employee's regular straight-time hourly rate not to exceed 8 hours. Employees must work their scheduled workday before and after the holiday in order to be paid for the holiday, unless they are approved to be absent.

Exempt employees are eligible for holiday pay on the date of hire.

Employees who have been granted a personal leave of absence do not qualify for holiday pay.

## **III. Accident and Sickness (A&S) Pay Maintenance Plan**

The following benefits will be paid in the case of a non-work related temporary medical disability as certified by a licensed medical provider:

### Non-Exempt Employees:

Non-Exempt employees will receive 100% of their regular pay starting on the fourth working day absent and through the 30th calendar day absent due to a temporary medical disability. The first calendar day of the A&S benefit year is the first day of missed work. The waiting period is three full working days. From the 31st calendar day to the 365th calendar day, Non-Exempt employees will receive two-thirds (2/3rds) of their regular pay. Regular pay means an employee's regular straight-time hourly rate. No payments will be made under the Accident and Sickness Pay Maintenance Plan unless the employee submits the required form to the Division of Human Resources, which will make the necessary arrangements for the payment of benefits. If a Non-Exempt employee has received benefits hereunder and there should be a recurrence of the same condition or illness, no waiting period will apply if the recurrence is within two weeks of return to work.

### Exempt Employees:

Exempt employees and Department Heads shall be eligible for a continuation of pay when unable to work due to a temporary medical disability. The first calendar day of the A&S benefit year is the first day of missed work. Benefits shall be paid based on the following schedule:

- First thirty (30) working days of absence – full regular pay.
- From the 31st working day to the 260th working day – two-thirds (2/3) of regular pay.
- Exempt employees who remain ill or injured beyond four working days must submit an A&S claim form. A return to work for less than two (2) weeks shall not qualify for a new benefit period in case of recurrence of the same condition or illness.

Employees receiving A&S benefits must stay in the immediate vicinity of their homes unless granted authority otherwise by the Director of Human Resources. Failure to comply with this requirement will automatically discontinue the A&S benefit and may lead to employee discipline up to and including termination.

Employees that work non-standard schedules may be moved to a regular schedule while on an A&S leave of absence.

Temporary medical disability resulting from pregnancy will be treated as any other temporary medical disability and will receive benefits as described in this section.

An A&S claim shall not exceed one full calendar year which begins on the first calendar day the employee is unable to work due to the temporary medical disability. Holidays, vacations, paid time off, temporary return to work of less than two weeks, and any new events of temporary medical disability that occur during an A&S leave of absence are included within the benefit year and will not temporarily suspend or extend the benefit.

Benefits under this plan are not limited to one temporary medical disability per year, but are available for each separate occurrence. A return to A&S within two weeks is deemed a continuation of the original claim and continues the leave from the first calendar day of missed work. If there is a recurrence after two weeks at work it will be considered a new claim, and for Non-Exempt employees another three working day waiting period will apply.

Benefits in this section are contingent upon the approval of the Division of Human Resources and are subject to verification of medical necessity. When deemed necessary by the Director of the Division of Human Resources, employee participation in independent medical, psychological, fitness for duty, return to work, and functional capacity evaluations and/or supervision of a nurse case manager may be mandated. Medical evidence of continuing disability must be provided at least every thirty (30) days or as requested by the County. Payment shall be at the employee's current hourly rate based on an eight (8) hour day or the normally scheduled workday for part time employees. If, while an employee is being paid under the Accident and Sickness Pay Maintenance Plan, a wage increase occurs during the absence, the employee will be paid benefits reflecting the increase.

State and Federal Family Medical Leave will run concurrently with Accident and Sickness Leave in accordance with the County's Family Medical Leave Policy. Employees will be charged accrued/earned vacation to cover the Accident and Sickness Leave waiting period whenever the leave does not qualify for State Family and Medical Leave.

No accident and sickness benefit shall be paid to an employee after a disability retirement is approved by the Wisconsin Retirement Fund.

