ADMINISTRATION AND COMPENSATION OVERSIGHT COMMITTEE MEETING AGENDA

Tuesday, March 25, 2014 at 2:00 pm
Fire Station – Large Meeting Room
2258 Mill Road

For additional information check: www.sisterbaywi.gov

In order for everyone to hear the discussion please, turn off your cell phone. Thank you.

Call Meeting to Order
Roll Call

1	Dave Lienau		4	Pam Abshire	
2	Pat Duffy				
3	Citizen Member (Vacant)			*Finance Director – Juliana Neuman*	
				Administrator – Zeke Jackson	

Approval of the Agenda
Approval of minutes as attached
Comments and Correspondence
Discussion Items

1. Discussion on Employee Benefits:
   a. Current Benefits Package
   b. Potential Future Benefits Package
2. Consider a motion to take action, if required.
3. Matters to be place on a future agenda or referred to a Committee, Official or Employee

Adjournment

Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Village Administrator Zeke Jackson, at 920-854-4118 or at zeke.jackson@sisterbaywi.gov.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, P.O.B. 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:

□ Administration Building □ Library □ Post Office

_____ / _____
Name Date

Administration and Compensation Committee Meeting Minutes
Tuesday, February 18, 2014
(Approval Pending)

The first meeting of the Village of Sister Bay Administration and Compensation Committee meeting was called to order at 2:00 PM on February 18, 2014 by Chairman Dave Lienau.

Present: Chairman Lienau and Committee Members Pat Duffy and Pam Abshire, Village Administrator Zeke Jackson and Finance Director Juliana Neuman

Approval of the Agenda
Duffy moved and Abshire seconded. Motion carried—all Ayes.
Comments, correspondence and concerns from the public
None.
Lienau opened the meeting by stating the purpose of the committee. He suggested looking at 1) compensation, 2) benefits, and 3) other administrative issues. There are employees who will be retiring soon who have accumulated substantial wages and benefits. As their replacements are hired it should be possible to reduce personnel costs by planning for base wage and benefit packages for each position. This will unavoidably result in a 'two-tiered system' for a while.

Discussion Items
1. Consider a motion to convene into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) to discuss personnel and employee benefits.
Motion by Lienau, seconded by Duffy. *Abshire -- Yes* *Duffy – Yes* *Lienau -- Yes*

2. Consider a motion to reconvene into Open Session.
Motion by Lienau, seconded by Duffy. *Abshire -- Yes* *Duffy – Yes* *Lienau -- Yes*

3. Consider a motion to take action, if required
None.

4. Matters to be placed on a future agenda or referred to a Committee, Official or Employee
-- Neuman to print a worksheet on salary/wage ranges for specific positions

Adjournment
At 4:05 PM Lienau moved and Duffy seconded that the meeting be adjourned. Motion carried. The next meeting will be held on Tuesday, March 25, 2014 at 2:00 PM.

Respectfully submitted,

Juliana Neuman
Village Finance Director
Name: h:\files\active\agendas\finance\2014\2014_02\02182014 admin/comp minutes - unapproved version.docx Created: 5/21/2013 9:14 AM Printed: 3/20/2014 12:51 PM Author: Juliana Neuman Last Saved By: Juliana Neuman

VILLAGE OF SISTER BAY

Outline of Employee Benefits

INSURANCE COVERAGE

The start date for insurance coverage is normally the 1st of the month following 30 days of employment. However, a newly hired salaried employee may negotiate for an earlier coverage date. For example, if work starts on the first of a calendar month, coverage for medical insurance could be negotiated to begin on that day. However, if work starts mid-month, the first of the following month would be the earliest possible negotiated coverage date.

1. Medical Insurance
   The Village pays 90% of the cost of medical insurance policies for employees and their families. The Village no longer has a group plan but contracts instead for the services of Midwest Insurance Brokerage to provide quotes on high-deductible policies, which are then offset by a Health Reimbursement Arrangement (HRA) that pays up to 75% of any deductible expense incurred. For 2014, the Village Board imposed a limit of $10,000 per employee on health insurance costs.
2. Dental insurance
   The Village pays 90% of the cost of group dental insurance for employees and families.
3. Disability insurance
   The Village pays 100% of a short-term disability insurance policy.
4. Flexible Spending Accounts
   The employee's portion (10%) of medical and dental insurance premiums is deducted pre-tax from his or her paycheck twice a month. In addition, the Village has been offering pre-tax benefits for other medical/dental expenses as well as for dependent care. The Village's provider of this service is changing next month to a company with higher fees, so it is uncertain whether continuation will be cost-effective.

Premiums for medical, dental, disability and life insurance are primarily based on five-year age bands.

OTHER BENEFITS

1. Retirement
   Fulltime Village employees are mandatory participants in the Wisconsin Retirement System (WRS), known to be among the best in the nation. Participation begins on the first day of work if the employee is expected to work 1200 hours or more per year. If the initial expectation is less than 1200 hrs/yr but increases to 1200, the employee must be enrolled as of the day that 1200 hours are worked.
   For 2014, the employer pays 7% of wages into the system, matched by a 7% payroll deduction from the employee. Participants in the WRS are vested after five years of creditable service.
2. Life Insurance
   To apply for life insurance coverage (group term life), an application must be submitted within 30 days of the date on which six months of participation in the Wisconsin Retirement System is

completed. The Village pays for basic coverage equal to the employee's annual earnings. Supplemental coverage and additional premiums are available at the employee's expense.

3. Deferred Compensation Program

   This is an IRS Section 457 deferred compensation plan-- a program for supplemental retirement savings administered by the Wisconsin Department of Employee Trust Funds, which also administers both the Retirement System and the Life Insurance Program listed above. There is no employer contribution. The employee can contribute pre-tax up to the program limits.

PAID LEAVE TIME

1. Compensatory Time

   Hourly employees can opt to bank "comp time" at time-and-a-half (or double time on holidays) instead of immediate overtime pay. Up to 30 days of comp time may be used to provide extra time off, carried over into the following year at the pay rate in effect for the new year, or taken as a cash pay-out at any time. Upon termination of employment, unused comp time shall be paid out at the employee's final rate of pay or at the average regular rate received during the last three years of employment, whichever is higher.

2. Vacations

   All fulltime employees are entitled to a vacation after one year of employment with the Village. Each employee shall earn annual vacations with pay as follows:

   Ten (10 days after one year (1) of service
   Fifteen (15) days after eight (8) years of service
   Twenty (20) days after fifteen (15) years of service
   Twenty-five (25) days after twenty-two (22) years of service

   Vacation leave must be used within the year following its accrual unless special permission is granted.

3. Sick Leave

   All fulltime employees accrue sick leave at the rate of one day per calendar month of service. Up to 30 days of sick leave may be carried over each year but is not paid out at termination except in the case of two employees who were hired in or before 1985.

4. Personal Days

   Fulltime employees are granted two Personal Days per year for any reason. One personal day may be carried over into the next year if not used.

5. Holidays

   Fulltime employees are granted six (6) paid holidays during the year and shall be paid double time for hours worked if scheduled for or called in to work on those days. The holidays are as follows: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day

   When a holiday falls on a Sunday, the following Monday is observed as a holiday. When a holiday falls on a Saturday, the preceding Friday is observed as the holiday.

Note: this outline of employee benefits is subject to change and is not a guarantee of coverage.

Revised March 20, 2014

Note: The recommendations made at this meeting were not enacted by the Village Board. -JN

PERSONNEL COMMITTEE MEETING MINUTES
WEDNESDAY, FEBRUARY 6, 2013
(APPROVAL PENDING)

The Village of Sister Bay Personnel Committee meeting was called to order at 5:30 PM.

Present: Chairman John Clove, Committee Members Ken Church and Pat Duffy, Village Administrator Robert Kufrin and Finance Director Juliana Neuman

Approval of minutes as published
None provided
Comments and Correspondence
None

New Business Items
1. Discussion on employee benefit issues
Referring to the Personnel Handbook, Neuman explained that the wording in Section 9(A), "Compensatory Time Off," is misleading and difficult to administer. She suggested that the words on line 5 limiting the annual accrual of compensatory time (comp time) to 240 hours as of December 1st be changed to as of the last December payday and the words on line 6 in effect on that December 1st of each year be changed to read in effect for that year.
Church made a motion to correct the Compensatory Time section of the Handbook as presented. Duffy seconded the motion and all agreed.

Discussion followed regarding the number of comp time hours allowed to carry over into the next year. Clove asked about the relationship of overtime to comp time, and Neuman explained that comp time for hourly employees is actually overtime worked that they choose to "bank" for later payout. When an employee leaves, his/her accrued comp time must be paid out, as spelled out in section 9(B).
Church expressed reservation about carryover of comp time and its cost to the Village, since employees usually receive a raise in each new calendar year. This means that overtime worked in a prior year will be paid out at a higher rate than when it was earned. Clove suggested eliminating the 240-hour carryover, but Duffy commented that many employers are permitting some carryover for perhaps two or three years, but not longer than that. Neuman added that eliminating the carryover entirely would be a hardship for those employees who count on having some hours available for unexpected absences. Kufrin observed that the payroll system we use makes it difficult to pay out comp time from a prior year at an old rate.
Clove asked Neuman to provide total carryover hours as of December 31, 2012: 960 total hours, distributed among the Parks and Utility employees, with Utility operators accruing the most. Kufrin explained why overtime work is required for Parks (weekend snow removal and park maintenance) and Utility employees (on call and weekend work every week). Neuman added that the comp time option is a perk that they get for having to work overtime.
Church asked for more information about how much money is involved in the carryover. Neuman reported that the total carryover from 2012 resulted in a liability of $20,702. *[If paid out in 2013, the additional cost to the Village will be $414.]*
Rather than eliminate the carryover entirely, Kufrin suggested reducing the carryover hours in increments over a three-year period. Clove spoke about the need to control costs and suggested that the carryover should be reduced over time to a two-week maximum (80 hours). Kufrin suggested a

reduction of 80 hours per year over the next two years. Neuman suggested a decrease of 40 hours for 2013 so that the budget already in place won't take such a hit because of the pay-outs. Then we could plan for another pay-out in next year's budget. The eventual consensus arrived at was a decrease of 40 hours in 2013, another 40 hours in 2014, and then 80 hours in 2015, thus arriving a a carryover total of 80 hours.

Duffy moved that the comp time carryover limit be reduced to 200 hours at the end of 2013, to 160 hours by the end of 2014, and to 80 hours by the end of 2015. Church seconded the motion and all agreed.

2. Discussion on employee personnel manual

Kufrin presented the Travel Expense Policy currently in place and explained that it was created in 2002 and incorporated into the personnel manual by means of a 2009 memo. Neuman had asked whether the amounts allowed for meals should be increased, since 10 years have elapsed. Clove agreed, especially because tips should be included. He suggested a daily total of $75, which was reduced to $70 after some discussion by the committee: from $10 to $15 for breakfast, from $15 to $20 for lunch, and from $25 to $35 for dinner.

Clove also suggested that the wording of the paragraph on meals covered in a conference fee be shortened to indicate that any such meal must be eliminated from the employee's reimbursement request. In addition, the section near the end on telephone calls should be deleted, since most employees who travel for the Village now have cell phones provided to them. No reimbursement for telephone calls should be necessary.

Finally, the section on reimbursement for the use of personal vehicles should be changed to indicate that MapQuest or GoogleMap shall be provided as evidence for the number of miles claimed.

Clove moved and Duffy seconded that the Travel Expense Policy be approved as amended. All agreed.

3. Consider a motion to convene into Executive Session pursuant to Wisconsin State Statutes Section 19.85(1)(c): to discuss personnel and employee benefits

At 5:58 PM, Clove moved to convene into Closed Session as above. Church seconded.

Roll Call: Church –Yes Clove –Yes Duffy –Yes

3. Consider a motion to reconvene into Open Session

At 7:18 PM, Clove moved to reconvene into Open Session. Church seconded the motion.

Clove –Yes Church –Yes Duffy –Yes

4. Consider a motion to take action, if required

None

Adjournment

At 7:20 PM Clove moved and Church seconded that the meeting be adjourned. All agreed.

Respectfully submitted,

Juliana Neuman

Juliana Neuman
Village Finance Director

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VILLAGE OF SISTER BAY – PERSONNEL HANDBOOK
Revised January 8, 2008

1. PURPOSE.

This handbook is intended to serve as a general reference for all employees of the Village of Sister Bay (Village). It is intended to provide the employee with a general overview of the benefits, policies, practices and work rules of the Village.

It is obviously not possible for this handbook to cover each and every aspect of Village benefits, practices, policies and work rules. For this reason, the benefits, practices, policies and work rules described in this handbook are summarized and are not intended to be all encompassing, nor applicable in every situation.

2. NOT A CONTRACT OF EMPLOYMENT.

This Personnel Handbook has been prepared for informational purposes only. This handbook and the policies contained in it are not intended to create, nor should they be construed to create, a contract of employment between the Village and any of its employees. All employees are at-will employees, with an undefined period of employment. Termination of employment may occur at any time, with or without notice, and for any reason. An employee signing a statement that he or she has read this Handbook does not constitute a signature meaning a con-tract of employment exists between the Village and the employee.

3. CHANGES IN PERSONNEL HANDBOOK.

The Village may, in its sole discretion, modify, add to or eliminate any of the benefits, policies, practices and work rules in the existing Personnel Handbook at any time. This handbook supersedes all previous handbooks, statements, policies, procedures, rules or regulations given to employees, whether verbal or written. This handbook may only be modified by action of the Village Board confirmed in writing.

4. EQUAL OPPORTUNITY EMPLOYER.

It is the policy of the Village to recruit and select for employment, those individuals who, in the sole discretion of the Village, meet the requirements and expectations of each particular employment position. Recruitment and selection shall be conducted in an affirmative manner, which ensures open competition and provides equal employment opportunity without regard to race, color, creed, religious or political affiliation, national origin, sex, age, handicap or disability, marital, citizenship, or veteran status, or any other class protected by the discrimination laws of the United States of America and the State of Wisconsin, except where age, sex, or physical requirements constitute bona fide occupational qualification and with proper regard for the privacy and constitutional rights as citizens and to provide an effective career development plan for qualified employees through promotional opportunities. This policies to all employment decisions including, but not limited to, recruitment, hiring, compensation, benefits, promotions, transfers, lay-offs, discipline, termination, and other conditions of employment. (Board of Trustees Approval: 12/14/1999)

5. HOURS OF WORK.

As a general rule, the workweek will be forty (40) hours. Actual working hours and days may vary depending upon the individual department requirements and position demands. Deviations from the "normal" work schedule are permitted subject to the prior approval of the Village Administrator or the supervising committee of the Village Board of Trustees. An employee may be required to work more than forty (40) hours per week if deemed necessary by his/her super-

visor to complete duties assigned to the employee. In the event of overtime work, the employee will receive overtime pay as calculated under applicable Wisconsin law. Time spent traveling to training sessions, conferences and seminars outside Door County shall count towards hours worked in a week. Paid leave time, other than compensatory time shall count towards hours worked in a week. (Revised 10/02/07)

6. CALL BACK.

A. Compensation for a call back after regular working hours shall be a minimum of two (2) hours pay.

B. All employees are always on call; that is, when emergencies require it, any and all of them may be recalled to work at hours during which they are normally off duty. "On Call" will refer to the order in which employees are contacted, when the need for unforeseen work arises. The order in which employees are contacted will rotate according to a schedule set by the supervisor. The term "On Call" does not imply the need to remain constantly available for contact by phone, or the need to remain in close proximity to the work place. Compensation for calls to work during periods when the employee is at the head of the "on call" rotation will be normal overtime, but no compensation will be paid in wages or compensatory time for "on call" periods during which no calls to work are made except for Utilities employees. In recognition of the impact that "on call" status has upon Utilities employees, the Village will pay $25 per day for an employee "on call" for Saturday, Sunday and on holidays. This shall be in addition to any call-in overtime or scheduled off time. (Board of Trustees approval November 30, 2004)

7. STAND-BY DUTY.

"Stand-by Duty" is coverage by the employee of potential work for the employer of an emergency nature. It is the pre-selection of qualified employees who shall be available to respond to the Village's call for emergency and other work to be done after normal work hours, or on weekends and holidays. Hourly compensation will be provided for work performed pursuant to the provisions in this Personnel Handbook. In addition, the following schedule of compensation will be provided to the employee who has been designated for "Stand-by Duty"; salaried employees will be compensated for "Stand-by" periods with the appropriate number of hours in compensatory time only. (Amended by Board of Trustees: March 7, 2000)

Single Holiday 3 hours @ 1 ½ times hourly rate
Weekend 5 hours @ 1 ½ times hourly rate
Three-Day Weekend 7.5 hours @ 1 ½ times hourly rate
(Approved by the Board of Trustees: December 14, 1999)

8. OVERTIME COMPENSATION.

Employees who work in excess of forty (40) hours per week may be compensated at a premium rate, straight time rate, or not at all depending upon their employment status and the provisions of the Federal Labor Standards Act (FLSA). An employee has the option to elect to take overtime pay in the form of compensatory time. If he or she chooses to accept overtime pay as compensatory time, he or she must make that choice during the week in which the time is earned. Bonuses will not be paid to Village employees. Overtime shall be distributed as equally as practicable among employees in their respective job classifications within each department. (Revised 10/02/07)

9. COMPENSATORY TIME OFF.

A. Compensatory time off shall be figured at a rate not less than one and one-half (1 ½) hours for each hour of employment for which overtime compensation is required. On the last payroll of the calendar year, any employee with more than two hundred forty (240) compensatory time hours as of December 1st shall receive pay in excess of two hundred forty (240) hours at the rate in effect on that December 1st of each year. A maximum of 240 hours may be carried over to the following year. Compensation paid for accrued compensatory time off shall be paid at the regular rate earned by the employee. (Revised 10/02/07)

B. An employee who has accrued compensatory time off shall upon termination of employment be paid for the unused compensatory time at a rate of compensation not less than:

1. The average regular rate received during the last three years of the employee's employment, or
2. The final regular rate received by such employee, whichever is higher.

C. An employee who has accrued compensatory time may request the use of such time so long as it does not unduly disrupt the operations of the Village.

D. Compensatory time taken as a cash payout rather than as paid leave time shall not count towards the 40 hour work week. (Revised 10/02/07)

10. JURY DUTY/SUBPOENAS.

During any period of jury service, or if subpoenaed for business concerning the Village, an employee shall be paid the difference between the employee's regular rate of pay and any compensation received. Employees are to indicate jury, court or deposition hours on their time cards. The employee will receive his or her regular paycheck and shall endorse any check or other payment for jury, court or deposition appearance to the Village.

11. VIOLATIONS OF LAW

Employees whether on or off-duty, shall obey the laws of the United States and of any state and local jurisdiction in which they are present. A conviction for a violation of criminal law (felony) shall constitute evidence of a violation of this section. If there is a connection between the conviction and the employee's job assignments, such conviction shall be grounds for discipline, up to and including termination.

12. ON/OFF DUTY CONDUCT

Conduct that is otherwise legal shall not be covered by this section. The circumstances under which an employee may be disciplined for on or off duty conduct may include the following:

A. conduct that is unbecoming;

B. adversely affects the morale or efficiency of the Department;

C. adversely affects employees' job performance or the willingness of other employees to work with the employee;

D. that destroys public respect for the employee and/or the Department and/or destroys confidence in the operation or the municipal service;

E. where the conduct substantially relates to the job performance or job duties.

13. POSSESSION OR USE OF ALCOHOL OR DRUGS

Employees must report to work free of drugs, intoxicants, alcohol, narcotics, or any other controlled substance. Employees may be disciplined, up to and including termination, for possession, consumption, not being free of, being under the influence of, or use of any drugs, drug paraphernalia, intoxicants, alcohol, narcotics, or any other controlled substance, on or about Village premises at any time.

Any medication that affects an employee or could affect an employee's performance should be brought to the supervisor's attention. Such prescription drugs must be given under medical supervision and may not interfere with the performance of job duties.

Under certain circumstances, the Village may require an employee to undergo a drug and/or alcohol test when the Village has a reasonable suspicion that the employee is violating this rule. The employee will be referred to a certified testing laboratory for completion of the test. Depending on the seriousness and circumstances of the offense, and at the Village's sole discretion, an employee who tests positive for drugs and/or alcohol may be referred to counseling, rehabilitation or an employee assistance program. Refusal to cooperate may result in discipline, up to and including termination. This shall not restrict employees from having alcohol in sealed containers in their private vehicles.

14. INAPPROPRIATE BEHAVIOR.

An employee will not do any of the following:

D. Steal or destroy Village property
E. Willfully, misuse, abuse or damage Village or public property.
F. Disclose statutory confidential materials.
G. Fail to comply with Village ordinances or written departmental rules or procedures.
H. Be disrespectful to superiors or to the public.
I. Create a disturbance on work premises by fighting or other conduct, which adversely affects morale, production or maintenance of proper discipline.
J. Sleep on the job.
K. Violate safety rules and practices. (Approved by Board of Trustees: December 14, 1999)
L. Fail to report an on-the-job injury or accident immediately, falsify or refuse to give testimony when job-related accidents are being investigated.
M. Falsify reports, records or time cards.
N. Exhibit poor work performance.
O. Be habitually absent or tardy.
P. Harass fellow employees or superiors.
Q. Be insubordinate, including refusing to perform work assignments.
R. Misuse sick leave.
S. Gamble, or conduct a lottery on or off Village property during work hours.
T. Procure simultaneous legal garnishments.
U. Accepting gifts and gratuities as defined.

The above items do not constitute a complete list of the rules employees are expected to conform to and are pro-vided for general reference. Compliance with these rules does not guarantee employment. As stated in Section 2, an employee may be terminated at any time for any reason.

15. GIFTS AND GRATUITIES.

No full time or part time Village employee shall solicit or accept for himself/herself or another person any gift, campaign contribution, gratuity, favor, services, promise of future employment, entertainment, loan, or any other item of monetary value from a person or entity who has or is seeking business activities from, or which are regulated by, the Village. Employees attending meetings, seminars and conventions will be allowed to accept "give-away" items such as key chains, coffee mugs, hats, etc., which are offered to all attendees and do not exceed a value of twenty-five ($25) dollars. (Amended by the Board of Trustees: March 7, 2000)

16. MARINA GRATUITIES

Marina employees shall be permitted to accept tips. All tips shall be shared at the end of the season based upon the hours worked each year during the season between May 15 and September 1. Marina management shall be responsible for collecting all the tips and depositing them on a weekly basis. All tips shall be reported for federal and state tax purposes. No signs, jars or other notices related to tipping shall be displayed at the Marina. (Revised January 8, 2008)

17. SEXUAL HARASSMENT.

A. Sexual harassment is illegal. No employee, male or female, shall sexually harass another employee. All employees have a right to a working environment, which is free of intimidation and harassment. Every employee is entitled to be treated with common dignity and courtesy.

B. Any employee having a complaint concerning sexual harassment shall notify the employee's immediate supervisor, or if the supervisor is part of the complaint, the Village Administrator. If the Village Administrator is the accused, the employee shall notify the Chairman of the Personnel Committee. The Village will investigate the complaint. The complainant will be notified of the results of the investigation by the Village.

18. DISCIPLINARY PROCEDURES.

The Village reserves the right to discipline its employees for violation of Village rules, or practices, whether contained in this Personnel Handbook, or not. In certain cases, depending on the severity of the conduct, a single violation could result in the employee's discharge. In some cases, where the outcome of employee conduct could be termination, the Village may choose to suspend an employee, with or without pay, pending the outcome of an investigation. Upon review of all of the circumstances, a final determination on employment will be made.

19. PERSONNEL FILE.

A. The Village Administrator shall establish and maintain master employee personnel files for all active employees. An employee may request to see the contents of the employee's personnel file. The employee may, upon making prior arrangements with the Village Administrator, inspect the contents of the file in the presence of the Administrator

during the employee's non-working hours. The employee may not remove any document from the file. (Board of Trustee Approval: December 14, 1999)

B. The right of an employee to inspect his or her personnel records does not apply to the following situations:

1. Records relating to the investigation of possible criminal offenses committed by that employee.
2. Letters of reference for that employee.
3. Any portion of a test document, except that the employee may see a cumulative total test score either for a section of the test document or for the entire test document.
4. Materials used by the Village for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments promotions and job assignments or other comments or ratings used for the employer's planning purposes.
5. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

20. EMPLOYEE EXPENSES.

The Village will pay the cost of training and examinations for pre-approved employment related courses. Mileage will be paid for use of a personal vehicle in attending training classes if a Village vehicle is not available. Mileage re-imbursement shall be paid at the current county rate. The Village may make Tetanus, Hepatitis and Influenza shots available to employees. The Wisconsin State Deferred Compensation Program is available for all Village employees who choose to participate.

21. VACATIONS.

A. All full time employees (defined as working more than 32 hours per week on a regularly scheduled basis for the calendar year) shall be entitled to a vacation after one (1) year of employment with Village. Each employee shall earn annual vacations with pay in the following manner: (Revised 10/02/07)

Ten (10) days after one (1) year of service 2 wks
Fifteen (15) days after eight (8) years of service 3 wks
Twenty (20) days after fifteen (15) years of service 4 wks
Twenty-five (25) days after twenty-two (22) years of service 5 wks

B. The Board shall periodically review and approve the vacation schedule and amount of vacation for department heads and the Village Administrator. (Revised 10/02/07)

C. Eligible employees shall be granted prorated vacation on January 1 following their anniversary dates of hire. Vacation credits shall be granted on January 1 based on the prior years of service. All such vacation credits are to be used by December 31 of the year in which they are granted.

D. The employee's supervisor shall approve all vacation periods. In doing so, the supervisor shall consider the need for public service and may approve periods from one-

half (½) days to full vacation periods. In determining vacation schedules, the supervisor shall respect the wishes of the eligible employees as to the dates of vacation choices while at the same time balancing the needs of the Village. Vacations shall not be taken during critical workload times. All vacation allowances shall be taken during the vacation year. Vacation time earned and not used by December 31 shall be lost. (Revised 10/02/07)

E. In the event a holiday falls on a regular workday within a vacation week, such holiday will not be charged as a vacation day. (Board of Trustee Approval: December 14, 1999)

F. Vacation time, emergency leave, personal days, sick leave and family leave shall not be taken in intervals shorter than one (1) hour. (Revised 10/02/07)

22. EMERGENCY LEAVE.

A. Village employees are eligible for five (5) days paid emergency leave per year, upon prior approval of their supervisors. Unused emergency leave cannot be carried over from one year to the next.

B. In the event of a serious illness, injury or death to a member of an employee's immediate family, an employee shall be granted such time off (not to exceed five (5) days) to handle the emergency situation. For the purposes of this section, immediate family is defined as husband, wife, son, daughter, stepson, stepdaughter, mother, father, brother, sister, mother-in-law, father-in-law, grandparent, brother-in-law, sister-in-law, aunt, uncle, grandparent-in-law, and son-in-law.

C. Requests for additional emergency leave will be made to the Village Administrator. An employee may use accumulated compensatory time or unused vacation for additional emergency leave. An employee may also request unpaid time off for additional emergency leave.

23. RESERVED

24. HOLIDAYS.

A. Village employees shall be granted six (6) days of paid holidays during the year. The granted days are as follows:

1. New Year's Day
2. Memorial Day
3. Independence Day
4. Labor Day
5. Thanksgiving Day
6. Christmas Day

B. When a full day holiday falls on a Sunday, the following Monday shall be observed as a holiday. When a full day holiday falls on a Saturday, the preceding Friday shall be observed as the holiday.

C. Village employees who are scheduled for or called into work on a holiday listed in "A" above shall be paid double time for the hours worked. (Amended 9/12/02)

25. PERSONAL DAYS.

Village employees shall be granted two (2) paid Personal Days per year for any reason. The supervisor will provide approval of requests to use a Personal Day. Impact on Village operations will be taken into consideration. Requests will normally be made with twenty-four (24) hours' notice. Personal Days shall be allowed to accumulate to a total of three (3) days. (Revised 10/02/07)

26. SICK LEAVE.

A. All employees covered by this agreement shall earn sick leave, which shall accrue at the rate of one (1) day of sick leave for every calendar month of service.

B. Sick leave allowance shall be accumulated in the employee's sick leave account until a maximum of thirty (30) days is accrued.

1. Employees who were hired in 1985, or earlier, will be allowed to retain sick days that they have accumulated in excess of thirty (30) days, but no higher than 200 days. No additional sick days will be accumulated by these employees unless the total accumulated day's falls below the thirty (30) day ceiling limit. (Amended by the Board of Trustees: March 7, 2000)

C. Accrual required before use: Sick leave shall not be used until it has been accrued.

D Eligibility for sick leave: Each permanent employee shall be eligible for sick leave for any period of absence from employment due to illness, bodily injury or exposure to a contagious disease. (Board of Trustee Approval: December 14, 1999)

E. Up to five (5) days of accumulated sick leave in any one year can be utilized for sickness in the immediate family. The Village has the right to require a medical statement to verify the illness.

F. Upon separation from Village employment, an employee who has completed twenty (20) years of service, will have all hours of sick leave credit, up to thirty (30) days total, converted to cash at the equivalent of fifty percent (50%) of the hourly rate currently in effect at separation. This credit can also be utilized to pay an employee's health insurance premiums upon retirement. Accumulated sick leave is forfeited upon separation for all employees who have not completed 20 years of service. (Amended by the Board of Trustees: March 7, 2000)

27. FAMILY LEAVE.

A. Employees who have worked at least one thousand (1,000) hours in the preceding fifty-two (52) week period shall be allowed:

1. Up to two (2) weeks of unpaid family leave over a twelve (12) month period for the care of a child, spouse or parent with a serious health condition.

2. Up to six (6) weeks of unpaid family leave in a twelve (12) month period for birth of a child, placement of a child for adoption or as a pre-condition for adoption.

B. All employees intending to use such leave shall give the Village advanced notice in a reasonable and practicable manner so that the Village can schedule a replacement, if necessary, and make provisions to ad-just the Village work schedules.

28. WORKER'S COMPENSATION.

A. All Village employees are covered by Worker's Compensation (WC). WC covers those injuries sustained by employees on the job or on Village property. This program is administered by the State of Wisconsin and basically consists of the following types of benefits:

1. Medical and Hospital care
2. Disability benefits
3. Death benefits

B. To qualify for WC, an employee who is injured on the job must strictly follow the Village's accident reporting procedures, including immediate notification to a supervisor or the Village Administrator that an accident has occurred. All legal requirements established by the State and Federal Governments must be followed. The time lost from work for a worker's compensation accident shall not be charged against an employee's accrued sick time. (Revised 10/02/07)

C. The Village will attempt to provide an employee with light duty work if the employee is able to return to work, but unable to perform his or her regular assignment.

D. The Village's first and foremost objective is to do all that can be done to prevent injury by providing safety awareness, specific safety related skill training, and by continually encouraging each employee's active participation in the mutual quest for a safe work place.

29. UNEMPLOYMENT COMPENSATION INSURANCE.

The State of Wisconsin administers Unemployment Compensation Insurance. If an employee is laid off and meets certain qualifications, weekly benefits are available. Employees who voluntarily quit or who are terminated by the Village for cause ordinarily will not be eligible for this benefit. Wisconsin Law determines the amount of compensation received. Application for benefits can be made at the local Employment Security Commission Office. (Board of Trustee Approval: December 14, 1999)

30. PERSONNEL TO OBEY MEDICAL PRACTITIONER'S ORDERS

A. Employees shall obey their medical practitioner's orders and shall promptly notify their supervisor of any restrictions or instructions by their medical practitioner, or prescribed medications that could affect their ability to perform their assigned tasks.

B. The Department Head shall have the right to require an employee who has a physical or mental incapacity to submit a report from a licensed medical practitioner verifying that the employee can perform the essential functions of his/her assigned duties without limitations.

C. The Village may require a medical examination for an employee by a medical practitioner selected and paid for by the Village whenever the Village shall deem it necessary for the safety and welfare of the residents of the Village and the maintenance of standards within the

Department. If the results of the examination would affect the employee's ability to work, then the employee may have a second opinion at his/her expense by a medical practitioner of his/her choice. If there is a difference of opinion by the first two medical practitioners, the employee may be examined by a medical practitioner mutually agreeable to the Village and the employee paid for by the Village consistent with the terms of a collective bargaining agreement.

