

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Amy Spoden, Act. HR Director
INITIATED BY



January 4, 2022
DATE DRAFTED

Amending Chapter 18 of the Rock County Ordinances

- 1 **WHEREAS**, Rock County has an established Personnel Ordinance; and,
2
3 **WHEREAS**, it is good practice to review the personnel ordinance language on an annual basis;
4 and
5
6 **WHEREAS**, certain additional changes have been suggested by Employees and Department
7 Managers; and,
8
9 **WHEREAS**, the County wants to incorporate these additional changes to the Personnel
10 Ordinance effective January 1, 2022
11
12 **NOW, THEREFORE, BE IT RESOLVED**, that the Rock County Board of Supervisors
13 assembled this 27 day of January, 2022 does hereby ordain and amend
14 Chapter 18 of Rock County's Code of Ordinance as follows (deleted language crossed out, added
15 language underscored):
16
17 I. Section 18.112(E) is amended as follows:
18
19 E. Human Resources Director. The Human Resources Director under the authority of the
20 County Administrator shall:
21
22 (1) administer the Personnel Ordinance adopted by the County Board.
23
24 (2) establish, maintain and coordinate personnel transactions and records
25 management for all County employees and positions.
26
27 (3) establish and maintain a central personnel file for each County employee showing
28 name, title, salary, change in status, annual performance ratings and such
29 pertinent information as may be necessary for effective personnel administration
30 and for compliance with Federal and State laws.
31
32 (4) advise and assist Department Heads on all County Personnel transactions and
33 records management systems and procedures.
34
35 (5) notify the payroll section of all relevant changes.
36
37 (6) review appointments and removal of personnel to County positions pursuant to
38 Section 18.607.
39
40 (7) maintain complete employment and performance records of all County employees.
41
42 (8) establish and maintain a roster of all employees in the County service which shall
43 include the class title, pay status, and other pertinent data.
44
45 (9) make such reports and investigations to the County Administrator, County Board
46 Staff Committee and the County Board as required.
47
48 (10) develop and maintain the Classification Plan.
49

- 50 (11) develop and administer the recruitment and selection program.
51
52 (12) establish and maintain lists of persons eligible and qualified for appointment and
53 promotion to positions within the County service when, in the judgment of the
54 Human Resources Director, it is advantageous to the County.
55
56 (13) monitor temporary and overtime assignments.
57
58 (14) approve and monitor layoffs due to lack of funds, work, or the abolition of positions
59 or material changes in duties and organization, encourage the re-employment of
60 laid off employees in other appropriate County positions.
61
62 (15) develop, operate and coordinate programs to improve employee effectiveness,
63 training and career counseling.
64
65 (16) establish an Affirmative Action Program designed to increase the participation at
66 all levels of the County workforce persons of disadvantaged groups, including, but
67 not limited to women, minorities and the physically and mentally handicapped.
68
69 (17) establish standards and procedures to ensure uniformity in the application of
70 discipline and the processing of employee grievances.
71
72 (18) conduct third step grievance hearings as may be necessary under Section 18.806,
73 and adjust such grievances as may be appropriate.
74
75 (19) prepare and implement such forms, reports and procedures necessary to carry out
76 the County human resources program.
77
78 (20) disseminate information regarding the personnel program, fringe benefits and
79 conditions of employment to all employees and departments.
80
81 (21) lead the County's negotiations with labor representatives, unless otherwise
82 delegated by the County Board.
83
84 (22) investigate unemployment compensation claims and represent the County at
85 unemployment compensation hearings.
86
87 (23) develop such regulations as necessary to carry out the intent of this Ordinance.
88
89 ~~(24) establish a safety program to reduce the incidence of work related injuries and~~
90 ~~promote safety awareness.~~
91
92 ~~(25)~~ 24) develop and maintain the County wide training program within budgetary
93 limitations.
94
95 ~~(26) administer and manage the County's Worker's Compensation program.~~
96
97 ~~(27)~~ 25) insure that Department Work Rules are fairly designed and administered.
98

99 II. Section 18.306 is amended as follows:

100
101 18.306 – Probationary Period

102
103 Except for Department Heads and the County Administrator, original appointments to all
104 positions shall be made with a Probationary Period of one (1) calendar year.
105 The length of the Probationary Period shall be specified in the written offer of employment, which
106 will be written by the Human Resources Department.
107

