

## **Polk County Board of Supervisors**

Polk County Government Center  
100 Polk County Plaza, Balsam Lake, WI  
County Board Room

**Tuesday, September 20, 2011**

### **5:30 PM Regular Business Meeting Including Public Hearings**

1. Call to Order
2. Evidence of Proper Notice
3. Roll Call
4. **Consent Agenda:**
  - **Adoption of the Noticed Agenda**
  - **Confirmation of the Accuracy of the Minutes of the August 16, 2011 County Board Meeting**
5. Prayer: Supr. Stroebel
6. Pledge of Allegiance
7. Public Comments
8. Administrator's Report -Presentation of the 2012 County Administrator's Budget Recommendation & Discussion
9. Presentations:
  - Update on Highway 8 Corridor Project, by Marc Bowker and Jeff Emerson
  - Power of Tourism in Polk County by Sarah Fischer, Tourism Development Specialist, Wisconsin Dept. of Tourism
10. **Public Hearings – the Board will receive staff presentations and public commentary on the following matters; 7:00 PM:**
  - **Ordinance to Limit Amount for Claims for Damages by Dogs to Certain Domestic Animals**
  - **Adoption of the Final Supervisory District Plan**
11. Chairman's Report
12. Committee/Board Reports
  - Highway – Supr. Caspersen
  - Finance – Supr. Bergstrom
  - Personnel – Supr. Arcand
  - Property, Forestry & Recreation/ ADRC – Supr. Jepsen
  - Extension, Land&Water, Lime – Supr. D. Johansen
  - Public Protection – Supr. Luke
  - Land Information – Supr. O'Connell
  - Human Services Board – Supr. Stroebel
  - Boards of Health & Aging – Supr. Schmidt
  - GAM Board, Renewable Energy/Energy Independence Team – Supr. Kienholz
  - Organization – Supr. Brown
  - Transition – Supr. Hartung

13. **Resolutions/Ordinances:**

- A. Resolution to Proceed With and To Authorize Contracts to Form and to Join Income Maintenance Administration Multi-County Consortium**
- B. Ordinance No. 40-11: Ordinance to Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic Animals (Wisconsin Statute 174.11(5))**
- C. Resolution to Change Designation for Persons Authorized to Request Coverage Under Legal Expense Endorsement of the Wisconsin County Mutual Insurance Corporation Liability Policy**
- D. Resolution to Adopt Final Supervisory District Plan**
- E. Resolution to Adopt the Grievance Procedure Concerning Employee Terminations, Employee Discipline and Workplace Safety as required by Wis. Stat. 66.0509(1m)**
- F. Resolution to Authorize a One-Time Equity Pay Adjustment to Non-Represented Employees**

14. Supervisor's Reports

15. Adjourn

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made.

A

Resolution No. \_\_\_\_\_ -11

Resolution To Proceed With and To Authorize Contracts to Form and to Join Income Maintenance Administration MultiCounty Consortium

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, under current law, pursuant to Wis. Stat. § 49.78, the State Department of Health Services (DHS) has delegated certain duties and responsibilities related to the administration of the Income Maintenance program to counties; and

WHEREAS, under current law, Wis. Stats. § 46.031 and 49.78 require Polk County to enter into a contract with DHS for the provision of Income Maintenance program administration services; and

WHEREAS, as part of the Governor's budget proposal for the 2011-13 biennium, 2011 Assembly Bill 40, the Governor proposed that starting in calendar year 2012, responsibility for administration of the Income Maintenance program be transferred from counties to DHS; and

WHEREAS, counties across Wisconsin registered objections to the Governor's proposal and offered an alternative whereby counties would work cooperatively in creating regional consortia, which would be responsible for Income Maintenance Program administration services; and

WHEREAS, the counties offered the Legislature an alternative to the Governor's complete DHS takeover of Income Maintenance program administration, which proposal allowed, among other things, for the creation of consortia over the course of the 2011-13 biennium and a gradual phase-in of consortia-based contracts to replace the individual county contracts for Income Maintenance program administration; and

WHEREAS, the Legislature's Joint Committee on Finance accepted the counties' alternative proposal, in part, and rejected the complete DHS takeover of Income Maintenance program administration services; and

