

**GREEN COUNTY**

**EMPLOYEE**

**HANDBOOK**



**EFFECTIVE**

**JANUARY 1, 2014**

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Attachments:

- Family Medical Leave Act Poster
- Wisconsin Family Medical Leave Act Poster
- Fair Labor Standards Act Poster
- Equal Employment Opportunity Poster
- Wage Scales

## **I. INTRODUCTION**

### **Purpose**

The purpose of this Green County Employee Handbook (“Handbook”) is to establish uniform policies which are meant to ensure effective human resource management and employment practices. Nothing in this Handbook shall be construed as a written or implied contract of employment for any employee of the County.

### **Scope**

This Handbook shall govern all employees of Green County including those employees subject to a collective bargaining agreement. If there is a direct conflict between this Handbook and an employee’s collective bargaining agreement, the agreement shall prevail. Employees are expected to be aware of these policies and abide by them.

### **Amendments**

The Personnel and Labor Relations Committee is the committee in charge of personnel matters. This Handbook may be amended by approval of the Personnel and Labor Relations Committee at any time and at the sole discretion of the County when it is deemed to be in the best interest of the County to do so. Any revisions, amendments, deletions, etc. so enacted become effective upon adoption.

### **Interpretation of Handbook and Department Rules**

The responsibility for interpretation and enforcement of this Handbook shall be made by the Department Heads with advice from Corporation Counsel when needed. The Administrative Coordinator shall act as Personnel Director and as a liaison between the Department Heads and the Personnel and Labor Relations Committee.

This Handbook may not include all policies and procedures. Individual Departments may have additional policies and procedures necessary to ensure the efficient and effective operation. Employees are responsible for being aware of and abiding by any additional Department policies and procedures. If there is a direct conflict between this Handbook and Department policies and procedures, the Handbook shall prevail.

## II. GENERAL EMPLOYMENT POLICIES

### **Conflict of Interest**

The County requires employees to be responsible to the public they serve in the performance of their duties.

No County employee will use his/her office or position for personal financial gain or the gain of his/her family. No employee will engage in his/her own business activity, accept private employment or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of his/her official duties or would impair his/her independence of judgment or action in the performance of his/her official duties.

### **Outside Employment**

Unless otherwise prohibited herein or by law, County employees are permitted to engage in outside employment provided they meet all responsibilities, obligations, scheduling demands and work performance requirements existing or as may be modified and pertinent to their position of employment with the County. Employees shall immediately report any outside employment to his/her immediate supervisor and shall disclose the identity of the outside employer. If the County determines, in its sole discretion, that outside employment interferes with an employee's ability to fully meet his/her County employment obligations, the employee will be requested to terminate his/her outside employment if he/she wishes to retain employment with the County. Any outside employment which constitutes a conflict of interest is absolutely prohibited and is subject to disciplinary action. Employees are prohibited from using County facilities, equipment or telephones in any activity related in any way to their outside employment at any time. No activities related to outside employment may be conducted during working hours.

### **Confidentiality**

Employees may, because of their responsibilities, have access to privileged and/or confidential County information which includes, but is not limited to:

1. Labor relations strategies;
2. Employee records;
3. Sealed court records;
4. Privileged legal advice, documents, knowledge, strategies or investigative information;
5. Law enforcement investigative information;
6. Human Services information;
7. Personal health information as defined under the Health Insurance Portability and Accountability Act;
8. Information which would assist an outside firm or person in either a bidding or purchasing activity; or
9. Information obtained in any closed session proceedings.

This confidential information shall not be disclosed to any County personnel who do not have a legitimate business need to know such information or to persons not employed by the

County without the express authorization of the Corporation Counsel. All employees are responsible for protecting the confidentiality of this information.

### **Political Activity**

No employee is precluded from engaging in political activity provided such activity does not interfere with normal work performance, is not conducted during working hours and does not involve the use of County equipment, property or office space. Employees are specifically prohibited from directly or indirectly coercing any person to hold or contribute money or other types of assistance to any political candidate, party or purpose.

Under provisions of the Hatch Act, employees who are principally employed in positions which are financed in whole or in part by Federal loans or grants cannot become political candidates in partisan elections.

Section 11.36(2) of the Wisconsin Statutes states that no person may solicit or receive from any officer or employee of a political subdivision of this state any contribution or service for any political purpose during established hours of employment or while the officer or employee is engaged in his or her official duties.

### **Inclement Weather Policy**

County offices will not close because of inclement weather. In the event employees are unable to make it to work due to inclement weather, they are to call their supervisor as soon as possible. Time lost may be deducted from available vacation, personal or compensatory time, unless none is available in which time may be unpaid. If inclement weather occurs during the work day and employees wish to leave early, approval must be obtained from their supervisor and the lost time will be deducted from available vacation, personal or compensatory time or may be unpaid.

### **Employee Training and Development**

Employee training is provided as necessary to ensure that employees are kept up to date with current developments in their respective occupational fields. Such training enhances the knowledge, skills and proficiency of the County's work force while providing for employee career growth and promotional opportunities within County service. Any training or education required by the employer may be paid time off and the employee may be reimbursed for expenses provided prior approval is received from his/her Department Head or his/her designee.

### **Dress/Personal Appearance**

The County imposes no specific dress code; however, employees are expected to dress and be appropriately groomed for his/her job. The County relies on employee's good judgment in maintaining dress and personal appearance standards which coincide with the basic guidelines below. Employee dress and personal appearance must:

1. Be appropriate for the requirements of the job;
2. Not jeopardize applicable health and safety standards; and
3. Not detract from the public service mission or image of the County.

Wherein a question arises regarding the appropriateness of dress and personal appearance in a Department, the Department Head will make the final determination. In certain Departments, uniforms or special types of clothing specific to positions of employment are required as a condition of employment.

**Job Transfers**

The County may transfer employees between Departments at its discretion. The County will determine the wage or salary for the new position. Employees who are transferred between Departments maintain accumulated sick leave, vacation and longevity. The original date of hire shall be used in determining annual vacation for an employee who has been transferred.