- 108 (1) Regular Status begins on the first workday following completion of the Probation
109 Period.
110
111 (2) The Probationary Period may be extended for a period of time not to exceed six (6)
112 months, with prior approval of the Human Resources Director. This request must
113 be made in writing citing the reason for the request.
114

- 115 (3) An employee shall automatically be appointed at the end of the prescribed
 116 Probationary Period, unless the appointing authority, with approval of the Human
 117 Resources Director, notifies the probationary employee of the extension, or the
 118 unsuccessful completion of the Probationary Period at which time the employee
 119 shall have their Probationary Period extended or be dismissed.
 120
 121 (4) Dismissal of an employee during the initial Probationary Period shall be at the sole
 122 discretion of the employer and without recourse to the grievance procedures herein
 123 provided.
 124
 125 (5) An employee appointed to a position in an acting capacity by the County
 126 Administrator and subsequently selected as the regular employee in that position
 127 shall have his/her total time of continuous employment, including the time spent
 128 in an interim capacity, counted for seniority purposes, but shall serve at least a six
 129 month Probationary Period after regular appointment. When an employee is in an
 130 acting capacity, the employee will continue to receive step increases as provided
 131 under Section 18.405.
 132
 133 (6) Probationary employees, with the exception of Pool Staff, Relief Staff, and Project
 134 Staff, will not be permitted to apply for other positions until they have completed
 135 twelve months of employment. An employee who has completed at least six
 136 months of their probationary period, may sign for a lateral transfer in the same
 137 classification with in the same division. In unusual circumstances, this
 138 requirement may be waived in advance and in writing by the current Department
 139 Head and Human Resources Director.
 140
 141 (7) Completion of the Probationary period does not guarantee continued employment
 142 for any specified period of time, nor does it modify or change the employee's at will
 143 status.
 144
 145 (8) Probationary employees, who have not completed their initial twelve (12) month
 146 probationary period, who are either promoted ~~or~~, demoted, or accept a lateral
 147 transfer to another position, which results in a change of duties, will be required to
 148 serve a new one year probationary period starting from the date of their new
 149 position.
 150

151
 152 III. Section 18.506 is amended as follows:

153
 154 18.506 - Vacation

- 155
 156 (a) Unilateral employees hired prior to January 1, 2008, shall earn ten days paid
 157 vacation after one year of continuous service. Thereafter, ~~he/she~~ they shall earn
 158 one additional day per year for each year of continuous employment to a maximum
 159 of twenty two days. Employees shall continue to earn vacation until the employee's
 160 length of service would provide additional vacation under paragraph (b) below, at
 161 which time they shall be placed on that schedule.
 162
 163 (b) Unilateral employees hired after ~~January 1, 2008~~ January 1, 2022, shall earn
 164 vacation according to the following schedule:
 165

| Complete d Years of Service | Unilateral A & B | Unilateral C |
|-----------------------------------|------------------|-----------------|
| <u>Time of Hire</u> | <u>5 Days</u> | <u>7.5 Days</u> |
| 1 year | 10 Days | 15 Days |
| 2 Years | 11 Days | 15 Days |
| 3 Years | 12 Days | 15 Days |
| 4 Years | 13 Days | 15 Days |
| 5 Years | 14 Days | 20 Days |
| 6 Years | 15 Days | " |
| 7 Years | 16 Days | " |
| 8 Years | 17 Days | " |
| 9 Years | 18 Days | " |

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|----------|---------|---------|
| 10 Years | 19 Days | 25 Days |
| 11 Years | 20 Days | " |
| 12 Years | 21 Days | " |
| 13 Years | 22 Days | " |
| 14 Years | 22 Days | " |
| 15 Years | 22 Days | " |
| 16 Years | 22 Days | " |
| 17 Years | 23 Days | " |
| 18 Years | 24 Days | " |
| 19 Years | 25 Days | " |

166

167 ~~Unilateral A & B Employees may use up to 5 of their 10 days after they have been with the~~
 168 ~~County for six months. Unilateral C employees may use 7.5 of their 15 days after they have~~
 169 ~~been with the County for six months. Any times used between six (6) months and one year,~~
 170 ~~will result in a reduction of the days available after one year. (Example: a Unilateral B~~
 171 ~~employee uses 2 days after six months but prior to his one year anniversary date, that person~~
 172 ~~would have 8 days to use after completing one year of service. 10 - 2 = 8.)~~

173

174 (c) Vacation schedules for non unilateral employees are contained in the HR Policies
 175 and Procedures manual.

