

CHAPTER IV

PERSONNEL REGULATIONS

4.04 AFFIRMATIVE ACTION POLICY

(1) General Policy. The County Board, as the duly elected legislative authority, and the County Board Chairperson, as the duly elected executive authority, of the County of Ozaukee, Wisconsin, do hereby reaffirm, endorse, support and are committed to the concept of equal opportunity employment as defined and/or implied under Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and all other applicable State and Federal Statutes relating to non-discrimination in employment.

(a) It is the express policy of Ozaukee County to promote equal employment opportunity among all who are employed by Ozaukee County, or who seek employment with Ozaukee County, and to implement this policy through affirmative action.

(b) Ozaukee County will ensure that all persons are afforded equal access to and treatment in services, programs and facilities operated by Ozaukee County.

(c) Ozaukee County will ensure equal employment opportunity in all of its policies, including, but not limited to, recruiting, hiring, transfer, promotion, demotion, termination, disciplinary actions, training, compensation, benefits, layoffs and recall practices.

(d) Ozaukee County does not and will not regard such factors as race, color, religion, creed, marital status, ancestry, sexual orientation, arrest record or conviction record, national origin, sex, disabilities or age (except where sex, age, physical or mental requirements or arrest and conviction records are bona fide occupational qualifications) as having any bearing on whether or not an individual is accepted for employment or as having any influence as to how an individual might progress within the County organization thereafter.

(e) Ozaukee County is committed to providing a harassment free work environment for men, women, minorities, elderly and disabled individuals.

(f) Ozaukee County shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee unless it can be demonstrated that the accommodation would impose an undue hardship on the operation of one of its programs or functions.

(g) Ozaukee County will endeavor to purchase goods and services only from individuals, agencies and companies which do not discriminate.

(h) Ozaukee County will publicize its equal opportunity program and policy statement through posting in the Administration Center and Justice Center and the policy will continue to be noted in recruitment advertising.

(2) Organization and Direction. The responsibility and authority for the development and implementation of the County Affirmative Action Policy is hereby assigned to a person who shall

9/15/2005

be known as the Affirmative Action Officer and shall have full access to all County departmental policies and procedures, rules and regulations, including personnel files, documents, background investigation reports and such other information as may be necessary to achieve full and faithful compliance with applicable Equal Employment Opportunity Laws and Regulations and for the development and implementation of a written Affirmative Action Program. The Human Resources Director is hereby designated as the Affirmative Action Officer.

(3) Conclusion and Goal. This policy does not require the hiring or promotion of unqualified persons, nor does it require that qualified employees be terminated to create jobs for the unqualified. It is an effort to ensure that the Ozaukee County personnel system is free from discrimination on the basis of race, color, national origin, creed, marital status, ancestry, sexual orientation, arrest record or conviction record, religion, disabilities or sex.

(4) Grievance Procedure.

(a) Employees/Applicants.

1. An employee or applicant who alleges discrimination in employment on the basis of race, color, religion, sex, national origin, age, marital or veteran status, disabilities or any other legally protected status, may file a grievance with the Human Resources Director, Room A101, Ozaukee County Administration Center, Port Washington, WI 53074, Phone #(262) 284-8321 or (262) 238-8321, TDD (262) 284-8200 or (262) 238-8200. The Human Resources Director also serves as the Americans with Disabilities Act (ADA) and Affirmative Action Compliance Officer and Civil Rights Compliance and Equal Employment Opportunity coordinator.

2. The following internal procedure is provided for the prompt resolution of grievances. Applicants may initiate grievances at step b. of this procedure.

a. Individuals may file a verbal or written grievance, including the circumstances surrounding the nature of the dispute, along with the names of the parties involved, and remedies sought. Individuals initiating a complaint shall first arrange an informal discussion with the appropriate Department Head responsible for programs, operations and services. The parties shall meet and attempt to reach a mutually agreeable resolution. The verbal complaint must be filed with the Department Head within 30 days after complainant became or should have become aware of the circumstances leading to the complaint.

b. If the matter is not resolved through informal discussion, the complaint may be filed in writing. The written complaint should describe the circumstances surrounding the nature of the dispute, along with the names of the parties involved, and remedies sought. The written complaint must be filed with the appropriate department head, with a copy to the Human Resources Director, within 30 days after the complainant became aware or should have become aware of the circumstances leading to the complaint.

c. Upon receipt of the complaint, the department head shall meet with the parties and attempt to mediate and resolve the dispute. An opportunity will be provided to submit additional information regarding the complaint. If the mediation attempt is unsuccessful, the department head shall issue a written response within 7 days after the meeting between the parties.