#### **IV. Fitness-For-Duty & Return to Work**

If at any time management has reason to question whether an employee's medical condition may hinder them from performing their work, or create a danger to themselves, their fellow employees or the public, the department may send them home and require they provide medical certification of being physically, mentally and emotionally able to perform their duties before returning to work. If the department has concerns not addressed by a simple return to work slip, they may request an independent medical evaluation through the Director of the Division of Human Resources. The department or the Risk Manager may also request to restrict the premature return of an employee from a medical leave to verify the conclusion of temporary disability or medical restrictions. The director will determine if intervention is warranted.

When deemed necessary, the Director of the Division of Human Resources will authorize or make arrangements for an employee to submit to or participate in functional capacity, independent medical or psychological, fitness-for-duty, and/or return to work evaluations which may include supervision of nurse case management. Employee participation in this process is mandatory and noncompliance is subject to discipline, up to and including termination.

When returning to work from any type of medical disability, employees will be required to submit a medical release to their supervisor. The release must certify that the employee can perform the essential functions of his or her job or clarify under what restrictions the employee may return to work. Management and/or the Division of Human Resources must receive, review and approve the medical release before the employee will be permitted to resume work.

Independent medical opinions and records received pursuant to this section are maintained in the employee's confidential and secure medical file. Copies of these records are not automatically provided to the employee. The employee may submit in writing to the Division of Human Resources a request to review their file or copy such records. If the County believes that disclosure of an employee's medical record would have a detrimental effect on the employee, the Director of the Division of Human Resources may opt to release the medical record instead to the employee's physician or legal representative as designated by the employee.

It shall be the policy of Kenosha County to comply with all applicable state and federal laws which affect the working status of employees who have been injured or are ill.

## **V. Light Duty**

Kenosha County desires that employees, unable to perform the functions of their regular job because of an injury or illness that prevents their return to regular assigned duty, where possible, be temporarily assigned light duty work subject to medical certification. The County seeks to obtain the benefits of light duty work; which maintains a level of activity, which is productive and serves a therapeutic purpose, and which quickens the employees return to their regular assignment. Light duty work is reserved for employees that are temporarily disabled because of an injury or illness.

THE WORK ASSIGNED UNDER THE LIGHT DUTY POLICY IS NOT PERMANENT IN NATURE AND THE COUNTY RETAINS THE ABSOLUTE DISCRETION TO MODIFY WORK ASSIGNED HEREUNDER AT ANY TIME. It is expressly understood that no obligation exists for the County to provide, convert a regular job, or create a temporary assignment of light duty work. A temporary assignment of light duty work does not create a regular employment opportunity, and is made as a temporary assignment only.

The temporary assignment of light duty work may be considered only when an employee is certified as unable to perform some or all of the functions of their regular job. Light duty may be assigned within or outside an employee's regular department, shift or hours. The County may also assign employees to work temporary light duty assignments at local non-profit agencies when authorized by the Director of the Division of Human Resources.

The accommodation of temporary light duty assignments are made under oversight of the Director of the Division of Human Resources.

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.

### Light Duty Procedure:

1. An employee injured or suffering an illness shall provide to the supervisor as soon as possible, written certification of any restrictions imposed upon the employee by a licensed medical provider. This will include the projected duration of the restriction(s).
2. The Department Head or designee will evaluate the restriction(s) against the needs of the department and will determine if light duty work is available. Due to numerous variables, this is done on a case-by-case basis.
3. The Department Head may confer with the Director of the Division of Human Resources prior to an assignment of light duty work.
4. If light duty work is available the Department Head or the Director of the Division of Human Resources will make the assignment.



5. If light duty work is not available within an employee's regular department, the County may assign work elsewhere.
6. All temporary assignments of light duty will be reviewed monthly by the respective Department Head and the Risk Manager.