176

177 (d) Credit for years of service may be awarded to an employee based on years of prior
 178 related experience plus years of service with the County. Prior related experience
 179 shall be determined by the Human Resources Director and the Corporation
 180 Counsel, and will only be awarded for service in jobs that are substantially related
 181 to the work performed for the County. This service credit shall be awarded at the
 182 time of initial employment, or at the time promoted into a new employee group.

183

184 (e) An employee shall take earned vacation time within the twelve month period
 185 immediately following eligibility. Earned vacation time not taken within the
 186 designated twelve month period shall be forfeited, unless the Department Head
 187 and Human Resources Director specifically approves the carryover of an
 188 employee's vacation, in writing, due to an inability of the employee to utilize the
 189 time requested to be carried over because of work requirements or other legitimate
 190 reasons; or paid out according to HR Policy and Procedures. Vacation deferral or
 191 carry over of one (1) hour or more shall be requested by the employee in writing
 192 prior to his or her anniversary date, or within ten weeks of his or her anniversary
 193 date, and shall state with specificity the reason for the request. Failure to make a
 194 timely request shall result in the vacation being forfeited.

195

196 (f) The amount of vacation days deferred shall not exceed the number of vacation
 197 days that the employee earns on that anniversary date. Vacation may be granted
 198 in advance only upon the approval of the Department Head and the Human
 199 Resources Director.

200

201 Department Heads shall establish work and vacation schedules with the first
 202 consideration to be given to the efficient operation of the department. Senior
 203 employees in terms of length of service shall be given vacation schedule preferences
 204 when practicable. Deferral of vacation for the County Administrator shall be at the
 205 discretion of the County Board Staff Committee.

206

207 (g) Part-time employees whose regular workweek is sixteen hours or more shall earn
 208 vacation time on a pro rata basis directly proportionate to the amount of time
 209 worked in relation to the normal full time employment period. Part-time
 210 employees whose regular workweek is less than sixteen hours shall not earn
 211 vacation credits.

212

213 (h) In the event an employee is on authorized sick leave and has insufficient sick leave
 214 credits to cover the period of absence, earned vacation time may be used for this
 215 purpose if the employee or employer so elects.

216

217 (i) Upon separation, an employee shall be paid for the unused portion of ~~his/her~~ their
 218 accrued vacation credits provided the employee has completed twelve consecutive
 219 months of service, except as modified by the rules governing resignation without
 220 sufficient notice.

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- (j) An employee who moves from one position to another in the County service, by transfer, promotion or re-assignment, shall be credited with ~~his/her~~ their accumulated vacation leave in the new position.
- (k) An employee who moves from one an employee group to another employee group in the County service, by transfer, promotion or re-assignment, will have their vacation entitlement determined by a number of factors (i.e. years of service, FTE previously worked, entitlement under new employee group, etc.).
- (l) An employee, whose appointment status is changed from temporary to regular status without a break in service, shall receive vacation credits from the date of ~~his/her~~ their original appointment to temporary status.
- (m) No credit for vacation leave shall be granted for time worked by an employee in excess of ~~his/her~~ their normal workweek.
- (n) Vacation credits shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-compensable status, should such period without pay exceed thirty working days in any calendar year.
- (o) There shall be charged against accrued vacation only those days on which an employee normally would have worked. In the event a legal holiday falls within the vacation period, the holiday shall not be charged against vacation.
- (p) Use of vacation time must be approved in advance by the Department Head or his or her designee. Use of vacation by appointed Department Heads must be approved in advance by the County Administrator.
- (q) All vacation shall be utilized in not less than ~~thirty~~ fifteen minute increments.
- (r) Unilateral "C" employees whose position has been moved to Unilateral "A" will have their vacation allotment frozen at current level until the employee's length of service would provide additional vacation under the Unilateral "A" schedule.

IV. Section 18.509 is amended as follows:

18.509 – Bereavement Leave

In the event of a death an employee may be excused from work without loss of pay for up to a maximum of thirty-two (32) hours annually for the purpose of attending a person's wake, visitation, memorial service, funeral, or make necessary arrangements regarding the person's death, within a reasonable time after the occurrence.

No more than (32) hours can be used for the same decedent.

If additional time is required beyond the thirty-two (32) hours annually, an employee may request to use accumulated vacation, holiday or comp-time. Sick leave ~~cannot be used~~ may be used for a parent, spouse, or child only.

Bereavement leave cannot be accrued from one year to the next.

Bereavement leave can be used in increments of quarter hours.

