

# **Kenosha County**

# **Employee Handbook**

## **2022**



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# 1 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 or decisions or actions that are inconsistent with our vision and mission.

Thank you for being a part of our team!



## 1.1 Vision:

To make Kenosha County the premier place to live, work, play, and raise a family.

## 1.2 Mission:

To enhance the community by providing services our citizens cannot provide for themselves, their families or neighbors and to assist in creating a dynamic, diversified local economy. We seek to deliver our services in a high quality, sustainable, cost-effective and efficient manner, continuously improving and working toward enhancing the health, safety and quality of life in our county.

## 2 Employment Policies

### 2.1 Commitment to Equity and Inclusion

As an organization, we strive to foster a culture where diversity, equity and inclusion are valued, creativity is encouraged, teamwork and open/honest communication are facilitated, and meeting the needs of those we serve through quality service is a shared goal. Our objective is that all employees will demonstrate multicultural compatibility – the awareness, knowledge, and skills needed to work with others who are culturally different from self in respectful, meaningful, relevant, and productive ways.

### 2.2 Equal Employment Opportunity

Kenosha County is an Equal Opportunity employer. The Office of the County Executive affirms its commitment and the County's legal, social and moral obligation to equal opportunity for all persons as a fundamental policy throughout the County.

The County is committed to providing a work environment free of discrimination or harassment toward any employee or applicant based on race, creed, ancestry, religion, color, gender, national origin, age, sexual orientation, physical disability, arrest record, marital status, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state, or any other protected status.

The County requires that each department affirm its commitment to implement all federal and state laws governing equal employment opportunity. Kenosha County has always been an Equal Opportunity employer which is committed to the promotion of diversity among its staff. Therefore, the County encourages applications from women, racial/ethnic minorities, individuals with disabilities and individuals with any other protected status.

### 2.3 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.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

#### Prohibited Conduct Under This Policy

Kenosha County, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

#### Discrimination

It is a violation of Kenosha County's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use

discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, creed, ancestry, religion, color, gender, national origin, age, sexual orientation, disability, arrest record, marital status, gender identity, genetic information, pregnancy or childbirth, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state, or use of lawful products off premises during non-working hours or any other protected status under state or federal law.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

### Harassment

Kenosha County prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Kenosha County based in whole or in part on a person's race, creed, ancestry, religion, color, gender, national origin, age, sexual orientation, disability, arrest record, marital status, gender identity, genetic information, pregnancy or childbirth, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state, or use of lawful products off premises during non-working hours or any other protected status under state or federal law.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.

Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

### Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Kenosha County's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when...submission to or rejection of such conduct is used as the basis for

employment decisions...or such conduct has the purpose or effect of...creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

Is made explicitly or implicitly as a term or condition of employment.

Is used as a basis for an employment decision.

Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

### Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.
- Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.



## Confidentiality

All complaints and investigations are treated confidentially to the extent possible by law, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Human Resources Director will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the Human Resources department.

## Complaint Procedure

Kenosha County has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. All aspects of the procedure will be treated confidentially to the extent reasonably possible and allowed by law.

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing to his or her supervisor, Human Resources, or any member of management.

Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the Human Resources Director will notify senior management and may review the complaint with legal counsel.

The Human Resources Director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.

During the investigation, Human Resources, together with legal counsel or other management employees, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.

Upon conclusion of an investigation, if it is determined that a violation of this policy has occurred, the Human Resources Director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- a) the severity, frequency and pervasiveness of the conduct;
- b) prior complaints made against the respondent; and
- c) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Human Resources Director may recommend appropriate preventive action.

Once a final decision is made, Human Resources will meet with the complainant and the respondent separately and notify them of the findings of the investigation.

## Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

## 2.4 Tobacco Free Workplace

Kenosha County prohibits the use of tobacco products including but not limited to cigarettes, cigars, pipes, and smokeless tobacco and the use of electronic cigarettes on any County property with the exception of golf courses and parks. This includes County-owned and operated property, parking lots, cars parked on County property, and sidewalks surrounding County property.

## 2.5 Drug Free Workplace

Kenosha County strives to provide a safe and healthy workplace and protect its employees and the citizens of Kenosha County. To meet this objective, we have established a Drug-Free Workplace Program (DFWP). Employees shall follow the policy and procedures of the program. A policy summary is provided to all new employees. The policy in its entirety is available electronically. A printed copy may be obtained by contacting Human Resources.

The policy prohibits being under the influence of alcohol or illegal drugs, or possessing or consuming alcohol while working, operating County vehicles or present on County premises. The policy also prohibits using, possessing, buying, selling, manufacturing or dispensing illegal drugs except as warranted by official duties and requirements as they relate to law enforcement, corrections or court. With respect to alcohol consumption and storage, there are limited exceptions as described in the DFWP policy. Employees who are reasonably suspected of violating these rules may be subject to testing. Employees who may have caused or contributed to on-the-job accidents also may be subject to testing. Employees who refuse to cooperate or fail to pass tests as outlined in the policy will be subject to disciplinary action up to and including termination.

The Drug Free Workplace policy can be accessed electronically on the County website at: <http://www.kenoshacounty.org/index.aspx?nid=106>.

## 2.6 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 be subject to disciplinary action up to and including termination 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. Employees who have applied for, or obtained, a protective or restraining order are strongly encouraged to disclose it to their immediate supervisor and Human Resources to assess the workplace for potential threat.

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 discipline, up to and including termination, will be taken promptly against any employee engaging in violent behavior. The discipline 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.

## 2.7 Code of Conduct

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 professional and courteous manner and give others the respect that is due to every individual whether it is a fellow employee, member of management, client, customer, vendor or visitor.

Employees are expected to follow all County policies and procedures and conduct themselves in a professional manner and report to management if they become aware of or witness a fellow employee not following County policies and procedures or conducting themselves in a manner that is inconsistent with this Code of Conduct. Though it is not possible to list all forms of behavior that are unacceptable in the workplace, the following are examples of behavior that would be considered inappropriate. Such behavior may result in disciplinary action, up to and including termination. This list is not intended to be exhaustive.

