

**WINNEBAGO COUNTY HUMAN RESOURCES POLICY MANUAL
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Policy 1 Applicability and Scope

1.01 Absence of Contract

This Policy Manual, and the provisions contained in it, are not, and are not intended to be or to create, a contract of employment or promise of employment. This Manual and its provisions are not intended to create any property or liberty interest related to employment by Winnebago County of any person. The provisions of this Manual are an expression of current Winnebago County policy but are not meant to legally bind the County and may be amended in whole or in part by the County at any time, with or without prior notice.

1.02 At-Will Employment

All employees covered by this manual are considered to be “employed at will,” meaning that there exists no contractual employment relationship between Winnebago County and its employees, either express or implied, and meaning further that such employment relationship may be terminated for any legal reason or no reason by either Winnebago County or by the employee.

1.03 Scope of Policy Manual

The policies contained in this Human Resources Policy Manual generally apply to all Winnebago County employees with the exception of elected officials. According to policy language or usage, certain policies may apply to only some employees.

To the extent that provisions of this Manual conflict with specific language in an applicable collective bargaining agreement that is then in effect, the specific language of the collective bargaining agreement is controlling with respect to members of that bargaining unit.

1.04 Amendment

Amendments of the provisions of this Manual which do not substantially affect terms and conditions of employment may be adopted at any time by the Personnel and Finance Committee of the Winnebago County Board of Supervisors upon recommendation of the County Executive.

1.05 Departmental Rules and Operating Procedures

This Manual does not preclude any County department from adopting its own written rules or procedures which add to or supplement the terms of this Manual with respect to personnel matters within the department, as long as such department rules and procedures are not inconsistent with the provisions of this Manual. Furthermore, this Manual is not intended to affect departmental operating rules or procedures which do not primarily concern personnel matters.

Policy 2 Winnebago County Organization

2.01 County Government

Winnebago County is one of 72 Wisconsin counties. County governments are established by state statutes and the Wisconsin Constitution, and are intended to serve as an arm of the state, providing governmental services that can be better administered at a more local level.

Winnebago County provides a wide range of needed services to the public in different areas. County departments and employees often help people when help is not available from any other level of government. Each County employee, as well as the entire County management structure, is here to fulfill that mission of public service.

2.02 County Board of Supervisors

The biennially elected County Board of Supervisors enacts legislation for the County and sets broad policy, but is not involved in the day-to-day management of County operations. The Board exercises its oversight via its committees, commissions and boards, which specialize in various components of County operations, and are known as committees of jurisdiction.

2.03 County Executive and Other Elected Officers

The County Executive, elected every four years, is the County’s chief executive officer, and coordinates and directs all administrative and management functions of the county government not otherwise vested by law in other elected officers. Most County department heads are appointed by, serve at the pleasure of, and report to the County Executive. Elected department heads are the County Clerk, County Treasurer, Register of Deeds, Clerk of Courts, Coroner, Sheriff, and District Attorney. Circuit Court judges, who are also elected, are responsible for the management of their office staffs.

2.04 Department Management

Winnebago County’s functions are carried out by its approximately 24 different departments. Each department is led by an appointed or elected department head. Many department heads are assisted by subordinate supervisors, whose titles and actual responsibilities may vary. Together, department heads and subordinate supervisors, along with a few other employees who possess management authority, constitute “management”. Whenever the term “department head” is used in this Policy Manual, it refers to either the department head or the department head’s designee.

Policy 3 Human Resources Administration

3.01 Human Resources Department

The Human Resources Department has overall responsibility for administering and interpreting the policies contained in this Manual. Department heads, managers, and

supervisors have primary responsibility for implementing and applying the policies contained in this Manual in their respective departments and work groups.

3.02 Position Descriptions

A position description will be prepared for each County position. Position descriptions will include the essential job functions, other major duties, and minimum qualifications, and must be approved by the Director of Human Resources or his or her designee.

3.03 Employee Types

Employee types are governed by the following definitions:

Full-Time Regular – A Full-time Regular Employee is one assigned to a position on the County Table of Organization and who is ordinarily scheduled to work at least 37.5 hours per week on average.

Part-Time Regular – A Part-time Regular Employee is one assigned to a position on the County Table of Organization and who is ordinarily scheduled to work less than 37.5 hours per week on average, or to whom is assigned a base schedule averaging less than 37.5 hours per week.

Temporary/Seasonal – A Temporary or Seasonal Employee is one hired for a particular project, purpose or season, which will not include work during more than 26 weeks in any calendar year. A temporary or seasonal employee who works during 26 weeks during a calendar year will be removed from the payroll at the end of the 26th week, and will not become a regular employee unless hired for a regular position.

Casual – Casual Employees work on an incidental or on-call basis when needed, with no expectation of regular hours of work.

Client/Restitution -- A Client or Restitution Employee is one hired through a program administered by a County department or for the purpose of providing restitution, and are governed by the rules pertaining to the sponsored program.

3.04 Exempt or Non-Exempt Status

Employees will be categorized as Exempt or Non-Exempt under the Fair Labor Standards Act. This determination will be made by the Human Resources Department in accordance with federal and state wage and hour laws. Exempt employees will be paid on a salary basis, and non-exempt employees will be paid on an hourly basis.

3.05 Personnel Records

Any employee, or the employee’s representative designated in writing by the employee, may inspect the employee’s personnel records at the Human Resources Department offices after

giving at least two business days' notice of the request in writing. No documents may be removed or altered by the employee or representative, but copies will be provided for a reasonable fee if requested.

3.06 Parking

Parking is provided for County employees in designated parking lots. Permits for Courthouse, Safety Building, and the County Administration Building can be obtained from the Human Resources Department. Permits should be affixed to the corner of the rear bumper on the driver's side of the vehicle. Permits for parking near the Sheriff's Office and Human Services Department buildings can be obtained from those department offices. Employees should check with their departments to learn the appropriate parking locations. Parking in other than designated areas may result in ticketing or towing.

3.07 Identification Cards, Keys, and Access Cards

(a) Identification Cards. Each Winnebago County employee and official will be issued an identification card. Employees are required to wear identification cards while performing duties as an employee or engaged in official activities. The card is to be worn on the front of the outermost garment with the name and picture visible. Department heads with the approval of the Director of Human Resources may exempt certain employees or classifications of employee from the requirement that the identification cards be worn.

(b) Keys and Access Cards. Employees may be issued keys and access cards providing access to their work areas. Employees are responsible for the physical security of County-issued keys and access cards. If any key or access card is lost, this must be reported immediately to the employee's department head or to the Facilities and Property Management Department. Employees may be charged for actual costs associated with lost keys or access cards.

Policy 04 Recruitment and Hiring

4.01 Equal Employment Opportunity

Winnebago County is an Equal Opportunity Employer. It is the policy of Winnebago County to provide equal opportunity in employment to all qualified employees and applicants for employment.

Winnebago County prohibits any form of unlawful discrimination in employment on the basis of age, creed, color, disability, marital status, national origin, race, religion, sex, sexual orientation, ancestry, arrest or conviction record (subject to the substantial relationship analysis), genetic testing, unfair honesty testing, membership in any component of the United States Armed Forces, veteran status, pregnancy, childbirth or use or nonuse of legal products during non-work hours. No person shall engage in unlawful discrimination regarding recruitment, hiring, job classification, promotion, pay, benefits, training, disciplinary action or termination of employment.

The Human Resources Department will instruct, counsel and train all of its employees regarding this policy.

4.02 Recruitment Goals

It is the policy of Winnebago County to recruit the most qualified persons for positions in County service, including part-time, temporary, seasonal, and casual positions. External recruitments are conducted in a manner that encourages and ensures open competition and provides for equal employment opportunity.

4.03 Position Fill Requests

A department head who wishes to fill a position must submit a position fill request to the Human Resources Department. No position may be posted until the position fill request has been approved by the Director of Human Resources. Blanket approvals authorizing certain positions or classifications to be refilled as needed up to a specified number of full-time equivalents may be granted. Notwithstanding the foregoing provisions, when a newly created position is approved it may be filled the first time without any additional request or approval.

4.04 Job Postings

All positions to be filled must be posted internally for at least five business days before a hiring decision is made. Before a position is filled externally it must be posted to the public on the County's web site for at least five business days. Department heads, in consultation with the Human Resources Department, may decide to first conduct an internal recruitment, followed by an external recruitment if no satisfactory internal candidate is found, or to conduct internal and external recruitment simultaneously.

An open position may be filled from an eligibility list without further posting if the position was posted as part of the process through which the eligibility list was created. An open position may be filled from a preference list without further posting if the preference list is generally made available to all eligible employees.

4.05 Applications

All employment applications must be submitted to the Human Resources Department, and may not be accepted directly by other departments, with the exception that applications for certain positions may be accepted at the Sheriff's Office.

4.06 Selection Criteria

Successful applicants must meet the minimum qualifications for the position as posted. The hiring manager in consultation with the Human Resources Department will determine other criteria, such as skills, education, and experience, to be considered as well as the weight to be given each factor. Hiring decisions must be based solely on qualification with no part played by favoritism.

Hiring managers may give preference to current employees, and for any internal applicant will consider the employee's length of service with the County as well as the employee's work record, in addition to those factors considered for outside candidates.

4.07 Offers of Employment

Offers of employment are in writing and issued by the Human Resources Department. Offers are conditional on successful completion of pre-employment drug testing, a physical or psychological exam in some cases, and a background check.

4.08 Pre-employment Screening

All regular, and some temporary, seasonal, and casual, employees are required to undergo drug testing before beginning employment with the County. A temporary or seasonal employee or an employee returning from layoff will need to be re-tested if the break in service was more than one month. Drug testing is done through a certified testing facility and is at the County's expense.

For some positions, a physical examination or testing may be required at County expense to determine if the candidate has the capacity to perform essential job functions.

4.09 Background Checks

All applicants for employment with the County are required to authorize the County to conduct a criminal background check. Candidates for certain positions are required to complete a Background Information Disclosure Form for Caregiver Background Check. Applicants who choose not to authorize a background check or to complete a required disclosure form will not be considered further for the position.

Certain County positions may require a more thorough background check. No one shall make an unconditional offer of employment prior to the completion of a criminal background investigation.

In accordance with Winnebago County's Civil Rights Compliance Plan, the County prohibits unlawful discrimination against applicants with prior convictions unless the convictions substantially relate to the position for which they are applying. If the position requirements include bonding, the applicant shall be bondable.

In determining if the criminal conviction substantially relates to the position, the County considers the length of time between conviction and application, the nature of the offense, and compares the general circumstances of the crime to the likelihood the applicant may duplicate the circumstances in the workplace.

Background checks are a requirement for certain positions at prescribed intervals. Employee compliance with these background checks is a condition of continuing employment.

4.10 Trial Period

The first six months of employment are considered a trial period, during which the employee’s job performance is evaluated to determine the employee’s suitability for continued employment. Some positions may have a longer trial period, which will be as established at the time of hiring. Performance evaluations should be documented at least twice during the trial period, including once near the end of the trial period.

Policy 05 Internal Position Changes

5.01 Temporary Assignments

Department heads and supervisors may assign duties to employees as they see fit. The County may make immediate, temporary assignments of employees to fill vacant positions, or when the needs of the County require such a temporary assignment.

5.02 Transfers and Promotions

Winnebago County encourages its employees to apply for other positions as they become available within the County system. It is in the best interests of the County and its employees to advance to more challenging and responsible jobs as skills and abilities increase. Information and copies of job postings can be obtained from the Human Resources Department or on the County’s web site.

A job posting will, whenever possible, indicate the anticipated shift contemplated for the posted job, but this will not guarantee that an employee’s shift will not be changed by the County.

Nursing department employees at Park View Health Center may indicate their interest in changing shifts by signing a list, which is used when making shift assignments, with requests being honored on a first-come, first-served basis.

Policy 06 Employee Development

6.01 Training

Winnebago County will ensure that all employees’ job-related knowledge and skills remain current. To help achieve this, employees and their supervisors are encouraged to arrange in-service or off-site training to enhance employees’ ability to serve internal and external customers and provide them with opportunities for career growth or promotional opportunities within the County organization.

The primary responsibility for training with respect to an employee’s work duties is with the employee’s department managers. The Department of Human Resources may facilitate, provide assistance with, or provide training in certain areas. In addition, Human Resources will provide all new employees with training in Workplace Harassment and

Other Discrimination and offer refresher training as often as deemed necessary by Human Resources or department heads.

6.02 Performance Evaluation

(a) Regular Evaluations. The Department of Human Resources encourages the frequent informal evaluation of employees by their direct supervisors. Should a supervisor have concerns about one or more aspects of an employee’s performance, he or she is encouraged to consult with a professional Human Resources staff member about possible solutions or opportunities to correct performance deficiencies.

Supervisors will formally and in writing evaluate their employees’ performance, using a document and method provided or approved by Human Resources, at least once per calendar year.

Supervisors should formally and in writing evaluate new employees at least twice during the trial period, including once near the end of the trial period. Except in unusual circumstances, this should occur at three and five months into the trial period.

A signed copy of each performance evaluation should be submitted to Human Resources as soon as is practical after it is discussed with the employee.