A second or third shift employee may be excused from work the scheduled shift before or after the event, provided the shift begin or ends on the same calendar date of the event.

All leaves under this section shall be prorated based upon the employee's FTE.

V. Section 18.515 is amended as follows:

18.515 – Sick Leave

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Sick leave pay shall commence on the first day of any period of illness due to accident, injury or disease.

- (1) All full-time employees shall earn one sick leave day per month of continuous employment. All part-time employees whose regular workweek is sixteen hours or more shall earn one sick leave day on a prorata basis directly in relation to the normal full time employment period. All part-time employees, who work less than sixteen hours per week, shall not earn sick leave. Temporary and seasonal employees are not eligible for sick leave.
- (2) Sick leave shall be granted ~~after three months continuous service (from original hire date)~~ after it has been earned, when an employee is required to be absent from work because of:
 - (a) Illness of the employee.
 - (b) Illness of an employee's spouse
 - (c) Illness of a minor child (includes stepchild, current foster child, grandchild, or any other child they are legally responsible for and can provide legal documentation supporting the responsibility) ~~or a child who meets the definition of a disabled adult child.~~
 - (d) Adult child ~~when covered by an approved FMLA.~~
 - (e) Illness of a parent (includes stepparents and current foster parents).
 - (f) Contact with or exposure to a contagious disease rendering the employee's presence hazardous to fellow workers.
 - (g) Reasonable medical or dental attention that cannot be scheduled during non-working hours.
 - (h) If additional time is required beyond the thirty-two (32) hours of annual bereavement leave, sick leave may be used for bereavement activities related to a parent, spouse, or child.

VI. Section 18.518 is deleted in its entirety:

~~18.518—Voluntary Public Service Leave~~

~~County employees may be allowed time off with pay to serve on public or nonprofit boards, committees, or commissions if such service received the prior approval of the County Board Staff Committee.~~

VII. Section 18.608 is amended as follows:

18.608 – Disciplinary Action (Grounds for)

The following shall be grounds for disciplinary action ranging from a written reprimand to immediate discharge depending upon the seriousness of the offense in the judgment of management:

- (a) Dishonesty or falsification of records.
- (b) Use, possession, distribution, selling, or being under the influence of alcohol or illegal drugs while on Rock County premises or while conducting business related activities off Rock County premises. The legal use of prescribed drugs when taken in standard dosage and/or according to a physician's prescription is permitted on the job only if it does not impair an employee's ability to perform the essential functions

- 350 of the job effectively and in a safe manner that does not endanger other
351 individuals in the workplace.
- 352
- 353 (c) Unauthorized use or abuse of County equipment or property.
- 354
- 355 (d) Theft or destruction of County equipment or property.
- 356
- 357 (e) Work stoppages such as strikes or slowdowns.
- 358
- 359 (f) Insubordination or refusal to comply with the proper order of an authorized
360 supervisor.
- 361
- 362 (g) Unlawful conduct defined as a violation of or refusal to comply with
363 pertinent laws, ordinances and regulations.
- 364
- 365 (h) Habitual tardiness, unauthorized or excessive absence or abuse of sick
366 leave, or repeated attempts to use unpaid leave when the employee does not
367 have benefit time available.
- 368
- 369 (i) Use of official position or authority for personal or political profit or
370 advantage.
- 371
- 372 (j) Disregard or repeated violations of safety rules and regulations.
- 373
- 374 (k) Incompetence, unprofessional or poor work performance.
- 375
- 376 (l) Discrimination because of race, color, creed, national origin, marital status,
377 sex, sexual orientation, or any other grounds prohibited by State or Federal
378 law.
- 379
- 380 (m) Violations of Section 18.601 "Communications and Confidentiality".
- 381
- 382 (n) Failure to call in or report to work.
- 383
- 384 (o) Sleeping during scheduled work hours.
- 385
- 386 (p) Being disrespectful or bullying in dealing with fellow employees or the
387 general public.
- 388
- 389 (q) Failure to exercise good professional judgment and/or failure to conform to
390 the County's or your Department's goals and mission.
- 391
- 392 (r) Disregard or repeated violations of Rock County Ordinance, Policy or
393 Procedure, or Department Work Rules.
- 394
- 395 (s) Job Abandonment
- 396

397 Other circumstances may warrant disciplinary action and will be treated on a case by case basis.

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400 VIII. Section 18.614 is amended as follows:

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402 18.614 – Lunch Periods and Break Time

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404 Lunch periods and break times are to be arranged between the employee and their supervisor or
405 Department Head. Since most County offices remain open continuously on normal work days
406 between 8:00 a.m., and 5:00 p.m., it is the Department Head's responsibility to assure that lunch
407 periods and breaks are scheduled so that adequate staff coverage is provided at all times.