1. Behavior that is unprofessional, disrespectful, unethical or discourteous with co-workers, managers, clients, vendors, or to the citizens of Kenosha County or not reporting same to management;
2. Insubordination, refusing to follow direction from a supervisor or manager, or making false statements;
3. Performance that is not meeting expectations and/or not satisfactorily fulfilling job responsibilities including not completing assignments within expected timeframe;
4. Violating any federal or state laws or codes, local ordinances, and any regulations that govern their respective departments;

5. Damage, theft, misuse or inappropriate removal or possession of County property, the property of a fellow employee, the public or any person under the County's care, control or custody or not reporting knowledge of same to management;
6. Littering or contributing to unsanitary conditions;
7. Unauthorized destruction of County property or the property of a fellow employee, the public or any person under the County's care, control or custody;
8. Violating any safety rules, policies, or procedures and not reporting workplace injuries or hazards immediately to their supervisor or a member of management;
9. Working under the influence of alcohol or illegal drugs or any violation of the Drug Free Workplace Policy;
10. Fighting or threatening violence in the workplace;
11. Sexual or other harassment or otherwise violating the Non-Harassment Policy;
12. Using excessively abusive, threatening or obscene language;
13. Using intimidation tactics or making threats;
14. Sabotaging another's work or intentionally causing delay of work, either employee's own or that of others or causing disruption in the workplace;
15. Performing non-work related activities of any kind during work without supervisory authorization including unauthorized solicitations or distributions or sleeping on the job;
16. Not maintaining licenses or certifications that are required for the job;
17. Making malicious, false and harmful statements about others;
18. Publicly disclosing another's private information;
19. Publicly representing the County in a manner that is not authorized in advance including via social media, to media outlets, at public events or other forums;
20. Possession of dangerous and/or unauthorized materials in the workplace;
21. Unauthorized disclosure of information that is intended to be confidential and not subject to Wisconsin Open Records laws;
22. Using electronic communications or recording devices without prior written authorization, except during open public meetings;
23. Falsifying or intentionally misrepresenting records, statements, claims or reports, including employee's own time records or the time records of another employee;

24. Unlawful or improper conduct during non-working hours which affects the employee's relationship to their job, their fellow employees, management, or the County's reputation in the community;

25. Jokes or behavior 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;
- 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.

All employees must comply with the provisions of the County Ethics Code and policies as adopted by the County Board of Supervisors and, in the case of any conflict between these rules, department/division rules, and the County Ethics Code and policies, the County Ethics Code and policies shall govern.

Departments/divisions shall have the right and responsibility to develop specific operating rules and policies particular to their work programs. Such rules shall be adhered to by the employees of the department/division or be subject to disciplinary action, up to and including termination.

## 2.8 Weapons

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.

This policy is not intended to prohibit the use of approved, appropriate use of devices by Corrections employees as required by their job duties.

## 2.9 Safety

Kenosha County has a long-standing commitment to providing a workplace that ensures the safety, health and well-being of all its employees. Employees are required to follow all safety rules and

participate in applicable safety programs as directed by management and outlined in the County's Safety Manual, which can be found at <http://www.kenoshacounty.org/107/Safety-Manual>.

Employees perform a wide range of functions in various locations. Although some safety rules apply only to specific positions, all employees are expected to comply with safe work practices, including but not limited to:

- Use common sense in performing duties;
- Report any work injury or illness to a supervisor immediately;
- Report unsafe conditions to a supervisor or manager immediately;
- Using/donning personal protective equipment as directed;
- Do not use any equipment, vehicles or materials when physically or mentally impaired or under the influence of any substance that may affect judgment or ability to perform safely;
- Immediately report to management any equipment or property damage or equipment that is not working properly;
- Keep work areas neat and tidy;
- Use mechanical devices or request assistance in lifting heavy loads;
- Do not share ID badges or keys with or allow entry into secure workplaces by any unauthorized person.

## 2.10 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 Human Resources Director. 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 subject to disciplinary action up to and including termination.

## 2.11 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>

## 2.12 Technology Use Policy

The use of technology has emerged as valuable and cost-effective tools for users of the Kenosha County technology infrastructure. These technologies can also pose potential problems for both employers and individual users. Kenosha County's Technology Use Policy is designed to encourage the appropriate use of the technology, while also minimizing risks.

These guidelines encourage all users of the Kenosha County technology to use common sense when they use any technologies. Anyone granted access is a trusted colleague and is expected to use all business tools appropriately. The County will comply with reasonable requests from law enforcement and regulatory agencies for access to logs, diaries, archives and other records regarding any users' technology use. Anyone granted access and using technology resources are also reminded that the County's files may be subject to disclosure under the state's public records law.

This policy covers authorized users who access information technology resources under the control of or contracted to Kenosha County. The term "user" shall include, but not be limited to all current employees of Kenosha County, all authorized contractors, vendors and guests; and other authorized persons or entities as determined by Kenosha County.

This policy also applies to all technologies deployed, implemented, or used by Kenosha County. The term information technology resources applies to all technology, software, hardware, services, cloud-technologies, connections, and resources under the control of or contracted to Kenosha County.

All Kenosha County technology users shall adhere to the following guidelines. Users should contact the Information Technology Division if they have any questions about any of the guidelines.

- The display of any kind of sexually explicit image or document on any County system, including related "chatroom" conversations, is prohibited and may constitute a violation of our policy on sexual harassment. In addition, such explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources except in the course or official law enforcement or investigative purposes by Human Resources, Information Technology, Sheriff's Department or authorized personnel.
- The display of any kind of offensive image or document on any County system that violates any County policies, state laws or federal laws prohibiting discriminatory or harassing activities affecting any protected group is prohibited and may constitute a violation of our policy on harassment or discrimination. In addition, such material may not be archived, stored, distributed, edited or recorded using our network or computing resources.
- If users connect unintentionally to a site that contains sexually explicit or other offensive material, users must disconnect from that site immediately and report the incident to IT.
- The County's Internet facilities and other information technology resources may not be used knowingly to violate any applicable laws, statutes or ordinances. Use of any County resources in connection with any illegal activity is grounds for dismissal and it is the

policy of the County to cooperate with any legitimate law enforcement investigation of potential criminal activity.