(b) Performance Improvement Plans. Should a supervisor determine that a subordinate employee’s performance is below acceptable standards, the supervisor may, with the assistance of the Human Resources Department, develop a Performance Improvement Plan (PIP) for the employee. A PIP is a coaching and development tool used to work toward achieving specific, measurable, achievable and realistic improvement within a specific timeframe. A PIP will not be considered disciplinary in nature, although one may be developed as a result of or in conjunction with a disciplinary action.

Policy 07 Employee Standards of Conduct

7.01 Mutual Responsibilities

Management has the responsibility to recognize the rights and dignity of employees and to treat all employees fairly.

Subordinate employees have the responsibility to show respect for their supervisors and to obey their legitimate orders and directives. Insubordination, which may constitute grounds for disciplinary action, includes verbal, written, or physical expressions of disrespect toward a supervisor or manager as well as refusal or failure to carry out a lawful management order or directive in a conscientious manner.

An employee who disagrees with or feels aggrieved by any work order, directive, rule, operating procedure, or policy remains responsible to comply with the work order, directive,

rule, operating procedure, or policy, but may then bring the matter to the attention of his or her supervisor, department head, or to the Human Resources Department.

An employee who has concerns about his or her job assignment or position, about any other County employee or employees, or about County operations in the employee’s department or elsewhere, should bring those concerns to the attention of his or her supervisor or, if the employee believes that the supervisor is implicated in those concerns, to the attention of the supervisor’s supervisor.

7.02 Safety Concerns

Management and subordinate employees alike have mutual responsibility to maintain a safe work environment. Any employee who has safety concerns should bring the matter to the attention of a supervisor as soon as reasonably possible. Any supervisor who becomes aware of any safety concern should either investigate in a timely manner or make sure that other management staff are doing so, take corrective action where warranted, and respond in a timely fashion to employees who raised the concern.

The provision of Policy 7.01 requiring an employee to comply with a work order or directive does not apply if doing so would seriously jeopardize the health or safety of the employee or of others.

7.03 Sexual Harassment

(a) Definition and Prohibition. Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or offensive working environment.

Sexual harassment on the job is prohibited whether it is initiated by a supervisor, co-worker, subordinate, client, customer, vendor or elected official.

(b) Reporting Responsibility. Any employee who experiences sexual harassment or other discrimination on the job should report the harassment or other discrimination as soon as possible to any professional staff member of the Department of Human Resources. Supervisors or department heads who become aware of any incident of sexual harassment or other discrimination are required to report such incidents to the Human Resources

Department as soon as possible. In the event that the harassment or other discrimination involves any employee of the Human Resources, the harassment or other discrimination should be reported as soon as possible to the County Executive.

The Human Resources Department, or such other person as may be designated by the County Executive, will initiate an investigation into any report of sexual harassment or other discrimination as soon as reasonably practicable

(c) Non-Retaliation. Employees and others should feel free to report harassment or other discrimination. Any employee who retaliates against another who reports harassment or other discrimination, or who retaliates against another who cooperates with an investigation into such matters, will be subject to disciplinary action, which may include termination of employment.

7.04 Alcohol and Drug Use

(a) Use of Drugs and Alcohol. County employees may not:

1. Be under the influence of alcohol or illegal drugs at any time during working hours.
2. Sell, possess, transfer, or purchase illegal drugs at any time.
3. Consume alcohol or illegal drugs on duty, including any paid or unpaid lunch periods or breaks during the normal work day. This provision does not prohibit consumption of alcohol after normal working hours while at conferences, seminars, or training sessions.
4. Use or be under the influence of alcohol or illegal drugs in any amount when using a County vehicle, whether on or off duty.
5. Report for duty or remain on duty when the employee uses any controlled substance, or any prescription or non-prescription medication, if such use adversely affects the employee's ability to safely and competently perform his or her job. Employees must report to their supervisors before starting work when they take any medication that might affect their senses, motor ability, judgment, reflexes, or otherwise affect their ability to perform their jobs.

(b) Reasonable Suspicion. In the event that a reasonable suspicion exists that an employee may be using or under the influence of any drug, including alcohol, during duty hours to the extent that his or her ability to perform his or her duties may appear to be impaired, a supervisor should attempt to have the suspicion confirmed by another supervisor, a Human Resources member, or other responsible employee. A Human Resources professional staff member should be contacted before taking further action if reasonably possible.

Should a supervisor or Human Resources decide that an employee must undergo a drug or alcohol test, a member of management, a Human Resources professional staff member, or an employee of the Sheriff's Office will drive the employee to the testing site and back to the work site. Testing may be provided directly by the Sheriff's Office. Should the test results be non-negative, inconclusive, or unavailable, the employee will be permitted to contact a legally eligible adult for transportation home.

If an employee refuses the test or fails to cooperate with the procedure, disciplinary action will be considered in at least the level that would be considered if there had been a test producing a positive result.

(c) Licensing Requirements. Employees required to possess a Commercial Driver's License, subject to other licensing requirements, or who work in a safety-sensitive position may be subject to additional requirements regarding drug and alcohol testing, including random testing.

(d) Drug Convictions. As required by the Drug-Free Workplace Act of 1988, employees convicted of violating a controlled substance statute or ordinance, including those convicted as a result of pleas of no contest or guilty, must notify their supervisor in writing of such conviction within five calendar days of the conviction. When required by law, the County will notify federal or state authorities within ten days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

(e) Employee Assistance. Information regarding alcohol and drug counseling, treatment, and rehabilitation is available to employees on a confidential basis by calling the County's Employee Assistance Program ("EAP").

7.05 Dress and Grooming

Employees at all levels and positions are representatives of the County, and are therefore expected to present a professional, business-like image to customers, clients, and the public during all work-related activities. All employees are to dress and are to be groomed appropriately for the job in accordance with department rules and operating procedures and applicable health and safety standards. Employees should avoid clothing, hairstyles, or jewelry that may detract from or interfere with the performance of their work or which might detract from the public service mission or image of Winnebago County.

In the event of any question regarding the appropriateness of any particular style of clothing or grooming, the department head will make the final determination.

7.06 Demeanor

It is the duty of every employee to deal courteously with the public and with co-workers. Favorable impressions created by courteous public relations develop citizen goodwill and support for the employee, the department, and the County as a whole.

Everyone expects fair treatment and courtesy when dealing with the County. Accordingly, employees are to be civil and helpful to all. Employees may not display a hostile, angry, or abusive demeanor. Employees are expected to exhibit professional behavior at all times.

7.07 Employee Possession of Weapons

The County recognizes that employees have the right to obtain a license to carry and to possess a concealed weapon. The County prohibits employees from possessing dangerous weapons (as that term is defined in Wis. Stats. § 939.22(10)) during work time, subject to the following provisions and exceptions:

(a) An employee may carry or store a dangerous weapon in the employee’s personal vehicle, regardless of whether the vehicle is used in the course of employment or whether the vehicle is driven or parked on property owned or utilized by the County. An employee may not possess a dangerous weapon in a County vehicle unless it is allowed under Policy 7.07(b).

(b) The prohibition from possessing dangerous weapons during work time does not apply to any employee who is authorized by the Winnebago County Executive, the Winnebago County Sheriff, or the Winnebago County District Attorney.

Policy 08 Conflicts of Interest

8.01 County Office or Position

No County employee may use his or her office or position for personal financial gain or for financial gain of the employee’s family. “Financial gain” for purposes of the preceding sentence does not include compensation and benefits provided directly to the employee by the County.

No employee may handle work-related matters involving current or former family members or close friends without advance approval of the employee’s department head.

No employee may engage in business activity, accept private employment, or render services for private interests when such business activity, employment, or service would: interfere with the employee’s ability to fulfill all requirements and expectations of the employee’s County position; impair the employee’s judgment with respect to County duties; cause potential confusion as to whether services are being provided on behalf of the County or on behalf of a private concern; or cause negative publicity for the County.

8.02 Gifts and Gratuities

No County employee shall solicit or accept for himself or another person any gift, gratuity, favor, service or promise of future employment, entertainment, loan or any other thing of substantial monetary value from a person who has or is seeking contractual or other business activities from the County or which are regulated by the County. This does not

include acceptance of loans from banks or other financial institutions on customary terms of financing for personal use (such as home mortgage loans) and the acceptance of unsolicited advertising or promotional materials, such as pens and calendars, and acceptance of an award for meritorious public or personal contributions or achievements.

8.03 Nepotism

(a) Prohibition. No employee may directly or indirectly supervise, or be in a position that exercises any supervisory or budgetary authority over, any other employee who is a “relative” or a “significant other.” No employee may participate in any way in the selection process of a new employee if one of the applicants for the position is a “relative” or “significant other” of the employee.

(b) Definitions. For purposes of this provision, a “relative” includes a spouse or any one of the following: parent, child, stepchild, uncle, aunt, brother, sister, niece, nephew of the employee or of the employee’s spouse. A person is an employee’s “significant other” if the employee cohabits or maintains an intimate relationship with the person. An employee exercises supervisory authority over another employee if a supervisory relationship exists through any line of authority extending vertically through one or more organizational levels of supervision or management.

(c) Relationships Occurring During Employment. If during the course of employment one employee becomes a “relative” or “significant other” of another employee so as to violate the terms of Policy 08.02(a), one of the parties must either transfer to a position in another department or work unit or terminate employment within six months. Employees are required to report the existence of any such relationship to a professional Human Resources Department professional staff member within thirty calendar days of the start of the relationship.

The department head and the Director of Human Resources or their designees may meet with the employees involved to determine an appropriate employment continuation arrangement. If another resolution is not agreed to, the County will transfer or terminate the employee who has been continuously employed by the County for a shorter period.

(d) Exception and Waiver. This policy does not apply to those supervisor/subordinate relationships which existed between related employees prior to April 1, 2008. The provisions of this policy may be waived on a case-by-case basis by the County Executive upon the advice and consent of the Director of Human Resources.

8.04 Political Activity

Employees are free to engage in political activity as private citizens on their own time and using their own resources. Employees are prohibited, however, from engaging in political activity while on work time or with the use of any County equipment, office space, property, communications systems, or any other resources. Political activity includes soliciting signatures or services for political purposes, making political contributions,

circulating campaign literature or advertising, directly or indirectly inducing others to contribute money or other assistance to any political candidate, party, discouraging others from engaging in political activity, making telephone calls or sending emails for political purposes, and other actions intended to facilitate political or campaign activities.

8.05 Solicitations

No employee or group of employees may solicit at any County facility funds or other things of value from firms, persons, or corporations or other organizations without first obtaining a written permit from the County Board committee or committees having jurisdiction over the facility in which the solicitation is to occur, over the department employing the persons conducting the solicitation, and over the department having employees or members of the public being solicited.

No approval is required for the annual United Way campaign or for passive solicitations (sign-up sheets left in a break room) for youth group fundraisers. The rights of employees to not contribute to any solicitation are protected. No employee will suffer any adverse consequence as the result of a contribution decision.

8.06 Use of County Resources

Employees are not to use County equipment or facilities for non-County purposes.

The County may provide desks, filing cabinets, lockers, and other storage locations which may be used for employees' convenient safekeeping of work materials and personal items. These storage locations remain the property of the County and employees have no expectation of privacy in such areas, which may be inspected by County management at any time.

Policy 09 Confidentiality

9.01 Confidentiality

(a) Confidential Information. Confidential information governed by this policy includes the following:

1. Any information that is Individually Identifiable Health Information as defined by regulations promulgated under the Health Insurance Portability and Accountability Act. Such information generally includes information which relates to the physical or mental health or condition of an individual, the provision of health care to an individual, or the payment of provision of health care to an individual, if the information either identifies the individual or provides a reasonable basis to believe that it can be used to identify the individual.
2. Any information that has been collected about an individual, or which relates to the provision of services to an individual, under circumstances in which the individual could be expected to have a reasonable privacy interest in the information.

3. Information that includes the home address, home email address, home telephone number, or social security number of an employee; information relating to an investigation into possible misconduct or a possible criminal offense committed by an employee; information pertaining to an employee's employment examination; and information relating to employee performance evaluations.

4. Any information that is treated as confidential by rule or usage of a County department.

5. Any other information that should be treated as confidential as a matter of law.

(b) Source. This policy applies to all confidential information to which an employee may have gained access through any means, including computer or other electronic transmission, telephone, verbal conversations, and written documents, as a result of or by reason of the employee's County position or activities.

(c) Minimum Necessary Disclosure. An employee shall not disclose confidential information to any other person without a legitimate governmental purpose for doing so. When using or disclosing confidential information, an employee shall make reasonable efforts to limit the disclosure of confidential information to the minimum necessary to accomplish the intended purpose.

(d) Limitation of Access. Department heads shall affirmatively take reasonable steps to limit access to confidential information to those employees who have a legitimate use for such information.

(e) Disclosures Required by Law. An employee shall disclose confidential information if and to the extent that such disclosure is required by an applicable law, including but not limited to the Wisconsin Open Records Law. The County's corporation counsel shall be consulted prior to disclosure if there is any doubt as to whether a particular disclosure is required by law.