WHEREAS, the adopted 2011-13 State of Wisconsin Biennial Budget, 2011 Wisconsin Act 32, modifies current law relating to the authorization for DHS to enter into contracts with individual counties in relation to Income Maintenance program administration services and instead authorizes the formation of county-based regional consortia and further authorizes the consortia to enter into a contract with DHS related to the provision of the services; and

WHEREAS, Act 32 specifically provides that each county with a population of less than 750,000 shall participate in a multicounty consortium that is approved by the Department and that by October 31, 2011, the DHS shall approve multicounty consortia; and

WHEREAS, ACT 32 further provides that DHS may not approve more than 10 multicounty consortia; and

WHEREAS, Act 32 further provides that if a county with a population of less than 750,000 does not participate in a multicounty consortium or DHS determines that a multicounty consortium does not satisfy the DHS's performance requirements, DHS shall assume responsibility for administering income maintenance programs in that county or in the geographical area of the multicounty consortium; and

WHEREAS, Act 32 further provides that, without regard to whether a county chooses to allow DHS to take over Income Maintenance program administration services or join a consortium that will provide the services, Polk County is required to maintain a tax levy contribution to the system at an amount not less than the amount contributed in 2009; and

WHEREAS, as a result of Act 32, Polk County is faced with a choice of either fully relinquishing all responsibility for Income Maintenance program administration services to DHS or joining a multicounty consortium consistent with the requirements established in Act 32; and

WHEREAS, Polk County believes it to be in the best interests of the citizens of Polk County to join a multicounty consortium related to the provision of Income Maintenance program administration services consistent with the requirements established in Act 32 and which consists of 10 counties which surrounds Polk County (Barron, Douglas, Polk, Burnett, Washburn, St. Croix, Dunn, Pierce, Eau Claire, and Chippewa); and

WHEREAS, joining a multicounty consortium for purposes of the provision of Income Maintenance program administration services will require that Polk County enter into a contract or series of contracts with the such other counties that make up the consortium; and

WHEREAS, the contracts with other counties will establish, among other things, the following: (1) financial responsibility for the consortium; (2) financial accountability among consortium members; (3) individual county responsibilities related to the provision of services; (4) methods for service level accountability among consortium members; and (5) overall responsibility for the contract that will be entered into by and among the multicounty consortium and DHS; and

WHEREAS, the intent of this resolution is to declare the intent of Polk County to join a multicounty consortium consistent with the requirements set forth in Act 32, comprised of the 10-counties of Barron, Douglas, Polk, Burnett, Washburn, St. Croix, Dunn, Pierce, Eau Claire, and Chippewa; and

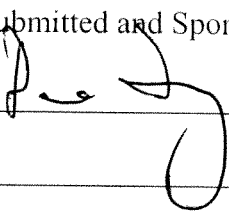
WHEREAS, it is further the intent of this resolution to authorize the Polk County Administrator and Human Services Director to enter into on behalf of Polk County any and all contracts or other documents necessary to create, form, authorize, and/or operate such a multicounty consortium of which Polk County will be a member; and

WHEREAS, this resolution shall be interpreted liberally in favor of authorizing the County Administrator and Human Services Director to take all actions necessary to effectuate the intent of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Polk County Board of Supervisors that:

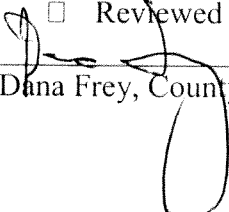
1. Polk County does declare its intent to join a multicounty consortium consistent with the requirements set forth in Act 32.
2. Polk County does declare its intent to participate is a multicounty consortium consisting of 10 counties, Barron, Douglas, Polk, Burnett, Washburn, St. Croix, Dunn, Pierce, Eau Claire, and Chippewa.
3. Polk County hereby authorizes its County Administrator and Human Services Director to enter into and execute on behalf of Polk County any and all contracts or other documents necessary to create, form, authorize and/or operate the multicounty consortium of which Polk County will be a member.
4. Polk County hereby authorizes its County Administrator and Human Services Director to take any other actions necessary to effectuate the intent of this resolution.
5. The County Clerk shall send a certified copy of this resolution to the County Clerks of other member counties and to DHS for the approval of consortium membership.

