

# Bayfield County Personnel Policies and Procedures Manual

*Revised 10/09/2020*

**Bayfield County**  
**Personnel Policies and Procedures Manual**  
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## **INTRODUCTION**

Bayfield County established this personnel manual to provide guidance and information regarding employment with the County. Employees should read, understand, and comply with the provisions of the Manual. This manual describes employee responsibilities and outlines programs developed by Bayfield County to benefit employees.

This Manual applies to all Bayfield County employees not covered by a collective bargaining agreement and to all employees so covered when the provisions of this Manual do not contradict a collective bargaining agreement or when this Manual addresses an area which is not covered by a collective bargaining agreement. This Manual is subject to any controlling ordinance, resolution, regulation, state or federal statute, code or regulation, common law or other legally controlling authority.

Unless otherwise agreed to in writing by the Bayfield County Board of Supervisors, employment with the County is "at will". No personnel policy, procedure, practice or representation, oral or written, abrogates or alters this "at-will" condition of employment at Bayfield County. Nothing contained in the personnel policies and procedures, or any other document provided to County employees is intended to be, nor should it be, construed as a guarantee that employment or any employment benefit will be continued for any period of time (except as otherwise mandated by State or Federal law). This Manual is not and should not be considered as a contract of employment by employees.

Individual Departments may have policies that supplement the policies in this Manual. Employees are expected to follow both the policies in this Manual and Departmental policies. This Manual will control to the extent that the Manual policies are in conflict with Department policies.

Bayfield County has developed these provisions and may change, supplement or rescind them at any time. This will be done as deemed appropriate and in the sole and absolute discretion of Bayfield County, with or without notice. The provisions set forth in this Manual supersede any and all prior personnel policies, procedures and practices, whether written or established by past conduct. Final interpretation and implementation of any of the policies or rules in this Manual are vested solely with Bayfield County.

### **Section I. Employee Categories**

#### **1.1 Non-exempt (hourly) and Exempt (salaried) Employees**

Every employee in Bayfield County is designated as either non-exempt, exempt, or partially exempt from federal and state wage and hour laws. An employee's classification may only be changed by the County.

1.1.1 Non-exempt (hourly) employees. Non-exempt employees are paid on an hourly basis and are entitled to overtime compensation equal to time and one-half their regular hourly rate for all hours worked in excess of forty (40) in a work week in accordance with state and federal wage and hour laws.

1.1.2 Exempt (salaried) employees. Exempt employees are salaried employees and are excluded from state and federal wage and hour laws including those related to overtime and premium overtime pay for all hours worked in excess of forty (40) in a work week. Exempt employees in Bayfield County are expected to work a minimum 2080 hours per year or 1950 hours per year based upon their department. Exempt employees may be required to work more than the minimum number of hours based upon work flow.

1.1.3 Partially Exempt Employee: Partially exempt employees are paid on an hourly basis but are not eligible to receive premium overtime pay for hours worked over forty (40) in a work week. Instead, partially exempt employees receive premium overtime pay based on whether they work more than a defined number of hours in a designated "work period". A "work period" consists of a period of days set by the County (which may or may not coincide with an employee pay period). The FLSA defines the number of hours which a partially exempt employee may be required to work during a work period before being entitled to premium overtime pay equal to time and one-half. The maximum number of hours that may be worked varies depending upon the occupation of the employee. Partially exempt employees include sheriff's deputies and corrections employees.

## **1.2. Employee Category Definitions.**

The following establishes the categories of employees in the County and will be used to determine an employee's status unless otherwise stated in this Manual. Once placed in a category, an employee shall remain in that category unless and until the County formally changes the employee's status to another employment category. Employees may not automatically change employment categories.

1.2.1. Regular full-time employee. "Regular full-time employee" means an employee who is regularly scheduled to work from 37.5 to 40 hours per week. Regular full-time employees are eligible for various benefit programs offered by the County subject to the terms, conditions and limitations of each benefit program.

1.2.2. Regular part-time employee. "Regular part-time employee" means an employee who is regularly scheduled to work less than a full-time schedule but 50% or more of a regular full-time schedule of an employee in the same department. An employee's regularly scheduled hours will be designated in the County's offer letter to the employee. Regular part-time employees are eligible for various benefit programs offered by the County, subject to the terms and limitations of each program. Regular part-time employees shall be paid benefits on a pro rata basis based on the weekly hours of work designated in their offer letter and the hours worked by a regular full-time employee in the same department. Offer letters may be amended from time-to-time to reflect changes in scheduled hours worked.

1.2.3. Part-time employee. "Part-time employee" means an employee who is not defined as a "regular full-time employee" or a "regular part-time employee." Part-time employees are ineligible for benefits unless required by law. Part-time employees include seasonal, limited term and casual employees. Part-time employees retain that status unless and until the County formally changes their status to another employment category.

## **Section II. General Employment Policies and Procedures**

### **2.1. Equal Employment Opportunity**

2.1.1. Policy of Non-discrimination. It is the policy of the County to recruit and select the best qualified individuals for positions. Recruitment and selection will be conducted in a manner to assure open competition to provide Equal Employment Opportunity and to prohibit discrimination because of race, color, creed, sex, national origin, age, ancestry, marital status, handicap, sexual orientation, or any other legally protected status.

Equal consideration shall be given to all qualified persons including, but not limited to, the following functions: Hiring, placement, promotion, transfer, demotion, recruitment, compensation for employment, conditions of employment, training and involuntary layoff or separation from employment.

2.1.2 Reporting The County will not tolerate unlawful discrimination in any form. The County expects all employees to cooperate fully in helping the County implement its equal employment opportunity policy and in investigating any alleged unlawful discrimination. Employees are urged to report all instances of alleged unlawful discrimination to the Bayfield County Administrator who serves as the County's EEO Coordinator. Any employee who raises a fair employment question with his/her supervisor or other County officials will be referred to the EEO Coordinator. Bayfield County prohibits retaliation against any employee who makes a good faith report of discrimination. Any employees, including managers, involved in discriminatory practices will be subject to corrective action and disciplinary actions up to and including discharge.

### **2.2 Harassment, Discrimination and Retaliation Policy**

The County's harassment, discrimination and retaliation policy is set forth as Appendix A to this Manual. If you have questions regarding the policy, please contact the County Administrator or designee.

### **2.3 Drug-Free Workplace**

It is Bayfield County's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

2.3.1 Violations: While on Bayfield County premises and while conducting business-related activities off Bayfield County premises, no employee may use, possess, distribute, sell, manufacture or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Violations of this policy may lead to disciplinary action, up to and including immediate discharge from employment.

2.3.2 Conviction: Should an employee be convicted of a drug-related crime that occurred in the workplace, the employee must notify their Department Head within five (5) days of the conviction. Appropriate personnel action, including discipline up to and including discharge and/or participation in a drug assistance or rehabilitation program may result after notice of the conviction is received.

2.3.3 Testing: Employees who are involved in a work-place accident or who are suspected of being under the influence of alcohol or an illegal drug during work hours may be required to undergo drug and alcohol testing.

## **2.4. Smoke-Free Workplace**

2.4.1 Policy Statement. To further provide for a safe and healthy environment for its employees, the County has adopted a smoke-free campus policy. Smoking is prohibited:

1. In County Buildings
2. In County Vehicles
3. On County Properties except for the County Forest and County Fairgrounds.

2.4.2. Enforcement. It is the Department Head's responsibility to enforce this policy in his/her departmental area. Violations of this policy are to be reported to the County Administrator.

2.4.3 Definitions. The provisions of Chapter 101.123, Wisconsin Statutes, "Smoking Prohibited," are hereby adopted by reference and made a part of this Section as though fully set forth herein.

Definition: As provided in Section 101.123(1)(h) of the Wisconsin Statutes, "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall also include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

Definition of Electronic Delivery Device: "Electronic Delivery Device" shall mean any product containing or delivering nicotine or any other substance for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold and an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or any other product name or descriptor.

## **2.5 Employee Assistance Program**

The County offers an Employee Assistance Program (EAP) for employees with personal concerns including, without limitation, alcohol and drug abuse. The EAP enables those eligible to obtain confidential and professional assistance. All information regarding the use of the program is strictly confidential within state and federal guidelines. Additional details on the EAP are available from the office of the County Administrator. Employees may also contact Sand Creek Group at 1-888-243-5744 or at [www.sandcreekeap.com](http://www.sandcreekeap.com) for more information.

## **2.6. Nepotism**

In order to eliminate the possibility or appearance of preferential treatment given in favor of close relatives or in favor of people with whom there is a close personal relationship, an employee or elected official shall neither (1) hire or promote as an employee of the County, nor (2) advocate the County's employment or promotion of, nor (3) exercise supervision or direction over a person to whom he or she is related as a spouse, parent, child, brother, sister, niece, nephew, mother-in-law, father-in-law, aunt, uncle, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent, grandchild, first cousin or who is a "significant other" or domestic partner (as defined under Wis. Stat. Chapter 770) of the employee. This prohibition shall also apply to step or adopted parents, children, sisters or brothers. A person considered to be a "significant other" of the employee includes a person with whom the employee cohabitates or with whom he/she maintains an intimate relationship. This provision shall not be construed to conflict with Wisconsin state law regarding discrimination based on marital status.

## **2.7 Personnel Files**

2.7.1. Maintenance of Personnel Files And Employee Medical Records. Bayfield County maintains personnel files and employee medical records in the County Administrator's Office for individual employees. Employee medical records are maintained separately from the employee's personnel file. Personnel files and employee medical records are confidential and remain the property of the County. All employee personnel and medical records will be maintained and retained in accordance with County record retention policies and existing state and federal laws.

2.7.2. Review and Copying of Personnel And Medical Records By Employees And Representatives. The County allows viewing of personnel and medical records by employees and designated representatives upon written request in accordance with, and subject to the limitations and exceptions of, section 103.13 of the Wisconsin Statutes. The right of the employee or the employee's representative to inspect personnel and medical records includes the right to receive a copy of the records. The County may charge a reasonable fee for providing copies of records.

2.7.3. Penalties. Bayfield County will not tolerate any mishandling of employee information by any County employee or representative. Such occurrences will subject the party to discipline up to and including discharge.

## **2.8 Travel Expenses**

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Bayfield County, to the extent such expenses would be deductible by the employee according to current IRS regulations. Employees are expected to limit expenses to reasonable amounts.

The following guidelines apply relative to travel expenses:

1. Travel other than in the performance of the employee's regular day to day duty must be approved by the employee's Supervisor.
2. Washburn is designated as the headquarters city for all County employees, except for other designations pursuant to collective bargaining agreements or departmental policy.
3. Items such as registration fees, taxi, telephone (official business), reasonable parking fees, tips, and storage charges incurred while on official business are reimbursable. These items must be itemized separately on the travel voucher by the date incurred. Parking or storage fees at airports are reimbursable only when limousines or cabs are not available or the charges plus mileage are less than public transportation to and from the airport.
4. Transportation will be by the most economical type and route. Reimbursement for air travel is limited to the most economical class available. The transportation receipt from the carrier must be submitted with the expense voucher.
5. When more than one (1) employee is going to the same destination, they are expected to travel in one (1) car.
6. The county provides a fleet of vehicles, which are assigned to various departments. The county vehicles must be used when available. The use of personal vehicles, except in emergencies, must be pre-approved by the department head or designee. If the department vehicles are not available, other offices may have an available vehicle.

Priority shall be given for long distance travel. IE...if a vehicle is needed to travel out of the area and other vehicles have been reserved for local travel only, the long distance travel will take priority. The vehicle reserved for local travel may be re-assigned for the long distance travel.

When a county fleet vehicle is not available and an employee must use their personal vehicle for county business, the higher mileage rate will be reimbursed.

When a county fleet vehicle is available; however, the employee has been authorized by their department head/designee to utilize their personal vehicle for county business, mileage will be reimbursed at the lower mileage rate.

In instances where employees are attending the same event, conference, meeting, etc, they are encouraged to travel together in a county fleet vehicle.

If an employee chooses to utilize their own vehicle when another county vehicle is already traveling to the same location, no mileage will be paid.

If multiple employees travel to the same location and all use their personal vehicles, mileage that would have been paid for one vehicle shall be split between the number of personal vehicles utilized.

Employees must obtain pre-approval from the Department Head or designee to utilize a personal vehicle for county business. The employee and Department Head/designee must clarify the applicable mileage reimbursement prior to the event. Failure to obtain pre-approval will result in either the mileage not being paid, or reimbursement at the lower mileage rate depending upon the circumstances as determined by the Department Head or designee.

Employees that are authorized to utilize their personal vehicle to conduct county business will be paid travel time and/or mileage as follows:

When an employee is authorized to use their personal vehicle to travel from their home to an event/client's location before reporting to their regular work portal, the employee shall begin the paid work day at the event/client's location and will receive mileage for travel that would have been in excess of their normal commute mileage.

When an employee is authorized to use their personal vehicle to travel from their regular work portal to an event/client's location on their way home, the employee shall end the paid work day at the event/client's location and will receive mileage for the distance from the regular work portal to the event/client location.

When an employee is authorized to use their personal vehicle to travel to an event/client's location from their home and they do not begin or end the day at their regular work portal, the employee shall be paid travel time and mileage roundtrip between their home and the event/client's location.

Paid travel time is limited to the time it would take a reasonable driver, obeying the speed limit, to get to and from a location. Resources such as MapQuest or other distance/time calculation methods may be used as a resource to determine reasonable distance and/or travel times.

Scenarios that arise that have not been identified in this policy will be addressed on a case-by-case basis.

7. The County reimburses lodging at the government lodging rate. Lodging may be directly billed to a department using the department's Purchase Order. The most economical rate shall be used when travelling on county business. A higher rate may be paid for housing at a meeting/conference facility.

The County is not state taxable by statute, however, counties and municipalities can make independent and varied decisions about taxing counties. Counties do not have assigned tax numbers because we are exempt by statute. Motels usually need a Purchase Order or a copy of the letter from the County Clerk stating that the County is exempt from state sales tax.

8. Cost of meals associated with business meetings, conferences, and conventions, or overnight travel will be reimbursed in accordance with IRS regulations. The basic reimbursement rates for meals are: breakfast -Eight Dollars (\$8.00), lunch- Ten Dollars (\$10.00), and supper/dinner -Sixteen Dollars (\$16.00). The reimbursement can include a gratuity up to 15%. Alcoholic beverages are not reimbursable. Receipts are needed for all meals.

Breakfast is reimbursable if you leave for travel before 6:00am. If you leave before 10:30am and would return after 2:30pm, lunch is reimbursable. Supper is reimbursable if you leave before 4:00pm and return after 7:00pm.

In-county meals are reimbursed on a limited basis if you are attending a conference, meeting or training and are representing the department as a speaker or participant, or if you are hosting a business-related visit with someone traveling from out of the area. In-county meals are not reimbursed for day-to-day work related travel unless approved by the County Administrator.

For overnight travel you may use a single meal or cumulative meal rate for meals that you would have been eligible for.

Examples:

a) You travel to a conference and would qualify for all three (3) meal reimbursements. You decide not to eat breakfast and have a light lunch for Five Dollars (\$5.00); your supper is reimbursable up to Twenty-nine Dollars (\$29.00).

b) You travel to a conference and are eligible for breakfast and lunch reimbursement. You decide not to eat breakfast. You may then use the cumulative breakfast (\$8.00) and lunch (\$10.00) reimbursements totaling \$18.00 for your lunch expense. Receipts are still required.

Meals that are paid as part of a registration fee or as part of the hotel (continental breakfast) are not reimbursable if you eat somewhere else.

In special circumstances, the Department Head shall have the discretion to allow the employee to choose an alternate meal than what is provided.

9. When employees operate their personal vehicles on County business, evidence of liability insurance must be obtained. The minimum coverage limits are as follows:

\$100,000 per person,  
\$300,000 per accident Bodily Injury,  
\$ 50,000 per accident Property Damage, or  
\$300,000 Combined Single Limit.

Any employee who is required to drive his/her personal vehicle in the course of employment with the County must provide a copy of their vehicle coverage endorsements page to be kept on record at the designated county office.

10. Any accident involving the personal automobile being driven in the performance of official business on a reimbursable basis must be reported immediately by the employee filing an accident report with the owner's insurance company and with the County Clerk's office. The procedure for reporting an accident in the County's Employee Safety Manual should be followed.

If an accident involves a county vehicle, the procedures for reporting an accident in the County's Employee Safety Manual must be followed.

## **2.9. No Solicitation**

Bayfield County intends to maintain a business atmosphere in its facilities to prevent disturbances in the operations of the County and to protect employees from undue interference while performing their duties. No employee or vendor may solicit or distribute written materials relating to any profit or non-profit organization to County employees or the products of any profit or non-profit organization during work hours and/or in County work areas, including halls, stairs and lobbies or utilizing County resources or equipment including, without limitation, County bulletin boards and computers. Employees on break offering to sell food items for fund-raising purposes in the employee break room are exempt from this No Solicitation policy. Off-duty employees may not return to County premises to solicit or distribute materials to employees.

## **2.10 Payroll**

All employees are paid biweekly every other Friday. All employees are required to have their checks direct deposited. Each paycheck will include earnings for all work performed through the end of the pay period. Each employee shall be provided with a statement of gross

earnings and an itemized statement of deductions made for any purposes. It is the employee's responsibility to notify the department and County Clerk of any change in name, address, phone number, marital status, number of dependents etc.

## **2.11. Political Activities**

2.11.1 Political Activity: No employee is precluded from engaging in political activity provided such activity does not interfere with normal work performance, is not conducted during normal working hours and does not involve the use of County equipment or property.

2.11.2. Hatch Act. The federal Hatch Act restricts the political activity of individuals principally employed by local governments who work in connection with programs financed in whole or in part by federal loans or grants. Covered employees may not:

1. Be candidates for public office in a partisan election;
2. Use official authority or influence to interfere with or affect the results of an election or nomination; or
3. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

Employees engaged in prohibited activities of the "Hatch Act" may be subject to disciplinary action up to and including dismissal.

2.11.3. Prohibited Political Activities. In addition to the requirements of the Hatch Act, all County employees and officials are prohibited from the following:

1. Using governmental authority to interfere with or effect nomination or election to any public office within any political party;
2. Using governmental authority or influence to intimidate, threaten, or coerce any person to vote contrary to his/her own voluntary choosing;
3. Using governmental authority to directly or indirectly intimidate, threaten, or coerce any person to pay, lend, or contribute anything of value, including services, to any party, organization, group or individual for political purposes;
4. Using any official authority of influence to coerce any individual or group for political action, to confer benefits, or to effect reprisals to secure desired political action or inaction;
5. Offering to pay or accept benefits in return for desired political action or inaction;

6. Requesting or receiving anything of value for influence or help in securing appointive office;
7. Paying or offering payment for securing appointive office;
8. Engaging in any political activity when not on duty to such an extent that efficiency during working hours is impaired or that the employee is tardy or absent from work;
9. At any time using any resource of the County, including the employee's on-duty time or any other County resource, to aid, assist, or benefit any political party or candidate for elective office.
10. Requiring any County employee or official to endorse, assist, finance or support a candidate for partisan political office, or retaliate against any employee or official in any manner because of that employee or official's personal political activity.
11. Using the employer's mailing address as the return address for political solicitations.
12. Using non-work hours to solicit political contributions, signatures or services from other employees who are on work time.
13. While on duty wearing buttons, stickers or apparel in support of or opposition to candidates for public office.

## **2.12. Use of County Vehicles and Equipment**

2.12.1. Use of County Vehicles. County owned vehicles are assigned to various County Departments. The following procedures cover general operation and maintenance of the vehicles. Individual Departments may have additional procedures. Also, refer to the Employee Safety Manual for further procedures.

1. General Information
  - a. County vehicles must be used only for County business related transportation.
  - b. Drivers of County vehicles must be County employees or contracted/leased employees working in County Departments. No family members or unassociated passengers are allowed to ride in County vehicles. Passengers may include anyone related to the business of Bayfield County.
  - c. Keys to each vehicle are located in the Department where the vehicle is assigned.

- d. County vehicles should be shared with other Departments as available and needed.
- e. Inappropriate use of a County vehicle may result in disciplinary action. The employee using the vehicle is responsible for its interior cleanliness and proper operation.
- f. No smoking is allowed in any County vehicle.
- g. Seatbelts must be worn by the driver and passengers in a County vehicle.
- h. Doors of the County vehicles must be locked and all lights turned off when they are parked.
- i. Scheduling of County vehicle use takes place within each Department.
- j. Accident reports should be filled out at the scene of the accident. Refer to the Employee Safety Manual for further procedures.
- k. Beginning and ending mileage shall be noted on the clipboard in the vehicle each time the vehicle is used.
- l. During the employees' regularly scheduled hours of work, portal to portal payment for travel time from an employee's home to a client's home or from a client's home to the employee's home shall only be paid when the distance between the client's home and employee's home is less than the distance between the employee's home and the office.
- m. Employees shall make a walk-around inspection of the vehicle prior to each use. The employee shall document any notable imperfections of the vehicle on the mileage log. The purpose of this policy is to ensure that the driver is familiar with the vehicle and its condition prior to leaving the parking lot. Items that should be included in the walk-around include: tires are inflated, windows are clear of obstruction, gas cap is closed and lights are in proper working order.
- n. Employees are prohibited at all times from talking on the phone (unless properly equipped) or texting while driving a county vehicle or when using a personal vehicle for county business.

## 2. Maintenance

- a. Gas tanks should be filled after each use.
- b. Miscellaneous expenses incurred by employees during travel such as gas, oil, washer fluid or gas should be paid for by the employee and reimbursed on

the employee's expense statements. Receipts are required. The money for these expenses is paid from the County Vehicle Funds.

### 3. County Gas Pump

The instructions (also posted at the pumps) for using the gas pump are:

- a. Turn off the engine.
- b. Enter the assigned four (4) digit ID number and press "enter."
- c. Insert the gas card (the magnetic strip goes to the back on the right side).
- d. The computer asks which pump. Enter 1 or 2, depending on availability and press "enter."
- e. You have thirty (30) seconds to begin to pump gas. Do not leave the gas pumps unattended while refueling the vehicle. Immediately move the vehicle away from the pump after fueling.
- f. In case of fire, pull the alarm located on the side of the garage and the emergency shut-off.
- g. If problems with the pump occur, but there is no fire, push the emergency shut-off and notify the County Clerk's Office or Sheriff's Department if after work hours.

#### 2.12.2. Use of County Equipment.

##### 1. General Policy.

- a. All equipment is to be used in a professional manner and to conduct County business. Equipment may not be used for commercial or profit-making purposes, political purposes or personal benefit.
- b. Employees will not abuse, misuse or destroy any County property or the property of other employees, consumers, vendors, or the public.
- c. Employees will not remove equipment from the premises without supervisory authorization.
- d. Employees must report all property and equipment damage to their supervisor.