- To prevent computer viruses or other potentially harmful computer codes from being transmitted to or through the County's information technology systems, downloading of any software or computer code is prohibited unless explicitly authorized by Information Technology. All software downloaded must be registered to and becomes the property of the County.
- Any software or files downloaded via the Internet into the County's network become the property of the County. Any such files or software may be used only in ways that are consistent with their licenses or copyrights. No user may use the County's Internet or e-mail facilities to knowingly download or distribute pirated software or data. Violations of any software license agreements or information services contracts by the unauthorized duplication of software, files, operating instructions or reference manuals are strictly prohibited.
- No technology user may use the County's Internet facilities to:
  - Download entertainment software or games, or to play games against opponents over the Internet.
  - Download images, audio files or video files unless there is an explicit business-related use for the material.
  - Upload any software licensed to the County or data owned or licensed by the County without explicit authorization from the manager responsible for the software or data.
  - Deliberately propagate any virus, worm, Trojan horse, trap-door program code or any other code that may interfere with the operation of any information technology system.
  - Knowingly disable or overload any computer system or network, or to circumvent any system intended to protect the privacy, functionality or security of another user. No user may use the County's Internet or e-mail facilities for personal financial gain or for political or religious activities.
- Each technology users using the County's technology resources shall identify himself or herself honestly, accurately and completely (including County affiliation and job classification where requested) when using these resources (for example, when participating in newsgroups or when setting up accounts on outside computer systems).
- Only those technology users or officials who are duly authorized to speak to the media, to analysts or in public gatherings on behalf of the County may use technology to speak/write to others in the name of the County. Other users may participate in newsgroups or other electronic forums in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participant is identified as a user or agent of the County, the user must refrain from any unauthorized political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the County. Only those managers and County officials who are authorized to speak to the media, to analysts or in public gatherings on behalf of the County may grant such authority to newsgroup participants. Refer to the Kenosha County Social Media Use Policy for additional guidance.



- The County retains the copyright to any material created by users in the course of their official duties, including materials posted to any forum, newsgroup or World Wide Web page.
- Copyrighted materials belonging to entities other than the County may not be transmitted by users on the County's Internet or e-mail system. All users obtaining access to other companies' or individuals' materials must respect all copyrights and license agreements and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy for reference only.
- The County shall be the owner of work product developed while working for Kenosha County. This work product includes, but is not limited to, all property, programs, systems, devices, patents, applications, hardware, products and other things tangible or intangible which are created, made, enhanced, modified or improved by users during employment. Users may not transfer, sell, lease, license, patent, use, franchise or gift such work product and shall not permit any other party to obtain the beneficial use of such work product without the express and written permission of the County, signed by the County Executive.
- Users are reminded that newsgroups are public forums where it is inappropriate to reveal confidential information, customer data, and any other material that would be considered confidential. Users releasing protected information via the Internet or e-mail, whether or not the release is inadvertent, may be subject to disciplinary action under existing data security policies and procedures.
- Users may use the County's technology resources for non-business research or browsing during their designated lunch time or other breaks, or outside of work hours, provided that it does not interfere with official duties and that all other County usage policies are adhered to unless prohibited by departmental or division policy or prohibited by management.
- The limited use of information technology resources for personal or charitable purposes during non-work hours is permitted, provided that permission of the user's supervisor is obtained and that consumable supplies, such as paper goods, are replaced. Use for personal gain or for secondary employers is prohibited.
- The limited use of network messaging services, such as e-mail and the Internet, for the preparation and transmission of personal electronic messages to and received from members of the user's immediate family is permitted, as long as that use does not disrupt official use of the resource.
- User IDs and passwords help maintain individual accountability for Internet, Intranet and e-mail resource usage. Any user who obtains a password or ID for an Internet, Intranet or e-mail resource must keep that password or ID confidential. The sharing or use of another user's user IDs or passwords to obtain access to the Internet, Intranet or e-mail is prohibited.
- The County has installed a variety of firewalls, proxies, Internet address screening programs and other security systems to assure the safety and security of the County's networks. Users shall not attempt to disable, defeat or circumvent any County security facility.
- Computers that use modems or third-party software solutions to create independent data connections may interfere with our network security mechanisms and can potentially be used by a third party to compromise the County's network security. Any computer used

for independent dial-up or leased-line connections to any computer or network must be approved by Information Technology and must be isolated from the County's internal networks.

While these guidelines define how Kenosha County users can and cannot use the County's technology resources, they cannot cover every conceivable situation. That is why common sense and professional courtesy are required. For example, Internet sites can include information or images that are acceptable to some people but not others. The best practice is err on the side of caution while using these resources. The most publicized examples of inappropriate materials include those with sexually-oriented images, racism and hate speech. These sites may include "jokes" or other offensive messages that are sometimes forwarded via e-mail to coworkers or others. It is unacceptable for such material to be identified as coming from the County.

Material on the Internet does not have to be illegal or patently offensive to be deemed inappropriate for the workplace.

Specifically, while limited personal use of technology resources is allowable, as outlined above, excessive access to non-business related sites (e.g., those that feature sports, stock and other financial data, vacation and travel planning, consumer products, and entertainment) is not allowed. The County, in its sole discretion, reserves the exclusive right to determine whether any use is inappropriate, excessive and/or in violation of this policy. Excessive use that interferes with productivity will result in disciplinary action.

Any use of the County's equipment is considered consent by the user to have such use monitored by the County at its sole discretion with or without prior notice to user. This includes messages sent and received from personal e-mail accounts on workplace computers. The use of private passwords or access codes shall not be considered a user's withdrawal of consent to such monitoring.

The guidelines outlined above are intended to cover reasonably foreseeable circumstances, but other uses of Internet or e-mail facilities could violate the Kenosha County Work Rules, listed in the County Employee Handbook. As with any violation of work rules, inappropriate use of Internet or e-mail facilities may be grounds for disciplinary action up to and including discharge.

This policy will not be interpreted or applied to prohibit any user communications that are otherwise protected by law.

In short, while the above sets forth explicit guidelines for technology usage, the real issue is finding ways to use all of the County's resources to promote Kenosha County's business goals. Users should therefore use the technology exclusively for business-related purposes, with the exceptions outlined above. In all circumstances, users shall conduct themselves in a businesslike, honest and accountable manner when using these facilities. This includes careful observance of copyright, software licensing and the privacy of others.

NOTE: Certain terms in this policy should be understood expansively to include related concepts. County includes all of our internal Departments as well as our attached boards, offices, committees, and commissions. Internet includes the County's Intranet and associated information technology systems to include the use of County-issued equipment that is not directly connected to the County network. User includes any person given access to County Internet, Intranet and/or e-mail facilities, including classified and unclassified users of the County, interns, and limited term

users. This policy also applies to contract staff, although they are not considered users of the County. Document covers any kind of file that can be read on a computer screen as if it was a printed page, including HTML files read in an Internet browser, any file meant to be accessed by a word processing or desktop publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes photographs, pictures, animations, movies, or drawings. Display includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions and virtual-reality tools.

All users granted Internet and/or e-mail access using County facilities can view this policy on the County website, County policy acceptance website and may print a copy of this policy. This policy will also be posted on the County website so that it is always available and conspicuous to users.