### III. EMPLOYEE CLASSIFICATIONS, WORK SCHEDULES AND PAY

#### **Personnel Classifications**

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

1. Regular full-time employee is defined as an employee who is regularly scheduled to work a full-time shift of 37.5 to 40 hours per week. Regular full-time employees are eligible for fringe benefits, subject to the terms, conditions and limitations of each benefit program. Regular full time employees in law enforcement (sheriff's deputies and corrections) may be regularly scheduled to work full-time shifts in excess of 40 hours per week under the partial law enforcement exemption of the Fair Labor Standards Act.

2. Regular part-time employee is defined as an employee who is regularly scheduled to work less than a full-time schedule but at least 1040 hours annually. "Regular part-time employees" may be eligible for fringe benefits on a pro rata basis based on number of annual scheduled hours that the County Board has authorized for the regular part-time position compared to the annual scheduled number of hours of a regular full-time employee in the same Department, subject to the terms and limitations of each benefit program.

3. Part-time employee is defined as an employee who is regularly scheduled to work less than 1040 hours on an annual basis. Part-time employees are ineligible for benefits unless required by law. Part-time employee status is determined at the time of hire and thereafter on the employee's anniversary date.

4. Limited Term Employee (LTE) means an employee who is hired for a limited duration to temporarily supplement the workforce, to serve as an interim replacement for an employee on leave or to assist in the completion of a specific project. Limited term employees include seasonal, call-in employees and temporary help. Limited term employees are ineligible for the County's benefit programs unless required by law or authorized in his/her job description and approved by the Personnel and Labor Relations Committee.

#### **Non-Exempt, Exempt and Partially-Exempt Employees**

In addition to personnel classifications, employees are generally classified under the Fair Labor Standards Act and state wage and hour laws (collectively "FLSA") as non-exempt, exempt and partially exempt. An employee's classification under the FLSA determines, among other things, whether an employee is entitled to premium overtime pay. The County designates employees as non-exempt, exempt or partially exempt in accordance with the requirements of the FLSA.

1. Non-exempt employees. Non-exempt employees are entitled to all of the protections provided by the FLSA including the minimum hourly wage, compensation for all hours

worked and premium overtime pay equal to time and one-half for all hours worked in excess of 40 hours in a work week.

2. Exempt employees. Exempt employees receive an annual salary for the services they perform for the County and generally are not subject to and are “exempt” from the requirements of the FLSA. This means that exempt employees are not entitled to, and do not receive, among other things, additional compensation for hours worked outside of their scheduled hours (if any) or premium overtime pay/compensatory time for hours worked in excess of 40 hours per week. Exempt employees may include, but are not limited to, Department Heads, supervisors, administrators, managers, certain information technology (IT) employees and certain professional employees. The County will designate an employee’s exempt status in his/her job description.

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

### **Work Week**

The normal work week for full-time non-exempt County employees will be determined by the County but will generally be either 37.5 or 40 hours per week. For purposes of payroll and calculating premium overtime pay, the work week for all Departments begins at 12:00 a.m. each Sunday and ends at 11:59 p.m. each Saturday except as otherwise allowed by law and approved by the Personnel and Labor Relations Committee. Work periods for partially exempt law enforcement employees (sheriff’s deputies and jailers) will be established in accordance with the FLSA.

These are hours of work under normal circumstances. They are not a guarantee of hours to be worked or a guarantee of pay for hours not worked. The actual number of hours worked by an employee will be determined based on the needs of the County. Hours actually worked are paid in accordance with the FLSA.

Department Heads will inform employees of their work schedules and the specific hours they are required to work. Department Heads and management are required to take proactive steps to schedule employees based on the need for services which may require Department Heads and managers to schedule employees to work non-standard shifts and to send employees home when their services are not required.

Exempt management personnel are expected to work within the operating hours of the employees' Department as established by the County.

**Lunch Periods/Rest Breaks**

Employees may be provided with an unpaid lunch period approximately midway through a working day varying in length from one-half to one hour depending on daily scheduled hours of work in his/her Department. Offices should strive to remain open during the lunch period except the offices of Circuit Court Judges and Register in Probate which may close one hour per day for lunch as may be determined by the Judges.

Rest breaks are provided on a paid basis and are taken in two ten-minute daily intervals, one in the first half of the day and the other in the last half of the work day as the workload of the Department permits. Each Department Head may establish a different schedule for lunch periods and breaks.

Lunch and rest break periods will generally be staggered amongst employees in order to allow Departments and offices to remain open throughout the normal business day. Accumulating or combining unused lunch and/or rest break periods for the purpose of shortening work days, extending lunch periods or accruing compensatory time is prohibited. Working through the lunch period to accommodate personal needs or in response to peak work load requirements is permitted on an occasional basis provided that supervisory approval is obtained and that such time worked is offset with corresponding amount of time off.

**Attendance**

All employees shall work every scheduled work day, report on time for their assigned shift and end their shift as scheduled unless otherwise directed. Employees are further expected to return from scheduled rest breaks and lunch breaks on time and to work until the employee is relieved from duty. Punctuality and regularity in attendance are required. All absences from work whether paid or unpaid must be approved by a Department Head and/or supervisor in advance of the absence.

An employee shall immediately contact his/her supervisor or Department Head if unable to report for work or if unable to report to work on time for any reason. If an employee is unable to report to work, he/she must contact his immediate supervisor as early as possible or as directed by any Department policy or procedure. Any absence or incident of tardiness that is not reported in a timely and proper manner may be considered "unexcused" and may be subject to disciplinary action and will result in ineligibility for paid time off. If an employee is absent from work for three consecutive days without notifying their supervisor or an employee's request for time off has been denied and the absence occurs anyway, the County may consider employment to have been voluntarily terminated and/or abandoned.

