

ORDINANCE NO. 15-1

AMENDING SECTIONS 4.068, 4.069, 4.0610, 4.10, 10.04 AND CHAPTERS 7, 9, 11, AND 12
OF THE OZAUKEE COUNTY CODE OF ORDINANCES

An Ordinance amending Sections 4.068, 4.069, 4.0610, 4.10, 10.04 and Chapters 7, 9, 11, and 12 of the Ozaukee County Code of Ordinances.

The County Board of Supervisors of the County of Ozaukee does ordain that Section 4.068, 4.069, 4.0610, 4.10, 10.04 and Chapters 7, 9, 11, and 12 of the Ozaukee County Code of Ordinances be amended as follows:

~~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.~~

~~(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 un-~~

~~used 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 exhaustion 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 any time 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.~~

~~(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.~~

~~(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~~

~~(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.~~

10.04 PROPERTY TAX COLLECTION

(1) Interest and Penalty on Delinquent Taxes. A penalty of one-half of one percent (0.5%) per month or fraction of a month is imposed, in addition to the interest provided for in Section 74.47 (1), Wisconsin Statutes, on all [delinquent](#) general property taxes (including personal property taxes), special assessments, special charges and special taxes included in any tax roll [for collection](#). ~~Overdue or delinquent on or after February 1, 1990~~

(2) Timely Payment Appeal Procedure. Appeals filed under the provisions of Section 74.69 (3), Wisconsin Statutes, shall be referred to the County Board ~~Committee on Taxation and General Claims~~ [Finance Committee](#).

(3) Foreclosure of Tax Liens [in Rem](#).

(a) From and after April 1, 1948 the County of Ozaukee elects to adopt the provisions of Section 75.521, Wisconsin Statutes, for the purpose of enforcing tax liens in such county in the cases where the procedure provided by such section is applicable.

~~(b) — The term “penalties” as used in Section 75.521 (6), Wisconsin Statutes, is defined as a pro-rata share of the cost of the proceedings under the foreclosure of County held tax liens by action in rem.~~

(4) Repurchase of Tax Deeded Lands.

(a) At the option of the County, former owners or surviving spouses or minor children of former owners may be granted the right to repurchase lands to which Ozaukee County has taken title through delinquent tax enforcement collection by payment of:

1. All delinquent taxes, together with interest thereon, and the penalty imposed under Section 10.04 (1) to the date of payment.
2. A pro-rata share of the costs of the proceedings.

(b) Any sale made under the provisions of this section shall be exempt from all of the requirements of Section 75.69, Wisconsin Statutes.

~~(c) After proceedings for publication and sale of such lands pursuant to Section 75.69, Wisconsin Statutes, have begun, the County may refuse to grant the privilege of repurchase.~~

The Ozaukee County Board of Supervisors does authorize the County Clerk to administratively amend committee references, where applicable, for the following chapters:

Chapters 7 and 12 - ~~Environment & Land Use Committee~~ [Natural Resources Committee](#)

Chapters 9 and 11 - ~~County Zoning Committee~~ [Natural Resources Committee](#)

This Ordinance shall take effect upon enactment and publication.

Dated at Port Washington, Wisconsin, this 2nd day of September 2015.

SUMMARY: Amending Sections 4.068, 4.069, 4.0610, 4.10, 10.04 and Chapters 7, 9, 11, and 12 of the Ozaukee County Code of Ordinances.

VOTE REQUIRED: Majority

FINANCE COMMITTEE

RESULT:	APPROVED [UNANIMOUS]
MOVER:	R. Nelson, Vice-Chairperson
SECONDER:	R. Dieffenbach, Supervisor District 17
AYES:	D. Becker, R. Nelson, G. Wirth, R. Dieffenbach
EXCUSED:	I. Macek