Funding Amount and Source:	Not Applicable
Date Finance Committee Advised:	Not Applicable
Finance Committee Recommendation:	Not Applicable
Effective Date:	Upon Passage
Date Submitted to County Board:	September 20, 2011
Submitted and Sponsored By:	

	
_____	_____
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_____	_____
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_____	_____

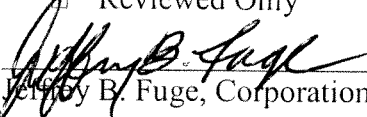
Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

  
 \_\_\_\_\_  
 Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

  
 \_\_\_\_\_  
 Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on September 20, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution No. \_\_\_\_-11: Resolution To Proceed With and To Authorize Contracts to Form and to Join Income Maintenance Administration MultiCounty Consortium, by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
 William Johnson, IV, County Board Chairperson

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_

Carole Wondra, Polk County

Dated: \_\_\_\_\_

Ordinance No. 40-11

Ordinance To Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic Animals  
(Wisconsin Statute § 174.11(5))

TO THE HONORABLE SUPERVISORS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF POLK:

¶1 WHEREAS, § 174.11, Wis. Stats., permits persons who have claims for damages by dogs to certain domestic animals to bring such claims against the County Dog License Fund; and,

¶2 WHEREAS, § 174.11(4), Wis. Stats., requires the County Board to allow the fair market value of the domestic animal as the amount of the claim for domestic animals killed by a dog; and,

¶3 WHEREAS, § 174.11(4), Wis. Stats., requires that the County Board allow the costs of the injury to a domestic animal, including any loss of fair market value, but not to exceed the fair market value of the domestic animal, as the amount of the claim for a domestic animal injured or killed by a dog; and,

¶4 WHEREAS, § 174.11(5), Wis. Stats., authorizes the County Board to establish the maximum amount that may be allowed for a claim under § 174.11, Wis. Stats., regardless of fair market value; and,

¶5 WHEREAS, the County of Polk has designated the Arnell Humane Society to provide a pound for collecting, caring for, and disposing of dogs; and

¶6 WHEREAS, § 174.09(2), Wis. Stats., provides that in counties that have designated county humane society that moneys in the Dog License Fund may pay for the county's expenses incurred in administering the dog license law and the expenses incurred by a humane society designated by the county in collecting, caring for, and disposing of dogs; and

¶7 WHEREAS, § 174.09(2), Wis. Stats., further provides that after paying such expenses incurred by the county and the county designated humane society, the amount remaining in the Dog License Fund shall be available for and may be used as far as necessary for paying claims allowed by the county to the owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid; and

¶8 WHEREAS, § 174.09(2), Wis. Stats., further provides that any surplus in excess of \$1,000 which may remain from the dog license taxes of any license year shall on March 1 of the succeeding year be paid by the county treasurer to the county humane society designated by the county board to provide a pound.

¶9 WHEREAS, unlimited claims under § 174.11, Wis. Stats., could exhaust the Dog License Fund.

B1

¶10 NOW, THEREFORE, that pursuant to §174.11(5), Wis. Stats., the Polk County Board of Supervisors does ordains as follows:

Section 1: Purpose:

This ordinance limits the amount that the Polk County Board of Supervisors may allow for claims that are processed for damages by dogs to certain domestic animals pursuant to §174.11(5), Wis. Stats, and as amended hereafter by the Wisconsin Legislature.

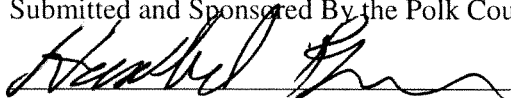
Section 2: Limitation:

The maximum amount that may be allowed for a claim for damages by dogs to domestic animals, including loss of fair market value, injury or death, under § 174.11, Wis. Stats. shall be limited to \$1,000.00 per claim, regardless of the number of domestic animals that may be injured or killed in the incident or occurrence that gave rise to the claim.

Section 3: Treatment of Multiple Claims Arising from Single Incident:

In the event that more than one claim for damages is presented for the injury or death of domesticated animals in which such claims all arose out of the same incident or occurrence, the Polk County Board of Supervisors shall treat such multiple claims as one claim. Said claim shall be limited by Section 2, regardless of the multiplicity of claims filed.