##### 2. Telephone Use.

- a. Local calls made for personal reasons should be brief and limited to essential calls.
- b. Long distance telephone calls should only be related to County business. If a long-distance call is made for personal reasons, the call should be brief, limited to essential calls, and charged to a personal credit card.
- c. Each department may create procedures for cellular phone use.
- d. County offices cannot accept collect calls, except when specific arrangements are made by Department Heads.
- e. The Maintenance Department is responsible for ordering all telephone lines for the County.

### 3. FAX Machine Use.

- a. FAX machine users must ensure that FAX retrieval is billed appropriately.
- b. If a FAX is received in the County Clerk's office, it will be placed in the Department's mailbox.

### 4. Photocopier Use.

- a. Photocopiers are for county business use.
- b. Copyright material will not be reproduced unless accompanied by permission from the county.
- c. Color printing shall only be used when absolutely necessary.
- d. A large format copier is available for use through the Department of Land Records. This machine may be used for maps, plats, engineering, and architectural plans, posters and other large documents. An actual usage cost is assessed to the Department using the machine.

## **2.13. Computer Use**

### 2.13.1. Overview.

- 1. Employees are prohibited from using any means of electronic communications unless such use is in accordance with this policy. Any violation of this policy will result in discipline proceedings up to, and including, termination.

2. This policy governs the use of Bayfield County's computers and information systems by its employees. Bayfield County has implemented electronic communications to enhance the quality of the County's business communications. The County encourages staff to use information technology to its fullest potential in order to enhance the services that the County provides. The County expects staff to remain current in their knowledge of electronic resources, standards, and protocol.

3. The County's achievement of that goal includes maximizing the proper business use of Email and Internet access. Bayfield County's policy applies to anyone (employees, contractors, volunteers, board members, etc.) who uses the County's computers, networks, or electronic communication resources.

4. All electronic and telephonic communications systems (Email, voicemail, computers, facsimiles, copy machines, Internet, etc.) and all information transmitted by, received from, or stored in County systems are the property of the County and as such are to be used solely for official County business unless expressly permitted by a designated manager.

5. The guidelines and prohibitions established in this policy are meant to protect Bayfield County's computer equipment, software, and data from damage caused by the unauthorized use of the County's computers and networks by County employees or unauthorized access by third parties to the County's computers and networks. This policy is also intended to protect County employees from harm that may result from the improper use of the County's computers and networks by other employees or unauthorized third parties.

#### 2.13.2. Personal Use of Network and Computers

1. The use of any software and business equipment (including, but not limited to, facsimiles, computers, printers, telephones, and copy machines) for personal purposes is strictly prohibited, unless expressly permitted by a designated manager. Personal purposes include, but are not limited to, soliciting or proselytizing for commercial purposes, union, religious, or political causes, or other non-job related reasons.

2. The use of Bayfield County computer resources constitutes a waiver of any right to privacy concerning such use, including any personal communications. Documents, including ones on a computer or computer network may be monitored and reviewed by the County at any time, with or without notice.

#### 2.13.3. Prohibited Activities

1. County employees are responsible for preserving the integrity of Bayfield County's computer network and computer systems and agree not to interfere with or disrupt the County's computer network, other network users, services, programs, software, or equipment.

2. "Interference or disruption with the Bayfield County network", other network users, services software or equipment includes, but are not limited to the following:

- a. Allowing unauthorized users to use County equipment;
- b. The use of the County system and/or networks to gain unauthorized access to remote systems;
- c. Use of the County system to copy and/or distribute unauthorized system files or copyrighted material, such as third-party software, pictures, documents;
- d. Intentional attempts to "crash" the County computers or computer networks systems or program, attempting to secure unauthorized higher level privileges on the networked systems;
- e. The willful or negligent introduction of computer viruses or destructive programs that could adversely affect the County computers or networks;
- f. Sharing User ID's and password information with any other person. If a County employee does share his or her User ID and password with another person, the employee shall be solely responsible for the actions that other person has appropriated and discipline may occur;
- g. Deleting, examining, or modifying files or work product belonging to other users without their prior consent; or
- h. Using the computers or computer networks or any of its authorized software for personal gain or solicitation, to harass or threaten others; to send junk mail or "for-profit" messages.

3. It is also against Bayfield County policy for an employee to engage in the following conduct on the County computers or networks:

- a. To use the computers or networks for unlawful activities;
- b. To use abusive or obscene language in any messages transmitted on the computers or networks, including any internal or external Email messages, sexually explicit messages, cartoons, ethnic or racial slurs, Internet communications, or other transmissions that could be construed as the harassment or disparagement of others;
- c. To engage in behavior on the computers or networks that is inappropriate, including pornography or any other inappropriate web surfing;

- d. To engage in behavior on the computers or networks that is prohibited under the County Personnel Policies, including but not limited to, harassment, workplace violence, etc.; or
- e. To engage in any other conduct that could cause congestion and disruption of the County's computers or networks and systems.
- f. Many County policies apply to the use of electronic and telephonic communication systems, including those concerning courtesy, harassment, reporting absences, and solicitation. The County reserves the right to revise or expand its definitions of prohibited communications and place additional restrictions on Email/Internet usage at any time. Employees who fail to comply with the electronic communications policy or other County policies may be subject to disciplinary action, up to and including, termination of employment.

#### 2.13.4. Privacy.

Any use of Bayfield County's computers or network by an employee constitutes a waiver of any right to privacy concerning such use, including any personal communications using County resources. The County reserves the right and may exercise the right to review, audit, intercept, and disclose to the employee's supervisor all communications on the County computer or network at any time without prior notice to employees. County employees who use County computers or networks for their own unauthorized personal matters, or who allow others to use a County computer or network for non-county business, shall be subject to disciplinary proceedings, up to and including termination of employment.

#### 2.13.5. Security.

1. The IT office will provide each employee with a unique user identification (User ID) to gain access to the County computer network. Authorized users of the County network will also be required to enter a password to gain access to their individual and shared areas on the network servers and other information resources located on the network.
2. Bayfield County employees will be responsible for maintaining the confidentiality of their user ID's and passwords. Employees are required to change their passwords every six months. Employees shall notify the IT office if they believe that unauthorized users have obtained their User ID or password information to gain access to their user area or County's network. Each Department Head or their designee shall maintain a username and password list. There will be no file(s), programs, or data that cannot be accessed by appropriate management personnel.
3. If the IT office believes that the security system of the Bayfield County computer network has been compromised by an unauthorized user, the IT office shall take

appropriate action to disable the User ID and passwords of users, workstations, or other access points to the system that may be involved. The IT office shall revoke an employee's User ID access to the County computer network upon termination of County employment or at any time based on information indicating the employee has engaged in conduct that could disrupt, interfere or expose the network to damage or to unauthorized use. It is the responsibility of the supervisor of a former employee to notify IT to revoke the former employee's password the last day of work.

#### 2.13.6. Prevention of Computer Viruses.

1. Computer viruses and other debilitating programs present a major threat to the integrity of Bayfield County's information systems. Viruses are programs that infiltrate a computing environment and disrupt or damage computers, networks, program applications, and data. To prevent such problems from occurring on the County's computer network, authorized persons will install anti-virus software on servers and workstations. Servers and workstations will be scanned for viruses on a regular basis.
2. All floppy disks, USB drives (also known as thumb, flash, or pen drives), and workstation hard drives will be presumed to have viruses. Therefore, the anti-virus software will automatically scan every file accessed by a user.

#### 2.13.7. Monitoring Communications and Software Use.

Some of the communications and data on Bayfield County computers and networks are public records subject to public records requests. Other communications and data on computers and networks are considered confidential by law and are not subject to public records requests. All communications on, and uses of, the County's network or applications of any licensed software program installed in a workstation or server during work or personal time may be monitored from time to time by the IT office. County employees should be aware that any such communications and other uses of the network are not private and that the County reserves the right and may exercise the right to review, audit, intercept, and disclose to an employee's supervisor all messages on the County network at any time with or without prior notice to the employee. No employee should have any expectation of privacy as to his or her Internet usage or any other County provided electronic communications, e.g., Email, telephones including voice mail, computers, facsimiles, etc.

#### 2.13.8. Data Storage.

1. The IT office shall be responsible for organizing all data on the Bayfield County computer network in a manner that will allow users to readily access files and other information on the network. The IT office shall further establish procedures or protocols governing the deletion and retention of all data on the network, including the development of record retention schedules.

2. The County Information Technology Department is responsible for periodic back-up and archive of electronic records. While the IT office will be responsible for disaster recovery and back up of all data on Bayfield County servers, computer users are responsible for protecting data or information maintained locally at their workstations. This includes backing up data on individual workstations to ensure that data saved on individual workstations conforms to established record retention schedules and that such data is available to authorized users during the appropriate retention periods.

#### 2.13.9. Email.

1. The Communication Decency Act of 1996 prohibits using email without disclosing one's identity with the intent to annoy, harass, abuse, or threaten another.

2. The content and maintenance of Bayfield County's electronic mail and shared file storage areas are the user's responsibility. Employees are expected to communicate in a professional manner that will reflect positively on them and the County. Misuse may result in discipline.

3. Like all other communications on the County computer network, employees should be aware that electronic mail messages sent within the County network or on the Internet using Bayfield County's computer equipment are not private communications and that all Email messages are the property of the County. Bayfield County reserves the right to access, review, and disclose to the employee's supervisor all Email messages. Employees should regard all Email messages as non-private communications that may be viewed by County management.

4. Please be aware that Bayfield County, as a governmental agency, must comply with various state and federal guidelines concerning open records. Email documents can sometimes be subject to public records requests; depending upon their content. It is the employee's responsibility to save these messages, whether in electronic format or hard copy, pursuant to records retention statues and the County's record retention ordinance. The IT office will not be responsible for saving or producing these messages.

#### 2.13.10. Internet Access.

1. The Internet provides access to a wide variety of information or resources that can assist County employees in the performance of their jobs. Bayfield County is concerned, however, that the availability of this resource on the County computer network may have an adverse impact on employee productivity. The internet is to be used solely for official County business unless expressly permitted by a designated manager. Instant messaging and social networking sites are a popular means of communications but pose a significant security risk to the county network. Therefore use of these web based services is prohibited unless the sites are used for

County business and approval is given by a designated manager. The County may monitor Internet usage at workstations and remote sites and maintain a record of employee time on Internet and sites accessed to determine the benefits and potential productivity problems related to Internet use. Potential productivity problems will be brought to the attention of the appropriate Department Head and/or Personnel Department.

2. County resources (hardware, software, personnel, supplies, data, facilities, etc.) are intended for authorized business use only. Any individual who copies proprietary software or County data for personal use or unauthorized installation onto personal computers or who uses resources for other than authorized business will be subject to disciplinary action.

3. Each system has its own rules and limitations. Bayfield County employees have an obligation to be aware of computer security, economic, and privacy concerns associated with the use of various systems on the Internet, and to guard against computer viruses and incurring costs while conducting research or communications on the Internet. At no time, however, shall an employee knowingly incur charges for Internet usage without the express consent of their immediate supervisor.

#### 2.13.11. Compliance with Laws.

Employees will be responsible for respecting and adhering to local, state, and federal laws in conducting their work on the County's computers or networks. Any attempt to break those laws through the use of the computers or networks may result in litigation against the offender by the proper authorities. If such an event should occur, the County will fully cooperate with the appropriate authorities to provide any information necessary to assist the relevant law enforcement authorities during the investigation process.

#### 2.13.12 Social Media Account Administration Guidelines

Page administrators must follow the Bayfield County Brand Standards.

Content guidelines:

- Bayfield County-owned accounts are prohibited from posting content that:
  - Violates city, state or federal laws and regulations
  - Is related to legal matters
  - Endorses any view, product, private business, cause or political candidate/party
  - Denotes personal opinions as if they were endorsed by Bayfield County
- All usage of third-party social media platforms must comply with applicable terms and conditions of the platform.
- When posting material on social media sites, Bayfield County social media account administrators must respect the copyright rights of others. Administrators must gain

prior consent from rights holders to distribute or publish recordings, photos, images, video, text slideshow presentations, artwork and advertisements whether those rights are purchased or obtained without compensation.

- Bayfield County social media account administrators must be aware of sensitive information in their possession, and refrain from publicly posting proprietary, financial, student, patient or similar sensitive or private information. If there is any question as to whether information should be posted, Bayfield County social media account administrators may consult with the Bayfield County Administrator or Tourism Director.
- Prior to publicly sharing images on social media sites, it is recommended that the administrator gain verbal or written consent of individuals to be depicted.
- Posts on social media are communications that should be consistent with other forms of communication in the workplace. At all times, posts, comments, and other usage of social media must comply with Bayfield County's non-discrimination policies as well as federal and state law.
- Social media is intended to foster comments on specific topics. Administrators should not pre-approve or screen comments or posts made to Bayfield County-owned pages.
- When available on a social channel, implement the use of profanity filters and page-moderation tools that block offensive language.
- As a public entity, Bayfield County respects the First Amendment rights of individuals. However, certain Bayfield County social media sites are created for specific purposes, and comments/posts that fall outside of the explicit purpose of the site may be removed for inapplicability to the purpose of the site.
- Where appropriate, if the site allows comments or posts by others, include an explicit purpose for the social media page and a statement of Bayfield County's content. An example of an appropriate statement of purpose is below:

*This is a page designed to promote Bayfield County as a tourism destination. Bayfield County encourages users to post comments, photos, videos and links that are respectful and related to the promotion of Bayfield County. Postings and comments that include illegal content, profanity, are threatening or incite violence are not welcome on this site and may be removed from this page. You are fully responsible for the content that you share. Postings or comments made by individuals on this page do not necessarily reflect the views or opinions of Bayfield County or any of the County's departments. This page is not to be used for solicitation of sales or the promotion of any goods or services. We reserve the right to block users who violate the terms and conditions of this platform or who reject the purpose of this page.*

## **2.14 Workplace Violence**

Bayfield County is committed to providing a work environment that is free from violence. Any acts or threatened acts of violence will not be tolerated. Anyone engaging in violent behavior will be subject to discipline, up to and including termination, and may also be personally subject to other civil or criminal liabilities.

Any employee who believes that he/she has been the subject or has been a witness of workplace violence should immediately report the matter to his/her immediate supervisor or the Administration Office. Employees are expected to cooperate with the investigation of any workplace violence incidents. Employees who fail to cooperate with an investigation, who gives false information or who retaliates against an employee for making a report of workplace violence or for participating in a workplace violence investigation will be subject to disciplinary action, up to and including termination of employment.

It is the policy of Bayfield County to investigate reports of workplace violence for all acts occurring on county property or against an employee acting in their capacity as an employee. The identity of the individual making a report will be protected as much as is practical.

It is the responsibility of managers and supervisors to make safety their highest concern. When made aware of a real or perceived threat of violence, management shall immediately inform the Administration Office. Management shall conduct a thorough investigation and take specific actions to help prevent acts of violence.

## **2.15 Uniform and Tools**

Bayfield County may provide uniforms and tools to employees. The uniforms and tools will be purchased and owned by the County. Details regarding the positions covered by this policy are available from the County Administrator.

Mechanics in the Highway Department shall be provided with an annual tool allowance of \$250. Tools shall be the property of the employee. The employee shall be responsible for obtaining their own insurance for their tools used for county operations.

Highway Equipment Operators and Courthouse Maintenance Staff will be provided with uniforms through a uniform service.

Sheriff's Department staff utilize a quartermaster system for uniform purchases. The policy is defined in a separate document.

The Sheriff shall budget two hundred dollars (\$200.00) per year for each cook as a clothing allowance, which shall be administered by the Sheriff.

Forestry Department employees shall receive a clothing allowance of two hundred seventy dollars (\$270.00) per year upon submission of receipts to the County.

## **Section III. Paid Leave Benefits, Unpaid Leaves of Absence, Health Insurance and Retirement**

### **3.1 Vacation.**

- 3.1.1. Regular full-time and regular part-time employees will be provided vacation according to the schedule attached as Appendix B to this Manual. Regular part-time employees will earn vacation on a pro-rata basis under the formula in Section 1.2.2 of this Manual.
- 3.1.2 Vacation time can be used once awarded.
- 3.1.3 Department heads or supervisor designees must approve all vacation time.
- 3.1.4 Holidays that fall during a scheduled vacation are not to be charged against vacation time.
- 3.1.5 Upon termination, retirement, disability, or death of an employee, the employee, estate, or designated beneficiary will receive the vacation pay due for any unused vacation accrued and awarded by the County from the previous year as well as any unused vacation carried over from the previous year to the extent such carry over has not expired. No pay out will be provided for any vacation earned or accrued during the current year except in the case of retirement as defined by WRS. Vacation will be paid out based upon the current base wage of the employee.
  - a. Except under special circumstances, employees shall not be permitted to utilize vacation during the last two weeks of employment.
- 3.1.6 Employees are permitted to carry-over 5 vacation days to the following year with written approval from the Department Head and County Administrator. Vacation carried over to the following year must be used within 3 months.
- 3.1.7 Vacation requests shall be made as far in advance as possible. The method for selecting vacation shall be determined within each individual department.
- 3.1.8 Vacation may be used in increments as small as one quarter hour.
- 3.1.9 Permanent part-time employees that subsequently become full-time employees shall have their vacation pro-rated based on the actual number of hours worked in the 12-months prior to their next anniversary date/vacation allocation.
- 3.1.10 Employees may not receive pay in lieu of vacation time. Unpaid leaves of absence less than 2 weeks equivalent work time annually shall not impact an

employee's vacation benefits. Leaves of 2 weeks equivalent work time or more shall result in pro-ration of vacation benefits for the coming year.

### **3.3 Sick Leave**

3.3.1 For each month worked during the calendar year, employees will receive two-thirds (2/3) day of Sick Leave which will amount to 8 days of sick leave per year based on a work year of 1950 hours or 2080 as applicable unless identified otherwise in a union contract. Regular part-time employees will earn Sick Leave on a pro-rata basis under the formula in section 1.2.2 of this Manual.

Jailers and Civilian Communications Operators shall receive sick leave based on the 2080 work year.

Employees that have unpaid time off during a month shall have their sick leave pro-rated for that month based on the amount of unpaid leave.

3.3.2 Department Heads, or supervisory designees, must approve all sick leave.

3.3.3. The Department Head may request a doctor's statement concerning the nature of the illness and may investigate and verify any claimed illness at any time.

- a. A doctor's statement is required if the employee is sick for 3 or more consecutive days.
- b. If an employee does not produce a doctor's statement when requested, the employee shall not be allowed to utilize sick time for their time off and may be subject to further discipline up to and including discharge from employment.

3.3.4 To be eligible for paid sick leave, the employee must notify his/her Supervisor no later than fifteen (15) minutes after the start of the work day or as soon as possible in the case of an emergency.

3.3.5 If an employee is aware in advance that more than three (3) days of sick leave benefits will be needed, the employee must notify the Supervisor as far in advance as possible. This should be in writing, including the anticipated time and duration of the sick leave needed, the reason for the sick leave, and medical certification that the employee will be unable to perform his/her regular duties.

3.3.6 An employee on sick leave is required to notify his/her Supervisor at the earliest possible time of the anticipated date on which the employee will be able to resume his/her regular duties. If an employee on sick leave fails to return to work as soon as he/she is medically able to perform his/her assigned duties, he/she may be deemed to have resigned his/her position and to have waived all employment rights.

3.3.7 Prior employee policies and prior and current collective bargaining agreements provide for a payout of the unused portion of sick leave based upon the occurrence of various qualifying events. The County will pay eligible employees for unused sick leave in accordance with the terms and conditions of the policies and/or collective bargaining agreements under which the sick leave was earned.

3.3.8 Utilization and Accumulations

(Primary Sick Leave Bank) Sick leave earned after January 1, 2013 may accumulate up to 60 days.

(Old Sick Leave Bank) Sick leave accumulated prior to January 1, 2013 shall be used after there are insufficient hours available in the primary sick leave.

3.3.9 Cash Out

There is no cash out of unused Sick Leave and/or Sick Bank benefits except as identified in section 3.3.7 (earned prior to January 1, 2013). Any sick leave accumulated after January 1, 2013 shall not be subject to pay-out.

3.3.10 Definition of Sick Leave

Sick leave shall be defined as time off the job with pay because of illness, bodily injury, exposure to a contagious disease requiring quarantine, attendance upon members of the immediate family, diagnostic treatment, dental procedures and services of opticians when such services are performed by duly licensed practitioners. An employee's immediate family for sick leave shall be the spouse, children, parents, and step children. This shall also include foster children living at home. An employee's immediate family for sick leave shall include persons whom the employee has legal guardianship of.

New employees shall be permitted to take paid sick leave once it is earned.

3.3.11 First Year Employees

Eligible employees hired after January 1, 2020 shall be allocated five (5) sick days upon hire in addition to the allocation identified in 3.3.1.

Employees may elect to use sick leave accrued for any purpose during their first year of employment.

**3.4 Holidays**

The following paid legal holidays will be granted to all non-exempt regular full-time and regular part-time employees:

## HOLIDAYS

New Year's Day  
Spring Holiday  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve Day  
Christmas Day  
New Year's Eve

If a legal holiday falls on a Saturday, it shall be recognized the preceding work day and if it falls on Sunday, it shall be recognized on the following workday. Employees who are regularly scheduled to work a 2080-hour work year shall receive eight (8) hours of holiday pay at their base rate. Employees who are regularly scheduled to work a 1950-hour work year shall receive seven and one-half (7.5) hours of holiday pay at their base rate. In no event shall holiday pay exceed a total of eight (8) hours paid per holiday.

Hours worked on a recognized holiday (not the legal holiday) shall be paid in accordance with the Fair Labor Standards Act and as further described in the Bayfield County Overtime and Compensatory Time Policy in Section 5.3 of this manual.

Regular Part-time employees are eligible for holiday pay. Holiday pay for regular part-time employees will be paid on a pro-rata basis at the employee's base hourly rate under the formula in paragraph 1.1.2 of this Manual.

Full and regular part-time employees must be in pay status the work day before and following the legal holiday to be eligible for holiday pay. Temporary/Seasonal/Occasional Part-Time employees that work on the legal holiday shall be paid time and one-half for hours worked on that day.

Non-exempt employees who are required to work the legal holiday shall be compensated at time and one half for hours worked on the holiday in addition to the holiday pay.

Jailers and CCOs shall be credited forty-four (44) hours of holiday compensatory time on January 1st and forty four (44) hours on July 1st. Holiday compensatory time will be deducted or paid back by the employee if they are in unpaid status on a legal holiday, or leave employment prior to the legal holiday.

Full and Part-Time Jailers and CCOs who perform the majority of their regular work shift on a legal holiday shall be paid at the rate of one and one-half times their regular hourly rate of pay.

### **3.5 Family Medical Leave**

The County's Family Medical Leave policy is set forth as Appendix C to this Manual. If you have questions regarding the County's Family Medical Leave policy, please contact the County Administrator's office.