Employees must promptly report to work upon the expiration of an approved leave including, without limitation, return from approved paid time off and Family Medical Leave. Failure to comply with any aspect of the County's attendance policy as well as excessive, habitually

repetitive, patterns of absences and/or tardiness will, in the sole discretion of the County, result in disciplinary action up to and including discharge.

### **Time Records**

Federal and State laws require that an accurate record be kept for all hours worked for non-exempt employees. Depending on the Department involved, time records are to be maintained daily and submitted to the Department Head or his/her designee on a weekly or bi-weekly basis, as required, for approval. In some areas where time clocks are required, regulations will be provided by each specific Department. Each employee must punch his/her own time card or prepare his/her own time records.

### **Anniversary Date**

Anniversary date is the first date on which the employee begins regular full-time, regular part-time and part-time employment. All employment shall be considered to be continuous unless terminated by discharge, resignation or lay-off and not re-employed for two years from the date of layoff.

### **Overtime**

Overtime hours are hours worked in excess of those for which the employee is scheduled. Overtime hours should be granted for unusual occurrences or Department requirements only, and must be pre-approved by the employee's Department Head or supervisor.

Non-exempt employees will be paid their straight hourly rate for overtime hours worked up to and including 40 hours in a work week and premium overtime pay at 1½ times the employee's regular rate of pay for all hours worked over 40 in a workweek. Partially-exempt employees will be paid at their straight hourly rate for overtime hours worked up to and including the established work period and premium overtime pay at 1½ times the employee's regular rate of pay for all hours worked over the established work period.

### **Compensatory Time**

The County may provide non-exempt and partially-exempt employees with compensatory time instead of paying for overtime hours worked in excess of 40 hours for non-exempt employees or the applicable work period for partially-exempt employees. Compensatory time will be provided in accordance with the requirements of state and federal law. Exempt employees are not entitled to compensatory time.

1. Use of Compensatory Time. The Department Head or supervisor must pre-approve the hours that the employee plans to be absent from work prior to the employee taking compensatory time. The Department Head and supervisor shall manage requests to use compensatory time in accordance with the FLSA. The County may require employees to use compensatory time at its discretion in accordance with the FLSA.

2. Accumulation of Compensatory Time. Compensatory time may be accumulated in an amount not to exceed 60 hours and any hours in excess of 60 hours shall be paid out. It is the Department Head's responsibility to monitor and pay out employees for any excess hours. All

compensatory time earned by employees, with the exception of eight hours, shall be used by December 15<sup>th</sup> or paid out by the last payroll period of each year.

3. Record of Compensatory Time. When an employee uses compensatory time, the number of hours used must be indicated under the heading Compensatory Time Used on the time record. A record of compensatory time earned and taken must be kept according to established procedures. The record of compensatory time shall be reviewed and approved by the employee's Department Head or supervisor.

**Off-Duty Call In Pay**

If a non-exempt employee is called in for work outside of normal work hours, that employee shall receive a minimum of two hours of pay. An employee of the Highway Department must be able to report within 35 minutes to the employee's normal place of work.

**On-Call Pay**

Employees who are required to be on-call or carry a beeper/cellular phone during non-work hours may be compensated on a per diem basis as approved by the Personnel and Labor Relations Committee.

**Shift Differential Pay**

The Sheriff's Department and Pleasant View Nursing Home may offer shift differential pay to its employees as approved by the Personnel and Labor Relations Committee.

## IV. BENEFITS OF EMPLOYMENT

### Holidays

1. The County has declared the following nine full days as official County holidays:

New Year's Day	Independence Day	Day after Thanksgiving
Good Friday	Labor Day	December 24
Memorial Day	Thanksgiving Day	December 25

2. Regular full-time employees shall receive their straight time rate of pay for each of these days. If an employee works on a holiday, the employee will receive holiday pay in addition to pay for time worked. For purposes of computing overtime, holidays shall be counted as days worked.

3. If a holiday falls on a Saturday, Friday will be the day off. If Friday is also a holiday, Thursday will be the day off. If a holiday falls on a Sunday, then Monday will be the day off. If Monday is also a holiday, then Tuesday will be the day off. If there is a reasonable dispute as to the official day specified for any of the above holidays, then such holiday shall be the day designated by the Administrative Coordinator.

4. To qualify for holiday pay, employees must report for work on their regularly scheduled day both prior to and following the holiday, if said employee is requested to do so, unless the day preceding or the day following the holiday is their regularly scheduled day off, or unless they are unable to work on account of proven illness, or unless absence is mutually agreed to.

### Vacation

1. A full-time employee begins to earn vacation upon completion of six months of continuous employment; thereafter, vacation is earned on an employee's anniversary date as follows:

6 months = 5 days

2 years = 10 days

3 years = 1 additional day of vacation is earned each year up to a cap of 25 days

Employees do not earn additional vacation at his or her first year anniversary date. Employees whose maximum vacation days are capped at 30 under a valid collective bargaining agreement as of December 31, 2013, shall remain capped at 30 days of vacation per year. A vacation day for a 37.5 hour per week employee shall be calculated based on a 7.5 hour day. A vacation day for a 40 hour per week employee shall be calculated based on an 8 hour day. Under no circumstances shall a vacation day be calculated to exceed 8 hours.

2. The Department Head or his/her designee shall have full responsibility and discretion for setting vacation periods for all employees under his/her supervision during the calendar year. Employees within the same class or job title shall be given an opportunity to exercise the selection of their vacation according to the periods set out by the Department Head or his/her designee.

3. An employee shall take at least five days of earned vacation during each anniversary year. Any portion of the five required days of earned vacation not taken shall be forfeited and shall not be paid to the employee. The remainder of unused earned vacation may be taken in pay.