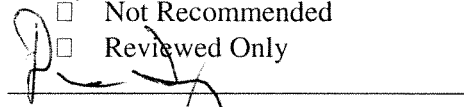
Funding Amount: Not Applicable	Funding Source: Not Applicable
Date Finance Committee Advised: Not Applicable	
Finance Committee Recommendation: Not Applicable	
Date of Public Hearing: September 20, 2011	
Effective Date: Upon Passage and Publication	
Date Submitted to County Board: September 20, 2011	_____
Submitted and Sponsored By the Polk County Agriculture and Extension Education Committee	

  
 \_\_\_\_\_  
 Herschel Brown

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Review By County Administrator:

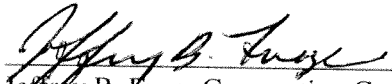
- Recommended
- Not Recommended
- Reviewed Only

  
 \_\_\_\_\_  
 Dana Frey, County Administrator



Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

  
 \_\_\_\_\_  
 Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on September 20, 2011, the Polk County Board of Supervisors adopted the above-entitled ordinance, Ordinance No. 40-11: Ordinance to Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic Animals (Wisconsin Statute § 174.11(5)), by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_ Dated: \_\_\_\_\_  
 William Johnson, IV, County Board Chair

Attest: \_\_\_\_\_ Dated: \_\_\_\_\_  
 Carole Wondra, Polk County Clerk

Ordinance No. 40-11: Ordinance to Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic Animals (Wisconsin Statute § 174.11(5)), was published in the Inter-County Leader on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_ Dated: \_\_\_\_\_  
 Carole Wondra, County Clerk

C

Resolution No. \_\_\_\_-11

Resolution to Change Designation for Persons Authorized to Request Coverage Under Legal Expense Endorsement of the Wisconsin County Mutual Insurance Corporation Liability Policy

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, the County of Polk maintains a liability policy through Wisconsin County Mutual Insurance Corporation (WCMIC); and

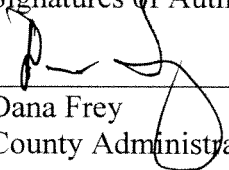
WHEREAS, said liability policy contains an endorsement, Legal Expense Endorsement (WCMIC-23 (10/04)) that allows the County of Polk to utilize WCMIC financial resources for certain legal expenses that are unrelated to claims against the County thereby reducing the cost to the County on the outlay toward legal expenses; and

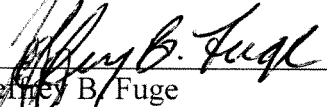
WHEREAS, pursuant to Resolution No. 34-06, the Polk County Board of Supervisors designated certain authorized persons to request coverage on behalf the County of Polk as provided under the Legal Expense Endorsement; and

WHEREAS, it is appropriate to update the previous designation required under the Legal Expense endorsement.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors designates the following county officers as authorized designees for the purposes of requesting utilization of the legal expense endorsement on behalf of the County of Polk.

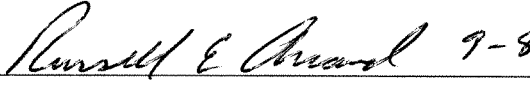

Signatures of Authorized Designees As Required By the Endorsement:

  
\_\_\_\_\_  
Dana Frey  
County Administrator

  
\_\_\_\_\_  
Jeffrey B. Fuge  
Corporation Counsel

BE IT FURTHER RESOLVED that Resolution No. 34-06 is hereby repealed.

Funding Amount and Source: Not Applicable  
Date Finance Committee Advised: Not Applicable  
Finance Committee Recommendation: Not Applicable  
Effective Date: Upon Passage  
Date Submitted to County Board: September 20, 2011  
Submitted and Sponsored By the Personnel Committee:

 9-8-11  
\_\_\_\_\_  
Russ Arcand  
  
\_\_\_\_\_  
Patricia Schmidt

01

Resolution No. \_\_\_\_ -11: Resolution to Change Designation for Persons Authorized to Request Coverage Under Legal Expense Endorsement of the Wisconsin County Mutual Insurance Corporation Liability Policy

Page 2

Ken Sample

Ken Sample

Warren Nelson

Warren Nelson

James A. Edgell

James Edgell

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

Dana Frey

Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

Jeffrey B. Hage

Jeffrey B. Hage, Corporation Counsel

At its regular business meeting on September 20, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution No. \_\_\_\_ -11: Resolution to Change Designation for Persons Authorized to Request Coverage Under Legal Expense Endorsement of the Wisconsin County Mutual Insurance Corporation Liability Policy, by a simple majority vote of \_\_\_\_ in favor and \_\_\_\_ against.