## **VI. Employee Health Benefit**

Kenosha County makes available to its employees a comprehensive employee health benefit. Single or family coverage is available to full-time County employees. Part-time employees may be eligible on a pro-rated basis.

Consistent with the Affordable Care Act (ACA), employees who average 30 hours of work per week are eligible for a full time health benefit. New employees who are classified as variable hour employees under the ACA will be placed under a twelve (12) month Initial Measurement Period to determine whether the employee is full time or part time. If the employee works more than 30 hours per week, or 130 hours per month on average for the entire twelve (12) month period, the employee is eligible for full-time benefits. Employees who average fewer than 30 hours per week may still be eligible for pro-rated benefits. However, after six (6) pay periods new hires will be offered full time benefits if they average 30 hours per week in those six weeks. Employees who average 16 to 29 hours will be offered benefits on a pro-rated basis. These benefits will be in effect until the Initial Measurement Period ends. At the conclusion of the initial measurement period and one year stability period, employees will participate in the Standard Measurement Period with other benefit-eligible employees. Temporary employees as defined under IV. Certification and Appointments and who average over 30 hours per week over 52 weeks are eligible for the employee health benefit at the full budgeted rate.

Employees who enroll in the health, dental and/or vision benefit are committed to a minimum of one year participation in the plan, unless they encounter a qualifying event as defined by the federal government.

All employees who are enrolled in the employee health benefit are also enrolled in the Vitality Wellness Program. Participation points earned during the calendar year can be applied for discounts in the health benefit premium contribution. The financial benefits of participation in the wellness program are forfeited by any employee caught cheating to earn points.

Employees who choose not to enroll in the employee health benefit do not receive additional wages in lieu of the benefit. Employees may enroll at a later date with a qualifying event or during open enrollment.

Current employees may amend their coverage during open enrollment which typically occurs in the autumn of each year.

Plan benefits, claim procedures, limitations and other details are available in the summary plan description at: <http://www.kenoshacounty.org/index.aspx?nid=106> .

Employees may be eligible to continue the Kenosha County health benefit by paying the monthly premium in accordance with State and Federal law (COBRA) concerning a qualifying event. This may occur as the result of resignation, layoff, reduction in hours, injury or illness and other leaves of absence.

Employees who are on an unpaid leave remain responsible for paying health benefit premium contributions. Employees who do not remit the contribution while on unpaid leave will compensate the county through payroll deduction upon their return to work.

## **VII. Section 125 Plans**

Kenosha County offers a pre-tax contribution option for employees known as a Section 125 plan. The plan is a benefit that allows employees to make contributions toward costs related to medical, prescription, dental and vision out-of-pocket expenses before tax is taken from their wages. Employees must enroll in the Section 125 Plan annually during open enrollment.

## **VIII. Wisconsin Retirement System (WRS)**

Most County employees are enrolled in the Wisconsin Retirement System pension benefit. All non-protective category employees and protective category employees hired on or after January 1, 2012 who are eligible for WRS enrollment pay the employee share of the contribution through wage deduction on a pre-tax basis. The employer share is paid by Kenosha County.

Under certain circumstances and in accordance with IRS rules, it may be necessary for the County to collect the employee's contribution to the WRS, medical insurance premiums, etc., on a post-tax basis.

## **IX. Life Insurance**

Life insurance for County employees is secured through WRS. The County pays for the basic life insurance benefit which is in the amount of one year's salary. Employees have the opportunity to purchase additional life insurance at their own expense.

## **X. Worker's Compensation**

Worker's compensation is a form of accident, disability and medical insurance to protect an employee in the event of a work-related injury or illness. Statutory benefits are provided to Non-Exempt employees as prescribed by the Wisconsin Worker's Compensation Act (WWCA).

Please note the statute includes a waiting period before lost time benefits are provided, typically three days. The three day waiting period does not include the day of injury or illness. The waiting period is waived if disability exceeds seven calendar days. Lost time wages (pay rate) are also calculated according to a formula as defined in the WWCA.