#### **3.5.1 Maternity-Paternity Leave:**

Bayfield County will provide two (2) weeks of paid leave to mothers and fathers for the birth or adoption of their child. This policy shall apply to full-time and regular part-time employees who have successfully completed six months of employment. The leave may be taken in one two-week block or may be used intermittently throughout the first twelve (12) weeks following the birth or adoption. If intermittent leave is requested, paid maternity-paternity leave must be exhausted before unpaid leave will be granted. No more than two weeks of maternity-paternity leave shall be granted to an employee in any calendar year. In the event both parents are employees of Bayfield County, no more than two (2) weeks combined shall be granted. In the event that the employee is having or adopting multiples, the provided paid leave of two weeks is not extended. This policy is not in addition to the leave provided under FMLA, but supplements pay throughout a portion of the FMLA leave.

### **3.6 Funeral Leave**

In the event of a death in the immediate family of a full-time employee, such employee shall be granted a leave of absence with pay for period of up to three (3) days. Members of the immediate family shall include: registered domestic partner, son-in-law and daughter-in-law, wife, husband, child, mother, father, mother-in-law, father-in-law, brother, sister, grandmother, grandfather, grandchildren, step-parent, and step children. This shall include foster children living at home. When a full-time employee is requested to serve as a pallbearer at a funeral, he/she may be granted time off with pay for a period not to exceed one (1) day.

Regular part-time employees are eligible for funeral leave benefits. Funeral leave pay for regular part-time employees will be paid on a pro-rata basis, under the formula in paragraph 1.1.2 of this Manual.

### **3.7 Emergency Responders Leave**

Bayfield County supports the efforts of Emergency Response agencies and encourages county employees that are members of these agencies to participate in emergency response.

#### **3.7.1 Responding to Emergencies Before Work Hours Begin**

Wisconsin Statute §103.88(2): An employer shall permit an employee who is a volunteer fire fighter, emergency medical services practitioner, emergency medical responder, or ambulance driver for a volunteer fire department or fire company, a

public agency, or a nonprofit corporation to be late for or absent from work if the lateness or absence is due to the employee responding to an emergency that begins before the employee is required to report to work and if the employee complies with sub. (3) (a). This subsection does not entitle an employee to receive wages or salary for the time the employee is absent from work due to responding to an emergency as provided in this subsection.

### **3.7.2 Responding to Emergencies After Work Hours Begin**

Bayfield County employees who are volunteer emergency responders (e.g., active Emergency Medical Technicians, Emergency Medical Responders or firefighters) may respond to calls for emergency services during their work shift based on the following guidelines:

- a) Employees shall provide their supervisors with documented evidence of their current status as an emergency responder.
- b) Employees may only be granted leave to respond to emergency calls subject to the approval of their supervisor. Supervisors are encouraged to dialog with and support employees who are emergency responders and their requests for time off to the maximum extent practicable.
- c) While on such leave, employees are deemed not to be acting in their official capacity as an employee of the County and the County is not liable for any damages or injuries the employee may sustain or cause while taking such leave.
- d) Emergency Responders shall not sign up for "on-call duty" during county work hours.

### **3.7.3 Paid Leave Time**

Employees responding to emergencies during work hours shall be paid for up to four hours of response time per month unless the County Board Chairperson or his/her designee has declared an emergency. In these situations, the County Administrator may extend such leave.

Subject to supervisory approval, Emergency Responders may take additional leave to respond to emergency calls using compensatory or vacation time or may be allowed to flex their work schedule to make up hours during the same work week.

In all cases, employees must ensure that their regular work duties continue to be completed in a timely manner. Bayfield County trusts that employees will use good judgement when deciding whether they should respond to emergency calls during work time.

### **3.7.4 Documentation**

Employees shall document time spent as Emergency Response on time sheets. If paid emergency responder time is used please include response number / incident name.

### **3.8 Leave for Workshops, Seminars or Conventions**

The County recognizes the importance of attendance at workshops, seminars, and conventions for all employees to stay abreast of developments in their field. Supervisors will assure that information on appropriate workshops, seminars, and conferences is posted or otherwise made available to employees. With prior approval from the Department Head and the departmental committee, employees may be allowed to attend workshops, seminars, and conventions that are appropriate and may be reimbursed for transportation, meals, lodging, tuition, and costs of required books and materials pursuant to the current County reimbursement policy. The county may consider flexible work hours to accommodate school schedules.

### **3.9 Jury Duty**

Regular full-time and regular part-time employees are eligible for paid jury leave. Paid jury leave will be paid based at an employee's base hourly rate and scheduled hours.

Employees must submit all reimbursements for serving on jury duty to the County if their regular salary is paid. If an employee is released from jury duty prior to the end of the work day, he/she must notify the supervisor as soon as possible that he/she is available for work.

### **3.10 Military Leave**

Leaves and reemployment rights for employees who are members of the National Guard or military reserves or other military service organizations will be provided as required by state and federal law and applicable collective bargaining agreements.

Vacation and sick leave benefits shall continue to accrue for employees who choose to use unpaid leave for required annual military training. Such duration shall not exceed one month per year.

For purposes of vacation benefits, an employee who is deployed for extended active military duty (not annual training), shall be allocated two weeks of vacation upon return from active military duty.

### **3.11 Unpaid Leaves of Absence**

Unpaid leaves of absence up to 2 weeks per calendar year may be allowed subject to approval by the Department Head and with notification to the County Administrator. Leaves exceeding 2 weeks must be approved by the County Administrator. Unpaid leaves shall not be approved until or unless all applicable paid benefit time has been exhausted.

Any employee desiring a leave of absence shall submit a written request for the leave to the Department Head and/or the County Administrator as applicable.

Employees shall not engage in gainful employment during a leave of absence unless specifically authorized by the employer.

The employee shall make suitable arrangements for the continuation of health and other insurances before the leave may be approved.

During the leave of absence, employees shall not be entitled to accrue paid leave time including vacation, sick leave or holidays.

Granting of leave of absences shall be allowed only in cases where extenuating circumstances, such as emergencies or unusual conditions exist for which the employee does not have other accrued benefits available which could be used.

### **3.11.1 Temporary Emergency Leave Program**

The Temporary Emergency Leave Program is available to employees for use in unforeseen emergencies and urgent situations and allows unused vacation of an employee to be transferred for use by another employee. This program will be administered by a Board of three (3), comprised of one (1) County Board representative, the County Administrator, and one (1) Department Head. The Board will be responsible for approving or denying requests. Decisions of the Program Board will not be subject to further review under the County's personnel policies or any contractual grievance procedure.

#### **Process:**

- 1) Requests will be considered for leaves of two weeks or more (including paid and unpaid time).
- 2) The employee, family member, or Supervisor may complete the Emergency Leave Request Form. This request should be submitted to the County Administrator.
- 3) The County Administrator will convene the Emergency Leave Program Board within three (3) working days of receiving the request.
- 4) The Emergency Leave Program Board will review the request and verify that the request is valid and that the requesting employee has or will exhaust all paid leave available to them.
- 5) If the leave request is approved, the County Administrator will distribute the leave request forms within two (2) work days of approval to all Department Heads for distribution to all employees. In addition, the County Administrator will notify the requesting employee of the status of their request.
- 6) Donors will be required to submit donations within ten (10) working days of the date of the distribution memo. Donation forms shall be returned to the County Administrator's office and shall remain confidential. Donors must use at least 1 week of vacation for themselves each year.
- 7) The County Administrator will review donation forms and verify:
  - a. The donating employee has used or will use at least one week of leave time for themselves;
  - b. The donating employee has earned leave time available to donate;

- c. The donation is equal to two (2) hours or more per requesting employee;
- 8) After donations have been approved, a memo will be sent to each donating employee from the County Administrator, verifying that their donation has been accepted and the donated hours will be deducted from their accrued leave.
  - 9) The County Administrator will provide the requesting employee a letter identifying the specific number of hours that have been donated to them.
  - 10) The County Administrator will provide a summary of hours donated to the County Clerk's office for payroll processing purposes.

**Other Requirements:**

- 1) Employee hour donations shall be placed into a lottery, where contributions will be drawn from a hat until the necessary number of hours are accrued. All remaining donations shall be returned to the donors.
- 2) Donating employees will remain anonymous to the recipient.
- 3) Permanent employees who earn vacation are eligible for the Emergency Leave Program. Temporary or Casual employees that do not earn vacation are not eligible for Emergency Leave Program benefits.
- 4) For purposes of this temporary leave program, medical emergency shall exclude the non-disability portion of maternity leave.
- 5) Emergency leave donations shall be applied beginning with the first day of unpaid leave.
- 6) Emergency leave donations shall not be considered "work time" for the computation of benefits including sick, vacation and holidays. If an employee would have been on unpaid leave the day before and the day after a designated holiday, the holiday shall be unpaid.
- 7) Emergency Leave will only be paid until such time as the recipient is eligible to apply for disability benefits through Social Security or any other disability or income continuation program. Once the recipient returns to work or becomes eligible for the benefits specified above, any balance of hours available in the leave account will be prorated back to the donating employee(s)' leave account(s).

**TEMPORARY EMERGENCY LEAVE PROGRAM  
LEAVE RECIPIENT REQUEST FORM**

I, \_\_\_\_\_  
(PRINTED NAME OF REQUESTING EMPLOYEE)

POSITION \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

REQUEST \_\_\_\_\_ HOURS OF EMERGENCY LEAVE (Estimate if Necessary)

REASON FOR REQUEST:       Care of Self  
    Care of Family Member  
    Other Urgent Situation \_\_\_\_\_

\_\_\_\_\_  
*Note:*  
*This document will be distributed to employees.*

\_\_\_\_\_  
(SIGNATURE OF EMPLOYEE REQUESTING LEAVE, or DESIGNEE)

PROGRAM BOARD DECISION:    APPROVE \_\_\_\_\_    DENY \_\_\_\_\_    DATE \_\_\_\_\_

**TEMPORARY EMERGENCY LEAVE PROGRAM  
DONATING EMPLOYEE RESPONSE FORM**

I, \_\_\_\_\_  
(PRINTED NAME OF DONATING EMPLOYEE)

POSITION \_\_\_\_\_ DEPARTMENT \_\_\_\_\_

Agree to donate \_\_\_\_\_ Vacation  
(NUMBER OF HOURS)

I understand that if all donated hours are not used, the donated hours will be returned to me.

SIGNATURE OF LEAVE DONOR \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED by \_\_\_\_\_ DATE \_\_\_\_\_  
(County Administrator Signature)

### **3.12 Inclement Weather**

If an employee misses work because of inclement weather or another act of nature, he/she can use a vacation day, compensatory time, or a day without pay. It is the employee's responsibility to notify their immediate Supervisor of their intention at the beginning of said work day.

### **3.13 Health Insurance**

3.13.1. Bayfield County offers two health insurance coverages: Teamster Health Plan for Highway Department Employees, and State of Wisconsin Health Insurance through the Wisconsin Employee Trust Fund for all other employees. The County pays a percentage of the single and family health insurance premiums for WRS eligible employees as determined by the Personnel Committee. Employees shall be eligible for health insurance coverage at the beginning of the month following receipt of the health insurance application. The employee will be eligible for the county's contribution toward the health insurance premium on the first day of the month following the employee's first full calendar month of employment. Employees electing health insurance coverage during the first month of employment are responsible for the full health insurance premium for that month.

3.13.2. The Teamster health insurance plan works in conjunction with a Health Reimbursement Arrangement (HRA). Employees enrolled in the Teamster health insurance plan are eligible for the HRA contribution.

3.13.4 To be eligible for the county's monthly contribution toward insurance premiums, the employee must work their assigned schedule or be on paid leave for at least ten (10) work days that month.

3.13.5 Eligibility for health insurance coverage upon retirement (effective January 1, 2020) is defined by the State of Wisconsin Employee Trust Fund:

- A) Employee may continue health insurance if they retire when eligible for retirement under WRS -AND-
  - 1) The employee receives an immediate annuity upon retirement. -OR-
  - 2) The employee retires with at least 20 years of creditable WRS service, but does not take an immediate annuity.

B) Teamster Health Plan member retiree eligibility is defined within the Teamster Health Plan.

Premiums for health insurance are paid 100% by the employee upon retirement. Retirees enrolled in health insurance are not entitled to the HRA.

### **3.14 Retirement and Deferred Compensation**

3.14.1. As a public employer, Bayfield County participates in the Wisconsin Retirement System (WRS). The County will make employer required WRS contributions as required by law. Employees should direct all questions involving WRS eligibility or contribution levels to the County Administrator or the Department of Employee Trust Funds at 1-877-533-5020.

3.14.2. Employees are eligible to participate in the County Board approved deferred compensation programs. Employees who wish to participate or who want additional information about a plan should contact the County Clerk's office.

### **3.15 Group Term Life, Whole Life and Income Continuation Insurances**

3.15.1 The employee shall have the right to participate in the term life insurance program through the Wisconsin Employment Trust Fund. Coverage is available for the employee, spouse and dependents.

3.15.2 The employee shall have the right to participate in the whole life insurance program through the Boston Mutual Life Insurance Company. Premiums for this optional insurance are solely the responsibility of the employee.

3.15.3 The county shall provide basic income continuation insurance with a 180 day elimination period to eligible employees. Employees may purchase a shorter elimination period and have premiums payroll deducted.

Employees may access income continuation insurance once available sick leave is exhausted.

### **3.16 Section 125, Flexible Benefits Plan**

Employees shall have the option of participating in the Section 125, Flexible Benefits Plan on an annual calendar year basis.

### **3.17 Worker's Compensation**

Bayfield County shall provide Worker's Compensation Insurance as required by law.

### **3.19 Call-Outs**

Call-Outs: Employees called out to work other than their normal work schedule shall be compensated according to the Fair Labor Standards Act. Employees called out to work on a Holiday shall be compensated in accordance with Section 3.4.

### **3.20 On-Call**

Employees who are assigned Human Services duties shall be paid one dollar and fifty cents (\$1.50) per hour. Employees who are on-call and who are called out shall receive compensation in the form of compensatory time off in accordance with the Fair Labor Standards Act but shall be compensated for a minimum of 30 minutes.

### **3.21 Tuition Assistance Program**

The Bayfield County Tuition Assistance Program is designed to provide financial assistance to employees who voluntarily enroll in job-related, educational courses that are of benefit to the County as an employer.

Detailed Program Requirements can be found in Appendix F.

## **Section IV. Employee Conduct, Performance Evaluation, Discipline and Separation From Employment.**

### **4.1 Standards of Employee Conduct**

The purpose of this policy is to state Bayfield County's general approach to administering equitable and consistent discipline for unsatisfactory conduct in the workplace. Bayfield County's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial.

In addition to the procedures, rules and standards outlined in this Manual and any departmental policies and procedures, the following work rules and standards for work at Bayfield County provide a basic outline for expected employee conduct while employed with the County. This list of work rules and standards is not meant to be all inclusive nor exclusive, but is an indication of what the County expects from its employees. Work rules and standards are also found in numerous other documents, e. g. collective bargaining agreements, the County's safety manual and Departmental materials. Violations of any of the County's rules or standards found in this Manual or any other source will be considered employee misconduct and will subject the employee to disciplinary action up to and including discharge from employment.

4.1.1. Property and Premises. It is expected that employees will:

- a. Use county property and equipment only for work purposes unless, in limited circumstances, there has been prior approval from employee's supervisor.
- b. Follow all rules, regulations, and practices relating to the safe use and security of County property and premises.
- c. Use county keys properly and will duplicate them only as directed and/or is reasonably expected.
- d. Observe traffic and/or parking regulations and directives on County premises and/or work time.
- e. Charge only work-related telephone expenses on County telephone equipment.
- f. Use County postage for work purposes only.
- g. Not negligently or willfully damage County property and equipment.

4.1.2. Attendance. It is expected that employees will:

- a. Be allowed only excused absences and excused late arrivals.

- b. Be at the assigned work area at the start and end of shifts, breaks, and meal periods.
- c. Leave the place of work during working hours only as authorized and will not waste time or loiter.
- d. Not work any hours outside of their schedule without prior approval.
- e. Not misuse or abuse paid sick leave.

4.1.3. Performance. Without limitation, it is expected that employees will:

- a. Adequately perform the duties of the assigned position;
- b. Perform all assigned duties in a competent and efficient manner.
- c. Not restrict output or engage in any intentional slowdown, work stoppage, or unauthorized strike.
- d. Not engage in any activity which distracts or disrupts other employees on the performance of their duties.
- e. Not engage in any pursuit which may interfere with the proper discharge of his/her duties and responsibilities as an employee of Bayfield County.
- f. Maintain all licenses and certifications required of their position.

4.1.4. Conduct. Without limitation, it is expected that employees will:

- a. Follow all supervisory written and/or oral directions.
- b. Comply with the departmental work rules and expectations.
- c. Not use offensive language toward or threaten, intimidate, coerce, abuse, or harass employees, supervisors, the public, other providers, etc.
- d. Maintain appropriate, well-groomed appearance and dress.
- e. Report to work sober and not under the influence of alcoholic beverages, narcotics, drugs, or other controlled substances or have possession of the above.
- f. Be awake and attentive.

- g. Not promote, or participate in, indecent, criminal, or inappropriate conduct including, without limitation, fraud, dishonesty or theft.
- h. Not possess unauthorized weapons.
- i. Not engage in personal or outside business activities during work hours.
- j. Not gamble on County premises or engage in gambling activities during work hours.
- k. Not engage in horseplay or scuffling.
- l. Represent the county appropriately and at all times treat co-employees and the public in a courteous manner.
- m. Not be insubordinate or engage in willful misconduct.
- n. Not engage in any conduct which violates the rules, policies or procedures in this Manual.
- o. Not be convicted of a felony or misdemeanor the circumstances of which are substantially related to the duties performed.
- p. Be honest and truthful in all matters relating to his/her employment including, without limitation, securing employment with the County.
- q. Cooperate with all County investigations.

4.1.5. Records. Without limitation, it is expected that employees will:

- a. Be truthful and accurate in preparing any employment related documents including, without limitation, job applications, resume's, time cards and leave requests.
- b. Be truthful and accurate when preparing County records and will not falsify, modify, or make other unauthorized alterations to any County record.
- c. Maintain the confidentiality of records and information per statutes, rules, and/or directives and will not make unauthorized disclosures of such information.

4.1.6. Code of Ethics. It is the intention of Bayfield County to inspire persons covered under this policy to secure and maintain the respect and confidence of the people of the County. State statutes set forth various forms of conduct, which are deemed to be unlawful. This policy is not intended to outline these forms of prohibited conduct. The items in this policy do not require a specific intention to do wrong; rather they are the

mere acts themselves which in doing, cast substantial doubt upon the integrity of the County and the person involved.

The following conduct on the part of a person covered under this policy will be deemed unethical:

- a. No person shall use his/her position to obtain preferential treatment or obtain financial gain for himself or herself or his or her immediate family or for any business or organization with which he or she is associated.
- b. No person shall disclose or use inside information concerning Bayfield County to promote a private financial gain.
- c. No person shall receive or offer to receive, either directly or indirectly, any gift, gratuity or thing of value which they are not authorized to receive from any person if such person:
  1. Has or is seeking to obtain contractual or other business or financial relationships with the County or subunits of the County; or
  2. Conducts operations or activities which are regulated by the County or its subunits; or
  3. Has an interest, which may be substantially affected by the County.

Any violation of this section will result in disciplinary action being taken against the person(s) involved up to and including discharge.

4.1.7 Fraud Prevention Policy. Bayfield County must protect the county organization, taxpayers, employees and assets against financial risks, operational breaches and unethical activities. Management must clearly communicate fraud prevention policies to internal and external customers, vendors and employees.

The impact of misconduct and dishonesty includes:

- Loss of public confidence
- Financial losses
- Damage to the reputation of the county and its employees
- Negative publicity
- The cost of investigation
- Loss of employees
- Damaged relationships with contractors and suppliers
- Litigation

Bayfield County's goal is to establish and maintain an environment of fairness, ethics and honesty for employees, citizens, suppliers and anyone else with whom Bayfield

County has a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

Bayfield County is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of fraudulent acts provides a sound foundation for the protection of innocent parties. Disciplinary action against offenders including recovery of assets, dismissal and where appropriate, referral to law enforcement agencies shall be the norm.

#### POLICY STATEMENT

Bayfield County has adopted a policy regarding fraud. Employees shall not misuse County assets for personal gain, or willfully misappropriate any Bayfield County asset. Evidence supporting fraud, theft or embezzlement of Bayfield County assets and equipment may be subject to suspension, termination, restitution and criminal charges. Any Bayfield County employee who is aware of fraud being committed against the County by anyone shall report such activity to their Department Head, the County Administrator's Office or Sheriff's Office.

#### PROHIBITED ACTS

*Fraud is defined as intentional deception, misappropriation of resources or the manipulation of data to the advantage or disadvantage of a person or entity.*

Some examples of fraud include:

- Authorizing or receiving compensation for goods not received or services not performed
- Alteration or falsification of records
- Theft or misappropriation of cash or fixed assets
- Falsification of expenses and invoices
- Failure to account for monies collected
- Knowingly providing false information on job applications
- Authorizing or receiving compensation for hours not worked
- Embezzlement, bribery or conspiracy
- Obtaining or giving of any county property without going through proper sale /purchase procedure.

#### REPORTING OF FRAUD

- a. Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective Department Head. If the employee has reason to believe that a Department Head may be involved, the employee shall notify the County Administrator or Sheriff's Office directly.
- b. Supervisors shall a) communicate the provisions of this policy to all staff; b) take no action without consulting the Administrator; c) recommend appropriate disciplinary action when there is evidence of wrong-doing; and d)

- if suspension or termination is recommended, consult with the County Administrator's Office.
- c. Department Heads shall communicate any suspected or known fraudulent act to the County Administrator or Sheriff's Office. The Sheriff's Office will notify the County Administrator of criminal incidents and keep the County Administrator abreast of the investigation.
  - d. Participants in a fraud investigation shall keep the details and results of the investigation confidential.
  - e. Employees reporting an act of fraud; or assisting, testifying or participating in a fraud investigation, acting in accordance with the requirement of this policy, shall not be subject to any adverse employment action unless it is determined the employee is culpable for such action and/or made an allegation knowing it was false. Examples of adverse employment action include, but are not limited to, discipline, suspension, threatening to discipline or suspend, coercion, acts of intimidation and firing.
  - f. Complaints of Fraud should be in writing and can be anonymous. All fraud accusations, whether in writing and signed or not, shall be documented and shared with the County Administrator.

#### FALSE ALLEGATIONS

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

#### DETECTING FRAUD AND CORRUPTION

The County has established internal controls, policies and procedures in an effort to deter, prevent and detect fraud and corruption. It is the responsibility of Department Heads and the County Administrator to ensure that adequate controls are in place at all times within their departments.

All new full-time employees are subject to background investigations including a criminal background check(s).

Vendors, contractors, and suppliers may be subject to screening, including verification of the individual or company's status as a debarred party.