\_\_\_\_\_  
William Johnson, IV, County Board Chairperson

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_  
Carole Wondra, Polk County

Dated: \_\_\_\_\_

D

Resolution No. \_\_\_\_-11

Resolution to Adopt Final County Supervisory District Plan

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

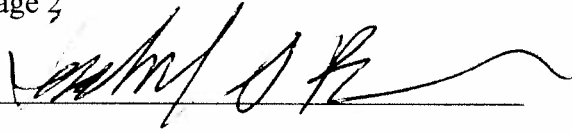
1. WHEREAS, every ten years the United States Census Bureau conducts a census of the population and provides population counts to local municipalities; and
2. WHEREAS, the State of Wisconsin delivered detailed population data and block-level maps to Polk County on March 25, 2011; and
3. WHEREAS, pursuant to Wisconsin Statutes Section 59.10(3)(b) 1., the Polk County Board of Supervisors conducted a public hearing on the temporary supervisory district plan, adopted a tentative supervisory district plan and transmitted the tentative supervisory district plan to each municipal governing body in Polk County;
4. WHEREAS, each municipality of Polk County has reviewed said temporary supervisory district plan and adjusted its wards as required by Wisconsin Statute Section 5.15; and
5. WHEREAS, Wisconsin Statutes Section 59.10(3)(b) 2. requires counties, within 60 days of receiving the municipal ward plans, to hold a public hearing and then adopt a final county supervisory district plan; and
6. WHEREAS, after giving due and proper notice, the Polk County Board of Supervisors conducted a public hearing on the proposed final county supervisory district plan; and
7. WHEREAS, the proposed final county supervisory district plan contains supervisory districts which are substantially equal in population.
8. NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors adopts the final county supervisory district plan, attached to and incorporated herein this resolution.
9. BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statutes sec. 59.10(3)(b)4., the Chair of the Board of Supervisors file a certified copy of the final county supervisory district plan with the Secretary of State.
10. BE IT FURTHER RESOLVED that the County Clerk provide copies of the final county supervisory district plan and final municipal ward plan to each municipality in County.

Funding Amount and Source:	Not Applicable
Date Finance Committee Advised:	Not Applicable
Finance Committee Recommendation:	Not Applicable
Effective Date:	Upon Passage
Date Submitted to County Board:	September 20, 2011

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Resolution No. \_\_\_\_-11: Resolution to Adopt County Final Supervisory District Plan

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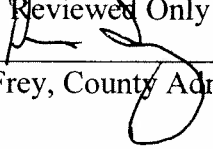
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\_\_\_\_\_

\_\_\_\_\_

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on September 20, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution No. \_\_\_\_-11: Resolution to Adopt Final County Supervisory District Plan, by a simple majority vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
William Johnson, IV, County Board Chairperson

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_

Carole Wondra, Polk County

Dated: \_\_\_\_\_

E

Resolution No. \_\_\_\_-11

Resolution To Adopt the Grievance Procedure Concerning Employee Terminations, Employee Discipline and Workplace Safety as required by Wis. Stat. § 66.0509(1m)

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

WHEREAS, 2011 Wisconsin Act 10 created Wis. Stat. § 66.0509(1m), which requires local units of government to establish a civil service system or grievance procedure that addresses employee terminations, employee discipline and workplace safety no later than October 1, 2011; and

WHEREAS, the Polk County Board of Supervisors believes that it is in the best interests of all stakeholders in Polk County government to create a fair and equitable system for resolving employee grievances surrounding terminations, discipline and workplace safety issues; and

WHEREAS, following lengthy study and deliberations, the Transition Committee and the Personnel Committee have presented to the Polk County Board of Supervisors with a final draft of a grievance procedure that addresses employee terminations, employee discipline and workplace safety as required by Wis. Stat. § 66.0509(1m); and

WHEREAS, it is the intent of this resolution to establish the attached Workplace Safety and Discipline Policy as the official Grievance Procedure of Polk County pursuant to Wis. Stat. § 66.0509(1m); and

WHEREAS, existing policies contain language that is inconsistent with the grievance procedure; and

WHEREAS, it is the intent of the Polk County Board of Supervisors to eventually have a uniform personnel policy.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors adopts and establishes the Grievance Procedure attached hereto as Exhibit A as its grievance procedure required by Wis. Stat. § 66.0509(1m), notwithstanding any inconsistent language contained in current policies.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Polk County Board of Supervisors repeals the following policies: Policy 205 - Probation, Policy 395 - Severance Package for "At-Will" Polk County Employees, Policy 716 - Employee Discipline, and Policy 781 - Appeals Procedure, and strikes the inconsistent language in current personnel policies as attached hereto as Exhibit B.