The waiting period may be taken unpaid or covered by any available paid leave time.

Please note: Some employee groups receive post-accident wage continuation per adopted collective bargaining agreement or policy.

In addition to WWCA statutory benefits, Exempt employees shall receive their regular wage for any worker's compensation related absences.

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

Employees receiving WC temporary partial disability benefits must stay in the immediate vicinity of their homes unless granted authority otherwise by the Director of Human Resources. Failure to comply with this requirement will automatically discontinue the benefit and may lead to employee discipline up to and including termination.

When applicable, Family Medical Leave benefits will be charged concurrently with lost time under this section.

## **XI. Tuition Reimbursement**

An employee may be eligible for reimbursement of education expenses. The policy which sets forth the guidelines for tuition reimbursement is available at:  
<http://www.kenoshacounty.org/index.aspx?nid=106>

## **XII. Leaves of Absence**

### Family Medical Leave (including Family Military Leave)

Kenosha County provides job protected, unpaid leave to eligible employees as required by the Wisconsin and Federal Family and Medical Leave Acts. The policy which sets forth the guidelines for eligibility and use of such leaves is available at:  
<http://www.kenoshacounty.org/index.aspx?nid=106> .

### Leave of Absence following one year of A&S paid leave

Employees who continue on a medical disability beyond one year (365 calendar days) will be placed on an unpaid leave of absence. The length of an unpaid leave of absence is determined on a case-by-case basis in accordance with the American's with Disabilities Act. Employees on a leave of absence under this section are considered to have vacated their position and do not retain an automatic right to return to the same job or shift. For business efficiency purposes the employing department may recruit for and fill the position.

The County will work with employees to assist them in returning to available work within the County for which they qualify. Requests for reasonable accommodations will be considered by the Department Head and the Director of the Division of Human Resources. The County will engage in these efforts for a reasonable period of time.

The County Employee Health Benefit may be extended for up to six months following the expiration of the A&S benefit. Requests to extend the health benefit must be made to the Division Director of Human Resources.

#### Funeral Leave

In the event of a death of an employee's father, mother, husband, wife, brother, sister, son, daughter, father-in-law, mother-in-law, step-parent or step-child (a step-child is one living with or who was raised by the step-parent) and grandchild, such employee will be paid for straight time lost from scheduled work not to exceed three working days within a seven day period following the date of death, except in special circumstances.

In the event of a death of an employee's brother-in-law, sister-in-law, grandparent, great grandparent, great grandchild, son-in-law, daughter-in-law, aunt or uncle, such employee will be paid for straight time lost from scheduled work not to exceed one scheduled workday falling between the date of death and the date of the funeral, both inclusive, except in special circumstances.

Funeral leave is paid at the employee's straight-time hourly rate not to exceed 8 hours per day for the payroll period in which the date of death occurred. The employee may be required to furnish verification of the date of death, date of funeral and relationship to the deceased.

#### Jury Duty/Witness Service

Any employee called for jury duty shall immediately notify the employee supervisor and shall receive regular pay for such time, provided he or she deposits any compensation received for jury duty with the County Treasurer. Employees called for jury duty but not assigned to serve will return to their assigned jobs as soon as dismissed. Employees who routinely work second or third shift will coordinate absence due to jury duty with the Department/Division Head.

Employees called to testify as a voluntary witness at the request of the County, by subpoena or otherwise, will be paid for such time. If employees are subpoenaed to appear in court as witnesses for non-County related business, they will be excused from work in order to comply with subpoena. Employees will not be paid for the time off, but may use PTO to cover their absence from work.

#### Military Leave

Any employee who enters the Armed Forces of the United States while employed with Kenosha County shall have the period spent in the Armed Forces considered as time spent working for the purpose of computing paid time off.