When necessary, contractual agreements with the County may contain a provision prohibiting fraudulent or corruptive acts and will include information about reporting fraud and corruption.

County employees will periodically receive fraud and corruption awareness training. New employees will receive this policy as part of their training at orientation.

Annually department heads will review internal fraud prevention policies and control mechanisms and make any required updates to internal controls. These discussions shall include:

- Issuance of cash receipts in all situations
- Tracking of petty cash
- Tracking of all county bank accounts through the Treasurer's office.
- Separation of duties
- Credit card procedures
- Counter signing of checks, at least two signatures on all checks.
- Mandatory vacations
- Annual reporting of auditor findings to the county Executive Committee
- Separation of cash and accounting records at all times.

**CORRECTIVE ACTION**

Determination regarding action against an employee, vendor, recipient or other person found to have committed fraud or corruption will be made by the County Administrator and Personnel Committee with notification to the appropriate law enforcement entity as required.

Offenders at all levels of the County will be treated equally regardless of their position or years of service with the County. Determinations will be made based on a finding of facts in each case, actual or potential damage to the County, cooperation by the offender and legal requirements.

Depending on the seriousness of the offense and the facts of each individual case, action against an employee can range from written reprimand to legal action-either civil or criminal in addition to termination. In all cases, involving monetary losses to the County, the County will pursue recovery of losses.

**4.2 Performance Evaluation**

Bayfield County recognizes the value of employee performance evaluations. The goal of this policy is to promote the utmost productivity of all County employees. The performance evaluation process is intended to:

- a. Assess an employee's work effectiveness.
- b. Help improve individual performance.
- c. Identify training needs.
- d. Recognize employee accomplishments and good work.
- e. Identify job requirements and standards.
- f. Guide in decisions affecting placement, transfers, salary, consideration, promotions, demotions, and terminations.

Employee performance is evaluated on an ongoing basis over the course of a year. In addition, the County conducts formal written evaluations for all employees on a quarterly basis during the first year of employment with the County and on an annual basis thereafter.

### **4.3 Disciplinary Action**

Disciplinary action against employees may be taken for various reasons, including, without limitation: violations of any personnel policies and procedures set forth in this Manual or established by any department, work rules and regulations, the standards of conduct set forth in this Manual and unsatisfactory work performance. Whether disciplinary actions against employees are taken or not taken by County management, it will in no way abrogate the right of Bayfield County to discharge an employee from employment at any time, for any or no reason, with or without prior notice. It is impossible to categorically state when or if disciplinary measures or termination of the employment relationship will be appropriate action. At the sole discretion of the County, various types of employee discipline may be imposed which include without limitation, oral reprimand, written reprimand, suspension, demotion, reduction in rank or pay or termination. None of these disciplinary measures are required to be used before discharge from employment occurs, nor are the listed actions required to be used in any specific order.

Nothing in this Manual should be construed to require the County to establish "just cause" for discipline or to require the County to implement progressive discipline prior to taking any disciplinary action. Employees are, at all times, employed on an "at will" basis.

Any disciplinary action taken against staff who hold social work credentials must be reported in accordance with Wisconsin Statutes 457.25(1). The Statute requires a written report to the Social Work examining board detailing any adverse disciplinary action taken against a social worker within 30 days of the date of the discipline. A report is required even if the social worker chooses to terminate employment prior to application of the disciplinary action. In that event, written notice of the reason prompting the voluntary termination must be submitted within 30 days of the social worker's resignation.

### **4.4 Separation From Employment**

All separations of employees from positions will be designated as one of the following types: retirement, resignation, layoff, termination, disability, or death.

4.4.1. Retirement. Retirement is the separation of the employee at an age when eligible to receive retirement benefits in accordance with the provision of the State of Wisconsin Retirement System under which the employee is eligible to receive benefits. An employee may retire in good standing from the County by submitting, in writing, the effective date at least fourteen (14) days in advance. The Department Head may permit a shorter period of notice because of extenuating circumstances. The letter will be placed in the Personnel file with a copy to the Department's file. Management and professional personnel are requested to give at least thirty (30) days notice in writing.

4.4.2. Resignation. Resignation is the separation of the employee by his/her voluntary act other than retirement. An employee may resign in good standing from the County by submitting, in writing, the reasons and the effective date to the Department Head at least fourteen (14) days in advance. The Department Head may permit a shorter period

of notice because of extenuating circumstances. The letter will be placed in the Personnel file with a copy to the Department file. Management and professional personnel are requested to give at least thirty (30) days' notice in writing.

4.4.3. Layoff. In the event the County deems it necessary to reduce the work force for reasons unrelated to the adequacy of an employee's performance, the county may issue layoffs at its discretion.

4.4.4. Termination. Termination is separation of employment initiated at the will of the County, other than layoff.

4.4.5. Disability. An employee may be separated from employment when he/she cannot perform the required duties because of a physical or mental impairment. The County may require an examination at its expense, to be performed by a physician of its choice.

4.4.6. Death. Separation benefits will be effective as of the date of death. All compensation due will be paid to the estate of the employee except for such sum specified by law which must be paid to the surviving spouse.

## **4.5 Bullying**

Bayfield County is committed to providing employees and customers with a respectful, healthy and safe work environment free from bullying. Workplace bullying is unacceptable and will not be tolerated.

- A. Bullying is malicious repeated behavior that a reasonable person would consider to be offensive, degrading, humiliating, or threatening. Bullying may be directed toward one employee, a group of employees, or customers. Some examples include but are not limited to: condescending and belittling comments, name calling or ridiculing, derogatory remarks or insults, undermining or impeding others' work, or unwarranted harsh, screaming and persistent criticism without constructive feedback of work. This includes cyber bullying which is bullying using social media, website materials, e-mails, texting and cell phones.
- B. Bullying is not:
- Expressing differences of opinion
  - General conflict due to work style, differences in values, leadership style or personality.
  - Offering constructive feedback, guidance, or advice about work-related behavior or job performance
  - Unwillingness to make workplace corrective actions required by supervisor.
  - Reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment, including
    - managing worker's performance

- taking reasonable disciplinary actions
  - assigning work
  - performance evaluation
- C. Bayfield County expects all employees who experience bullying or who see others being bullied to report it as soon as possible to a Department Head/supervisor and Human Resources in the County Administrator's Office. Management employees are expected to take action to stop workplace bullying.
- D. Any reports of workplace bullying will be treated seriously and investigated by Human Resources in the County Administrator's Office promptly. Employees are expected to cooperate with an investigation and provide truthful information. The complainant will be updated on the outcome of the investigation. Confidentiality will be maintained during the investigation to the fullest extent possible. Complaints will be communicated to the Personnel Committee.
- E. Employees who participate in workplace bullying, retaliate against an employee who reports bullying, or makes an accusation of bullying in bad faith will be subject to disciplinary action up to and including termination.

## **Section V. Hours of Work, Breaks and Attendance.**

### **5.1 Hours of Work and Breaks**

5.1.1. Courthouse and Annex Hours. The Bayfield County Courthouse and annex is open from 8:00 a.m. to 4:00 p.m. on weekdays with the exception of the holidays listed in this Manual. All offices must be open and staffed during these hours to serve the public.

5.1.2. Employee Work Schedules The scheduling of shifts and work hours will be at the discretion of the Department Head and County Administrator. Full-time employees in the Highway, Custodial/Maintenance, and Forestry Departments shall be scheduled 40 work hours per week. All other full-time employees shall be scheduled 37.5 hours per week. When additional work is required beyond an employee's normal work schedule, the employee is expected to perform this work when requested. Flexible work hours are allowed as approved by departments in the 7:00am until 6:00pm time frame.

Flexible hours outside of the 7:00am-6:00pm time frame may be authorized on a limited basis under special circumstances and with advance approval by the Department Head.

5.1.3. Breaks. Unless circumstances exist which, in the sole discretion of the County warrant otherwise, eligible employees will be provided with an unpaid meal break of thirty (30) minutes to be scheduled as near the mid-point of the day's work as possible. Department Heads are expected to stagger the meal breaks of their employees to provide for coverage of their department during meal hours, whenever possible. Eligible employees will receive two (2) paid rest or coffee breaks of not more than fifteen (15) minutes, one in the first half of the work day and one in the second half, as scheduled by the supervisor. The first such break will occur during the day's work schedule prior to the meal break and the second such break will occur after the meal break, but prior to quitting time for the day. Rest breaks or coffee breaks should not be used to make up lost time due to tardiness or absences nor can they be saved up, used as vacation, an excuse to start late or leave early, added to any other daily break periods, or split into shorter multiple breaks.

5.1.4. Personal Business. Personal business affairs should not be conducted in the office. Appointments for personal business should not be made during work hours except in the case of an emergency or other extenuating circumstances. Personal communications will be held to a minimum in numbers as well as duration. In cases where appointments must be kept during working hours, approval must be obtained in advance from the Department Head or designee. The Department Head will keep a permanent record of such requests and the type of leave taken.

## **5.2 Attendance**

5.2.1 Punctuality. Employees are expected to arrive on the job at the time they are scheduled to work and remain on the job until the end of their scheduled working day.

5.2.2. Tardiness. Unexcused, repetitious and/or habitual tardiness may result in disciplinary action up to and include discharge.

5.2.3 Absences. The County expects employees to be at work on time and as scheduled. Failure to report to work on time and as scheduled will result in disciplinary action, up to and including discharge.

If an employee is unable to report to work, for example, due to illness, he/she must contact his immediate supervisor as early as possible, but no less than fifteen (15) minutes after the start of the work day except Sheriff and Highway Department employees who will follow Department policies. Failure to report an absence within this time period may result in ineligibility for paid time and/or disciplinary action. This section may be modified by department rule.

If an employee is absent from work for three (3) consecutive days without notifying their supervisor or an employee's request for paid time off has been denied and the absence occurs anyway, the County will consider employment to have been voluntarily terminated and/or abandoned.

Wis. Stat. 108.04(5g) disqualifies employees from unemployment compensation eligibility as a result of excessive absences and tardiness.

## **5.3 Overtime And Compensatory Time**

The County will compensate employees for overtime hours worked in accordance with state and federal overtime laws. Overtime must be approved in advance by the Department Head or Supervisor. Employees who work unauthorized overtime hours are subject to discipline up to and including discharge from employment.

The County may provide non-exempt employees with compensatory time instead of paying for overtime hours worked. Compensatory time will be provided in accordance with the requirements of state and federal law. Employees may accrue compensatory time equivalent to seven work days in the employee's department, unless additional compensatory accruals are approved by the County Administrator under special circumstances. Compensatory time shall be used within 12 months of accrual. The County may require employees to use compensatory time at its discretion and may pay out compensatory time at any time.

- a. Except under special circumstances, employees shall not be permitted to utilize compensatory time during the last two weeks of employment.

Exempt employees of the County are not eligible for overtime pay or compensatory time for hours worked in excess of their normal scheduled workday or workweek.

Overtime will be paid for Highway Department work conducted on weekends and for hours worked over 40 hours in a week as outlined in the FLSA standard.

#### **5.4 Workplace Breastfeeding Policy**

The purpose of this policy is to support Bayfield County's employees in their decision to breastfeed their baby upon returning to work to avoid premature weaning. Breastfeeding has been shown to be the superior form of infant nutrition, providing a multitude of health benefits to both infants and mother. Bayfield County will provide a comfortable environment that supports breastfeeding and/or expressing breast milk. Breastfeeding employees need ongoing support in the worksite to be able to provide breast milk for their babies.

##### Procedures:

1. Employees shall be provided a place to breastfeed or express their milk. An employee lactation room is provided as a private and sanitary place for breastfeeding employees to express their milk during work hours. This room, called the "Quiet Room," is located in the Annex Building and provides an electrical outlet, comfortable chair, and nearby access to running water. Employees may use their private office area for breastfeeding or milk expression, if they prefer.
2. A refrigerator will be made available for safe storage of expressed breastmilk. Employees may use their own cooler packs to store expressed breastmilk, or may store milk in a designated refrigerator/freezer. There is a designated refrigerator in the Quiet Room for employee use. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean.
3. Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breastmilk for her child. The time would not exceed normal time allowed for lunch and paid breaks. For time above and beyond normal lunch and breaks, sick/annual leave time must be used, or the employee can come in a little early or leave a little later to make up the time. An employee is expected to discuss and have pre-approval with their department supervisor for arranging a flexible break schedule to decrease disruptions to provision of department programs and services.
4. Staff are expected to provide support for breastfeeding employees. Realizing the importance of breastfeeding to the infant, the mother, and the company, staff should provide an atmosphere of loving support for breastfeeding employees.
5. Breastfeeding promotion information will be displayed. Bayfield County will provide information on breastfeeding to all pregnant and breastfeeding employees, including local

resources. In addition, positive promotion of breastfeeding will be on display at Bayfield County and via in-house communications with staff.

6. Employee orientation will include information about Bayfield County's breastfeeding policy.

The Bayfield County Workplace Breastfeeding Policy will be communicated to current staff. New employees will be informed about the company policy during new employee orientation training.

## **Section VI. Workplace Safety**

### **6.1 Safety Policy**

The safety and well-being of each County employee, and the prevention of occupational injuries and illnesses, is of primary concern to the County. To the degree possible within the fiscal constraints of the County, the County Board will provide a safe and hazard free work environment for its employees.

The County has developed and implemented an Employee Safety Manual to provide every employee with general rules for safe work procedures, no matter what their position and responsibility is for Bayfield County. It must be recognized that the Manual alone will not ensure a safe work environment. This can be accomplished only through the cooperative efforts of the County Board, Department Heads, supervisors, and employees working together to actively and continuously promote safety awareness and safe work practices for Bayfield County employees.

The Manual was developed and written by a special committee comprised of Department Heads, County Board Supervisors, and employees from various County Departments under the direction of the County Safety Officer. Due to the significant variety of operations and duties performed by County employees within varying work environments, the Committee did not attempt to address every possible work situation that a County employee may encounter. The procedures and guidelines outlined in the Manual are intended to cover work situations applicable to the majority of employees.

County Departments will develop additional specific safety guidelines within their departments. Departments with additional safety guidelines must report the guidelines to the Risk Management Committee, through the County Administrator for approval. These specific department procedures must not be less restrictive or safety conscious than procedures outlined in the Manual and will be kept on file with the County Administrator. The Department guidelines must be routinely communicated to employees to ensure a complete understanding and compliance with the procedures. The county will, at a minimum, conduct safety trainings, meetings, or reminders with employees on a regular basis.

Employees are asked to help the County by observing good safety practices and maintaining good health. Employees must immediately inform their supervisor of any hazardous situations. Reports of hazardous situations can also be made using the Unsafe Condition or Hazard Report included as part of the Grievance Procedure attached as Appendix B to this Manual.

All workplace accidents, injuries and illnesses, no matter how small or minor must be reported to your supervisor immediately. Your supervisor will see that you get appropriate medical care and may require you to obtain medical attention. A "First Report of Injury" report must be completed and submitted to the County Administrator's office within 24 hours of the accident, injury or illness.

## **6.2 Oleoresin Capsicum (Pepper Spray) Policy**

### **Purpose:**

To provide county department's with general guidelines on the use of of aerosol oleoresin capsicum (pepper spray).

### **Policy:**

Several county departments current offer oleoresin capsicum aerosol, also known as pepper spray or O.C., to staff as a precautionary measure to ensure personal safety.

This policy pertains to all county departments. Pepper spray shall be available for use in all departments upon approval by the department head. It is for situations where staff feel physically threatened by another person(s) or by animals. It should be used, when verbal interactions have failed and other assistance is not readily available.

O.C. is an inflammatory made of natural oils and pepper pods. It inflames the mucous membranes and may cause redness and swelling of the nose, mouth, and eyes. If inhaled, it can cause inflammation of the respiratory system that produces coughing, gagging, and labored breathing. Responses to O.C. vary, but usually last no more than 45 minutes. O.C. is not 100% effective.

While the use of O.C. is a personal choice, it is required that all staff be adequately trained in its utilization and decontamination. Staff must be aware of the impact pepper spray has on an aggressor, as well as other individuals that may be exposed. They must be knowledgeable about decontamination procedures in order to assist any individuals who have been exposed either directly or indirectly.

### **Procedure:**

<b>Person(s) Responsible</b>	<b>Action</b>
Department designee	Orders and maintains stock of O.C. in collaboration with Sheriff's Office.
Staff	Signs out and/or is assigned aerosol O.C. and notifies designee when inventory needs to be replenished. Shakes aerosol containers at a minimum once each week to maintain the integrity of O.C. Uses verbal skills and other available assistance in an attempt to defuse the escalation of an incident. Notifies an aggressor verbally of impending use of pepper spray. Uses O.C.

<p>Staff</p>	<p>When using O.C.:</p> <p>Minimizes accidental spray to self or persons other than target by being cognizant of direction of wind (if any) before spraying.</p> <p>Sprays from an upright position.</p> <p>Follows manufacturer's guidelines for spraying distance. If none are available, maintains a minimum distance of four feet from target.</p> <p>Sprays directly at the target's face in one-half to one second bursts.</p> <p>Notifies others that there is O.C. spray in the area by yelling "pepper spray."</p> <p>Ceases to use as soon as subject's resistance stops.</p>
<p>Staff</p>	<p>Determines if any threat still exists from the attacker(s):</p> <p>If threat exists:</p> <p>Repeats the use of spray, or Removes self from the area and immediately notifies law enforcement, if possible.</p> <p>If threat no longer exists:</p> <p>Calls law enforcement to scene; and immediately begins decontamination of <u>anyone</u> exposed.</p>
<p>Staff</p>	<p>Decontaminates by:</p> <p>Allowing the O.C. to "drop" (settle) for 5 to 10 seconds. Verbally reassures person.</p> <p>Encouraging exposed person(s) to stay calm and relaxed.</p> <p>Asking person to remove glasses or contact lenses, if necessary.</p> <p>Removing person from direct sunshine or bright light, and moving toward fresh air, facing wind.</p> <p>Providing cool water (from tap, outside faucet, stream, snow, etc.) for flushing eyes and face and washing exposed skin. Changing water periodically.</p> <p>Getting medical attention if subject requests, or if symptoms last for more than 45 minutes.</p> <p>Stabilizes, then monitors anyone who is affected.</p>

Staff	<p>Any time O.C. has been used, including when it has been used on animals:</p> <p>Completes the incident report included in the Workers Compensation Claim Packet (N:/County Administrator/Forms/Workers Compensation Claim Packet, page 2 entitled "To Be Completed by Injured Employee") even if no employee was negatively impacted by the incident. Submits the form to their manager.</p>
Department Head	<p>Reviews the incident report.</p> <p>Discusses incident with staff. Completes the form titled "Accident/Illness/Incident Investigation Report, page 3 of the Workers Compensation Claim Packet."</p> <p>Signs and dates report.</p>

## **Section VII. Grievance Procedure**

The County has adopted a grievance procedure in accordance with Wis. Stat. §66.0509(1m) which allows employees to grieve covered employee terminations, discipline and workplace safety. The grievance procedure outlines the actions which may be grieved, the employees who are eligible to utilize the grievance procedure and the procedures and processes for resolving grievances. The Grievance Procedure is set forth as an Appendix A to this Manual. If you have questions regarding the policy, please contact the County Administrator.

## **Section VIII. Prohibited Weapon Policy**

### **8.1 Purpose:**

Bayfield County is committed to providing its employees a work environment that is safe and secure. The County makes reasonable efforts to provide safe and secure working conditions for its employees and the general public. The goals of this Policy are to implement Wis. Stat. § 175.60, to provide for the safety of Bayfield County employees and members of the public, and to exercise prudent risk management in managing the County's liability. All Bayfield County employees are subject to Bayfield County Amendatory Ordinance 2011-019.

### **8.2 Prohibition from Possession and Control of Prohibited Weapons by County Employees:**

Bayfield County employees are prohibited from possessing or having under their control any prohibited weapon(s) while conducting County business or while in County-owned, rented, leased, or otherwise controlled buildings unless specifically authorized by the employee's appointing authority. A prohibited weapon includes but is not limited to any firearm, as well as any handgun, knife, billy club, or electric weapon as defined in Wis. Stat. § 175.60. A knife that is used in the normal course of county business, such as a butcher knife used for food preparation or a box cutter used to break down boxes, or a common pocket knife, is exempt from this policy.

Law enforcement officers or other individuals specifically authorized by the County to carry a weapon are exempted from this policy and may be permitted to carry a prohibited weapon in accordance with department rules regarding the carrying and handling of such weapons.

Pursuant to Wis. Stat. § 943.13(1m)(c)4.b, no employee, contractor, visitor or other individual may carry a prohibited weapon into any building that is owned, operated or controlled by Bayfield County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises.

Employees of Bayfield County are prohibited from carrying weapons any time they are working for the County or acting within the course and scope of employment. These situations include but are not limited to attending training sessions or seminars, wearing an identification badge and working at other sites off County premises. In addition, no employee or member of the public may carry a prohibited weapon in a County-owned vehicle.

This prohibition against unauthorized weapons applies to all employees including but not limited to regular full-time or regular part-time employees, part-time employees, elected officials, limited term employees, contractors, interns, volunteers, and officials or officers who serve at the pleasure of the appointing authority as provided by statute. Violations will be subject to legal action as appropriate. Violations of this policy by an employee may lead to disciplinary action up to and including termination of employment in accordance with the applicable law.

### **8.3 Notice to Employees and the Public:**

Effective November 1, 2011, the following sign (or language substantially similar) will be posted at the entrance of every County-owned building, and at the entrance to the portion of any non-county owned building that is rented, leased, or otherwise controlled by the County as required by Wis. Stat. §175.60:

All Weapons Prohibited. Wis. Stat. §175.60

### **8.4 Storage of Weapons in Vehicles:**

Pursuant to Wis. Stat. §175.60(15m)(b), an employee possessing a valid license to carry a concealed weapon may bring their weapon with them onto a County parking lot. Employees who possess a valid license to carry a concealed weapon are discouraged from storing a weapon in the personal vehicle while at work.

Where an employee chooses to bring a concealed weapon onto a County parking lot, the employee must leave the concealed weapon in his/her vehicle. Employees are not permitted to bring a concealed weapon into Bayfield County buildings. The employee's weapon must be stored in a locked vehicle either in the glove compartment, a lock box, gun rack or the trunk.

### **8.5 Right to Inspection:**

Bayfield County reserves the right at any time and at its discretion to conduct lawful searches of County-owned, rented or leased vehicles as well as any other vehicles, packages, purses, containers, briefcases, desks, and/or persons entering County-owned, rented, leased or otherwise controlled buildings for the purpose of determining whether any prohibited weapon has been or is being brought onto such County premise in violation of this policy. Any employee failing or refusing to promptly permit a search under this policy will be subject to discipline up to and including termination of employment.