9/15/2005

d. If the complaint is not resolved in step a. or b., the complainant may request in writing a meeting with the Human Resources Director. The Human Resources Director shall conduct an investigation and hearing within 10 days after receipt of the written request. The Human Resources Director shall attempt to reach a mutually satisfactory resolution. The Human Resources Director shall issue a written response within 7 days after the investigation and hearing.

e. If the response of the Human Resources Director is not satisfactory to the grievant, the grievant may file a complaint with any of the following agencies:

1 Equal Rights Division, Department of Industry, Labor and Human Relations, 201 E. Washington Ave., PO Box 8928, Madison, WI 53078. (Must be filed within 300 days).

2 Equal Employment Opportunity Commission, 310 W. Wisconsin Avenue, Milwaukee, WI 53203. (Must be filed within 180 days).

3 Office of Civil Rights, U.S. Department of Health and Human Services, 233 N. Michigan Ave., Suite 240, Chicago, IL 60601.

3. No grievant, staff member, witness or other party will be intimidated, harassed or subjected to any other form of adverse action because of the filing of a grievance of discrimination. All parties are encouraged to fully cooperate in the investigation without fear of adverse action or retaliation.

(b) Clients, Potential Clients, or other Individuals (Service Delivery).

1. Clients, potential clients or any other individuals of agencies or any Ozaukee County department providing programs and services funded through or by the Division of Community Services, or any other funding source, may file a grievance, if the client, potential client or any other individual feels they have been discriminated against on the basis of race, color, religion, sex, national origin, age, marital or veteran status, disabilities, or any other legally protected status, with the Human Resources Director, Room A101, Ozaukee County Administration Center, Port Washington, WI 53074, phone #(262) 284-8321 or (262) 238-8321, TDD (262) 284-8200 or (262) 238-8200. The Human Resources Director also serves as the Americans with Disabilities Act (ADA) and Affirmative Action Compliance Officer, and Civil Rights Compliance and Equal Employment Opportunity Coordinator.

2. The following procedure is provided for the prompt resolution of grievances:

a. The grievance should be submitted to the department head of the department allegedly discriminating against an individual. The grievance should be in writing (see b. below). The department head shall investigate the grievance and respond in writing within 30 days to the individual who submitted the grievance. Grievances/complaints should be filed within 180 days of an alleged incident.

9/15/2005

b. Individuals are required to complete a Service Delivery Grievance form. Grievance forms are available at the reception desk of any agency/department or may be obtained from the Human Resources Director, Room A101, Ozaukee County Administration Center. Assistance in completing the form is available by contacting the Human Resources Director at phone #(262) 284-8321 or (262) 238-8321, TDD (262) 284-8200 or (262) 238-8200. Additional assistance may be obtained by contacting the department head of the department allegedly discriminating against an individual.

c. If the individual is not satisfied with the response of the department head, he or she may request that the grievance be investigated by the Human Resources Director. The Human Resources Director shall conduct an investigation of the grievance and prepare a written report which will include recommendations to resolve the grievance. This report will be written or presented in a format which is understandable to the grievant. The report shall be provided within 30 days of the date of receipt of the grievance.

1 Within 30 days of the receipt of the Human Resources Director's response, the complainant may appeal to the oversight committee or board of the agency/department upon request.

2 The oversight committee or board shall meet within 30 days of the request and discuss the grievance. The committee or board shall respond within 30 days.

d. If the complainant is not satisfied with the internal resolution of the complaint, the complainant may appeal to the agencies listed below:

1 Department of Health and Social Services, Affirmative Action/Civil Rights Compliance Office, PO Box 7850, Madison, WI 53707.

2 Office of Civil Rights, U.S. Department of Health and Human Services, 233 N. Michigan Ave., Suite 240, Chicago, IL 60601 (must be filed within 180 days of alleged discrimination).

3 Equal Rights Division, Department of Industry, Labor and Human Relations, 201 E. Washington Avenue, PO Box 8928, Madison, WI 53708.

4 Coordination and Review Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave., Washington D.C. 20530.

(c) SUMMARY:

1. Individuals are encouraged to use the internal complaint procedure and to submit a complaint as soon as possible, preferably within 30 days of the alleged incident.

2. The complaint procedure will be made available to all individuals and posted in the reception area of each department. An audiotape will be provided for the visually impaired or the complaint procedure will be read to individuals upon request.