### 2.13 Cell Phones

Certain employees may be issued cell phones/mobile devices to assist them in conducting County business. Other employees may be approved to utilize their personal cell phones for County business. An employee must have a legitimate business need for a cell phone/mobile device and the issuance of same to the employee must be approved by the Department/Division Manager and the Chief Information Officer or designee.

Use of a County-provided cell phone/mobile device for personal reasons should be kept to a minimum and personal activity that results in additional cost to the County must be re-paid.

Use of a County-provided cell phone/mobile device or an employee's own cell phone/mobile device approved for County business is subject to the Electronic Communication policy and all other applicable County policies including the Code of Conduct. The County's Information Technology department will support County-provided cell phones/mobile devices and will not support personal cell phones/mobile devices.

If a County-issued cell phone/mobile device is lost, stolen or damaged, it should be reported to the employee's manager and to IT immediately.

Employees who drive a vehicle during the course of their employment must adhere to applicable laws regarding use of a cell phone/mobile device or other communication device while driving.

The County owns and remains entitled to all cell phone/mobile devices that it provides to employees, including any information contained on the devices. At the time of termination or if use is otherwise revoked, all such equipment must be returned to the County in operable condition. There should be no expectation of privacy with a County-provided cell phone/mobile device or with applications or storage on a personal device used for County business including that which is subject to Open Records laws.

Employees who are pre-authorized to use personal cell phones/mobile devices for County business may be eligible for some stipend to offset the expense, as determined by the Finance Department.

## 2.14 Social Media

Kenosha County has established a policy outlining the appropriate use of social media as it relates to Kenosha County, by employees and departments for official and personal use. Only those employees who have been specifically authorized in advance to do so may represent Kenosha County on social media and should do so only in accordance with the County's Social Media Policy. 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 designated to use social media for the County will be expected to sign a form acknowledging receipt of such policy annually.

## 2.15 Personnel Records

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 should inform Human Resources of any updates to their status 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 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 benefits file which may contain worker's compensation forms, related correspondence, insurance and medical reports and other medical certificates or reports, and other personal information not related to job performance on each employee. Access to an employee's benefit 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 policy does not apply to information covered by public 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 members of the general public, to other employees or to County property.

## 2.16 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.

## 2.17 Service Animals

A service dog may accompany an employee with a disability at work if it is deemed to be an acceptable reasonable accommodation. Under the ADA and the State of Wisconsin law, a service animal is a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. A miniature horse may also qualify as a service animal. However, a miniature horse or other animal must still meet the same requirements for service dogs as individually trained or being trained to do work or perform tasks for the benefit of a person with a disability. Providing comfort does not qualify as “work or performing tasks” therefore support animals that are not trained to perform specific tasks for the benefit of an individual with a disability are not considered service animals. If an employee reports to work with a service animal, the employee should not be asked about the nature or extent of their disability. If there is question as to whether the animal is a service animal, only two questions may be asked: (1) Is the animal required because of a disability? and (2) What work or task has the animal been trained to perform? If the answers to these questions do not comply with this policy, the employee will be asked to remove the animal and return to work as soon as is practical or will be placed on administrative leave until the matter is further reviewed by Human Resources.

Employees are responsible to keep service animals under control at all times and are responsible for any clean-up or damage to County property and injury to others done by their service animal.

## 2.18 Employment Law Posters

Kenosha County is required to have certain employment law posters conspicuously posted at each facility. Kenosha County displays these employment law posters through County facilities in easily visible physical locations as well as online using the County’s intranet resource available to all staff and on the employment page visible by job applicants.

## 3 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 all Kenosha County employees, except where the Deputy Sheriff Collective Bargaining Agreement and/or the Civil Service Ordinance supersedes and excludes the following:

- 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.

### 3.1 Recruitment

The Human Resources Director 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 Human Resources Director in the form of a Job Requisition Form.

#### Job Announcements and Publicity

- The Human Resources Director will issue job announcements and publicize vacancies through appropriate media.
- Job announcements will include the job title, job duties, hiring 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 Human Resources Director.

#### Application Process

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

## Internal Applicants

County employees who have been employed for at least 12 months, have a satisfactory performance record, are not currently serving in an evaluation period, 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 Human Resources Director.

- Employee transfers and promotions cannot create a direct or indirect supervisor/subordinate relationship with an immediate family member (including domestic partner relationships.) The Human Resources Director 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 employees;
- Non-Exempt employees shall be given first consideration for vacancies in the same job title; and
- Grant-funded, 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 as set forth in other County policies.

## Application Review

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 Human Resources Director 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 Human Resources Director, 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.

## 3.2 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 Human Resources Director, 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 screens), demonstration of skill, or an evaluation of training and experience; and such other tests as deemed appropriate by the Human Resources Director 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 Human Resources Director 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 Human Resources Director. 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 Human Resources Director 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 usually through the internet or 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 Human Resources Director 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 Human Resources Director and the Department/Division Head.

### Applicant Background Investigation

Human Resources will investigate the background of applicants which may include, 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 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

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 and may include a representative of Human Resources, and other professionals as determined appropriate by the Human Resources Director.

### Cancellation or Postponement

The Human Resources Director 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 Human Resources Director 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 Human Resources. Candidates who fail to follow such instructions shall be disqualified. Applicants must notify Human Resources immediately of any change in name or contact information.

## Notification of Candidates

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

### 3.3 Eligibility Lists

The Human Resources Director 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 six months, with the ability to extend if agreed to by the Department/Division Head and Human Resources Director.

## Responsibility of Eligible Candidates

It will be the responsibility of all persons whose names appear on employment lists to inform Human Resources, in writing, of any changes in name or contact information 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.

### 3.4 Certification and Appointments

#### Types of Appointments

- Full-Time: Employees who are normally scheduled to work 40 hours per week.
- Part-Time: Employees who are normally scheduled to work less than 40 hours per week.
- Emergency Appointments: Persons selected by departments with approval of the Human Resources Director 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: Short-term, temporary appointments who meets qualification requirements for a position not to exceed an agreed upon time between the Department/Division Head and Human Resources Director based upon the workload and needs of the department/division. Temporary appointments will be made from appropriate eligibility lists. If no list is available for temporary work, Human Resources Director 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 regular appointment.
- Grant Appointments: For persons who work in some grant funded positions on either a full-time or part-time basis. Grant funded positions will be eliminated when the grant expires or funding is exhausted.