31. RESERVED.

32. APPEARANCE AND DEMEANOR.

All Village employees who have contact with people in the community who are either residents or visitors, will create lasting impressions with them by their interactions with the community and by the observations of their work performance. All Village employees are encouraged to present a positive image and demonstrate an interest in their work. All employees are expected to be neat and clean in appearance and to dress in a manner appropriate to the nature of their position. Designated employees will wear uniform items provided by the Village during their duty hours.

33. CONFIDENTIALITY.

No Village employee shall use or disclose privileged confidential information gained in the course of work or by reason of the employee's official position or activities, unless authorized by law. No confidential information concerning any citizen may be released to an unauthorized person or agency without the signed consent of the citizen.

34. PERFORMANCE EVALUATIONS.

All employees shall have an annual review of performance, usually to coincide with Village budget dates and/or salary review. The person conducting the review shall be an immediate supervisor or the Village Administrator. In the case of the Village Administrator, the Board of Trustees shall designate the rater. Each supervisor shall utilize the Village Performance Review Form. The Village Board of Trustees will review these forms annually in closed session.

35. APPROVAL OF REQUESTS.

The following levels of Village authority will provide approval of employee requests:

1. Immediate Supervisor
2. Village Administrator
3. Village Personnel Committee
4. Village Board of Trustees (This document was approved by the Board of Trustees on December 14, 1999, and amended March 7, 2000.)

36. CLOTHING POLICY

A. This Clothing Policy is being established for all the employees of the Parks Department and field employees of the Utilities Department. Each employee shall have an amount equal to $400 set aside in the annual budget for work related clothing. Each employee is expected to mange their purchases to cover their needs for the entire year. If an employee elects to use a clothing service then the cost of that service shall count towards the total annual allocation.

B. Employees are urged to purchase clothing through the Village Administration office to avoid paying for sales tax. The department head shall approve all purchases including

colors and materials. The department head shall review the balance in each employee's account twice a year with the employee. Each employee is expected to dress appropriately for work each day in clean clothing that is free from rips and stains. Only shirts, hats and outerwear with Village logos shall be worn.

C. The following items are eligible for purchase under this program:
Long sleeve and short sleeve shirts
Pants and shorts (Shorts to only be worn while performing approved activities.)
Sweat shirts, coats and related items
Hats

D. The following items are eligible for reimbursement subject to the restrictions as follows:
Safety shoes subject to reimbursement up to $100 per year. Shoes other than safety shoes may only be worn while performing approved activities.
Prescription safety glasses subject to reimbursement up to $150 every other year.

E. The Village will provide the following items beyond the allocation above:
Logos to be placed on items of clothing
Work gloves
Coveralls
Hard hats and other safety gear
Boots and rain gear for working in wet environments
Hats

F. The employee is responsible for the regular cleaning of all items. If an employee has used all of their allocation for work clothing and items are damaged or worn out they shall be replaced at the employee's expense. It shall be at the discretion of the department head to replace at Village expense any approved clothing item that is damaged by an accident, not normal wear or tear while the employee is working.

I acknowledge that I have received the Village of Sister Bay Personnel Handbook and read its provisions. I understand that the Village may modify or eliminate the terms described in the Personnel Handbook at any time, with or without prior notice.

I further understand that the Village's Personnel Handbook and any provisions contained in the handbook do not constitute a guaranty of employment, a guaranty of any other rights or benefits, or a contract of employment, ex-press or implied. I understand that my employment may be terminated at any time for any reason, with or without cause, and with or without notice, at the option of the Village or at my option.

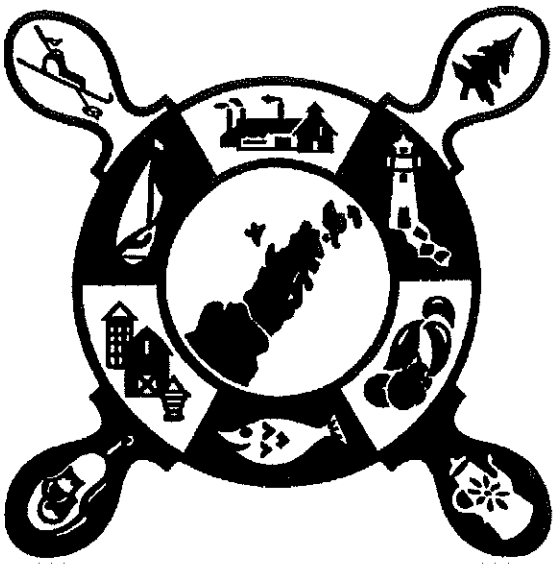
Dated this _____day of _____, 20___.

_____

Employee Signature:

File name: \\sbs01.local.sisterbay.com\users\rlkufrin\files\active\personnel\personnel handbook 2008 v2.doc
Created: 1/2/2008 12:56 PM Date Printed: 1/30/2008 3:53:00 PM

Door County



Employee Handbook

[Effective January 1, 2014]

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DOOR COUNTY'S EMPLOYEE HANDBOOK

Welcome to Door County. We are pleased to have you join our organization.

You were selected because we believe you meet the high standards expected by this organization. As a Door County staff member, you contribute directly to the well-being and quality of life of Door County residents and visitors.

This material has been designed especially for you. While it is not intended to be all inclusive or a substitute for regulations, policies, or procedures, you will find that most of the questions you have as a new employee are answered here.

This handbook is not an employment contract. You are an at-will employee. Your at-will status means both you and Door County may terminate the employment relationship at any time, with or without cause or advance notice.

I. Introduction

A. The bases and objectives of this Handbook are straightforward and uncomplicated. It has been prepared to acquaint employees with the policies, procedures, regulations, rules, and philosophy of Door County [hereafter "Employer"].

B. This Handbook is intended to provide general information and guidance only. It summarizes some of the Employer's policies, procedures, regulations, rules. These matters are set out in greater detail in, and the employee is referred to, the Employer's Administrative Manual.

II. Effective Date

A. This Handbook shall be in full force and effect on and from January 1, 2014.

B. This Handbook replaces and supersedes all prior written or oral employment policies, procedures, regulations, rules, and any prior custom, practice, or understanding.

III. Mission Statement

A. Protect the people, economic vitality, and environment of the County of Door and enable its people to build productive communities, families, and lives.

B. Deliver all County services and programs in a prompt, professional, and respectful manner; and manage operations consistent with available human, natural, and fiscal resources.

C. The employees are the Employer's most valuable resource. The Employer is committed to the fostering of and maintaining an environment of trust and respect with employees, which will enable it to be a viable, versatile, and effective public institution well into the future.

IV. Application and Interpretation

A. This Handbook applies to all employees. It is designed to serve as a quick reference. The Administrative Manual controls in the event of a conflict between the Handbook and Administrative Manual.

B. Whenever there is a conflict between this Handbook and any valid collective bargaining agreement, the provisions of the collective bargaining agreement will govern, but only to the extent the collective bargaining agreement complies with federal and state laws and only with respect to the employees included in the bargaining unit.

C. The provisions of this Handbook shall be interpreted, when possible, to sustain their legality and enforceability as a whole. In the event any provision of this Handbook is held invalid, illegal, or unenforceable by a court of competent jurisdiction, in whole or in part, neither the validity of the remaining part of such provision nor the validity of any other provision of this Handbook shall be in any way affected thereby.

D. References to statutes and codes herein are as currently enacted and as hereafter revised or superseded from time to time.

V. Disclaimer of Intent to Form a Contract

A. This handbook is not intended to, and does not create a contract of employment, or a guarantee of employment, or a guarantee of any other benefits or rights.

B. Nothing in this handbook may be considered as a contract of employment, or a guarantee of employment, or a guarantee of any other benefits or rights.

VI. At-Will Employment Status

A. Employment with Employer is on an at-will basis. The employee may leave employment with the Employer at any time, without notice, and for any or no reason. The Employer may terminate the employee at any time, without notice, and for any or no reason.

B. As a matter of policy, the Employer does not enter into written or oral contracts or agreements guaranteeing employment or compensation for any particular period of time with any individual employees. No employee, appointed official, or elected official is authorized to make guarantees of employment or compensation. Only by action of the Door County Board of Supervisors (i.e., in pursuance of a resolution adopted or ordinance enacted) may any such guarantees be made. The provisions of this handbook supersede any conflicting representation or statement made by any employee, appointed official, or elected official.

VII. Unilateral Right to Change

A. The Employer reserves the right to unilaterally revise, supplement, or rescind this Handbook at any time as it deems appropriate, in its sole discretion.

B. The Employer will endeavor, but is not required, to notify employees of revisions of, supplements to, and/or rescission of this Handbook.

C. This Handbook may only be revised, supplemented, or rescinded by a resolution adopted by the Door County Board of Supervisors.

VIII. Management Rights

A. In the absence of a specific waiver of a management right, Employer possesses the unfettered rights of management to operate its business and control the work force.

B. Employer's management rights include, but are not limited to, the rights to hire, discipline, discharge, transfer, assign, reassign, promote, and lay off employees, as well as the right to determine employees' wages, benefits, hours, work rules, and working conditions.

IX. Affirmative Action

A. The Employer continues its efforts and commitment to fully utilize and treat equally minority groups, women, veterans, and disabled employees at all levels and in all segments of the workforce through an affirmative action policy and plan. The goals of this affirmative action policy and plan are to eliminate institutional barriers in employment that tend to perpetuate the status quo and to eliminate the effects of any past discrimination.

B. The Employer's affirmative action policy and plan are set forth in the Administrative Manual.

X. Equal Employment Opportunity ("EEO")

A. Employer intends to comply with the laws prohibiting discrimination in the workplace.

B. It is the Employer's policy to recognize and focus on the competencies, education, and experience of applicants for employment and existing employees. The Employer will provide equal employment opportunities to all individuals regardless of their age, ancestry, arrest record, color, conviction record, creed, disability, gender, genetic predisposition or carrier status, marital status, military or veteran status, national origin, race, sexual orientation, use of lawful products off the Employer's premises during nonworking hours, victims of domestic violence, sexual assault and stalking, <u>or</u> other protected characteristic or status. This provision applies to all employment decisions including, but not limited to, recruitment, hiring, compensation, benefits, promotions, transfers, layoffs, discipline, termination, ADA accommodation, FMLA leave, and other conditions of employment.

C. The Employer's EEO policy <u>and</u> complaint and investigation procedures are set forth in the Administrative Manual.

XI. Harassment

A. Wisconsin and Federal laws generally prohibit discrimination in the workplace on the basis of age, ancestry, color, creed, disability, gender, genetic predisposition or carrier status, marital status, military or veteran status, national origin, race, sexual orientation, or other protected status. The Employer is firmly committed to compliance with these laws, and a desire to promote a working environment that is accepting and respectful of all people <u>and</u> is free from harassment and discrimination.

B. Harassment of any kind (including sexual harassment or harassment based on any protected status listed above) or form (including oral, written, visual, and physical) is prohibited. Further, no employee may be retaliated against for filing a complaint, for participating in an investigation of a complaint, or for opposing harassment or discrimination in the workplace.

C. If any employee believes she or he, or anyone else, has been subject to any such harassment or retaliation, the employee must immediately report the harassment or retaliation to her or his immediate supervisor, department head, or the human resources director.

D. The Employer will make a concerted effort to promptly investigate complaints and take all appropriate and necessary action. Any employee who registers a complaint or makes a report of harassment or retaliation may request that their complaint or report be kept in confidence.

E. The Employer's anti-harassment policy and harassment complaint and investigation procedure are set forth in the Administrative Manual.

XII. Application of Other State and Federal Laws

A. Employer intends to comply with all Federal and State laws, to the extent that they apply and Employer is required to comply with the same, including but not limited to:

1. Americans with Disabilities Act ("ADA")
2. Age Discrimination in Employment Act ("ADEA")
3. Title VII of the Civil Rights Act of 1964
4. Civil Rights Act of 1991
5. Employee Retirement Income Security Act ("ERISA")
6. The Rehabilitation Act of 1973
7. Wisconsin Fair Employment Act ("WFEA")

XIII. Creation, Classification, Combining and Elimination of, and Recruitment and Selection for, Positions

A. Creation

1. The decision to create a new position rests in the Employer's sole discretion.
2. Generally the department head will initiate the process to establish a new position.
3. To save time and effort, department heads are encouraged to first speak with the Human Resources Department about what they wish to do, the process, and suggestions or directions to expedite the same.

B. Position Classification

1. Appointed
   a) Any position, including all department heads, subject to appointment and/or removal by the County Administrator under Sec. 59.18, Wis. Stats., or otherwise.
2. Introductory
   a) All new non-appointed employees, including former employees who have been rehired, must complete a six-month introductory period. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that s/he is suited for the position. This period is not a guarantee of employment for six months. If the department head concludes at any time that an employee is not suited for her/his position, the employee may be terminated, or s/he may continue in an extended introductory period, if requested by the department head and approved by the Human Resources Director.
   b) The introductory period ends successfully when the department head, not sooner

than six months after the employee was hired, evaluates the new employee in writing and authorizes her/his classification as a "regular" employee.

3. Regular Full-Time
   a) Non-appointed employees who have completed their introductory periods and fill a full-time position with the Employer.
   b) Employees in this status are normally scheduled to work at least 40 hours per week. However, the Employer does not guarantee any minimum number of hours of work per week (or otherwise).
   c) Regular full-time employees are generally eligible for fringe benefits.
4. Regular Part-Time Employees
   a) Non-appointed employees who have completed their introductory periods and fill a part-time position with the Employer.
   b) Employees in this status are normally scheduled to work less than 40 hours per week but may be called upon to work above their normally scheduled hours of work when workloads require.
   c) Regular part-time employees are generally eligible on a pro-rated basis for fringe benefits.
5. Seasonal / Temporary Employees
   a) Non-appointed employees hired during a particular time of the year or until completion of particular project(s).
   b) Such employees may work part-time or full-time hours depending on the needs of the Employer.
   c) These employees are generally not eligible for fringe benefits.

C. Vacancy
   1. Employer will determine whether a vacancy exists <u>and</u> whether, how, and when it will be filled.
   2. See the Administrative Manual for the specific procedure to be used.

D. Recruitment and Selection
   1. The general recruitment and selection process is as follows:
      a) Advertisement
      b) Applications
      c) Interviews
      d) Pre-Employment Background and other checks
      e) Offer
         1) Compensation
         2) Fringe Benefits
         3) Moving Expense Reimbursement
   2. Employer reserves the right, at its sole discretion, to vary from the general process described above.

E. Reduction of Hours, Combining Positions, and Elimination of Positions
   1. Reduction of hours.
      a) Employer may, at its sole discretion, temporarily or permanently reduce the hours of any position.

2. Combining.
   a) Two or more positions may, at Employer's sole discretion, be combined into one.
3. Elimination.
   a) Employer may, at its sole discretion, eliminate any position.

Decisions to reduce hours, combine positions, or eliminate positions will be made and implemented in accordance with the Administrative Manual.

XIV. Employee Compensation

A. Salaries and Wages
   1. Non-Represented Employees.
      a) The salaries and wages of non-represented employees will be as set forth in the Compensation Plan established by Employer.
   2. Represented General Municipal (i.e., Non-Public Safety) Employees.
      a) The "total base wages" (as this phrase is defined by Wisconsin law) of represented general municipal (i.e., non-public safety employees) will be as set forth in any applicable collective bargaining agreement.
   3. Represented Public Safety Employees.
      a) The wages and salaries of represented public safety employees are as set forth in any applicable collective bargaining agreement.

B. Overtime and Compensatory Time
   1. It is Employer's policy and practice to accurately classify and compensate employees, and to do so in compliance with all applicable state and federal laws.
   2. Generally, the Fair Labor Standards Act ("FLSA") and Ch. DWD 274, Wis. Adm. Code, will govern overtime and compensatory time.
   3. Each position of employment is designated as "non-exempt" or "exempt" from the FLSA. Non-exempt employees are eligible for overtime pay, and exempt employees are not.
      a) Non-Exempt Employees
         1) Most non-exempt employees who work over 40 hours in a work week are entitled to 1.5 times their regular hourly rate for the hours actually worked over 40. Employees may not work overtime without the prior permission of their supervisor except in cases of emergency.
         2) In lieu of cash overtime pay, non-exempt employees may be credited with compensatory time off. Compensatory time off:
            - must be agreed to, by the employee and department head or designee, prior to the work being performed;
            - accrues at the rate of 1.5 hours of paid time off for every hour of overtime actually worked;
            - cannot be accrued over a (non-replenishable) maximum of 40 hours per year; and
            - will be paid at the earlier of the end of each payroll year <u>or</u> upon separation from employment.

            An employee who has accrued compensatory time off and requests use of the time will be permitted to use the time off within a reasonable period after

making the request as long as it does not unduly disrupt the operations of the Employer (i.e., place an unreasonable burden on providing public services).

3) Non-exempt employees must maintain a record of the total hours worked each day. This record must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures, and meal breaks. Upon receipt, non-exempt employees must review their pay stubs (electronic or paper), verify that they were paid correctly for all regular and overtime hours worked each workweek, and promptly identify and report all errors to Employer.
4) Non-exempt employees must not engage in off-the-clock or unrecorded work. "Off-the-clock" or "unrecorded" work means work performed but not accurately reported on the employee's time card.
5) Employer may determine whether work will be performed on an overtime basis and allocation of overtime.

b) Exempt Employees

1) Exempt employees receive a salary that compensates them for all hours worked. While it may be subject to review and modification from time to time, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work s/he performs.
2) Exempt employees do not receive overtime pay or compensatory time off. However, the department head or County Administrator may, in her or his discretion, grant additional paid time off to exempt employees who have worked unusual amounts of time in excess of the normal schedule, but no exempt employee has a right to such additional paid time off and there is no payment for such additional paid time off upon separation from employment.
3) Exempt employees, to ensure that they are paid properly and that no improper deductions are made, must accurately record all paid time off and unpaid leaves of absences (e.g., under federal or state Family and Medical Leave Act). Upon receipt, exempt employees must review their pay stubs (electronic or paper), verify that they were paid properly and that no improper deductions were made, and promptly identify and report all errors to Employer.

C. Other Elements and Forms of Compensation may include, at Employer's sole discretion, the following:

1. Cost-of-Living-Adjustment ("COLA").
   a) Employer strives to maintain a competitive wage scale.
   b) In establishing an annual budget, Employer will determine the need for and feasibility of implementing a COLA for the succeeding calendar year.
   c) A COLA can equal (but not exceed) the rate of inflation as measured by the designated consumer price index.

2. Holiday Pay / Leave
   a) Employees who are required to work their regularly scheduled work hours on a holiday (i.e., one of the holidays designated below herein) may be eligible to receive additional compensation or leave (at Employer's option) corresponding to the number of hours actually worked on the holiday.
   b) See Administrative Manual for eligibility and bases of calculation for holiday pay / leave.
3. Merit Pay.
   a) Merit pay gives Employer the flexibility to reward eligible employees for extra merit, special projects, and/or the achievement of strategic objectives by allowing lump sum awards outside of base pay.
   b) Merit pay eligibility, criteria, and awards are at the sole discretion of the Employer and not the result of any agreement or promise to employees.
4. On-Call Time (Pay for Nonworking Time)
   a) On-call time is time spent by employees, usually off the working premises, in their own pursuits, where the employee must remain available to be called or paged to work on short notice if the need arises. As a general rule, if an employee is free to use the time as s/he pleases, time spent waiting while on call is not considered working time.
   b) There is no legal obligation for Employer to pay an employee for their being on-call. However, Employer may choose to pay employees for on call time that would not otherwise be considered hours worked.
   c) Time spent at work once an employee arrives after being called into service will generally be considered compensable work time.
   d) Not applicable to FLSA exempt employees.
5. Shift Differential.
   a) Non-exempt employees may be eligible for a shift differential.
   b) Typically shift differential pay will be considered for hours worked between 5:00 p.m. and 7:00 a.m., and on Saturday and Sunday.
6. Stand-By Time
   a) Employees required to "stand by their posts ready for duty" generally should be paid for this time.
   b) This is because the employee is controlled by the employer during these periods, and is not able to use the time for her or his own purposes.
   c) Not applicable to FLSA exempt employees.

Refer to the Administrative Manual for additional information regarding employee compensation, including the definitions and classifications of positions.

XV. Employee ("Fringe") Benefits

A. Employer offers a competitive benefits package. These benefits, including health insurance, are subject to change or elimination at Employer's sole discretion or by law. Employees may contact the Human Resources Department, or consult the Administrative Manual, for specific information on benefits offered by the Employer.

B. Health Insurance
   1. An employee may be eligible to participate in (i.e., receive coverage under) the Employer's group health plan(s).
   2. Employees may contact the Human Resources Director or the Third Party Administrator of Employer's group health plan(s), or consult the Administrative Manual, for additional information.

C. Consolidated Omnibus Reconciliation Act ("COBRA")
   1. If an employee loses their eligibility for health insurance coverage due to termination of employment or other qualifying event, the employee will generally be offered self-paid continuation coverage under COBRA for a prescribed period of time (usually 18 months).

D. Dental Insurance
   1. Employer offers dental insurance for all eligible employees.
   2. Employees may contact the Human Resources Department and consult the Administrative Manual for more information.

E. Employee Assistance Program ("EAP")
   1. Employer offers an EAP to help employees cope with a wide range of personal and professional issues that may adversely affect their work performance.
   2. The EAP is set forth in Resolution No. 2012-25 (adopted on March 27, 2012).

F. Life Insurance
   1. Employer offers life insurance for all eligible employees.
   2. Employees may contact the Human Resources Department and consult the Administrative Manual for more information.

G. Paid Time Off
   1. Paid-Time-Off ("PTO")
      a) PTO combines vacation, sick time, and personal time into a single bank of days for employees to use to take paid time off from work.
      b) Employees may use upon prior request and in accordance with operational needs of Employer.
      c) The current PTO policy is set forth in Resolution No. 2006-78 (adopted on November 28, 2006).
      d) Employees may contact the Human Resources Department, or consult the Administrative Manual, for specific information on the Employer's PTO Policy.
   2. Holidays
      a) All regular full-time employees who have completed their introductory period will receive a regular day's pay at their normal hourly rate for paid holidays.
      b) Nine paid holidays are provided for employees as follows:
         1) New Year's Day
         2) Memorial Day
         3) Independence Day
         4) Labor Day
         5) Thanksgiving Day
         6) Friday after Thanksgiving Day

7) Christmas Eve
8) Christmas Day
9) One personal holiday

H. Unpaid Leaves of Absence

1. The Employer recognizes that employees may require a leave of absence from work. Consequently, the Employer has established a policy for various types of leaves, each of which are summarized below and described in more detail in the Administrative Manual.
2. These various types of unpaid leave include the following:
   a) Federal Family and Medical Leave Act ("FMLA");
   b) Wisconsin Family and Medical Leave Act ("WFMLA");
   c) Military (Uniform Services Employment and Reemployment Rights Act (USERRA) of 1994);
   d) Bereavement Leave; and
   e) Personal Leave.
      1) Personal unpaid leave may be granted, but only in unusual situations, and with the Employer's prior written approval.
3. Employees are prohibited from engaging in secondary (outside or self) employment (i.e., "moonlighting") while on light duty or during a leave of absence.

I. Retirement

1. Employer, to the extent it is required to do so by law, provides Wisconsin Retirement System (WRS) coverage for eligible employees.
2. Participation and benefits are governed by Wisconsin law.
3. Employees may contact the Human Resources Director or Wisconsin Department of Employee Trust Funds ("ETF") for further information.

J. Unemployment Insurance

1. Unemployment insurance benefits are generally regulated by Ch. 108, Wis. Stats., and are administered by the Wisconsin Department of Workforce Development ("DWD")-Unemployment Insurance Division.
2. Employees may consult the Administrative Manual, contact the Human Resources Director, or contact DWD for information on Unemployment Insurance.

K. Workers' Compensation

1. Worker's Compensation is governed by Wisconsin law.
2. Employees must report immediately any on-the-job injury, regardless of severity, to their supervisor or department head.
3. Employees may consult the Administrative Manual, contact the Human Resources Director, or Wisconsin Department of Workforce Development ("DWD"); Worker's Compensation Division, for more information on Worker's Compensation.

XVI. *Discipline / Grievance Procedure*

A. Employees may be subject to discipline or discharge for any reason, whether or not set forth in this Handbook.

B. In all cases, determination of appropriate discipline, including discharge, rests solely in the discretion of the Employer and will be determined on a case-by-case basis.

C. The Employer's Grievance System is set out in Resolution No. 2011-75 (adopted on September 29, 2011) and the Administrative Manual.

XVII. *Miscellaneous Rules and Working Conditions*

A. Absences and Lack of Punctuality

1. The Employer depends on, and expects, employees to report to work regularly, on time, and sufficiently prepared for the work day.
2. Absences, without proper notice, for invalid reasons, or without leave, will not be tolerated and may be grounds for discipline or discharge. Validity depends on the frequency of the excuse as well as the excuse itself. For example, absences because of transportation difficulties or child care responsibilities will generally be acceptable because they are usually unintentional and because the Employer does not expect perfect attendance. But, repeated absences because of these reasons may not be tolerated and constitute grounds for discipline or discharge on the theory that the Employer has the right to expect the employee to make other arrangements.
3. Frequent lack of punctuality (i.e., tardiness) will not be tolerated and may be grounds for discipline or discharge. Such is per se disruptive and will be considered an intentional and substantial disregard of the Employer's interest.

B. Alcohol and Other Drugs

1. Employees must report to work free of alcohol and non-prescribed drugs, and must remain free of alcohol and drugs throughout the workday.
2. Drug & Alcohol-Free Workplace Policy.
   a) Resolution No. 2012-53 adopted on May 16, 2012.
3. Alcohol and drug screening or testing
   a) Type of testing to be used is left to Employer's sole discretion.
   b) Circumstances under which testing may be used are as follows:
      1) Random
      2) Reasonable suspicion
      3) Post-accident
   c) Testing may be mandatory or discretionary.
   d) Procedure to be followed in administering the testing program, including chain of custody for test samples, and measures for protecting privacy is left to Employer's sole discretion.
   e) Consequences of Employee's failure to comply include discipline, up to and including discharge.

C. Appearance and Demeanor

1. An employee's demeanor and appearance must be appropriate to the job functions and performance standards.
2. Employees are expected to treat others with courtesy and respect.

D. Assignment of Work
   1. Employer has wide latitude, in the sole exercise of its discretion, to assign duties and tasks to employees.
   2. Employees may not select those duties and tasks that they prefer.

E. Breaks / Meal Period
   1. One meal period, of thirty (30) minutes for each eight (8) hours worked. Meal periods may vary by department and can be adjusted to meet Employer's needs.
   2. One ten (10) minute rest break for each four hours worked. Rest breaks may vary by department and can be adjusted to meet Employer's needs.
   3. Employees who are nursing will be provided with reasonable unpaid breaks to express breast milk as frequently as needed for up to one year after the birth of a child. Employer will provide a place for the break, other than a bathroom, that is shielded from view and free from intrusion. Employees will not be retaliated against for exercising this right.
   4. Breaks / meal period are not cumulative; employees may not "bank" unused breaks / meal period to take later or in combination with other breaks, meal period, or paid time off.

F. Certification / Licensure
   1. Employees in occupations that are regulated by the State of Wisconsin (or other entity) are required to present proof of certification or licensure before beginning work. Employees are responsible for renewing their certifications or licenses when necessary and ensuring that the certification or license is kept current. An employee who fails to maintain a valid certification or license as required will not be allowed to work and may, at Employer's option, be subject to discipline or discharge.
   2. Employer may, in its sole discretion, reimburse expenses incurred by employees in maintaining or renewing certification or licensure <u>and/or</u> treat time spent by employees in maintaining or renewing certification or licensure as compensable hours worked.

G. Confidential and Private Information
   1. During your daily work, you may be exposed to information that is considered strictly confidential and private. This information may be in any form (e.g., written, electronic, oral, overheard, or observed).
   2. Employees are expected to access, use, or disclose confidential or private information only in the performance of their duties, when required or permitted by law, and to disclose such information only to persons who have the right to receive that information.
   3. Disclosure of confidential and private information without authorization is grounds for disciplinary action up to and including termination.

H. Health Insurance Portability and Accountability Act of 1996 , as Supplemented by the HITECH Act of 2009 (collectively, "HIPAA")
   1. HIPAA is a federal law that, among other things, provides rules in regard to how an individual's protected health information ("PHI") may be accessed, used, and disclosed.
   2. Employees must comply with HIPAA and strictly maintain the confidentiality of all PHI.

3. Violations of HIPAA are extremely serious and may result in disciplinary action up to and including termination.

I. Conflicts of Interest

1. A conflict of interest is a situation whereby an employee's outside activities or interests could negatively affect Employer. Employees must avoid placing themselves in a position where her or his private activities or interests conflict with performance of their work duties.
2. Employees shall not use Employer's resources (e.g., property or funds) or their position for personal gain or for the personal gain of a member of their immediate family.
3. Employees are expected to familiarize themselves with and must adhere to the code of ethics for public employees set forth in §§19.41, .42, .46 & .59, Wis. Stats.

J. Promotions or Demotions

1. In the interest of achieving (among other things) optimum performance, Employer may make periodic or sporadic appraisals of employees as it deems fit.
2. Employer may, at its sole discretion, promote or demote an employee as the situation dictates.
3. Generally, an employee may be eligible for promotion if s/he demonstrates outstanding leadership characteristics, superior ability to foster teamwork, or other attributes of importance to the Employer.
4. Generally, an employee is susceptible to demotion if their performance has deteriorated <u>or</u> because the standard in the occupation has been raised and they've not kept pace.

K. Honesty

1. Honesty and trustworthiness are expected of all employees.
2. An employee's bad faith, dishonesty, or lack of integrity, *if* deemed intentional will result in the finding of misconduct, even if it only occurs once, and be grounds for discipline or discharge.
3. Falsifying an employment application or time card are typically intentional acts. Making a mistake on a time card suggests negligence and will likely not be considered dishonesty.

L. Dual Employment

1. Generally, employees may not hold more than one position with the Employer.
2. Employer may, in its sole discretion, make exceptions. Any such exception must be made in advance and be in writing.

M. Emergency Closures

1. In response to adverse conditions, such as severe weather, the Employer may officially close its operations in whole or part.
    a. Employees excused from work will use accrued paid leave or unpaid leave for the time.
    b. Those employees designated as emergency or essential service employees must report to work.
    c. Employees on paid time off or unpaid leave of absence when an emergency closure occurs are not entitled to additional paid time off or leave.

2. Unless the Employer closes its operations, employees are expected to report to work as scheduled.
    a. Employee safety is an important consideration. Employees are urged to use their discretion and judgment when evaluating their ability to commute to work during adverse conditions, such as severe weather.
    b. If adverse conditions, such as severe weather, prevent an employee from working as scheduled, the employee must promptly notify her or his immediate supervisor, and shall use accrued paid leave or unpaid leave for the time.

N. Employee Rules of Conduct and Performance Standards

1. Performance Standards.
    a) Employer will endeavour to provide guidance to employees regarding the quantity and quality of work that must be produced and the timetables for producing it.
    b) Employees must meet all such performance standards, whether quantitative or qualitative.
2. Rules of Conduct
    a) Employer will endeavour to provide guidance to employees regarding rules of conduct, i.e., rules that are job-related, in keeping with business necessity, and consistently applied to all employees. Rules of conduct that will typically meet this standard include prohibitions on violence, stealing, destruction of property, insubordination, inappropriate behaviour toward co-workers, clients, or members of the public, misuse of the Internet or e-mails, and violation of safety rules.
    b) Employee must abide by these rules of conduct.

O. Employee Training and Organizational Development

1. Employer sees training and development of employees as essential to achieving its goals.
2. If you wish to pursue a course of training relevant to the needs of Employer and your role within it, please discuss this with your immediate supervisor or department head. If it is seen to be beneficial to Employer, then support may be given with the approval of the department head.
3. If Employer financially contributes to your training and development, and you leave within 12 months of completion of the training, Employer reserves the right to recoup any monies contributed.
4. To learn more about training opportunities, please see the Administrative Manual or contact the Human Resources Department.