4. Vacation time is not spent when a holiday, observed by the County, falls within the employee's vacation period. Pleasant View Nursing Home and the Sheriff's Department are not subject to this provision and shall create their own policies regarding holidays falling within an employee's vacation period. (modified 3-11-14)

5. All time lost because of on-the-job injury or illness shall count as time worked for vacation purposes.

6. In the event of the death of an employee who is entitled to vacation pay under this Handbook, vacation pay and earnings due the employee shall be paid to his/her lawful heirs, in accordance with the laws of intestacy in the state of residence of the employee.

### **Personal Days**

Personal days will be granted to regular full-time employees on the following basis:

1. Three days on a calendar year basis.

2. Employees who are hired after the first of the year shall receive personal days on a pro rata basis.

3. Days off shall be approved in advance by the Department Head or his/her designee.

4. No reason need be given for the taking of a personal day, except that the employer must be told that it is to be considered as such, otherwise the employee will not receive pay.

5. A personal day for a 37.5 hour per week employee shall be calculated based on a 7.5 hour day. A personal day for a 40 hour per week employee shall be calculated based on an 8 hour day. Under no circumstances shall a personal day be calculated to exceed 8 hours.

### **Health Insurance**

1. All County employees who are eligible to join the Wisconsin Public Employers' Group Health Insurance Program shall be eligible for health insurance premium contributions by the County. Newly hired eligible employees who elect to receive health insurance through the County shall receive coverage the first of the month following 30 days of employment. The County shall pay no more than 90% of the total premium of the least costly qualified insurance plan available in Green County. Employees shall be responsible for any additional premiums owed for the health plan they choose. County contribution to health insurance premiums shall be based upon how many hours an employee works for the County. Contributions are based upon rules established by the Department of Employee Trust Funds.

2. The County shall make the contribution for an employee who is absent because of illness or off the job injury for six months. This pertains only to employees with two years or more of

continuous service. The County will continue contributions for a maximum of twelve months when an employee is absent due to occupational illness or injury.

3. If an employee is granted a non-Family Medical Leave Act leave of absence and desires to have his/her insurance coverage continued, he/she is responsible for paying his/her portion of health insurance premiums in advance for each month of the leave of absence.

4. A retiree group health insurance plan is available to retiring County employees subject to rules established by the Department of Employee Trust Funds.

### **Worker's Compensation**

On-the-job injuries shall be reported to the proper supervisor immediately and the necessary insurance forms shall be completed as required by law. For employee and County protection, all injuries shall be reported and processed.

An employee who is absent for an extended period of time, under Worker's Compensation, may be required to furnish a physician's certificate upon request.

### **Wisconsin Retirement System**

The County is required to participate in the Wisconsin Retirement System. Eligibility for participation is determined by the State of Wisconsin. Each eligible employee is automatically covered by the Wisconsin Retirement System from the first day of employment in a qualifying position.

### **Additional Benefits**

Green County offers the following optional additional benefits at employee expense. All benefits are subject to change at any time in the sole discretion of the County.

1. Life Insurance;
2. BEST flex plan;
3. Standard Long Term Disability; and
4. 457 Deferred Compensation Program.

### **Non-Full Time Employee Benefits**

Regular Part-Time Employee Benefits:

1. Regular part-time employees are eligible for the following benefits on a pro rata basis:
  - a. Holiday;
  - b. Sick Leave;
  - c. Vacation; and
  - d. Personal Days.
2. Proration of benefits for regular part-time employees shall be based upon the number of hours said employee's work applied as a percentage of full-time hours per week. Holidays are prorated and paid following the holiday, and vacation is prorated after anniversary dates.

Limited Term Employee Benefits: Limited term employees may receive benefits if provided in the job description and approved by the Personnel and Labor Relations Committee.

### **Reimbursements to Employee**

An employee may be reimbursed for the following amounts for qualified expenses as needed for employment, upon receiving prior approval by the employee's Department Head or his/her designee:

1. The cost to maintain the employee's commercial driver's license;
2. The cost of meals, lodging, mileage, entrance and/or parking fees during County approved training outside of the County; and
3. Mileage for County services performed in an employee's own vehicle. Commuting mileage is not reimbursable.

Employees in the following departments also receive an allowance:

1. Highway: \$100.00 per year for steel toed safety shoes, safety glasses or other safety clothing which may be banked to a maximum of \$200.00.
2. Landfill: \$150.00 per year for steel toed safety shoes, prescription safety glasses, and \$250.00 per year for clothing.
3. Emergency Management: \$100.00 per year for polo-style shirts and \$100 per incident to replace personal items damaged up to a maximum of three incidents per year.
4. Dispatchers: \$100.00 per year for clothing.

## V. LEAVE POLICIES

### **Time Off Request**

Occasionally there are times when an employee must be absent because of illness or for other reasons. Arrangements for planned absences should be made as far in advance as possible. If an employee wishes to take paid time off, he/she should notify his/her Department Head or his/her designee for approval.

### **Sick Leave**

1. Sick leave with pay is provided to protect income during an illness or disability that forces an employee to remain away from work.
2. The sick leave policy of the County is a privilege, not a right, and it is set up for the sole purpose of protecting the income of the employee.
3. An employee may use accumulated leave to attend to a health-related condition of a spouse, child or parent.
4. Each regular full-time employee shall earn and accumulate when not used, 0.04625 hours of sick time per hour paid to a maximum of 12 days per year.
5. After a regular full-time employee has accumulated the maximum 90 days of sick leave and used all or any portion of it, it shall be built back up at the above rate, until he/she has again accumulated 90 days.
6. After an employee has used three consecutive days of sick leave, he/she shall furnish a doctor's certificate attesting to the illness, at the discretion of the Department Head or his/her designee. If the employee leaves work because of illness, that day shall be counted as the first day of illness.
7. After each regular full-time employee has accumulated his/her 90 days of sick leave, they shall be entitled to an annual payout of one-half the sick days remaining over 90 days at the end of each year. Such a payout shall reduce the employee's sick leave account to 90 days.
8. Any unused sick leave at the time of an employee's termination due to normal retirement, or permanent disability will be paid to the employee, at the employee's rate of pay at the time of termination on a one to two basis, or 50% of the employee's total sick leave accumulation.
9. The term "normal retirement" as used in this Section shall be defined to be a voluntary termination of employment on the part of the employee occurring after an employee has attained the age of 62 years and has completed ten years of continuous employment for the County or occurring after an employee of any age has completed twenty years of continuous employment for the County.
10. If an employee who has accumulated unused sick leave under this section becomes an elected official of the County with no break in County employment, upon taking elected office,

he/she shall be entitled to an immediate payout of their accumulated sick leave on a one-to-two basis, or 50 percent of the employee's total sick leave accumulation. Such payout shall be at the rate of pay the employee earned immediately preceding taking elected office.