- Seasonal:

- Long Term: Persons who work seven to nine months in seasonal work assignments.
- Short Term: Persons who work to meet seasonal program needs, not to exceed 180 calendar days in any 12-month period.

Some employees may be categorized as Exempt, meaning they have been determined by the nature of their job responsibilities and salary to meet the exemption from overtime pay as allowed by law. Employees who are categorized as Non-Exempt are eligible for overtime pay. For more information about overtime, please see the Overtime Policy in this handbook.

Positions that are funded entirely by grants may have different pay and benefit terms as specified in the grant and may be eliminated when the grant expires or funding is exhausted.

#### Certification from Eligibility Lists

The Human Resources Director 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 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 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.

### 3.5 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.

### 3.6 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.

### 3.7 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 Human Resources Director.

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.

### 3.8 Relocation

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. 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.

### 3.9 Outside Employment

Outside employment is permitted unless it is found to interfere with the employee's job performance or availability at the County. The County must be notified of an employee's decision to work another job. Work assignments and schedules will not be changed for an employee to perform duties of another job. In addition, if the quality of job performance at the County begins to suffer, the employee will be asked to choose between jobs. Working a second job is prohibited while on any kind of leave of absence unless specifically approved by the Human Resources Director, and could result in revocation of the leave and disciplinary action.

### 3.10 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 Human Resources Director if that employee had a minimum of five years of regular, full-time 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.

### 3.11 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 Human Resources Director. Retirements cannot be effective on an actual or observed holiday. Resignation or retirement effective date will be the employee's last day worked.

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. The supervisor shall notify Human Resources at the expiration of the second workday and process the termination. 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 unless there is a legitimate extenuating, unforeseeable circumstance which causes the employee to be unavailable.

### 3.12 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 Human Resources Director 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 re-employment 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 re-employment list. Length of service with the County will be taken into consideration if all other qualifications are equal, as determined by the Human Resources Director.

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 re-employment 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 Human Resources Director.

It will be the responsibility of all persons whose names appear on re-employment lists to inform 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.

## 4 HOURS of WORK and ATTENDANCE POLICIES

### 4.1 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. 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 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.

## 4.2 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 circumstances:

- 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.
- When minimal staffing requirements are not met.

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, except for holiday pay, will not 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.

Exempt staff of the Sheriff's Department are subject to additional compensation provisions that meet the needs of the Department. Those employees should consult their Department policies.

*\*\*For the current budget year, Kenosha County will implement a practice to pay overtime for hours over 80 in a per pay period for a 12-hour work schedule as allowed under the Fair Labor Standards Act.*

## 4.3 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. An employee shall not use and accrue compensatory time in the same work week.

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. An employee who changes from non-exempt to an exempt position shall be paid for any accumulated unused compensation time at the time of transition.

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.

#### 4.4 Attendance

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If an employee is unable to arrive at work on time, leave early or will be absent for all or part of their shift, the employee must contact the supervisor at least 30 minutes prior to the start of their shift or as soon as possible. Employees should follow the notification procedure set by their manager. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to report or call in for a scheduled shift without prior approval may result in termination. Unexcused absences from work for two consecutive scheduled workdays without calling or notifying the employee's supervisor will be considered a voluntary resignation. An appeal may be made in writing to the Human Resources Director. If it is determined that there were extenuating circumstances for the absence and failure to notify, the employee will be reinstated.

Departments and Divisions may establish their own attendance policies.

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 Human Resources Director.

Occasionally, Non-Exempt employees may be permitted to make up missed time within the workweek with the prior approval of their supervisor if work demands warrant. No employee will be permitted to work more than 40 hours during the workweek for the purpose of making up time.

#### 4.5 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 including Highways, Sheriff's Department, Emergency Management, Brookside, Medical Examiner's Office, IT, and others as defined, 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 through the County. Those employed by 24/7 operations who do not report to work must provide evidence of an extraordinary circumstance to avoid discipline.

#### 4.6 Remote Working

When continuity of operations warrant, telecommuting may be allowed and must be approved in advance by your manager and must be authorized in advance by the County Executive. Requests by employees for telecommuting will be evaluated on an individual basis based on job responsibilities and the needs of the public. Management reserves the right, in its sole discretion, to restrict, revoke or deny permission for telecommuting by employees.

A Remote Worker Acknowledgement Form must be completed prior to telecommuting and followed while telecommuting.

All County policies including time-recording and wage policies apply to telecommuting. Any injury incurred while performing work remotely should be reported to management immediately.

The County is not responsible for insuring personal equipment in an employee's home and will not reimburse for use of personal equipment itself or use of home wifi. The County is not liable for personal equipment while performing work for the County.

## 5 COMPENSATION and REVIEW POLICIES

### 5.1 Accurate Recording of Time

#### Non-Exempt Employees

Non-Exempt employees will record their time using the time tracking device/software as designated by their department. Time is tracked to the nearest quarter hour. 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 Exempt employees are required to accurately record each workday and PTO/benefit time on their timecards when taken. Time recording shall be in accordance with the Kenosha County payroll procedures.

### 5.2 Pay Periods

With some limited exceptions, County employees are paid on a bi-weekly basis. All employees are paid by direct deposit to the bank account(s) they designate. If a bank account is not available, please contact Human Resources for assistance in establishing an account through the Kenosha County Credit Union. Deposits are made on the second Friday following the last day of a 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.

### 5.3 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 up to three percent (3%) of the midpoint of the wage range from which their job is paid until they reach the top. 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, and 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 Human Resources Director. 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 \$1.50 more per hour when temporarily assigned to RN Shift Supervisor duties.

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

Employees who are fluent in Spanish and assigned to roles in a Department/Division which have been designated as a bilingual position, one that Spanish language fluency is critical to the day-to-day operations, may be eligible for a bilingual pay differential. A bilingual differential must be approved by the Department/Division Head and Director of Human Resources. If a bilingual employee leaves a designated bilingual position, they no longer qualify for the bilingual pay differential unless their new position is also designated as a bilingual position. Positions will be re-evaluated each year by the Department/Division Head and the Director of Human Resources to determine bilingual needs and eligibility for the differential.

#### 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 reflecting not less than a five percent (5%) 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. For a voluntary transfer, the first day worked in the new position will become the date for future annual reviews and pay increase eligibility.
- 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 Human Resources Director 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.

## 5.4 Exempt Salary Deductions 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 if 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 Human Resources Director.

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

## 5.5 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 until reaching the top of the range.

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.

## 5.6 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>.

## 5.7 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, Human Resources must be informed. Human Resources, with the approval of the County Executive, will proceed with the placement of the position.