Policy 10 Technology and Communications

10.01 General Provisions

(a) Information Systems. This section relates to the acceptable use of information systems ("IS") owned and provided by Winnebago County to employees. Information systems include, but are not necessarily limited to, County-owned computer hardware, peripheral devices, networks, software, internet access, electronic mail, telephones, cellular phones, tablets, other mobile devices, pagers, file transfer protocol, and storage media.

(b) Prerequisites to Access. Actions by employees, whether knowingly or unknowingly, can cause damage to, compromise, or expose systems or protected data which is vital to

County operations. Consequently, before any person may be granted access in any form to any of the County's information systems, he or she must understand and agree to comply with this policy as well as more specific rules and operating procedures relating to the type of access being granted.

Remote access through a Virtual Private Network ("VPN") will be granted to certain employees as needed with approval of the department head and the IS Department. Use of County information systems through remote access is subject to all applicable provisions of this policy.

(c) County Purposes. The County's IS resources are for County business purposes only. Personal data such as pictures, music, or documents should not be saved on County storage devices. All employees who access County IS resources must abide by state and federal laws, administrative directives, and departmental rules and operating procedures. Department heads, managers, and supervisors are responsible for ensuring the appropriate use of IS through training, supervision, and taking disciplinary action when necessary.

(d) Expectation of Privacy. Employees should have **no** expectation of privacy with respect to any use of, or information stored or transmitted on, any County information system. The County has the right and the ability to access all computer files and other data on County information systems, including but not limited to email messages, internet activity, and voice mail files, without notification to the employee, even if the data is purely personal in nature. The County may scan messages for the presence of viruses or to maintain system integrity. Department heads and supervisors can access an employee's computer files, mobile devices, email messages, voice mail messages, and internet activity at any time. The failure of the County to access or monitor any files, messages, or activity for any period of time does not constitute a waiver of the right to do so in the future.

(e) Security. The County requires all users of County IS to use passwords which meet the requirements established by the Information Systems Department. Passwords for all County systems should be kept strictly confidential. An employee should not disclose passwords to anyone, including Information Systems staff. Users should sign off or lock their workstations when unattended. Any possible security breaches should be reported to the help desk. Users are responsible for any activity performed using their login credentials.

In order to protect confidentiality of data, certain portable devices such as laptop computers are encrypted. Users of such devices are responsible for any use of their encryption keys, and must comply with IS Department guidelines regarding such equipment.

If necessary, access to an employee's documents, emails, or other electronic files will be granted to another employee or supervisor upon written request of the department head and approval by the Director of Human Resources.

10.02 Hardware

The IS Department maintains inventory records of all Winnebago County-owned hardware. Staff outside the IS Department may not install or repair hardware without the express written permission of the IS Department. So that inventory records may be kept accurate, employees may not redistribute hardware to other departments or locations without prior consent and knowledge of the IS Department.

No personal hardware may be connected to the Winnebago County network in any way without written approval of the IS Department. The IS Department will not install, repair, troubleshoot, or answer questions about personally-owned hardware.

10.03 Software

It is the responsibility of the IS Department to ensure Winnebago County is in compliance with all software licensing requirements. No county employees other than members of the IS Department may copy, download, install, or uninstall any software, freeware, shareware, or departmentally-purchased software on any County information system without prior written authorization from the IS department.

Employees other than IS Department members may not copy County software onto any removable storage media or transfer County software onto any other computer or system without written permission from the IS Department, other than copies made routinely for backup purposes.

Unless specifically authorized in writing by the IS Department, Winnebago County employees in the course of their employment shall not acquire, possess, trade, or use hardware or software tools that could compromise IS security.

10.04 Data

Data and information stored on County information systems, including email, are assets of the County. County employees should strive to protect the integrity, confidentiality, and accuracy of data, and to protect data from unauthorized access, use, or destruction.

Any County data transferred from County information systems to portable or removable storage devices must be password protected or encrypted.

Willful modification, destruction, access, or copying of data without authorization may result in criminal responsibility under section 943.70(2) of the Wisconsin Statutes.

If sensitive information must be sent by email, County employees are responsible to utilize the encryption service provided by the IS Department. Examples of such data would include, but not be limited to, HIPAA or juvenile information.

Since data storage is an important factor affecting the performance of systems, employees are responsible for deleting files, messages, and other data when it is no longer needed.

When an employee leaves County employment, the IS Department will wipe or destroy hard drives as well as removable media used by the employee which contain County data.

10.05 Email

All messages composed, sent or received on the County electronic mail system are and remain the property of the County, and not the private property of any employee. All communications may be public records subject to disclosure under Wisconsin's Open Records law, with certain exceptions. Employees using email should demonstrate the same level of ethics and professionalism that should be used in face-to-face or written communications. Employees may not use the County's e-mail system to solicit for outside business ventures, organizational campaigns, or political or religious causes.

The County may block routine or commercially recognized spam messages from the mail server. Such messages will not be stored or retained.

All email sent or received with the County email system will be archived for 7 years; however, each department will still be considered the legal custodian of their specific records. For mailbox management purposes, users have the ability to retrieve their own archived messages.

Email is accessible from the Internet (Web Outlook). This access will be granted on an individual basis as required by job duties and approved by an employee's department head. As always, protected logon credentials are crucial in the security of both your individual data and the general entrance to the county network. Email access may also be granted through a personal mobile device pursuant to Policy 10.08(b). Any hourly employees who use County email while away from work must report the time spent doing so as compensable time, and may be held responsible if working that time is not authorized under department rules.

10.06 Internet Use

Access to the Internet is available to anyone whose duties require it in order to conduct County business. The IS Department has the capacity to monitor this activity, and there is no obligation to notify staff if an audit or review is necessary. There are specific sites and services that are blocked as either high traffic or malicious content; including but not limited to, pornography, gambling, streaming audio, and streaming video. The IS Department reserves the right to block additional sites if they are detrimental to the functioning of the network.

Any high traffic or viruses introduced to the county network will be traced to the source. If an employee's credentials are linked to high traffic, an email message will be sent to the employee as well as the employee's supervisor. If malicious content or a virus is evident, the IS Department reserves the right to block the site, and notification is sent to the user. After three such notifications, Internet privileges may be suspended.

Employees shall not: commit any crime using the internet; make any threats against another person or institution; mount an attack on the security of ANY system (i.e. hack); download or upload material containing derogatory racial or religious content, sexual content, offensive language, material which would negatively reflect on Winnebago County, material prohibited by law, improper humor, and confidential or privileged information.

10.07 Telephone

Employees are encouraged to avoid making or receiving personal telephone calls during working hours. Personal telephone calls may include interoffice calls with co-workers as well as calls involving non-employees. In the event that a personal call is required, the conversation should be limited to five minutes or less. This same standard applies to the personal portion of a business call. Abuse of the telephone access privilege may result in loss of privilege and/or disciplinary action, at the discretion of the employee's supervisor or the Department of Human Resources.

Employees may not use County phone lines for personal long distance calls unless they are placed collect, charged to a non-County number, or charged to a personal credit card. In addition, employees are to refrain from using personal mobile telephones and similar devices during work times. Such use is to be confined to break or lunch times.

10.08 Mobile Voice and Data

(a) County-Provided Equipment. The County may provide mobile voice and data devices to certain employees when needed for County business purposes. Use of such devices is subject to the general provisions governing County information systems, including expectation of privacy and security provisions.

An employee may be allowed limited personal use of a County-provided mobile device assigned to the employee, subject to the control and approval of the employee's supervisor or department head. The employee must compensate the County for the cost to the County associated with any personal use.

(b) Personal Equipment. Personal mobile devices may be linked to County email, calendar, or other data systems, only to the extent permitted by IS Department rules. All users of such linked devices must comply with IS Department rules and operating procedures regarding personal mobile devices, which will include a requirement that the device be password-protected and that the County will have the ability to manage and delete all County data stored on the mobile device.

Any person wishing to claim expense reimbursement for County use of a personally owned mobile phone must first obtain approval from the department head. Approval should not be granted unless, in the opinion of the employee's supervisor, such mobile phone usage enhances the employee's productivity or effectiveness, and the arrangement

will be financially beneficial to the County. If such use is approved, the County may reimburse the employee, with proper documentation, for County use of the personal device. The reimbursement will be at a rate corresponding to the County's cost when purchasing additional time for its owned mobile devices.

(c) Safety. County employees may not use a cellular telephone or other mobile voice or data device while operating a County motor vehicle at any time or while operating any motor vehicle while on duty. Exceptions to this provision may be made by the Sheriff for law enforcement officers while on duty. This provision does not apply to use of County-issued radio equipment in County vehicles.

10.09 Social Media Use

County information systems should be used by employees to access social media only for business purposes. Employees may not create social media accounts, pages, or listings in the name of Winnebago County or a County department, program, or service without authorization.

If an employee identifies himself or herself as a County employee through personal use of social media, then the employee's profile and any related content should be consistent with how the employee wishes to present himself or herself to colleagues, supervisors, and the general public. Employees may not use Winnebago County logos, marks, or insignia on personal social media.

Policy 11 Hours of Work

11.01 Work Schedules

(a) Non-Exempt (Hourly) Employees. Regular work schedules are normally established for all positions held by regular non-exempt (hourly) employees. Regular schedules may be on a fixed or rotating basis, and are not to exceed 40 hours in any work week.

(b) Exempt (Salaried) Employees. Exempt employees are paid on the basis of an annual salary rather than on the basis of hours actually worked. Exempt employees are expected to work a schedule that enables them to meet the needs of the job, and in any event not less on average than the schedule for non-exempt full-time employees in the same department. Work hours for exempt employees are subject to the general approval of the department head. Pay of exempt employees will not be reduced by partial days of absence. Sick leave and vacation leave will, however, be charged to the accounts of exempt positions for days of full or partial absence if the absence is not the result of flexible scheduling.

11.02 Modifications to Schedules for Non-Exempt Employees

(a) Modifications to Regular Schedules. Regular schedules may be modified by department managers in the interest of more efficient department operations or improved public service. Department managers must provide employees with at least two weeks'

notice of any modifications to regular schedules, and must notify the Human Resources Department of the schedule modification in writing before the new schedule takes effect.

(b) Temporary Schedule Changes. Department managers may make temporary changes to the work schedule for any employee as may be necessary to meet departmental needs. Department managers may also, in their discretion, grant specific requests for temporary changes to a work schedule made by an employee if the request will not in any way negatively affect the ability of the department to meet its service needs and will not unduly disrupt department operations. No temporary schedule change that results in overtime pay for any employee will be granted unless the department manager determines that overtime is necessary and justified.

(c) Responsibility. It is each employee’s responsibility to accurately record actual time worked, regardless of whether the actual time worked matches the employee’s work schedule. Department supervisors and managers are responsible for ensuring that employees work according to their approved schedules and accurately record time worked.

11.03 Meal and Rest Breaks for Non-Exempt Employees

(a) Establishment. Non-exempt employees may be provided with paid or unpaid lunch breaks and with paid rest breaks as established by departments consistent with their previous practices unless changed by the department head with approval of the Director of Human Resources.

(b) Unpaid Lunch Breaks. Unpaid lunch breaks will be for a minimum of 30 minutes. During an unpaid lunch the employee may not remain at the workstation but otherwise may leave or remain at the County facility as the employee chooses.

(c) Paid Lunch Breaks. During a paid lunch break the employee is normally required to remain at the work station or at a location specified by the department, and may be required to perform certain duties as may be needed.

(d) Paid Rest Breaks. Employees are normally required to remain at their general work location during a rest break. Rest breaks may not be used at the beginning of or at the end of the work day, and may not be combined with an unpaid lunch break.

(e) Scheduling. Department heads and supervisors will schedule and manage breaks in order to provide for optimal public service.

11.04 Work at Home

Exempt (salaried) employees may perform a limited portion of their work at home, with the approval of the department head, although it is expected that a majority of each employee’s duties will be performed at the assigned work site.

Non-exempt (hourly) employees may not generally perform work at home. Exceptions to this rule for limited time periods may be granted by the department head with approval of the Director of Human Resources. Any non-exempt employee who does perform any work at home or at any other location is required to report all time spent doing work on the employee's time records.

11.05 Emergency Report to Work

In the event of an emergency, employees may be directed to report to work at any time and place as may be needed. Employees must understand and accept that in such an event the duties they may be required to perform may not correspond to their normal job description.

11.06 Summer Hours

In some departments summer hours may be established which modify the work week for certain employees or categories of employees. Summer hours may be established by a department, with approval of the Director of Human Resources and the County Executive, only when they will result in increased efficiency or improved public service, and may not be justified on the grounds of convenience to employees.

11.07 Seasonal Work

Seasonal positions may be established either with regular hours during the season, which will be as established by the department and may be changed during the course of the season, or without regular hours, such that the employee may be called in as needed for particular work.

Policy 12 Attendance

12.01 Regular Attendance

Prompt and regular attendance by employees is necessary in order to provide the highest possible level of service to the public. With very limited exceptions, regular and punctual attendance is an essential job requirement for every County position.

12.02 Notification of Absence

In case of an illness or injury which prevents the employee from reporting to work at the regularly scheduled time, the employee is required to notify his or her supervisor in a timely fashion in the manner directed by the department head or by departmental procedures. The employee is normally expected to call personally, if possible.