### **Funeral Leave**

An employee shall be allowed up to three days off with pay, provided the employee attends the funeral, for a spouse, domestic partner, mother, father, brother, sister, child, grandparent, or grandchild, including in-laws and step-family members of the above. These days are not to be deducted from accumulated sick leave.

### **Leave of Absence**

All leaves of absence not otherwise covered in this Handbook shall be without pay. No leave of absence shall be granted until an employee has used all available paid time off including sick time, if applicable.

1. Any employee desiring a leave of absence from his/her employment shall secure written permission from the Department Head or his/her designee. The maximum leave of absence shall be for 30 days and may be extended for like periods with authorization from the Department Head or his/her designee.
2. The employee must make suitable arrangements for continuation of health insurance and other benefits.
3. If an employee, during a leave of absence, does not provide contribution to health insurance, upon returning to work the employee shall be reinstated as determined by the Department of Employee Trust Funds.
4. Vacation and sick leave benefits do not accumulate, and holiday pay is not allowed during a leave of absence. Longevity of service continues to accumulate during a leave of absence.
5. Employment and leave of absence shall terminate should an employee accept employment elsewhere while on a leave of absence.

### **Family Medical Leave Act**

The County's Family and Medical Leave Act Policy is intended to conform to, and not exceed, the requirements of the federal Family and Medical Leave Act of 1993 (FMLA), and the Wisconsin Family and Medical Leave Act (WFMLA). An employee should contact his/her Department Head regarding leave. Please see attached FMLA and WFMLA information.

### **Military Leave**

All employees who are called for military duty by the United States Government under the Uniform Services Employment and Reemployment Rights Act shall be considered on leave of absence, and shall retain all longevity rights cumulatively, and without interruption. An employee should contact his/her Department Head and present a copy of his/her military orders.

Each such employee shall, on request, be reinstated to the position he/she held on entering the service, provided such request is made within 90 days after the employee is available to return to work. If such position has been discontinued or eliminated, then he/she shall be given other employment which he/she is suited for in accordance with his/her length of service with the County.

**Jury Duty**

Any employee who serves on a jury shall be paid by the employer the difference between the earnings for such jury duty and his/her regular earnings. Employees shall produce evidence of payments received for appearing and a copy of any summons or subpoena upon request. Any employee who is called for jury duty, but who is dismissed or has concluded his/her jury duty for any reason shall return to his/her job to complete his/her regularly scheduled work day. The employer reserves the right to ask that an employee be excused from jury duty.

**Work-Related Testimony**

Any employee who is subpoenaed or summoned by judicial process, to present testimony regarding a work-related matter, in a court of record, administrative hearing or arbitration shall be paid by the employer, the difference between the earnings for such testimony and his/her regular earnings. Employees shall produce evidence of payments received for appearing and a copy of any summons or subpoena upon request.

Any employee who is subpoenaed or summoned, but who is dismissed or is excused for any reason shall return to his/her job to complete his/her regularly scheduled work day.

The employer reserves the right to ask that an employee be excused from testifying on any given day.

## **VI. EMPLOYEE DISCIPLINE AND GRIEVANCE PROCEDURE**

### **At-Will Employment**

Employment with Green County is governed by the common law doctrine of “at-will” employment. An employee may be dismissed at any time, with or without cause and with or without notice. This doctrine may not apply wherein it conflicts with federal or state statutory restrictions or employment agreement provisions.

### **Employee Discipline**

All employees must meet County standards of work quality and must accomplish work within the time limits established by the County. Employees who do not satisfy the levels of performance expected by the County, who exhibit poor work performance or who are unable to work with other employees may be disciplined up to and including discharge.

At the sole discretion of the County, various types of employee discipline may be imposed which include oral reprimand, written reprimand, demotion, suspension and discharge. None of these disciplinary measures are required to be used before discharge from employment occurs, nor are the listed actions required to be used in any specific order. Nothing in this Handbook shall be construed as establishing a “just cause” standard for discipline or discharge of employees or to require the County to follow progressive discipline before taking any action.

Employees may be disciplined up to and including discharge for the violation of any rules, regulations or policies in this Handbook, any departmental rule, policy and procedure as well as any law, regulation or ordinance. In addition, below is a non-exclusive list of examples of prohibited behaviors or actions which, in the absolute discretion of the County, may result in discipline up to and including discharge.

1. Work Performance.
  - a. Insubordination, disobedience, failure or refusal to follow the written or oral instruction of supervisory authority or to carry out work assignments.
  - b. Neglecting job duties and responsibilities.
  - c. Incompetence or unacceptable work productivity.
  - d. Intentionally falsifying records or giving false information to other government agencies or private organizations or to employees responsible for record keeping.
  - e. Failure to observe all safety rules, procedures and practices, including the use of protective equipment and clothing or in the operation of vehicles and equipment.
  - f. Attempting to conceal or make unavailable information or records which are public or which rightfully should be furnished to the County Board, its committees or County employees.
  - g. Refusal to work scheduled work hours including overtime hours.
  - h. Failing to show proof of possession and/or maintenance of a valid license and/or certificate that is required for the performance of his/her assigned position.
  - i. Operating a vehicle in violation of County policy and/or in an unlawful or hazardous manner.