In addition, if Bayfield County has reasonable suspicion that an employee or a member of the general public is carrying a prohibited weapon in violation of this policy, Bayfield County reserves the right to require the individual to voluntarily demonstrate compliance with this policy. If the individual refuses to comply, he/she may be denied access to a County facility or County vehicle.

## **8.6 Reporting Prohibited Weapon Policy Violations:**

Any employee who witnesses any prohibited activity as defined in this policy shall immediately report such activity to their immediate supervisor, or the Bayfield County Administrator.

An employee shall immediately contact a supervisor if he/she suspects an employee or member of the public is carrying a prohibited weapon on the premises of the County. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a prohibited weapon at any time while they are working for the County, acting within the course and scope of employment, or acting as a representative of the County.

## **Section IX. General Policies & Procedures**

### **9.1 Building And Grounds**

#### **9.1.1 Hours**

- b. Courthouse and East Side of the Annex: The Courthouse and Annex are generally open to the public and staff from 8:00 a.m. until 4:00 p.m. Monday through Friday. Custodial staff are generally working in the Courthouse from 6:00 a.m. until 10:00 p.m.
- c. After Hours Meetings: County Board and Committee/Board meetings and other Department related meetings are often held in the Courthouse and Annex after 4:00 p.m. Other Department specific business may be conducted in the Courthouse and Annex after hours. For example: UW-Extension Educational Teleconference Network (ETN) sessions, Human Services consumer meetings, County Clerk election tallying, etc. After hours scheduling and other arrangements are the responsibility of the relevant Department.
- d. Sheriff's Department. The Sheriff's Department is generally open to the public and staff from 8:00 a.m. to 4:00 p.m. Monday through Friday by using the East Annex entrance. After hours, access is through the monitored security jail entrance behind the Annex. Because of the nature of law enforcement, the Sheriff's Department is staffed twenty-four (24) hours a day.
- e. Highway Department. The Highway Department office building is generally open to the public and staff from 7:00 a.m. until 3:30 p.m. Monday through Friday. However, because of the nature of the work, staff may access necessary equipment at any time.
- f. Forestry Department. The Forestry Department shop building is closed to the public. However, because of the nature of their work, staff may access necessary equipment at any time.
- g. No Access. Custodial staff will not allow access after working hours by non-employees to Department offices without specific notification from that Department.

9.1.2 Building Security: The purpose of policies and procedures related to the security of Bayfield County's facilities is to safeguard personnel and equipment. Departments may have specific procedures relevant to their equipment and assigned duties. Bayfield County also has an Employee Safety Handbook covering numerous safety related topics.

#### **9.1.3 Keys.**

- a. Courthouse and Annex. The Maintenance Department issues keys to the Courthouse and Annex Departments for the buildings and approves any lock changes. Each Department is responsible for issuing keys to appropriate staff depending on their need to access the building or assigned office space. It is assumed that staff will need a Courthouse or Annex door key only if they need access to the building before 6:00 a.m. or after 7:00 p.m. Monday through Friday or on holidays or weekends. Departments are responsible for tracking key assignments and returns. Keys should not be exchanged between staff but must be returned to the person who assigns keys. Lost keys should be reported to the person who assigned the keys who will report to the Department Head. The Department will consult with the Maintenance Department regarding the need to change locks or to alert others. When an employee terminates employment, the Supervisor must collect any assigned keys and return them to the assignor.
- b. Sheriff's Department. The Chief Deputy issues keys for Sheriff's Department offices, entry doors and vehicles to staff. The jail keys are maintained in accordance with State Statutes.
- c. Forestry Department. The Forestry Department Shop keys are issued to staff and the Maintenance Supervisor.
- d. Highway Department. The Highway Department keys are distributed to staff for their assigned portals. All other keys are kept at the main shop for checkout as needed.

#### 9.1.4 After Hours Building Use:

- a. Securing the Building: Any Department/employee who has access to the County's buildings when they are locked is responsible for ensuring that the building is secure. Doors should be locked following entrance and upon exit. Doors should be checked to make sure they have closed and locked. All lights and equipment must be turned off following use.
- b. Spare Keys. A spare key to the main entry doors is available in the Jail. If an employee forgets or misplaces their key, it is their responsibility to contact the jail to borrow the spare key. The key must be returned to the jail after the employee leaves the building and locks the doors.

#### 9.1.5 Courthouse Alarm System

- a. Boiler Alarm. The heating/boiler system has an alarm that rings at Per Mar Security if there is a problem. The custodians are then contacted.
- b. Fire and Perimeter Alarm. The Courthouse is monitored by motion detectors and an alarm system that indicate if there is a fire or a perimeter disruption. Read out panels are located at the east and west entrances. The fire alarm

rings at the Courthouse and at Per Mar Security. Custodians will respond to the alarm, determine which area of the Courthouse is sounding an alarm and silence the alarm, if appropriate.

The Courthouse perimeter is secured with an alarm system when the building is locked. The Maintenance Department issues the code number to the Departments. The code should be provided only to staff who have keys to access the building after hours.

Upon entering the Courthouse when it is secured, an employee will see a red light blinking on the small alarm panel. The code number must be pushed slowly and firmly to deactivate the system – the light will turn green. Upon entering, employees should lock the door behind them but **not** set the alarm (or any movement will be detected by the motion sensors). Employees must sign in and out of the building after hours on the board located at the Sixth Street main entrance. Do not erase any names so that the last person signing out can reset the alarm.

To reset the alarm upon exiting, push the code number slowly and firmly. A red light will appear. In approximately thirty (30) seconds, the alarm is secured.

If the alarm does not operate correctly the first time, push #9 for fifteen (15) seconds until tone sounds and slowly press the code again. If it still does not work, contact the Sheriff's Department because they will be notified of the alarm Courthouse codes are provided to staff who have keys to the outside (perimeter) doors. Any problems with the alarm system must be reported to the Maintenance Department the following work day for follow-up.

9.1.6 Annex Security. The first door is locked by the last person leaving the East side of the Annex. During the evening shift, a Sheriff's Department Jailer checks the front entrance to make sure it is secured.

a. Sheriff's Department Security. The Sheriff's Department alarm systems are located in two areas: The Sheriff's Department and the Jail. The Jail system procedures are not included in this Manual. Entrance to the Sheriff's Department is primarily through the East entrance to the Annex. Other entrances to the Sheriff's Department are locked at all times.

9.1.7 Highway Department Security. Law enforcement checks the Highway Department office and garages after regular work hours.

## **9.2 Scheduling Meeting Rooms**

9.2.1 County Board Room. The County Board Room is scheduled by the County Clerk's office. Full County Board meetings have precedence if a conflict arises. Departments

may reserve the Board Room for Committee/Board or other meetings when space is available.

9.2.2 Other Meeting Rooms. Departments are responsible to schedule any meeting room space assigned to them. Following is a list of meeting rooms and the appropriate person to contact to reserve the meeting room.

<u>Meeting Room</u>	<u>Contact Department</u>
County Board Room	County Clerk, County Administrator, Sheriff, DHS
ETN Room	UW Extension Office
LLCR-A	Human Services Reception Desk (DHS)
LLCR-B	Human Services Reception Desk (DHS)
EOC	County Clerk, County Administrator, Sheriff, DHS
Jury Room	Clerk of Court
Family Court Room	Clerk of Court

### **9.3 Elevators**

9.3.1 Availability. There are two elevators in the courthouse and one in the Annex Building.

- a. Original Courthouse. One elevator is located in the older section near the center of the Courthouse. This elevator provides access to all three (3) levels of the building.
- b. Courtroom Entrance. A second elevator is located at the courtroom entrance to the courthouse at the west end of the building on Sixth Street. This elevator provides access to the main floor and basement.
- c. Sheriff's Department. The elevator in the Annex Building is located at the East, Sheriff's Department entrance on Second Avenue. This elevator provides access to the main floor and basement.

9.3.2 Emergency Procedures

- a. If the elevator stops and the door jams with people inside, the following procedures should be used:
  1. Obtain an elevator key (rod) from the alarm box in the Custodian's Room in the basement, the Forestry Department on the main floor, the Human Services Department in the basement, or the UW-Extension Office on the second floor.
  2. Insert and turn the key to open the outer door.
  3. Pull the door to the right to fully open it exposing the inside door.
  4. Pull the inside door to the right to open it.

5. If the elevator stopped above or below floor level, assist the people inside to exit the elevator.
6. The elevator may need to be turned off and then on to reset the system.
7. If a custodian is not available, notify them and post an **"OUT OF ORDER"** sign on all elevator doors.

## **10.1 Chain Of Command**

10.1.1 Purpose and Content: The purpose of a Chain of Command is to maintain efficient County operations and minimize delays or problems. The Chain of Command should clearly determine who has authority or responsibility to make decisions, authorize expenditures, answer questions, or represent a Department. A Chain of Command describes the role of each employee, an overlapping expertise or authority among employees, and what happens when an employee is absent from work for any reason. The content should be determined by the particular duties and needs of each Department.

10.1.2 Establishment: All Department Heads will confer with their staff and prepare a written Chain of Command. Copies of this Chain of Command will be provided to the assigned Committee/Board, Department staff and the County Administrator.

10.1.3 Revision: Department Heads may revise their Department's written Chain of Command, as necessary. Copies of all revisions will be provided to the Committee/Board, Department staff and the County Administrator.

10.1.4 Implementation and Enforcement: Employees are responsible for retaining a current copy of the Chain of Command for their Department. All employees are responsible for learning, understanding and following the Chain of Command as it relates to their position. Employees acting beyond, outside of, or in violation of the Chain of Command may be subject to disciplinary action.

10.1.5 Unforeseeable Situations: When a significant unforeseeable situation arises in the Department Head's absence that is not described in or covered by the Chain of Command, the employee exercising the greatest authority may choose any of the following options:

1. Try to contact the Department Head for a decision;
2. Wait until the Department Head returns to work; or make a decision with the County Administrator and/or the Chair of the responsible Committee/Board.

## **11.1 Identification Cards**

11.1.1 Purpose: To provide an enhanced level of security for staff and visitors and to identify others that may require assistance.

The issuing and wearing of an I.D. card identifies that the wearer has official and regular business at the Bayfield County Courthouse or Annex. The absence of an I.D. card will indicate that the person is a visitor. Staff are encouraged to ask visitors if assistance is required, direct that person to a location to obtain assistance, or notify security that someone is wandering around a building. Failure to adhere to this Policy/Procedure may result in administrative action.

11.1.2 Card Format: All employees will be issued an identification card, with photo, as developed by the County. The County Administrator's office shall contact Emergency Management with ID information within the first week of a new employee start date.

I.D. cards are to be returned to the Administrator's Office when an employee separates from employment.

11.1.3 Policy: All Courthouse or Annex employees and long-term contract employees will wear their I.D. card at all times in a visible location at or above the waist while at the Bayfield County Courthouse or Annex or on official county business.

Vendors, temporary service contractors, visitors, guests or volunteers who will be at the Bayfield County Courthouse/Annex for over three consecutive days shall be issued, through the Emergency Management Office, a visitor ID.

I.D. cards are issued for the exclusive use of the named employee and are not to be loaned to anyone. I.D. cards remain the property of Bayfield County and must be surrendered upon demand or upon termination of employment.

Employees must report lost or stolen I.D. cards to their supervisor as soon as possible.

Department Managers will ensure that all employees wear the I.D. card while at work. If forgotten, employee will be issued a temporary card.

### 11.1.4 Replacement Of Lost Or Damaged Identification Cards:

If an issued badge is lost it will be the responsibility of that individual to report the lost ID to their Supervisor and to obtain a replacement. Contact Emergency Management at 715-373-6113 or extension 3275 to obtain a replacement I.D.

## **12.1 Mail**

12.1.1 Incoming Mail: Mail is collected from the Post Office by the maintenance/custodial staff each work day morning. It is delivered, unopened, to each Department mailbox after 10:00 a.m.

### 12.1.2 Outgoing Mail

- a. Mail that needs to be metered should be delivered to the mail room for metering by 2:30 each work day.
- b. Outgoing mail to be metered must be grouped and labeled by Departments and/or programs.
- c. Mail that is already stamped or pre-postaged shall be dropped off at the mailroom by 2:30 each work day. Stamps may be purchased in advance by each Department.
- d. In-Office Delivery/Dispersal: Each Department should open and disperse mail to staff in a timely fashion. Mail that is marked "confidential" should be opened by the addressee or their Supervisor. Departments may choose to date incoming mail.
- e. Inter-Office Mail: Mail boxes/slots are available for each Department and County Board Supervisor in the mail room. Departments are responsible for delivering inter-office mail to, and retrieving mail from, the mail room.
- f. Specialty Mail: Departments with specialty mail privileges such as federal penalty mail must abide by and monitor all specialty mail regulations.
- g. Addresses: Each department is responsible for following all postal rules and should utilize plus four zip codes whenever possible. The return address for the department should include the post office box number for that department.
- h. Postage Due Mail: Postage due mail is received by various Departments on an irregular basis and the annual cost is not significant (less than \$40 estimated). Some Departments are listed with the Post Office and postage due mail for them is returned to the sender. Some Departments feel that they need to accept time sensitive postage due mail. Some Departments have postage due mail come to them in their own envelopes. Some mail does not have the sender's return address.

Bayfield County has established a prepaid trust account with the Post Office for the County. Postage due will be paid from the account. The Trust Receipt and Withdrawal forms (one comes with each piece of mail) will be accumulated and charged to Departments from the County Clerk's Office.

Departments who wish to receive postage due mail (and be charged by the County Clerk's Office) must notify the County Clerk's Office. Mail received in any Departments' envelopes or mail without a sender's return address will be paid from the account and charged to the Department.

- i. Non-Work-Related Packages: Packages received for employees that appear to be clearly non-work related will not be collected or delivered by maintenance/custodial staff. However, maintenance/custodial staff may bring a Post Office card notifying staff that they have a package.

## **13.1 Maintenance/Custodial**

### 13.1.1 Access

- a. Courthouse and Annex maintenance/custodial staff can be reached using two-way radios. Departments that have a two-way radio include: County Clerk, Tourism & Recreation, Department of Human Services, Health, and UW Extension. Maintenance requests may also be e-mailed to the Maintenance Supervisor, or a voice message left on the work extension.
- b. Work that does not need immediate attention should be emailed to the Maintenance Supervisor.

### 13.1.2 Recycling

- a. Departments should eliminate waste wherever possible in operations.
- b. Each Department will use recycling bins as designated by the maintenance/custodial staff.
- c. All recycling which does not include food contaminated waste, tissue paper, or confidential materials for shredding, will be placed in the designated containers.
- d. Aluminum cans, bottles, or jars will be rinsed and placed in recycling bins.
- e. The bins will be emptied as determined necessary by a member of the maintenance/custodial staff.

### 13.1.3 Shredding

- a. Confidential papers must be shredded.
- b. Bins for papers that need to be shredded are available in each Department. The bin will be emptied, as needed, by maintenance/custodial staff. Only paper with confidential information should be placed in the shredding bins.
- c. The paper is shredded and disposed of by maintenance/custodial staff.

### 13.1.4 Housekeeping

Departments and employees are responsible to assist with the ordinary care and housekeeping of County buildings. Wet foods, and other similar substances, should not be deposited in the office waste baskets. Liquids should be drained in the washrooms or janitor's closets. Employees should clean up spilled break or lunch items.

Drinking fountains should not be used to rinse cups or pour out sodas, etc. The fountains stain easily and are difficult to clean and to keep sanitary if used for anything other than their intended purpose.

## **14.1 Media Contacts:**

14.1.1 Media Inquiries: Each Department will respond to media inquiries or questions relating to that Department's authority, work, or expertise. If the Department Head is not available, the Chain of Command will be followed in determining who should respond. General or vague questions not relating to a specific Department will be referred to the County Administrator, County Clerk or Chairperson of the Board of Supervisors. If any erroneous quote or information is used, a reasonable effort will be made to obtain a correction or retraction.

14.1.2 Press Releases and Press Conferences: Department Heads may decide when to schedule and conduct press conference and/or distribute press releases. No announcements that may be reasonably construed as defamatory, an invasion of privacy, or inflammatory will be made without prior approval of the Department's Committee/Board, County Administrator and advice from the Corporation Counsel may be necessary.

14.1.3 Media Coordination and Cooperation: Department Heads will coordinate their information or responses whenever media coverage is likely to relate to two (2) or more departments. Department Heads will also cooperate with media contacts in responding to reasonable requests for information. Prior to responding to any requests of a sensitive nature, however, Department heads will review their legal duties under public records and open meeting laws, with the County Administrator, and may consult with the Corporation Counsel.

14.1.4 Media Contacts List: The County Clerk will maintain and periodically update a media contacts list. Department Heads may request a copy of this list. Information on new or changed media contacts will be noted and provided to the County Clerk.

## **15.1 Parking**

15.1.1 Parking Availability

15.1.2 Courthouse parking is restricted or available to employees as follows;

15.1.3 Spaces on Sixth Street between the Courthouse and Annex Buildings, between the building entry sidewalks are reserved for visitors and people doing business at the Courthouse.

15.1.4 Employees should park in the side lot, in front of the garage, in front of the Annex, in the triangle lot and on the south and west streets around the Courthouse.

## **15.2 Overnight Parking**

An employee using a county vehicle overnight should park their personal vehicle in the triangle lot. Employees who leave their personal vehicles overnight, but do not have a county vehicle (or when multiple employees take one county vehicle), should park in the triangle lot if space is available to facilitate street maintenance/repair and snow removal.

## **16.1 Departmental Procedures:**

16.1.1 It is the preferred practice that policies and procedures promulgated for Bayfield County be assigned to subjects noted in the Table of Contents of this Manual or to the Employee Safety Handbook or to the Personnel Policies and Procedures Manual. However, some policies or procedures may be difficult to assign to an established topic and may be included in this section for example, Coffee and Rolls for Meetings.

16.1.2 It is also recognized that Departments may have operating procedures that are specific to and/or limited to their particular programs, responsibilities, or unique needs. Departments may supplement the County's Procedures Manual by providing written, dated information/material to their staff that is cross-referenced in the appropriate Procedures Manual section and page. If an appropriate cross-reference cannot be established, additional Department procedures may be assigned to this section. Examples of specific Department procedures that may be needed in this section may be policies/procedures regarding providing home phone numbers and addresses to the public/consumers or procedures and assignments for opening and closing the office each day.

16.1.3 Coffee, Rolls, and/or Meals for Meetings: It is the policy of Bayfield County that coffee, rolls, and/or meals, for staff or Committee/Board meetings should be purchased with attendee contributions. This includes recognizing birthdays or other events. Minimal county funds may be used in certain circumstances (retirements and employee recognition) when pre-approved by the department head and when budgeted. In general, public funds are not to be used for this purpose.

## **APPENDIX A: HARASSMENT, DISCRIMINATION AND RETALIATION POLICY**

### A. Statement of Policy

Federal and state law prohibits employment discrimination on the basis of race, color, religion, creed, sex, age, disability, national origin or sexual preference. Among these prohibitions is the harassment of fellow employees. Bayfield County is committed to maintaining a place of employment and a work environment that is free from discrimination and any form of harassment whatsoever.

Harassment is unlawful and is conduct that exposes both Bayfield County and individuals engaging in harassment to significant liability under the law. Employees at all times should treat other employees respectfully, with dignity and in a manner so as not to offend the sensibilities of a co-worker. Accordingly, Bayfield County is committed to vigorously enforcing this Harassment, Discrimination and Retaliation Policy at all levels within Bayfield County.

No employee should be subjected to behavior that is personally offensive, which lowers morale or interferes with productivity in the workplace. Each employee has a duty to help maintain a workplace free from harassment. This duty involves refraining from any insulting, degrading, demeaning or exploitative behavior toward other employees, including sexual harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual nature where (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about harassment or discrimination against the individual raising the concern or against another individual.

Examples of conduct that would be considered harassment or regarded as retaliation are set forth in the Statement of Prohibited Conduct below. These examples are provided to illustrate the kind of conduct prohibited by this Policy and the list is not exhaustive.

Bayfield County has an affirmative duty to investigate and eradicate all forms of harassment, discrimination and complaints about conduct in violation of this Policy. All employees should be advised that Bayfield County will impose strict penalties for all confirmed violations of this Policy.

### B. Statement of Prohibited Conduct

Bayfield County considers the following conduct to represent the kind of acts that violate this Harassment Policy:

1. Physical Contact of a Degrading, Demeaning or Sexual Nature. This includes:
  - a. Any punching, hitting, slapping, rape, battery, molestation or attempts to commit any such assaults; and
  - b. Intentional physical conduct that is offensive or sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
2. Unwanted Sexual Advances, Propositions, or Other Sexual Comments. This includes:
  - a. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
  - b. Preferential treatment or promises of preferential treatment to any employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
  - c. Subjecting or making threats of subjecting an employee to unwelcome sexual attention or conduct, or intentionally making performance of the employee's job more difficult because of that employee's sex.

3. Sexual, Discriminatory or Otherwise Offensive Displays or Publications Anywhere in Workplace by Employees. This includes:

- a. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are offensive to other employees, sexually suggestive, demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display, or view at work.

Materials will be presumed to be offensive to other employees if such materials depict persons, symbols, situations, objects, caricatures, language or any other thing known to be generally offensive to certain classes of persons or known to be offensive to a particular employee.

Materials will be presumed to be sexually suggestive if such materials depict through words, symbols, situations or in any other way a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work and who is posed for the obvious purpose of displaying or drawing attention to the private portions of his or her body.

- b. Reading or otherwise publicizing in the workplace or during work-related activities materials that are in any way offensive to other employees, sexually suggestive, demeaning or pornographic; and
  - c. Displaying signs or other materials purporting to segregate an employee by sex, race, creed, color, age, disability or sexual preference in any area of the workplace.
4. Retaliation for Harassment Complaints. This includes:
- a. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and
  - b. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct, such as that described in any item above.
5. Other Acts.

Any language or gesture depicting hostility toward any employee because of that employee's race, color, creed, sex, age, disability or sexual preference.

Please note that the prohibited conduct listed above is illustrative and not exhaustive of all acts prohibited under this Policy.

### C. Penalties for Misconduct

Harassment is unlawful and hurts other employees. Every incident of harassment creates a negative work environment in which all employees suffer the consequences. Harassment and sexually based conduct has no legitimate business purpose. Accordingly, any employee who engages in such conduct will be made to bear the full responsibility for such unlawful conduct, up to and including termination.

### D. Procedures for Making, Investigating and Resolving Harassment and Discrimination Complaints

#### 1. Complaints

Bayfield County will provide its employees with a convenient, confidential and reliable mechanism for reporting incidents of harassment and retaliation.

Complaints of harassment or retaliation that are in violation of this Harassment, Discrimination and Retaliation Policy will be accepted in writing or orally and should be directed to the following people:

- a. If the harasser is a non-supervisory employee or a supervisory employee other than a department head, the complaint should be made to the employee's department head or the chair of the county board;
- b. If the harasser is a department head, the complaint should be made to the County Administrator;
- c. If the harasser is a county board member other than the county board chair, the complaint should be made to the County Administrator or the county's labor attorney;
- d. If the harasser is the chair of the county board, the complaint should be made to the county's labor attorney.
- e. If the harasser is the County Administrator, the complaint should be made to the County Board Chairman.