P. Employee Performance Evaluation and Review

1. Employer has developed a formal program for evaluating employee performance, which my provide for a mid-year progress review and an annual summary rating. However, evaluation and review should be ongoing, and may be appropriate whenever an employee or his/her supervisor believes it is needed.
2. The aim of this program is to provide employees with guidance, and to ensure Employer's goals are achieved.

Q. Employee Recognition / Reward

1. Employer believes it is important that employees be valued and appreciated for their work.

2. Toward that end Employer may develop a program that recognizes significant contributions by employees to the overall objectives and efficient operation of County Government.
3. Such employee recognition / reward can, at Employer's sole discretion, take several forms, including monetary awards, time-off awards, length of service recognitions, and other non-monetary awards.

R. Employee References

1. Generally the Employer does not provide employee references, but does provide a record of service outlining the employee name, job title, dates they were employed, and a brief outline of their role.

S. Employer Owned Property

1. Such property is to be used for Employer's business purposes only.
2. It is the responsibility of all employees to take due care with regard to the use of Employer's property.
3. Willful or careless destruction and damage to Employer's property will not be tolerated.
4. Employees are to promptly report any damage to or loss of Employer's property to a supervisor.

T. Ethics

1. Employees are expected to familiarize themselves with and must adhere to:
   a) The Ethical Principles set out in Ordinance No. 2010-4 (enacted on April 20, 2010); <u>and</u>
   b) §§19.59 and 946.10, .12, .13, .18, Wis. Stats.

U. Fitness and Ability Determination

1. Employer has broad discretion to use any fair, reasonable, and nondiscriminatory method to determine fitness and ability. This is a corollary of Employer's prerogative to decide qualifications necessary to perform the work.
2. The determination of fitness and ability is not susceptible to any set formula applicable to any and all circumstances. The precise factors and criteria that are relevant in one set of circumstances may not be appropriate to another.

V. Gift and Gratuities

1. Employees may <u>not</u> solicit or accept (for the performance of any service or duty, or otherwise) anything of value.
2. The disposition of door prizes or raffle items is governed by Resolution No. 2008-44 (adopted on July 29, 2008).

W. Health & Safety

1. It is the Employer's objective to provide and maintain a safe and healthy work environment. Toward that end, Employer intends to comply with all laws, to the extent that they apply and Employer is required to comply with the same. Employee participation and support are needed to achieve these ends.

2. Safety is not a one-way street. Each employee has a duty to protect her or his own health and safety by learning and obeying safety practices and rules and using all proper safety devices and personal protective equipment.
3. Employees who believe there is a hazard that prevents them from doing their jobs safely are to report it to a supervisor and not to perform the activity believed to be hazardous until it has been abated or a safety director tells them to continue.
4. Employees are not to undertake a task before learning the safe method of doing it and being authorized by a supervisor to proceed.
5. Employees are to report any unsafe conditions or potential hazards to their supervisor or department head.
6. Employees will not be disciplined, discharged, or discriminated against solely for making a good-faith report of an unsafe condition or potential hazard.
7. Employer has written procedures for investigating workplace accidents (see the Administrative Manual). All accidents will be investigated and all employees are expected to cooperate.
8. The Employer will endeavor to communicate and train employees as to how to deal with specific safety hazards in the workplace. Means that will be used to do so include written policies and procedures, training programs, and regular safety meetings.
9. Employees need to be aware that the Employer will take disciplinary action, up to and including discharge, if an employee fails to comply with established health and safety policy or procedures.

X. Insubordination

1. The Employer has a reasonable expectation that most directives or orders, even if they appear pointless or unreasonable to the employee, will be obeyed. While an employee might, in good faith and respectfully, disagree and ardently try to change a supervisor's mind, at some point a reasonable employee accedes to a supervisor's directive or order. Sole exceptions are if the directive or order is illegal, unethical, or unsafe.
2. Intentional conduct that disregards the Employer's interest, such as insubordination, will be considered misconduct and be grounds for discipline or discharge.

Y. Indemnification

1. A county may be obligated to defend and indemnify an employee *if* the employee is proceeded against in an official capacity <u>or</u> as an individual, for acts committed while carrying out duties as an employee <u>and</u> while acting within the scope of employment consistent with § 895.46, Wis. Stats.
2. Any such obligation only arises at the point that the Employer is given notice by the employee of the claim, lawsuit, or other proceeding.

Z. Interns / Student Trainees

1. It is important that unpaid interns / student trainees not be considered employees.
2. In April 2010, the U.S. Department of Labor issued "Fact Sheet #71" to educate employers about unpaid interns. This fact sheet lays out a six-part test, , which must be applied in every instance, to distinguish between "interns / student trainees" and "employees".

AA. Jury / Witness Duty

1. Employer encourages employees to fulfill their civic duties.
2. Employee must promptly notify their immediate supervisor or department head when they are summoned for jury duty or mandatory witness appearance.
3. Deductions will generally not be made to wages for jury duty or mandatory witness appearances.
4. If deductions are not made, Employer is entitled to receive any sum that the employee receives for jury duty, or witness fees.

BB. Nepotism

1. Related employees may not work within the same department, if one has supervisory responsibility and authority over the other.
2. "Related employees" means: children, parents, grandparents, and siblings; and spouses, parents-in-law, and siblings-in-law.

CC. Off-Duty Conduct

1. Public employees are held to a higher standard of conduct than that of most other employees. This is due, in part, to the public employer's interest in maintaining the public trust.
2. Employer may, in its sole discretion, impose discipline (up to and including termination of employment) on an employee for off-duty misconduct.

DD. Payroll Procedures

1. Time-keeping requirements are set forth in the Administrative Manual.
2. Permissible payroll deductions are set forth in the Administrative Manual.
3. Pay Schedule.
   a) Employees are currently paid on Friday every other week (bi-weekly), on a one- week lag.
   b) The pay schedule is subject to change, at Employer's sole discretion.
4. Direct deposit is mandatory.
5. Employees are obligated to promptly review their pay stubs (paper or electronic) and immediately report errors to Employer.

EE. Personnel Records

1. An employee may, consistent with § 103.13 Wis. Stats., inspect and obtain a copy, or designate a person to inspect and obtain a copy, of her or his personnel records.
2. If an employee disagrees with any information contained in their personnel records, the Employer and employee may agree to correct or remove the information. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The Employer will attach this statement to the disputed item, and release it whenever that disputed item is released to a third party.

FF. Political Activity

1. Employees may not engage in political activity on Employer's time or with Employer's resources.

2. No person may solicit or receive from any employee any contribution or service for any political purpose during established hours of employment or while the employee is engaged in her or his official duties.
3. Hatch Act prohibitions, as to employees taking an active part in partisan politic campaigns or management, are in effect if and as applicable.

GG. Reimbursement

1. Employees are eligible to be reimbursed for necessary and reasonable expenses they actually incur in the conduct of Employer's business. Expenses potentially subject to reimbursement are as follows:
   a) mileage (at the rate allowed by IRS regulations, and provided an Employer-owned vehicle was not available);
   b) meals (out-of-county, based on a per diem or daily allowance established by Employer);
   c) overnight lodging; or
   d) lost or damaged personal property.

HH. Residency

1. Employer opts to impose a residency requirement pursuant to and consistent with Section 66.0502 Wisconsin Statutes.
2. Any Employee employed in a position classified as a protective occupation participant under Section 40.02(48)(am) Wisconsin Statutes or otherwise, or as an emergency medical service provider, must reside within fifteen (15) miles of the jurisdictional boundaries of the city, village, or town to which the employee is assigned pursuant to and consistent with Door County Resolution No. 2013-83 (incorporated herein by reference as if set forth in full).

II. Secondary Employment

1. An employee may not engage in secondary (outside or self) employment without the prior written approval of the Employer.

JJ. Separation from Employment

1. An employee must provide written notification of her or his resignation, to their department head and the Human Resources Department. This writing should include the employee's last day of employment.
2. The Human Resources Department will confirm receipt of the written notification of resignation in writing. This writing will:
   a) provide the effective date of the separation;
   b) summarize the benefits and/or pay the employee will receive, if any;
   c) remind the employee of their obligation to return all of Employer's property, including mobile phones, computers, access cards and keys, identification cards, and records;
   d) advise the employee that all personal belongings are to be removed from the workplace; and
   e) confirm the opportunity for an exit interview.

KK. Smoking and Other Tobacco Use

1. Smoking (and other tobacco use) is prohibited in or on any property (e.g., land, structures, or vehicles) leased or owned by Employer.

2. Employees are expected to familiarize themselves with and must adhere to Employer's Smoking Regulations, which are set forth in Ch. 8, Door County Code.

LL. Solicitation and Distribution

1. Employees may not engage in solicitation of any kind or distribution of literature of any kind during their working time or during the working time of the employee being solicited.
2. Persons who are not employees may not solicit or distribute literature for any purpose anywhere on Employer's property.

MM. Subcontract

1. Employer may, in fulfilling its obligations, contract out for matters relating to its operation.

NN. Technology Use

1. This is intended to provide guidelines for the use of Employer's technology, and for the use of employees' personal technology on Employer's time. Technology covered includes, but is not limited to, computers, software, internet access, e-mail, phones, and personal digital assistants.
2. All technology provided for employee use by Employer, including any data stored or transmitted using such technology, is the property of Employer. Such technology is intended to be used for Employer's business purposes only.
3. Employer recognizes that an absolute prohibition on personal use of Employer's or employee's technology is not practical. Therefore, limited and incidental personal use is permissible.
4. Employees have no right or expectation of privacy in their use of Employer technology. Employer expressly reserves the right to monitor all use of Employer technology, and Employer will exercise that right when it believes there is a legitimate business need to do so.
5. Employer's technology use policy is set forth in full in the Administrative Manual.

OO. Tele-Working

1. Developments in information technology and sociological changes affecting career paths have presented new issues and opportunities for employers and employees.
2. Tele-Working is an arrangement by which an employee performs the primary responsibilities of her or his position from a remote work site (usually the employee's home) with the requisite supporting technology.
3. Under the proper circumstances, tele-working can be a highly advantageous arrangement for both the Employer and employee.
4. Details of any such arrangement will be worked out on a case-by-case basis and include:
   a) Who will be allowed to tele-work?
   b) Wage and hour issues.
   c) Performance management.
   d) Workplace safety.

5. Whether to initiate, the details, and discontinuance of any tele-working arrangement rests solely in Employer's discretion.

PP. Volunteers / Volunteering

1. Employees cannot be unpaid volunteers for Employer if they also perform the same type of services for the Employer for pay.
2. Employees may volunteer for Employer, provided that the services provided as a volunteer are not the same type the employee does for pay for the Employer.
3. A public-sector volunteer must perform service for civic, charitable, or humanitarian reasons and without promise, expectation, or receipt of compensation for services rendered.

QQ. Weapon(s)

1. The unauthorized possession of a weapon (e.g., firearms), either on Employer's premises or while on duty, is prohibited.
2. Employees are expected to familiarize themselves with and must adhere to the Employer's Weapon(s) Policy, which is set forth in Resolution No. 2011-76 (adopted on September 29, 2011).

RR. Workplace Flexibility

1. Is a way to define how, when, and where work is done.
2. Is a concept that recognizes that there are alternatives to the traditional ideas of where and when work is performed.
3. Is a broad term that can include teleworking, flexible work arrangements (FWA's), job sharing, and compressed or reduced schedules, among other arrangements.
4. "Shared needs" is an important concept. Workplace flexibility must meet the needs of both employees (e.g., helps employees address their work and life needs) and Employer (e.g., predictability and stability).
5. The Employer has the right to determine which, if any, employees or employment situations make workplace flexibility practical.

SS. Workplace Privacy

1. There is no general or specific expectation of privacy in the workplace, either on Employer's premises or while on duty.
2. Employees must presume that what they possess or do on duty or on the Employer's premises is not private.
3. As a general rule, if an employee wants it private - don't bring it to or do it at work.

TT. Work Schedule

1. Workweek is set forth in the Administrative Manual.
2. Hours of Work / Shifts is set forth in the Administrative Manual.
3. Changes to employees work schedule may occur at Employer's sole discretion, such as when:
   a) Required by business necessity.
   b) To avoid incurring overtime.
   c) Due to emergency, Act of God, or like condition out of Employer's control.

DISCLAIMER AND ACKNOWLEDGMENT OF RECEIPT

I understand that:

My employment is at-will and may be terminated at any time and for any or no reason with or without notice at the option of the Employer or my option.

This Employee Handbook is not an express or implied employment contract or guarantee of employment.

This Employee Handbook takes precedence over all prior written or oral statements regarding employment and supersedes any prior understandings or practices.

The Employer may revise or eliminate the terms of this Employee Handbook at any time with or without notice.

I acknowledge that I have received this Employee Handbook, and I understand that it is my responsibility to read and understand its provisions, and that I should consult the Administrative Manual or Human Resources Director about any questions I have regarding, or not answered in, this Handbook.

Dated this ____ day of _____, 201__ .

_____

Print Name: _____

Witnessed this ____ day of _____ , 201__ .

_____

Print Name: _____

Appendix

EMPLOYEE ASSISTANCE PROGRAM [RESOLUTION NO. 2012-25].....11
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[The Administrative Manual and Compensation Plan are each incorporated herein by reference as if fully set forth.]

DOOR COUNTY

Resolution No. 2012-25

PERSONNEL POLICY AND PROCEDURE REVISION
225.0 – Employee Assistance Program

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON			
AUSTAD			
BRANN			
DeBAKER			
DeWITT			
FISHER			
FONTAINE			
GUNNLAUGSSON			
HAINES			
LIEBE			
LIENAU			
MEYER			
MOELLER			
MULLIKEN			
NEINAS			
OLSON			
RUNQUIST			
SCHULTZ			
VIRLEE			
WIEGAND			
ZIPPERER			

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted [X]

1st Fontaine — Defeated [ ]

2nd Liebe

Yes: ____ No: ____ Exc: ____

Reviewed by: _____, Corp. Counsel

Reviewed by: _____, Administrator

FISCAL IMPACT: Adoption of this resolution sets policy and procedure. There is no fiscal impact. sms

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 27th day of March, 2012 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, The Administrative Committee has reviewed recommendations to revise Personnel Policy and Procedure 225.0 Employee Assistance Program [attached hereto and incorporated herein by reference]; and

WHEREAS, The Administrative Committee recommends the revision of Personnel Policy and Procedure 225.0 EMPLOYEE ASSISTANCE PROGRAM, be approved by the Door County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby approve Personnel Policy and Procedure, 225.0 EMPLOYEE ASSISTANCE PROGRAM, revisions, effective this date by the Door County Board of Supervisors.

SUBMITTED BY:
Administrative Services Committee

Leo Zipperer, Chairman
Daniel Austad, Chairman
Charles Brann
Kenneth Fisher
Cletus Fontaine
David Lienau
John Neinas
Richard Virlee

Attachment to Resolution 2012-25

Employee Assistant Program Policy County of Door			
Issue Date: April 1, 2012	**Revision Update(s):** October 16, 2007	**Total Pages:** 2	**Policy:** **225.0**
Policy Source: Existing Policy		**Resolution #** 2012-25	
Special Instructions: Replaces existing policy #225.0			

I. POLICY

The Employee Assistance Program Policy of Door County is based upon the belief that there are responsibilities on the part of the employer – Door County and the employees with regard to the matters of health and safety. The Employee Assistance Program is intended to: improve employee care, morale, and achieve greater operational efficiency by either allowing the employees to seek out such assistance on their own or providing them with a system to seek out assistance as deemed necessary by their job performance.

II. DEFINITION

Under this program, behavioral-medical issues shall be defined as those illnesses and problems which repeatedly interfere with the individual's health and job performance (some of which may be emotional illnesses, alcohol, or other drug abuse).

A. OBJECTIVE:

1. The Employer – Door County is concerned with alcoholism, other drug dependency, and emotional problems when they affect the employee's job performance, safety, and/or health, and encourage employees who suspect that they have symptoms to voluntarily take advantage of the counseling and treatment services of the screening agency by contacting them directly. Family members of employees having these types of problems may also use them voluntarily.

2. To assist employees in areas of illness and personal problems that interfere with their capacity to perform their job.

B. PURPOSE:

It is hoped that this program will encourage employees who may have such behavioral-medical illnesses to take advantage of diagnostic, counseling, and treatment services available in the community.

C. POLICY:

1. The employee's job security will not be jeopardized by a request and/or referral for diagnosis and treatment.

2. The confidential nature of the medical records of employees with behavioral-medical problems will be preserved in complete confidence as are all other medical records.

The illnesses referred to in this policy will receive the financial coverage and/or benefits applicable under our established employee benefit program.

3. It is the responsibility of the employee to comply with the referral for diagnosis and treatment. If an employee refuses to accept diagnosis and treatment, the case will be handled as are other cases of deteriorating job performance.

4. An employee's job performance may also be affected when a member of his/her family is afflicted with these behavioral-medical illnesses. Therefore, we extend the same offer of assistance to any member of his/her immediate family.

D. REFERRAL PROCESS:

1. Employees involved in disciplinary action are to be offered the Employee Assistance Program as part of any disciplinary interview.

2. An employee wishing to utilize the services of the Employee Assistance Program shall advise the Human Resources Department of their selected provider. If such services are recommended for disciplinary purposes, the employee will authorize release of information from the provider to the Human Resources Department as a means of monitoring the recommended treatment.

3. Services may be provided during working hours. The employee should be instructed to utilize their applicable sick leave program.

4. The employee may elect to use providers of the County, such as the Department of Community Programs. Contact and referral will be made directly through the employee and the Community Programs personnel. Any services provided through Community Programs will be in strict confidence.

ONLY CHANGE - Old language #4: The employee may elect to use providers of the County, such as the Unified Board. Contact and referral will be made directly through the employee and the Unified Board personnel and will be in strict confidence.

5. Employees who elect to use the County Employee Assistance Program may use other services outside of the employer fixed point. The same program policy and procedures will be used.

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON	X		
AUSTAD	X		
BRANN	X		
DeWITT		X	
FISHER	X		
FONTAINE	X		
FOREST Abstained			
GOETTELMAN	X		
GULLEY	X		
HAINES	X		
JEANQUART	X		
LIEBE	X		
MOELLER	X		
MOST	X		
MULLIKEN	X		
RUNQUIST	X		
RYAN	X		
SAVARD	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	19	1	

1 Abstained

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted [X]

1st Runquist — Defeated [ ]

2nd Fisher

Yes: 19 No: 1 Exc: 1

Abstained

Reviewed by: _____, Corp. Counsel

Reviewed by: 11-27-06 _____ Administrator

FISCAL IMPACT: Implementation of the PTO will create a savings as employees w/longevity leave and they are replaced by employees w/the PTO plan. This caps the maximum number of hours that can be accrued. sms

Certification:

I, Nancy A. Bemmann, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 28th day of November, 2006 by the Door County Board of Supervisors.

Nancy A. Bemmann
County Clerk, Door County

Resolution No. 2006-78

IMPLEMENTATION OF PAID TIME OFF POLICY

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, The Administrative Committee has reviewed and recommends the adoption of a Paid Time Off Policy; and

WHEREAS, Personnel Policy & Procedure 295.0 – Vacation, is repealed and recreated as Personnel Policy & Procedure 295.0 - Paid Time Off Policy (attached); and

WHEREAS, Implementation of the Paid Time Off Policy requires revision of the following Personnel Policies and Procedures:

115.0 – Employee Progressive Discipline
130.0 – Employee Status
175.0 – Probationary Period/Evaluation Reports
190.0 – Separation from Employment
205.0 – Bereavement Leave
220.0 – Death Benefits
227.0 – Family and Medical Leave Act (State)
228.0 – Family and Medical Leave Act (Federal)
235.0 – Holidays
250.0 – Leave of Absence
265.0 – Maternity Leave
285.0 – Sick Leave
307.0 – Alternative Work Assignments/Light Duty
332.0 – Fair Labor Standards Act (Salary Basis)
345.0 – Inclement Weather/Loss of Electrical Power; and

WHEREAS, The policies with additions and strikeouts are included with the agenda, and are incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby approve the implementation of a Paid Time Off Policy, repeal and recreation of Policy 295.0, and the revisions to myriad policies as outlined above, all effective January 1, 2007.

SUBMITTED BY:
ADMINISTRATIVE COMMITTEE

Charlie Most, Jr., Chairman — Merrell Runquist

Daniel Austad — Leo Zipperer

Kenneth Fisher

Paid Time Off Policy

General.

Paid Time Off (PTO) provides regular, full-time, non-represented employees with an entitlement of days away from work with pay. Accrued PTO days may be used for vacation, personal time, illness or time off to care for dependents. PTO must be scheduled in advance and approved by the department head or designee, except in cases of illness or emergency. PTO does not cover holidays or administrative leave. PTO may be scheduled in increments of not less than one-half (½) hour.

PTO includes sick, vacation and personal time. PTO is earned on an employment year basis and is accrued, if employee is in paid status, on the following schedule:

Completed Years of Service	Bi-weekly Accrual	PTO Per Year		Maximum accrual (1½ Annual Accrual)	
	Hours	Days	Hours	Days	Hours
0 - 4.99	5.85	19	152	28.5	228
5 - 10.99	7.38	24	192	36	288
11-16.99	8.92	29	232	43.5	348
17 or more	10.46	34	272	51	408

Transfer of PTO or RSLB by or between employees is not allowed.

Reserve Sick Leave Bank (RSLB).

A RSLB will be created for each employee. Earned and unused sick leave, as of date of PTO plan implementation, shall be deposited into employee's RSLB. PTO, in excess of accrual limits, shall be deposited into employee's RSLB.

The RSLB will be available for use after three (3) consecutive workdays of absence, provided the necessity for leave continues (i.e., is medically demonstrable). Certification by a licensed practicing physician is required after ten (10) consecutive workdays of absence. Use of RSLB shall be on a last in, first out (LIFO) basis.

Separation from County.

Employees will be paid their earned but unused PTO up to the maximum annual accrual limit. PTO which has been deposited into employee's RSLB has no cash value and will not be paid out upon employee's separation from employment.

Any remaining earned and unused sick leave (i.e., that which was deposited into the employee's RSLB upon PTO plan implementation) will be paid out at fifty percent (50%) upon separation from employment if employee completes twenty (20) years of County employment (as set forth in former Policy 285.0 C, copy attached).

Short Term Disability Plan.

Group short term disability insurance will be made available to employees eligible for PTO. Employees may select a plan from among those made available. Employees shall pay one hundred percent (100%) of the premium.

Questions about this PTO policy should be referred to the Department Head or the Human Resources Department.

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON	X		
AUSTAD	X		
BRANN	X		
DeBAKER	X		
DeWITT	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
LIEBE	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
OLSON	X		
RUNQUIST	X		
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	21	0	0

BOARD ACTION

Vote Required: Majority Vote of A Quorum.

Motion to Approve — Adopted [X]

1st Olson — Defeated [ ]

2nd Brann

Yes: 21 No: 0 Exc: 0

Reviewed by: _____, Corp. Counsel

Reviewed by: _____ Administrator

FISCAL IMPACT: This resolution sets policy into place as required by the Wisconsin Act 10. sms

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 29th day of September, 2011 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Resolution No. 2011-75

GRIEVANCE SYSTEM

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, 2011 Wisconsin Act 10 was enacted on March 11, 2011; and

WHEREAS, 2011 Wisconsin Act 10, among other things, created Section 66.0509 Wisconsin Statutes; and

WHEREAS, Section 66.0509 Wisconsin Statutes requires that local governmental units establish either a civil service system or grievance system not later than October 1, 2011; and

WHEREAS, Door County elects to create a grievance system, which is applicable to employee discipline, employee termination, and workplace safety.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors hereby adopts Door County's *Grievance System*, attached hereto as *Exhibit A* and incorporated herein by reference as if set forth in full.

SUBMITTED BY:
ADMINISTRATIVE COMMITTEE & FINANCE COMMITTEE

Leo Zipperer, Administrative Committee Chair

Daniel Austad, Finance Committee Chair

Charles Brann

Kenneth Fisher

Cletus Fontaine

David Lienau

John Neinas

Richard Virlee

EXHIBIT "A" Attachment to Resolution 2011-75

GRIEVANCE SYSTEM

Preamble

Section 66.0509 Wisconsin Statutes requires that local governmental units establish either a civil service system or grievance system. Door County opts to, and hereby does, create a grievance system applicable to employee discipline, employee termination, and/or workplace safety as defined herein.

This is the requisite "...written document specifying the process that a grievant and an employer must follow..." under Section 66.0509 (1m)(d)1. Wisconsin Statutes.

This constitutes the sole and exclusive process for the redress of any employee grievance as defined herein.

This only highlights Door County's policy / procedure related to its Grievance System. It cannot be construed as, and does not create, a contract.

Effective Date

This Grievance System becomes effective October 1, 2011.

Applicability

This Grievance System generally applies to employees of Door County covered by Section 66.0509 Wisconsin Statutes.

This Grievance System *may* be overridden by common law *or* a more specific and conflicting statutory provision concerning the same issue. For example:

- Section 59.18(2)(b) Wisconsin Statutes, which provides that certain department heads "...may be removed at the pleasure of the county administrator..."
- Section 59.18(7) Wisconsin Statutes, which empowers a county board to remove a county administrator.
- Section 59.42(1) Wisconsin Statutes, which authorizes removal of corporation counsel by the county administrator with the concurrence of the county board.
- Section 851.71 Wisconsin Statutes, which vests the circuit court judge(s) with authority to remove the register in probate.
- Section 757.68 Wisconsin Statutes, which vests the county board with the discretion to establish the number of, and the chief judge the authority to remove (e.g., not annually certify), circuit court commissioners.
- Supreme Court of Wisconsin decision(s) that recognize a judge has the exclusive inherent authority to appoint and remove, and to prevent removal of, her or his judicial assistant.
- Supreme Court of Wisconsin Decision(s) that recognize certain local elected officials' authority to appoint and remove a chief deputy.

The above list is not exclusive or definitive, but merely exemplary.

This Grievance System first applies to Door County's "general municipal employees" [as that term is defined in Section 111.70(1)(fm) Wisconsin Statutes] covered by a collective bargaining

agreement as of June 29, 2011, on the day on which the collective bargaining agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

This Grievance System is not applicable to:

- Elective officials.
- Door County's "public safety employees", as that phrase is defined in Section 111.70(1)(mm) Wisconsin Statutes.
- Probationary employees.

Definitions

Grievant

An employee of Door County covered by Section 66.0509 Wisconsin Statutes who files a grievance, based on employee discipline, employee termination and/or workplace safety, and submits it to the grievance procedure outlined herein.

Employee Discipline:

Discipline means an oral reprimand, written reprimand, or suspension without pay.

Discipline does not include: pre-disciplinary action (e.g., counseling, performance improvement plan, or last chance agreement); paid administrative leave; demotion due to lack of work or lack of funds; refusal to promote or reclassify; assignment, change, elimination, or transfer of duties; establish or change work schedule or location; initial wage or wage adjustment; establish or change time or method of pay; establish, change, or elimination of benefit; establish or change position description; establish or change minimum qualifications for a position; determination that an employee does not meet the minimum qualifications for a position, disqualification of employee for lack of ability to perform the essential functions of a position, performance evaluation, or sanction imposed for ethics violation. These exclusions are illustrative and not exclusive.

Employee Termination:

"Termination" means an involuntary discharge from employment for misconduct, unsatisfactory job performance, violation of work rule, and/or policy violation.

"Termination" does not include voluntarily resignation, retirement, workforce reduction (e.g., layoffs), refusal to recall, refusal to allow employee to return to work for physical or mental health reasons, separation from employment due to employee's inability to perform the essential functions of a position, contracting out work, or expiration of temporary, limited term or seasonal appointment. These exclusions are illustrative and not exclusive.

Workplace Safety

"Workplace Safety" means a condition of employment directly affecting an employee's health or safety (e.g., safety of the work environment, safe operation of workplace equipment and/or tools, provision of personal safety equipment, training and warning requirements, and/or workplace violence). A violation of any applicable state or federal

occupational safety and health standard, rule, regulation, and/or order implicates workplace safety.

"Workplace Safety" does not include work schedule (e.g., hours of work, work day, or workweek), overtime, or leave (paid or unpaid).

Initiation of Grievance

The Grievant shall, within fifteen (15) days of when Grievant knew or reasonably should have known of the occurrence giving rise to the grievance, file a written grievance with her/his Department Head and provide a copy of the written grievance to the Human Resources Director. If Grievant decides not to file this with his/her Department Head (because s/he is immediately involved, fear of retaliation or other reason) the written grievance must be timely filed with the Human Resources Director.

The written grievance must:

- set forth the Grievant's name, title, and current contact information; the grounds (i.e., factual and any legal basis) that support the Grievant's contentions; and the specific relief sought by the Grievant. and
- be signed and dated by the Grievant;

A written grievance that is incomplete or unsigned will not be accepted or deemed filed.

Additionally, in the context of a grievance based on workplace safety:

- The Grievant must propose a remedy.
- No class action may be filed or maintained. Any grievance must be personal to the Grievant.
- Step Three [Hearing Before an Impartial Hearing Officer] is <u>not</u> intended as a concurrent remedy. Step Three is available only if there is no other remedy available to address the workplace safety issue.

Employees are encouraged to promptly report workplace safety issues and to suggest ways to reduce or eliminate risks.

Use of the Grievance Form, attached hereto and incorporated herein by reference, is mandatory.

Any grievance that is not timely and properly filed is barred.

Step One [Informal Resolution]

The Grievant and her/his Department Head (or Human Resources Director) will meet, discuss, and make a good-faith effort to informally resolve (in whole or part), the grievance. No more than one meeting need take place.

This process must be completed (i.e., informal resolution memorialized and signed <u>or</u> impasse reached) within ten (10) days of the grievance being filed.

Any informal resolution requires concurrence of the Human Resources Director. If such concurrence is forthcoming, the informal resolution will be reduced to writing and signed by the Grievant, Department Head, and Human Resources Director. The original will be placed in the Grievant's personnel file, with a copy to the Grievant and her/his Department Head.

If impasse is reached, the Department Head (or Human Resources Director) shall forward a letter to the Grievant, with a copy to the Human Resources Director, indicating that *Step One* is complete.

The parties may mutually agree to not engage in efforts to informally resolve the grievance. In that event, the grievance may, upon the Grievant's timely written request, proceed to *Step Two*.

Nothing said or done during *Step One* can be made the subject of the pending or any grievance.

Any grievance involving a termination will immediately proceed to *Step Three*.

Step Two [Conciliation]

If the grievance is not resolved in *Step One* then, upon the written request of the Grievant, the grievance may be submitted to the County Administrator or designee for conciliation. Grievant must file this written request with the County Administrator or designee, and provide copies of the same to the Human Resources Director and Department Head, within seven (7) days of *Step One* being waived or completed.

The County Administrator or designee will meet (initially separately) with the Grievant and Department Head (or Human Resources Director), and explore how the grievance might be settled. This process must be completed (grievance settled and settlement memorialized and signed <u>or</u> impasse reached) within ten (10) days of the above referenced written request being filed.

If impasse is reached, the County Administrator or designee shall forward a letter to the Grievant, with a copy to the Human Resources Director, indicating that *Step Two* is complete.

The parties may mutually agree to not engage in conciliation efforts. In that event, the grievance may, upon the Grievant's timely written request, proceed to *Step Three*.

Nothing said or done during *Step Two* can be made the subject of the pending or any grievance.

If the written request of the Grievant (required to initiate *Step Two*) is not timely filed, the grievance will be deemed waived and dismissed with prejudice.

Step Three [Hearing Before an Impartial Hearing Officer]

If the grievance is not resolved in *Step Two* then, upon the written request of the Grievant, the grievance may proceed to hearing before an Impartial Hearing Officer (hereafter "IHO"). This written request must be filed with the County Administrator within seven (7) days of *Step Two* being waived or completed. If the Grievant fails to timely file this written request, the grievance will be deemed waived and dismissed with prejudice.

The IHO will be a neutral third party. Door County will select the IHO.

The hearing is to commence within forty-five (45) days of the IHO accepting the designation. The IHO will fix the time for and location of the hearing. The IHO may issue subpoenas.

The quantum of proof required is preponderance of the evidence. The burden of proof, with respect to an employee discipline or employee termination grievance, rests with Door County. The burden of proof, with respect to a workplace safety grievance, rests with the Grievant.