Failure to report an absence ("no-call, no-show") is treated as a serious disciplinary infraction.

12.03 Tardiness

Excessive tardiness may result in disciplinary action. Departments are encouraged to develop their own standards for tardiness.

12.04 Absenteeism

Disciplinary action for failure to maintain regular attendance, or absenteeism, may result from absences from work without a leave of absence or the use of paid sick leave. In some cases disciplinary action for failure to maintain regular attendance may also result from too-frequent use of paid sick leave in excess of standards set by the department. Failure to maintain regular attendance is a “no-fault” infraction in that a medical report or other evidence that the employee was legitimately sick or not at fault in connection with the absence will not necessarily shield the employee from disciplinary action.

12.05 Abuse of Leave

Any use of sick leave for a purpose that is not authorized by Policy 20.01(b) constitutes sick leave abuse.

Sick leave abuse may be established in a variety of ways, including but not limited to: (a) evidence that an employee on leave engaged in activity which is inconsistent with a need for time off of work; or (b) a pattern of sick leave use, such as repeated use of sick leave on days directly preceding or following weekends or scheduled days off, taking sick leave on the same day of the week or date each month, or extension of holidays or vacation by using sick leave. If sick leave abuse is suspected, management may take appropriate action to investigate, including requesting health care provider certification.

Any employee found to be abusing sick leave is subject to possible disciplinary action including dismissal. Medical certification requirements may also be imposed.

12.06 Bad Weather

In the event that bad weather (such as snow, fog or freezing rain) creates hazardous traveling conditions between an employee's home and work site, an employee may be granted permission by a supervisor to leave work early or to arrive at work late. For employees paid on an hourly basis, any resulting absent time will be unpaid unless made up within the same pay week or unless covered by vacation or other paid leave.

The first sentence of this policy does not apply to positions responsible for the care of institutionalized patients, or for positions responsible for providing protective or emergency services or for improving driving conditions. Employees in such positions are expected, as a condition of their respective work, to adjust their arrival and departure in accordance with predicted conditions.

Policy 13 Family and Medical Leave

13.01 General Provisions

It is the policy of Winnebago County to provide family and medical leave in accordance with the federal Family and Medical Leave Act (FMLA) and Wisconsin law. When an employee's absence qualifies under both Wisconsin and federal laws, the employee will use his or her entitlement under each law at the same time, to the extent permitted by law. When one law's provisions provide a greater benefit, the employee will receive the greater benefit.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Under this policy, Winnebago County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. Winnebago County uses a calendar year to determine the 12-month period during which the FMLA leave is available for reasons that qualify for up to 12 workweeks of leave.

An employee who is not eligible for FMLA leave, uses up his or her FMLA leave, or wishes to take leave for a purpose that does not qualify for FMLA should consult Winnebago County's other leave policies to determine if other leave might be available.

Questions or concerns about FMLA leave requests should be directed to the Human Resources Department.

13.02 Eligibility

(a) Federal FMLA. To be eligible to take family or medical leave under the federal FMLA, the employee must have worked for the County for 12 months. The 12 months need not have been consecutive. The employee must also have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

(b) Wisconsin FMLA. To be eligible to take family or medical leave under the Wisconsin FMLA, the employee must have worked for the County for 52 consecutive weeks. The employee must also have worked at least 1,000 hours during the 52-week period immediately before the date when the leave is requested to commence.

13.03 Qualified Leave and Amount of Leave

(a) Federal FMLA. Under the Federal FMLA, eligible employees may take up to 12 weeks of unpaid leave in a calendar year for any of the following:

1. For incapacity due to pregnancy, prenatal medical care, or childbirth;
2. To care for the employee’s child after birth, or placement for adoption or foster care provided the leave is concluded no later than 12 months after the birth or placement.
3. To care for the employee’s spouse, son or daughter, or parent who has a serious health condition;
4. For a serious health condition that makes the employee unable to perform his or her job (including worker’s compensation leave to the extent it is qualified); or
5. For a qualifying exigency, as described below.

“Serious health condition” under Federal FMLA means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

(b) Wisconsin FMLA. Under the Wisconsin FMLA, eligible employees may take:

1. Up to six (6) weeks of unpaid leave for incapacity due to pregnancy, prenatal medical care, childbirth and to care for the employee’s child after birth, or placement for adoption provided such leave commences within 16 weeks before or after the birth or adoption.
2. Up to two (2) weeks of unpaid leave to care for the employee’s spouse, son or daughter, parent, or parent-in-law who has a serious health condition;
3. Up to two (2) weeks of unpaid leave for a serious health condition that makes the employee unable to perform his or her job.

“Serious health condition” under Wisconsin FMLA means a disabling physical or mental illness, injury, impairment, or condition that involves either inpatient care in a hospital, nursing home, or hospice, or outpatient care that requires continuing treatment or supervision by a health care provider.

(c) Federal and Wisconsin FMLA.

If a father and mother both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, the mother and father may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

Qualifying exigency leave

Eligible employees with a spouse, son, daughter, or parent on covered active duty (or who has been notified of an impending call or order to active duty) in the Armed Forces, including the National Guard and Reserves, may use their 12-week leave entitlement to address certain qualifying exigencies. Covered active duty involves deployment to a foreign country. Qualifying exigencies include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending

certain counseling sessions, addressing parental care, and attending post-deployment reintegration briefings.

Military caregiver leave

An eligible employee may take up to 26 weeks of unpaid leave during any single 12-month period (a separate and distinct leave year from the period designated above) to care for the employee's spouse, son, daughter, parent, or next of kin who is a covered military service member and incurred a serious injury or illness in the line of military duty, or who experienced the aggravation of an existing or pre-existing condition in the line of active duty. The 12-month period is measured forward from the date leave begins. A covered service member is a current or former member of the Armed Forces, including a member of the National Guard or Reserves. A serious injury or illness for current members is one that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

A serious injury or illness for a covered veteran is one that was incurred in the line of duty or existed before active duty and was aggravated, and manifested itself before or after becoming a veteran and is:

- A continuation of such an injury or illness, or a condition for which the veteran received a U.S. Department of Veterans Affairs Service-Related Disability Rating of 50 percent or greater based on the condition requiring leave,
- A condition that substantially impairs the veteran's ability to keep or obtain gainful employment, or
- An injury on the basis of which the veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

For military caregiver leave for veterans, the veteran must have been discharged or released under conditions other than dishonorable during the five-year period before the first date an employee takes FMLA leave.

13.04 Employee Status and Benefits During Leave

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

While on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to

make this payment, either in person or by mail. If the payment is not paid in timely fashion, the employee's health care coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

13.05 Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

13.06 Use of Paid and Unpaid Leave

An employee who is taking FMLA leave may elect to be paid or unpaid during the Wisconsin FMLA portion of the leave. Upon expiration of the Wisconsin FMLA, an employee must use all paid vacation, floating holidays, and sick leave (available under Policy 20.01 Sick Leave) prior to being eligible for unpaid leave.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the County's sick leave policy) prior to being eligible for unpaid leave.

13.07 Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

Up to six (6) weeks of unpaid leave for incapacity due to pregnancy, prenatal medical care, child birth and to care for the employee's child after birth, or placement for adoption provided such leave commences within 16 weeks before or after the birth or adoption.

For the birth, adoption or foster care of a child, an employee may take intermittent leave to the extent allowed by Wisconsin FMLA. Leave not covered by Wisconsin FMLA must be continuous. Federal FMLA leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

13.08 Certification of Health Care Provider

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The County may directly contact the employee's health care provider for verification or clarification purposes using an HR professional. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original

certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

13.09 Requesting FMLA Leave

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the HR Department. In the event an employee would like family or medical leave, Winnebago County must be notified, in writing, at least fifteen (15) days before the date on which leave is to begin, except in the case of an emergency or where circumstances require shorter notice to Winnebago County. The Family and Medical Leave Request Form is available from the Human Resources Department and on the Winnebago County Intranet. In an emergency situation, notice must be given as to the need for leave as soon as possible but no later than three (3) business days after the commencement of leave. All forms must be provided to Winnebago County within 15 calendar days of leave commencement. Failing to timely notify the County of the need for leave may result in the delaying or denial of leave, though the County will classify leave based on the received information.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

13.10 Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the HR department will complete and provide the employee with a written response to the employee’s request for FMLA leave.

If an employee takes paid sick leave for a condition that progresses into a serious health condition, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the current calendar year and subtract it from the amount of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

Policy 14 Military Leaves of Absence

14.01 Eligibility

Consistent with the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), Winnebago County employees who are called or volunteer for Uniformed Service to the United States of America will be eligible for unpaid Military Leave. ‘Uniformed Service’ includes covered activities with the United States Army, Navy, Air Force, Marine Corps and Coast Guard, as well as the Commissioned Corps of the federal Public Health Service, and training duty with the Reserve or National Guard component of the Armed Forces.

14.02 Requests for Leave

(a) Enlistment. A non-probationary employee in a permanent position will be granted an unpaid leave of absence if he or she leaves County service to join or respond to a call-up for Uniformed Service of the United States of America. The duration of such leave will not extend beyond 30 days after the employee is released from his or her initial enlistment period. The employee must provide his/her supervisor or the Department of Human Resources proof of the call-up and dates of service and expected return.

Affected employees should contact Human Resources before deployment to discuss fringe benefits and other matters.

(b) Reinstatement. A returning employee who applies for reinstatement will be restored to the position he or she left to perform Uniformed Service, or to a comparable position.

Should an affected employee not apply for reinstatement within 30 days of the date of service discharge, his or her County employment will be automatically terminated. Exceptions: Circumstances covered by federal or state law or, on a case-by-case basis,

subject to the approval of the affected employee’s department head and the Director of Human Resources, or their designees.

(c) National Guard and Reserve. An employee who is a member of the National Guard or Reserve component of the United States Armed Forces and who is required to undergo annual training for two or fewer continuous weeks, or is ordered to serve in a temporary emergency, will be granted an unpaid leave of absence upon request and presentation of Orders or other appropriate documentation. An affected employee must notify his or her immediate supervisor of such duty as far in advance as possible.

Policy 15 Unpaid Leave and Other Leaves of Absence

15.01 Unpaid Leave

(a) Requests. Any request for an unpaid leave of absence must be submitted in writing by the requesting employee to his or her supervisor as far in advance of the anticipated leave dates as possible. Unless there are extenuating circumstances, this should normally be at least fifteen days prior to the start of the requested leave. The request must state the purpose of the proposed leave and an anticipated return to work date.

(b) Purposes. The request for unpaid leave may be based on a medical condition or incapacity for work, or on another reason. If the request is based on a medical condition or incapacity for work, the request must be accompanied by a medical provider’s certification of the need for such leave and the prognosis and time frame for a return to work. At the discretion of the County, documentation of the continuing need for leave may be required during the period of leave. No leave may be requested for the purpose of other employment, and an employee granted an unpaid leave of absence (other than military leave) may not be employed elsewhere during the leave period.

(c) Benefit Time. Unpaid leave may not begin until the employee has used any available vacation, holiday, or compensatory time. If the leave is based on a medical condition or incapacity for work, the employee must also exhaust any available sick time.

(d) Grant of Leave. An unpaid leave of three days or less may be granted by the employee’s supervisor. An unpaid leave of over three days requires approval from the department head and the Human Resources Department. The decision on whether to grant an unpaid leave of absence resides in the County’s sole discretion in the best interests of the County. Unless required by law, including as an accommodation, unpaid leaves of absence of over one year in duration will not be granted.

(e) Return to Work. If the employee is unable to return to work on the scheduled date, the employee may file a request for an extension of leave prior to expiration of the leave already granted. An employee who fails to return to work at the expiration of the granted leave of absence will be terminated from employment, unless there are strong extenuating circumstances. If the leave is based on a medical condition, certification of fitness for duty will be required.

(f) Absence at the Direction of the Department. Unpaid absences from work at the direction of the employee's supervisor or department, such as absences due to lack of work, lack of funds, furloughs, inability to get to work during bad weather or other emergency, or administrative leave, are not considered unpaid leave under this policy, and do not require the employee to use paid benefit time.

15.02 Jury Duty

(a) Pay. A regular employee required to serve as a juror during working hours will receive regular pay less any jury fee received for any work day, up to a maximum of ten in any calendar year, served as a juror provided that:

- The employee notifies his or her supervisor as far in advance as possible as to the dates and times the employee will be required to serve as a juror, and provides a copy of the jury duty notice to his or her supervisor.
- The employee returns to work immediately following dismissal from jury duty.
- The employee works any regularly scheduled hours immediately prior to the commencement of jury duty.
- The employee reports to his or her supervisor any jury duty fee received and authorizes a payroll deduction equivalent to the jury fee, except for mileage.
- The employee reports jury duty on his or her timecard for the days and hours served as a juror.

(b) Benefit Time. An employee who serves as a juror may, at his or her option, use floating holiday or vacation for the period of jury duty and retain the jury duty fee along with the benefit time pay.

(c) Overtime or Compensatory Time. No overtime or compensatory time will be allowed for jury duty.