3. No complainant will be intimidated, harassed or subjected to any other form of adverse action because of filing a complaint of discrimination. All parties are encouraged to fully cooperate in the investigation without fear of adverse action or retaliation.

9/15/2005

4. The right of all individuals to a prompt and equitable resolution of a complaint shall not be impaired by the individual's pursuit of remedies, which may include the filing of the complaint with a Federal or State agency. Utilization of this complaint procedure is not a prerequisite to the pursuit of other remedies.

5. The Human Resources Director shall maintain the files and records relating to any complaint filed under this grievance procedure.

4.041 Harassment Policy

(1) Policy Statement.

(a) The most productive and satisfying work environment is one in which work is accomplished in a spirit of mutual trust and respect. Harassment is a form of discrimination which is offensive, impairs morale, undermines the integrity of employment relationships and causes serious harm to the productivity, efficiency and stability of our organization.

(b) All employees have a right to work in an environment free from discrimination and harassing conduct, including sexual harassment. Harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over) disability, sex, arrest or conviction record, marital status, sexual orientation, membership in the military reserve or use or nonuse of lawful products away from work, is expressly prohibited under this policy. Harassment on any of these bases is also illegal under federal and/or state law.

(2) Definitions.

(a) In general, harassment means persistent and unwelcome conduct or actions on any of the bases underlined above. Sexual harassment is one type of harassment and includes unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical contact of a sexual nature.

(b) Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to:

1. The repeated making of unsolicited, inappropriate gestures or comments.
2. The display of offensive sexually graphic materials not necessary for our work.

(c) Harassment on any basis (race, sex, age, disability, etc.) exists whenever:

1. Submission to harassing conduct is made, either explicitly, or implicitly, a term or condition of an individual's employment.
2. Submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual.
3. The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

(3) Recognizing Harassment.

(a) Harassment may be subtle, manipulative and is not always evident. It does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome

9/15/2005

and is personally offensive. All forms of gender harassment are covered. Men can be sexually harassed, men can harass men, women can harass other women. Offenders can be department heads, supervisors, co-workers and non-employees such as clients or vendors.

(b) Examples:

1. Verbal: jokes, insults and innuendoes (based on race, sex, age disability, etc.) degrading sexual remarks, whistling, cat calls, comments on a person's body or sex life, or pressures for sexual favors.
2. Non-verbal: gestures, staring, touching, hugging, patting, blocking a person's movement, standing too close, brushing against a person's body, or display of sexually suggestive or degrading pictures, racist or other derogatory cartoons or drawings.

(4) Grievance Procedure.

(a) Any employee who believes he or she is being harassed, or any employee who becomes aware of harassment, should promptly notify his or her supervisor or the Human Resources Department. If the employee believes that the supervisor is the harasser, the Human Resources Department should be notified. If an employee is uncomfortable discussing harassment with his or her supervisor, the employee should contact the Human Resources Director. Information on your right to file a state or federal harassment complaint is also available from the Human Resources Department.

(b) Upon notification of a harassment complaint, a confidential and impartial investigation will be promptly commenced and will include direct interviews with involved parties and where necessary with employees who may be witnesses or have knowledge of matters relating to the complaint. The parties of the complaint will be notified of the findings and their options.

(5) Non-Retaliation

(a) This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint. Such employees may not be adversely affected in any manner related to their employment. Such retaliation is also illegal under federal and state laws.

(6) Disciplinary Action.

(a) Ozaukee County views harassment and retaliation to be among the most serious breaches of work place behavior. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination, can be expected.

4.068 FAMILY OR MEDICAL LEAVE DESIGNATION POLICY

(1) If an employee is involved in or has a serious medical condition, the employee is automatically protected by the state or federal Family and Medical Leave Act. It is not up to the employee to decide if he/she wants to complete the request for FMLA, it is up to the employer. It is a safeguard for the employee.

9/15/2005

- (2) If the employer knows enough about the employee's serious medical condition, the employer can automatically "designate" that the employee is on FMLA leave. The first day the employee is off will be counted towards FMLA, provided it is a 'serious health condition.'
- (3) The employer can waive the right to have the employee complete the "Certification of Physician" form.
- (4) The employee must exhaust all paid time (sick, vacation, comp time, floating holiday, etc.) before requesting unpaid leave."