Adherence to the strict rules of evidence is not required. Evidence presented must be relevant and bear sufficient indicia to assure underlying reliability and probative value. Generally, it is for the IHO to determine the admissibility, credibility, and weight of evidence presented.

Each party has a duty to provide relevant information needed by a requesting party in advance of the hearing. Failure to do so may prejudice the non-complying party's case (e.g., the IHO may draw adverse inferences for noncompliance or may exclude undisclosed witness or other evidence).

The remedies available to a Grievant are limited in scope, as follows:

- In the context of a grievance based on employee discipline or employee termination, these remedies are reinstatement, reducing discipline, voiding discipline, and/or a "cease and desist" order. Monetary damages are not available.
- In the context of a grievance based on workplace safety, injunctive relief. The IHO may not, in the absence of extraordinary circumstances, compel Door County to expend funds to remedy the issue. Monetary damages are not available.

Hearing Process:

- The hearing may be closed, at the request of either party, if one of the Section 19.85 Wisconsin Statutes exemptions applies.
- Opening remarks by the party with the burden of proof and then by the other party. These opening remarks are intended to acquaint the IHO with the case and set out, in a general way, each side's case.
- Witnesses may be sworn.
- Exhibits will be marked and, if admitted, preserved
- The party with the burden of proof presents documentary, real, and testimonial evidence first.
- The other party presents documentary, real, and testimonial evidence second.
- The party with the burden of proof may offer rebuttal documentary, real, and testimonial evidence.
- Each party has the right of cross-examination.
- Closing remarks by the party with the burden of proof and then by the other party. These closing remarks are intended to be a brief summation of each side's position on the contested issues and the reasons each is entitled to prevail.
- The hearing will be recorded by a court reporter or an audio/video recording device.
- Post-hearing briefs may be requested by either party, and allowed or required by the IHO.

Within forty five (45) days after the hearing is concluded, any briefs are filed, and the record is closed, the IHO will issue Findings Of Fact, Conclusions Of Law And Decision (hereinafter "IHO's Decision").

Door County will assume responsibility for the costs of the IHO and Court Reporter (if any).

Appeal

A person aggrieved (i.e., the Grievant or Door County) by the IHO's Decision may, within thirty (30) days after filing of the IHO's Decision with the County Administrator, commence an appeal. The written appeal shall be timely filed with the County Board or designee, or is barred.

This appeal is a certiorari review of the IHO's Decision. The appellant, at all times, bears the burden of proof. The IHO's Decision enjoys a presumption of validity.

The County Board or designee reviews only the record compiled (i.e., transcript or audio/video recording of the hearing and exhibits admitted at the hearing) and shall not take any additional evidence. The County Board's or designee's review is limited to:

- Whether the IHO kept within her/his jurisdiction,
- Whether the IHO proceeded on a correct theory of law?
- Whether the IHO's action was arbitrary or capricious? *and*
- Whether the evidence was such that the IHO might reasonably have made the decision in question?

The County Board or designee may affirm (in whole or part), reverse (in whole or part) or modify the IHO's Decision.

The County Board or designee shall decide the matter by a majority vote of a quorum. This decision is final and non-appealable.

* The Appeal process for County Library Employees goes before the Library Board or designee and not the County Board.

Miscellaneous

The Grievant and Door County will each bears its own costs, including but not limited to attorneys' fees, incurred hereunder.

To the extent that this conflicts with any existing policy related to employee grievances, this controls.

Door County may modify or repeal this policy / procedure at any time without prior notice.

This supersedes any and all previous policies related to employee grievances

Disclaimer

This policy / procedure does not create an employment contract. Employment is at-will. There is no definite or ascertainable term of employment. An employee may be terminated at any time, with or without cause.

EXHIBIT "A" Attachment to Resolution 2011-75

GRIEVANCE FORM

Employee's Full Name:		Job Title:
Home Address:	Work Telephone No. ( ) - ext. Work E-mail Address:	Home Telephone No ( ) - Home E-mail Address:
Date of occurrence giving rise to this grievance:		
The Issues are:		
The grounds (factual and legal) for this grievance are:		
The relief I want is:		
Date:	Employee's Signature	

This Grievance Form must be completed, signed and filed with your Department Head and a copy provided to the Human Resources Director within fifteen (15) days of when you knew or reasonably should have known of the occurrence giving rise to the grievance.

☐ Check here if you decide (because s/he is immediately involved, fear of retaliation or other reason) not to file this with your Department Head. In that event, this Grievance form must be timely filed with the Human Resources Director.

USE ATTACHMENTS IF NECESSARY

DOOR COUNTY

Resolution No. 2012-53

PERSONNEL POLICY AND PROCEDURE REVISION
305.0 – Alcohol / Drugs

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BRANN	X		
ENGLEBERT	X		
ENIGL	X		
FEUERSTEIN	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
KOHOUT	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
O'CONNOR	X		
RUNQUIST			X
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	20	0	1

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve — Adopted ☑ — Defeated ☐

1st Fisher

2nd Haines

Yes: 20 No: 0 Exc: 1

Reviewed by: [signature], Corp. Counsel

Reviewed by: 05-16-12, Administrator

FISCAL IMPACT: Adoption of this resolution sets policy and procedure. There is no fiscal impact. sms

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 22nd day of May, 2012 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, The Administrative Committee has reviewed recommendations to revise Personnel Policy and Procedure 305.0 ALCOHOL / DRUGS, [attached hereto and incorporated herein by reference]; and

WHEREAS, The Administrative Committee recommends the revision of Personnel Policy and Procedure 305.0 ALCOHOL / DRUGS, be approved by the Door County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors does hereby approve Personnel Policy and Procedure, 305.0 ALCOHOL / DRUGS, revisions, effective this date by the Door County Board of Supervisors.

SUBMITTED BY: ADMINISTRATIVE COMMITTEE

Daniel Austad, Chairman

David Lienau

Leo W. Zipperer

John Neinas

Kenneth Fisher

Richard Virlee

Cletus Fontaine

ALCOHOL / DRUGS County of Door			
Issue Date:	**Revision Update(s):**	**Total Pages:**	**Policy:** **305.0**
Policy Source:	**Resolution #**		
Special Instructions: Replaces existing policy #305.0			

305.0 – ALCOHOL / DRUGS

Employees must report to work free of drugs, intoxicants, alcohol, narcotics, or any other controlled substance. Employees may be disciplined, up to and including termination, for possession, consumption, not being free of, or use of any drugs, drug paraphernalia, intoxicants, alcohol, narcotics, or any other controlled substance, on or about County premises at any time.

Because prescription medication can also affect an individual's demeanor and job performance, it is the employee's responsibility to notify his or her immediate supervisor if he or she is taking any such legal prescription drugs. Such prescription drugs must be given under medical supervision and may not interfere with the performance of job duties.

Under certain circumstances, the County may require an employee to undergo a drug and/or alcohol test when the County has reasonable suspicion that the employee is in violation of this rule. The employee will be referred to a certified testing laboratory for completion of the test.

Depending on the seriousness and circumstances of the offense, and at the County's sole discretion, an employee who tests positive for drugs and/or alcohol may be referred to a counseling, rehabilitation, or employee assistance program, at the employee's expense. Refusal to cooperate in this program may result in discipline, up to and including termination.

Employees (e.g., Highway Department employees) who operate commercial motor vehicles requiring a CDL may be subject to FMSCA, DOT, and/or other alcohol and drug testing rules.

[See: *Drug-Free Workplace Policy*, attached hereto and incorporated herein by reference as if fully set forth.]

Drug-Free Workplace Policy
[Consistent with the Drug-Free Workplace Act of 1988]

Purpose and Goal

Door County is committed to protecting the safety, health and well being of all employees and other individuals in the workplace. It is recognized that alcohol abuse and drug use may pose a significant threat to these goals. This drug-free workplace policy balances respect for individuals with the need to maintain an alcohol and drug-free environment.

Door County encourages employees to voluntarily seek help with drug and alcohol problems.

Covered Workers

Any individual who conducts business for Door County, is applying for a position or is conducting business on the County's property is covered by this drug-free workplace policy. This policy includes, but is not limited to full-time employees, limited term employees, part-time employees, seasonal employees, certain contractors, volunteers, interns, and applicants.

Applicability

This drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for Door County. Therefore, this policy applies during all working hours, whenever conducting business or representing Door County, while on call, paid standby, while on Door County property and at Door County-sponsored events.

Prohibited Behavior

It is a violation of this drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, and/or notify supervisor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Notification of Convictions

Any employee who is convicted of a criminal drug violation in the workplace must notify Door County in writing within five calendar days of the conviction. Door County will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Searches

Entering Door County property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, lockers, wallets, purses, briefcases and lunchboxes, desks and work stations, equipment and vehicles.

Drug Testing

To ensure the accuracy and fairness of this testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a

legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

Each employee, as a condition of employment, will be required to participate in pre-employment, pre-duty, periodic, random, post-accident, reasonable suspicion, return-to-duty and/or follow-up testing upon selection or request of Door County.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone and/or Propoxyphene.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva and/or blood.

Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, hair, saliva and/or sweat.

Any employee who tests positive will be immediately removed from duty, suspended without pay for a period of 30 days, referred to a substance abuse professional for assessment and recommendations, required to successfully complete recommended rehabilitation including continuing care, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

Consequences

One of the goals of this drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment can be withdrawn. The applicant may reapply after one year and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

Return-to-Work Agreements

Following a violation of the drug-free workplace policy, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth in a Return-to-Work Agreement as a condition of continued employment.

Assistance

Door County recognizes that alcohol and drug abuse and addiction are treatable illnesses. It is also recognized that early intervention and support improve the success of rehabilitation. To support employees, Door County's drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

- Ensures the availability of a current list of qualified community professionals.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Confidentiality

All information received by Door County through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and Door County policies.

Shared Responsibility

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and Door County have important roles to play.

All employees are required to not report to work or not be subject to duty while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Support fellow workers in seeking help.
- Use the Employee Assistance Program.
- Report dangerous behavior to their supervisor.

It is the Human Resources Director's, Department Head's and/or designee's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to the Employee Assistance Program.
- Clearly state consequences of policy violations.

Communication

Communicating this drug-free workplace policy to all employees is critical to its success. To ensure all employees are aware of their role in supporting this drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings.
- All employees will receive an update of the policy annually.
- Posters and brochures will be available at all locations.
- Employee education about the dangers of alcohol and drug use and the availability of help will be provided to all employees.

Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

RETURN TO WORK [LAST-CHANCE] AGREEMENT

It is hereby agreed by and between the parties, Door County ["Employer"], [Bargaining Unit] and **INSERT EMPLOYEE'S NAME** ["Employee"], that the outstanding issues shall be resolved as follows:

1. This Agreement is in lieu of discharge. Its primary purpose is to provide the Employee one last opportunity to address her/ his attendance, performance and/or misconduct issues.
2. A ( ) work day disciplinary suspension is hereby imposed. The dates of the suspension to be determined by the **INSERT NAME OF DEPARTMENT HEAD OR IF A DEPARTMENT HEAD, HRD OR CA**
3. Upon return from the disciplinary suspension, the Employee shall be on probationary status for a period commencing upon execution of this Agreement and ending one (1) year thereafter.
4. The Employee shall provide the Employer with a fitness-for-duty-evaluation from **DESIGNATE MEDICAL CARE PROVIDER**., declaring the Employee fit to return to duty.
5. The Employee shall refrain from the use and shall be free from the effects of alcohol and non-prescribed controlled substances [i.e., absolute sobriety] while on duty.
6. The Employee shall, during the period of probation, submit to random testing [including preliminary breath screening tests] for alcohol and controlled substances when reporting to or while on duty.
7. The Employee shall undergo an alcohol and other drug abuse assessment, by **DESIGNATE PROVIDER** , to identify any alcohol and other drug abuse issues <u>and</u> successfully complete treatment as recommended by the assessment.
8. The Employer may monitor this treatment, but only to the extent necessary to insure Employee's attendance and satisfactory completion of treatment. This includes:
    a. Employee will provide Employer with a letter, from the provider, attesting to her/his admission to an accredited program of treatment for alcohol and/or other drug abuse.
    b. For In-patient treatment Program: Employee must fully comply with and satisfactorily complete the treatment program to which s/he is admitted. Employee must ensure that the provider submits a certification of completion of the program to the Employer.
    c. For Out-patient Treatment Program: Employee must: fully comply with and satisfactorily complete the treatment program to which s/he is admitted. Employee must ensure that provider submits both a weekly progress report attesting to Employee's continued participation in the program and compliance with its requirements <u>*and*</u> a certification of completion of the program to Employer.
9. Upon returning to work, Employee will be expected to correct the problems (i.e., work attendance, performance, and/or misconduct) related to her/his attendance, work performance, and/or misconduct that led to this Agreement. Specifically:
    a. The Employee shall have perfect attendance and punctuality with exception of legitimate illness during the period of probation.

    Of primary concern here is where the use of alcohol or a non-prescribed controlled substance causes the Employee not to report to work <u>*or*</u> to report to work late <u>*or*</u> report to work under the influence of an intoxicant; or causes her/him to be arrested and unavailable for work.

    b. PERFORMANCE REQUIREMENTS

    c. Employee shall have no further instances of misconduct.

    d. OTHER
10. The Employee and Bargaining Unit each understands and agrees that the any violation (e.g., failure to meet assessment and treatment requirements, failure to provide required documentation, failure

to meet attendance requirements or performance requirements, misconduct, failure to undergo testing, positive alcohol other drug test, and/or use of alcohol or other drug while on duty) of this Agreement by the Employee is just cause for the Employer to immediately discharge the Employee.

11. This Agreement shall take effect when fully executed and shall remain in effect for one (1) year.
12. This Agreement does not alter the Employee's at will status (if applicable).
13. This agreement constitutes the full and final resolution of this matter.
14. This agreement is non-precedential.

Dated this of ,20 .

Bargaining Unit

_____ _____

[redacted], Staff Representative

Employee

_____ _____

[redacted], Employee

_____ _____

County of Door

_____ _____

Grant P. Thomas
Door County Corporation Counsel

Kelly Hendee
Door County Human Resources Director

_____

Department Head

C

Effective:[See Text Amendments]

West's Wisconsin Statutes Annotated Currentness
Organization of State Government (Ch. 13 to 22)
Chapter 19. General Duties of Public Officials
Subchapter III. Code of Ethics for Public Officials and Employees (Refs & Annos)
➡➡ 19. 41. Declaration of policy

(1) It is declared that high moral and ethical standards among state public officials and state employees are essential to the conduct of free government; that the legislature believes that a code of ethics for the guidance of state public officials and state employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this state in their state public officials and state employees.

(2) It is the intent of the legislature that in its operations the board shall protect to the fullest extent possible the rights of individuals affected.

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Effective: April 20, 2012

West's Wisconsin Statutes Annotated Currentness
Organization of State Government (Ch. 13 to 22)
Chapter 19. General Duties of Public Officials
Subchapter III. Code of Ethics for Public Officials and Employees (Refs & Annos)
19.42. Definitions

In this subchapter:

(1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(2) "Associated", when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.

(3) "Board" means the government accountability board.

(3m) "Candidate," except as otherwise provided, has the meaning given in s. 11.01(1).

(3s) "Candidate for local public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05(1) for the purpose of appearing on the ballot for election as a local public official or any individual who is nominated for the purpose of appearing on the ballot for election as a local public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4) "Candidate for state public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05(1) for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

(4g) "Clearly identified," when used in reference to a communication containing a reference to a person, means one of the following:

(a) The person's name appears.

(b) A photograph or drawing of the person appears.

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(c) The identity of the person is apparent by unambiguous reference.

(4r) "Communication" means a message transmitted by means of a printed advertisement, billboard, handbill, sample ballot, radio or television advertisement, telephone call, or any medium that may be utilized for the purpose of disseminating or broadcasting a message, but not including a poll conducted solely for the purpose of identifying or collecting data concerning the attitudes or preferences of electors.

(5) "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department, independent agency or legislative service agency created under ch. 13, 14 or 15, any technical college district or any constitutional office other than a judicial office. In the case of a district attorney, "department" means the department of administration unless the context otherwise requires.

(5m) "Elective office" means an office regularly filled by vote of the people.

(6) "Gift" means the payment or receipt of anything of value without valuable consideration.

(7) "Immediate family" means:

(a) An individual's spouse; and

(b) An individual's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

(7m) "Income" has the meaning given under section 61 of the internal revenue code. [FN1]

(7s) "Internal revenue code" has the meanings given under s. 71.01(6).

(7u) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.

(7w) "Local public office" means any of the following offices, except an office specified in sub. (13):

(a) An elective office of a local governmental unit.

(b) A county administrator or administrative coordinator or a city or village manager.

(c) An appointive office or position of a local governmental unit in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(cm) The position of member of the board of directors of a local exposition district under subch. II of ch. 229 not serving for a specified term.

(d) An appointive office or position of a local government which is filled by the governing body of the local government or the executive or administrative head of the local government and in which the incumbent serves at the

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pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.

(7x) "Local public official" means an individual holding a local public office.

(8) "Ministerial action" means an action that an individual performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the individual's own judgment as to the propriety of the action being taken.

(9) "Nominee" means any individual who is nominated by the governor for appointment to a state public office and whose nomination requires the advice and consent of the senate.

(10) "Official required to file" means:

(b) A member of a technical college district board or district director of a technical college, or any individual occupying the position of assistant, associate or deputy district director of a technical college.

(c) A state public official identified under s. 20.923 except an official holding a state public office identified under s. 20.923(6)(h).

(d) A state public official whose appointment to state public office requires the advice and consent of the senate, except a member of the board of directors of the Bradley center sports and entertainment corporation created under ch. 232.

(e) An individual appointed by the governor or the state superintendent of public instruction pursuant to s. 17.20 (2) other than a trustee of any private higher educational institution receiving state appropriations.

(f) An auditor for the legislative audit bureau.

(g) The chief clerk and sergeant at arms of each house of the legislature.

(h) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(i) A municipal judge.

(j) A member or the executive director of the judicial commission.

(k) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(L) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(n) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(o) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

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(q) The executive director and members of the board of directors of the Wisconsin Aerospace Authority.

(r) The employees and members of the board of directors of the Lower Fox River Remediation Authority.

(sm) The members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(11) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.

(11m) "Political party" means a political organization under whose name individuals who seek elective public office appear on the ballot at any election or any national, state, or local unit or affiliate of that organization.

(12) "Security" has the meaning given under s. 551.102(28), except that the term does not include a certificate of deposit or a deposit in a savings and loan association, savings bank, credit union or similar association organized under the laws of any state.

(13) "State public office" means:

(a) All positions to which individuals are regularly appointed by the governor, except the position of trustee of any private higher educational institution receiving state appropriations and the position of member of the district board of a local professional baseball park district created under subch. III of ch. 229 and the position of member of the district board of a local cultural arts district created under subch. V of ch. 229.

<Text of subsec. (13)(b) eff. until July 1, 2013>

(b) The positions of associate and assistant vice presidents of the university of Wisconsin system and vice chancellors identified in s. 20.923(5).

<Text of subsec. (13)(b) eff. July 1, 2013>

(b) The positions of associate and assistant vice presidents of the University of Wisconsin System .

<Text of subsec. (13)(c) eff. until July 1, 2013>

(c) All positions identified under s. 20.923(2), (4), (4g), (6)(f) to (h), (7), and (8) to (10), except clerical positions.

<Text of subsec. (13)(c) eff. July 1, 2013>

(c) All positions identified under s. 20.923(2), (4), (6)(f) to (h), (7), and (8) to (10), except clerical positions.

<Text of subsection (13)(cm) eff. July 1, 2013.>

(cm) The president and vice presidents of the University of Wisconsin System and the chancellors and vice chancellors of all University of Wisconsin institutions, the University of Wisconsin Colleges, and the University of Wisconsin-Extension.

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(e) The chief clerk and sergeant at arms of each house of the legislature or a full-time, permanent employee occupying the position of auditor for the legislative audit bureau.

(f) A member of a technical college district board or district director of a technical college, or any position designated as assistant, associate or deputy district director of a technical college.

(g) The members and employees of the Wisconsin Housing and Economic Development Authority, except clerical employees.

(h) A municipal judge.

(i) A member or the executive director of the judicial commission.

(j) A division administrator of an office created under ch. 14 or a department or independent agency created or continued under ch. 15.

(k) The executive director, executive assistant to the executive director, internal auditor, chief investment officer, chief financial officer, chief legal counsel, chief risk officer and investment directors of the investment board.

(m) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

(n) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

(om) The members of the board of directors of the Wisconsin Economic Development Corporation employed in the private sector who are appointed by the speaker of the assembly and the senate majority leader.

(14) "State public official" means any individual holding a state public office.

[FN1] 26 U.S.C.A. § 61.

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Organization of State Government (Ch. 13 to 22)
Chapter 19. General Duties of Public Officials
Subchapter III. Code of Ethics for Public Officials and Employees (Refs & Annos)
19.46. Conflict of interest prohibited; exception

(1) Except in accordance with the board's advice under s. 5.05(6a) and except as otherwise provided in sub. (3), no state public official may:

(a) Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

(b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(3) This section does not prohibit a state public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a state public official from taking official action with respect to any proposal to modify state law or the state administrative code.

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West's Wisconsin Statutes Annotated Currentness
Organization of State Government (Ch. 13 to 22)
Chapter 19. General Duties of Public Officials
Subchapter III. Code of Ethics for Public Officials and Employees (Refs & Annos)
19.59. Codes of ethics for local government officials, employees and candidates

(1)(a) No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. A violation of this paragraph includes the acceptance of free or discounted admissions to a professional baseball or football game by a member of the district board of a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by ch. 11.

(b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official. This paragraph does not prohibit a local public official from engaging in outside employment.

(br) No local public official or candidate for local public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

(c) Except as otherwise provided in par. (d), no local public official may:

1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

2. Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated.

(d) Paragraph (c) does not prohibit a local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.

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(f) Paragraphs (a) to (c) do not apply to the members of a local committee appointed under s. 289.33(7)(a) to negotiate with the owner or operator of, or applicant for a license to operate, a solid waste disposal or hazardous waste facility under s. 289.33, with respect to any matter contained or proposed to be contained in a written agreement between a municipality and the owner, operator or applicant or in an arbitration award or proposed award that is applicable to those parties.

(g)1. In this paragraph:

a. "District" means a local professional baseball park district created under subch. III of ch. 229 or a local professional football stadium district created under subch. IV of ch. 229.

b. "District board member" means a member of the district board of a district.

2. No district board member may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with this paragraph.

3. A district board member may receive and retain reimbursement or payment of actual and reasonable expenses for a published work or for the presentation of a talk or participation in a meeting related to processes, proposals and issues affecting a district if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.

4. A district board member may receive and retain anything of value if the activity or occasion for which it is given is unrelated to the member's use of the time, facilities, services or supplies of the district not generally available to all residents of the district and the member can show by clear and convincing evidence that the payment or reimbursement was unrelated to and did not arise from the recipient's holding or having held a public office and was paid for a purpose unrelated to the purposes specified in subd. (3).

5. A district board member may receive and retain from the district or on behalf of the district transportation, lodging, meals, food or beverage, or reimbursement therefor or payment or reimbursement of actual and reasonable costs that the member can show by clear and convincing evidence were incurred or received on behalf of the district and primarily for the benefit of the district and not primarily for the private benefit of the member or any other person.

6. No district board member may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information.

7. No district board member may use or attempt to use the position held by the member to influence or gain unlawful benefits, advantages or privileges personally or for others.

8. No district board member, member of a district board member's immediate family, nor any organization with which the district board member or a member of the district board member's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than $3,000 within a 12-month period, in whole or in part derived from district funds unless the district board member has first made written disclosure of the nature and extent of such relationship or interest to the government accountability board and to the district. Any contract or lease entered into in violation of this subdivision may be voided by the district in an action commenced within 3 years of the date on which the government accountability board, or the district, knew or should have known that a violation of this subdivision had occurred. This subdivision does not affect the application of s. 946.13.

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9. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of the district with which he or she was associated as a district board member within 12 months prior to the date on which he or she ceased to be a district board member.

10. No former district board member, for 12 months following the date on which he or she ceases to be a district board member, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former member's responsibility as a district board member within 12 months prior to the date on which he or she ceased to be a member.

11. No former district board member may, for compensation, act on behalf of any party other than the district with which he or she was associated as a district board member in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former member participated personally and substantially as a district board member.

(1m) In addition to the requirements of sub. (1), any county, city, village or town may enact an ordinance establishing a code of ethics for public officials and employees of the county or municipality and candidates for county or municipal elective offices.

(2) An ordinance enacted under this section shall specify the positions to which it applies. The ordinance may apply to members of the immediate family of individuals who hold positions or who are candidates for positions to which the ordinance applies.

(3) An ordinance enacted under this section may contain any of the following provisions:

(a) A requirement for local public officials, other employees of the county or municipality and candidates for local public office to identify any of the economic interests specified in s. 19.44.

(b) A provision directing the county or municipal clerk or board of election commissioners to omit the name of any candidate from an election ballot who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(c) A provision directing the county or municipal treasurer to withhold the payment of salaries or expenses from any local public official or other employee of the county or municipality who fails to disclose his or her economic interests in accordance with the requirements of the ordinance.

(d) A provision vesting administration and civil enforcement of the ordinance with an ethics board appointed in a manner specified in the ordinance. A board created under this paragraph may issue subpoenas, administer oaths and investigate any violation of the ordinance on its own motion or upon complaint by any person. The ordinance may empower the board to issue opinions upon request. Records of the board's opinions, opinion requests and investigations of violations of the ordinance may be closed in whole or in part to public inspection if the ordinance so provides.

(e) Provisions prescribing ethical standards of conduct and prohibiting conflicts of interest on the part of local public officials and other employees of the county or municipality or on the part of former local public officials or former employees of the county or municipality.

(f) A provision prescribing a forfeiture for violation of the ordinance in an amount not exceeding $1,000 for each

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offense. A minimum forfeiture not exceeding $100 for each offense may also be prescribed.

(4) This section may not be construed to limit the authority of a county, city, village or town to regulate the conduct of its officials and employees to the extent that it has authority to regulate that conduct under the constitution or other laws.

(5)(a) Any individual, either personally or on behalf of an organization or governmental body, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit, an advisory opinion regarding the propriety of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of a county or municipal ethics board, or, in the absence of a county or municipal ethics board, a county corporation counsel or attorney for a local governmental unit an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The county or municipal ethics board or the county corporation counsel or attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. It is prima facie evidence of intent to comply with this section or any ordinance enacted under this section when a person refers a matter to a county or municipal ethics board or a county corporation counsel or attorney for a local governmental unit and abides by the advisory opinion, if the material facts are as stated in the opinion request. A county or municipal ethics board may authorize a county corporation counsel or attorney to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. Except as provided in par. (b), neither a county corporation counsel or attorney for a local governmental unit nor a member or agent of a county or municipal ethics board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

(b) A county or municipal ethics board, county corporation counsel or attorney for a local governmental unit replying to a request for an advisory opinion may make the opinion public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested and may make public a summary of an advisory opinion issued under this subsection after making sufficient alterations in the summary to prevent disclosing the identities of individuals involved in the opinion. A person who makes or purports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person waives the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the county or municipal ethics board, the county corporation counsel or the attorney for the local governmental unit in connection with the request for an advisory opinion.

(6) Any county corporation counsel, attorney for a local governmental unit or statewide association of local governmental units may request the board to issue an opinion concerning the interpretation of this section. The board shall review such a request and may advise the person making the request.

(7)(a) Any person who violates sub. (1) may be required to forfeit not more than $1,000 for each violation, and, if the court determines that the accused has violated sub. (1)(br), the court may, in addition, order the accused to forfeit an amount equal to the amount or value of any political contribution, service, or other thing of value that was wrongfully obtained.

(b) Any person who violates sub. (1) may be required to forfeit not more than $1,000 for each violation, and, if the court determines that a local public official has violated sub. (1)(br) and no political contribution, service or other thing of value was obtained, the court may, in addition, order the accused to forfeit an amount equal to the maximum contribution authorized under s. 11.26(1) for the office held or sought by the official, whichever amount is greater.

(8)(a) Subsection (1) shall be enforced in the name and on behalf of the state by action of the district attorney of any county wherein a violation may occur, upon the verified complaint of any person.

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(b) In addition and supplementary to the remedy provided in sub. (7), the district attorney may commence an action, separately or in conjunction with an action brought to obtain the remedy provided in sub. (7), to obtain such other legal or equitable relief, including but not limited to mandamus, injunction or declaratory judgment, as may be appropriate under the circumstances.

(c) If the district attorney fails to commence an action to enforce sub. (1)(a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the district attorney refuses to commence such an action, the person making the complaint may petition the attorney general to act upon the complaint. The attorney general may then bring an action under par. (a) or (b), or both.

(cm) No complaint alleging a violation of sub. (1)(br) may be filed during the period beginning 120 days before a general or spring election, or during the period commencing on the date of the order of a special election under s. 8.50, and ending on the date of that election, against a candidate who files a declaration of candidacy to have his or her name appear on the ballot at that election.

(cn) If the district attorney for the county in which a violation of sub. (1)(br) is alleged to occur receives a verified complaint alleging a violation of sub. (1)(br), the district attorney shall, within 30 days after receipt of the complaint, either commence an investigation of the allegations contained in the complaint or dismiss the complaint. If the district attorney dismisses the complaint, with or without investigation, the district attorney shall notify the complainant in writing. Upon receiving notification of the dismissal, the complainant may then file the complaint with the attorney general or the district attorney for a county that is adjacent to the county in which the violation is alleged to occur. The attorney general or district attorney may then investigate the allegations contained in the complaint and commence a prosecution.

(d) If the district attorney prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the county wherein the violation occurs. If the attorney general prevails in such an action, the court shall award any forfeiture recovered together with reasonable costs to the state.

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DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON			X
AUSTAD	X		
BRANN	X		
DeBAKER	X		
DeWITT	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
LIEBE	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
OLSON	X		
RUNQUIST	X		
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	20	0	1

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve — Adopted [X]

1st Fisher — Defeated [ ]

2nd Haines

Yes: 20 No: 0 Exc: 1

Reviewed by: _____ Corp. Counsel

Reviewed by: _____ Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 20th day of April, 2010 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

COUNTERSIGNED

Leo W. Zipperer, Chairman
Door County Board of Supervisors

Effective Date April 20, 2010

ORDINANCE NO. 2010-04

REPEAL OF CHAPTER 34 "CODE OF ETHICS" DOOR COUNTY CODE

The Door County Board of Supervisors does hereby ordain as follows:

The primary authority to enact, amend and repeal ordinances is vested in the Door County Board of Supervisors.

Chapter 34 "Code of Ethics" Door County Code was enacted November 3, 1997 pursuant to Section 19.59 (1M) Wisconsin Statutes.

The Door County Board of Supervisors will:

Incorporate the "*Ethical Principles*" [attached], as part of the *Rules of Order*

Provide for a standing "Committee on Ethics". The prescribed duties of this Committee will include:

- To be alert to ethics problems;
- Responsible for reviewing alleged violations of the ethical principals
- To report its findings and make recommendations (e.g. censure or reprimand) to the County Board for action.
- Refer the matter, if deemed appropriate, to the District Attorney or Attorney General to act pursuant to Section 19.59 Wisconsin Statutes.

Rely on the Applicable Public Integrity Statutes [e.g., Sections 19.59 – and- 946.10, .12, .13, & .18 Wisconsin Statutes] to regulate the conduct of public officials and employees.

In view of the foregoing, Chapter 34 - Code of Ethics Door County Code is of no practical significance.

That Chapter 34 Code of Ethics Door County Code is hereby repealed.

That this ordinance shall take effect and be in force from and after April 20, 2010

SUBMITTED BY:
Administrative Committee

Leo W. Zipperer, Chairman

John Neinas

Daniel Austad

Merrell Runquist

Kenneth Fisher

Attachment to Ordinance #2010-04

ETHICAL PRINCIPLES

These ethical principles apply to any county (appointed or elected) public official, candidate for county public office and county employee.

The ethical county official, employee and candidate should:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official, employee and candidate should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official, employee and candidate accepts the responsibility that his or her mission is that of servant and steward to the public.

A county official, employee and candidate may be subject to censure or reprimand by the County Board or its designee, for violation of these ethical principles.