- j. Failing to participate and/or cooperate with a County investigation.
  - k. Sleeping during work hours.
2. Attendance and Punctuality.
- a. Failure to report promptly at the starting time of a shift or leaving before the scheduled end of a shift without authorization.
  - b. Failure to notify or timely notify the proper authority that the employee will be absent or tardy from work.
  - c. Excessive absenteeism.
  - d. Improper use or abuse of sick leave privileges.
  - e. Failure to observe the time limits of lunch and break periods.
  - f. Absence without authorized leave.
  - g. Failure to report upon the expiration of an approved leave of absence.
  - h. Leave used for a purpose other than for which it was requested and granted.
3. Use of County Property.
- a. Abuse or misuse of County property, materials or equipment including motor vehicles.
  - b. Theft, misappropriation or unauthorized possession or use of County property, equipment or materials including, but not limited to, uniforms, equipment, supplies, vehicles, telephones, copy machines or mail service or computer hardware, software, modems, networks, electronic communication systems;
  - c. Unauthorized copying of software or records for personal use.
  - d. Disclosure of confidential information and records to unauthorized personnel or third persons.
  - e. Unauthorized possession, lending, borrowing or duplication of keys or government credit cards, careless or improper use of keys or credit cards or failure to report promptly the loss of keys or credit cards.
  - f. Unauthorized or improper use of a uniform or failure to wear a uniform properly.
4. Misconduct.
- a. Threatening, attempting or inflicting bodily harm to fellow employees, representatives of other agencies or the general public.
  - b. Threatening, intimidating, interfering with or using abusive or profane language toward others, including ethnic slurs.
  - c. Creating, maintaining or participating in a hostile work environment toward any person.
  - d. Unauthorized possession of weapons.
  - e. Dishonesty or making false or malicious statements concerning other employees, supervisors or the County.
  - f. Unauthorized possession or use of alcoholic beverages or illegal drugs during work hours while on County time or property or while engaging in business.

- g. Reporting to work in a condition unsafe to the employee, others or physical property or unable to perform job responsibilities due to the influence of alcohol, illegal drugs, medicine or sickness.
  - h. Soliciting or accepting unauthorized compensation, reward, gratuity or gift of any kind or value for any matter related to the employee's job as an employee of the County.
  - i. Theft.
  - j. Harassment of any type.
  - k. Discrimination against members of the public or County employees based on race, color, creed, sex, sexual orientation, national origin, handicap or any other protected classification.
  - l. Engaging in personal or outside business on county work time.
  - m. Providing incorrect or fraudulent information pertaining to an on-the-job injury or an off-of-the-job injury;
  - n. Falsification of time cards, time records or any other county document.
5. Solicitation and Political Activity.
- a. Selling commercial or private products or services on County time or premises without authorization.
  - b. Unauthorized solicitation of funds or donations for any purpose on County time.
  - c. Unauthorized distribution of printed matter on County time.
  - d. Engaging in political activity which (i) interferes with normal work performance; (ii) is conducted during work hours; or (iii) involves the use of County equipment or property.
6. Outside Activities.
- a. Transacting business as an employee of the County with any business entity in which the employee has an interest except as authorized by law.
  - b. Engaging in any outside activities or employment which may impair the employee's independent judgment or his ability to perform his duties as an employee of the County.

### **Employee Grievance and Appeal Procedure**

It is the policy of the County to treat all employees fairly and equitably in matters affecting his/her employment. Every attempt will be made to resolve all complaints at the Department level. Each employee who feels aggrieved has a right to present a grievance to appropriate management officials. The filing of a grievance by an employee will not reflect unfavorably on the employee's standing, performance or loyalty and the employee should have no fear of reprisal.

A grievance means a complaint regarding suspension, termination, or a workplace safety issue. "Workplace safety" includes, but is not limited to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk.

Workplace safety does not include hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews and compensation. A grievance concerning workplace safety must be personal to the Grievant, not relate to safety of or property of third parties, and include a proposed remedy.

The following matters are not subject to the grievance procedure under this section:

1. Layoffs, including general workforce reductions or failure to be recalled from a layoff at the expiration of the recall period.
2. Non-disciplinary job transfers or demotions.
3. Performance evaluations or reviews.
4. Administrative suspensions with or without pay, during any internal employment related investigation.
5. Non-disciplinary wage, benefit or salary adjustments.
6. County actions or inactions as it relates to another employee.

Any grievance will be considered settled at the completion of any step in the procedure if all parties concerned are mutually satisfied. Dissatisfaction is implied in recourse from one step to the next.

A grievance may not be brought under this section relating to the termination of employment by the following:

1. A law enforcement officer who may use the procedure specified in Wis. Stat. § 59.26(8).
2. An employee subject to a collective bargaining agreement containing a grievance procedure.
3. A circuit court commissioner who is appointed pursuant to Wis. Stat. § 757.68.
4. A corporation counsel who is appointed pursuant to Wis. Stat. § 59.42(1)(b).
5. A register in probate who is appointed pursuant to Wis. Stat. § 851.71(1).
6. A nursing home administrator who is appointed under Wis. Stat. § 46.19.
7. A director of human services who is appointed under Wis. Stat. § 46.23.
8. A local health officer who is appointed under Wis. Stat. § 251.06(4).
9. A seasonal or limited term worker.

10. An independent contractor.

11. An elected official.

12. A highway commissioner elected under Wis. Stat. § 83.01.

Days shall mean calendar days exclusive of Saturdays, Sundays and days upon which the Historic Courthouse is closed for a holiday and also the day after Thanksgiving and December 31<sup>st</sup> of each year. In counting days, the day of the act, event or occurrence from which the designated period of time begins to run shall not be included. All time requirements shall be strictly enforced and both parties must agree to a waiver of any applicable time requirement in writing.

A Grievant may have an attorney represent him or her under this section.