Human Resources will study the position, develop a job description, and determine placement in the pay matrix or wage schedule.

The job description and additional information pertaining to the new position, along with the recommendations from 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 Human Resources Director.

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 Human Resources Director, 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 to a new position becomes the employee's new anniversary date for purposes of performance evaluation and step increases.



# 6 BENEFIT POLICIES

Benefits for eligible new hires will begin on the first day of the month following 30 days of benefit eligible employment with the County.

Regular part-time employees generally receive pro-rated benefits outlined in this section if they are hired to regularly work 16 or more hours a week.

Pro-ration for part-time benefits, not otherwise described in the Health Insurance benefit policy, is determined by the number of hours for which the position is posted.

To illustrate practical application of this policy, the following example is provided: Sally Smith is hired for a 20-hour posting. Her PTO, holiday pay, funeral leave and A&S benefits are based on the 20-hour per week posting (or 50% value).

Seasonal, temporary, casual, pool, on-call, limited-term (LTE) and those employees on monthly payroll are not eligible for benefits except as mandated by the Wisconsin Retirement System (WRS).

## 6.1 Paid Time Off (PTO)

Eligible employees are granted Paid Time Off (PTO) to use for vacation, illness, and personal reasons based on eligible years of service with Kenosha County. PTO does not include designated paid holidays.

The number of PTO days are granted based on the following schedule:

<u>Years of Service</u>	<u>PTO Days Per Year</u>
Partial year (Date of Hire through 12/31)	6 days pro-rated *
At least 1 year but less than 6	15 days (3 weeks)
At least 6 years but less than 14	20 days (4 weeks)
At least 14 years	25 days (5 weeks)

\*One day for each two months worked. Credit is given for a month if hire date is between the 1<sup>st</sup> through the 15<sup>th</sup> of the month.

Years of Service are based on the year in which an employment anniversary falls. For example, Sally Smith’s PTO is pro-rated through her first calendar of year of employment from date of hire through Dec. 31 of that year. Beginning with the first full year of service (the year in which her first employment anniversary falls) she would be granted 15 days of PTO on Jan. 1. Beginning with the sixth full year of service (the year in which her sixth employment anniversary falls), she would receive a grant of 20 days of PTO. Beginning with the 14<sup>th</sup> full year of service (the year in which her fourteenth employment anniversary falls), she would receive a grant of 25 days of PTO.

PTO is made available on January 1 of each year for use throughout that year.

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

PTO is pro-rated for eligible part-time employees based on their posting. For example, an employee who works a 20-hour posting, receives a 50% value of PTO.

A PTO grant is prorated when an employee separates employment, regardless of reason. The amount of available PTO granted at the beginning of the year is prorated by the number of full months of service completed prior to separation. Any unused portion of the prorated amount will be paid out at separation. If an employee uses more PTO than their prorated grant, the County may recover that amount from the employee's last paycheck. Upon separation, unused PTO carryover is paid out at full value of hours and not prorated. If you are contemplating leaving the County, please contact Human Resources to discuss.

To schedule PTO, employees must have their supervisor's advance written approval, except in the case of illness or emergency. Each Department/Division has its own guidelines on scheduling and advance notice requirements for requesting paid time off absences. All PTO approvals are subject to the production 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' time cards. Employees are responsible for accurately tracking their paid time off benefit.

Employees can carry over up to five PTO days from year to year. Carry-over may not exceed five days. All other PTO not used in the calendar year is forfeited. Employees may not cash out unused PTO. Carryover PTO will be used before the new year's grant.

In those circumstances where requests cannot be accommodated within the benefit year based on demands of the department/division given extraordinary circumstances, unused PTO balances that cannot be used or carried over may be paid on the last payday of the year or additional carryover may be allowed, to be determined by County, if authorized by the Director of Human Resources with approval by the County Executive. (This provision of the policy is effective December 1, 2020.)

PTO will be prorated for non-eligible employees who are transferred or promoted to eligible positions with the County as well as those who move from part-time to full-time.

Parks and Golf long-term seasonal employees will be granted two days of PTO at the start of each season beginning with their third consecutive season of employment. A qualifying season is one in which the employee has worked 900 hours or more. PTO must be approved and scheduled in advance with their supervisor. Unused PTO at the end of the season is forfeited. It may not be carried over and will not be paid out.

The PTO schedule for Corrections employees who work the 12-hour schedule is as follows:

12 shifts for the second through sixth year; 15 shifts for the seventh through 14<sup>th</sup> year; and 19 shifts for the 15<sup>th</sup> year and beyond. Carry-over may not exceed 4 shifts.

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

### PTO Grandfathered Employees

Exempt and employees formerly represented by 990 Professional, 990 Jail, 70 & 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.

## 6.2 Paid Holidays

Kenosha County normally observes the following holidays during the year: New Year's Day, Martin Luther King, Jr. Day, the Friday before Easter Sunday, Memorial Day, Juneteenth, 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.

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. Non-Exempt 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 with department imposed 10-hour work schedules are paid at an employee's regular straight-time hourly rate not to exceed 10 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 if the holiday falls within the leave period.

## 6.3 Funeral/Bereavement Leave

In the event of a death of an employee's spouse or the employee's or their spouse's parent, sibling (including step and in-law), child, step-parent or step-child, grandparent or grandchild, such employee will be paid for straight time lost from scheduled work not to exceed three working days within a ten-day period following the death, except in special circumstances.

In the event of a death of an employee's 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. Employees with department imposed 10-hour work schedules are paid at an employee's regular straight-time hourly rate not to exceed 10 hours. The employee may be required to furnish verification of the date of death, date of funeral and relationship to the deceased. This benefit does not accrue and is granted to employees on an as-needed basis. Additional time off for bereavement may be granted under the County's PTO and Unpaid Time Off policies.

#### 6.4 Accident and Sickness (A&S) Pay Maintenance Plan

The following benefits will be paid in the case of a non-work related injury or illness which temporarily renders the employee unable to work 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 injury or illness that renders the employee unable to work. 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.
- Benefits are pro-rated for eligible part-time employees based on their job posting. For example, an employee who works in a 20-hour posting would qualify for a maximum of 20 hours of A&S benefits in a week.
- Probationary, non-exempt employees will receive two-thirds (2/3rds) of their regular pay for leaves during their probationary period.

For Corrections Officers, Direct Supervision Officers and Admission and Release Specialists who work a 12-hour schedule, the A&S waiting period is two shifts.