C

Effective:[See Text Amendments]

West's Wisconsin Statutes Annotated Currentness
Crimes (Ch. 938 to 951)
Chapter 946. Crimes Against Government and Its Administration (Refs & Annos)
Subchapter II. Bribery and Official Misconduct
946. 10. Bribery of public officers and employees

Whoever does either of the following is guilty of a Class H felony:

(1) Whoever, with intent to influence the conduct of any public officer or public employee in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or with intent to induce the officer or employee to do or omit to do any act in violation of the officer's or employee's lawful duty transfers or promises to the officer or employee or on the officer's or employee's behalf any property or any personal advantage which the officer or employee is not authorized to receive; or

(2) Any public officer or public employee who directly or indirectly accepts or offers to accept any property or any personal advantage, which the officer or employee is not authorized to receive, pursuant to an understanding that the officer or employee will act in a certain manner in relation to any matter which by law is pending or might come before the officer or employee in the officer's or employee's capacity as such officer or employee or that the officer or employee will do or omit to do any act in violation of the officer's or employee's lawful duty.

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West's Wisconsin Statutes Annotated Currentness
Crimes (Ch. 938 to 951)
Chapter 946. Crimes Against Government and Its Administration (Refs & Annos)
Subchapter II. Bribery and Official Misconduct
946.12. Misconduct in public office

Any public officer or public employee who does any of the following is guilty of a Class I felony:

(1) Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the officer's or employee's office or employment within the time or in the manner required by law; or

(2) In the officer's or employee's capacity as such officer or employee, does an act which the officer or employee knows is in excess of the officer's or employee's lawful authority or which the officer or employee knows the officer or employee is forbidden by law to do in the officer's or employee's official capacity; or

(3) Whether by act of commission or omission, in the officer's or employee's capacity as such officer or employee exercises a discretionary power in a manner inconsistent with the duties of the officer's or employee's office or employment or the rights of others and with intent to obtain a dishonest advantage for the officer or employee or another; or

(4) In the officer's or employee's capacity as such officer or employee, makes an entry in an account or record book or return, certificate, report or statement which in a material respect the officer or employee intentionally falsifies; or

(5) Under color of the officer's or employee's office or employment, intentionally solicits or accepts for the performance of any service or duty anything of value which the officer or employee knows is greater or less than is fixed by law.

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West's Wisconsin Statutes Annotated Currentness
Crimes (Ch. 938 to 951)
Chapter 946. Crimes Against Government and Its Administration (Refs & Annos)
Subchapter II. Bribery and Official Misconduct
946.13. Private interest in public contract prohibited

(1) Any public officer or public employee who does any of the following is guilty of a Class I felony:

(a) In the officer's or employee's private capacity, negotiates or bids for or enters into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part; or

(b) In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.

(2) Subsection (1) does not apply to any of the following:

(a) Contracts in which any single public officer or employee is privately interested that do not involve receipts and disbursements by the state or its political subdivision aggregating more than $15,000 in any year.

(b) Contracts involving the deposit of public funds in public depositories.

(c) Contracts involving loans made pursuant to s. 67.12.

(d) Contracts for the publication of legal notices required to be published, provided such notices are published at a rate not higher than that prescribed by law.

(e) Contracts for the issuance to a public officer or employee of tax titles, tax certificates, or instruments representing an interest in, or secured by, any fund consisting in whole or in part of taxes in the process of collection, provided such titles, certificates, or instruments are issued in payment of salary or other obligations due such officer or employee.

(f) Contracts for the sale of bonds or securities issued by a political subdivision of the state; provided such bonds or securities are sold at a bona fide public sale to the highest bidder and the public officer or employee acquiring the private interest has no duty to vote upon the issuance of the bonds or securities.

(g) Contracts with, or tax credits or payments received by, public officers or employees for wildlife damage claims or abatement under s. 29.889, for farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71 , soil

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and water resource management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and nonpoint source water pollution abatement under s. 281.65.

(3) A contract entered into in violation of this section is void and the state or the political subdivision in whose behalf the contract was made incurs no liability thereon.

(4) In this section "contract" includes a conveyance.

(5) Subsection (1)(b) shall not apply to a public officer or public employee by reason of his or her holding not more than 2% of the outstanding capital stock of a corporate body involved in such contract.

(6) Subsection (3) shall not apply to contracts creating a public debt, as defined in s. 18.01(4), if the requirements of s. 18.14(1) have been met. No evidence of indebtedness, as defined in s. 18.01(3), shall be invalidated on account of a violation of this section by a public officer or public employee, but such officer or employee and the surety on the officer's or employee's official bond shall be liable to the state for any loss to it occasioned by such violation.

(7) Subsection (1) shall not apply to any public officer or public employee, who receives compensation for the officer's or employee's services as such officer or employee, exclusive of advances or reimbursements for expenses, of less than $10,000 per year, merely by reason of his or her being a director, officer, employee, agent or attorney of or for a state or national bank, savings bank or trust company, or any holding company thereof. This subsection shall not apply to any such person whose compensation by such financial institution is directly dependent upon procuring public business. Compensation determined by longevity, general quality of work or the overall performance and condition of such financial institution shall not be deemed compensation directly dependent upon procuring public business.

(8) Subsection (1) shall not apply to contracts or transactions made or consummated or bonds issued under s. 66.1103.

(9) Subsection (1) does not apply to the member of a local committee appointed under s. 289.33(7)(a) acting as a member of that committee in negotiation, arbitration or ratification of agreements under s. 289.33.

(10) Subsection (1)(a) does not apply to a member of a local workforce development board established under 29 USC 2832 or to a member of the council on workforce investment established under 29 USC 2821.

(11) Subsection (1) does not apply to an individual who receives compensation for services as a public officer or public employee of less than $10,000 annually, exclusive of advances or reimbursements for expenses, merely because that individual is a partner, shareholder or employee of a law firm that serves as legal counsel to the public body that the officer or employee serves, unless one of the following applies:

(a) The individual has an interest in that law firm greater than 2% of its net profit or loss.

(b) The individual participates in making a contract between that public body and that law firm or exercises any official discretion with respect to a contract between them.

(c) The individual's compensation from the law firm directly depends on the individual's procurement of business with public bodies.

(12)(a) In this subsection, "research company" means an entity engaged in commercial activity that is related to research conducted by an employee or officer of the University of Wisconsin System or to a product of such research.

(b) Subsection (1) does not apply to a contract between a research company and the University of Wisconsin System or

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any institution or college campus within the system for purchase of goods or services, including research, if the following apply:

1. The contract is approved by a University of Wisconsin System employee or officer responsible for evaluating and managing potential conflicts of interest.

2. Either of the following apply:

a. The contract together with all other contracts between the same parties require less than $250,000 in payments over a 24-month period.

b. The University of Wisconsin System submits the contract to the University of Wisconsin Board of Regents and, within 45 days, the University of Wisconsin Board of Regents does not notify the University of Wisconsin System that entering the contract would constitute a violation of sub. (1).

(c) Paragraphs (a) and (b) apply regardless of the date on which a contract was entered into.

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Effective:[See Text Amendments]

West's Wisconsin Statutes Annotated Currentness
Crimes (Ch. 938 to 951)
Chapter 946. Crimes Against Government and Its Administration (Refs & Annos)
Subchapter II. Bribery and Official Misconduct
946.18. Misconduct sections apply to all public officers

Sections 946.10 to 946.17 apply to public officers, whether legally constituted or exercising powers as if legally constituted.

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DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BEMMANN	X		
BOGENSCHUTZ	X		
BRANN	X		
DeBAKER	X		
DeWITT	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
JEANQUART		X	
LIEBE			X
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
OLSON	X		
RUNQUIST			X
SAVARD	X		
VIRLEE	X		
ZIPPERER	X		
	18	1	2

BOARD ACTION

Vote Required: Majority vote of a quorum

Motion to Approve — Adopted [X]

1st Fisher — Defeated [ ]

2nd Olson

Yes: 18 No: 1 Exc: 2

Reviewed by: , Corp. Counsel

Reviewed by: , Administrator

FISCAL IMPACT: There is no fiscal impact to the county budget with the adoption of this resolution. sms

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 29th day of July, 2008 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Resolution No. 2008-44

AMENDMENT OF RESOLUTION NO. 2007-85 "POLICY RELATING TO RETENTION OF CONFERENCE DOOR PRIZES / RAFFLE ITEMS"

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, Door County officials and employees routinely participate in conferences [e.g., Wisconsin Counties Association Conferences, Wisconsin County Highway Association Conferences, Wisconsin Register of Deeds Association Conferences, Governmental Information Processing Association of Wisconsin Conferences, Wisconsin County Treasurers' Association Conferences, Wisconsin Land & Water Conservation Association, Inc. Conferences, etc.) for county purposes; *and*

WHEREAS, These conferences may include: a business meeting; meals to recognize members and/or celebrate achievements; educational workshop opportunities; a "vendor marketplace" where vendors and suppliers rent booth space and exhibit products and services; and/or door prizes and/or raffles, where conference attendees are provided an opportunity to enter a random drawing to win prizes); *and*

WHEREAS, Door County officials and employees may have occasion to participate in and win a door prize or raffle item at such conferences; *and*

WHEREAS, By law, because the Door County officials and employees attend these conferences as representatives of Door County, any door prizes awarded or raffle items won by a Door County official or employee are the property of Door County.

NOW, THEREFORE, BE IT RESOLVED, That when a Door County official or employee wins a door prize or raffle item under the circumstances described above, the employee or official must submit the following information to the Door County Clerk within 10 days of the door prize being awarded:

(1) the official or employee's name and position;
(2) a description of the door prize or raffle item;
(3) a copy of any documentation related to the random drawing;
(4) the name of the person or entity that sponsored the random drawing;
(5) the estimated value, if known, of the door prize or raffle item.

Following submission of the foregoing information to the County Clerk, the Administrative Committee shall determine, at its next scheduled meeting, whether the County should retain the door prize or raffle item; *and*

In the event the Administrative Committee determines that the County should not retain the door prize or raffle item, the Administrative Committee shall provide for the delivery of the prize or item to an employee or official of Door County. In making such determination, the Administrative Committee may, but is not required to, deliver the door prize to the County official or employee that entered his/her name in the random drawing.

Door prizes or raffle items of token or inconsequential value [i.e., not more than two hundred and fifty dollars ($250.00)] are excepted from the foregoing and may be retained by the official or employee.

BE IT FURTHER RESOLVED, That this policy applies to all officials and/or employees of Door County without regard to the application of § 19.59 Wis. Stats.., *et seq.*, and shall take effect immediately upon adoption.

BE IT FURTHER RESOLVED, That the Administrative Committee is hereby empowered to amend this policy.

SUBMITTED BY:
Administrative Committee

Leo W. Zipperer, Chairman — Merrell Runquist

Daniel Austad — Will Jeanquart

Kenneth Fisher

C

Effective: July 1, 2011

West's Wisconsin Statutes Annotated Currentness
Miscellaneous Actions, Proceedings and Procedure (Ch. 895 to 900)
Chapter 895. Damages, Liability, and Miscellaneous Provisions Regarding Actions in Courts
Subchapter I. Damages, Recovery, and Miscellaneous Provisions Regarding Actions in Courts
→→ 895.46. State and political subdivisions thereof to pay judgments taken against officers

(1)(a) If the defendant in any action or special proceeding is a public officer or employee and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employee and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs entered against the officer or employee, except as provided in s. 146.89(4), in excess of any insurance applicable to the officer or employee shall be paid by the state or political subdivision of which the defendant is an officer or employee. Agents of any department of the state shall be covered by this section while acting within the scope of their agency. Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employee, shall pay reasonable attorney fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employee did not act within the scope of employment. Except as provided in s. 146.89(4), the duty of a governmental unit to provide or pay for the provision of legal representation does not apply to the extent that applicable insurance provides that representation. If the employing state agency or the attorney general denies that the state officer, employee or agent was doing any act growing out of or committed in the course of the discharge of his or her duties, the attorney general may appear on behalf of the state to contest that issue without waiving the state's sovereign immunity to suit. Failure by the officer or employee to give notice to his or her department head of an action or special proceeding commenced against the defendant officer or employee as soon as reasonably possible is a bar to recovery by the officer or employee from the state or political subdivision of reasonable attorney fees and costs of defending the action. The attorney fees and expenses shall not be recoverable if the state or political subdivision offers the officer or employee legal counsel and the offer is refused by the defendant officer or employee. If the officer, employee or agent of the state refuses to cooperate in the defense of the litigation, the officer, employee or agent is not eligible for any indemnification or for the provision of legal counsel by the governmental unit under this section.

(am) If a court determines that costs are awardable to an employee or official who has been provided representation by a governmental unit under par. (a), the court shall award those costs to the unit of government that provided the representation.

(b) Persons holding the office of county sheriff on March 1, 1983, are covered by this subsection. This subsection covers other county sheriffs who have:

1. Satisfactorily completed or are currently enrolled in the preparatory program of law enforcement training under s. 165.85(4)(b)1 and, if applicable, the recertification programs under s. 165.85(4)(bn)1, or have provided evidence of equivalent law enforcement training and experience as determined by the law enforcement standards board; or

2. At least 5 years of full-time employment as a law enforcement officer, as defined in s. 165.85(2)(c).

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(c) This subsection does not apply to any action or special proceeding brought by a county against its county sheriff if the action or proceeding is determined in favor of the county.

(d) On and after March 1, 1983, all persons employed as deputy sheriffs, as defined in s. 40.02(48)(b)3, are covered by this subsection. The county board shall adopt written policies for payments under this subsection on behalf of any other person, provided that person has satisfied the minimum standards of the law enforcement standards board, who serves at the discretion of the sheriff as a law enforcement officer as defined in s. 165.85(2)(c), and the county may make the payments upon approval by the county board.

(dm) All security officers employed by the department of military affairs who are deputed under s. 59.26(4m) are covered by this section while acting within the scope of their duties assigned under s. 59.26(4m), as if they were state employees acting within the scope of their state employment.

(e) Any nonprofit corporation operating a museum under a lease agreement with the state historical society, and all officers, directors, employees and agents of such a corporation, and any local emergency planning committee appointed by a county board under s. 59.54(8)(a) and all members of such a committee, are state officers, employees or agents for the purposes of this subsection.

(2) Any town officer held personally liable for reimbursement of any public funds paid out in good faith pursuant to the directions of electors at any annual or special town meeting shall be reimbursed by the town for the amount of the judgment for damages and costs entered against the town officer.

(3) The protection afforded by this section shall apply to any state officer, employee or agent while operating a state-owned vehicle for personal use in accordance with s. 20.916(7).

(4) The protection afforded by this section applies to members of the board of governors created under s. 619.04(3), members of a committee or subcommittee of that board of governors, members of the injured patients and families compensation fund peer review council created under s. 655.275(2), and persons consulting with that council under s. 655.275(5)(b), with respect to judgments, attorney fees, and costs awarded before, on, or after April 25, 1990.

(5) The protection afforded by this section applies to any of the following:

(a) A volunteer health care provider who provides services under s. 146.89, for the provision of those services.

(am) A practitioner who provides services under s. 257.03 and a health care facility on whose behalf services are provided under s.257. 04.

(b) A physician under s. 251.07 or252.04(9)(b).

(6) The protection afforded by this section applies to any criminal action under s. 291.97(2) or 293.87(2) or under 7 USC 136L(b), 15 USC 2616(b), 33 USC 1319(c), 42 USC 2284, 6928(d) and (e), 6973(b), 6992(b) and (c), 7413(c), 9603(b), 9606(b) and 11045(b) or 49 USC 5124 that is commenced against a state officer or state employee who is proceeded against in his or her official capacity or as an individual because of acts committed in the storage, transportation, treatment or disposal of hazardous substances, as defined in s. 289.01(11), if that officer or employee is found to be acting within the scope of his or her employment and if the attorney general determines that the state officer or state employee acted in good faith. Regardless of the determination made by the attorney general, the protection afforded by this section applies if the state officer or agent is not found guilty of the criminal action commenced under this subsection. This protection includes the payment of reasonable attorney fees in defending the action and costs or fines arising out of the action.

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(7) The protection afforded by this section does not apply to any law enforcement officer of another state acting in Wisconsin under an agreement authorized under s. 175.46.

(8) The protection afforded by this section applies to any owner of land within a drainage district established under ch. 88 who undertakes work on a drain if the work is approved by the drainage board.

(9)(a) The state shall reimburse a state officer or state employee for reasonable attorney fees and costs incurred by the officer or employee in connection with a John Doe proceeding under s. 968.26(2) arising from the officer's or employee's conduct in the performance of official duties if all the following apply:

1. The officer or employee was acting within the scope of his or her employment.

2. The officer or employee is not convicted of a crime arising from the conduct that is the subject of any criminal complaint issued under s. 968.26(2)(d).

(b) The state shall reimburse a state officer or state employee for reasonable attorney fees and costs incurred by the officer or employee in defending a criminal complaint issued under s. 968.26(2)(d) arising from the officer's or employee's conduct in the performance of official duties if all of the following apply:

1. The officer or employee was acting within the scope of his or her employment.

2. The officer or employee is not convicted of a crime arising from the conduct that is the subject of the criminal complaint issued under s. 968.26(2)(d).

(10) Any employee of the state of Minnesota who is named as a defendant and who is found liable as a result of performing services for this state under a valid agreement between this state and the state of Minnesota providing for interchange of employees or services shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state pursuant to this section.

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U.S. Department of Labor
Wage and Hour Division

(April 2010)

Fact Sheet #71: Internship Programs Under The Fair Labor Standards Act

This fact sheet provides general information to help determine whether interns must be paid the minimum wage and overtime under the Fair Labor Standards Act for the services that they provide to "for-profit" private sector employers.

Background
The Fair Labor Standards Act (FLSA) defines the term "employ" very broadly as including to "suffer or permit to work." Covered and non-exempt individuals who are "suffered or permitted" to work must be compensated under the law for the services they perform for an employer. Internships in the "for-profit" private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the "for-profit" private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.*

The Test For Unpaid Interns
There are some circumstances under which individuals who participate in "for-profit" private sector internships or training programs may do so without compensation. The Supreme Court has held that the term "suffer or permit to work" cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act's minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA's definition of "employ" is very broad. Some of the most commonly discussed factors for "for-profit" private sector internship programs are considered below.

Similar To An Education Environment And The Primary Beneficiary Of The Activity
In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting customers), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work.

Displacement And Supervision Issues
If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this would suggest an employment relationship, rather than training.

Job Entitlement
The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

Where to Obtain Additional Information
This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

For additional information, visit our Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
Contact Us

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* The FLSA makes a special exception under certain circumstances for individuals who volunteer to perform services for a state or local government agency and for individuals who volunteer for humanitarian purposes for private non-profit food banks. WHD also recognizes an exception for individuals who volunteer their time, freely and without anticipation of compensation for religious, charitable, civic, or humanitarian purposes to non-profit organizations. Unpaid internships in the public sector and for non-profit charitable organizations, where the intern volunteers without expectation of compensation, are generally permissible. WHD is reviewing the need for additional guidance on internships in the public and non-profit sectors.

C

Effective:[See Text Amendments]

West's Wisconsin Statutes Annotated Currentness
Employment, Compensation and Mining (Ch. 101 to 109)
Chapter 103. Employment Regulations (Refs & Annos)
→→ 103. 13. Records open to employee

(1) Definition. In this section, "employee" includes former employees.

(2) Open records. Every employer shall, upon the request of an employee, which the employer may require the employee to make in writing, permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records, except as provided in subs. (5) and (6). An employee may request all or any part of his or her records, except as provided in sub. (6). The employer shall grant at least 2 requests by an employee in a calendar year, unless otherwise provided in a collective bargaining agreement, to inspect the employee's personnel records as provided in this section. The employer shall provide the employee with the opportunity to inspect the employee's personnel records within 7 working days after the employee makes the request for inspection. The inspection shall take place at a location reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work with that employer, the employer may provide some other reasonable time for the inspection. In any case, the employer may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee.

(3) Personnel record inspection by representative. An employee who is involved in a current grievance against the employer may designate in writing a representative of the employee's union, collective bargaining unit or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance, except as provided in sub. (6). The employer shall allow such a designated representative to inspect that employee's personnel records in the same manner as provided under sub. (2).

(4) Personnel record correction. If the employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the employer and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The employer shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a 3rd party as long as the disputed record is a part of the file.

(5) Medical records inspection. The right of the employee or the employee's designated representative under sub. (3) to inspect personnel records under this section includes the right to inspect any personal medical records concerning the employee in the employer's files. If the employer believes that disclosure of an employee's medical records would have a detrimental effect on the employee, the employer may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.

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(6) Exceptions. The right of the employee or the employee's designated representative under sub. (3) to inspect his or her personnel records does not apply to:

(a) Records relating to the investigation of possible criminal offenses committed by that employee.

(b) Letters of reference for that employee.

(c) Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.

(d) Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.

(e) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(f) An employer who does not maintain any personnel records.

(g) Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.

(7) Copies. The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. The employer may charge a reasonable fee for providing copies of records, which may not exceed the actual cost of reproduction.

(7m) Employment discrimination. Section 111.322(2m) applies to discharge and other discriminatory acts in connection with any proceeding under this section.

(8) Penalty. Any employer who violates this section may be fined not less than $10 nor more than $100 for each violation. Each day of refusal or failure to comply with a duty under this section is a separate violation.

<<For credits, see Historical Note field.>>

Current through 2013 Wisconsin Act 9, published 03/27/2013.

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END OF DOCUMENT

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CHAPTER 8
DOOR COUNTY SMOKING REGULATIONS

8.01 DOOR COUNTY SMOKING REGULATIONS

The dominant aims of this ordinance include: 1) Compliance with 2009 Wisconsin Act 12; and 2) Protection of the health and comfort of the public.

The regulations and prohibitions with respect to smoking set forth in Section 101.123 Wisconsin Statutes (or as hereafter amended or revised) are hereby adopted and incorporated by reference herein.

No person may smoke in or on any public property under the jurisdiction of Door County except signed designated smoking areas. Public property under the jurisdiction of Door County includes County owned or leased real property and structures thereon, and County owned or leased vehicles.

Person(s) in charge of Door County "court facilities" (as that term is defined in Wis. SCR 70.38(2) or as hereafter amended or revised) may designate outside areas that are a reasonable distance (not less than 25 feet) from any entrance where jurors may smoke.

Penalties and injunctive relief shall be as provided in Sections 101.123 (8) and (9) Wisconsin Statutes or as hereafter amended or revised.

Enforcement may be by any means allowed by law, including by citation in accordance with Section 66.0113 Wisconsin Statutes and/or Chapter 35 Door County Code, or as hereafter amended or revised.

These regulations shall be known as, referred to, and may be cited as "Door County Smoking Regulations" and are hereinafter referred to as this Ordinance.

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance supersedes Chapter 8 Door County Code - "Regulation of Smoking" (Ordinance No. 2005-28 enacted 11/29/05).

This Ordinance shall be in full force and effect from and after its enactment and publication by the Door County Board of Supervisors.

(Ord. #9-91; 2/25/92) (Ord. #8-96; 3/26/96) (Ord. 2005-28; 11/29/05) **(Ord. 2010-10; 8/24/10)**

DOOR COUNTY

ROLL CALL Board Members	Aye	Nay	Exc.
ANDERSON	X		
AUSTAD	X		
BRANN	X		
DeBAKER	X		
DeWITT	X		
FISHER	X		
FONTAINE	X		
GUNNLAUGSSON	X		
HAINES	X		
LIEBE	X		
LIENAU	X		
MEYER	X		
MOELLER	X		
MULLIKEN	X		
NEINAS	X		
OLSON	X		
RUNQUIST	X		
SCHULTZ	X		
VIRLEE	X		
WIEGAND	X		
ZIPPERER	X		
	21	0	0

BOARD ACTION

Vote Required: Majority Vote of A Quorum.

Motion to Approve — Adopted [X] — Defeated [ ]

1st Lienau

2nd DeBaker

Yes: 21 No: 0 Exc: 0

Reviewed by: Corp. Counsel

Reviewed by: Administrator

FISCAL IMPACT: This resolution sets policy to be consistent with state and federal law. No other fiscal impact. sms

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 29th day of September, 2011 by the Door County Board of Supervisors.

Jill M. Lau
County Clerk, Door County

Resolution No. 2011-76

DOOR COUNTY'S WEAPON POLICY

TO THE DOOR COUNTY BOARD OF SUPERVISORS:

WHEREAS, 2011 Wisconsin Act 35 [commonly referred to as the Carrying a Concealed Weapon (hereafter "CCW") Law] was enacted on July 8, 2011, published on July 22, 2011, and goes in to full force and effect on November 1, 2011; and

WHEREAS, The CCW Law allows certain persons, *subject* to licensing requirements, to carry concealed weapons [See: Sections 175.60 (1) – (15) Wisconsin Statutes]; and

WHEREAS, Pursuant to Section 175.60(15m) Wisconsin Statutes an employer may, except as provided in Section 175.60 (16) (b) Wisconsin Statutes, prohibit an employee from carrying a concealed weapon in the course of the employee's employment; and

WHEREAS, A county may, consistent with Section 943.13 (1m) (c) 4. Wisconsin Statutes, prohibit persons from entering or remaining in a building that is owned, occupied, or controlled by the county while carrying a firearm. Persons must be notified of these prohibitions by the posting of signs in accordance with Sections 943.13 (2) (bm) 1. & 2. am. Wisconsin Statutes; and

WHEREAS, The organizers of a "special event", as defined in Section 943.13(1e) (h) Wisconsin Statutes, may prohibit persons carrying a firearm from entering or remaining at the "special event" pursuant to Section 943.13(1m) (c) 3.Wisconsin Statutes. Persons must be notified of these prohibitions by the posting of signs as set forth in Sections 943.13 (2) (bm) 1. & 2. c. Wisconsin Statutes; and

WHEREAS, County's adoption of a weapons policy, which is consistent with state and federal law (including Wisconsin's CCW Law), is both reasonable and necessary for the safety of County's employees and others.

NOW, THEREFORE, BE IT RESOLVED, That the Door County Board of Supervisors hereby adopts Door County's *Weapons Policy*, attached hereto as *Exhibit A* and incorporated herein by reference as if set forth in full.

SUBMITTED BY:
ADMINISTRATIVE COMMITTEE & FINANCE COMMITTEE

Leo Zipperer, Administrative Committee Chair

Daniel Austad, Finance Committee Chair

Charles Brann

Kenneth Fisher

Cletus Fontaine

David Lienau

John Neinas

Richard Virlee

EXHIBIT "A" Attachment to Resolution 2011-76

DOOR COUNTY'S WEAPON POLICY

I. Preamble

This policy was prompted, in significant part, by 2011 Wisconsin Act 35. It is intended to preserve and promote public protection and safety, public peace and good, and workplace safety and health.

II. Definitions

A. "Law Enforcement Officer" means a Wisconsin law enforcement officer, as defined in Section 175.46(1)(g) Wisconsin Statutes or a federal law enforcement officer, as defined in Section 175.40(7)(a)1. Wisconsin Statutes.

B. "Licensee" means an individual holding a valid license to carry a concealed weapon under Section 175.60 Wisconsin Statues or an out-of-state licensee per Section 175.60(1)(f) 1.-2. Wisconsin Statutes.

C. "Motor Vehicle" means a vehicle which is self-propelled, including but not limited to a passenger car, truck, and van, bus, taxi, commercial motor vehicle, motorcycle, moped, motor bicycle, snowmobile, and all-terrain vehicle.

D. "Placard" means a small card or plaque.

E. "Sign" means a sign that states a restriction imposed hereunder and that is at least 5 inches by 7 inches.

F. "Special Event" means an event that is open to the public, is for a duration of not more than three (3) weeks, and either has designated entrances to and from the event that is locked when the event is closed or requires an admission.

G. "Weapon" includes, without limitation, any firearm (including a handgun), an electric weapon (as defined in Section 941.295(1c)(a) Wisconsin Statutes), a knife (except a pocket knife with a blade less than 2.5 inches), a switchblade (as defined in Section 941.24(1) Wisconsin Statutes), a billy club, oleoresin capsicum (OC) spray devices (also known as pepper spray or pepper mace), Metallic knuckles, nunchaku, shuriken, cestus, manrikigusari, or any device designed or used as a weapon and capable of producing great bodily harm or death.

III. Prohibitions

A. County employees are prohibited from carrying or possessing a concealed weapon (or a weapon that is not concealed) in the course (or during any part) of their employment.

This prohibition does not apply to:

1. Certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.

2. An employee, who is a Licensee, properly storing a weapon or ammunition in the employee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the County.

B. Persons are prohibited from carrying or possession of a concealed weapon (or a weapon that is not concealed) while operating or being a passenger in any County owned or leased motor vehicle.

This prohibition does not apply to certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.

C. No person may, while carrying or possessing a weapon, enter or remain in any part of a building that is owned, occupied, or controlled by the County

This prohibition does not apply to:

1. Certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.
2. A person who leases residential or business premises in the building.
3. A person *if* a firearm is in a vehicle driven or parked in the parking facility, or to any part of the building used as a parking facility.

D. Organizers of any "special event" may prohibit any persons carrying or possessing a weapon from entering or remaining at the "special event".

This prohibition does not apply to:

1. Certified law enforcement officers, entitled to carry a weapon, while acting in their official capacity and with lawful authority.
2. If the firearm is in a vehicle driven or parked in the parking facility, or to any part of the special event grounds or building used as a parking facility.

IV. Notice

A. For purposes of *III. Prohibitions A.* above:

County employees will be notified, either orally or in writing, of the restriction.

B. For purposes of *III. Prohibitions B.* above:

1. A placard may be posted, that is located in a prominent place within or on the motor vehicle, such that any person who is an operator or occupant of the vehicle can be reasonably expected to see the placard.

   Suggested language for the placard:

   ENTRY TO THIS VEHICLE WHILE CARRYING OR POSSESSING A CONCEALED FIREARM OR OTHER WEAPON (OR A FIREARM OR OTHER WEAPON THAT IS NOT CONCEALED) IS FORBIDDEN.

or

2. Any motor vehicle operator or occupant will be notified, either orally or in writing, of the restriction.

C. For purposes of *III. Prohibitions C.* above:

1. A sign will be posted that is located in a prominent place near all of the entrances to any building to which the restrictions apply, where any individual entering the building can be reasonably expected to see the sign.

2. Suggested language for a sign:

"NO PERSON MAY ENTER OR REMAIN IN THIS BUILDING WHILE CARRYING OR POSSESSING A FIREARM OR OTHER WEAPON"

D. For purposes of *III. Prohibitions D.* above:

1. A sign will be posted that is located in a prominent place near all of the entrances to the special event, such that any individual attending the special event can be reasonably expected to see the sign.

2. Suggested language for a sign:

"NO PERSON MAY ATTEND THIS INSERT NAME OF SPECIAL EVENT WHILE CARRYING OR POSSESSING A FIREARM OR OTHER WEAPON"

V. Miscellaneous Provisions

A. This policy is intended to be consistent with, and cannot supersede, state law/ or federal law.

B. If any provision or clause of this policy or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this policy that can be given effect without the invalid provision or application, and to this end the provisions of this policy are severable.

C. Reference to the Wisconsin Statutes herein include as such statutes now exist or are hereafter amended.

VI. Penalties for Violation

A. If applicable, referral to law enforcement or the district attorney for prosecution as applicable under Wisconsin Statutes, including Section 943.13 Wisconsin Statutes; *and/or*

B. For County employees, discipline up to and including discharge from employment.

VII. Effective Date

This Weapon Policy becomes effective November 1, 2011.

DOOR COUNTY ADMINISTRATIVE MANUAL

Approved by County Board

Resolution 2013-69

Effective Date: January 1, 2014

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Key:
HB-Handbook

1.0 INTRODUCTION

1.1 PURPOSE

This document is the Administrative Manual for Door County. The purpose of this manual is to describe the administrative processes and procedures used to manage the county's departments and resources.

This document will be reviewed and updated as needed as a result of continuous process improvement efforts by the county.

1.2 SCOPE

This Administrative Manual identifies the processes and procedures used to support each department and consistent personnel management throughout Door County. The manual discusses such things as human resources, employment, and Information Systems management.