Employees called to active duty or who enlist in the Armed Forces of the United States shall be granted leaves of absence. The employee's length of County service shall accumulate, providing he or she reports for work within 90 days of discharge. If unable to do so because of illness or injury, their leave shall be extended.

Upon return from military leave, the employee shall be returned to a position and pay in keeping with Federal regulations.

An employee who is a member of a military reserve and who may be called upon for reserve training or service shall receive regular pay for such training or service (not to exceed two weeks for any one call-up), provided they deposit his or her military base pay with the County Treasurer.

#### Personal Leave

Applications for unpaid leaves of absence for personal reasons shall be made in writing to the Department Head with a copy to the Division of Human Resources. A leave may not be granted for the purpose of taking other employment; however, the term "other employment" shall not include elective federal, state, county or municipal offices or union duties.

The granting of such leave and the length of the leave shall be contingent upon the reason for the request. The Department Head may grant a personal leave of absence without pay for 30 calendar days or less. Leaves of absence without pay for more than 30 calendar days but not exceeding six months may be granted by the Department Head with the approval of the County Board Committee responsible for the department. Personal leaves of absence requested for a period in excess of six months may be granted by the Department Head with the approval of the County Board of Supervisors.

#### Education Leave

A leave of absence not to exceed two years in length may be granted to those employees who desire to improve their ability and job knowledge through further education. The procedure for obtaining such leave shall be the same as that of personal leave.

#### Unpaid Time Off

Employees may be eligible to receive five unpaid voluntary leave days in any calendar year. Unpaid days must be scheduled in advance to accommodate department operational needs. Days may be taken in 4 or 8 hour blocks only. Such days must be approved by management in the same manner as PTO. Employees will forfeit their ability to carry over unused PTO in an amount equal to any unpaid voluntary leave days taken.

### **XIII. Post-Retirement Health Benefit**

Most employees hired on or before January 1, 2003 are eligible for a post-retirement health benefit. In general, employees who have reached their 60<sup>th</sup> birthday and have had 15 years of continuous county employment are eligible to retain the employee health benefit at the same premium contribution, wellness program, co-payments and deductible as active employees. The County's premium obligation shall terminate when the employee becomes eligible for Medicare. Employees who decide to purchase Medicare supplemental benefits do so at their own expense.

Special provisions apply to protective employees, elected officials and spouses of county employees. The County's complete Post-Retirement Health Benefit Policy is available at: <http://www.kenoshacounty.org/index.aspx?nid=106> .

## **RULES and REGULATIONS**

### **I. Uniform Work Rules**

It is the basic responsibility of every County employee to live and work in the spirit of self-discipline. However, the enforcement of rules is necessary when violations of the principles of self-discipline occur. The County will develop, issue and enforce Uniform Work Rules and safety regulations necessary for safe, orderly and efficient operation. The Uniform Work Rules are available at: <http://www.kenoshacounty.org/index.aspx?nid=106> .

Any employee who fails to maintain proper standards of conduct at all times or who violates any of the Uniform Work Rules shall be subject to corrective action, up to and including discharge, in accordance with the County's progressive discipline policy.

Employees must comply with their respective department/division rules in addition to the Uniform Work Rules. Where there exists a conflict between the Uniform Work Rules and the department/division rules, the department/division rules shall control. It is the responsibility of an employee who is uncertain about a conflicting rule to obtain clarification from the Department/Division Head or supervisor.

It is the County's policy that each Department/Division Head and supervisor administers all rules in a consistent and fair manner.

### **II. Progressive Discipline Policy**

When it becomes necessary to address an employee's actions in the workplace, general guidelines of acceptable business conduct will govern. Depending upon the nature and seriousness of the employee's actions, disciplinary action may begin at any step of the disciplinary process, with an overriding commitment toward a constructive and corrective discipline action rather than a punitive system. The process should ensure that employees are informed of exactly what behavior needs to be corrected, advised of the measures they must take to correct unacceptable behavior, and given adequate opportunity to correct the behavior.