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409 (a) Lunch Periods.

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411 Lunch periods are normally scheduled midway in an eight hour shift. Lunch
412 periods shall not be longer than one hour nor shorter than thirty minutes.

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414 (b) Break Time.

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Employees may leave their workstation and return fifteen minutes later for two breaks in an eight hour shift, one during the first four hours of their first shift, and the second during the last four hours of their shift. Breaks not taken are lost. Breaks cannot be accumulated or used to extend lunch periods or to shorten the workday. Breaks must be used in 15 minute increments.

~~Lunch periods and break times are to be arranged between the employee and his/her supervisor or Department Head. Since most County offices remain open continuously on normal work days between 8:00 a.m., and 5:00 p.m., it is the Department Head's responsibility to assure that lunch periods and breaks are scheduled so that adequate staff coverage is provided at all times.~~

Employees who are on a nonstandard work schedule or work 2nd or 3rd shift shall follow Department Work Rules for lunches and breaks.

- (c) The Lunch Period and Break Times cannot be combined to the start or end of the shift in order to come in late or leave early.

IX. Section 18.1027 is created as follows:

18.1027 – Job Abandonment

Unauthorized absence of an employee due to failure to report to work on three consecutive days without notifying their supervisor prior to being absent.

X. Section 18.1028 is deleted in its entirety.

~~18.1028 – Limited Term Employee (LTE)~~

~~An employee who is hired to perform a job for a determinant amount of time with a specific ending date at the time of hire and who meets all of the qualifications to perform the job. Limited Term Employees are not eligible to receive fringe benefits other than Wisconsin Retirement if anticipated to work enough hours in a year to qualify for Wisconsin Retirement System coverage. Employees working as a Limited Term Employee may not work more than 25 hours per week.~~

XI. Section 18.1037 is created as follows:

18.1037 – Project Employee

An employee who is hired to perform a job for a no more than one year, and who meets all of the qualifications to perform the job. Employees working in a project position may work up to forty hours per week and will be eligible for benefits based on their scheduled FTE.

FISCAL NOTE:

Minimal fiscal impact.

s/Sherry Oja

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes §§ 59.03 and 59.52(8), Wisconsin Statutes.

s/Richard Greenlee

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

s/Josh Smith

Josh Smith
County Administrator

Executive Summary

Resolution to Amend the Ordinance for 1.1.22

Executive Summary

Rock County has a Personnel Ordinance that establishes a uniform personnel program for Rock County. The ordinance is reviewed annually and suggestions for modifications are brought forward to the County Board Staff Committee and the County Board.

It is important to give our workforce a voice in the process, and in 2021 a survey was sent to managers and employees to solicit input into suggestions for modifications to the current personnel ordinances and for suggestions for new ordinances. Overall there were 52 employee responses. The Human Resources Department identified several areas that were brought to their attention during 2021.

A draft of the proposed changes was reviewed with the County Administrator. There were some additional suggestions offered and a final version of proposed changes was compiled.

These changes are summarized below and a full version of the Ordinance language is included with the resolution.

- **18.112 (E)-Responsibilities and Authority**

Elimination of Worker's Compensation reference

- **18.506-Vacation**

Updating language to reflect vacation time at time of hire. Allowing vacation to be used in 15 minute increments.

- **18.509-Bereavement Leave**

Updating language to reflect that sick time can be used for the death of a parent, spouse, or child.

- **18.515-Sick Leave**

Updating language to reflect that sick time can be used after it has been earned and used for adult children. Updating language to reflect that sick time can be used for the death of a parent, spouse, or child.

- **18.518-Voting**

Eliminating language related to Voluntary Public Service Leave.

- **18.608-Disciplinary Action (Grounds for)**

Addition of job abandonment.

- **18.614-Lunch Periods and Break Time**

Elimination of language that puts a time requirement on lunch periods.

- **18.1027-Job Abandonment**

Addition of a definition for job abandonment.

- **18.1028-Limited Term Employee (LTE)**

Elimination of language

- **18.1037-Project Employee**

Addition of a definition for project Employee

- **18.1046-Seasonal Employee**

Updating the definition of a seasonal employee