(d) Shift Changes for Dispatchers. Duty hours for dispatchers on second or third shift who are called for jury duty will be changed to first shift. Dispatchers scheduled to work third shift the night before jury duty will be given the night off, and if the night before is a scheduled day off they will be given the night following the day of jury duty off.

15.03 Witnesses

If an employee is required to testify in court, or before another tribunal or body having subpoena power, and the testimony is on behalf of Winnebago County or arising from service as a Winnebago County employee, the employee will be paid for all time associated with such testimony less any witness fee received.

Policy 16 Capacity for Work

16.01 Restricted Duty

An employee with work restrictions may be offered a restricted duty assignment if work is available within the restrictions. Restricted duty assignments are offered for a limited time period, and in no event will a restricted duty assignment be provided for a period longer than six months.

An employee on a restricted duty assignment must provide documentation from a health care provider as to the restrictions in place, and must provide updated documentation from the health care provider whenever the restrictions change and whenever requested by the County.

Employees whose work restrictions result from injury or illness contracted within the course of employment will be given priority over those restrictions result from non-work related injury or illness when determining availability of restricted duty assignments.

16.02 Accommodation

Winnebago County fully complies with the reasonable accommodation requirements for qualified applicants or employees with disabilities under the federal Americans with Disabilities Act and Wisconsin law regarding individuals with disabilities.

Reasonable accommodations are provided which do not impose an undue hardship on the County when a qualified applicant with a disability needs an accommodation in order to be considered for the job; when a qualified employee with a disability needs an accommodation in order to perform essential functions of the job or to gain access to the workplace; or when a qualified employee with a disability needs an accommodation to enjoy equal benefits and privileges of employment.

An employee or applicant who needs an accommodation should make a request to the Human Resources Department or to the employee's supervisor, who should then refer the request to the Human Resources Department. The Human Resources Department in conjunction with other management members will then engage in a process with the employee or applicant to determine whether the employee or applicant has a disability under the law and what reasonable accommodation might be available and appropriate. As part of this process the employee or applicant may be asked to provide access to medical documentation and other information to the Human Resources Department.

16.03 Fitness for Duty Evaluation

As a condition of employment, employees who demonstrate evidence of a physical or psychological impairment which adversely affects or has the potential to adversely affect their ability to safely or effectively perform the essential duties of their position may be required, at the direction of the department head and the Human Resources Department, to

undergo a fitness for duty examination by a health care professional of the County’s choice. The County is responsible for the cost of any such examination.

Policy 17 Vacation

17.01 Eligibility

All regular full-time and regular part-time employees are eligible for vacation benefits. The schedules listed below apply to full-time employees; vacation for part-time employees will be pro-rated (based on FTE level or, in some cases, by hours worked over a certain period). Vacation benefits are generally earned in one year and then made available for use in the following year.

17.02 Vacation Benefits

(a) General Schedule. Vacation will be made available to all eligible employees (subject to the exceptions identified below) on January 1 of each year following the year of hire. For purposes of this provision, the “date of hire” means the date hired as a regular employee. The general schedule of vacation benefits is as follows:

On January 1 following the date of hire, five-sixth of a vacation day for each full month of employment completed as a regular employee.

On each January 1 of the second through fourth years following the date of hire, 10 vacation days.

On each January 1 of the fifth through ninth years following the date of hire, 15 vacation days.

On each January 1 of the tenth through nineteenth years following the date of hire, 20 vacation days.

On each January 1 of the twentieth and subsequent years following the date of hire, 25 vacation days.

(b) Park View Employees. On the first January 1 following the date of hire, employees of Park View Health Center, other than managers, supervisors, administrative employees, and licensed nurses and other professionals, will earn five-twelfths of a vacation day for each full month of employment completed from the date of hire through December 31. In subsequent years, these employees will be subject to the general schedule.

(c) Highway Department Employees. Employees of the Highway Department, other than supervisory and administrative employees, will earn vacation on their anniversary dates of hire according to the following schedule:

On the first anniversary, 5 vacation days.

On the second through fourth anniversary dates, 10 vacation days.

On the fifth through ninth anniversary dates, 15 vacation days.

On the tenth through nineteenth anniversary dates, 20 vacation days.

On the twentieth and subsequent anniversary dates, 25 vacation days.

(d) Bridgetenders. The schedule of vacation benefits for bridgetenders is as follows:

Twenty hours of pay for the first season.

Forty hours of pay for each of the second through sixth seasons.

Sixty hours of pay for each of the seventh through thirteenth seasons.

Eighty hours of pay for each of the fourteenth through nineteenth seasons.

One hundred hours of pay for the twentieth and each subsequent season.

(e) Managerial and Administrative Employees of the Sheriff's Office. The schedule of vacation benefits will be in accordance with department practice and based on the benefit rules governing other employees in the department.

(f) Other Exceptions. To respond to labor market conditions or to enhance recruitment and retention efforts, the Director of Human Resources may authorize vacation amounts greater than those shown above.

(g) Transition. Those employees who are, as of January 1, 2014, earning vacation at a greater rate than would be called for by this policy, will continue earning vacation at that rate indefinitely, unless and until their years of service qualify them for an increase under this policy.

17.03 Vacation Rules

(a) Vacation Day. A vacation day consists of 7.5 hours for employees whose regular work week is 37.5 hours, and consists of 8 hours for employees whose regular work week is 40 hours.

(b) Scheduling. Departmental rules will control the method and time for employees to request vacation use, the number of employees who can take vacation on a given day, the increments in which vacation time may be used, and other matters related to scheduling of vacation.

- (c) Carryover. Vacation remaining at the end of the year may be converted to sick leave or a maximum of five days of vacation may be carried over into the next calendar year with supervisor approval; however, any carry-over vacation days must be used by March 31 and are not eligible for conversion to sick leave. If any carry-over vacation days are not used by March 31 they will be lost. There will be no payouts of carry-over vacation days.
- (d) Payouts. Unused vacation may be paid out for employees who have earned a partial day of vacation that they cannot schedule under department rules. Unused vacation may be paid out for bridgetenders, who are limited in the number of vacation days they may use during the season. Unused vacation will be paid out upon termination of employment under Policy 27. Other than these situations, unused vacation will not be paid out.
- (e) Highway Department Employees. For highway department employees who earn vacation on an anniversary date basis, vacation earned on one anniversary date must be used by the next anniversary date, or will be lost.
- (f) Holidays. In the event that a holiday occurs during a vacation week, the vacation hours for that day may be scheduled to be taken on another day during that year, except that shift workers at Park View Health Center and janitor-watchmen in the Highway Department must use vacation to cover the holiday if the employee would otherwise have been scheduled to work the holiday.
- (g) Leaves of Absence. Leaves of absence without pay in excess of thirty days will reduce vacation availability during the following year on a pro-rata basis.
- (h) Termination. Terminating employees may be eligible for the payment of unused vacation credits in accordance with the provisions set forth in Policy 27.

Policy 18 Holidays

18.01 Eligibility

Regular full-time employees and regular part-time employees are generally eligible for holiday pay. Holiday pay (including floating holiday) is prorated for part-time employees. Park View Health Center part-time employees, other than managers, supervisors, administrative employees, and licensed nurses and other licensed professionals, who are less than 60% of full-time equivalent do not receive holiday pay except that those who work on a recognized holiday receive holiday pay for the hours worked on the holiday.

18.02 Regular Holidays

The following paid holidays are recognized for regular employees other than Park View Health Center employees:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day
- New Year's Eve Day

The following paid holidays are recognized for Park View Health Center employees:

- New Year's Day
- Friday Before Easter
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

If the holiday falls on a Saturday, the preceding Friday will be observed as the holiday, and if the holiday falls on a Sunday, the following Monday will be observed as the holiday.

Certain employees (other than Park View Health Center employees or public safety dispatchers) who normally work a 7-day schedule because of the department's need for coverage on all days of the week may receive an equivalent number of floating holidays under Policy 18.03 in lieu of the regular holidays.

Park View Health Center shift workers (RN's, LPN's, certified nursing assistants, cooks, and food service workers) receive eight hours of pay at straight time for each recognized holiday regardless of whether they are scheduled to work the holiday. In order to receive the holiday pay an employee scheduled to work on the recognized holiday must actually work as scheduled, unless on authorized paid leave, floating holiday, or vacation. Holidays for Park View Health Center shift workers start at the beginning of the regular night shift the evening before the holiday and end at the end of the regular p.m. shift on the evening of the holiday.

Park View Health Center hourly employees who work on a recognized holiday will receive time and a half of their regular hourly rate for all hours actually worked on the recognized holiday.

Bridgetenders unit employees and Public Safety Professional Dispatchers unit employees do not receive regular holidays.

18.03 Floating Holidays

(a) Number of Floating Holidays. Full-time regular employees receive floating holidays each calendar year on January 1 according to the following schedule:

Administrative, unclassified, and other employees -- 4 days

Registered Nurses at Park View Health Center – 7 days

Courthouse unit employees – 3 days

Human Services unit employees – 2 days

Park View Health Center unit employees – 4 days

Highway unit employees – 3 days for those who work a summer schedule with 10-hour days; 3 days plus 4 hours for those who do not.

Bridgetenders unit employees -- none

Public Safety Professional Dispatchers unit employees – 11 days

(b) Floating Holidays During Year of Hire. A newly-hired regular employee who starts work as a regular employee before July 1 will receive one-half the number of annual floating holidays for which the employee is eligible under paragraph (a), rounded down to the nearest whole number of days. A public safety professional dispatchers unit employee will receive one floating holiday for each five weeks of completed service during the year of hire.

Floating holidays granted under this provision may be used during the year of hire, but not until the employee has completed at least 60 days of employment.

(c) Scheduling. Floating holidays may be scheduled as time off with pay if approved according to departmental rules.

18.04 Holiday Rules

(a) Holiday Pay. Holiday pay will be at the rate in effect on the holiday. A day of holiday pay consists of 7.5 hours for employees whose regular work week is 37.5 hours, and consists of 8 hours for employees whose regular work week is 40 hours.

For employees on a 10-hour per day summer schedule, the holidays which occur during the summer schedule will be based on 10 hours per day.

(b) Limitations. An employee who did not work the employee’s scheduled work days immediately before and after a regular or floating holiday, and was not on sick leave, preapproved vacation, or preapproved leave of absence of three days or less, will not receive holiday pay. As a condition of payment of holiday pay, a supervisor (or a department by rule) may require medical certification for any sick leave taken in conjunction with the holiday.

(c) Carryover. Floating holidays must be used by the end of the calendar year, and will not be carried over. Unused floating holidays will not be paid out, except that they may be paid out in December to Master Control/Booking/Property Record Clerks in the Sheriff’s Office.

(d) End of Employment. Terminating employees who have floating holidays remaining must use such floating holidays prior to their last two weeks on the job. Unused floating holidays will not be paid out.

An employee who receives floating holidays on January 1 in lieu of regular holidays, and who then leaves County employment during the course of the year, will have the floating holidays prorated based on the portion of the calendar year worked. If more holidays have been used than earned under this proration, the balance will be deducted from the employee’s vacation account.

Policy 19 Health Benefits

19.01 Health Plans

(a) Eligibility. Winnebago County employees who are in regular full-time and regular part-time (at 50% or more of full-time) positions are eligible to participate in the County’s health plan(s). Eligible employees who enroll at the time of hire may obtain health coverage beginning on the first day of the month following completion of 30 days of employment.

Open enrollment will be every October for enrollment changes to be effective the following January. Persons not enrolling at their time of hire may be required to produce a certificate of coverage at the point of later enrollment. Employees who marry after their date of initial enrollment are eligible for family coverage provided that they apply within 30 days of the date of their marriage.

If a married couple are both employees of Winnebago County they will share one family plan.

(b) Premium Participation. The County’s participation in the cost of health coverage for full-time employees is 85% of the premium for single, double or family coverage. The County’s participation in the cost of health coverage is increased to 90% for those full-time employees who participated in the County’s health risk assessment during the

previous calendar year. Participation for family or double coverage also requires participation by the employee's spouse.

The County's share in the cost of health coverage is pro-rated for part-time employees. The pro-ration may be based on FTE levels or a measurement of hours worked over a prior period, and may be banded so that the same premium share is used for those within a certain range.

An employee who is hired, or who first participates in health coverage, after the health risk assessments begin for a given year will be treated as though the employee had participated in the health risk assessment that year.

Employees must pay the portion of the applicable premium which is not covered by the County's participation. Required employee premium contributions will be processed under the Section 125 program.

(c) Plan Documents. Summary plan descriptions are available from the Human Resources Department. Health coverage is subject to all terms and conditions found in the summary plan descriptions and in the health plan documentation, which controls.

19.02 Dental Plans

(a) Eligibility. Winnebago County employees who are in regular full-time and regular part-time positions (at 50% or more of full-time for most positions, or 60% or more of full-time for Park View Health Center unit positions) are eligible to participate in the County's dental plan(s). Eligible employees who enroll at the time of hire may obtain dental coverage beginning on the first day of the month following completion of 30 days of employment.

Open enrollment will be every October for enrollment changes to be effective the following January. Coverage for late enrollees is limited to diagnostic and preventive services for the first 12 months of coverage. Employees who marry after their date of initial enrollment are eligible for family coverage provided that they apply within 30 days of the date of their marriage.