##### Exempt Employees

Exempt employees shall be eligible for a continuation of pay when unable to work temporarily due to injury or illness. 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 three working days must submit an A&S claim form. Human Resources may require medical documentation to verify the claim.

### General Provisions

All probationary hires (new hires and internal transfers) will have an extended probationary period by the amount of time equal to their leave.

No payments will be made under the Accident and Sickness Pay Maintenance Plan unless the employee submits the required form to Human Resources, which will make the necessary arrangements for the payment of benefits.

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

If an employee is on A&S at start of the year and does not work in that year prior to separation, no PTO benefits are granted.

The inability to work resulting from pregnancy falls under this policy 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 injury or illness. Holidays, vacations, paid time off, temporary return to work of less than two weeks, and any new incidents of injury or illness 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 injury or illness per year but are available for each separate occurrence. Any return to A&S within two weeks may be deemed a continuation of the original claim and continues the leave from the first calendar day of missed work. If there is a recurrence of the same condition after two weeks at work, it will be considered a new claim, and for Non-Exempt employees another waiting period will apply. If an employee returns to work and goes back out for either the same or a new condition after two weeks, a new claim and waiting period will apply.

Benefits in this section are contingent upon the approval of Human Resources and are subject to verification of medical necessity. When deemed necessary by the Human Resources Director, 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 inability to return to work 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 PTO 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.

## 6.5 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 the employee provide additional information from their healthcare provider and/or an independent medical evaluation through the Human Resources Director. The department 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 Human Resources Director 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 Human Resources must receive, review and approve the medical release before the employee will be permitted to resume work. Employees should abide by their medical restrictions at and outside of work. Employees shall not voluntarily engage in conduct or activities which serve to lengthen the healing period of an injury or illness or that prevents them from returning to work.

Independent medical opinions and records received pursuant to this section are maintained in the employee's confidential and secure benefits 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 Human Resources Director 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.

## 6.6 Modified Duty

Employees, unable to perform the functions of their regular job because of an injury or illness, where possible, may be temporarily assigned modified duty work subject to medical certification under the oversight of Human Resources.

THE WORK ASSIGNED UNDER THE MODIFIED DUTY POLICY IS NOT PERMANENT IN NATURE AND THE COUNTY RETAINS THE ABSOLUTE DISCRETION TO MODIFY WORK ASSIGNED 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 modified 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 modified 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. Modified duty may be assigned within or outside an employee's regular department, shift or hours. The County may also assign employees to work temporary modified duty assignments at local non-profit agencies when authorized by the Human Resources Director.

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.

Modified duty assignments will be determined based on the restrictions of the employee determined by a health care professional, the production needs of the County and other factors as appropriate. The County may have an employee re-evaluated for fitness for duty before assigning modified duty or prior to returning an employee to their regular work.

## 6.7 Employee Health Benefits

Kenosha County makes available to its full-time employees comprehensive employee health benefits including medical, dental and vision insurance coverage for employees and their eligible dependents. Part-time employees may be eligible on a pro-rated basis. Medical insurance premium costs are shared by the employee and the County. Dental and vision costs are paid entirely by the employee.

Benefits for eligible new hires will begin on the first day of the month following 30 days of benefit eligible employment with the County.

Consistent with the Affordable Care Act (ACA), employees who average 30 hours of work per week are eligible for a full-time benefit. New employees who are defined as variable hour employees under the ACA will be placed under a twelve (12) month Initial Measurement Period to determine whether the variable hour employee is full-time or part-time for benefit purposes. If the variable hour employee works more than 30 hours per week, or 130 hours per month on average during the entire twelve (12) month initial measurement period, the variable hour employee is eligible for full-time health benefits during the proceeding 12-month stability period following a

30-day election period. Variable hour employees who average fewer than 30 hours per week may still be eligible for pro-rated benefits.

Newly hired variable hour employees may be offered health care prior to the end of the twelve (12) month Initial Measurement Period. If the employee is hired for a posting between 24 and 29 hours, medical insurance will be offered at a 75% benefit. Following the Initial 12-month Measurement Period, hours will then be re-evaluated and a new premium status will be applied for the proceeding 12-month stability period following a 30-day election period. At the conclusion of the Initial Measurement Period and one year stability period, variable hour employees will then participate in the Standard Measurement Period. The standard measurement period runs from October 15 to October 14.

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 (full cost).

Participation in the County's wellness program may result in premium discounts by earning participation points. A premium schedule is available through Human Resources. The financial benefits of participation in the wellness program are forfeited by any employee caught cheating to earn points. Employees who use tobacco are subject to a surcharge.

Employees who choose not to enroll in the employee health benefit do not receive additional wages in lieu of the benefit.

Currently enrolled employees may make changes to their coverage during open enrollment which typically occurs in autumn of each year. Employees may make changes to coverage or enroll, if they previously declined, at a later date only with a qualifying event.

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

Coverage for active employees ends on the final day of employment. For employees who voluntarily transfer to a non-benefit eligible position, coverage will end as of the date of transfer to the non-benefit eligible position. For those retiring and eligible for OPEB or Medicare, coverage ends at the end of the month in which retirement occurs. If a covered, active employee dies, coverage will extend to their covered dependents for 90 days following the first of the month.

Employees who are no longer eligible as an active employee may be eligible to continue the Kenosha County health benefits by paying the monthly premium in accordance with state and federal law (COBRA) with a qualifying event such resignation, layoff, reduction in hours, injury or illness and other qualifying 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.



## 6.8 Section 125 Plans

Kenosha County offers a pre-tax contribution option for employees known as a Section 125 plan. The plan, which include a premium-only plan and a flexible spending account plan for both child care and health care expenses, 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. Premiums for health insurance will be taken on a pre-tax basis unless the employee chooses to opt out. Employees who choose to participate must enroll in Flexible Spending Accounts annually during open enrollment.

All benefit plans are ruled by the applicable Plan documents. If there is a discrepancy between what is stated in this handbook and what is stated in the Plan documents, the Plan documents prevail.

## 6.9 Wisconsin Retirement System (WRS)

Most County employees are enrolled in the Wisconsin Retirement System pension benefit. Benefits are effective in accordance with WRS statute. 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.

## 6.10 Life Insurance

Life insurance for County employees is secured through WRS. The County pays for the basic life insurance benefit as provided through WRS. Employees have the opportunity to purchase additional life insurance at their own expense. The County follows taxation rules regarding life insurance benefits.

## 6.11 Worker's Compensation

Worker's compensation is a form of 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).