1.3 APPLICATION AND INTERPRETATION

A. This Manual applies to all employees. The Administrative Manual controls in the event of a conflict between the Handbook and Administrative Manual.

B. For purposes of prorating benefits in this manual:
   - Full-time is defined as 40 hours per week. Part-time is defined in two separate ways: **those employees working 30 to 39 hours per week and those working 24 to 29 hours per week.**
   - For Telecommunicators, full time is defined as working 37.5 hours per week and part time is defined in two separate ways: **working 30 to 37.5 hours per week and those working 24 to 29 hours per week.**

C. Whenever there is a conflict between this Manual and any valid collective bargaining agreement, the provisions of the collective bargaining agreement will govern, but only to the extent the collective bargaining agreement complies with federal and state laws and only with respect to the employees included in the bargaining unit.

D. The provisions of this Manual shall be interpreted, when possible, to sustain their legality and enforceability as a whole. In the event any provision of this Manual is held invalid, illegal, or unenforceable by a court of competent jurisdiction, in whole or in part, neither the validity of the remaining part of such provision nor the validity of any other provision of this Manual shall be in any way affected thereby.

E. References to statutes, codes, resolutions, and policies herein are as currently enacted and as hereafter revised or superseded from time to time.

2.0 HUMAN RESOURCES

Adopted	Door County Code, Chapter 6
Reference	HB, Sec. IX

2.1 AFFIRMATIVE ACTION PLAN (AAP)

AAP PREAMBLE AND PURPOSE

Whereas, it shall be the policy of Door County to provide employment, training, and advancement opportunities for ethnic minority groups, employment disadvantaged, disabled and women of the county, and

Whereas, it shall also be the policy of Door County to provide equal opportunity in service delivery in that no otherwise qualified person shall be excluded from participation in or be denied the benefit of, or otherwise subjected to discrimination under any program or activity which receives or benefits from assistance through the Division of Community Services of the State of Wisconsin, and

Whereas, the individual employees shall be representative of the population of communities served, and

Whereas, Door County shall not discriminate, nor shall it do business with any organization or person who discriminates in hiring practices or program participation against any individual or group because of race, creed,religion, color, national origin or ancestry, sex, age, political belief, disability, arrest or conviction record, sexual orientation or marital status or criteria non-relevant to job performance, and

Whereas, the Affirmative Action Program for Door County shall be conducted in accordance with this Resolution and

Whereas, the Door County Board of Supervisors recognizes the principles and objectives of Title VII of the Civil Rights Act of 1964, Presidential Executive Order 11246, creating the Equal Opportunities Commission in July, 1965, the Office of Federal Contract Compliance created in September, 1965, and the Equal Employment Act of 1972, signed by the President on March 24, 1972, the Rehabilitation Act of 1973, The Americans With Disabilities Act of 1990 and

Whereas, the Office of Federal Contract Compliance is charged with seeing that where any governmental funds, federal, state, county, city or town are used, that the contract award is made to contractors who have Affirmative Action Programs and are complying with the principles of the Affirmative Action Program, and

Whereas, failure to comply with this requirement will result in corrective actions by the Office of Federal Contract Compliance which may include withdrawal of federal funds from programs administered or contracted by the county, this chapter is adopted.

AAP PROGRAM ESTABLISHED

The Door County Board of Supervisors hereby establishes an Affirmative Action Program to improve the treatment and correct any inequities that may exist in recruiting, hiring, classifying, referring, assigning, training and retraining, fringe benefits, promotion, transfer, compensation, extending or assigning use of facilities, layoff, recall, and disciplinary action or any other terms, conditions, or privileges of employment in the County in order to assure that there shall be no discrimination in county employment on the basis of race, color, creed, religion, gender, age, arrest or conviction record, political beliefs, sexual orientation, or marital status, or national origin or ancestry Veteran Status Disability, Genetic Information or Testing, Family & Medical Leave, Sexual Orientation and Gender Identity or Expression. Qualified persons, regardless of the aforementioned statuses, shall be sought for jobs at every level of Door County government.

We prohibit Retaliation against individuals who bring forth any complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint, or otherwise oppose discrimination.

The Human Resources Director is designated as the Affirmative Action Officer. It is the responsibility of that officer, with the cooperation of the County Administrator and the advice of the Affirmative Action Committee, as established below, to prepare and submit to said Committee recommendations for an Affirmative Action Program, on or before December 31 in each year. The Affirmative Action Officer shall have a background which demonstrates knowledge of and commitment to affirmative action. The Affirmative Action Officer shall have full access to all departmental policies and procedures, rules and regulations, including personnel files, documents of information relating to the employment training, promotion, transfer, termination or discipline of personnel in the County of Door.

AFFIRMATIVE ACTION COMMITTEE

The Door County Board of Supervisors hereby establishes an Affirmative Action Committee, consisting of the Administrative Committee of the Door County Board of Supervisors. The Affirmative Action Committee encourages any individual who believes they have been discriminated against based on the reasons mentioned above to submit their complaints using the established grievance procedures. It shall conduct hearings when necessary to attempt to resolve all grievances which are not resolved at an earlier step in the grievance procedure.

AFFIRMATIVE ACTION PROGRAM

The following constitutes Door County's Affirmative Action Program:

A. Policy
Door County will recruit, and hire employees based on merit and achievement, and treat all employees in regard to compensation, training, and opportunities for advancement, including upgrading, promotion, and transfer in a non-discriminatory manner. Door County will continue to give preference to present employees who are qualified for vacant positions. Promotion shall be based solely on performance or potential to perform.

B. Goals
The goals of the county are to insure equal employment opportunity for ethnic minority groups and the employment disadvantaged, disabled, and women, and also to encourage their advancement on the basis of merit and achievement. These goals will be based on one of two factors:

1. Making the workforce representative of the population being served by a particular agency or
2. Making the workforce representative of the County's population mix. Action will be taken to assure that all these goals are achieved as soon as possible. The employment functions which shall be reviewed and addressed where necessary to meet these goals are:
   a. Recruitment;
   b. Testing, selection, and placement;
   c. Training programs;
   d. Up-grading;
   e. Promotions;
   f. Transfers;
   g. Compensation;
   h. Facilities;
   i. Lay-off;
   j. Recall;
   k. Disciplinary;
   l. Creation of a productive harassment-free atmosphere for minority group members and women.

C. Implementation
Door County will continue administering its Affirmative Action Program by informing the community that employment opportunities are available on the basis of individual merit and educational achievement. Door County will encourage all its employees to strive for advancement on the basis of merit and achievement. Door County will seek and maintain communication avenues with potential minority applicants through such sources as the State Employment Service, schools and colleges, community agencies, community leaders, minority organizations, publications, and other referral sources. Door County will also determine the extent by which minorities, disabled, and women have been referred by those sources in the past and discuss with those referral sources that do not send minority applicants as requested why the use of other sources is preferred.

Referral sources will be informed about employee recruitment and selection procedures, provided with complete and accurate job descriptions, and of the requirements of the positions being recruited. Employment advertisements will be placed with the State Employment Service, in newspapers, professional publications, and such other appropriate recruitment media. All recruitment materials will include the statement "Equal Opportunity Employer" in a noticeable place.

Requirements of each job will be reviewed to assure that selection criteria such as education, experience, aptitude, and physical demands, are essential to the needs of the job. Careful attention will be given to proper selection techniques, and any improper practices will be discontinued. All position descriptions will accurately reflect the position's essential functions and all specifications shall be consistent with job performance criteria. All applicants will be informed about the nature of the selection process when requested.

D. Discrimination Complaints
The Affirmative Action Officer has the authority and responsibility to receive and attempt to resolve equal opportunity complaints. The Affirmative Action Officer will provide counseling and information on complaint procedures to any person alleging discrimination in employment practices, participation, and enjoyment of benefits based on the statuses mentioned above. The Affirmative Action Officer has the authority and responsibility to convene conciliation panels, when requested by the complainant, and is responsible for maintaining confidential records of the panel proceedings and of actions taken by the Affirmative Action Officer in efforts to secure resolution of equal opportunity problems and complaints.

E. Complaint Process
Complaints Related to Employment: any employee or applicant can file a complaint if the person feels that he or she was discriminated against in employment on the basis of age, race, religion, color, disability, sex, national origin, ancestry, sexual orientation, arrest or conviction record, or marital status.

1. When to File a Complaint
   A complaint should be filed as soon as possible after the incidence but not later than thirty (30) days after the incident.
2. How to File a Complaint
   Internal: An "Equal Opportunity Complaint Form" can be requested from the Affirmative Officer during regular business hours. Assistance to complete the form may be arranged with the Affirmative Action Officer. Complaints may be mailed or hand-delivered to the Human Resources Department.

F. External Complaint Agencies: A complaint may be directly filed with any of the following agencies:
1. Equal Rights Division
   Department of Workforce Development
   219 East Washington Avenue
   P.O. Box 8928
   Madison, WI 53708
2. Equal Employment Opportunity Commission
   310 West Wisconsin Avenue
   Milwaukee, WI 53203
3. Office for Civil Rights
   U.S. Department Of Health and Human Services
   300 South Wacker Drive
   Chicago, IL 60606
4. Department of Health and Family Services
   Affirmative Action/Civil Rights Compliance Office
   P.O. Box 7850
   Madison, WI 53702

G. Records Retention
The records and reports relating to a complaint will be retained for two years from the date of final disposition of the complaint by the County Administrator.

H. Right of Appeal
If the complainant is not satisfied with the resolution of the complaint, there is a formal right of appeal to any of the state and/or federal agencies listed in #2 above.

I. Non-retaliation
No complainant will be intimidated, harassed, or subjected to any other form of adverse action because of the filing of a complaint of discrimination. Staff members who are witnesses of knowledgeable parties are urged to cooperate in the complaint investigation process without fear of adverse action retaliation.

J. Reporting System

The Door County Affirmative Action Committee shall receive an annual report from the Affirmative Action Officer indicating the progress towards achieving the Affirmative Action goals. The report shall include but not be limited to the following:

1. Summary of Affirmative Action goals as well as any special projects tied to this program.
2. Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, and interviewed and rejected, indicating sex and ethnic group.
3. Description of recruitment and training programs instituted to achieve the objectives of this Affirmative Action Program.
4. A Summary of Supportive Programs to resolve and prevent problems.

K. Conclusion

Equal opportunity involves reviewing and redesigning recruitment programs where required, validating testing procedures, analyzing present and projected employment needs, and setting goals for the employment and advancement of women and minority employees in each job classification where under representation occurs. To implement this program, the following responsibilities shall be established:

1. County Board of Supervisors
   a. Recognition: Recognizing that both government and union negotiators are obligated to operate under the provisions of federal and state civil rights laws, the Board will instruct its union bargaining team to act in the best interest of the County in removing any existing contract provisions that restrict the Affirmative Action Program.
   b. Training: Upon the request of department heads or appointing authorities, and upon the recommendation of the oversight Committee, provide monies for training programs for employees as may be required to develop the knowledge and skills essential to help develop each employee to their fullest potential, as related to their employment and in the interests of the County.
2. County Affirmative Action Committee
   a. Compliance: To insure compliance with any new laws, regulations, and court decisions that impact the County's Affirmative Action Program.
   b. Authority: Shall have the authority and responsibility of reviewing the design and implementation of the Affirmative Action Program and making recommendations thereon to the Door County Board of Supervisors.
   c. Hearings: Shall hold hearings to investigate any and all allegations of discrimination based on the statuses mentioned in 6.02 in the recruiting, hiring, promotion, transfer, discipline, or any other employment practice affecting bona fide applicants and employees at any level in the county service and report its findings to the person or and public body in direct supervision of the person or and the person or public body who has engaged in discrimination.
   d. Training: To establish and monitor employee training programs.
   e. Direction: To direct the Affirmative Action Officer in the recruitment of applicants, as may be necessary to enlarge the number of underrepresented persons seeking employment in all positions with Door County.
   f. Written Examinations: To assure that all written examinations are job related.
3. Highway Department

   To make every assurance possible that all providers of professional engineering services and suppliers of materials and equipment doing business with Door County are Equal Opportunity employers.
   a. Services Equal Opportunity: Revise, as may be necessary, all contracts for professional engineering services and suppliers of material and equipment declaring that they are an Equal Opportunity Employer.

b. Contracts Equal Opportunity: Prior to the contracting for professional engineering services or purchasing materials, the Highway Commissioner shall contact any known minority firm providing such professional services or materials and equipment and encourage them to submit a proposal for such services or materials and equipment.

4. Affirmative Action Officer
   a. Responsibilities: To fulfill all of the responsibilities set forth in the Affirmative Action Program.
   b. Personnel Records: To keep all personnel records as may be required by the Affirmative Action Program.
   c. Committee Duties: To assist the Affirmative Action Committee in any of their duties that pertain to Affirmative Action as may be deemed necessary by the County Board of Supervisors and the Affirmative Action Committee.
   d. Review: To review and update all job descriptions for County employment for compliance with applicable laws and regulations and obtain the approval of the Administrative Committee.
   e. Department Heads: To assist department heads and appointing authorities in carrying out the Door County Affirmative Action Program.
   f. Monitor Regulations: To monitor state and federal agency regulations that affect the County Affirmative Action Program and, if necessary, advise the Affirmative Action Committee when such regulations are not in compliance or are in conflict with County policy or procedure, and assist as may be necessary to implement changes in such regulation that benefit minority, disabled, and female applicants for employment with Door County.
   g. Assist Committee: To assist the Affirmative Action Committee in carrying out their duties and responsibilities.
   h. Citizen Input: To solicit citizen input for Affirmative Action Programs and evaluation of said programs. Such solicitation shall include, but not be limited to, minority groups, women's groups, governmental agencies, and departments having a vested interest in the progress of Affirmative Action as it affects Door County.

5. Department Heads and Appointing Authorities
   To comply with the Door County Affirmative Action Program and accomplish its purposes, department heads and appointing authorities will have responsibility to:
   a. Interview each applicant certified without regard to race, sex, color, national origin, disability, marital status, sexual orientation, arrest or conviction record, or age.
   b. Certification: To certify to the Affirmative Action Committee the individual best qualified for the vacant position consistent with Affirmative Action goals and timetables.
   c. Introductory Period Progress Report: To submit to the Human Resources Department, at a point in time of not less than six (6) months after the starting date of each new employee, an Introductory Period Progress Report of the new employee's introductory period progress.
   d. Annual Performance Evaluation: To conduct an annual Performance Planning and Review session with each employee to discuss and evaluate:
      1. The quality of each employee's work and performance as prescribed in their job descriptions.
      2. Recognized achievements.
      3. Performance areas which require improvement.
      4. Career goals and the implementation of those goals.
   e. Copies: Submit copies of the annual employee Performance Planning and Review report to the Human Resources Director as well as those persons normally requiring such information.
   f. Recruitment: Assist the Affirmative Action Committee and the Affirmative Action Officer in the recruitment of new employees with emphasis on (1) minorities, (2) women, (3) employment disadvantaged, and (4) disabled persons.

g. Training: Advise employees of known sources of training for specialized skills which are needed by employees.
h. Recommendation: Provide the Affirmative Action Officer with any recommendation they deem appropriate to improve the Affirmative Action Program.
i. Population Analysis: Statistics are based on census figures available from the Wisconsin Employment Service.

2.2 EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

Replaces Policy	140.0
Adopted	07/02/1991
Reference	HB, Sec. X

It is the policy of Door County to recruit and select the most qualified persons for positions in Door County. In accordance with State Law and the guidelines of the Equal Employment Opportunity Commission, recruitment and selection shall be conducted in an affirmative manner to insure open competition and to provide equal employment opportunity to qualified individuals regardless of race, age, sex, religion, handicap, national origin, or political affiliation. Discrimination on the basis of age or sex, or physical disability will be prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration. For complaint and investigation procedures, see Affirmative Action Plan, Section E, Complaint Process.

2.3 ANTI-HARASSMENT POLICY

Replaces Policy	185.0
Adopted	12/01/2009
Reference	HB, Sec. XI

A. Purpose

It is recognized that there are two types of harassment:

General harassment and harassment based on protected membership. The purpose of this policy is to separately address the two types which are in conjunction designed to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination.

B. Policy

It is the policy of the County of Door that all employees have the right to work in an environment free of all forms of harassment. The County of Door will not tolerate, condone, or allow harassment by any employee or other non-employees who conducts business with the County of Door. The County of Door considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the County of Door shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this County of Door policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

C. Prohibited Activity - Sexual Harassment and Harassment

1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
   a. Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
   b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

2. General harassment is any verbal, written, visual, or physical act that creates a hostile, intimidating, or offensive work environment or interferes with an individual's job performance. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
3. Class-based harassment: Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation, creed, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the County of Door.

D. Covered Individuals

Individuals covered under this policy include employees and applicants for employment, volunteers, members of the public, elected officials, and appointed boards and commissions.

E. Supervisory Responsibilities

Each supervisor shall be responsible for preventing prohibited activities as defined above and for the following.

a. Stop: Stopping any observation that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
b. Take Immediate Action: Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending thorough investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible, and, if non-voluntary, should be temporary pending the outcome of the investigation.
c. Assist Employees: Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment by documenting and filing a complaint with the Human Resources Director as designated by this agency.
d. Retaliation: Monitoring to ensure that retaliation does not occur is the responsibility of the Human Resources Director, supervisors, and the appropriate internal investigative authority.

F. Employee Responsibilities

1. Assist in Prevention: Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
   a. Refrain from Participation: Refraining from participation in or encouragement of actions that could be perceived as harassment;
   b. Report Act: Reporting acts of harassment to a supervisor; and
   c. Encourage Reporting: Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor and/or Human Resources.

G. Complaint Procedures

1. Encourage Employees: Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.

2. Report Incidents: Any employee who has unsuccessfully attempted to terminate the harassment by means of Section 1, above, and who believes that he or she is being harassed

shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, Human Resources, the County Administrator, or Corporation Counsel.

3. Supervisor Documentation: The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s), and the date(s) on which it occurred.

4. External Reporting: An employee should utilize the county's internal reporting procedure first. However, if after utilizing this procedure the complainant does not feel the complaint has not been adequately addressed, the employee may file a complaint with either or both of the following:

   a) State of Wisconsin Equal Rights Agency
      201 East Washington Avenue
      Madison, WI 53703
      Phone: (608) 266-6860
   b) Equal Employment Opportunity Commission
      210 Martin Luther King Boulevard
      Madison, WI 53703
      Phone: (608) 266-4910

5. Human Resources Director: If the employee exercises the reporting options of (a) or (b), above, they must file a copy of the complaint with the Human Resources Director within 24 hours of filing of the complaint.

6. Internal Authority: The internal investigation authority (Human Resources Director) shall be responsible for investigating any complaint alleging harassment or discrimination.

7. General harassment complaints should be filed with Human Resources.

8. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the County of Door and by federal statutes.

   Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

9. Confidentiality: The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

10. Complaints: Employees accused of harassment may file a grievance/appeal in accordance with County of Door procedures when they disagree with the investigation or disposition of a harassment claim.

H. DEFINITIONS

1. Verbal Sexual Harassment: Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwelcome sexual flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions, or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

2. Non-Verbal Sexual Harassment: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet, or other such sources as a means to express or obtain sexual material, comments, etc., printed or written materials including

offensive cartoons, suggestive or offensive sounds, whistling, catcalls, or obscene gestures. Any material which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.

3. Physical Sexual Harassment: Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.
4. Other Forms of Harassment: Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve. Use or nonuse of lawful products away from work is prohibited under this policy and s.111.31-111.39, Wis. Stats.
5. Harassment on any Basis (race, sex, age, disability, etc.) exists whenever: Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.
6. Unwelcome Conduct: Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.

2.4 CREATION AND CLASSIFICATION OF POSITIONS

Replaces Policy	130.0/135.5
Adopted	11/28/2006 / 06/21/2010
Reference	HB, Sec. XIII

A. Process for Determining Whether and When a Vacant Position Should be Filled

If it is determined that a vacancy exists, then the request to fill such vacancy shall proceed as follows:

1. Department Head Responsibilities - The department head must complete the Vacant Position and Job Analysis forms, update the existing (or create a new) job description, and then submit all to the Human Resources Director.
2. Finance Department Responsibilities – Finance will prepare a fiscal impact statement and provide the same to the Human Resources Director.
3. Human Resources Director and County Administrator Responsibilities
   a. The Human Resources Director shall review the request to fill the vacancy with the department head.
   b. The Human Resources Director will communicate the request to the County Administrator.
   c. If there is a need for further review a desk audit will be conducted.
   d. The Human Resources Director will prepare a memo summarizing the review and recommendation, and submit the same to the County Administrator. This memo, when in final form, will be forwarded to the oversight committee and Administrative Committee.
4. Oversight Committee
   a. The Department Head will appear before, and communicate the request and recommendation to the oversight committee.
   b. The oversight committee will consider, recommend approval or denial, and forward its recommendation to the Administrative Committee.

5. Administrative Committee
   a. The Department Head, Human Resources Director, and County Administrator will appear before, and communicate the request and recommendations to, the Administrative Committee.
   b. The Administrative Committee will consider, make a final recommendation as to approval or denial.
      - If the request is approved, the position may be filled.
      - A denial of the request will not necessarily, but may, result in deletion of the position from the table of organization.

B. Process for Filling Non-Bargaining Unit Positions

1. Post and Advertise: Upon approval to refill, the position will be posted on the Human Resources Department bulletin board and advertised in media deemed appropriate for the position. Advertising information will be coordinated through the Human Resources Department. All advertisements for a position shall include appropriate Equal Employment Opportunity language.
2. Applications will be accepted as outlined in 2.4 G, below. Applications for the vacant position will be reviewed by the Department Head and Human Resources Director and best qualified applicants will be invited to participate in the next step of the selection procedure. When interviews are conducted, the guidelines of this manual shall be followed.
3. Selection: Upon selection of the qualified applicant, the Human Resources Department will inform the successful applicant by letter of his/her selection, the salary, and start date. All unsuccessful applicants will be so informed by the Human Resources Department. The new employee will report to the Human Resources Department on the start date to complete the necessary forms.

C. Process for Filling Department Head Positions

1. The "request to fill a vacant position" form, (see form) which should include a review/validation of the position description and compensation, must be completed and signed by the Human Resources Director, and then submitted to the County Administrator.
2. The County Administrator shall submit the "request to fill a vacant position" form along with his/her recommendation to the oversight committee and Administrative Committee for review and determination of whether or not the vacancy will be filled.
3. Upon approval to fill the vacancy, recruitment shall proceed.
4. The County Administrator will appoint and supervise the heads of all departments as set forth in Sec. 59.18(2) (b), Wis. Stats.
5. Any appointment by the County Administrator requires the approval of the County Board unless the board, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under Sec. 59.52(8) or Ch. 63, Wis. Stats.
6. Any Department Head appointed by the County Administrator may be removed at the pleasure of the County Administrator unless the department head is appointed under a civil service system competitive examination procedure established under Sec. 59.52(8) or Ch. 63, Wis. Stats.
7. An interim appointment is a temporary assignment for at least two (2) weeks' duration, which requires approval by the County Administrator with communication to the County Board. The Human Resources Director shall recommend to the County Administrator the appropriate rate of pay for the temporary assignment.

D. Process for Filling Positions for Temporary Employees/Seasonal Employees /Limited Term Employees (LTE)

1. Approval: When there is a demonstrated need for a temporary employee, the department head shall discuss the merits of request with the County Administrator. After considering the

merits of the requested position, the County Administrator shall direct the department head either submit or not submit the request to the Human Resources Department for the hiring process.

2. Recruitment: Where there is a demonstrated need for seasonal work, the Department Head shall first discuss the merits of the request with the County Administrator. If the department head obtains approval for hire then the request and approval shall be submitted to Human Resources for continuation of the hiring process.
3. Employment Agencies: Utilization of employment agencies may be considered.
4. Applications: If applications are required, they will be reviewed by the applicable Department Head and the Human Resources Director and those most qualified will be invited for an interview.

E. Process for Unpaid Student Interns

If such is "incidental to the pursuit of higher education" and the student will receive credit but is not paid for an internship, the minimum Door County requires is:

1. Department Head Letter: Initial letter of intent from Department Head with copies to oversight committee and Human Resources Department, to include intern duties and dates.
2. Student Enrollment verification: i.e., proof student is admitted to the school/university the same semester in which the internship takes place.
3. Internship credit authorization: [such may take the form of a letter] from the school.
4. Internship offer and acceptance letter.
5. Intern Resume.
6. Documentation: Copies of all documentation from school/university to be placed on file in the Human Resources Department to include correspondence with student and school, Internship parameters, evaluations and letters of recommendation/completion.
7. Intern – Orientation: Student Interns will need to attend an Orientation provided by the Human Resources Department intended to provide the intern the general policies and guidelines of the county government work setting.

F. Pre-employment testing and Background Checks

Pre-employment, or after job offer extended, background and reference-checking, screening, testing, examination, and/or other investigation shall be conducted as deemed necessary and in accordance with state and federal law.

G. APPLICATIONS

Replaces Policy	105.0
Adopted	05/24/1994

1. Definition: County Employment Application forms are available through the Door County Human Resources Department. Applications will be accepted only when a position is advertised/open for job placement.
2. Complete vs. Incomplete Application: All questions/areas on the application form which are related to the position being applied for must be answered/completed. All applications must be signed. Applications shall be reviewed for completeness by the Human Resources Department. Resumes will not be a substitute for the Door County application, although resumes may be submitted as a supplement to a County Employment Application form. **Incomplete applications will not be considered.**
3. Application Retention: Applications shall be retained in accordance with applicable Federal and State laws and regulations.

H. ORIENTATION

Replaces Policy	150.0
Adopted	7/23/1991

Purpose
Door County will follow established orientation procedures. All new or promoted County employees will receive orientation on all necessary policies and procedures.

On the first day of employment, or as soon as possible after beginning employment, all new employees will report to the Human Resources Department to complete the necessary forms. These forms shall include, but are not limited to:

- W-4 - Federal Withholding Form
- State Withholding Form
- Health/Dental Insurance Application
- Wisconsin Retirement System Participation Form
- Life Insurance Application
- I-9 - Employment Eligibility Verification
- Direct Deposit Form

The Human Resources Department will advise the new employee of the available benefit programs and provide him/her with a Handbook and Administrative Manual as well as benefit information explaining the benefit availability and usage, as well as other policies and procedures.

The new employee shall then report to his/her work site and supervisor for departmental orientation. This orientation shall include introduction to co-workers, work standards, job description, break/lunch periods, restrooms, supplies, and so on.

III. FORMS: Request to Fill/Refill Position, Job Description, Job Analysis fiscal impact - add

2.5 EMPLOYEE COMPENSATION

Replaces Policy	155.0/160.0
Adopted	12/17/1996 / 7/2/1991

THIS SECTION WILL REQUIRE FURTHER REVIEW UPON COMPLETION OF THE COMPENSATION STUDY

A. The payroll period is two (2) weeks and begins on Sunday and ends on Saturday. Payday for all County employees is every other Friday. Employees are paid every other Friday for hours worked the previous two weeks, constituting a one-week holdback of wages.

B. The paycheck earnings and deductions statement shall indicate regular hours worked, overtime hours worked, the rate of pay, and all deductions made in the payroll system. Federal laws require that income and social security taxes be withheld from paychecks. State laws require the withholding of an additional amount for state income tax purposes.

C. Door County reserves the right to limit the number of payroll deductions according to the capabilities of the payroll system.

D. Special Pay

Crisis Premium
FLSA exempt employees within the Department of Human Services will receive fifty dollars ($50.00) per week-day (Monday – Friday), seventy five dollars ($75.00) per weekend-day (Saturday and Sunday), or ninety dollars ($90.00) per paid holiday (i.e., any holiday recognized in the Employee

Handbook), when designated to be on call (for crises) and required to carry a pager or a cellular phone for a full (24-hour) day. Only two employees shall be on call per day.

Holiday Premium
FLSA non-exempt employees (except public safety employees and Bridgetenders) required to work a scheduled holiday will receive time and one-half for actual hours worked on the scheduled holiday. This shall be in addition to, and not in lieu of, **payment** for the **holiday** as provided in Section 2.9 herein.

Call-Out Premium
FLSA non-exempt employees (except public safety employees) will receive a minimum of two (2) hours pay (at their applicable straight-time or overtime rate) if the employee is called to work outside of his/her regular work schedule. Home to work and work to home travel is not work time.

Foreman Premium
FLSA non-exempt employees in the Highway Department will receive fifty cents ($0.50) per hour when assigned to oversee the operations of the department in the absence of management.

Hot Mix Premium
FLSA non-exempt employees in the Highway Department will receive premium pay of $2.00 per hour when performing Hot Mix Operator duties.

Winter Operations Premium – Ice and Snow Removal
FLSA non-exempt employees in the Highway Department will receive one and one half (1.5) times their regular rate of pay for non-FLSA overtime hours worked (on snow and ice removal) outside of his/her regular work schedule.

Telecommunicators
Shift Differential: Fifty ($.50) cents per hour for the 3:00 p.m. - 11:00 p.m. shift; and
Seventy ($.70) cents per hour 11:00 p.m. - 7:00 a.m. shift

Anti-Stacking
Stacking of Special Pay is prohibited.

2.6 RECLASS/REALLOCATION REALLOCATION (this will be discussed in more detail during the Wipfli review)

Replaces Policy	390.0
Adopted	6/27/2006

Purpose: To provide standard criteria to be used when submitting requests for reclassification or reallocations.

General

The Human Resources Director, subject to oversight and approval of the County Administrator and Administrative Committee, is responsible for determining the job classification for all positions. A job classification assignment is determined at the time a position is first created and may be reviewed at the time it is refilled. A reclassification request may be made one time per year, and then only as part of the annual budget process.

Definitions:

Reclassification is the upgrading or downgrading of a position based upon significant change in duties and responsibilities whereby the overall level of duties and responsibilities of a given position are comparable to those of a different classification.

Reallocation is a change in the pay range assigned to a classification according to an increase or decrease in the "market value" or "internal equity" of an entire classification and does not involve a significant change in the duties and responsibilities in that classification.

Reclassification Process

The classification of a position is determined by the duties and responsibilities assigned to the position. Classification decisions are not based on an employee's job performance, length of service, training, or education.

The decision regarding a reclassification involves relating the major emphasis, or majority of duties, to an appropriate classification. Many positions perform duties that relate to more than one classification; a position's classification , however, must reflect the majority (51%) of duties of the position including the key and exclusive duties attributed to that classification.

The burden of proof and persuasion rests with the person seeking reclassification with support from the Department Head. Consideration for reclassification will be given only if the new duties and responsibilities:

a. Occupy a substantial portion of the incumbent's work time and reflect a permanent job change within the past twelve (12) months involving the assignment and performance of higher-level duties and responsibilities.
b. Are clearly of a higher or lower-level classification which more appropriately identifies with the complexity and accountability of those in other classifications.

Procedure

To request reclassification, the employee and the employee's department's head shall:

- Prepare a written request setting forth, in detail, the bases for the request; and
- Complete the Position Reclassification Review Questionnaire; and
- Draft a proposed updated position description which accurately reflects the position's current duties and responsibilities.

All reclassification requests shall be submitted directly to the Human Resources Director no later than June 15 of any year. Submitted requests will be reviewed by the Human Resources Director, whose review should include an interactive process with the employee and the employee's supervisor. The Human Resources Director would then set forth the bases for his/her conclusions in writing and forward to the County Administrator for review and approval or denial. Upon approval or denial by the County Administrator, the written decision shall be provided to the employee, with a copy to the Administrative Committee.

Effective Date

All reclassifications that are approved as part of the annual budget process will become effective no earlier than January 1 of the year following approval.

Reallocation Process

1. Consideration for reallocation will be given only if:
   a. The change in market value warrants,
   b. There is a strong discrepancy with internal equity,
   c. Budgetary funds are available.
2. An increase (or decrease) in the volume of workload, the length of service of the incumbent, the qualifications of the incumbent, and the incumbent's proficiency in performing assigned duties and responsibilities shall not be factors for consideration in reallocation requests.
3. All reallocation requests from Departments shall be submitted directly to the Human Resources Director no later than June 15 of any year. Requests submitted must include the following:
   a. A detailed narrative report describing internal and market comparables,
   b. Fiscal impact.
4. The Human Resources Director, with support from the County Administer, will provide a recommendation to joint Finance/Administrative Committee for recommendation to County

Board. If the reallocation request is granted, and the governing committees/County Board certifies availability of funds by the department, the reallocation shall be effective on January 1 of the following year after approval.