If a married couple are both employees of Winnebago County they will share one family plan.

(b) Premium Participation. The County's participation in the cost of dental coverage is 90% of the premium for single or family coverage for the base dental plan.

Employees must pay the portion of the applicable premium which is not covered by the County's participation. Required employee premium contributions will be processed under the Section 125 program.

(c) Plan Documents. Summary plan descriptions are available from the Human Resources Department. Health coverage is subject to all terms and conditions found in the summary plan descriptions and in the health plan documentation, which controls.

19.03 Continuation of Coverage

Terminated employees may continue their participation in the group health and dental programs in accordance with the COBRA law. Such employees are normally advised of their group health options and contribution requirements at the time of termination.

Employees who retire from County employment and are immediately eligible for a pension under the Wisconsin Retirement System have the option of continuing their participation, and that of their spouse and eligible dependents, in any of the group health insurance programs offered by Winnebago County, at their expense, for up to the number of years that they continuously served Winnebago County or until both the employee and spouse have attained the age of sixty-five, whichever affords the longer time frame, but not less than the amount of time provided for under the COBRA Law. This eligibility also applies to the spouse and eligible dependents of an employee who dies while employed by Winnebago County.

Policy 20 Income Continuation Benefits

20.01 Sick Leave

(a) Accrual. Regular full-time employees who have completed the trial period accrue 8 days of sick leave as of the first work day of each calendar year. Newly hired regular full-time employees accrue 4 days of sick leave as of the date of hire and an additional 4 days of sick leave as of the date of successful completion of the trial period.

Full-time bridgetenders who have completed the trial period accrue 4 days of sick leave on May 1 of each year. Newly hired full-time bridgetenders accrue 4 days of sick leave at completion of the trial period and then on the following May 1.

Regular part-time employees at or above 50% of FTE who have completed the trial period accrue sick leave according to the same schedule as full-time employees, but in a pro-rated amount. For most employees, the proration is based on FTE level; for hourly Park View employees, the proration is calculated annually based on hours paid.

Unpaid leaves of absence in a year which total over 60 calendar days will result in reduction of sick leave earned for the year on a pro rata basis.

A sick day is 7.5 hours for an employee whose regular weekly schedule is 37.5 hours, and a sick day is 8 hours for an employee whose regular weekly schedule is 40 hours or who has a rotating schedule with normal daily shifts of 8 hours or greater. Part-time employees have a sick day equal to that for comparable full-time positions.

Unused sick leave carries over from year to year with no accumulation cap.

(b) Use of Sick Leave. Sick leave may be used for absences from work due to personal illness or injury of the employee, for medical or dental appointments for the employee that cannot be reasonably scheduled outside of work hours, and for an employee's absence when they are exposed to a contagious disease during the contagious period. An employee may use up to four days of accrued sick leave per calendar year for a period of absence which is due to the illness or medical or dental appointments of an immediate family member as defined in Policy 20.02. Sick leave may be used for any purpose authorized by the federal or Wisconsin Family and Medical Leave laws under an approved FMLA leave. Sick leave is not available to employees for any other purpose.

Employees using sick leave must notify their supervisors in the manner directed by the department, which normally includes advance notification whenever possible and regular status reporting on a daily basis. Departments may by rule require employees to provide notice by a certain time prior to the start of their shift.

Absences of three consecutive work days or longer will require a health care provider's statement as to the nature of the illness or injury and its probable duration indicating the likely return to work date. In appropriate circumstances, medical certification may also be required for periods of absence of three work days or less. The employee may also be asked to provide a medical evaluation of any permanent or temporary physical limitations of the employee resulting from an illness or injury and the probable duration of any temporary physical restrictions.

Sick leave may generally be taken in quarter hour increments, but departments may adopt rules requiring longer increments, up to and including a full shift. Sick leave is paid at the employee's regular straight time rate.

An employee eligible for payment of workers' compensation benefits may not also use sick leave for the same period. Sick leave is not normally provided during a termination notice period unless supported by a health care provider's certification.

(c) Separation Benefit. For purposes of this provision, the term "freeze date" means December 31, 2013 for those employees in positions which were included in a recognized collective bargaining unit as of 12/31/2012, and means December 31, 2005 for other employees.

Employees who had an unused sick leave balance as of the employee's freeze date, and who terminate their county employment for any reason other than discharge for misconduct, are eligible upon termination to receive a payout of 35% of the lower of: (i) the unused sick leave balance as of the freeze date; or (ii) the unused sick leave balance as of the termination date. The payout will be calculated at the employee's rate of pay as of the freeze date.

For employees retiring with twenty or more years of continuous County service and who are immediately eligible for an annuity under the Wisconsin Retirement System, and for those employees who die with twenty or more years of continuous County service, the payout will be at 65% instead of 35%.

The payout for employees who terminate employment prior to the freeze date will be based on the unused sick leave balance as of the date of termination, and will be at the pay rate as of the date of termination.

Employees have the option to convert sick leave separation benefits into post retirement payment of group health insurance premiums.

In the event of the death of an employee, the employee's estate will be provided a death benefit equivalent to the separation benefit indicated above.

20.02 Funeral Leave

(a) Benefit. Funeral leave is available only to regular full-time and regular part-time employees who have completed the trial period.

In the event of a death of an employee's immediate family member (as defined below), an employee may be excused from work for up to three work days without loss of pay.

In the event of a death of an employee's extended family member, an employee may be excused from work for one day without loss of pay.

One-half day without loss of pay may be granted to an employee for serving as a pallbearer for a friend or relative.

(b) Definitions. As used in the previous provision:

“Immediate family member” means the employee's current spouse, child, parent, current stepchild, brother, sister, current mother-in-law, current father-in-law, and current step-parent.

“Extended family member” means the employee's grandparent, grandchild, aunt, uncle, niece, nephew, the spouse of the employee's sister or brother, the sister or brother of the employee's spouse, current son-in-law, or current daughter-in-law.

(c) Conditions. Funeral leave may be used only during the period starting on the day of death through the seventh calendar day after the day of the funeral.

The purpose of funeral leave is to allow an employee to attend the funeral and to attend to matters of the estate without loss of pay. It is not granted to employees who do not attend the funeral or participate in making arrangements. The County may require verification of the need for the leave.

An employee may not use funeral leave during a vacation, period of sick leave, or other leave of absence if the vacation or leave was approved before the death occurred.

(d) Additional Leave. The County recognizes that death can have a deep impact on an individual or family. Additional unpaid time off may therefore be granted if needed, subject to approval by the department head and the Director of Human Resources. Unpaid leave under this provision may be granted with or without the requirement that vacation or other paid time off be used first.

20.03 Long-Term Disability

Regular full-time and part-time employees who work 600 or more hours in a year (excluding bridgetenders and other seasonal employees) are eligible for long term disability insurance following six months of continuous employment. This program is designed to provide employees with 66-2/3% of their gross salary when disabled due to a long-term illness or non-worked related accident.

Benefit eligibility begins after the employee has been unable to work continuously for a waiting period of 60 calendar days.

The County pays the full premium cost for the long-term disability benefit with the waiting period as stated above. Employees may reduce the waiting period to 30 days by paying the applicable difference in premium.

The long-term disability benefit is subject to the terms and conditions found in the plan document for the provider selected by the County. Benefits are offset by benefits provided through other disability programs which may be available.

Policy 21 Other Benefits

21.01 Retirement

Winnebago County is an employer participant in the Wisconsin Retirement System (WRS). County employees must be enrolled in the WRS if they:

- a. Were first hired by a WRS participating employer prior to July 1, 2011, and are expected to work or do work at least 600 hours for the County in a year, and are expected to be employed by the County for at least one year following their date of hire; or
- b. Were first hired by a WRS participating employer after July 1, 2011, and are expected to work or do work at least 1200 hours for the County in a year, and are expected to be employed by the County for at least one year following their date of hire.

Wisconsin state statutes specify contributions which must be made to the WRS for different categories of employees. These contributions are divided into the employer share and the employee share. Winnebago County pays the employer share, and employees pay the employee share through payroll deduction.

Under the WRS, retiring employees may be eligible for a retirement annuity based upon a payment formula that takes into consideration their length of employment under the WRS, their age at the time of retirement, and their qualified average earnings.

Employees terminating prior to achieving retirement age may exercise various payment options in accordance with the rules of the program.

In addition to retirement pension benefits, permanently disabled employees may be eligible for permanent disability retirement benefits under the WRS.

WRS benefits are administered by the Wisconsin Department of Employee Trust Funds. Additional information can be obtained from the Human Resources Department or <http://etf.wi.gov>.

21.02 Life Insurance

Employees who are eligible to participate in the Wisconsin Retirement System may participate in optional term life insurance. Enrollment must normally be made prior to the employee's completion of six months of service or prior to completion of 30 days of employment if the employee has previously worked under the WRS. Enrollment at a later time may be possible pending approval of evidence of insurability. Employees may elect up to five times their annual salary as a benefit on their own lives. Spouse and dependent coverage is also available. Premiums for the selected coverage are paid by the employee through payroll deduction. Additional information can be obtained from the Human Resources Department or at <http://etf.wi.gov>.

Employees who are leaving County employment and are interested in converting their plan to an individual policy may contact the Department of Employee Trust Funds directly.

21.03 Deferred Compensation

All employees are eligible to participate in the County's deferred compensation program. Under this program an employee may designate a portion of income to be deposited into a special investment account for use in retirement years. This program offers certain tax advantages to participants. Further information is available from the Human Resources Department.

21.04 Section 125 (flex) Plan

Regular employees, 50% of full-time and above, who have passed the trial period are eligible to participate in the Winnebago County flexible benefits plan under Section 125 of the Internal Revenue Code. Under the plan, employees may set aside funds to pay for the

cost of unreimbursed medical and dental expenses or child and dependent care expenses with pre-tax dollars.

21.05 Worker’s Compensation

Employees of Winnebago County are eligible for benefits under the Worker’s Compensation Law of Wisconsin. Employees injured on the job are required to report any injury as soon as possible. Failure to report an incident may result in loss or reduction of benefits. Reporting procedures are available in any Winnebago County Safety Manual or through a supervisor. Eligibility for benefits is determined in accordance with the Worker’s Compensation laws of Wisconsin. Employees with questions should contact the Human Resources Department, which maintains forms and coordinates the Worker’s Compensation Program.

21.06 Unemployment Compensation

Employees of Winnebago County are eligible for unemployment compensation benefits in accordance with Wisconsin law.

21.07 Employee Assistance Program

(a) Program Objectives. The Winnebago County Employee Assistance Program (E.A.P.) was created for the purpose of providing employees with a means of obtaining outside assistance for a variety of personal problems.

(b) Administrative Structure. The E.A.P. is contracted with Affinity Health System. Services may be arranged on a confidential basis by simply calling a toll-free number available from the Human Resources Department.

(c) Self-Referral. The most common form of referral to the E.A.P. is self-referral, in which the employee contacts E.A.P. An employee may call E.A.P. and receive help over the phone, or may schedule a confidential meeting with a counselor. The names of employees who refer themselves to E.A.P. are considered confidential and are not reportable to the Human Resources Department or the employee’s department.

(d) Referrals by the County. The Human Resources Department or an employee’s supervisor, with Human Resources concurrence, may refer an employee to E.A.P. to get help with performance, behavior or interpersonal issues that affect the workplace. The County will pay the costs for employees who are referred to the E.A.P. by the County.

(e) Family Member Participation. Immediate family members of Winnebago County employees, such as spouses or tax dependents, may participate in the E.A.P. on a self-referral basis. Generally, employees’ immediate family members and persons living in the employee’s home are eligible. Limitations apply. Contact E.A.P. for specifics.

(f) Cost of Service. Employees, immediate family members, and eligible persons living in the employee's home are eligible for six visits per issue per year. There is no cost to the employee.

Policy 22 Expense Reimbursement

22.01 Compliance With Ordinance

Any County employee who seeks or obtains reimbursement for expenses incurred in the course of County business must comply with: (a) Section 3.05 of the General Code of Ordinances of Winnebago County; (b) rules and procedures regarding expense reimbursement issued by the Finance Department; and (c) any applicable rules or procedures regarding expense reimbursement in the employee's department, as well as any directive of the employee's supervisor, manager, or department head.

The relevant provisions of General Code Section 3.05 are reproduced below as Policies 22.02 and 22.03 as a convenience to employees. The text below is unofficial; the ordinance as duly adopted by the County Board, including any amendments, is controlling.

22.02 Automobile, Lodging, and Meals Expense

(a) Automobile Mileage Expense:

1. Automobile mileage shall be reimbursed at the current federal (Internal Revenue Service) mileage rate established for employees utilizing their vehicles for business purposes.

2. No employees or elected officials of Winnebago County shall operate a privately-owned motor vehicle on County business unless they meet the County's minimum automobile liability insurance requirements which are set forth as follows:

- \$100,000.00 for each person for bodily injury.
- \$300,000.00 for each occurrence for bodily injury.
- \$ 50,000 for each occurrence for property damage.