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. 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 the difference between the statutory benefits and 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 Worker's Compensation temporary partial disability benefits must stay in the immediate vicinity of their homes unless granted authority otherwise by the Human Resources Director. 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.

### 6.12 Tuition Reimbursement

For regular full or part-time employees who have completed their evaluation period, the County will reimburse up to a maximum of \$3,000 per calendar year for related and required courses counted toward a bachelor, master's or PhD degree; or up to a maximum of \$1,500 for an associate Degree or individual courses per calendar year, of tuition and book expenses incurred by an employee for continuing education through an accredited program that either offers growth in an area related to his or her current position or would be applicable to promotional opportunities. Reimbursement is not available for degree required electives unrelated to the degree program (i.e. art history class for nursing degree). Reimbursement may also be available for individual college credit courses, continuing education unit courses, and certification tests up to a maximum of \$1,500 per calendar year. Employees must secure a passing grade of "C" or its equivalent, or obtain a certification, to receive any reimbursement. Employees who are not satisfactorily performing their current role will not be eligible for reimbursement.

Any employee who does not remain employed with the County will be required to reimburse the County for the cost of any courses or certification test taken in the 12 months immediately preceding the last day of employment.

If requests for tuition reimbursement exceed the budgeted monies for the tuition program, no further requests for tuition reimbursement will be accepted for that year. Initial approval of a course of study does not obligate the County to future/continued approval of courses in that course of study. Approvals are only valid for the course and semester given.

Requests for reimbursement are considered on a first come, first served basis until tuition program annual funding is depleted. Employees applying for an associate degree, bachelor's degree or master's degree will be given first consideration for tuition reimbursement over those making course by course requests. Approval of tuition reimbursement will be considered only for institutions accredited by one of the Regional Accrediting Organizations (MSCHE, NEASC, NCA-HLC, NWCCU, SACS, or WASC) or a National Career Rated Accrediting Organization (currently only DETC) recognized by the U.S. Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA).

The employee must make a request in advance of enrolling in any course on the Application for Tuition Reimbursement form. The application form needs approval from the employee's direct supervisor, the Division or Department Head, the Human Resources Director and the County Executive.

For bachelor's degree programs and higher, included with the application should be a brief written statement from the employee explaining their intent, interest, and/or the job-relatedness in pursuing the specific degree. Approval will be based on the job-relatedness of the degree program, budgeted monies available, and the needs of the County and/or the department. Attached to the form must be a copy of the degree requirements, including course names, and number of credit hours needed to complete the degree. Also attached must be a listing of all courses by name, description, and cost that the employee intends to take over the next 12-month period and dates of attendance for each course.

Should any studies require time off during normal working hours, prior approval of this request must be made at the same time as the request for reimbursement. Arrangements for such time off during working hours must be made in advance with the employee's supervisor and department head.

### 6.13 Leaves of Absence (FMLA, A&S beyond 1 year, Jury Duty, Military, Personal, Unpaid)

#### 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 Americans 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 Human Resources Director. The County will engage in these efforts for a reasonable period of time.

#### Jury Duty/Witness Service

Any employee called for jury duty shall immediately notify their supervisor. Benefit eligible employees shall receive regular pay for such time less compensation received for jury duty.

Sufficient documentation of jury duty pay should be provided to Human Resources so that the appropriate off-set can be processed through payroll.

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) less their military base pay. Sufficient documentation of military pay should be provided to Human Resources so that the appropriate off-set can be processed through payroll.

### Personal Leave

Applications for unpaid leaves of absence for personal reasons shall be made in writing to the Department Head with a copy to 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.

## 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 half or full shifts 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.

### 6.14 Post-Retirement Health Benefit

Most employees hired on or before January 1, 2003 are eligible for a post-retirement health benefit when they have reached their 60<sup>th</sup> birthday and have had 15 years of continuous county employment. These employees are eligible to retain the employee health benefit at the same premium contribution and plan design 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>.

### 6.15 Employee Assistance Program

All Kenosha County employees and their immediate family who live in their household have access to our Employee Assistance Program (EAP) at no cost. The EAP is focused on assisting employees with achieving a healthy work-life balance from mental health, addiction, financial concerns to caregiving and many other areas that impact our lives. The benefit offers confidential access to face-to-face counseling and the work-life services team by visiting the website [www.humana.com/eap](http://www.humana.com/eap) or calling 1-866-440-6556.

## 7 Discipline

### 7.1 Rules and Policies

Any employee who fails to maintain proper standards of conduct or who violates any of the policies and rules set out in this Employee Handbook or established by their department/division shall be subject to disciplinary action, up to and including termination, in accordance with the County's progressive discipline policy.

Where there exists a conflict between the Employee Handbook 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.

### 7.2 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 Human Resources Director prior to being issued. A copy of the document must be sent to 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. Verbal and written reprimands will remain active for twelve months unless otherwise determined by the supervisor and Human Resources Director. Disciplinary suspensions and more serious disciplinary action and any disciplinary action as a result of violating the harassment prevention policy will remain active for an employee's entire length of employment. Remaining "active" means that disciplinary action will be considered in the progressive discipline process. All active discipline will be considered in progressive discipline regardless of the nature of the violations.

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.

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 termination, may be taken in the future if behavior or performance does not improve.

Examples of 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 time off of work without pay. 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.

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;
- Violating the County's Drug Free Workplace Policy;
- 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 Human Resources Director.

### 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:

- Violating the County's Drug and Alcohol Abuse policy;



- 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 may 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 the Human Resources Director; and
- A maximum level of discipline is authorized by the Human Resources Director 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.

### 7.3 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 Discipline 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 Human Resources Director. 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 Human Resources Director. The Human Resources Director will review and clarify the positions of the parties. The Human Resources Director may recommend or mediate a binding settlement of the dispute. If a settlement cannot be reached, a hearing will be held on the matter within 60 calendar days of receipt of the written appeal. A cost-share of \$200 must accompany the 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 Human Resources Director within seven calendar days of receiving the IHO's written response.

The Human Resources Director 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.

### 7.4 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 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 receipt of the response, request a meeting with the Human Resources Director, who will then review the case with management. The Human Resources Director will make a final determination or recommendation to the Department/Division Head.

## 8 Authoritative Reference

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

## 9 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.

## 10 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.

## 11 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.

## 12 Policy Acknowledgment

Every employee is required to read and acknowledge they received the Kenosha County employment handbook by digitally viewing and acknowledging the document in the County's digital policy software 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 Human Resources at 262-653-2800.