Funding Amount and Source:	Not Applicable
Date Finance Committee Advised:	Not Applicable
Finance Committee Recommendation:	Not Applicable
Effective Date:	Upon Passage

E1

Date Submitted to County Board: September 20, 2011

Submitted and Sponsored By Transition Committee:

Herschel Brown

~~Kristine Kremer-Hartung~~

Jay Luke

*B.R. Masters 9/9/11*  
Brian Masters

Patricia Schmidt

Resolution No. \_\_\_\_ -11: Resolution To Adopt the Grievance Procedure Concerning Employee Terminations, Employee Discipline and Workplace Safety as required by Wis. Stat. § 66.0509(1m)  
Page 2

Submitted and Sponsored By the Personnel Committee:

*Russ Arcand 9-8-11*

Russ Arcand

*Patricia Schmidt*

Patricia Schmidt

*Ken Sample*

Ken Sample

*Warren Sample*

Warren Sample

*James A. Edgell*

James Edgell

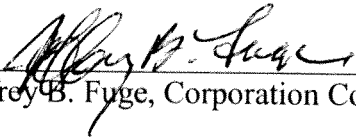
Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

*Dana Frey*  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on September 20, 2011, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution \_\_\_\_-11: Resolution To Adopt the Grievance Procedure Concerning Employee Terminations, Employee Discipline and Workplace Safety as required by Wis. Stat. § 66.0509(1m), by a simple majority vote of \_\_\_\_ in favor and \_\_\_\_ against.

\_\_\_\_\_  
William Johnson, IV, County Board Chair

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_  
Carole Wondra, Polk County Clerk

Dated: \_\_\_\_\_

**ADOPTED** by the \_\_\_\_\_ County Board, on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by affirmative vote.



WORPLACE SAFETY AND DISCIPLINE POLICY

**I. PURPOSE**

**A. This policy serves as the grievance policy pursuant to Wis. Stat. § 66.0509(1m) to address employee terminations, employee discipline and workplace safety as required by law. An Employee shall use this grievance policy for resolving disputes regarding employee terminations, employee discipline or workplace safety issues covered by this policy. The procedures contained herein shall hereinafter be referred to as “grievances.”**

**B. If an employee is subject to a contractual or statutory grievance procedure, that procedure must be followed as applicable. For example, the Employees that are deputy sheriffs will continue to be governed by Wisconsin Statute § 59.25 and whatever additional protections, if any, exist in an applicable collective bargaining agreement**

**C. It is the policy of the Employer to treat all employees fairly and this grievance policy is intended to be one of the tools given to the employees in that effort.**

**II. DEFINITIONS**

**A. “Employee” for purposes of a grievance involving discipline or termination means a regular full-time or part-time employee. “Employee” does not include any of the following: elected officials or officers that serve at the pleasure of an appointing authority as provided by statute; limited-term employees; independent contractors; temporary employees; employees who have not completed at least six (6) months of continuous employment with the County.**

**B. “Discipline” is defined as any of the following adverse employment actions: disciplinary suspension of employment without pay; disciplinary reduction in rank or demotion. “Discipline” does not include any of the following actions: terminations, layoffs, workforce reduction; non-disciplinary wage, benefit or salary adjustments; non-disciplinary reductions in rank or demotions; plans of corrective action; performance evaluations; verbal or written warnings; verbal or written reprimands; administrative leave; change in assignment or job duties and a change in schedule or location of job duties.**

**C. “Termination” means a separation from employment initiated by the employer for disciplinary or performance reasons. “Termination” does not include layoffs, furloughs or reduction in workforce, reduction in hours, job transfer or reassignment, or retirement.**

**D. “Workplace Safety” includes any condition of employment related to the physical health and safety, including the safety of the physical work environment, the safe operation of the workplace equipment and tools, etc. “Workplace Safety” does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, and work schedules.**