#### Discipline Procedure

All disciplinary action must be timely and authorized by the Director of Human Resources prior to being issued. A copy of the document must be sent to the Division of Human Resources after all signatures have been obtained for recording and retention in the employee's personnel file. All documents relating to disciplinary actions will remain in the employee's personnel file and will become a part of the employee's entire work record.

The Division of Human Resources will keep a record of all disciplinary actions taken and the infraction that caused the action. This log then forms the basis of the uniform application of discipline.

### Levels of Disciplinary Action

The various levels of discipline are: verbal reprimand, written reprimand, suspension, disciplinary probation, demotion and discharge.

### Verbal Reprimand

A verbal reprimand is issued for a first offense of a minor infraction or the first incident of sub-standard work performance. The immediate supervisor of the employee will meet with the employee and inform the employee of the specific behavior that is unacceptable. The employee must be told clearly what the infraction is, how to correct the problem and what further disciplinary action may result for failure to comply with recommended corrective action. Verbal reprimands must be documented for the personnel file in order to substantiate the start of progressive discipline.

Verbal reprimands will remain active for six to twelve months as determined by the supervisor and Director of Human Resources. Examples of first offense verbal reprimands include, but are not limited to:

- First late arrival (tardy) for scheduled shift;
- First time extending the length of a break or meal period;
- Isolated mistake with minor consequences or a job duty is done incorrectly;
- Failure to submit accident and sickness benefit forms on time;
- A missed punch in the time/attendance system; and
- First time dress code violation.

### Written Reprimand

A written reprimand may follow an active verbal reprimand issued to an employee for a repeated offense. Also, a written reprimand may be issued for a new offense of a more serious nature; therefore, a verbal reprimand need not precede a written reprimand. The written reprimand shall be issued to the employee by the immediate supervisor. The supervisor shall explain the reasons for the issuance of the written reprimand; again, suggestions for correcting the behavior are provided together with a warning of what discipline, up to and including dismissal, may be taken in the future if behavior or performance does not improve.

Written reprimands will remain active for one to two years as determined by the supervisor and Director of Human Resources. Examples of first offense written reprimands include, but are not limited to:

- Inappropriate or rude interaction with a member of the public or a co-worker, such as a raised voice, sarcastic comments, or impatience;

- Failure to show up for a scheduled shift (unexcused);
- Insubordination such as talking back to a member of management or failure to perform assigned duty;
- Lack of adherence to performance standards;
- Repeatedly failing to submit accident and sickness benefit forms on time; and
- Repeatedly missing punches in the time/attendance system.

### Disciplinary Suspension

A suspension is a temporary removal of the employee from the payroll. A suspension may be recommended when lesser forms of disciplinary action have not corrected an employee's behavior. A suspension may also be recommended for first offenses of a very serious nature.

Disciplinary suspensions remain active for an employee's entire length of employment. Examples of very serious infractions include, but are not limited to:

- Insubordination such as talking back to a member of management or failure to perform assigned duty;
- Major deviations from the work rules, including a violation of safety rules;
- Having any measurable level of alcohol in employee's system while on the job;
- Falsification or misuse of time sheets, County records or documents;
- Fighting;
- Excessive absenteeism;
- Theft or any form of dishonesty;
- Harassment of any form;
- Resident abuse; and
- An incident of verbal abuse to a member of the public, a co-worker, management or an individual in the County's care, custody or control.

The number of days recommended for suspension will depend on the severity of the act.

Commission of the above offenses may also result in a recommendation for discharge.

### Disciplinary Probation

An employee may be placed on disciplinary probation for a designated period of time for significant performance deficiencies that are determined to be within the employee's ability and intent to correct. The employee's immediate supervisor shall counsel the employee regarding performance issues, job performance standards, an improvement plan, and specifically state what action will be taken if the employee fails to complete improvement goals.