Disclaimer

Nothing herein should be interpreted as interfering with or limiting the County's inherent authority to act, or County's autonomy and latitude, with respect to classification or reclassification of a position.

2.7 EMPLOYEE ASSISTANCE PROGRAM

Replaces Policy	225.0
Adopted	04/01/2012
Reference	HB, Sec XV

The Employee Assistance Program Policy of Door County is based upon the belief that there are responsibilities on the part of the employer with regard to matters of employee health and safety. The Employee Assistance Program is intended to: improve employee care, morale, and achieve greater operational efficiency by either allowing the employees to seek out such assistance on their own or providing them with a system to seek out assistance as deemed necessary by their job performance.

A. DEFINITION

Under this program, behavioral-medical issues shall be defined as those illnesses and problems which repeatedly interfere with the individual's health and job performance (some of which may be emotional illnesses, alcohol, or other drug abuse).

B. OBJECTIVE

1. Door County is concerned with alcoholism, other drug dependency, and emotional problems when they affect the employee's job performance, safety, and/or health, and encourage employees who suspect that they have symptoms to voluntarily take advantage of the counseling and treatment services of the screening agency by contacting them directly. Family members of employees having these types of problems may also use them voluntarily.
2. To assist employees in areas of illness and personal problems that interfere with their capacity to perform their job.

C. PURPOSE

It is hoped that this program will encourage employees who may have such behavioral-medical illnesses to take advantage of diagnostic, counseling, and treatment services available in the community.

D. POLICY

1. The employee's job security will not be jeopardized by a request and/or referral for diagnosis and treatment.
2. The confidential nature of the medical records of employees with behavioral-medical problems will be preserved in complete confidence, as are all other medical records.

The illnesses referred to in this policy will receive the financial coverage and/or benefits applicable under our established employee benefit program.

3. It is the responsibility of the employee to comply with the referral for diagnosis and treatment. If an employee refuses to accept diagnosis and treatment, the case will be handled as are other cases of deteriorating job performance.

4. An employee's job performance may also be affected when a member of his/her family is afflicted with these behavioral-medical illnesses. Therefore, we extend the same offer of assistance to any member of his/her immediate family.

E. REFERRAL PROCESS

1. Employees involved in disciplinary action are to be offered the Employee Assistance Program as part of any disciplinary interview.
2. An employee wishing to utilize the services of the Employee Assistance Program shall advise the Human Resources Department of their selected provider. If such services are recommended for disciplinary purposes, the employee will authorize release of information from the provider to the Human Resources Department as a means of monitoring the recommended treatment.
3. Services may be provided during working hours. The employee should be instructed to utilize their applicable sick leave program.
4. The employee may elect to use providers of the County, such as the Department of Community Programs. Contact and referral will be made directly through the employee and the Community Programs personnel. Any services provided through Community Programs will be in strict confidence.
5. Employees who elect to use the County Employee Assistance Program may use other services outside of the employer. The same program policy and procedures will be used.

2.8 INSURANCE

Replaces Policy	240.0
Adopted	12/18/2001
Reference	HB, Sec. XV

A. All new or returning employees working in qualifying positions shall complete enrollment forms necessary to begin insurance coverage as follows:

1. DENTAL INSURANCE

Full-time employees and part-time employees working 1,248 or more hours per year.

New or rehired employees shall be eligible for coverage on the first of the month after beginning employment.

When an employee leaves employment with Door County, coverage will cease on the last day of the month in which the employee actually worked (i.e. last day employee is on duty and physically present at the prescribed place of work). Continuation of coverage is available as provided by law under the COBRA provisions.

Retiring employees are eligible to continue dental coverage by making the appropriate payments.

2. HEALTH INSURANCE

Full-time employees shall be eligible for coverage on the first of the month after beginning employment.

Single or family coverage is provided to new employees. Employees shall contribute a percentage of the monthly premium for either a single or a family plan; or if covered by a bargaining agreement, comply with the terms of the agreement.

If both spouses are employed by the County, the County will pay for only one (1) family plan.

When an employee leaves employment with the County, insurance coverage will cease on the last day of the month in which the employee actually worked (i.e., last day employee is on duty and physically present at prescribed place of work). An employee leaving

employment with the County is eligible to continue coverage by making self-payments as provided under the COBRA provisions of federal and state law.

3. LIFE INSURANCE

All regular full-time and part-time employees who work in a covered position are eligible for life insurance through the Wisconsin Group Life Insurance Program.

Coverage is based on annual earnings of the employee rounded off to the next higher thousand dollar. A portion of the life insurance premium shall be deducted from the regular salary of the employee as their contribution to the life insurance plan.

Employees covered by the Basic Life Insurance coverage may elect additional insurance coverage which includes an additional amount equal to the employee's yearly earnings along with Accidental Death and Dismemberment Coverage. Employees electing to participate in this program will have the premium deducted from his/her paycheck each month.

Employees who desire not to participate in the life insurance program must file a waiver with the Human Resources Department.

Employees who are covered by life insurance through the Wisconsin Retirement Fund are eligible for Spouse and Dependent coverage. This plan provides term life insurance coverage for the employee's spouse and for each dependent child. The premium payment is deducted from the employee's paycheck each month.

Those employees on an approved leave of absence may continue life insurance coverage. Payment of the full premium is the responsibility of the employee while on leave without pay.

4. UNEMPLOYMENT COMPENSATION

All eligible employees of Door County are covered under the Wisconsin Unemployment Compensation Laws.

2.9 HOLIDAYS

Replaces Policy	235.0
Adopted	11/28/2006
Reference	HB, Sec. XV

Nine paid holidays are provided for employees as follows:

1. New Years Day
2. Memorial Day
3. Independence Day
4. Labor Day
5. Thanksgiving Day
6. Friday After Thanksgiving
7. Christmas Eve
8. Christmas Day
9. One Personal Holiday

A. Introductory Period: Employees in their respective introductory period are eligible for holiday pay.

B. Eligibility: To be eligible for holiday pay, an employee not on paid status must have worked the scheduled hours on the last workday prior to the holiday and the scheduled hours of work on

the workday following the holiday in order to receive holiday pay. No payment shall be made for employees out on worker's compensation or unpaid medical leave.

C. Holiday on Weekend: When a full day holiday falls on a Sunday, the following Monday shall be observed as the holiday. When the holiday falls on a Saturday, the preceding Friday shall be the observed holiday.

D. Personal Holiday: An employee eligible to use the personal holiday shall obtain prior approval (no less than two days) from the department head (or designee). The actual day of the holiday may be designated by the employee provided approval has been obtained from the department head. The department head will respect the wishes of the employee as to the day off insofar as the needs of the County will permit.

E. Part-Time Employees: Part-time employees shall be granted pro-rated holiday time, using the same ratio as other benefit calculations.

F. Limited term employees (LTEs) and seasonal employees are not eligible for holiday pay.

2.10 PAID TIME OFF

Replaces Policy	295.0
Adopted	11/28/2006

General

Door County offers a leave package which encourages employees to carefully plan their time away from work and maximize time spent on the job. It is the County's belief that employees empowered to control their time at work and away from work will do so judiciously and responsibly.

Paid Time Off (PTO) provides regular, full-time and certain part-time, General Municipal employees and non-represented Public Safety employees with the opportunity for days away from work with pay. Accrued PTO days may be used for vacation, personal time, illness or time off to care for dependents.

Subject to the following, use of PTO, including the increments, is at the sole discretion of the department head. PTO must be scheduled, and approved by the department head or designee, in advance, *except* in cases of illness or emergency. PTO may be scheduled in increments of not less than one-half (½) hour. PTO does not cover holidays.

Introductory employees shall have use of accrued PTO. PTO for part time employees (working 24 hours or more per week) will be prorated as provided in Section 1.3 B. above.

PTO encompasses sick, vacation and personal time. PTO is earned on an employment year basis and is accrued, if employee is in paid status, on the following schedule:

Completed Years of Service	**Bi-Weekly Accrual**	**Maximum Annual Accrual Limit**			**Maximum Annual Use**		
	Hours	**Days**	**Weeks**	**Hours**	**Days**	**Weeks**	**Hours**
0 – 4.99	**5.85**	**19**	**3.8**	**152**	**28.5**	**5.7**	**228**
5 – 10.99	**7.38**	**24**	**4.8**	**192**	**36**	**7.2**	**288**
11- 16.99	**8.92**	**29**	**5.8**	**232**	**43.5**	**8.7**	**348**
17 or more	**10.46**	**34**	**6.8**	**272**	**51**	**10.2**	**408**

Transfer of PTO or EUSL by or between employees is not allowed.

Paid time off used in any calendar year shall not exceed one and one-half (1½) times the maximum annual accrual (See: Maximum Annual Use column in the chart above). For example an employee in the 0 – 4.99 years of service may not take more than 28.5 days/ 5.7 weeks /228 hours in any given year.

Upon voluntary separation from employment Employees will be paid their earned but unused PTO up to the maximum annual accrual limit. Any remaining earned and unused PTO has no cash value and will not be paid out upon employee's separation from employment.

Earned Unused Sick Leave (EUSL)

A EUSL will be created for each employee who has accrued sick time at the time of transition to PTO. Earned and unused sick leave, as of the date of PTO plan implementation, shall be deposited into employee's EUSL.

The EUSL will be available for use after three (3) consecutive workdays or 24 hours of intermittent absence, provided the necessity for leave continues (i.e., is medically demonstrable). Certification by a licensed practicing physician is required after ten (10) consecutive workdays of absence. EUSL is the first bank that must be used. EUSL may also be used for bereavement leave.

Any remaining EUSL (i.e., that which was deposited into the employee's EUSL upon PTO plan implementation) will be paid out at fifty percent (50%) upon separation from employment if employee completes twenty (20) years of County employment.

Questions about this PTO policy should be referred to the Department Head or the Human Resources Department.

Short Term Disability Plan

Group short term disability insurance will be made available to employees eligible for PTO. Employees may select a plan from among those made available. Employees shall pay one hundred percent (100%) of the premium.

Administrative Leave

Door County has offered employees, occupying positions classified as exempt under the Fair Labor Standards Act (FLSA), forty (40) hours of paid Administrative Leave. Such is offered annually, on a "use it or lose it" basis.

Employees who enjoy the benefit of Administrative Leave, as of December 31, 2013, will continue to do so. Those employees who do not enjoy the benefit of Administrative Leave as of, and those employees hired after, December 31, 2013, will not be granted Administrative Leave.

2.11 DISCIPLINE

Replaces Policy	115.0

Policies, rules, and standards should be consistently applied. Penalties should be uniform and match the infraction. Persons administering corrective discipline should systematically document the issues. Records of reprimands and copies of written warnings, suspensions, demotions, or terminations should be provided to the employee, to the employee's supervisor, and be kept in the employee's personnel file. All infractions will be discussed with the Human Resources Director before any action is taken.

2.12 GRIEVANCE SYSTEM CAN BE FOUND IN THE DOOR COUNTY HANDBOOK SECTION XVI

Replaces Policy	115.0
Resolution 9-2011	2011-75

2.13 HIPAA POLICY

It is the policy of Door County that its elected officials, appointed officers, and employees shall comply with the Privacy Requirements of the Health Insurance Portability and Accountability Act ("HIPAA"), as set forth in 45 Code of Federal Regulations, §160 et seq., and §164 et seq., or as thereafter amended or revised.

2.14 EMPLOYEE TRAINING AND DEVELOPMENT

Newly created and replaces Policy	226.0 & 330.0

The purpose of this policy is to provide employees with professional development opportunities that increase their skills and enhance their contributions to the organization.

The work performance of an employee is a vital key to the success of our organization. Providing professional development to our employees is an investment in their careers and the organization's future.

Full-time regular employees are eligible for reimbursement for education costs that are approved by the organization. It is the employee's responsibility to seek out the courses and other training media that will enhance his or her career development and are in line with the organization's mission and bring them forth to the immediate supervisor.

Process to follow when interested in training opportunities:

1. All regular full-time employees are eligible for professional development reimbursement.
2. Employees must request permission from their immediate supervisor for review and approval to attend and to receive reimbursement for desired training and/or resource. The request must include applicable course of study, purpose, job relevance, cost, dates, times of coursework, and name of the institution or source of training.
3. Upon satisfactory completion of the training and/or coursework, the employee must provide documentation to support completion and payment in order to receive reimbursement.
4. Eligible employees are entitled to 10 working days per year of professional development to be approved at the discretion of management and the business needs.

As a matter of record, employees accepting the terms of this policy will be required to provide written authorization of the acceptance, as well as an agreement to remain with the organization for one year from the date of the educational reimbursement. If the employee terminates within that year, he or she will be required to pay a monthly prorated amount to the organization.

Example: If the employee receives reimbursement June 1st, then decides to terminate November 1st, he or she will owe the organization seven months of the $1,000.00 reimbursement, as s/he will have worked only five (5) months since June by the time he or she terminates in November.

Twelve (12) months divided by $1,000.00 = $83.33, times seven months = $583.31 owed to the organization.

Pursuant to the provisions of Section 59.22 (3), Wisconsin Statutes, employees and officers of Door County shall be reimbursed for all necessary expenses incurred in the performance of their respective duties subject to the conditions and limitations hereinafter set forth.

A. <u>HUMAN RESOURCES DEPARTMENT</u>

The Human Resources Department shall have the overall responsibility for the development, administration, and coordination of training programs of a general nature affecting County employees. In addition, the Human Resources Department shall:

1. Maintain a record of all training classes and programs to insure proper administration of the classes.
2. Assure that employee personnel files are updated upon successful completion of any classes and training programs to insure maximum consideration for placements, transfers, and promotions.
3. Review and recommend the employee development needs of employees in the County.
4. Assure that all employees receive equal consideration for appropriate training opportunities.

B. <u>DEPARTMENT HEAD</u>

Department Heads shall cooperate with the Human Resources Department to:

1. Determine current and future employee development needs.
2. Participate with the Human Resources Department in developing and implementing training programs.
3. Assess the effectiveness of the employee development programs and make recommendations for improvements and modifications.
4. Allow employee participation in training programs insofar that such participation does not interfere with the necessary operation of the department.
5. Submit all requests and/or mandates for employee training sessions, seminars, and conferences to the Department Head and County Administrator for approval prior to the date of the training.

2.15 EXPENSE REIMBURSEMENT

Replaces Policy	330.0
Adopted	06/28/2007

A. MEAL EXPENSES

1. In-State Travel

Meal expenses incurred by an employee while on official County business shall be reimbursed at the following rate:

Breakfast	$ 8.00
Lunch	$10.00
Dinner	$17.00
Total	$35.00

2. Out of State Travel

Reimbursement of meal expenses shall be in accordance with the U. S. Internal Revenue Service's standard meal allowance. The amount allowed varies, depending on where and when travel occurs.

3. General

No meal reimbursement will be granted if a conference, meeting, training, or other function includes a meal.

The meal amounts include tax but not gratuity. Deviation from the meal limits is permissible, but the maximum total for the eligible number of meals may not be exceeded in a day. The total daily meal allowance may be used for one or two meals only if the individual is eligible for all three meals.

Reimbursement shall be made only for expenses incurred while on official County business outside Door County or on Washington Island, and when the nature of business is that the meal is incorporated as part of such business. All meal reimbursements incurred while not away from home overnight are considered a fringe benefit and are taxable as per IRS ruling. This means that these meals will be a reimbursement through the payroll system and will be taxed as a benefit. All conference/seminar/training meals, overnight away from home, one day, must have the agenda of the event attached as backup before reimbursement. Meals included with the conference/seminar/training registration are tax free.

Reimbursement for meals which exceed one of the above rates shall be made in full when such meal is included in the cost of a conference, seminar, or meeting. Reimbursement shall be subject to submission of evidential documentation.

Receipts are required and, reimbursement for individual meals will not exceed amounts listed above.

B. MILEAGE & TRAVEL

Mileage shall be reimbursed at the applicable Internal Revenue Code standard mileage rate as actually incurred in the performance of official duties. The date, destination, and purpose of each trip shall be itemized with full detailed explanations.

Persons are obligated to use a County Vehicle whenever possible. If a person chooses to drive their own vehicle, and a County vehicle is available for use, mileage reimbursement is not available. In some situations, travel by a personal vehicle is reimbursable, with a written justification.

All employee travel out of state shall be approved by the Administrative Committee, or the County Administrator prior to each anticipated trip. Such request shall be made in writing to include the reason, duration, and specifics of the trip.

Advance payment must be requested from and approved by the County Administrator for training programs. Advance payment will not be made for meals and lodging unless it is included in the total program fee.

C. TELEPHONE

Telephone charges are reimbursable when necessary for official business.

D. LODGING

All lodging expenses outside of Door County or as approved by the County Board or County Administrator shall be reimbursed in full when incurred in the performance of duties, but must be supported by an original machine or hand printed receipt. A statement explaining the necessity for the lodging expense must accompany the lodging receipt with the expense voucher. Since many lodging establishments offer reduced government rates for official business, employees should ask for a government discount/contract rate when making lodging reservations.

If husband and wife occupy a room, the County shall reimburse only at the single room rate and the support statements must indicate such single rate.

E. REGISTRATION FEES

Registration fees for conferences, conventions, and seminars are reimbursable provided receipts are attached to the voucher.

All expenses incurred, such as transportation expenses when traveling by common carrier, or parking fees, or registration fees, etc., shall be reimbursed within reasonable limitations as may be set by each department head under any given circumstances, except that air travel shall not be at first class rates.

F. CONDITIONS

No expense not actually incurred shall be payable and all requested reimbursements shall be by itemized statement which shall have been approved by the department head involved and subsequently approved by the appropriate committee of the Door County Board or such other committee as the Board may designate. Whenever such committee may desire further explanations of any request for reimbursement, it shall be supplied before payment is allowed. The department head and/or the County Board committee designated may make such adjustment in expense vouchers as it deems reasonable.

Any employee who shall initially seek reimbursement for expenses not actually incurred or shall otherwise fraudulently apply for reimbursement of expenses shall be subject to immediate discharge by the department head without further notice.

PROCEDURE

A. GENERAL

Complete an Employee Development-Training Request Form and submit it to Department Head for approval. The Department Head, if approving the request, forwards the request to the County Administrator for approval.

1. Meals, Mileage, Parking, Tolls, Lodging, Registrations and Office Supplies Expense: Reimbursement for lodging, registrations, and office supplies must be requested on a County expense voucher.
   Prepare and submit an expense voucher once each month. Print or write legibly and make certain all applicable information is provided including the specific nature of official business and related expenditures.
2. Sign your voucher and double check to be sure computations are correct and that required supporting documents are attached.
3. The department head's approval (signature) is required on the voucher.
4. Retain a copy of your voucher for income tax purposes. IRS requires that you report reimbursement for mileage and meal expenses not involving overnight travel.
5. Copies of Expense Vouchers having requests for expense reimbursement are to be retained in the department of the employee by the department head for two years.

B. RECEIPTS

Attach machine or hand printed receipts for meals and lodging and a common carrier ticket receipt for all claims for transportation, except taxi and air limousine, to County expense voucher.

III. Appendix Forms: Employee Development-Training Request Form; County Expense Voucher

2.16 PERFORMANCE AND SALARY REVIEW PROCESS

Replaces Policy	175.0
Adopted	11/28/2006

The performance appraisal provides a means for discussing, planning, and reviewing the performance of each employee.

Regular performance appraisals:

- Help employees clearly define and understand their responsibilities, provide criteria by which their performance will be evaluated, and suggest ways in which they can improve performance.
- Identify employees with potential for advancement within the Organization.
- Help department heads distribute and achieve departmental goals.
- Provide a fair basis for awarding compensation based on merit.

Performance appraisals influence salaries, promotions, and transfers, so it is critical that department heads/supervisors be objective in conducting performance reviews and in assigning overall performance ratings.

PROCEDURE:

A. PERFORMANCE REVIEW SCHEDULE

Performance reviews are conducted on an annual basis during the first quarter of each year. Merit increases are not guaranteed and are based upon overall performance review, department head recommendation(s), and County financials. When provided, a merit increase may accompany a performance review if the employee's performance and salary level so warrant. The amount of increase should be consistent with the approved merit budget.

B. BUDGET INCREASE PLANNING

Overall merit budget allocations and individual merit increases are planned for and allocated prior to the start of each calendar year. The budget salary increase program is designed to assist Door County management in planning and allocating merit and promotional increases that:

- Reward individual performance; are market competitive; are internally equitable; are comparable
- with Door County's operating budget; and
- Are equitably allocated among individual employees, taking into consideration all available factors
- at one point in time.

C. PERFORMANCE REVIEWS--SALARY INCREASES

Each Door County Department Head is responsible for the timely and equitable assessment of the performance and contribution of his/her employees. A performance review does not always result in an automatic salary increase. The employee's overall performance and salary level relative to his/her position responsibilities must be evaluated to determine if a salary increase is warranted.

D. RESPONSIBILITY

The forms and spreadsheets provided by Human Resources will be used and the completed evaluation will be retained in the employee's personnel file.

The performance evaluation will be discussed and signed both by the employee and the immediate supervisor to ensure that all strengths, areas for improvement, and job goals for the next review period are clearly communicated.

The department head is responsible for completing the budget salary increase planning worksheet, obtaining budget increase approvals, and submitting the approved and final worksheet to Human Resources for processing.

Salary increases must be supported by a performance appraisal for salary change processing. The department head will not discuss any proposed action with the employee until all written approvals from Human Resources, County Administrator, and Administrative Committee are obtained.

Human Resources will review all salary increase/adjustment requests to ensure compliance with county policy.

2.17 UNPAID LEAVES OF ABSENCE

Replaces Policy	228.0
Adopted	2/14/2010

FAMILY MEDICAL LEAVE ACT (FMLA) – PURPOSE

This policy outlines the provisions of the federal and Wisconsin Family and Medical Leave Acts and the rights and obligations of employees and employers under both laws. The aim is to comply with, not be more generous than, the Federal Family and Medical Leave Act (FMLA) and the Wisconsin Family and Medical Leave Act (WFMLA). If there is any inconsistency between this policy and the provisions of the FMLA and/or WFMLA, then the FMLA and/or WFMLA will control.

POLICY

The Family and Medical Leave Acts provide eligible employees with up to 12 work weeks of unpaid protected leave each year. Under federal law, Door County uses a rolling 12 month period measured backward from the date an employee uses any FMLA leave. A "calendar year" is designated under Wisconsin FMLA law for specified family and medical reasons. The eligibility and entitlements are defined differently under federal and state law.

A. Eligibility

Employees are entitled to FMLA benefits if they:

1. **Federal** – Have been employed by the County of Door for at least 12 months (not necessarily consecutive) and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. **Time spent on paid or unpaid leave does not count in determining the 1,250 hour eligibility.**
2. **State** – Have been employed by the County of Door for at least 52 consecutive weeks and have worked for at least 1,000 hours during the 52 weeks prior to the start of the FMLA leave.

B. Qualifying Event and Amount of Leave

1. Eligible employees may take up to a total of 12 work weeks of unpaid FMLA leave in a rolling 12 month period for the following qualifying events:
   a. The birth or placement of a child for adoption or, under Federal FMLA, for foster care:
      i. State law provides up to 6 work weeks of unpaid leave for any one child.
      ii. Federal law requires that leave conclude within 12 months after the birth.
   b. To care for the employee's spouse, child, or "parent", including an individual who provided day-to-day care to the employee when the employee was a child.

Serious Health Condition

An illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice, or residential medical care facility; or
2. Under Wisconsin FMLA, outpatient care that requires continuing treatment or supervision by a health care provider (generally defined as requiring two direct, continuous, and first-hand contacts by a health care provider); or
3. Under the federal FMLA:
   a. A period of incapacity of more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      i. Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (i.e. physical therapist) under orders of, or on referral by, a health care provider; or
      ii. Treatment by a health care provider on at least one occasion, that results in a regimen of continuing treatment under the supervision of a health care provider.
         - The first or only in-person treatment visit must take place within seven days of the first day of incapacity.
         - Whether additional visits or a regimen of continuing treatment is necessary within the 30 day period shall be determined by the health care provider.
   b. Any period of incapacity due to pregnancy or for prenatal care;
   c. Chronic conditions requiring periodic treatment (defined as at least twice a year) by or under the supervision of a health care provider that continue over an extended period of time and may cause an episodic rather than a continuing period of incapacity (i.e. asthma, diabetes, epilepsy, etc.);
   d. Permanent/long term conditions requiring supervision for which treatment may not be effective (i.e. Alzheimer's, a severe stroke, or the terminal stages of a disease);
   e. Multiple treatments by or under the supervision of a health care provider either for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy), severe arthritis (physical therapy), or kidney disease (dialysis), domestic partner's (under Wisconsin FMLA), or parent (includes a parent-in-law and domestic partner's parents under the Wisconsin FMLA) with a serious health condition;
      i. State law provides eligible employees up to 2 work weeks of FMLA family leave.

ii. Care for a child does not include the children of the employee's domestic partner.

f. Family leave due to an employee's spouse, child, or parent being on exigent active duty or having been notified of an impending call or order to exigent active duty as a member of the reserve components of the Armed Forces or a retired member of the Regular Armed Forces or Reserve, in support of a contingency operation.

g. For the employee's own serious health condition that renders the employee unable to perform his/her job.

h. State law provides eligible employees up to 2 work weeks of FMLA medical leave.

2. Eligible employees may take up to a total of 26 work weeks of unpaid FMLA leave during a single 12 month period (beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ending 12 months after that date, regardless of the method used by the employer to determine the employee's 12 work weeks of leave entitlement for other FMLA-qualifying reasons) to care for a spouse, child, parent, or next of kin who is a member of the Armed Forces who suffered an injury or illness while on active duty that renders the person unable to perform the duties of the member's office, grade, rank, or rating.

3. During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 work weeks of leave under federal law.

4. Leave qualifying for both Wisconsin and federal FMLA leave will count against the employee's entitlement under both laws and will run concurrently. When the reason(s) for qualified leave differ, the leave may not run concurrently under federal and state law, and an employee may be entitled to more than 12 weeks of leave in a calendar year. This type of leave occurrence will be evaluated and reviewed with the employee at the time of the leave. Qualified leave taken under Worker's Compensation also will run concurrently with federal FMLA leave.

   Under the federal FMLA, spouses employed by the County are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent (but not a parent-in-law) who has a serious health condition.

C. <u>Non-Continuous or Intermittent Leave</u>

Employees are permitted to take leave on an intermittent (blocks of time) or reduced work schedule:

1. When it is medically necessary to care for a family member with a serious health condition or because of the employee's serious health condition.

2. When it is necessary to care for a family member or next of kin who suffered an injury or illness while on active duty, qualifying family members who are veterans receiving treatment, recuperation, or therapy for a serious injury or illness [the veteran must have been other than dishonorably discharged and must have served in the military at some point within the five preceding years].

3. To care for a newborn, adopted, or foster child. Federal FMLA leave for the birth or placement of a child for adoption or foster care may not be taken in non-continuous increments unless approved by the County. Under the Wisconsin FMLA, the last increment of leave for the birth or placement of a child for adoption must begin within 16 weeks of that birth or placement.

Medical or family caretaking leave should be planned so as not to unduly disrupt the County's operations. Employees requesting non-continuous federal FMLA leave that is foreseeable based on planned medical treatment for purposes of providing care to a child, spouse, or parent with a serious health condition or for the employee's own serious health condition may be required to transfer temporarily to an available alterative position for which the employee is qualified and which better accommodates recurring periods of leave than the regular employment position of

the employee. An employee temporarily transferred will receive the same pay and benefits, but may be assigned different duties.

Any employee who requests partial absence leave, intermittent leave, or reduced schedule leave must meet all notice and other obligations contained in the policy to qualify for the leave. The employee must notify the employer of the reason for the leave and provide a proposed schedule of the leave. Unless the leave involved is required on an emergency basis, an employee is expected to work with the employee's supervisor prior to scheduling treatment in order to work out a schedule that best meets the needs of the employer and the employee.

The County allows for intermittent leave to be taken in no less than one-half hour (30-minute) increments. The employee may not take, or be required to take, more leave than medically necessary to address the circumstances that caused the need for the leave.

D. Payments on FMLA Leave

In general, both Wisconsin and federal FMLA leaves are unpaid. The County may require employees, or employees may choose, to substitute paid leave for which they are eligible (such as vacation days, personal leave, compensatory time, or sick leave) for unpaid leave available under the federal FMLA; or, employees may choose to substitute available accrued leave for unpaid Wisconsin FMLA.

The County will require that any leave provided by a County collective bargaining agreement be substituted for federal FMLA leave.

E. How to Apply for FMLA Leave

1. Employees must submit a Request for Leave form to the Human Resources Department at least **30** days, or as soon as practicable, in advance of taking leave. If circumstances do not permit an employee to give notice in advance of taking leave, the employee must notify the Human Resources Department, and their immediate supervisor, and submit the Request for Leave form as soon as possible, but no later than three (3) days from start of leave. **Failure to give timely notice may result in the delay or denial of FMLA leave and may subject the employee to discipline under County policies.**
2. If the leave is for a family member's or the employee's serious health condition, the employee must submit a medical certification from the employee's or the family member's health care provider within **15** days. If an employee does not provide the required certification by the designated deadline, or if the County determines that an employee's absence is not covered as FMLA leave, the leave may not be designated as Wisconsin and/or federal FMLA leave, and the employee may be subject to discipline under County attendance policies unless he or she uses accrued paid leave (like PTO) and/or is granted a non-FMLA leave of absence.
3. Second or third certifications at the County's expense and periodic re-certifications at the employee's expense may be required under certain circumstances. The County requires periodic reports during federal FMLA leave regarding the employee's status and intent to return to work.
4. Forms are available through the Human Resources Department or on the 'P drive'.

F. Health Insurance Benefits

Group health insurance coverage will be maintained for employees while they are on FMLA leave, on the same terms as if the employee continued to work. The employee will be required to pay his/her regular portion of health insurance premium payments on a schedule established by the County. Other benefits, including cash payments chosen by the employee rather than group health insurance coverage, will not be maintained during periods of unpaid FMLA leave.

The County may recover its share of health insurance premiums paid during a period of unpaid FMLA leave from an employee if the employee fails to return to work (for a minimum of 30 calendar days) after the expiration of the leave. The County may not collect the premiums if the reason the employee does not return is due to continuation, recurrence, or onset of a serious

health condition that would entitle the employee to leave under FMLA, or other circumstances beyond the employee's control.

The County may discontinue health insurance benefits if the employee fails to make a premium payment within 30 days of the due date after providing written notice to the employee of the cancellation of coverage for non-payment.

G. Other Benefits

Benefits that accumulate based upon hours worked shall not accumulate during the period of FMLA leave. Qualified FMLA leave may be counted as an absence under the County's attendance policy. In addition, an employee may be disqualified from an attendance reward program, and/or any reward may be reduced for having taken unpaid FMLA leave.

Other County benefits, e.g., life insurance coverage, may be continued during periods of unpaid FMLA leave, and arrangements should be made for employee's portion of the payments with the Human Resources office.

H. Worker's Compensation and Light Duty

Federal FMLA will run concurrent with worker's compensation provided that the injury meets the criteria for a "serious health condition", as defined by law. Substitution of accrued paid leave is not allowed for Worker's Compensation absences unless an applicable labor agreement provides otherwise.

If an employee accepts a light duty assignment while on worker's compensation, that time may not count against the employee's family or medical leave entitlement. If the light duty position is declined and the employee elects to stay on FMLA leave, the employee may give up their worker's compensation benefits.

I. Return to Work

Any employee returning from FMLA for their own serious health condition may be requested to provide a "Fitness for Duty" statement signed by their treating physician. Upon return from FMLA leave, an employee shall be restored to his or her original position or, if the position is not vacant, to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

The employee is expected to give reasonable notice, a minimum of two (2) days, to the employer where early return to work is foreseeable.

An employee will not be restored to their original or equivalent position if they are unable to perform the functions of their job because of a mental or physical condition.

DEFINITIONS

A. Child

Biological, adopted, or foster child, stepchild, legal ward, or, under the federal FMLA, the child of a person having day-to-day care of the child, or a child of a person standing "in loco parentis," who is under 18 years of age or 18 years of age and older and incapable of self-care because of a serious health condition.