The purpose of having several persons to whom complaints may be made is to avoid situations where employees are faced with complaining to a person, or a close associate of a person, who might be the subject of a complaint. Anyone who has observed sexual harassment or retaliation should report it to designated personnel immediately. A complainant need not be the person who was the target of harassment or retaliation. All employees have an affirmative duty to report any harassment, discrimination or retaliation that they know of.

The identity of complainants will be revealed only to those persons who have an immediate need to know. All persons contacted in the course of an investigation will be advised that the parties involved in a charge are entitled to confidentiality and respect and that any breach of such confidentiality and respect or other act of retaliation or reprisal against the complainant or other individuals involved with the complaint is a separate, actionable violation of this Policy.

## 2. Investigations

Once a complaint has been received by any of the people designated above, it shall be investigated thoroughly and expeditiously by such person or their designee. The investigator shall have appropriate knowledge, training and/or experience in harassment investigations. The investigator will produce a written report, which, together with the investigation file, will be shown to the complainant within a reasonable time upon request. The investigator is empowered to recommend remedial measures based upon the results of the investigation, and Bayfield County will promptly consider and act upon any such recommendation. Bayfield County will maintain a file on all harassment charges and the particulars of the investigation.

## 3. Cooperation

An effective sexual harassment policy requires the support and example of Bayfield County personnel in positions of authority. Bayfield County agents or employees who engage in harassment or retaliation or who fail to cooperate with Bayfield County-sponsored investigations of harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Bayfield County employees, and/or retaliate against harassment complainants or witnesses may be immediately discharged.

**APPENDIX B:  
Vacation Schedule**

Employees shall earn and accrue vacation time as follows:

<b><u>Years of Employment</u></b>	<b><u>37.5 Hours Per Week</u></b>	<b><u>40 Hours Per Week</u></b>
Upon Hire	37.5 hours	40 hours
After One (1)	75 hours	80 hours
After Fifth (5)	112.5 hours	120 hours
After Tenth (10)	150 hours	160 hours
After Fifteenth (15)	187.5 hours	200 hours

The accrual and use of vacation time shall be calculated and rounded in hours, to the nearest one-quarter (¼) hour.

Vacation for regular part-time employees shall be calculated pursuant to Section 1.2.2.

Jailers and Civilian Communication Operators shall utilize the 40 hour per week schedule.

All vacations earned must be taken by employees, and no employee shall be entitled to vacation pay in lieu of vacation, except where agreed to by the employer.

New employees earn vacation time from date of hire.

Department Heads, or supervisory designees, are responsible for scheduling vacations so as to assure the operation of the departments. If a conflict in vacation scheduling occurs between employees, the Department Head will take into consideration the operation of the department and the length of service of the employee to resolve the problem.

Department Heads, or supervisory designees, must approve all vacation time and report vacation taken by employees of their department to the County Clerk's office with each payroll.

Holidays that fall during a scheduled vacation are not to be charged against vacation time.

Subject to the approval of the employee's Department Head or designee, full-time employees may carry over up to Thirty seven and one-half (37½) hours of vacation, (forty (40) hours for employees who are scheduled to work forty (40) hours per week), but such hours must be used within 90 days. The carry over for part-time employees shall be prorated based on Section 1.2.2.

If an employee leaves employment during the first year, any unused vacation shall be forfeited.

**APPENDIX C:  
Family and Medical Leave**

The Wisconsin Family and Medical Leave Law went into effect April 26, 1988. The Federal Family and Medical Leave Act went into effect August 5, 1993. The **purpose** of the laws is to provide unpaid leave to eligible employees for specific reasons and to protect those employees' jobs and certain benefits while on leave. Substitution of paid leave may be allowed (state law) or required (federal law). The purpose of this policy is to comply with the FMLA laws.

**1. HOW TO DETERMINE IF AN EMPLOYEE IS ELIGIBLE FOR FMLA:**

	<b><u>Federal</u></b>	<b><u>State</u></b>
Employee:	1,250 hours worked over previous 12 months from date leave begins* (include overtime worked, no paid or unpaid leave time)	1,000 hours paid (including working, vacation, sick allowance, or other within 52 weeks prior to request)
	must be employed by the county for 12 months prior to date leave begins (need not be consecutive)	must be employed for 52 consecutive weeks, including layoff (need not be immediately prior to date of request)
	*need not requalify each time more intermittent leave is needed in the same calendar year (January-December)	

**2. WHAT AMOUNT OF FMLA TIME OFF IS AN EMPLOYEE IS ENTITLED TO:**

	<b>Federal*</b> Rolling year, 12 weeks	<b>State**</b> January – December, Calendar Year.
	(weeks/within 12 months of birth or placement of a child for adoption or	6 weeks for birth or adoption-not foster care
Total of 12 weeks	foster care and to care for the newborn, adopted, foster child(weeks/calendar year for an employee	2 weeks for an employee who is unable to work because of a serious health condition
	who is unable to work because of a serious health condition or for a covered family member who has a serious health condition	2 weeks for a covered family member, including a foster child who has a serious health condition

\*Under the federal FMLA, an employee may take all 12 weeks for one purpose in a rolling year.

\*\*Under the state FMLA, an employee may not take all 10 weeks for one purpose.

Under federal law, if spouses are employees of the county, the combined total amount of leave is limited to a total of 12 weeks for birth, adoption, foster care, or to care for sick parents.

Employees are entitled to take federal FMLA leave for birth or adoption or placement of a child for foster care within one year after the birth, adoption, or foster care placement.

Under state FMLA, leave to care for a newborn child or for a newly placed child for purposes of adoption must commence within 16 weeks before or after the birth or placement of a child or for purposes of adoption. If two births or two adoptions occur in the same calendar year, under state FMLA law, the employee is only entitled to 6 weeks of leave.

Under the federal and state FMLA, leave may be taken prior to the birth of a child or placement of a child for adoption or foster care (federal law only) if the employee’s absence from work is required for the placement to proceed.

Under both federal and state law, there is no medical certification needed for a FMLA leave to care for a newborn or newly placed child (federal: adoption, foster) (state: adoption only).

**Twelve weeks of FMLA leave under federal law runs concurrently with FMLA leave under state law and leave under county rules, county ordinances, and union contracts.**

Injury pay and worker's compensation is counted against the employee's FMLA federal and state leave entitlement if the employee is qualified for FMLA leave.

**3. INTERMITTENT LEAVE (NON-CONTINUOUS):** FMLA leave taken in separate blocks of time due to a single qualifying reason. Efforts should be made by employees to not unduly disrupt the county's operations.

<b><u>Federal</u></b>	<b><u>State</u></b>
-none unless medically necessary* <u>If the county agrees</u> , the employee may have intermittent or reduced leave for birth, adoption, or foster care placement	-allowed if medically necessary including reduced hours – should not unduly disrupt the county's operations
An employee does not have to establish eligibility with each leave/absence in the same calendar year.	partial absence leave due to birth or adoption allowed (should not unduly disrupt the county's operations)

\*For planned medical treatment the employee taking FMLA leave must make a reasonable effort to schedule treatment so as to not unduly disrupt the operations of the county.

Examples: medical appointments, chemotherapy, full-time to part-time during period of recovery.

A medically necessary (serious health condition) request for intermittent leave or a reduced leave schedule does not require the county's agreement. Included are those times scheduled for planned medical treatment and recovery from treatment for a serious health condition. This includes part time or reduced work schedules. The shortest increment allowed in other situations must be allowed for time off under the FMLAs.

Medical certification indicating the necessity of intermittent leave or reduced work schedule leave due to a serious health condition is needed. Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member or because of the employee's serious health condition.

**4. WHO ARE COVERED FAMILY MEMBERS**

	<b><u>Federal</u></b>	<b><u>State</u></b>
Parent	biological, adoptive, in loco parentis to employee (need no legal or biological relationship) (No in-laws)	natural, foster, adoptive, step, legal guardian (includes in-laws) (no in loco parentis)
Child	biological, adopted, foster, step, legal ward, child of a person standing in loco parentis under 18 or over 18 and "incapable of self-care*" or physical disability**	natural, adopted, foster, step, legal ward under 18 or over 18 and is unable to care for him/herself because of a serious health condition
Spouse	legal husband or wife	legal husband or wife

\*Incapable of self-care: requires active assistance or supervision to provide daily self-care, unable to perform three or more activities of daily living: bathing, dressing, cooking, eating, shopping, paying bills, using phones, taking public transportation.

\*\*Mental or physical disability: physical or mental impairment that substantially limits one or more of an individual’s major life activities (walking, speaking, breathing, seeing, hearing, caring for oneself, working, etc.).

**5. DEFINITIONS**

**Health care provider under Wisconsin FMLA** includes: nurse, chiropractor, physical therapist, occupational therapist, dentist, physician, physician’s assistant, podiatrist, occupational therapist, occupational therapy assistant, respiratory care practitioner, dietitian, optometrist, pharmacist, acupuncturist, psychologist, social worker, marriage and family therapist or professional counselor, speech-language pathologist, audiologist, athletic trainer.

**Health care provider under federal FMLA** includes: podiatrist, nurse practitioner, midwives, Christian Science practitioners, optometrist, psychologist, physician’s assistant, physical therapist, physician, clinical psychologist, chiropractor, clinical social worker, dentist.

**A serious health condition under Wisconsin FMLA** defines a serious health condition as a disabling physical or mental illness, injury, impairment or condition involving either (1) in patient care in a hospital, nursing home, or hospice or (2) outpatient care that requires continuing treatment or supervision by a health care provider (at least two visits to a health care provider).

Disabling = incapacitation or inability to pursue an occupation due to physical or mental impairment if employed; not employed, serious health condition is a physical or mental impairment that interferes with normal daily functions.

**A serious health condition under federal FMLA** defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves:

- inpatient care in a hospital plus any period of incapacity or subsequent treatment in connection with inpatient care or
- a continuing treatment by a health care provider including periods of incapacity for more than three consecutive calendar days and subsequent treatment or periods of incapacity relating to same condition involving: treatment two or more times by a health care provider, or nurse, physical therapist, or other referred to by health care provider or treatment by a health care provider on at least one occasion which results in continuing treatment or
- periods of incapacity due to pregnancy or
- periods of incapacity for a chronic serious health condition which requires periodic visits for treatment by a health care provider over an extended period, and which may cause episodic rather than a continuing period of incapacity: e.g., asthma, diabetes, epilepsy. Certification may be required every 30 days of permanent or long-term incapacity for which treatment may not be effective. Need not be receiving active treatment by a health care provider: Alzheimer's severe stroke, terminal stages of a disease with a chronic serious health condition, certification may be requested ever 30 days unless the health care provider's original certification is for a longer period (e.g., 3 months)
- to receive multiple treatments for a condition which would result in incapacitation of more than 3 days if not treated: cancer (chemotherapy), severe arthritis (physical therapy), kidney disease (dialysis)

Seeing a health care provider once with no continuing treatment is not a serious health condition. Generally, a common cold or the flu is not a serious health condition. However, if the definition of a serious health condition is met, both a cold and the flu may be a serious health condition.

Family leave is allowed to care for both the physical and psychological care and arrangement of third-party care (nursing home, home care nurse). The employee's presence must be beneficial to the family member who has a serious health condition (including holding the patient's hand).

Medical leave under the FMLAs if the employee is unable to perform the essential functions of his/her position. An employee cannot be forced to work in a light duty position when the employee's health care provider has not released the employee to return to work. An employee on FMLA leave may be able to work a second job even though an employee is eligible for FMLA for his/her county job.

**6. SUBSTITUTION OF PAID LEAVE**

	<b><u>Federal</u></b>	<b><u>State</u></b>
<b><u>Leave:</u></b>	unpaid  The county is not required to provide paid sick leave where not normally provided	unpaid  Employee has the sole right to substitute any kind of paid leave, including sick leave
<b><u>Substitution Of Leave:</u></b>	Employee may request, the <b>county may require/force</b> an employee to take paid leave but not comp time. Employees off due to serious health condition of self or covered family member may take sick leave under MCCSR VIII, Section 3 (1)(g) which is different than MCGO 17.18(4)	Yes  any kind of paid leave (totally the <b>employee's</b> option)

Under State FMLA leave, the county may not force an employee to take other paid leave if an employee or a covered family member has a serious health condition and the employee has sick leave available and the employee wants to take sick leave.

The county will not:

- discipline an employee (including the filing of written charges for discharge) for taking time off under the FMLAs.
- refuse to hire or promote an employee because the employee took a FMLA leave.
- use the taking of FMLA leave as a reason to take adverse employment action against an employee who took a FMLA leave.

**7. WHAT AN EMPLOYEE IS REQUIRED TO DO:**

**ADVANCE NOTICE AND MEDICAL CERTIFICATION**

<b><u>Federal</u></b>	<b><u>State</u></b>
-30-day advance notice when the need is	-reasonable and practicable notice

foreseeable	
-notice "as soon as practicable" *when the need is not foreseeable	-for emergencies, no notice is required
-sufficient information for the county to understand that FMLA is needed	
-timely notice (two business days) after returning to work that leave was FMLA leave when the county was not made aware that employee was absent for FMLA reasons	

\*At least verbal notice to the county within one or two business days of learning of the need to take FMLA leave. It is the county's policy not to grant FMLA requests that are not timely under federal and state FMLA laws.

**Medical Certification required:** The county must allow 15 days for the employee to submit medical certification to the human resources manager or his/her designee. If it is not received in 15 days, the county may delay the taking of a FMLA leave or may grant leave subject to receipt of certification. If 30 days' notice is not provided by the employee prior to the FMLA leave, then certification should be provided before leave begins. The county can require a second opinion. The county cannot use the same health care provider on a regular basis for second opinions. A second opinion is paid for by the county. The medical certification must include a date when the serious health condition began, probable duration of serious health condition, appropriate medical facts known by health care provider, a statement the employee cannot perform the essential functions of the job or the employee is needed to care for an eligible family member and date(s) of the treatment. If necessary, because the original health care provider's opinion (the employee's) and the county's designated health care provider in a second opinion have differed, the county may obtain a third opinion. The third health care provider **must be** approved jointly by the county and the employee and this third opinion shall be final and binding. The third opinion is done at the county's expense. Re-certification may be requested every 30 days for a chronic condition. However, the county may not request re-certification until after 30 days has passed from the end of leave date previously specified by a health care provider unless 1) the circumstances described by the previous certification have changed significantly (e.g., the severity of the condition, the duration or frequency of absences); or 2) the county receives information casting doubt upon the employee's stated reason for the absence; or 3) the employee requests a leave extension. The county's health care provider (not the county) acting on behalf of the county may contact the employee's health care provider for clarification once permission of the employee is obtained.

The county may contact an employee's health care provider to determine information on the certification if it is not legible but not may not go further than that. Only original medical certification forms should be accepted by the county.

The county may not request medical certification for a FMLA family leave due to the birth, placement of a child for foster care (federal law only), or adoption.

## **8. WHAT ARE THE COUNTY'S RESPONSIBILITIES?**

### **The county must inform the employee in writing:**

1. That the leave will be counted against the employee's 12-week entitlement under the FMLAs.
2. If and when the employee must provide medical certification.
3. Deadline and notice of consequences for failing to provide certification.
4. Call in requirements.
5. Generally, the county will accept a Certification – Return to Work statement from the employee's health care provider that the employee is able to return to work and return the employee to work after a FMLA leave. A fitness for duty examination may be required, if the county has information that indicates the employee may not be able to perform the duties of his/her position.

Under federal regulations, the county must inform an employee if the leave is approved within 2 business days from the date of the request and the approval "may be subject to medical certification." If the county does not tell the employee that s/he is not eligible, the county may later inform an employee that s/he was eligible and deduct the leave time from the federal and state FMLA leave allotment. The county may, in limited circumstances, retroactively count time off as FMLA leave time. The county should provide notice of FMLA within 2 business days after an employee returns to work if the employee's leave was of an emergency nature. However, case law has indicated that the county may make an after-the-fact designation of FMLA leave, in limited circumstances.

It is the county's right and obligation to determine whether leave is FMLA eligible. An employee cannot collect unemployment compensation while on FMLA.

## **9. JOB BENEFITS AND PROTECTION**

Although under the FMLAs, an employee is not entitled to the accrual of additional benefits or seniority that would have occurred during the period of leave, an employee on FMLA leave does accrue hours of service during periods of paid leave. An employee must be restored to an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon return to work after a FMLA leave. An employee may not be denied health insurance upon his/her return to work. Full benefits must be immediately restored with no waiting period, exclusion of pre-existing conditions, etc. If an employee fails to pay the employee portion of health insurance

coverage and it expires, the county cannot wait until an open enrollment period to sign up the employee. The county must give 15 days notice that coverage will lapse. If notice is not provided, the county is the insurer until coverage is reinstated. The county may pay the employee portion of premiums for health insurance if the employee fails to do so. The county may then recover those employee premiums paid by the county to maintain an employee under a group health plan during a leave whether the employee returns to work or not. If the employee pays the employee portion of premiums for health insurance but does not return to work at the end of the leave period for reasons other than continuation of a serious health condition or other circumstances beyond the control of the employee, the county may recover the county's premiums paid for the employee's health insurance coverage. Benefits continue under the same conditions that applied before a FMLA leave commenced. If the employee has a leave under the FMLAs without pay, the employee's seniority does continue to increase during the leave for members of AFSME or WPPA unions. For other represented and non-represented employees, unless precluded by the bargaining contract, seniority continues to accrue. Under the FMLAs, benefits do not continue to accrue during a leave. The county will provide benefits after an employee returns from an unpaid leave under the FMLAs which accrue during the unpaid leave pursuant to union contracts, civil service rules, and county ordinances.

#### **10. Miscellaneous**

Notices (posters) stating the employees' rights under the FMLAs and the county's policies are posted in the courthouse, highway shops, Sheriffs Annex and Jail where employees are likely to see the posters.

**APPENDIX D**  
**Health Reimbursement Arrangement (HRA)**

**HRA Description which applies to ALL employees with HRA accounts:**

Bayfield County will provide an HRA contribution for active employees with Teamster health insurance.

County will pay administration fees of the HRA while the individual is employed.

HRA dollars will be available in full on January 1 of each year.

Employees must be on the County Health Insurance Plan on January 1 and participate for the calendar year in order to qualify for HRA carry over that year.

Funds will be considered vested after the employee has five years with the Bayfield County HRA plan.

Vested funds will be available as identified in the HRA Participation Agreement. Terms of the agreement may change on an annual basis at the discretion of Bayfield County.

Employees retiring on a disability as defined by WRS, are eligible to utilize funds in their carry over account.

When any of the following events occur, there will be no HRA monies deposited into the employee's account after the date of the event. Any administrative expenses after this time will be the employee's responsibility.

- a. Employee termination/resignation/laid off –no cash payout of accumulated HRA monies. The former employee, spouse, and dependents can only use for eligible medical claims and health insurance premium under COBRA upon termination/resignation/lay-off. Any administrative fees of the HRA program would be the responsibility of the former employee upon termination/resignation/lay-off.
- b. Employee retirement-no cash payout of accumulated HRA monies. Retiree can use for eligible medical claims and health insurance premiums upon retirement. Any administrative fees of the HRA program would be the responsibility of the retiree upon retirement.
- c. Death of employee-no cash payout of accumulated HRA monies. HRA monies can be used to pay for deceased employee's medical bills, eligible spouse and dependent medical bills, or future medical premiums under COBRA. Any administrative fees of the HRA program would be the responsibility of family upon the employee's death.

Death of single employee with no dependents- no cash payout of accumulated HRA monies. HRA monies can be used by the estate to pay for the deceased employee's medical bills incurred before the death.

**HRA Description for all employees enrolled in the Teamster Health Fund:**

Bayfield County will provide a Health Reimbursement Account in the amount of \$5350 on January first of each year, or once the employee qualifies for Health and Dental Insurance.

HRA dollars may be used for eligible medical and dental expenses as allowed by IRS regulations. Current regulations allow these funds to be used for premiums, deductibles, co-pays, dental and prescriptions.

Employees shall be eligible for carry-over of 25.3% of unused funds up to a maximum of \$1350 per year.

Employees who separate employment for any reason prior to the end of a calendar year will be eligible to utilize HRA funds for eligible expenses that occurred prior to the last date of their employment, but will not be eligible for a roll-over of any unused funds for that year.

## APPENDIX E

### CHAPTER 1 - GRIEVANCE PROCEDURE

#### 1.01 PURPOSE

This grievance procedure is established pursuant to Wis. Stat. § 66.0509(1m). Eligible employees shall use the procedure to resolve disputes with the Bayfield County regarding covered employee termination, employee discipline or workplace safety issues. This grievance procedure may be modified or eliminated by the County at any time, with or without prior notice. This policy is not a guarantee of employment, a guarantee of any rights or benefits, does not create or grant covered employees with a property interest in their employment or tenure rights of any kind and does not constitute a contract of employment, express or implied. Unless specifically required by another statute or code, the County's employment relationship with employees eligible to use this procedure is at will and employment may be terminated at any time for any reason, with or without cause and with or without notice, at the option of the County or the employee.

#### 1.02 DEFINITIONS

The following definitions shall apply to this grievance procedure:

**1. "Employee"** for purposes of a grievance of Discipline and Termination (as defined in this grievance procedure) means a regular full-time employee who has completed twelve (12) continuous months of employment with the County or a part-time employee who has worked one thousand two hundred hours (1200) for the County in the year preceding the event which is being grieved and who has completed twelve (12) months of continuous employment with the County. "Employee" does not include, without limitation, any of the following: elected officials, other part-time employees, temporary employees, seasonal employees, contract employees, limited term employees, contractors or their respective employees, employees covered by a collective bargaining agreement which contains a grievance procedure covering Discipline or Termination (as defined in this grievance procedure) or any employees, officials or officers that serve at the pleasure of an appointing authority as provided by Wisconsin statutes.

**"Employee"** for purposes of Workplace Safety (as defined in this procedure) means any employee of the County.

**2. "Discipline"** is defined as any of the following adverse employment actions: unpaid disciplinary suspension of employment, disciplinary reduction in base pay; and disciplinary reduction in rank or demotion with a reduction in pay. "Discipline" does not include, without limitation, any of the following actions: layoffs or workforce reduction activities; non-disciplinary wage, benefit or salary adjustments or reductions; non-disciplinary reductions in rank or demotions; plans of correction or performance improvement; performance evaluations

or reviews; documentation of employee acts or omissions in an employment file; oral or written reprimands; administrative suspensions pending investigation of misconduct or nonperformance; or change in assignment or assignment location.

**3. "Termination"** is defined as an involuntary separation of employment initiated by the County that is not a layoff, furlough or workforce reduction or termination arising from disability or failure to maintain the necessary qualifications or certifications for a position.