### Disciplinary Demotion

An employee may be demoted to a lower paying classification or position for significant performance deficiencies that are determined to be above the employee's ability to correct, or work



rule violations. An employee must be minimally qualified for the position as determined by the Director of Human Resources.

### Discharge

Discharge may be recommended for an employee when other disciplinary steps have failed to correct improper action by an employee, or for first offenses of an extremely serious nature. Such action may be justified because the offense is so severe as to make a warning unnecessary (that any employee normally would know that such behavior is completely unacceptable). In these cases, the employee should be placed on administrative leave pending a complete investigation of the situation prior to discharge. Administrative Leave is paid or unpaid off duty status (to be determined on a case by case basis) and is necessary in order to secure the workplace and/or the safety of employees, protect the integrity of the investigation, or for other appropriate reason during an investigation of any alleged misconduct. Examples of extremely serious infractions include, but are not limited to:

- Having any measurable level of alcohol or drugs in employee system while on the job;
- Possession of an unauthorized weapon or firearm while on the premises;
- Insubordination;
- Physical or sexual assault;
- Theft of County property or funds;
- Sleeping while on duty;
- Off duty misconduct;
- Sexual harassment or discrimination;
- Acts of fraud or dishonesty;
- Consistently failing to meet performance expectations;
- Excessive absenteeism;
- Resident abuse; and
- Isolated mistake with major consequences or potential liability which would include an act which exhibits lack of due care and/or neglect of duty.

### Internal Review for Discipline above a Written Warning

Before a disciplinary action is implemented, the following system of internal administrative review will be followed to ensure that the discipline policy is followed in a uniform and equitable manner:

#### Employee infraction of rules, including continued failure to meet performance standards:

- Department/Division Head or supervisor conducts investigation (if applicable); and
- Employee is provided with notice of investigation and right to have representation of employee's choosing present during investigatory interview.

#### Due cause meeting:

- Department/Division Head and supervisor review results of investigation and recommend level of discipline to Director of Human Resources; and

- A maximum level of discipline is authorized by Director of Human Resources based on equitable and uniform discipline County-wide.

#### Written notice to employee:

- Written notice of disciplinary action to be taken is given to the employee stating effective date and time of action. Written notice of the employee's right to appeal the decision is also provided with the written disciplinary decision.

### **III. Kenosha County Grievance Procedure**

It is the policy of Kenosha County to provide employees with a fair means through which to seek local administrative redress for employee discipline or workplace safety concerns. An employee has a right to use this Grievance Procedure without fear of retaliation.

#### Actions Giving Rise to a Grievance

- **Disciplinary Appeal:** An employee seeking to appeal disciplinary action as addressed in the Progressive Disciplinary Policy.
- **Workplace Safety Violation Appeal:** An employee seeking to appeal a workplace safety issue as defined below after verbally addressing the concern within seven calendar days of the incident, to the supervisor.

Workplace Safety refers to any alleged violation of any standard established under State law or rule, or Federal law or regulation, relating to workplace safety, applicable to County government.

#### Written Grievance Submission

An employee must file a grievance within seven calendar days of receiving notice of disciplinary action or receiving a supervisor's verbal response to a workplace safety issue. The grievance must be in writing and must be given to the Department/Division Head with a copy to the Director of Human Resources. The grievance shall contain a clear and concise statement of the pertinent facts, and the remedy the employee is seeking.

#### Administrative Response

The Department/Division Head will meet with the employee within seven calendar days of receipt of the written grievance to discuss voluntary resolution or settlement of the grievance. If those discussions do not resolve the grievance, then the Department/Division will provide a written response to the grievance within seven calendar days of the meeting. The written response shall contain a decision to sustain or deny the grievance and the deadline for the grievant to appeal the grievance through the appeal process.