B. Covered Service member (Federal FMLA)

A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A qualifying family member who are veterans receiving treatment, recuperation, or therapy for a serious injury or illness. Serious injury or illness may include those illnesses and injuries incurred while in the line of duty and on active duty, but also preexisting illnesses and injuries aggravated by such service.

C. **Domestic Partner (Wisconsin FMLA)**
Same-sex couples who register in their county of residence and same-sex and opposite-sex couples who are not required to register must meet one of the following criteria.

1. To qualify as registered domestic partners, two individuals must meet the following criteria: at least 18 years of age and capable of consenting to the relationship, not married to, or in a domestic partnership with another individual, not more closely related than second cousins (whether of the whole or half blood or by adoption), sharing a common residence, and members of the same sex.
2. To qualify as domestic partners without registration, two individuals must meet the following criteria: at least 18 years of age and capable of consenting to the relationship, not married to, or in a domestic partnership with another individual, sharing a common residence, not be related by blood in a way that would prohibit marriage under Wis. Stat. Chapter 770, consider themselves to be members of each other's immediate family, and they must have agreed to be responsible for each other's basic living expenses.

D. **Incapable of Self-Care**
The individual requires active assistance or supervision to provide daily self-care in three or more of the **activities of daily living** (i.e. grooming, hygiene, bathing, dressing, eating) or **instrumental activities of daily living** (i.e. cooking, cleaning, shopping, utilizing public transportation, paying bills, maintaining a residence, using telephones and directories, and using a post office).

E. **Next of Kin (Federal FMLA)**
The nearest blood relative other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

F. **Parent**
Biological parent, foster parent, adoptive parent, step-parent, or legal guardian of an employee, or parent-in-law or domestic partner's parents under the Wisconsin FMLA. Under the federal FMLA.

OTHER LEAVES OF ABSENCE

Any employee who wishes to absent him/herself from his/her employment, for reasons not covered by any other provision, such as Paid Time Off (PTO), must make written application for a leave of absence from the employer. The employer shall determine whether or not justification exists for granting a leave of absence.

Unpaid authorized leave of absence results in a temporary suspension of paid time off accrual until active employment resumes.

PROCEDURE:
An employee wishing to take a leave of absence shall submit a written request including the duration of the absence, the purpose, and other information explaining the reason for the leave, to the Human Resources Director at least thirty (30) days in advance of beginning such leave.

The Human Resources Director will discuss the requested leave with the respective Department Head.

Each leave request under this provision shall receive a written response within five (5) working days of such request. A report which will include the date(s), the number of hours requested, and approval will be sent to the Finance Department for payroll processing.

The approved/denied request for leave will be retained in the employee's personnel file.

A leave of absence will be terminated:

- If the employee is employed outside of Door County, while on a leave of absence from Door County.
- If the employee fails to report to work on the agreed upon date.
- When the employee is reinstated as an active employee within Door County.

2.18 SECONDARY (OUTSIDE) EMPLOYMENT

Replaces Policy	352.0
Adopted	07/12/1991
Reference	HB Sec. XVII, II

Door County employees are allowed to hold employment outside of the County. Such employment shall be with written request and approval of the employer. Any outside employment shall not:

A. Interfere with the employee's availability for work.

B. Affect the health, safety, or welfare of the employee or the public.

C. Be in violation of any state, county, or municipal statutes, ordinances, or regulations.

D. Impair the reputation of the employer or employee.

E. Create conflict of interest situations contrary to the best interest of both employee and employer.

PROCEDURE

Employees considering a second job shall complete the Outside Employment Request/Authorization and submit the information to his/her department head.

Upon receipt of such request the department head will approve or deny the request. If a question exists as to the prohibition of the position, the department head shall consult the Human Resources Director for further discussion and ultimate approval or disapproval.

All approvals of outside work shall be reviewed by the department head on January 1 of each year at which time the employee may apply for approval of such employment. A copy of the request and departmental response shall be placed in the employee's personnel file in the Human Resources Department.

Employees holding outside employment must comply with the responsibilities of their County position. Non-compliance with these responsibilities shall be subject to disciplinary procedure.

2.19 SEPARATION FROM EMPLOYMENT

Replaces Policy	190.0
Adopted	11/28/2006

All employees are who are leaving County employment, except for temporary leave, such as sickness, vacation when applicable, Paid Time Off (PTO), or granted personal leave, must follow the process below. Any unapproved absences from work for more than three (3) continuous workdays shall be construed as voluntary termination from the County payroll system.

Submit, in writing, a letter indicating resignation or retirement, your name, current address, position held, and the last day of work to Human Resources.

All property must be returned to Human Resources on the last day of County employment, e.g., keys, tools, uniforms, badges, etc. (See Human Resources for a complete listing of property issued.)

An Exit Interview Form will be sent to each employee separating from the County. Employees may indicate on the form if they wish to meet in person with the Human Resources Director.

Employees may retire from County employment when eligible under the Wisconsin Retirement System. Employees should contact the Department of Employee Trust Funds six (6) to twelve (12) months, but not less than ninety (90) days, prior to their last day of work to obtain information regarding retirement options available to eligible employees.

The address of the Department of Employee Trust Funds is:

Wisconsin Department of Employee Trust Funds
P. O. Box 7931
Madison, WI 53707-7931

Phone: Madison – Customer Service: 1-608-266-3285
Toll free: 1-877-533-5020

For additional information visit the website: http://etf.wi.gov

Death of Employee

In the case of death of an employee to whom wages, PTO or EUSL are due, the full amount of the wages, PTO or EUSL due shall upon demand be paid by the County to the spouse, domestic partner under Ch. 770, Wis. Stats. children, or other dependent living with the employee at the time of death.

County may, not less than 5 days after the death of an employee and before the filing of a petition or application for administration of the decedent's estate, make payments of the wage due the deceased employee to the spouse, domestic partner under Ch. 770, Wis. Stats. children, parents, or siblings of the decedent, giving preference in the order listed.

If none of the persons referenced above survives, the County may apply the payment of the wage or so much of the wage as may be necessary to paying creditors of the decedent in the order of preference prescribed in Sec. 859.25, Wis. Stats. for satisfaction of debts by personal representatives.

The making of payment in the manner described in this subsection shall discharge and release the County to the amount of the payment.

The employee's supervisor shall complete the Fringe Benefit Payout form and forward copies to the Human Resources Department.

3.0 HOURS OF WORK

Replaces Policy	340.0
Reference	HB, XVII TT

A. REPORTING TO WORK

The regular hours of work for Door County employees shall generally be 8:00 a.m. to 4:30 p.m. with a one-half (1/2) hour unpaid lunch. Employees are to report to work at the established work site at the established starting time as scheduled by the Department Head or his/her designee. Employees will only be compensated for hours actually worked.

BREAKS – one ten (10) minute rest break is allowed for each four (4) hours worked. Scheduled breaks will be in mutual agreement with the Department Head or his/her designee and may be adjusted to meet the Employer's needs.

MODIFICATIONS TO WORK SCHEDULES

Any work schedule may be temporarily modified by the department head to meet departmental needs.

NORMAL WORK WEEK

The normal work week for county employees is set forth below. Flexible time schedules may be approved by the department head. Department heads are to ensure that all flexible schedules comply with all applicable federal and state laws.

DEPARTMENT SPECIFIC

Government Center employees: Monday through Friday, 8:00 a.m. to 4:30 p.m., with a (30) minute unpaid lunch. The Government Center is to remain open during the noon hour; each department should plan accordingly.

Building & Grounds employees: Monday through Friday, 7:00 a.m. through 3:30 p.m., 8:00 a.m. to 4:30 p.m., and 2:30 p.m. to 11:00 p.m., with a (30) minute unpaid lunch.

Emergency Services: Clerical staff: Monday through Friday, 8:00 a.m. to 4:30 p.m., with a (30) minute unpaid lunch.

Highway Department: Clerical employees of the Highway Department: The normal workweek is Monday through Friday, 7:00 a.m. to 3:30 p.m., with a 10-minute paid break in the morning, and a 30-minute unpaid lunch period. Break times will be as determined by the Highway Commissioner.

Highway Employees (Except those classified as Bridge Tenders): The normal work week is forty (40) hours per week. Employees normally work eight (8) hours per day, 7 a.m. to 12 noon, and 12:30 p.m. until 3:30 p.m., Monday through Friday, with a thirty (30) minute unpaid lunch period. A ten (10) minute rest period will be granted each day, the time of the break to be at the discretion of the immediate supervisor in order the meet the needs of the department/crew. Starting and quitting time may vary during periods of snowplowing, construction, blacktopping, and emergencies, as determined by the Highway Commissioner.

There may be a four (4) day work week starting the last week in April through the third week in October each year. The normal work week is forty (40) hours per week. Employees may work ten (10) hours per day, 6:00 a.m. to 4:00 p.m. Employees shall have one paid ten (10) minute rest break in the a.m. and one twenty (20) minute rest break in the p.m. During the 4 day work week schedule, any time off during a scheduled work day is computed at ten (10) hours per day. The modified four (4) day work schedule will have a primary work shift with two alternatives as follows.

Primary Work Shift: Monday through Thursday – 6:00 a.m. to 4:00 p.m.
Alternate 1 Work Shift: Thursday through Friday – 6:00 a.m. to 4:00 p.m.
Alternate 2 Work Shift: Extends 4 day work week from first week of April to third week of November, Monday through Thursday, 6:00 a.m. to 4:00 p.m.

Any Highway Employee directed to work an alternative work week will be given two working days' notice. Due to the nature of the work, deviation from the employee(s)' schedule of work hours may occur. Saturday and Sunday are normal days off.

Bridgetenders: The Bridgetenders will work on a schedule governed by the bridge operation agreement between the Wisconsin Department of Transportation and Door County. Bridgetenders work on a rotating shift that can include any day of the week, with a normal work week of forty (40) hours per week. The normal work shifts are as follows: First Shift: 7:00 a.m. to 3:00 p.m. Second Shift: 3:00 p.m. to 11:00 p.m. Third Shift: 11:00 p.m. to 7:00 a.m.

Human Services: Cooks: Monday through Friday, 5:30 a.m. through 2:00 p.m.; 6:00 a.m. through 2:30 p.m., and 8:00 a.m. to 4:30 p.m., with a (30) minute unpaid lunch.

Justice Center: Clerical staff: Monday through Friday, 8:00 a.m. to 4:30 p.m., with a (30) minute unpaid lunch.

Parks & Airport employees: Clerical staff: Monday through Friday, 7:30 a.m. to 4:00 p.m. Maintenance Technicians: 7:00 a.m. to 3:30 p.m. Both are with a (30) minute unpaid lunch.

Telecommunicators:

Telecommunications Division employees work (8) hour shifts. The normal work schedule is a 1,947 hours, 5-2, 5-3; the work shifts and schedules may be posted once per year in October.

The Telecommunicator day shift schedule begins at 7:00 a.m. to 3:00 p.m. and afternoon shift schedule begins at 3:00 p.m. to 11:00 p.m. Night Shift is 11:00 p.m. – 7:00 a.m.

Shift vacancies occurring without notice are to be covered in whole or in part as determined by management. Management, in its sole discretion, can determine minimum staffing requirements.

Shift vacancies created by the use of PTO will be covered as determined by management.

Policy on switching shifts shall be up to the sole discretion of the Sheriff or their designee.

Policy on PTO and switching shifts will be at the sole discretion of the Sheriff or his/her designee.

4.0 WORKPLACE SAFETY

Replaces Policy	640.0
Adopted	04/01/2010

A. WORKER'S COMPENSATION

Door County will provide Worker's Compensation Benefits for all employees injured while in the performance of job related duties and in accordance with Wisconsin State Statute 102.

Fringe benefits will continue to accrue while an employee is out on Worker's Compensation Benefits. The County portion of Health, Dental, and Life Insurance will continue as long as an employee is receiving Worker's Compensation Benefits. The employee will still be liable for payment of the employee share of the health and life insurance premiums while on Worker's Compensation Benefits.

1. **INJURY REPORTING**
   a. All injuries/accidents must be reported immediately to the department head/supervisor.
   b. Upon notice of an injury/accident, both the injured employee and the immediate supervisor must thoroughly complete the required injury report forms found in Appendix AA and forward them to Human Resources.
   c. Employees must also report all injuries/accidents within 24 hours to the Human Resources Department.
   d. Injuries/accidents must also be phoned in to the County Mutual Care Line, 1-855-650-6580 within 24 hours. (See Appendix AB.)

Return to work

All employees returning to work after being on Worker's Compensation must have a release from his/her doctor stating that the employee is capable of performing his/her work duties.

5.0 COMPUTERS, NETWORK, AND EQUIPMENT

Replaces Policy	318.0, 318.5
Adopted	01/23/2007/ 3/25/2003

Information Technology Policies and Procedures

Door County provides a variety of information technology resources such as computers, software, printers, scanners, electronic mail, and Internet access for employees in an effort to allow them to be more productive and have the information necessary to do their jobs. The use of these resources is

intended for County business purposes only. Except as prohibited by this or another more restrictive department policy, limited and reasonable use of these tools for occasional employee personal purposes that does not result in any additional cost from loss of time or diversion of resources from their intended business purpose is permitted subject to management approval.

Employee Responsibility
Employees are responsible for appropriate use of information technology resources in accordance with this policy or more restrictive department policy. In addition to complying with all laws and policies, employees are expected to adhere to the highest ethical standards when conducting business.

Department Head Responsibility
Department heads, managers, and supervisors are responsible for ensuring the appropriate use of information technology resources through training, supervising, and, when necessary, taking disciplinary action.

Appropriate Use
The use of and access to Door County owned information technology resources is limited to employees and officers of Door County assigned access to said resources. It is intended for official purposes associated with the performance of governmental function in the name of and on behalf of Door County. Consequently, all data and information shall be and shall remain the property of Door County and shall not belong to the individual employee or officer.

The use of information technology resources for limited personal use is a privilege which may be revoked at any time by Door County management if use is deemed inappropriate. The Information Systems Department will monitor the use of information technology resources.

Inappropriate Use
Inappropriate use of information technology resources, including for limited personal use as authorized herein, may result in revocation of privileges, job related discipline, or both. Uses that are prohibited include, but are not limited to:

- Accessing resources or altering data without explicit management authorization.
- Intentionally deleting or damaging data.
- Intentionally introducing a computer virus.
- Engaging in illegal activities as defined by State and Federal law or local ordinance.
- Wagering, betting, or selling chances.
- Initiating or forwarding chain letters.
- Transmitting threatening, abusive, obscene, lewd, profane, or harassing material.
- Transmitting or viewing materials with intent to demean any person's age, disability, gender, race, national origin, or sexual orientation, unless it is job related.
- Viewing, reading, or accessing any sexually explicit sites or materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic, unless it is job related.
- Engaging in commercial activities.
- Soliciting, except in relation to Door County activities.
- Promoting personal, political, religious, or private causes, positions, or activities, or working on behalf of organizations who have no professional or business affiliation with the County of Door.
- Attempting to evade, disable, or bypass any security provisions of systems or the network.
- Obtaining unauthorized access to any computer system.

Business Purpose
All systems including Email and the Internet are business tools to be used in accordance with our mission of public service. If your employer and/or departmental policy allows personal use, employees may use the computer assigned to them to send personal messages or to access the Internet for personal research as long as this is done during the employee's off or break time and such use does not interfere with work productivity.

Internet/Email/Network Conduct

Use of the Internet and Email requires conformance to a professional standard of conduct. Employees are to conduct themselves as 'representatives' of Door County and must show consideration and respect to others. It is the responsibility of each employee to ensure that use of the Internet and Email is done responsibly and economically, and that access does not adversely affect his or her productivity.

County employees and officials (appointed and elected) with remote access privileges to County's network must not use non-County email accounts or other non-County external resources to conduct business. This will ensure that official business is never confused with personal business.

Non-exempt or represented employees are not expected to undertake work outside of normal work hours. No such work is to be performed by non-exempt or represented employees unless specifically authorized by predetermined schedule or authorization by an appropriate supervisor in writing.

Remote access is not a telecommuting policy or an agreement to provide a right to an alternative work site on either a regularly scheduled or temporary basis, and does not provide authorization of an employee to telecommute.

The granting, withdrawal, and denial of remote access privileges are the exclusive prerogative of the County. These privileges shall not be an entitlement of employees. Decisions granting, withdrawing, or denying these privileges shall be made on a case-by-case basis by the County Administrator and Human Resources Director.

Confidential Information

Many employees have access to confidential information through the course of their jobs. Confidential information may only be used to perform job functions. Any other use is prohibited and may be punishable by criminal prosecution and/or employee sanctions, including termination. Access to confidential information outside of the strict business needs of job function is prohibited. Reasonable measures must be taken to safeguard confidential information from unauthorized access.

Confidentiality of messages cannot be guaranteed in the Door County Email system. If a message contains confidential information, consider using other forms of delivery.

Security

The following guidelines have been established for all employees given access to information technology resources:

- Employees may only access information explicitly authorized for their positions by management or for limited personal use as authorized by this policy or a more strict department policy.
- Employees are responsible for safeguarding their login IDs and passwords and are held accountable for any activity that occurs under their login ID. To protect the integrity of their ID, employees should log off their workstation if they will be away from it for an extended period of time. Any unauthorized activity must be immediately reported to management.
- Employees may not use login IDs and passwords belonging to others to seek information, hide their identity or misrepresent someone else.
- Anyone receiving electronic communications in error shall notify the sender immediately. The communication may be privileged, confidential, and or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

Downloading Software

Unless specifically authorized by the Information Systems Department, employees shall not download software residing on the Internet or bulletin boards. This includes, but is not limited to games, screen savers, utilities, JPEG files (.JPG), demo software, and third party software. Downloading software presents a significant risk of virus infection and license fee liability. Resolving these problems can be expensive and time consuming. Therefore the unauthorized copying, downloading, or importing of software by employees using any method is strictly prohibited. If downloading is necessary, it must be done by Information Systems employees following designated procedures for file transfer, virus checking, and licensing.

Wallpaper

Use of computer desktop wallpaper is limited to the wallpaper designs provided with the installed WINDOWS operating system or other files in a standard bitmap (.BMP) format. Questions on whether a specific wallpaper file has an approved format should be directed to the Information Systems Help Desk before installation. Wallpapers which require a program to display may degrade system performance or conflict with other installed software, and, therefore, are prohibited. Wallpapers which are inappropriate, as defined in the Inappropriate Use section above, are strictly prohibited.

Copyrighted Material

Material on the Internet may be copyrighted. Duplicating or distributing copyrighted material without the express written consent of the owner is against the law and is prohibited. Employees should not assume that software is available for public use free of charge simply because there is no copyright or intellectual property notice on or in the software. U.S. copyright law, and that of many other countries, no longer requires a copyright notice as a prerequisite to copyright protection.

Anti-Virus Measures

All computers will have virus protection software installed. Even though this software will detect many viruses, it will not detect them all. If it is suspected that a computer has been infected by a virus, the user should not attempt to remove the virus, but immediately contact the Information Systems Help Desk which will arrange for diagnosis and/or removal.

Annual Budget Process as it relates to requests for new hardware, software, systems, or support

The Information Systems Committee is responsible for reviewing and recommending all requests for new or replacement computers, new hardware technology, non-standard or new software, and major new services to be included in the annual budget.

Requests for new applications or systems should be made via the normal capital outlay budget cycle and sent to the Information Systems Department. Include the requestor's name, department and phone number, a description of the request, the requested implementation date, and whether the request is mandated, critical, or important. Confirmation of receipt of the request will be sent to the requestor within 5 working days of receipt at the Information Systems Department.

Software Purchase/Use/Installation

All software on Door County computers must be legally licensed, purchased, and installed through the Information Systems Department unless otherwise authorized by the Manager of the Information Systems Department. Running software that is not licensed is illegal and can subject the user and the County of Door to substantial penalties under the law. No personal software, even if purchased by an employee specifically for his/her office computer, may be installed without prior authorization of the Manager of the Information Systems Department. All requests for new software applications will be ordered only after review and approval through the budget process as noted above.

Home Use of Software

County of Door software may be used on a home or portable computer only if the licensing agreement of the software vendor allows it, and only after a written request from the appropriate department manager is approved by the Manager of the Information Systems Department. Each licensed copy of software may only be used on one computer at any time. Any files created using this method should be migrated to Door County network storage and permanently deleted from home based PCs.

County of Door software and information is made available to employees at their homes via the Internet. Access to enterprise applications is available with appropriate sign-in credentials. This method is preferred as it only requires an Internet connection from a home based PC. By default, files created using this method stay on Door County network storage and eliminate the need for the employee to migrate the data to the Door County network and remove it from home PC resources.

Software Training

Training on software, hardware, or computer systems will normally be purchased from the source vendor or outside suppliers who are certified instructors of the product being implemented. The Information Systems department will assist with negotiating special discounted price agreements with training suppliers. When this is not possible or becomes cost prohibitive, the Information Systems Department may assist or lead training sessions as necessary.

Hardware Purchase/Use/Installation/Maintenance

All hardware, including computers, printers, scanners, telephones, and other peripherals, must be purchased and installed through the Information Systems Department unless otherwise authorized by the Manager of the Information Systems Department. All Door County computers and new hardware technology will be ordered only after review and approval through the Budget Process as outlined above.

The Information Systems Department is responsible for routine maintenance, routine upgrades, and technical support for any issues that arise from the use of these systems.

Installation Scheduling

Upon arrival, all hardware and software installations will be scheduled and performed by the Information Systems Department unless otherwise authorized by the Manager of the Information Systems Department.

Technical Support via the Help Desk

All electronic systems (computers, servers, printers, phones, wireless devices, and network gear) installed at Door County by the Door County Information Systems Department are supported through the Information Systems Department Help Desk in conjunction with the personnel in the department. Electronic systems installed by outside vendors, the state of Wisconsin, or Federal Government may or may not be supported by the Help Desk. No matter if the electronic system is internally or externally supported, the Help Desk is the central clearing house for all technical issues. The Help Desk function is responsible for logging all technical support calls from initiation to closure.

For technical support during normal business hours (M-F, 8:00 AM – 4:30 PM) with any Door County system, end users should contact the Information Systems Department Help Desk at extension 2498, outside telephone at (920) 746-2498, or via email at helpdesk@co.door.wi.us. End users need to be prepared to provide contact information, a brief description of the problem, and the urgency (low, medium, high) of the current issue. When calling, if the help desk voice mail system is reached, please leave a detailed message with the appropriate information.

End users should refrain from calling specific IS personnel directly during normal business hours unless they have one of the following:

1. A specific Help Desk ticket number to reference that has already been assigned to specific IS Personnel, or
2. A pre-existing or ongoing issue that is a "Work in progress", or
3. Or have been directed by IS personnel that it is OK to call them directly.

Upon receiving a call, email, or voice mail message, the Help Desk operator will log the call. At that point, the Help Desk Operator may attempt to fix the issue immediately or dispense the issue to appropriate Information System support personnel.

For technical support during off hours, (M-F, 4:30 PM – 8:00 AM, Saturday, Sunday, Holidays) for NON-critical issues, please follow the same procedure outlined above. The Help Desk operator based on several factors may or may not be able to respond to your request at the time of your call. At worst, be prepared to leave a detailed message, and the issue will be attended to on the next business day.

For technical support during off hours, (M-F, 4:30 PM – 8:00 AM, Saturday, Sunday, Holidays) for systems or departments that are supported 24 hours a day, or for critical system failures (examples include Sheriff Jail, Dispatch, Emergency Systems/Government, Enacting the EOC, Hwy Operations), special arrangements can be made to provide IS contact information for off-hour coverage.

Privacy and Monitoring

Employees have no expectation of privacy regarding their use (for Door County business or personal pursuits) of any computer, e-mail, and/or Internet services that is provided by Door County and/or is accessed on or from any Door County premises. Door County reserves the rights to: monitor employees' use of the Internet; monitor employees e-mail; and access files, information, or communications sent, received, or stored on any computer provided by Door County and/or which is accessed on or from any Door County premises. Employee(s) scrambling access codes to prevent Door County entry into any system (encryption) is strictly prohibited. While Door County has the aforementioned monitoring rights, Door County may have an obligation not to disseminate the content of such to others.

The information technology resources provided for employees are the exclusive property of Door County as are all documents, applications, communications, and messages created using those resources. Data items created using information technology resources should not be considered private. The Information Systems Department reserve the right to access the contents of documents, applications, Email communications, and messages and to fully cooperate with local, state, and/or federal officials in any investigation concerning or relating to any electronic communications transmitted to or from any Door County facility. This includes limited personal use of Information Technology Resources as authorized herein.

The Information Systems Department will monitor the use of information technology and retain the right to limit its use. Hardware and software tools have been installed which log the destination and duration of Internet access by user, examine the content of files and Email, and scan network disk drives. The contents of local hard drives may be physically examined without notice. Periodic and random audits of information technology usage will be performed. Management may use the results to identify and prevent problems.

Violations and Disciplinary Actions

The failure or refusal of an employee or officer of the County of Door to abide by this policy may result in employment-related sanctions in accordance with existing policies.

Policy Changes

This policy may be modified at any time to reflect changes in technology or strategic direction or for any other reason deemed sufficient by the County Information Systems Department. All policy changes must be approved by the IS oversight committee, Administrative Committee, and County Board by resolution. Employees will be notified of policy changes via the means deemed appropriate by the Information Systems Department.

5.1 PASSWORDS

Purpose

This policy outlines the use, responsibilities, and scope of passwords used to gain access to Information System resources belonging to the County of Door. Passwords are the entry point to Door County's information system resources. Protecting access to these resources is crucial to ensuring that County systems remain secure. Door County must be diligent in guarding access to its resources and protecting them from threats both inside and outside of County Government. The objective is to enable employees to perform their tasks with technology that is in good operating condition while appropriately addressing the business needs of Door County.

Systems Involved and Frequency of Change:

1. Network connection: Windows username and password will automatically be prompted at a login to change the password every eight weeks.
2. AIX/Unix password: Users of the Door County Public Safety system will automatically be prompted to change their password every eight weeks.
3. AS400 profile password: All IBM AS400 users will be prompted to change their profile password every eight weeks.
4. Voicemail password: This password does not have an automatic expiration but it is recommended that users change this password at least once every six months.

5. Third party applications: Contact the Information Systems Department (IS) employee acting as the administrator for the application to determine specific password requirements. Some examples include the New World Systems (NWS) Financial package and The Clinical Manager application in Community Programs.

State applications: Contact your State representative for specific password requirements.

Internet applications: These applications may or may not have password requirements. Contact the application or service provider for specific password requirements. Some examples include WILENET and eTIME.

Computer BIOS password: The password for hardware-level access to your computer will not automatically change and shall be controlled by IS personnel *ONLY*.

Password Usage:

- Passwords for all systems are subject to the following rules:
- No passwords are to be shared, or in any way made known to anyone other than the user involved. This includes supervisors and/or department heads.
- No passwords are to be shared in order to replace an employee who is out of the office. The employee's supervisor shall contact Information Systems, and request a temporary account or appropriate changes to permissions if there are resources that the person needs to access.
- Passwords are not to be displayed or concealed anywhere in the employee's workspace.
- Users must use a minimum of ten unique passwords before the first password can be repeated.

Password Composition:

- The same password for all accounts and logins is impossible. Between the State, County, and third-party applications multiple passwords are an unfortunate reality. The following sections provide rules for passwords on the County's Windows domain, Unix server, and AS400. If an employee needs access to any other application they are using and not mentioned in the previous sentence, they should contact the administrator of that system and follow the password rules of that system.
- User passwords must meet the following minimum criteria:
  - Passwords should not contain the employee's name, address, date of birth, username, nickname, or any term that could easily be guessed by someone who is familiar with the employee.
  - Password must be at least six characters long.
  - Password shall contain no repeated characters side by side.

Additional recommendations:

- Use both upper and lower case letters.
  (Note: Most systems accept upper and lower case and those that do not will just ignore the letter's case.)
- Use numbers in the password.
- Use non-alphanumeric characters.
  (Note: The AS400 system only allows the #, $, _ (underscore), and @ symbols.)
- After three failed attempts to log in, the County systems will lock the user out until personnel from Information Systems is contacted and unlocks the account. State and third party applications may have other security lockout procedures. If you are in doubt, contact the administrator or State representative for that system.

Responsibilities:

Information Systems and Human Resources have the responsibility to enforce this policy. Enforcement will be through systematic means and interaction with computer users. All Door County personnel are responsible for complying with this policy. Failure to comply with this policy will subject an employee to disciplinary action up to and including termination of employment.

Support:

All Door County computer users are to contact the IS staff for support of the password.

6.0 VEHICLE/INSURANCE

This policy establishes procedures regarding the assignment of County vehicles, use of County vehicles, and business use of private vehicles. This applies to all County employees. It is the policy of the County to reimburse its employees, elected officials, and appointed officials for travel and transportation expenses directly related to official County business. Persons are obligated to use a County Vehicle whenever possible. If a person chooses to drive their own vehicle, and a County vehicle is available for use, mileage reimbursement is not available. In some situations, travel by a personal vehicle is reimbursable, with a written justification.

Reservations:

- All reservations must be made through the County Clerk's Office.
- Out of County travel takes precedence over the travel within the County.
- Original reservations will be honored, unless the use by another individual has been mutually agreed upon.
- Vehicle keys and credit cards are to be obtained from and returned to the County Clerk's Office immediately upon return of use.

Evidence of Valid Driver's License and Insurance

- When employees operate their personal vehicles on County business, evidence of insurance must be obtained and kept on file in the Human Resources Department.
- Any employee required to drive during work time must furnish evidence of insurance coverage and keep it current with the County Clerk. Certificates of Insurance will be kept on file in the County Clerk's Office.
- For volunteer workers, proof of insurance is required on the automobile being used. Proof of insurance must include evidence that liability coverage is maintained.

Guidelines:

- A valid driver's license with appropriate endorsement is required to reserve and operate any fleet vehicle.
- Adhere to all traffic laws regulating the operation of vehicles.
- Travel is to be by direct route or as authorized by the County.
- Vehicle use and operation is limited to Employees, Board Supervisors, and Elected Officials.
- Additional passengers are restricted.
- Credit card use is for vehicle purchases ***only*** (Fuel) and unexpected road incidents as warranted (tire, towing, etc.).
- Out of pocket expenses may be paid by voucher (parking fees, tolls, etc.).
- Regular maintenance (lubrication, oil, filter, regular washing and cleaning, etc.) will be accomplished by the maintenance department.
- Eating and drinking in County vehicles is discouraged.
- Smoking in County vehicles is prohibited. (Also reference County Code Chapter 8.)
- Drug and alcohol use voids any agreement or approved use or operation of vehicles.
- Pets are not allowed.
- Record any tire, steering, braking, engine, or recognized defects or incidents and deliver the report or send an email to the County Clerk's Office.
- Fuel vehicle at a County facility prior to returning the vehicle to its appropriate parking place.
- Use of wireless devices while driving a motor vehicle on County business is prohibited. This is due to legitimate safety concerns arising from the use of such devices while operating a motor vehicle. Exceptions are limited to: 911 emergency communication; law enforcement purposes; emergency medical services; roadway conditions/hazards; emergency response. In the case of an exception, the driver shall exercise due care in the safe operation of the vehicle and due regard under the circumstances for the safety of all persons.

- Report all collisions or incidents to the appropriate agencies and to the office of the County Clerk in a timely manner (including all written material). Accident Reporting Instructions can be found in the glove box.
- It is the driver's responsibility to ensure the car is clean after use.

Passengers Allowed in County Owned Vehicles:

- Employee, appointed official, or elected official of the county on official county business;
- Agent of the county (volunteers could fall in this category) on official county business;
- Independent contractors under contract with the County on official county business;
- Non-county employees (city, town, or village employees, state employees, and employees of the federal government fall into this category) cooperating or working with county employees, appointed or elected county officials in carrying out official county business;
- Persons being transported by county employees, appointed or elected county officials in carrying out official county business;
- Spouse of a county employee, appointed official or elected official on official county business (e.g., a spouse registered for "spouse events" at a conference the employee, appointed official or elected official is authorized to attend).
- A passenger in a fleet vehicle is permissible for official county business only.

(APPENDIX is in Progress)