**4. "Working day"** means a day when the Bayfield County Courthouse is open for business.

**5. "Workplace safety"** means any standard established or adopted under Wis. Admin. Code Chapter Comm 32.

### **1.03 GRIEVANCE PROCEDURE FOR DISCIPLINE AND TERMINATION.**

#### **A. Filing Procedure.**

##### **1. Who May File A Grievance For Discipline Or Termination.**

A grievance may only be filed by the "Employee" who is the subject of the Discipline or Termination.

##### **2. Initiating A Grievance; Extensions Of Time; Impact Of An Untimely Filing.**

An Employee may initiate a grievance relating to Discipline or Termination by presenting a written grievance on the form attached to this policy as Appendix A to the Office of the County Administrator within five (5) working days of the event giving rise to the grievance or the date upon which the Employee should have reasonably known the facts giving rise to the grievance. The Employee must sign and date the grievance. A grievance will not be considered filed until the employee signs the grievance and the grievance is received by the Office of the County Administrator.

The County Administrator may, in his or her sole and absolute discretion, agree to extend the time for filing a grievance for Discipline or Termination for up to an additional five (5) working days based upon receipt of a written request for an extension from the Employee prior to the expiration of the original filing deadline. An Employee's written request for an extension of time must identify the extenuating circumstances which prevent the Employee from complying with the original filing deadline. The decision of the County Administrator regarding a request for an extension of time shall be final and binding and not subject to appeal. Failure to timely file a grievance with the County Administrator within five (5) working days or any period of extension granted by the County Administrator shall constitute a waiver of the Employee's right to use the grievance procedure and an abandonment of the grievance.

### **3. Incomplete Grievance; Impact Of Failure To Provide Complete Information.**

If a timely filed grievance is missing information or is incomplete, the County Administrator shall issue a written request to the Employee identifying the information needed to complete the grievance form and proceed with the grievance procedure. The Employee shall have five (5) working days from receipt of the written request to provide the Office of the County Administrator with the missing information.

If the Employee timely responds, and the County Administrator finds that the information provided by the Employee is complete, the grievance shall move forward in the grievance procedure. If, upon timely receipt of a response from the Employee, the County Administrator finds that the grievance is still incomplete, the County Administrator shall refer the response to the Personnel Committee for a final decision as to whether the Employee's response is sufficient and the grievance may move forward. The decision of the Personnel Committee regarding the sufficiency of a grievance shall be final and binding and not subject to appeal. Failure of the Employee to timely provide the requested information to the County Administrator or a finding by the Personnel Committee that the Employee has failed to provide sufficient information to allow the grievance to move forward in the grievance procedure shall constitute a waiver of the right to use this grievance procedure and an abandonment of the grievance.

### **4. Grievance Verification.**

By signing the grievance, the Employee is declaring under penalty of law that the statements contained in a grievance relating to Discipline or Termination are true and correct to the Employee's knowledge and belief. Any employee who files a grievance that is false or misleading or for the purposes of intimidation, annoyance or harassment or who otherwise files a grievance in bad faith is subject to disciplinary action.

### **B. County Answer**

Upon receipt of a *timely and complete* grievance form, the County Administrator shall have five (5) working days to provide a written response to the Employee either granting the grievance or denying the grievance. In the event that the County Administrator fails to answer within five (5) working days, the grievance shall be deemed denied.

### **C. Request For Hearing.**

An Employee shall have five (5) working days from receipt of the County's Answer denying the grievance or, in the event the County does not answer, ten (10) working days from the date the grievance was filed, in which to file a written request for hearing with the Office of the County Administrator. The County Administrator may, in his or her sole and

absolute discretion, agree to extend the time for requesting a hearing for up to an additional five (5) working days based upon receipt of a written request for an extension from the Employee prior to the expiration of the original filing deadline. An Employee's written request for an extension of time must identify the extenuating circumstances which prevent the Employee from complying with the original filing deadline. The decision of the County Administrator regarding a request for an extension of time shall be final and binding and not subject to appeal. Failure of the Office of County Administrator to receive a written request for hearing from the Employee within five (5) working days of the deadlines set forth above or any extension granted by the County Administrator shall constitute a waiver of the employee's right to use the grievance procedure and an abandonment of the grievance.

## **D. Hearing Procedure.**

### **1. Selection Of An Impartial Hearing Officer.**

As soon as reasonably possible following the receipt of a timely request for hearing, the County shall appoint an Impartial Hearing Officer and provide the grievant with the name of the individual appointed. The County shall pay any cost associated with the service of the Impartial Hearing Officer unless the Impartial Hearing Officer deems that the grievance is frivolous as provided herein.

### **2. Hearing Date.**

Upon notification of his or her selection, the Impartial Hearing Officer shall schedule a hearing within a period of not less than twenty (20) working days nor greater than (40) working days. Within ten (10) working days of the date of the appointment of the Impartial Hearing Officer, the Impartial Hearing Officer shall conduct a pre-hearing conference with the Employee and the County Administrator to select a date for the hearing. Once a hearing date is scheduled, it may be adjourned only upon written motion by the Employee or the County to the Impartial Hearing Officer and a finding by the Impartial Hearing Officer that there is "good cause" for an adjournment. The decision of the Impartial Hearing Officer regarding a request for adjournment shall be final, binding and not subject to appeal.

### **3. Discovery; grievance amendment; witnesses and documents; pre-hearing statement; no mediation.**

There shall be no formal pre-hearing discovery. The Employee and the County shall exchange a list of witnesses they intend to call at the hearing and any documents and exhibits they intend to introduce at the hearing no less than ten (10) working days before the hearing.

The parties shall provide a copy of the witness list, documents and exhibits to the Impartial Hearing Officer. No witness, exhibit or document which was not identified or exchanged by a party may be introduced in the hearing absent a written finding by the Impartial Hearing Officer that there was good cause for the failure of the party to identify a witness or document within the deadline for exchanging witnesses or documents. Each party may file a pre-hearing statement of no more than two (2) type written single space pages outlining their position relative to any issues related to the grievance. The Impartial Hearing Officer may not serve as a mediator nor make any attempt to mediate the dispute. The parties will notify the Impartial Hearing Officer of any settlement of a grievance that the parties negotiate as soon as possible.

### **4. Hearing.**

**a. Recording; Closed Hearing.** The hearing before the Impartial Hearing Officer will be digitally recorded upon the request of the Employee or the County. The County shall maintain any digital recording for the period required by law. A copy of the recording shall be provided at no cost to the Employee, the County and the Impartial Hearing Officer. The hearing shall be closed to the public.

**b. Representation; fees and costs.** The Employee and the County may be represented by an attorney of their choice. Neither party shall be responsible for the attorneys' fees, witness fees or costs of the other.

**c. Order Of Case; Cross-Examination.** The Employee shall call witnesses and present testimony and exhibits that are relevant to the grievance. At the close of the Employee's case, the County shall call its witnesses and present testimony and exhibits that are relevant to the grievance. The parties may cross-examine witnesses presented by the other party. Cross-examination shall be limited to ten (10) minutes per witness unless extended by the Impartial Hearing Officer. The Impartial Hearing Officer may allow for opening or closing statements at the discretion of the Impartial Hearing Officer, such statements not to exceed ten (10) minutes in length.

**d. Rules of Evidence; Exclusion of evidence.** The Impartial Hearing Officer is not bound by rules of evidence and may admit all evidence that the Impartial Hearing Officer determines is relevant and may exclude immaterial, irrelevant or unduly repetitious testimony or evidence. The Impartial Hearing Officer shall recognize the rules of privilege. The Impartial Hearing Officer may not base any finding or conclusion solely on hearsay evidence.

**e. Right Of Impartial Hearing Officer To Question.** During the hearing, the Impartial Hearing Officer may ask questions as the Impartial Hearing Officer deems necessary.

**f. Close of the Hearing; No briefs.** After the Employee and the County have finished introducing evidence, the Impartial Hearing Officer shall close the hearing. The parties shall have no right to file briefs or position statements following the hearing.

## **E. Burden Of Proof; Impartial Hearing Officer's Decision; Remedies**

### **1. Burden Of Proof; Standard Of Review.**

Unless specifically required by another statute or code, the Employee bears the burden of proof to persuade the Impartial Hearing Officer by clear and convincing and satisfactory evidence that the County's decision to Discipline/Terminate the Employee did not have a rational basis. If the Employee does not meet his or her burden of proof, the Impartial Hearing Officer shall deny the grievance.

In determining whether an Employee has proved by clear, convincing and satisfactory evidence that the County's decision to Discipline/Terminate did not have a rational basis, the Impartial Hearing Officer may only consider the evidence introduced at the hearing and the weight of that evidence. The Impartial Hearing Officer may not overturn the County's decision to Discipline/Terminate based upon his or her own personal judgment or opinion regarding the matter. Moreover, the Impartial Hearing Officer may not determine a decision to Discipline/Terminate did not have a rational basis based on the County's failure to implement or follow concepts of progressive discipline or just cause, in whole or in part, in making the decision to Discipline/Terminate the Employee. The impartial hearing officer may not base a finding that there was no rational basis for an action taken by the county on the fact that the impartial hearing officer disagrees with the severity of the level of discipline selected by the County and may not substitute his or her judgment for the County as it pertains to the level of discipline selected. Finally, the Impartial Hearing Officer must recognize all County policies, rules, procedures and regulations and may not modify or disregard the same in determining whether the County's decision to Discipline/Terminate has a rational basis.

## **2. Decision.**

Unless otherwise agreed to by the parties, the Impartial Hearing Officer shall issue a written decision within ten (10) working days of the close of the hearing. The decision of the Impartial Hearing Officer shall, at a minimum, contain a statement of issues, standard of review, findings, and a remedy for the Employee if appropriate. If the Impartial Hearing Officer sustains the grievance, in whole or in part, the Impartial Hearing Officer's decision must include a detailed explanation as to why the County's decision to Discipline/Terminate has no rational basis as well as a detailed description of the Impartial Hearing Officer's reasons for reducing or modifying the Discipline/Termination imposed by the County.

If the County has requested the Impartial Hearing Officer for a determination that the grievance is frivolous, the Impartial Hearing Officer's decision must include a ruling on the request and the reasons for granting or denying the same. If the Impartial Hearing Officer determines that the grievance is frivolous, the Impartial Hearing Officer shall require the Employee to pay for the costs of the Impartial Hearing Officer, if any.

## **3. Remedies.**

If the grievance is sustained, the Impartial Hearing Officer may only award the Employee one or more of the following remedies: (a) reinstatement; (b) a lesser adverse employment action consisting of a suspension, reduction in the length of a suspension, written reprimand or documentation of employee acts and/or omissions in an employment file; (c) back pay (including sick & vacation accrual); and (d) in the event of a reinstatement following termination, reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the **Consolidated Omnibus Budget Reconciliation Act** (COBRA).

## **1.04 GRIEVANCE PROCEDURE – WORKPLACE SAFETY**

### **A. Preconditions To Filing.**

**1. Report Of An Unsafe Condition.** An employee may not file a grievance relating to a condition that the Employee believes constitutes a Workplace Safety violation (Comm 32) unless the employee has first reported the condition to the County Administrator in writing on the attached Unsafe Condition Or Hazard form, Appendix B.

**2. County Response.** Upon receiving written notice of an alleged Workplace Safety violation from an Employee in accordance with paragraph 1.04(A)(1) above, the County shall have ten (10) working days to investigate the condition and advise the employee in writing that the County: (a) has determined that the condition does not constitute a Workplace Safety violation and will not be taking corrective action; or (b) is taking corrective action in accordance with law to address the condition.

**3. Grievance Filing Limitation.** If the County advises the employee in writing within ten (10) working days that it is taking corrective action to address an alleged Workplace Safety violation in accordance with law, an Employee may not initiate a Workplace Safety grievance.

**4. Dissatisfaction With The County's Corrective Action.** If, at completion of the County's corrective action, the Employee believes a Workplace Safety violation continues to exist, the Employee must submit a new Unsafe Condition or Hazard Report and follow the procedures in this paragraph prior to proceeding with a Workplace Safety grievance.

### **B. Filing Procedure.**

#### **1. Who May File A Workplace Safety Grievance.**

A grievance may only be filed by an "Employee." The Employee need not be personally impacted by a condition alleged to constitute a Workplace Safety violation.

#### **2. Initiating A Grievance.**

An Employee may initiate a grievance relating to Workplace Safety (Appendix C) by presenting a written grievance to the office of the County Administrator within five (5) working days of: (a) the Employee's receipt of written notice from the County that the County will not be taking corrective action with respect to an alleged Workplace Safety violation; (b) the County's failure to begin corrective action relative to a Workplace Safety violation within ten (10) working days as provided in section 1.04(A)(2)(b) and (c) above; (c) the failure of the County to respond to a report of a Workplace Safety violation within ten (10) working days.

### **3. Extensions Of Time; Impact of Untimely Filing.**

The County Administrator may, in his or her sole and absolute discretion, agree to extend the time for filing a grievance up to an additional five (5) working days based upon a written request for an extension received from the Employee prior to the expiration of the five (5) working day deadline to file the grievance. Any written request for an extension of time must explain the reasons why the Employee cannot meet the grievance filing deadline. Failure to timely file a grievance with the Office of the County Administrator within five (5) working days or any period of extension granted by the County Administrator shall constitute a waiver of the right to use the grievance procedure and an abandonment of the grievance.

### **4. Incomplete Grievance; Impact Of Failure To Provide Complete Information.**

If a timely filed grievance is missing information or is incomplete, the Administrator shall issue a written request to the Employee identifying the information needed to complete the grievance form and proceed with the grievance procedure. The Employee shall have five (5) working days from receipt of the written request to provide the Office of the County Administrator with the missing information.

If the Employee timely responds, and the County Administrator finds that the information provided by the Employee is complete, the grievance shall move forward in the grievance procedure. If, upon timely receipt of a response from the Employee, the County Administrator finds that the grievance is still incomplete, the County Administrator shall refer the response to the Personnel Committee to determine whether the response is sufficient. The decision of the Personnel Committee shall be final and binding. Failure of the Employee to timely provide the requested information or a finding by the Personnel Committee that the Employee has failed to provide sufficient information to allow the grievance to move forward in the grievance procedure shall constitute a waiver of the right to use this grievance procedure and an abandonment of the grievance.

### **5. Grievance Verification.**

By signing the grievance, the Employee is verifying and affirming that the statements contained in a grievance relating to Workplace Safety are true and accurate to the best of the Employee's knowledge. Any employee who files a grievance that is frivolous, false or misleading, for the purposes of intimidation, annoyance or harassment or who otherwise files a grievance in bad faith is subject to disciplinary action.

### **C. County Response.**

Upon receipt of a *timely and complete* grievance form, the County Administrator shall have five (5) working days to provide a written response to the Employee either granting the

grievance or denying the grievance. In the event that the County Administrator fails to respond within five (5) working days the grievance shall be deemed denied.

**D. Request For Hearing.**

An Employee shall have five (5) working days from receipt of the County's Response denying the grievance or, in the event the County does not answer, ten (10) working days from the date the grievance was filed, in which to file a written request for hearing with the Office of the County Administrator. The County Administrator may, in his or her sole and absolute discretion, agree to extend the time for requesting a hearing for up to an additional five (5) working days based upon receipt of a written request for an extension from the Employee prior to the expiration of the original filing deadline. An Employee's written request for an extension of time must identify the extenuating circumstances which prevent the Employee from complying with the original filing deadline. The decision of the County Administrator regarding a request for an extension of time shall be final and binding and not subject to appeal. Failure of the Office of County Administrator to receive a written request for hearing from the Employee within five (5) working days of the deadlines set forth above or any extension granted by the County Administrator shall constitute a waiver of the employee's right to use the grievance procedure and an abandonment of the grievance.

**E. Hearing Procedure.**

The selection of an Impartial Hearing Officer and hearing on a Workplace Safety violation shall be conducted in accordance with the Hearing Procedure in section 1.03(D) above.

**F. Burden Of Proof; Impartial Hearing Officer's Decision; Remedies**

**1. Burden Of Proof; Standard Of Review.**

The County bears the burden of proving by a preponderance of the evidence that the condition identified by the Employee does not constitute a Workplace Safety violation and that no corrective action is required. If the County does not meet its burden of proof, the Impartial Hearing Officer shall grant the grievance.

**2. Decision.**

Unless otherwise agreed to by the parties, the Impartial Hearing Officer shall issue a written decision within ten (10) working days of the close of evidence. The decision of the Impartial Hearing Officer shall, at a minimum, contain a statement of: (a) the standard of review; (b) the particular provisions of Wis. Admin. Code Chap. Comm 32 that are implicated by the Workplace Safety grievance; (c) the Impartial Hearing Officer's findings as to whether a Workplace Safety violation exists; and (d) a remedy, if any.

If the County has requested the Impartial Hearing Officer for a determination that the grievance is frivolous, the Impartial Hearing Officer's decision must include a ruling on the request and the reasons for granting or denying the request. If the Impartial Hearing Officer determines that the grievance is frivolous, the Impartial Hearing Officer shall require the Employee to pay for the costs of the Impartial Hearing Officer, if any.

### **3. Remedies.**

If the grievance is sustained, the Impartial Hearing Officer may order the County take corrective action in accordance with law to address the Workplace Safety violation. The Impartial Hearing Officer shall have no authority to require the County to take any specific corrective action or provide any specific remedy in response to the Workplace Safety violation.

## **1.05 COUNTY BOARD APPEAL OF DISCIPLINE, TERMINATION AND WORKPLACE SAFETY MATTERS**

### **A. Who May File An Appeal.**

An appeal of the Impartial Hearing Officer's decision may be filed by the Employee or the County.

### **B. Requesting An Appeal.**

An appeal may be initiated to the County Board by filing an appeal with the Administrator on the form attached as Appendix D within five (5) working days of the date of the Impartial Hearing Officer's decision. Failure to file a written appeal by the filing deadline will result in the waiver of the right to an appeal and the outcome of the proceedings before the hearing officer shall be final.

### **C. County Board Appeal.**

When the County Administrator receives a timely request for appeal, the Administrator shall forward the appeal to the chair of the County Board along with a copy of hearing record inclusive of any exhibits introduced at the grievance hearing. The Chair shall schedule the appeal before the County Board for purposes of reviewing the hearing record and the Impartial Hearing Officer's decision as soon as reasonably possible. The County Board shall not take testimony, accept additional evidence, accept briefing, accept oral argument or otherwise conduct a hearing of any sort in relation to an appeal.

### **D. Standard Of Review.**

The Board may overturn or otherwise modify the Impartial Hearing Officer's decision if the decision of the Impartial Hearing Officer is found to be clearly erroneous.

**E. Decision.**

The County Board shall deliver a written decision to the Employee and the County Administrator no later than ten (10) working days from the date of the County Board meeting. The written decision shall contain: (1) a statement of the issues; (2) findings along with an explanation as to why any findings differ from the Impartial Hearing Officer; and (3) a remedy, if applicable, along with an explanation as to why any remedy differs from the remedy granted by the hearing examiner.

**F. Remedies On Appeal; Discipline And Termination.**

The County Board may award the following remedies to the Employee on appeal in a matter involving Discipline or Termination: (a) reinstatement; (b) a lesser adverse employment action consisting of a suspension, reduction in the length of a suspension, written reprimand or documentation of employee acts and/or omissions in an employment file; (c) back pay (including sick & vacation accrual); and (d) in the event of a reinstatement following termination, reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the **Consolidated Omnibus Budget Reconciliation Act** (COBRA).

**G. Remedies On Appeal; Workplace Safety.**

If the County Board determines on appeal that a violation of Workplace Safety has occurred, the County Board may order that corrective action be taken by the County according to law.

**H. Final Decision.**

The decision of the County Board shall be final. Any judicial review of the County Board's decision shall be only as provided by law.

**Grievance Appendix A  
BAYFIELD COUNTY DISCIPLINE/TERMINATION GRIEVANCE FORM**

*Please fill out this form completely. If you need more space, use a separate sheet of paper.*

<b>Name of Grievant:</b> <b>Job Title:</b>	<b>Work Phone:</b> <b>Home Phone:</b>
<b>Home Mailing Address:</b>	<b>DATE AND TIME RECEIVED</b> <i>(for County use only)</i>
<b>1. Discipline/Termination Being Grieved.</b> Provide a description of the discipline/termination being grieved.	
<b>2. Basis For Grievance.</b> Provide a detailed description of the reason or reasons why you believe that the County's decision to discipline or terminate you was incorrect and should be overturned and a detailed description of any facts or information which support your belief.	
<b>3. Witnesses.</b> Identify by name, telephone number and address of all witnesses that you believe will support your claim that the County's decision to discipline or terminate you was incorrect and should be overturned. Provide a summary of the facts and/or information known by each witness.	
<b>4. Documents.</b> Attach any documents which support your claim that the County's decision to discipline or terminate you was incorrect. If you do not have a document, provide a description of the document which includes date of the document, the source of the document and the content of the document.	
<b>5. Remedy Requested.</b> Describe in detail how you believe the County's disciplinary action or termination should be modified.	

**6. Certification and Signature.**

By my signature below, I certify that I have read the above complaint and, under penalty of law, I declare that this complaint is true and correct to my knowledge and belief.

**Signature of Grievant:** \_\_\_\_\_ **Date**  
**Signed:** \_\_\_\_\_

## INSTRUCTIONS

**1. USE:** This Discipline/Termination grievance form is for use in connection with the Bayfield County (County) Grievance Procedure (Grievance Procedure) in the Bayfield County Employment Policies Manual (Manual). Only regular full-time employees who have completed twelve (12) continuous months of employment with the County and part-time employees who have worked at least one thousand two hundred hours (1200) for the County in the year preceding the event which is being grieved and who have completed twelve (12) months of continuous employment with the County may use this procedure. This grievance form may be used only in connection with "discipline" and "termination" as defined by the Grievance Procedure. Please refer to the Grievance Procedure in the Manual for additional definitions, rules and restrictions.

**2. FILING DEADLINE:** In accordance with section 1.03(A)(2) of the Grievance Procedure, this grievance form must be completely filled out, signed and filed with the Office of the County Administrator within five (5) working days of the event giving rise to the grievance or the date upon which the Employee should have reasonably known the facts giving rise to the grievance. The Employee must sign and date the grievance. A grievance will not be considered filed until the employee signs the grievance and the grievance is received by the Office of the County Administrator. An Employee may obtain an extension of time to file a grievance for discipline/termination. Please refer to the Grievance Procedure for the rules governing extensions. The failure of an Employee to timely file a grievance with the Office of the County Administrator within five (5) working days or any period of extension granted by the County Administrator shall constitute a waiver of the Employee's right to use the grievance procedure and an abandonment of the grievance. Please refer to the Grievance Procedure for further details regarding the initiation of a grievance of discipline/termination.