#### Appeal Hearing

The decision of the Department/Division Head shall be final unless the grievant files a written appeal requesting a hearing before an Impartial Hearing Officer (IHO). The written appeal shall be filed within seven calendar days of receiving the Department/Division Head's response and

shall be filed with the Director of the Division of Human Resources. The Director of Human Resources will review and clarify the positions of the parties. The Director of Human Resources may recommend or mediate a binding settlement of the dispute. If a settlement can't be reached a hearing will be held on the matter within 60 calendar days of receipt of the written appeal. The IHO will file a written response to the grievance within ten calendar days of the close of the hearing. Written notice of the non-prevailing party's right to appeal the IHO's response will be provided with the IHO's response.

#### Appeal for Review

The non-prevailing party may appeal the IHO's written response directly to the Finance/Administration Committee of the County Board of Supervisors by providing written notice to the Director of Human Resources within seven calendar days of receiving the IHO's written response.

The Director of Human Resources will arrange for a review of the IHO's written response by the Committee.

#### Decision of the Finance/Administration Committee

The Committee will review the appeal within 45 calendar days of receiving notice and issue a decision within ten calendar days of the meeting.

### **IV. Conflict Resolution Policy**

Kenosha County intends to foster a healthy, responsive work environment. However, in any work situation, employment problems may occur—misunderstandings or disputes regarding conditions of employment, job duties, work performance, work relationships, or management decisions.

The County places great confidence in an employee's ability to satisfactorily resolve most of these conflicts by working with his or her immediate supervisor. For problems requiring further attention, the County offers alternatives, both formal and informal, based on the following premises:

- The County will make every effort to maintain open lines of communication between employees and management and expects the same from its employees;
- The supervisor-employee relationship is critical to successful work performance and will be important in the resolution of problems; and
- An employee's standing with the County will not be jeopardized in any way by the appropriate use of the conflict resolution procedure.

These conflict resolution processes cannot be used to challenge performance reviews, terminations resulting from reductions in force, or written policies, procedures, and handbooks.

There are two mechanisms for dealing with work-related problems: informal problem solving and formal problem review. The steps are as follows:

### Informal Problem Solving

Whenever possible and appropriate, employees should discuss and attempt to resolve conflicts with their immediate and next-level supervisors. Most problems will be solved satisfactorily at this level. In cases where employees feel it is necessary to address a problem with someone not directly involved, they are encouraged to contact the Division of Human Resources for assistance.

### Formal Problem Review

If an employee cannot reach a mutually satisfactory conclusion through informal means, they may initiate a formal problem review. The steps are as follows:

- Within seven calendar days of the date of the incident or problem, the employee must prepare a written summary of the problem and submit it to the next-level supervisor or a management representative. The management representative and employee will meet to discuss the concerns. In most cases, a response will be issued within seven calendar days of receipt of the written summary.
- If the employee remains dissatisfied with the results, they may, within seven calendar days of your receipt of the response, request a meeting with the Director of Human Resources, who will then review the case with management. The Director of Human Resources will make a final determination or recommendation to the Department/Division Head.

### **AUTHORITATIVE REFERENCE**

Where reference is made to Department/Division Head, his or her designee may be substituted.

### **STATUTORY CONFLICTS**

To the extent that any policy may conflict with federal, state, or local laws, the County will abide by the applicable federal, state or local law.

### **POLICY CHANGES**

Kenosha County reserves the right to suspend, revise or revoke any of its policies, procedures, and/or practices at any time with or without notice.

### **MODIFICATION OF COUNTY BOARD POLICY**

Minor revisions to County Board Policy will be administratively implemented with notice to Finance/Administration Committee of the Kenosha County Board of Supervisors. Substantial changes to County Board Policy will be presented and adopted by the County Board.

## **POLICY ACKNOWLEDGMENT**

Every employee is required to read and acknowledge they received the Kenosha County employment handbook and policies by signing a Human Resources Policy Acknowledgment Form at the time of hire and periodically thereafter as they may be revised, and/or revoked.

Questions pertaining to any policy should be directed to the Division of Human Resources, 262-653-2800.