### III. GRIEVANCE PROCEDURE FOR DISCIPLINE AND TERMINATION

#### A. Filing Procedure

1. **Who May File** – A grievance may only be filed by an “employee” who is the subject of the Discipline or Termination.
2. **Initiating A Grievance** – An Employee may initiate a Grievance by presenting a written grievance on the form attached to this policy as Appendix A to the Employee Relations Director within fifteen (15) calendar days of the event giving rise to the Grievance. The form must be filled out completely to be considered filed.
3. **If the Grievance is incomplete** the Employee Relations Director or his or her designee shall inform the Grievant of the defect and shall allow the Grievant seven (7) calendar days to remedy the defect. Failure to correct the defect or failure to comply with the timeframes listed shall constitute a waiver of the right to access this Grievance procedure. The Employee Relations Director shall not have the discretion to waive the time limits herein contained.
4. **If the Grievance was untimely or incomplete and not remedied;** the Grievant may seek a review by the Personnel Committee of the rejection of the Grievance by the Employee Relations Director. The Personnel Committee will only determine whether there are extreme circumstances that rendered compliance with the timeframes unduly burdensome. Such exceptions to the filing requirements shall be construed narrowly. The decision of the Personnel Committee on this issue shall be final. A failure by the Employee to follow the timelines herein required constitutes a waiver by the Employee of their right to access this Grievance Procedure and an abandonment of the Grievance.
5. **By filing and signing the Grievance** the Employee is declaring under penalty of false-swearing that the information contained within the Grievance is true and correct to the Employee’s belief. Any Employee who files a grievance that is false or misleading or is filed for the purpose of intimidation, annoyance or harassment or who otherwise files a grievance in bad faith is subject to disciplinary action.

**B. Impartial Hearing Officer**

1. **Selection of the Officer** - The Impartial Hearing Officer shall be selected from a panel of three (3) designated by the Employee Relations Director, based upon the nature of the matter in dispute. This shall occur as soon as reasonably possible. Once the Employee Relations Director has provided the three (3) names, the Employee shall make a selection within ten (10) calendar days. If that Officer is unable for any reason to fulfill his or her role this step shall be repeated until an Officer is selected.
2. **Role of the Officer** – The Impartial Hearing Officer conducts the Hearing and may limit the scope of the Hearing by defining the issues, identifying areas of agreement and to hear the parties' respective arguments. The Impartial Hearing Officer may at his or her discretion attempt to mediate the dispute prior to the date set for the Hearing.
3. **Cost** – The Employer shall be responsible for the cost of the Impartial Hearing Officer.

**C. Hearing**

1. **Time frame** - The Impartial Hearing Officer will be to set a hearing date within forty-five (45) calendar days from the date of his or her selection. This time frame can be expanded for good cause at the discretion of the Hearing Officer or by mutual agreement of the parties, but in no case may the time frame go beyond ninety (90) calendar days from the date of his or her selection.
2. **Discovery** – Depending upon the complexity of the issues, discovery may be authorized by the Hearing Officer. It is expected that the parties will voluntarily and in good-faith share information without needing to seek authorization to engage in formal discovery. Formal discovery, if required, shall consist of Interrogatories and Requests for Production of Documents. All formal discovery, if required, must be provided no later than seven (7) calendar days prior to the scheduled hearing date. The parties shall provide a list of anticipated witnesses within the same time frame contained in this subsection.
3. The Grievant may call witnesses and present testimony and exhibits that are relevant to the events at issue in the Grievance . The Employer may choose to cross-examine the Grievant' s witnesses. The Employer may choose to call witnesses and present testimony and exhibits that are relevant to the events at issue in the Grievance. The Hearing Officer may also question any witness he or she deems necessary.