An employee, not otherwise barred, may file a grievance under this procedure. Such grievances shall be handled as follows:

1. Prior to filing a written grievance, the employee shall discuss any problem or complaint with his or her immediate supervisor to see if settlement is possible. If the employee is a Department Head, he or she shall proceed directly to paragraph 3 and shall file his or her written grievance with the Chairperson of his or her oversight committee not later than 10 days from the date the Department Head first became aware of the condition causing the grievance.

2. If the problem is not resolved with the immediate supervisor, the Grievant may file a written grievance with the Department Head, but not later than 10 days from the date the Grievant first became aware of the condition causing the grievance. The written grievance shall contain a clear and concise statement of the pertinent facts, the dates the incidents occurred, the identities of the persons involved, documentation related to the Grievance in possession of the Grievant, the steps taken to informally resolve the dispute and the results of those discussions, all reasons why the actions of the supervisor should be overturned, if applicable, and the remedy that should be issued. A grievance alleging a workplace safety issue shall also identify the workplace rules allegedly violated, if applicable. The written grievance shall be sent via registered or certified mail to the County office of the Department Head. The Department Head shall respond in writing no later than 10 days from the date the grievance was received. Failure of the Department Head to respond in 10 days shall be deemed a denial of the employee's grievance by the Department Head and the Grievant may proceed to Paragraph 3 if he or she so chooses.

3. If the Grievant is not satisfied with the Department Head's response, a request to hear the grievance may be submitted in writing and sent via registered or certified mail to the Chairperson of the Grievant's Department oversight committee within 10 days from receiving the Department Head's decision or if the Department Head did not respond, within 25 days from the date the Grievant first became aware of the condition causing the grievance. The

Chairperson shall place the grievance on the agenda of the next available committee meeting of the Grievant's Department oversight committee. The Grievant's Department oversight committee shall make a decision on the grievance and shall inform the Grievant of its decision in writing within 10 days of its decision. If the Grievant's Department does not have an oversight committee or if the Grievant's oversight committee is the Personnel and Labor Relations Committee, the Grievant may proceed to Paragraph 4 if he or she so chooses.

4. If the Grievant is not satisfied with the Grievant's Department oversight committee's decision, the Grievant may file an appeal for a hearing before an impartial hearing officer within 10 days of receiving the Grievant's Department oversight committee's decision. The appeal must be in writing and sent via registered or certified mail to the County Clerk. An impartial hearing officer will be selected by the County. Any costs for the impartial hearing officer's services will be borne equally by the parties. The Grievant and the County may mutually agree in writing to waive the hearing before an impartial hearing officer and advance the grievance to Paragraph 5.

- a. Selection of Impartial Hearing Officer. Following receipt of the appeal requesting a hearing before an impartial hearing officer the County shall provide the name of the person who shall serve as an impartial hearing officer.
- b. Burden of Proof. The Grievant shall bear the burden of production and burden of proof. The rules of evidence shall not be strictly followed, but no factual conclusions may be based solely on hearsay evidence. Not less than ten days prior to the hearing, the Grievant and the County shall exchange lists of witnesses and documentary evidence that they intend to introduce at the proceedings.
- c. Written Decision. After receiving the evidence and closing the hearing, the impartial hearing officer shall issue a written decision. The decision shall contain findings of fact, analysis and a recommendation. The impartial hearing officer must answer the following question: Based on the preponderance of the evidence presented, has the Grievant proven the decision of the County was arbitrary or capricious?
- d. Powers of the Hearing Officer. The impartial hearing officer shall have the power to sustain or deny the Grievance. The impartial hearing officer shall have no power to issue any remedy, but the impartial hearing officer may recommend a remedy. Remedial authority shall be subject to the determination and approval of the Personnel and Labor Relations Committee. The impartial hearing officer may request oral or written arguments and replies.

5. If either party is not satisfied with the decision of the impartial hearing officer or that hearing was waived by the parties, either party may file an appeal within 10 days of the decision or signed waiver to the Personnel and Labor Relations Committee. The request for an appeal shall be sent via registered or certified mail to the County Clerk. The Chairperson shall place the employee's grievance on the agenda on the next available committee meeting of the Personnel and Labor Relations Committee. The Personnel and Labor Relations Committee shall make a decision on the grievance and shall inform the Grievant of its decision

in writing within 10 days of its decision. The decision of the Personnel and Labor Relations Committee shall be subject to final action by the County Board. The final action by the County Board shall be based solely on the record submitted to it by the Personnel and Labor Relations Committee and no further testimony will be taken unless requested by the County Board Chair. The grievance process is completed when the County Board takes its action.

## VII. EMPLOYEE ASSISTANCE PROGRAM

Employees who may be having issues related to alcohol, drug abuse or personal problems are encouraged to seek services through the County's Employee Assistance Program.

### 1. Definitions:

- a. Personal Problems: Behavioral, medical, physical, psychological, marital, financial or legal problems, involving either the employee or a dependent, which definitely and repeatedly interferes with the employee's job performance.
- b. Alcoholism and Other Drug Abuse Problems: Illnesses in which the employee's or his/her dependent's consumption of alcoholic beverages and/or use of other drugs, interfere with the employee's job performance.

2. Alcoholism, other chemical dependencies and personal problems are recognized as highly complex matters that can successfully be treated. Such illnesses will receive the same financial benefits, insurance coverage and sick leave as is presently provided for other illnesses under the established employee benefit plans.

3. When the use of alcoholic beverages or other drugs off the job impairs job performance, attendance, conduct and reliability, such conduct shall become a matter of concern to the County and it is the responsibility of the supervisors of employees evidencing substandard job performance to seek to remedy the situation and bring the employee's performance up to standard. If, after counseling about substandard job performance, an employee's performance does not improve, the employee's supervisor will schedule a further conference at which the employee will be given the opportunity to consult with the employee assistance coordinator. Such consultation with an employee assistance coordinator shall be at the employee's option.