3. All Winnebago County employees and elected officials who drive a privately-owned motor vehicle on County business shall produce evidence of insurance coverage to the person responsible for approving their expense reports upon request. No automobile mileage shall be reimbursed to Winnebago County employees, or elected officials of Winnebago County who operate a motor vehicle in violation of this section of this Ordinance.

4. All travel shall be by the most direct route with an allowance to be made for reasonable variations due to route conditions. Mileage shall be paid to the person whose private motor vehicle is used. Where a number of persons are making the same trip, travel shall be in the fewest necessary number of motor vehicles.

5. Employees and elected officials other than County Board Supervisors shall not be paid for travel between their place of residence and their regular work locations.

6. Travel in one's personal automobile between County facilities in the course of business is eligible for mileage reimbursement.

7. Mileage reimbursement paid to employees and Winnebago County Board members and members of duly appointed Winnebago County committees, boards, and commissions for attendance at duly noticed meetings shall not exceed the mileage between the site of the meeting and the permanent residence of the employee, board, committee or commission member.

(b) Lodging and Meals Expense:

1. The following schedule consists of maximum reimbursable expenses for lodging and meals. The following schedule shall take effect January 1, 2004.

Overnight Lodging - Single room cost.

Supper - \$18.00

Breakfast - \$7.50

Lunch - \$9.50

Supper, Breakfast, Lunch, no overnight lodging - \$35.00

2. Persons attending meetings, conferences or educational seminars that extend for a full day or a partial day may claim necessary meal expenses per meal as set forth herein. No reimbursement shall be claimed for meals that could have reasonably been consumed prior to departure or following return.

3. Persons attending meetings, conferences or educational seminars that extend for more than a full day may claim the daily meal allowance of \$35.00 instead of itemizing individual meal expenses. In the event that one or more meals is provided as part of the conference program and is prepaid, allowance and the claim for reimbursement shall be reduced by the maximum value of the meal(s) as set forth above.

4. In the event that the cost of a meal consumed by a County employee or elected official while attending a meeting, conference or educational seminar exceeds the amount allowed herein, said employee or elected official shall be reimbursed the amount of excess meal expense approved as reasonable as determined by the Authorizing Agent and provided that an itemized receipt for the meal is submitted as part of the reimbursement claim.

5. Meals consumed by employees and elected officials as part of a business breakfast, luncheon, or dinner are eligible for reimbursement in accordance with the foregoing schedule subject to the approval of the Authorizing Agent.

6. Lodging costs will not be reimbursed for any site within 50 miles of the Winnebago County Courthouse unless approved in advance by the Authorizing Agent.

7. In order to be reimbursed for lodging costs for the night prior to the beginning of a meeting, conference, or educational seminar, the site of the meeting, conference or educational seminar must be at least 100 miles from the Winnebago County Courthouse and the starting time must be no later than 9:30 a.m. Normally, reimbursement for lodging costs for the night at the end of a meeting, conference, or educational seminar shall not be paid unless the meeting, conference, or educational seminar is located more than 100 miles from the Winnebago County Courthouse and the meeting, conference, or educational seminar ends later than 8:30 p.m. Exceptions to these provisions may be made by the Authorizing Agent based upon weather conditions or other reasonable considerations.

8. Since Winnebago County is exempt from state and local taxes in Wisconsin, persons seeking lodging expense reimbursement shall arrange in advance with the lodging facility to exempt reimbursed room and meal charges from state and local taxes.

22.03 General Items or Expense

(a) Public Transportation:

1. Travel by plane or train shall be at coach rates.
2. Since most trips are pre-planned, airline tickets shall be purchased far enough in advance so as to achieve the lowest possible fares. If a fare requires additional nights of lodging and additional meals, these extra expenses and the value of lost work time shall be weighed against the airfare and the most economical choice shall be made. In the event that extenuating circumstances prevent the most economical choice from being made, advance approval of the Authorizing Agent shall be secured.
3. Educational seminars that are offered in more than one location shall normally be selected on the basis of the closest site to Winnebago County. Exceptions to this provision require the advance approval of the Authorizing Agent.
4. Incidental expenses for taxi fares, limousine fares, busses, or other forms of land transportation between the airport or terminal, and the place of lodging, and/or the meeting, conference, or seminar site are reimbursable under this Ordinance.
5. Tips (other than meal tips), alcoholic beverages, barber or beautician costs, in-room movies, health club fees and all sundry items not specifically addressed in this Ordinance are not reimbursable.

6. Auto rentals shall be made only if less expensive than other forms of land transportation or if other forms of transportation would prove unreasonable from a time/use perspective.

7. The cost of tips from 10% of meal expenses or gratuities of up to 15% included as part of the meal bill are reimbursable expenses for meal expense reimbursement only when claimed on a per-meal basis under this Ordinance. Also, reimbursement of up to \$0.25 per bag for porter services are reimbursable expenses under this Ordinance.

8. Disbursements made in foreign currency must be converted to U.S. currency when preparing the expense report.

9. Where County employees or elected or appointed officials share transportation, only those persons actually providing the means of transportation or paying for the cost of the transportation shall be reimbursed.

10. County employees, officers and County Board Supervisors attending County Board meetings or any other authorized meeting or seminar who are not prohibited from claiming mileage expense, but to whom no other provision of this ordinance is applicable, shall be entitled to mileage reimbursement at a rate of \$.0001 per mile.

(b) Telephone: Employees, officers and elected officials shall be eligible for reimbursement of personal telephone expenses for calls between their place of lodging and their home not to exceed an average of \$3.50 per day for each night of lodging away from home.

(c) Registration or Conference Fees: Registration or conference fees are reimbursable by Winnebago County upon proof of payment or they may be prepared upon advance billing. In the event that prepayment of registration or conference fees has been made and the individual scheduled to attend cannot attend, the person who made the original arrangements is responsible for providing a suitable substitute or for seeking a refund of the registration or conference fee.

Policy 23 Payroll Process

23.01 Time Records – Exempt Employees

Exempt employees do not receive overtime or compensatory time regardless of time worked. Exempt employees will record conference hours and all paid and unpaid time off on their electronic timecard. This record does not track or document the actual hours worked by exempt employees, but only provides the information needed by the Human Resources Department to pay those employees. Timecards must be prepared by the employee and approved by the department head or designated supervisor. The information entered is an official record and as such requires accurate and truthful information.

23.02 Time Records – Non-exempt Employees

Non-exempt employees are covered by the provisions of the Fair Labor Standards Act. Employees in this status will receive overtime or compensatory time in accordance with those policies. Non-exempt employees will report all time worked within the pay period. Each employee must maintain a time record showing an accurate record of all time worked and leave taken, whether paid or unpaid, during the pay period. The information entered is an official record and as such requires accurate and truthful information.

Time will be rounded to the nearest quarter hour using the 7/8 Rule.

23.03 Paydays

The County payroll period is a two-week period and payday is bi-weekly.

If the pay date falls on a holiday, the payment will occur on the business day immediately prior to the holiday.

23.04 Direct Deposits

Direct deposit of all payroll checks is required. Authorization forms for direct deposit are available in the Human Resources Department and on the intranet.

Policy 24 Disciplinary Action

24.01 Purpose

The purpose of disciplinary action is to correct, modify, improve or eliminate unacceptable employee behavior or job performance.

24.02 Grounds for Disciplinary Action

An employee may be subject to disciplinary action for performance shortcomings or conduct listed below. This list is illustrative and does not include all conduct for which discipline may be imposed.

1. Harassment, other discrimination or abusive conduct toward another person or people on the basis of actual or perceived membership in a protected class, or for association with one or more members of a protected class.
2. Dishonesty or falsification of records.
3. Disregard or violation of safety rules, regulations, policies or instructions, including horseplay, failure to promptly report workplace injuries, unsafe situations or behavior, defective equipment or safety hazards.
4. Violation of Policy 7.07 of this Manual, regarding possession of weapons by employees.
5. Failure to promptly report a workplace injury.
6. Violation of any County or department policy or work rules, including provisions of this Manual.

7. Violation of any federal or state statute or regulation, County Ordinance or policy, or applicable municipal ordinance when the violation is committed off-duty, if the circumstances of the violation substantially relate to the employee's County position or bring disrepute to the County as a government or employer.
8. Disorderly or immoral conduct, including notorious off-duty conduct which brings disrepute upon the affected employee or reflects adversely upon the County as a government or employer.
9. Insubordination (which includes verbal, written, or physical expressions of disrespect toward a supervisor or manager as well as refusal or failure to carry out a lawful management order or directive in a conscientious manner).
10. Discourteous or abusive treatment of an official, supervisor, co-worker, member of the public, or any other person, including disruptive conduct or speech during training activities.
11. Theft, destruction, negligent use or misuse or unauthorized use of County property, or property under County control.
12. Violation of Policy 7.04 of this Manual, regarding alcohol and drug use.
13. Fighting or creating a physical or emotional disturbance among coworkers resulting in an adverse effect upon morale, production or the maintenance of proper order.
14. Conviction of a serious crime.
15. Unavailability for work because of incarceration.
16. Absence without authorized leave, or misrepresenting the purpose of an authorized leave.
17. Abuse or misuse of sick leave.
18. Taking overlong or unauthorized breaks or mealtimes, doing so in an unauthorized place or sleeping on the job.
19. Tardiness or absenteeism.
20. Use of official position for personal profit, sexual purposes, political advantage or for the inappropriate disadvantage of other persons.
21. Use of foul language.
22. Illegal gambling on County property during work time.
23. Knowingly making false or malicious statements with the intent or effect of harming or destroying the reputation, authority or official standing of people, groups or organizations.
24. Violation of Policy 8.02 of this Manual, regarding acceptance of gifts or gratuities.
25. Negligent, incompetent or inefficient work performance or failure to perform duties in accordance with acceptable performance standards.
26. Substandard quality or quantity of work, including but not limited to the deliberate reduction of output or working speed.
27. Personal hygiene, grooming, odor, accessories (including tattoos, piercings and other bodily adornments) which detract from or disrupt the orderly, authoritative and respectful provision of government service to internal or external customers.
28. Leaving the job or worksite without permission, or presence in an unauthorized area.
29. Engaging in conduct or activities that have the intent or effect of lengthening the healing period of an injury in a way that it delays or impedes return to full work activities.

- 30. Failure to carry liability insurance, as required by County Ordinance or policy, on a private vehicle used for County business, including driving oneself between County buildings or other work locations.

24.03 Disciplinary Investigations

A supervisor or Human Resources professional must conduct a fair, timely and thorough investigation before any disciplinary action is issued against an employee. The nature of such an investigation will be case-dependent but should at least include an interview with the employee in question, affording that employee a fair opportunity to respond to allegations or charges. An affected employee (and any complainant, if applicable) shall be notified when the investigation is complete.

Supervisors should contact a professional staff member of the Department of Human Resources before beginning any investigation or taking disciplinary action. The Director of Human Resources or designee must approve any suspension or employment termination.

24.04 Disciplinary Action

Disciplinary actions include written reprimands, unpaid suspensions, demotions, and termination of employment. Other actions which may be taken, but which are not considered disciplinary actions, include counseling, verbal warning, assignment changes, and schedule changes.

In determining the most appropriate level of action, management should consider the employee’s work record, length of service, and disciplinary history if any; the employee’s knowledge of the wrongfulness of the conduct; the seriousness of the offense; the manner in which similarly situated employees have been treated for similar conduct; and any other appropriate aggravating or mitigating factors.

Any supervisor or Human Resources staff member who gives or participates in performance- or behavior-related counseling session or verbal warnings should document such counseling or warning in writing. Disciplinary actions must be in writing. A copy of any disciplinary action should be given to the employee, and the original sent to the Department of Human Resources.

24.05 Administrative Leave

When allowing an employee to continue working would be contrary to the interests of the public or of the County, an employee may be placed on administrative leave.

Administrative leave is not disciplinary in nature, and does not affect the employee’s pay or benefits.

An administrative leave should be documented in writing, either at the time it is imposed or as soon as reasonably practicable thereafter. The Human Resources Department should be immediately notified of any administrative leave.

Policy 25 Grievance Procedure

25.01 Scope and General Provisions

(a) Scope. This Policy applies to all Winnebago County employees except: those subject to a grievance procedure contained in a collective bargaining agreement then in effect; deputy sheriffs subject to Wis. Stats. sec. 59.26(8); elected officials, citizen board members and appointees, independent contractors, and department heads who serve at the pleasure of the County Executive pursuant to Wis. Stats. sec. 59.17(2)(br).

(b) Informal Resolution. Whenever possible, grievances should be resolved informally. Employees should discuss issues and concerns with their immediate supervisors.

(c) Administration. The Director of Human Resources shall supervise and administer the grievance process. Supervisors and department heads shall keep the Director of Human Resources informed regarding the status of all grievances.

(d) Non-retaliation. The filing of a grievance by an employee shall not reflect unfavorably on the employee's standing, performance, loyalty, or desirability to the public service and shall be without fear of reprisal.

(e) Representation. An employee may be represented or accompanied by a person of the employee's choice at all steps of the grievance procedure. Any costs relating to representation will be at the employee's sole expense.

25.02 Matters Subject to Grievance Procedure

(a) Grievable issues. Grievances may address employee terminations, employee discipline, and workplace safety, as those terms are described below. No other issues may be addressed through the grievance procedure.