4.069 EMPLOYEE TIME DONATION POLICY FOR CATASTROPHIC ILLNESS OR INJURY

(1) Introduction:

(a) This program is intended to provide financial assistance and support to regular full-time and regular part-time employees of the County who have exhausted all paid time off benefits and are unable to return to work due to a catastrophic illness or injury suffered by themselves or a family member. Ozaukee County employees may donate a portion of their earned and unused vacation, compensatory time or floating holiday time as a way to provide income continuation for eligible employees. The Human Resources Department will administer this program in accordance with the procedures outlined below.

(2) Definitions.

(a) Employee: An individual who is employed with the County in a regular full-time or regular part-time position, has been employed for a minimum of six (6) months, and is eligible to use accrued benefit leave balances.

(b) Catastrophic Illness or Injury: A prolonged non-occupational illness or injury which is life threatening as determined by the program administrator and supported by medical substantiation from the employee's or family member's treating physician, and would result in the employee having to go on unpaid leave of absence or terminate their employment.

(c) Donated Leave: The amount of vacation, compensatory time or floating holiday time an employee donates of their accrued and unused vacation, compensatory time or floating holidays. Donations may be done in one-half day (3.50, 3.75 or 4.00 hours) or in full day increments (7.50 or 8.00 hours). Employees may not donate sick leave. (03-12)

(d) Program Administrator: The Human Resources Department will be responsible for the administration of this program.

(3) Program Eligibility And Requirements.

(a) Employment Status/Severity of Illness: An individual must be employed as a regular full-time or regular part-time employee for at least six calendar months and be eligible to utilize accrued benefit balances. An employee must be suffering from a catastrophic illness or injury.

(b) Exhaustion of Paid Benefit Balances: An employee must have exhausted all accrued and paid benefit balances before being eligible for Catastrophic Illness and Injury Time Donations. An employee or their designee may submit the required program documents prior to the exhaust

9/15/2005

tion of their leave when it is anticipated that the remaining benefit balances will be exhausted as a result of the catastrophic illness or injury.

(c) Documentation to Request Donations: An employee must submit the following documents when requesting Catastrophic Illness and Injury Time Donations:

1. An Employee Time Donation Application for Catastrophic Illness and Injury
2. Physical Medical Certification
3. Release and Authorization to Contact Health Care providers.

(d) Use of Donated Benefit Time: An employee who has been granted the use of Catastrophic Illness and Injury Time Donations will have the donated vacation, compensatory time or floating holidays credited to their benefit balances. An employee must utilize any available donated vacation, compensatory time or floating holiday hours within their statutory Wisconsin and Federal family and medical leaves.

(e) Worker's Compensation: An employee will not be eligible for Catastrophic Injury or Illness Time Donations if they have applied for worker's compensation benefits and a determination has not been made as to their eligibility. If a determination has been made that the employee is not eligible for worker's compensation and there is no pending appeal, the employee may submit an Application for Catastrophic Illness and Injury Time Donations.

(f) Unused Donated Time: If an employee returns to work, terminates, or applies for a WRS disability retirement, the unused vacation, compensatory time and floating holiday hours that were donated will be returned to those employees who donated the benefit time.

(g) Status Updates: Human Resources will monitor the use of donated leave under the program and will periodically require program participants to provide updates and additional medical documentation to ensure ongoing eligibility.

(h) Decisions of Program Administrator: All decisions made or actions taken by the Program Administrator, including but not limited to determination of eligibility, documentation required, or any decision or action made or taken in the administration, modification or termination of the benefits under the program are final and binding on all parties and shall not be grievable or arbitrable under any labor contract or county policy.

(i) County Right to Modify or Terminate: The County reserves the right to modify or terminate this policy at anytime after providing reasonable notice to all applicable labor organizations.

(4) Donated Benefit Time.

(a) Eligibility to Donate Floating Holiday. Regular full-time and regular part-time employees are eligible to voluntarily donate accrued and unused Floating Holidays to an eligible employee for use under the program.

(b) Eligibility to Donate Compensatory Time. Regular full-time and regular part-time employees are eligible to voluntarily donate accrued and unused compensatory time to an eligible employee for use under the program. A County employee may not donate more than twenty-four (24) hours of compensatory time in a calendar year.