4. The employee assistance coordinator shall meet with the referred employee and seek to determine the cause of the substandard performance. If it seems likely that personal problems, alcoholism or other chemical dependencies are at the root of the problem, the employee assistance coordinator will refer the employee to the appropriate community or professional agency for help. In no sense is the employee assistance coordinator a counselor who should or will attempt to resolve the problem; his/her sole responsibility is referral to the appropriate source of assistance. All communications between the employee and the employee assistance coordinator shall be confidential. No records of such conference(s) or records of referral for treatment, or records of treatment shall become a part of the employee's personnel file.

5. At all times it is the prerogative of the employee to accept or reject referral and treatment. If the employee elects to reject referral and treatment, it becomes the responsibility of the employee to bring his/her job performance up to standard or face such discipline action as might be appropriate. If the employee elects to accept referral and treatment, the fact that he/she has accepted referral and treatment shall be regarded in the same manner as

treatment for any other illness. Upon completion of the treatment, it will be the responsibility of the employee to achieve and maintain standard performance on the job.

6. An essential part of the program is that those employees who know they have a problem and want professional help will be able to voluntarily contact the employee assistance coordinator. He/she is pledged to keep all communications in absolute confidence. In addition, no medical records will be sent to an employee's official personnel file; those records shall remain at the treatment centers.

7. The County recognizes that an employee's job performance may be adversely affected by stresses resulting from the fact that members of his/her immediate family may be afflicted with personal problems, alcoholism, or other drug dependencies. Accordingly, assistance under the Green County Employee Assistance Program is available to any member of an employee's family.

8. There is no cost for employees to consult with an employee assistance coordinator. If further counseling is necessary, the coordinator will outline the community and private service available. The coordinator will also assist in determining whether private services may be covered by his/her health insurance plan. Costs that are not covered are the responsibility of the employee.

9. The Employee Assistance Program can be reached by contacting the Human Services Director at (608) 328-9332.

## **VIII. DRUG FREE WORKPLACE**

Employees are forbidden to use or possess alcohol or illegal drugs at any time during the work day or anywhere on County property, and to engage in any sale or transaction involving illegal drugs on County property. Employees violating this policy will be subject to immediate discipline.

Employees who appear to be in an impaired condition on the job may be asked by their Department Head or his/her designee to submit to a test to determine whether they are under the influence of alcohol or illegal drugs. Any refusal to submit to a test may be treated as insubordination and may be subject to discipline.

Employees who must use a prescription drug that causes adverse side effects should inform their supervisor that they are taking such medication, what the side effects are and, if requested, produce a copy of the original prescription. If the side effect of the prescription drug interferes with the employee's ability to perform his/her duties, the employee may be required to use sick leave.

Employees who may be having problems related to drug or alcohol abuse are encouraged to seek services through the County's Employee Assistance Program.

## IX. HARASSMENT

Green County expects all employees to maintain high standards of integrity and impartiality in performing their employment duties so the confidence of the public is maintained. Accordingly, the County is committed to providing employees with an opportunity to work in an environment free of harassment of any kind.

Sexual harassment is one specifically prohibited type of harassment. Unwelcome or unwanted sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment. It is harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment.
2. Submission to, or rejection of, the conduct is used as the basis for an employment decision.
3. The conduct had the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of types of unlawful harassment include:

1. Verbal conduct such as epithets, derogatory comments, slurs, comments about an individual's body or dress, dirty jokes, persistent request for dates, or unwanted sexual advances, invitations, or comments.
2. Visual conduct such as derogatory or pornographic cartoons, pictures, photographs, drawings, magazines, calendars or gestures.
3. Physical conduct such as assault, blocking normal movement, or interference with work directed at an individual because of his or her sex or other protected basis.
4. Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors.
5. Retaliation for having reported harassment.

Any conduct which constitutes sexual harassment is strictly prohibited and is subject to disciplinary action up to and including termination of employment. The degree of disciplinary action to be taken may be commensurate with the severity and/or the frequency of the harassment.

Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964 and Wisconsin Fair Employment Law. Some forms of such misconduct may subject violators to civil liability and/or criminal prosecution.

1. Policy Applicability.

This policy is applicable to all employees of Green County and any vendors or contractors providing services to the County on County premises or property.

2. Policy Enforcement.

The Green County Corporation Counsel is responsible for the implementation of this policy including dissemination and development of the necessary procedures for reporting, investigating and resolving complaints of harassment of any kind.

3. Employee Responsibility.

Any employee who encounters unwelcome sexual advances or other verbal or physical conduct of a sexual nature should not ignore the offensive behavior. The employee is encouraged to inform the offending party the behavior is not welcome and request it stop immediately.

4. Reporting Harassment.

If the employee is not comfortable with confronting the offending party or if the employee has confronted that party but the offensive behavior has not stopped, he/she should file a written complaint with the Corporation Counsel. The Corporation Counsel will initiate a prompt investigation into the complaint.

5. Investigation.

An allegation of sexual harassment is very serious and therefore the Corporation Counsel will, to the extent reasonably possible, attempt to maintain confidentiality. Information will be obtained from the complainant as well as the person being accused. In order to conduct a fair, impartial and thorough investigation, the Corporation Counsel may find it necessary to contact other individuals who may have pertinent information or insight into the problem or to utilize other resources which may produce facts relevant to the complaint.

6. Findings/Remedial Action.

If the investigation results find that harassment has occurred; the Corporation Counsel will recommend to the Department Head and Administrative Coordinator necessary remedial action including disciplinary measures where appropriate. The Corporation Counsel will also initiate a follow-up inquiry to ensure the appropriate remedial action has been taken, that the harassment does not resume and that the complainant is not subject to retaliation.

7. Non-Retaliation.

Any retaliation against an employee who files a legitimate harassment complaint, or any retaliation against an employee who provides information or assists in any manner during an investigation of a sexual harassment complaint is prohibited and such retaliation shall be subject to disciplinary action.

## **X. SAVINGS CLAUSE**

If any part of this Handbook should be held invalid, the remainder of this Handbook shall not be affected.