### 3. FILLING OUT THE GRIEVANCE FORM

**a. Event Being Grieved.** This section requires you to describe the disciplinary act or termination that you are grieving. The description should include the reason(s) you understand you were disciplined/terminated and the date on which the discipline/termination occurred. A grievance form may only address one disciplinary event.

**b. Basis for Grievance.** This section of the form requires you to provide a detailed description of the reason or reasons why you believe that the County's decision to discipline or terminate you was incorrect. Single word or limited responses to the effect that the discipline/termination was "wrong," "unfair," "unequal" or "mistaken" are insufficient. You must provide a *detailed* response explaining why you believe the disciplinary action or termination taken by the County was incorrect or unreasonable and a *detailed* description of any facts, events or other information which support your belief. Note that under the Grievance Procedure, you will have the burden of proving by clear, convincing and satisfactory evidence that the County did not have a rational basis for the disciplinary action/termination.

**c. Witnesses.** This section of the form requires you to identify all witnesses who you believe will support your claim that the disciplinary action or termination taken by the County was incorrect. The last known telephone number and address of each witness must be provided. You are also required to provide a detailed description of the facts or information known by each witness that supports your claim that the disciplinary action or termination taken by the County was incorrect and should be overturned. Single word or limited descriptions to the effect that the witness knows the discipline/termination was "wrong," "unfair," "unequal" or "mistaken" are insufficient. Employees must provide a *detailed* description of the facts or information known by each witness.

**d. Documents.** This section of the form requires you to produce all documents you believe support your claim that the disciplinary action or termination taken by the County was incorrect. If you do not have the documents, you are required to provide a description of each document which includes the date of the document, the source of the document and a description of the contents. The source can be, for example, an e-mail from a department head, supervisor, co-worker or other individual, a County policy or communication, a time card, portions of an employee or county file or a document that you wrote. The description of the contents should include the subject of the document and the information in the document which you believe supports your position on the grievance.

**e. Remedy Requested.** This section requires you to describe how you believe that the discipline or termination should be changed. The remedies that are available under the Grievance Procedure are limited to one or more of the following: (a) reinstatement; (b) a lesser adverse employment action consisting of a suspension, reduction in the length of a suspension, oral or written reprimand or documentation of employee acts and/or omissions in an employment file; (c) back pay; and (d) in the event of a reinstatement following termination, reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the **Consolidated Omnibus Budget Reconciliation Act** (COBRA).

**4. ASSISTANCE:** All information on the grievance form *must* be provided. If you have any questions regarding the information required by the form, please contact the office of the Bayfield County Administrator at 715-373-6181. Employees in the County Administrator's office may only offer assistance in identifying the information required by the grievance form. Employees in the County Administrator's office cannot provide you with legal advice in connection with your grievance. Employees are encouraged to consult an attorney of their choice with any legal questions.

**Grievance Appendix B  
BAYFIELD COUNTY  
Unsafe Condition Or Hazard Report**

Instructions:

- Report any immediate or dangerous working condition to your supervisor.
- Use this form to report an unsafe working condition that does not require immediate action.
- This form should NOT be used to *initially* report immediate and dangerous working conditions. See page 2 of this form for instructions on such conditions.
- This form should be completed, fully and legibly, with as much detail as possible. If additional space is needed, print information on a separate piece of paper and attach. If you need assistance in filling out the form, please contact the Office of the County Administrator at 715-373-6181.
- Submit completed forms to the Office of the County Administrator.

Employee's Name: <hr/> Job Title: <hr/> Date of Report: <hr/>	<b>DATE AND TIME RECEIVED</b> <i>(for County use only)</i>
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1. Location Of Condition Believed To Be Unsafe Or Hazardous (specify exact location where alleged unsafe or hazardous condition exists, the type of work performed and the approximate number of employees in the location. Use a separate form for each unsafe or hazardous condition).

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2. Detailed Description Of Unsafe Or Hazardous Condition And Its Cause:

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3. Date And Time Unsafe Or Hazardous Condition First Observed By Employee:

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4. Are there any employees or other individuals who you believe have been injured or become ill from the unsafe or hazardous condition? If so, please identify the employee or individual, the nature of the illness or injury and the date on which the employee or individual was injured or became ill.

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5. To your knowledge, has the unsafe or hazardous condition previously been reported to a person in management? If so, to whom was the condition reported and on what date or dates?

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6. To your knowledge, has the unsafe or hazardous condition previously been inspected? If so, who inspected the condition, when was the inspection and what was the result of the inspection?

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7. What changes would you recommend to correct the unsafe or hazardous condition?

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8. Certification.

By my signature below, I certify that I have read the above report and declare that the information in the report is true and correct.

Signature of Employee: \_\_\_\_\_

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

### **Immediate and Dangerous Working Conditions**

1. This form should not be used to *initially* report immediate and dangerous working conditions. If a dangerous working condition exists that requires immediate corrective action, the employee must notify his/her supervisor at once. If the situation involves serious injury and/or the need for rescue, fire, or other emergency response, call 9-1-1 immediately.

2. Upon being advised of an immediate and dangerous working condition, the supervisor shall evaluate the condition take any immediate action necessary to correct or minimize the hazard to a reasonable standard of safety. The supervisor shall notify the Department Head and the County Administrator of the employee's report of an immediate and dangerous working condition and the corrective action, if any, taken by the supervisor.

3. If corrective action is not taken immediately by the supervisor, or the employee believes that action taken by the supervisor does not minimize the hazard to a reasonable standard of safety, the employee shall immediately report the hazard to the Department Head and fill out and file this Unsafe Condition or Hazard Report with the Office of the County Administrator.

4. The Department Head will designate the appropriate individual to go to the scene immediately, evaluate the situation, make a judgment, and document and communicate the decision on appropriate action to the employee, the supervisor and the County Administrator.

5. The County Administrator will review the information related to the reported dangerous working condition and determine whether the situation has been satisfactorily resolved or if additional investigation and corrective actions are necessary. The County Administrator will advise the employee in writing of the results of the investigation and any corrective action that the County intends to take within ten (10) working days of receipt of this Unsafe Condition or Hazard Report from the employee.

**Grievance Appendix C**  
**BAYFIELD COUNTY WORKPLACE SAFETY GRIEVANCE FORM**

*Please fill out this form completely. If you need more space, use a separate sheet of paper.*

<b>Name of Grievant:</b> <b>Job Title:</b>	<b>Work Phone:</b> <b>Home Phone:</b>
<b>Home Mailing Address:</b>	<b>DATE AND TIME RECEIVED</b> <i>(for County use only)</i>

**1. Identification of Condition Being Grieved.** Provide a description of the Workplace Safety condition being grieved.

**2. Basis For Grievance.** Provide a detailed description of the standard under Wis. Admin. Code Chap. Comm 32 that you believe has been violated and a detailed description of any facts or information which support your belief.

**3. Witnesses.** Identify by name, telephone number and address of all witnesses that you believe will support your claim that the County has violated a standard established under Wis. Admin. Code Chap. Comm 32. Provide a summary of the facts and/or information known by each witness.

**4. Documents.** Attach any documents which support your claim. If you do not have a document, provide a description of the document which includes date of the document, the source of the document and the content of the document.

**5. Remedy Requested.** Describe in detail the remedy you request.

**6. Certification and Signature.**

By my signature below, I certify that I have read the above complaint and, under penalty of law, I declare that this complaint is true and correct to my knowledge and belief.

**Signature of Grievant:** \_\_\_\_\_ **Date** \_\_\_\_\_  
**Signed:** \_\_\_\_\_

## INSTRUCTIONS

**1. USE:** This Workplace Safety grievance form is for use in connection with the Bayfield County Grievance Procedure (Grievance Procedure) in the Bayfield County Personnel Policies and Procedures Manual (Manual). Any employee of Bayfield County may use the Grievance Procedure provided that the hazard or condition which is the subject of the grievance constitutes a "Workplace Safety" violation as defined in the Grievance Procedure *and* the Employee has complied with the conditions for filing a Workplace Safety grievance outlined in the Grievance Procedure. An Employee does not have to be personally impacted by a claimed hazard or condition in order to file a Workplace Safety grievance. Please refer to the Grievance Procedure in the Policies for additional rules and restrictions.

**2. FILING DEADLINE:** In accordance with 1.04(B)(2) of the Grievance Procedure, an Employee may initiate a grievance relating to Workplace Safety by presenting a written grievance to the office of the County Administrator within five (5) working days of: (a) the Employee's receipt of written notice from the County that the County will not be taking corrective action with respect to an alleged Workplace Safety violation; (b) the County's failure to begin corrective action relative to a Workplace Safety violation within ten (10) working days as provided in section 1.04(A)(2)(b) and (c) of the Grievance Procedure; or (c) the failure of the County to respond to a report of a Workplace Safety violation within ten (10) working days. A grievance will not be considered filed until the employee signs the grievance and the grievance is received by the County Administrator. An employee may obtain an extension of time to file a grievance for a Workplace Safety violation. Please refer to the Grievance Procedure for the rules governing extensions. The failure of an Employee to timely file a grievance with the Office of the County Administrator within five (5) working days or any period of extension granted by the County Administrator shall constitute a waiver of the Employee's right to use the grievance procedure and an abandonment of the grievance. Please refer to the Grievance Procedure for further details regarding the initiation of a Workplace Safety grievance.

### **3. FILLING OUT THE GRIEVANCE FORM.**

**a. Condition Being Grieved.** This section requires you to describe the Workplace Safety hazard or condition that you are grieving. A grievance form may only address one Workplace Safety hazard or condition.

**b. Basis for Grievance.** This section of the form requires you to provide a detailed description of the standard or standards under Wis. Admin. Code Chap. Comm 32 (Chapter Comm 32) that you believe the hazard or condition violates. The description must include an explanation as to *how* the hazard or condition constitutes a violation of Comm 32. Single word or limited responses simply indicating that the hazard or condition violates Comm 32 or a standard in Comm 32 are insufficient. A copy of Chapter Comm 32 and the regulations referenced in Comm 32 are available from the office of the County Administrator.

**c. Witnesses.** This section of the form requires you to identify all witnesses who you believe will support your claim. The last known telephone number and address of each witness must be provided. You are also required to provide a detailed description of the facts or information known by each witness that supports your claim. You must provide a *detailed* description of the facts or information known by each witness.

**d. Documents.** This section of the form requires you to produce all documents you believe support your claim. If you do not have the documents, you are required to provide a description of each document which includes the date of the document, the source of the document and a description of the

contents. The source can be, for example, an e-mail from a department head, supervisor, co-worker or other individual, a County policy or communication, a time card, portions of an employee or county file or a document that you wrote. The description of the contents should include the subject of the document and the information in the document which you believe supports your position on the grievance.

**e. Remedy Requested.** This section requires you to describe your opinion on the appropriate remedy.

**4. ASSISTANCE:** All information on the grievance form *must* be provided. If you have any questions regarding the information required by the form, please contact the office of the Bayfield County Administrator at 715-373-6181. Employees in the County Administrator's office may only offer assistance in identifying the information required by the grievance form. Employees in the County Administrator's office cannot provide you with legal advice in connection with your grievance. Employees are encouraged to consult an attorney of their choice with any legal questions.

**Grievance Appendix D**

**BAYFIELD COUNTY GRIEVANCE PROCEDURE APPEAL FORM**

**INSTRUCTIONS:** This form is to be used by employees and/or the County to appeal the written decision of an Impartial Hearing Officer relating to discipline, termination or workplace safety under the Bayfield County grievance procedure. The form must be completed and filed with the Office of the County Administrator within five (5) working days of the date of the Impartial Hearing Officer's decision from which the appeal is being taken. Failure to file a written appeal within five (5) working days of the impartial hearing officer's decision will result in the waiver of the right to an appeal and the outcome of the proceedings before the hearing officer shall be final. You may only use the space provided on this form.

<b>Name of Grievant:</b> <b>Job Title:</b>	<b>Work Phone:</b> <b>Home Phone:</b>
<b>Address:</b>	<b>DATE AND TIME RECEIVED</b> <i>(for County use only)</i>
<b>1. Decision From Which An Appeal Is Being Taken.</b> Attach a copy of the impartial hearing officer's decision to this form. If you do not have a copy, provide the date of the decision, the name of the Impartial Hearing Officer and briefly describe the decision and order of the impartial hearing officer in the space below.	
<b>2. Basis For Appeal.</b> Describe why you believe the decision of the impartial hearing officer was incorrect.	
<b>3. Remedy.</b> Describe what you believe the impartial hearing officer should have ordered and why.	
<b>Signature of Appealing Party:</b> _____ <b>Date Signed:</b> _____	

## APPENDIX F

### TUITION ASSISTANCE PROGRAM

**Tuition Assistance Program.** The Bayfield County Tuition Assistance Program is designed to provide financial assistance to employees who voluntarily enroll in job-related, educational courses that are of benefit to the County as an employer.

- a) Eligibility for Tuition Assistance.** Regular full-time and part-time employees, who are not eligible for other programs which provide reimbursement or compensation for attending or having attended school, are eligible for tuition assistance under this program.
- b) Acceptable Course Work.** Tuition assistance benefits are available for:
- 1) Courses which are directly related to the employee's current job, would improve their skills on the job.
  - 2) Courses within relevant technical college, undergraduate, or graduate level programs. Acceptable degree programs are those that relate to County functions or services. In order to be eligible under this program, the school or course must be accredited. Elective courses selected in pursuit of a degree are eligible for reimbursement subject to the requirements of this policy.
- c) Reimbursement of Tuition Expenses.** Expenses which may be reimbursed under this program include tuition, books, course-required materials, and lab fees. The County will pay 66% of these educational costs up to \$500 per semester, with a maximum reimbursement of \$1,000 per calendar year. Reimbursement will be made only after satisfactory completion of the course(s). This is interpreted as at least a grade of "C" or better for an undergraduate course or a grade of "B" or better for a graduate level course. Courses taken on a "pass/fail" basis may be allowed, but only if approved in advance by the Department Head and the Human Resources Director, designee.
- d) Minimum Employment after Reimbursement.** Employees are required to maintain employment with the County for one (1) year after course completion. If an employee does not remain employed with the County for one year, they must repay 100% of the tuition assistance program expenses provided to them during the previous twelve (12) months.
- e) Participation Goals.** To the greatest extent possible, all regular employees who meet the Tuition Assistance Program qualifications will be afforded access to the program. However, participation in the Tuition Assistance Program is not an employee right. An employee's participation in the program may be curtailed or discontinued at any time as a result of budgetary limitations, an employee's work record at the time of enrollment, or other related factors. Curtailment of the program will not affect payment for a course that has been previously approved.
- f) Program Limitations.**
- 1) Employees eligible for other forms of educational assistance (e.g., Veteran's Educational Program, scholarships, etc.) must first exhaust that financial aid before applying for benefits under the County's Tuition Assistance Program.
  - 2) All courses must be taken outside an employee's regular work hours. Vacation, compensatory time, or an adjusted work schedule may be used if Department Head approval has been given.

Adjusted work schedules may be authorized only when they are not in violation of any Federal overtime laws or collective bargaining agreements.

3) Reimbursement of educational expenses will not be made to an employee who terminates employment with the County before completion of the course(s).

4) Reimbursement will not be made to an employee who withdraws from the course(s) for any reason.

5) Workshops, seminars, conferences and in-service training are not part of the Tuition Assistance Program.

**g) Procedure to Receive Reimbursement.**

1) Employees should obtain Tuition Assistance Program application materials from the County Administrator's Office.

2) Employees should discuss with their Department Head any class they wish to take and the reasons for taking it. They should then submit the application form to their Department Head and/or supervisor for a recommendation to approve or deny.

3) The application form and Department Head recommendation should be submitted to the County Administrator no sooner than ninety (90) days prior to the start of the class, but at least thirty (30) days prior to the start of the class.

4) The County Administrator will make the final determination on all requests, and will notify the Department Head and employee of the final decision by sending them a copy of the original request form marked "approved" or "denied".

5) Once the approved class has been completed, the employee should complete and sign the Tuition Assistance Program Payment Authorization form. They should then submit the form to the County Administrator along with a copy of their grade report and original paid receipts for tuition, books, materials, and lab fees. These materials must be submitted no later than thirty (30) days after class completion.

6) Employees will be reimbursed up to the maximum allowed in Section 8.01 c).

7) A record of all disbursements and classes taken by employees will be maintained in the employee's personnel file.

## TUITION ASSISTANCE PROGRAM APPLICATION

EMPLOYEE NAME (PLEASE PRINT)	WORK PHONE NUMBER	APPLICATION DATE
POSITION TITLE	DEPARTMENT	DATE OF HIRE
NAME OF SCHOOL	STARTING DATE OF COURSE(S)	
REIMBURSEMENT IS REQUESTED FOR COURSEWORK THAT IS <b>NAME OF DEGREE PROGRAM:</b>		
<input type="checkbox"/> DIRECTLY JOB-RELATED <input type="checkbox"/> WITHIN A JOB-RELATED UNDERGRADUATE DEGREE PROGRAM <input type="checkbox"/> ACCREDITED SELF STUDY COURSE		
(Attach Copy of Technical College, Undergraduate, or Graduate Level Program)		
Course Title	Course No.	Credit Hours
* Description of Other Costs:		
HOW ARE PROPOSED COURSES OR DEGREE OF VALUE TO YOUR PRESENT JOB?		
ARE YOU ELIGIBLE FOR AID FROM OTHER SOURCES? (e.g., Veteran's Educational Program, Scholarships, etc.) <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE EXPLAIN:		

IT IS MY UNDERSTANDING THAT:

- 1) Reimbursement will be limited to 66% of tuition, books, course-required materials, and lab fees up to \$500 per semester; with a maximum reimbursement of \$1000 per calendar year.
- 2) Reimbursement will be made only upon the presentation of evidence of satisfactory completion of the course(s) (Grade of "C" or better for an undergraduate course; a grade of "B" or better for a graduate level course; and a "Pass" for a "pass/fail" course) and paid receipts for tuition, books, materials, and lab fees.
- 3) Grade report and original paid receipts must be presented to the County Administrator together with a completed Tuition Assistance Program Payment Authorization form no later than thirty (30) days following course completion.
- 4) To be eligible for reimbursement, I must remain on the payroll as a regular full-time or part-time employee for one (1) year after course completion or I agree to repay 100% of the tuition expenses provided to me during the previous twelve (12) months. I authorize Bayfield County to withhold any remaining amount from my pay(s) as required.
- 5) I FURTHER UNDERSTAND THAT participation in the Tuition Assistance Program is not an employee right and although the County expects to continue this program in the future my participation in the program may be curtailed or discontinued at any time as a result of budgetary limitations, my work record at the time of enrollment, or other related factors. Curtailment of the program will not affect payment for a course that has been previously approved.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

DEPARTMENT HEAD/IMMEDIATE SUPERVISOR: I \_\_\_ RECOMMEND \_\_\_ DO NOT RECOMMEND approval of the above course(s) for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(DEPARTMENT HEAD/IMMEDIATE SUPERVISOR)

COUNTY ADMINISTRATOR: Request: \_\_\_ APPROVED \_\_\_ DENIED \_\_\_ ELIGIBILITY VERIFIED

Comments: \_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(COUNTY ADMINISTRATOR)

## **INSTRUCTIONS**

1. Discuss your educational plans with your Department Head and/or Immediate supervisor.
2. Complete the form, sign, and submit it to your Department Head and/or immediate supervisor for recommendation to approve or deny. THE FORM SHOULD BE RECEIVED BY THE PERSONNEL DEPARTMENT AT LEAST THIRTY (30) DAYS, BUT NO SOONER THAN NINETY (90) DAYS PRIOR TO THE START OF THE COURSE.
3. The Department Head and/or immediate supervisor will forward form to the County Administrator for approval.
4. The County Administrator will notify the Department Head and/or immediate supervisor and employee of the final decision.
5. If approved, employee must complete a signed Tuition Assistance Program Payment Authorization form and submit it along with original paid receipts and grade report to the COUNTY ADMINISTRATOR WITHIN THIRTY (30) DAYS FOLLOWING CLASS COMPLETION.

## **POLICY**

The Bayfield County Tuition Assistance Program is designed to provide financial assistance to employees who voluntarily enroll in job-related, educational courses that are of benefit to the County as an employer.

### **ELIGIBILITY**

Regular full-time and part-time employees who are not eligible for other County-sponsored programs which provide reimbursement or compensation for attending or having attended school, are eligible for tuition assistance under this program.

### **ACCEPTABLE COURSEWORK**

Tuition Assistance benefits are available for:

- \* Courses which are directly related to the employee's current job, would improve their skills on the job, and would allow the employee to be considered for promotional opportunities within the County. Elective courses selected in pursuit of a degree are eligible for reimbursement subject to the requirements of this policy.
- \* Courses within relevant technical college, undergraduate, or graduate level programs. Acceptable degree programs are those that relate to County functions, or services.

### **REIMBURSEMENT**

Expenses which may be reimbursed under this program include tuition, books, course-required materials, and lab fees. The County will pay 66% of these educational costs up to \$500 per semester, with a maximum reimbursement of \$1000 per calendar year.

Reimbursement will be made only after satisfactory completion of the course(s). This is interpreted as at least a grade of "C" or better for an undergraduate course or a grade of "B" or better for a graduate level course. Courses taken on a "pass/fail" basis may be allowed, but only if approved in advance by the Department Head and the County Administrator.

### **MINIMUM EMPLOYMENT AFTER REIMBURSEMENT**

Employees are required to maintain employment with the County for one (1) year after course completion. If an employee does not remain employed with the County for one year, they must repay 100% of the tuition expenses provided to them during the previous twelve (12) months. Employee authorizes withdrawal from their final paycheck as necessary to reimburse the county.

### **PARTICIPATION GOALS**

To the greatest extent possible, all regular employees who meet the Tuition Assistance program qualifications will be afforded access to the program.

However, participation in the Tuition Assistance Program is not an employee right. An employee's participation in the program may be curtailed or discontinued at any time as a result of budgetary limitations, an employee's work record at the time of enrollment, or other related factors. Curtailment of the program will not affect payment for a course that has been previously approved.

### **PROGRAM LIMITATIONS**

1. Employees eligible for other forms of educational assistance (e.g., Veteran's Educational Program, scholarships, etc.) must first exhaust that financial aid before applying for benefits under the County's Tuition Assistance Program.

2. All courses must be taken outside an employee's regular work hours. Vacation, PTO, floating holiday, compensatory time, or an adjusted work schedule may be used if Department Head approval has been given. Adjusted work schedules may be authorized only when they are not in violation of any Federal overtime laws or collective bargaining agreements.
3. Reimbursement of educational expenses will not be made to an employee who terminates employment with the County before completion of the course(s).
4. Reimbursement will not be made to an employee who withdraws from the course(s) for any reason.
5. Workshops, seminars, conferences and in-service training are not part of the Tuition Assistance Program.

**FOR MORE INFORMATION CONTACT THE COUNTY ADMINISTRATOR AT (715) 373-6181**