9/15/2005

- (c) Eligibility to Donate Vacation. Regular full-time and regular part-time employees who are eligible at the beginning of the calendar year for a minimum of two (2) weeks of vacation are eligible to voluntarily donate accrued and unused vacation to eligible employees under the program. A County employee may not donate more than twenty-four (24) hours of vacation in a calendar year.
- (d) Increment for Donations. Any vacation, compensatory time or floating holiday benefit time that is being donated to an eligible program participant may be done in one-half day (3.50, 3.75 or 4.00 hours) or in full day increments (7.50 or 8.00 hours). (03-12)
- (e) Documentation to Provide Donation. Any employee donating vacation, compensatory time or floating holiday time must complete a Catastrophic Illness and Injury Time Donation form. This form specifies the type of leave being donated, the amount of hours the employee wishes to donate, to whom the leave is being donated to, a statement certifying that the vacation, compensatory time or floating holiday hours are being donated on a voluntary basis, and that within limited circumstances the donation is irrevocable.
- (f) Value of Donation. Donations will be done on a day for day basis. The program administrator will not be assessing the value of the donation with respect to the value it has to the program participant. The total hours donated will be credited to the appropriate benefit balance and the recipient will take the time off and be paid at their current rate of pay when the time is taken.
- (g) Unused Donated Time. The Program Administrator will record the receipt of donations and will allocate the donations to the program participant on a first in, first out basis. If a program participant terminates employment or returns to work with the County prior to the exhaustion of the donated time, the remaining balances will be returned to those employees whose benefit time had not yet been allocated. These hours will be credited back to the employee's appropriate benefit balance. If the employee is unable to take the return vacation, compensatory time or floating holiday hours before the end of the calendar year they will be allowed to carryover those hours into the next calendar year.
- (h) Maximum Donation Received. Program participants will be eligible to receive a maximum of 2080 hours of donated benefit time per illness or injury. Participation ends once an employee or family member is either medically determined to be totally and permanently disabled or becomes eligible for other County income continuation benefits.
- (i) Earning/Use of Benefit Time While Utilizing Donations. A program participant may be eligible to earn additional benefit time when using Catastrophic Illness or Injury Time Donations. Employees will be required to utilize any eligible and earned sick leave, holiday, or floating holiday time before using the donated vacation, compensatory time or floating holiday hours.
- (j) No Payout of Unused Donations. Program participants will not be eligible for the payout of any remaining donated vacation, compensatory time or floating holidays hours upon the termination of their employment with Ozaukee County.
- (k) Remaining Vacation or Holiday Balance. If a program participant has a vacation, compensatory time or holiday balance at the end of the calendar year, the benefit time will be carried over into the next year.

9/15/2005

(l) Record keeping. Human Resources will maintain all records relating to the program, including the amounts of leave donated, the amount of leave used by program participants, applications for program participation, and supporting documentation.

4.0610 Early Retirement Health Insurance Supplemental Benefit (04-36)

(1) Any full-time non-represented employee who retires from the County at age sixty (60) or later, with a minimum of twenty (20) years of continuous service with the County, shall be entitled to a health insurance supplemental payment up to the minimum age at which Medicare begins. The County Agrees to pay an amount towards such health insurance costs for those qualified retirees in the following amounts prorated by month by retirement date:

- (a) Three Thousand Five Hundred Dollars (\$3,500.00) for the year 2005.
- (b) Four Thousand Dollars (\$4,000.00) for years 2006 and 2007.
- (c) Four Thousand Five Hundred Dollars (\$4,500.00) for years 2008 and 2009.
- (d) A maximum of Five Thousand Dollars (\$5,000.00) beginning in 2010, and remaining at that amount.

4.10 DRUG FREE WORK PLACE POLICY

(1) Intent. The Federal Drug Free Workplace Act of 1988 requires employers to adopt a formal policy to provide a drug free, alcohol free, healthful and safe work environment.

- (a) Ozaukee County employees are expected and required to report to work on time and in appropriate mental and physical condition.
- (b) The goals of this policy are prevention and rehabilitation whenever possible and employees with drug and alcohol problems are encouraged to seek help to deal with their problems.

(2) Policy. It is the policy of Ozaukee County to prohibit the unlawful manufacture, distribution, dispensation, possession or use of any controlled substance or alcohol in the workplace. Every employee is prohibited from being noticeably impaired by any controlled substance or alcohol while in the workplace or while conducting County business off County premises. Employees who violate this policy will be subject to various levels of disciplinary action, which may include termination of employment. Employees must notify their department head of any criminal drug statute violations occurring in the workplace within five days of a conviction. Department heads must notify their appropriate committee chairperson of any criminal drug statute violations occurring in the workplace within five days of conviction. If the department does not have an oversight committee, this notice must be given to the chairperson of the Administrative Committee. As a condition of employment, each employee must abide by the terms and conditions of this policy.

9/15/2005