(b) Employee terminations. "Employee terminations" are discharges from employment due to disciplinary reasons, and do not include separations from employment due to layoffs, reductions in force, quits, failure to report to work, failure to be recalled from layoff, failure to return to work, failure to apply for leave of absence, job abandonment, loss of required job qualifications, or inability to perform the job due to physical or mental limitations.

(c) Employee discipline. "Employee discipline" includes written reprimands, demotions, and suspensions without pay resulting from employee misconduct, insubordination, or violations of County or department policies or directives. "Employee discipline" does not include counseling, job coaching, oral reprimands (whether or not documented in writing),

administrative leave, change in job assignment or location, performance reviews, work plans, or performance improvement plans.

(d) Workplace safety. “Workplace safety” means those work conditions related to an employee’s physical health or safety, the safe operation of workplace equipment or tools, environmental hazards, protective equipment, and workplace violence.

25.03 Department Head Step

(a) Filing and time limit. Grievances may be filed only by one or more individual employees, known as the “grievant”. A grievance must be in writing, signed by the grievant, and submitted to the employee’s department head with a copy submitted to the Human Resources Department. No grievance will be processed unless it is received in the department head’s office within 14 calendar days after the grievant knew or reasonably should have known of the incident or occurrence giving rise to the grievance.

(b) Statement of grievance. The grievance must contain:

- the name and position of the grievant;
- a clear statement of the relief sought;
- a statement of the facts relevant to the issue; and
- an explanation of why the requested relief should be granted.

(c) Decision. The department head should meet with the grievant to discuss the grievance and issue a written decision within 14 calendar days after meeting with the grievant. If no decision is issued by the department head within 30 calendar days after the grievance is submitted, the grievance is deemed denied and the time limit for filing the next step grievance will begin to run.

25.04 Director of Human Resources Step

(a) Filing and time limit. If the department head’s decision is not satisfactory to the grievant, the grievant may present the grievance in writing to the Director of Human Resources at the Human Resources Department office within 14 calendar days after the date of the department head’s decision.

(b) Decision. The Director of Human Resources or designee should meet with the grievant and the department head or supervisor to discuss the grievance and issue a written decision within 14 calendar days after this meeting. If no decision is issued by the Director of Human Resources within 30 calendar days after the grievance is submitted, the grievance is deemed denied and the time limit for filing the next step grievance will begin to run.

25.05 Impartial Hearing Officer Step

(a) Filing and time limit. If the Director of Human Resource’s decision is not satisfactory to the grievant, the grievant may submit a request for hearing before an

Impartial Hearing Officer. This request must be made in writing and submitted to the Director of Human Resources at the Human Resources Department office within 14 calendar days after the Director of Human Resources decision is issued.

(b) Appointment. The Impartial Hearing Officer will be designated by the County Executive in the sole discretion of the County Executive. The Impartial Hearing Officer may not be any person who directly or indirectly supervises the grievant or who participated in making or reviewing any decision or determination that is challenged by the grievance. Any costs incurred by the Impartial Hearing Officer will be paid by the County.

(c) Hearing. The Impartial Hearing Officer will have control over the scheduling and conduct of the hearing, including pre-hearing procedures. The rules of evidence need not be followed, but the Impartial Hearing Officer will determine the admissibility of and weight to be given evidence. An audio recording shall be made of the hearing.

(d) Standard. The Impartial Hearing Officer's decision shall be based on whether the actions challenged by the grievance were reasonable and in accordance with County policy. The grievant has the burden of proof by a preponderance of the evidence.

(e) Remedy. The Impartial Hearing Officer may direct that a disciplinary action be rescinded or modified, and that a terminated employee be reinstated with or without back pay. The Impartial Hearing Officer has no authority to modify, add to, or subtract from County policy, and may not require the County to expend funds in excess of the wages and benefits lost by the grievant as a result of the challenged actions.

(f) Decision. The Impartial Hearing Officer shall issue a written decision, including a statement of the factual circumstances regarding the grievance, within fourteen calendar days after all evidence has been received and written arguments, if any, have been submitted. The parties may stipulate to a longer time period for issuing the decision.

25.06 County Board Appeal

(a) Filing and time limit. If the Impartial Hearing Officer's decision is not satisfactory to the grievant, the grievant may submit an appeal to the Winnebago County Board of Supervisors. If the Impartial Hearing Officer's decision is not satisfactory to the County, the Director of Human Resources may submit an appeal to the Winnebago County Board of Supervisors. The appeal must be in writing, include a statement of reasons for the appeal, include a copy of the Impartial Hearing Officer's decision, and be filed with the County Clerk within 14 calendar days after the Impartial Hearing Officer's decision is issued.

(b) Presentation to the Board. The County Board's consideration of the appeal will be limited to a review of the record to determine whether there was any procedural error or abuse of discretion. No additional evidence may be presented to or received by the Board. The grievant or representative and the Director of Human Resources or designee may

submit written arguments to the Board in advance of the meeting at which the grievance will be considered. The grievant, grievant's representative, Director of Human Resources, and the department head involved will all be excluded from any closed session of the Board for deliberations.

(c) Decision. The decision of the County Board will be in writing, signed by the County Board Chair and County Clerk at the direction of the Board, and may direct such action as may be determined by the Board. The decision shall be issued no later than 45 days after the County Board meeting at which the grievance is first presented to the Board.

(d) Finality. The decision of the Board is final and not subject to further review.

Policy 26 Layoffs

26.01 Layoff

(a) Need for Layoff. In the event of lack of work, lack of funds, program discontinuation or reduction, subcontracting, reorganization, job restructuring, or any other legitimate reason, employees may be laid off. The number of employees to be laid off and the positions to be subject to layoff will be determined by the County based on the nature of the duties, funding levels, available alternatives for accomplishing the work, and other similar considerations based on the needs of the County. Under certain circumstances, workweek reductions may be imposed in lieu of layoff.

(b) Selection of Employees. The selection of particular employees to be laid off may be based on the nature of the duties to be consolidated or eliminated, funding levels, available alternatives for accomplishing the work, the knowledge, skills and abilities of the employees, work performance of employees, length of County service by the employees, and other similar considerations based on the needs of the County.

(c) Bumping. Only employees who have completed the trial period and who are in regular positions which were included in a recognized collective bargaining unit as of 12/31/2012 are eligible to exercise a bump. An eligible employee who is laid off may bump into a position of an equal or lower pay classification held by an employee with less continuous service with the County provided that the bumping employee is qualified to perform the job. The employee who is required to make a decision as to which position to bump into will be given a minimum of 24 hours to make this decision. Any bumped employee who is eligible to bump will likewise be entitled to exercise a bump in accordance with the terms of this policy.

An employee who bumps into a new position may, during a 45-day trial period, elect to return to layoff status. An employee who makes such an election will not have any additional opportunity to bump.

(d) Notice. An employee to be laid off will receive a written notice from the employee's supervisor or department head. The notice will specify the layoff date, which will be the first workday on which the employee will not be expected to work until recalled.

26.02 Benefits While on Layoff

Employees laid off are eligible for participation in their health and dental plans for up to 18 months following the date of layoff, provided that they pay the applicable premiums in a timely fashion. No premium for continuation of health coverage is required of laid off employees for the first and second months of the layoff period; the first continuation health premium is to be paid in the second month for coverage during the third month.

Sick leave and vacation is not earned during the layoff period, but any balances as of the date of layoff will be retained in the event of recall or other reemployment with the County. If the employee returns to work, the layoff period will be carved out of the length of continuous service for purposes of determining vacation earned, but will not be considered an interruption of continuous service.

Laid off employees may continue participation in the life insurance program subject to payment of premiums and other terms and conditions of that program. Long-term disability coverage is not available to laid-off employees.

26.03 Recall

An employee on layoff may be recalled to the employee's former position or to a substantially similar position. If more than one employee is on layoff from the same position or substantially similar positions, the recalls will be in order of each employee's length of continuous service with the County. Recall notices will be sent to the employee's address on file with the Human Resources Department; it is the employee's responsibility to notify the department of any change of address.

Failure to report to work on the date specified in a recall notice or ten calendar days after the date the recall notice is sent, whichever is later, will result in immediate termination of employment.

Employees on layoff are also encouraged to apply for any other open position for which they are qualified. Failure to be awarded any other open position will not result in immediate termination of employment.

An employee who is recalled or who is otherwise reemployed by the County following a layoff will be paid at a rate consistent with the pay schedule for the position and as close as possible to employee's previous pay rate.

26.04 End of Layoff Period

Laid-off employees who have not been recalled or otherwise reemployed by the County within one year of their layoff date will be considered terminated from County employment.

Policy 27 Termination of Employment

27.01 Retirement

Retirement is a form of voluntary termination of employment in which the employee ceases to work specifically in order to qualify for pension, Social Security and/or other benefits available to individuals who meet minimum age, service and/or other requirements. Employees, regardless of age, who become permanently and totally disabled and who receive a disability pension under the Wisconsin Retirement System will be considered to have retired as of the date that the disability pension becomes effective.

27.02 Resignation

Although proper written notice is strongly preferred, an employee also has the ability to quit or resign with less or no notice. A resignation may occur due to verbal expressions or other conduct which can be reasonably interpreted to show the intention of quitting or abandoning the job.

An employee who is absent from work for three consecutive work days without notification to his or her supervisor has voluntarily resigned. Relief from this provisions is only available from the Director of Human Resources upon a showing that notification was not reasonably possible.

The employee's department head, at his discretion, may require that any sick leave used after a notice of retirement or resignation has been submitted be supported by a certification from the employee's health care provider.

An employee who quits or resigns may not rescind his or her resignation.

27.03 Notice of Retirement or Resignation

Employees planning to voluntarily terminate their employment with Winnebago County should notify their immediate supervisor in writing as far in advance as possible. Proper notice requires that notice be given to the employee's supervisor for at least the following minimum periods prior to the last full day at work:

60 calendar days for any employee who is retiring;

30 calendar days for employees holding salaried administrative or professional positions who are voluntarily terminating employment for purposes other than retirement; and

Two weeks for other employees who are voluntarily terminating employment for purposes other than retirement

Employees who provide proper notice of retirement or resignation are considered to have voluntarily terminated in good standing and are eligible for all termination benefits.

Employees who quit without providing proper notice will be considered to have committed an act of misconduct and such misconduct will be noted on the employee's record.

A notation of "quit without proper notice" will not be entered on the employee's permanent record if the employee terminated as the result of a major illness or injury, or the employee was allowed to quit without notice as part of a negotiated severance agreement. Employees who quit without proper notice may be ineligible for some or all termination benefits.

27.04 Employees Elected

Employees who are elected to any office of Winnebago County will be administratively terminated at the end of the day preceding the day that they assume elected office. Under such administrative termination, such employees will be entitled to the same termination benefit as its employees who voluntarily resign with proper notice. Administratively terminated employees are not eligible for any special reemployment rights following the completion of their term of office in an elected position.

27.05 Termination During Trial Period

Employees terminating during their trial period are ineligible for any form of benefit payout upon termination. If the termination is voluntary, the employee may not use vacation, sick or holiday pay during the termination notice period. In the event that the terminating employee has used more vacation than has been earned, the difference will be taken through an adjustment on the employee's final pay.

27.06 Involuntary Termination

Employees who are dismissed or discharged from County employment for disciplinary or job performance reasons are considered to have been involuntarily terminated. Involuntarily terminated employees may be ineligible for some or all termination benefits.

27.07 Return of County Property

Terminating employees must turn in all keys, access cards, identification, and other County property in their possession to their supervisor or other designated personnel as directed on or before the last day of work. Failure to do so shall result in the withholding of any termination benefit payout that can be legally withheld and for which the employee would be otherwise eligible.

27.08 Exit Interviews

An exit interview is used to gain insight into the effectiveness of County personnel and managerial practices, to determine where personnel policies or procedures are in possible need of revision, and to determine where supervisory or managerial practices need modification or improvement. Terminating employees who wish to share their concerns or observations regarding their employment experience are encouraged to contact the Department of Human Resources to arrange for an exit interview. When inconvenient to meet in person, exit interviews may be conducted over the telephone or via a written questionnaire available from the Department of Human Resources.

27.09 Benefits Upon Termination

(a) Vacation. Employees terminating employment for any reason, with or without proper notice, will be paid for any earned but unused vacation. Payment for vacation will be at the pay rate in effect as of the last day of work. If the termination occurs during the year or hire or the year subsequent to the year of hire, the vacation earned may be prorated.

(b) Holidays. No holidays or floating holidays are paid out at termination.

(c) Sick Leave. Employees terminating employment for any reason, with or without proper notice, may receive a payout of accumulated but unused sick leave pursuant to the provisions of Policy 20.01(c) of this manual.

(d) Health Benefits. Employees who participate in health or dental plans will be eligible to continue coverage under the COBRA law for up to a specified period of time, usually eighteen months. The full premium for each month of coverage must be paid by the employee.

Employees who retire from County employment and are immediately eligible for a pension under the Wisconsin Retirement System will have the option of continuing their participation in health coverage pursuant to Policy 19.3.