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4. **Rules of Evidence** – The Impartial Hearing Officer is not bound by rules of evidence any may admit all evidence that the Officer determines is reliable and relevant. The Officer may limit evidence that is unduly repetitious. The Hearing Officer shall recognize the rules of privilege, unless waived by the appropriate party.
5. **Representation** – The Employer and/or the Employee may choose to be represented. The Representative does not need to be an attorney.
6. **Briefs** – There shall be no briefs submitted by either party; however, each party may choose to submit a two-page summary of their position in lieu of closing oral arguments of the parties.
7. **Recording the Hearing** – The Hearing shall be recorded. Any party wishing to have the recording transcribed shall bear the cost of the transcription.
8. **Decorum** – The Impartial Hearing Officer shall maintain order and decorum at all times during the hearing.
9. **Closed Hearing** – The Hearing shall be closed unless the Employee requests an open hearing.
10. **Burden of Proof** – Except for a Grievance involving termination of an employee that is subject to Wis. Admin. Code Chap . DHS 5, the Grievant bears the burden of proof to persuade the Impartial Hearing Officer by clear, convincing and satisfactory evidence that the Employer abused its discretion in disciplining or terminating the Grievant. In determining whether this burden has been met, the Hearing Officer shall consider whether there was a rational basis for the discipline or termination.
11. **Decision** – The Impartial Hearing Officer shall issue a written decision within seven (7) calendar days of the close of the evidence. The decision shall, at a minimum, contain a statement of issues, standard of review, findings and, if the grievance is sustained, a remedy for the Employee.
12. **Remedies for Termination Grievances**– If the grievance is sustained, the Hearing Officer may award the Grievant one of the following remedies:
  - a) *Reinstatement, with or without a suspension*
  - b) *Reinstatement with a lesser employment action such as a reduction in rank and/or base pay; demotion; oral or written reprimand*
  - c) *Reinstatement with actual back-pay*
13. **Remedies for Discipline Grievances** – The Hearing Officer may award one of the following remedies;

- a) *Reduction in suspension*
- b) *Reduction in base pay and/or rank; demotion*
- c) *Oral or written reprimand in lieu of a suspension*
- d) *No adverse employment action*

#### **IV. GRIEVANCE PROCEDURE FOR WORKPLACE SAFETY**

##### **A. Conditions Precedent to Filing a Workplace Safety Grievance**

1. An Employee may not file a grievance relating to a condition that the employee believes constitutes a Workplace Safety violation unless the Employee has first reported the condition to their immediate supervisor and/or the Employee Relations Director in writing.
2. Upon receipt of the notice under paragraph 1, the Employer shall have ten (10) calendar days in which to investigate the condition and advise the Employee in writing that the Employer: has determined that the condition does not constitute a Workplace Safety violation and will not be taking corrective action; or will be taking corrective action in accordance with the law to address the condition. If the Employer advises the Employee in writing within ten (10) calendar days that it is taking corrective action in accordance with law, no Grievance under this subsection may be initiated.

##### **B. Action by Safety Committee**

1. If the Employer determines that the condition does not constitute a Workplace Safety violation, the Employee Relations Director shall immediately notify the Chair of the Safety Committee.
2. The Chair shall call a meeting of the Committee as soon as practicable. The Employee shall be given notice of the meeting in addition to the notice required under the Open Meetings Law. The Committee shall have the authority to review the matter and provide a resolution to the matter as it deems appropriate, as appropriate under County Policy.

##### **C. Initiating a Grievance relating to Workplace Safety**

1. An Employee may initiate a Grievance under this subsection by presenting a written complaint on the form attached to this Policy as Appendix B to the Employee Relations Director within seven(7) calendar days from the Employee's receipt of notice contemplated under subsection IVA from the Employer that it will not be taking corrective action.
2. The Grievance must be signed and dated by the Employee and must be complete. If it is determined by the Employee Relations Director that the Grievance is not complete the procedure under III A 3 & 4 shall apply.

#### **D. Impartial Hearing Officer**

1. Selection of the Officer - The Impartial Hearing Officer shall be selected from a panel of three (3) designated by the Employee Relations Director, based upon the nature of the matter in dispute. This shall occur as soon as reasonably possible. Once the Employee Relations Director has provided the three (3) names, the Employee shall make a selection within ten (10) calendar days. If that Officer is unable for any reason to fulfill his or her role this step shall be repeated until an Officer is selected.
2. Role of the Officer – The Impartial Hearing Officer conducts the Hearing and may limit the scope of the Hearing by defining the issues, identifying areas of agreement and to hear the parties' respective arguments. The Impartial Hearing Officer may at his or her discretion attempt to mediate the dispute prior to the date set for the Hearing.
3. Cost – The Employer shall be responsible for the cost of the Impartial Hearing Officer.

#### **E. Hearing Procedure**

1. Time frame - The Impartial Hearing Officer will be to set a hearing date within twenty (20) calendar days from the date of his or her selection. This time frame can be expanded for good cause at the discretion of the Hearing Officer or by mutual agreement of the parties, but in no case may the time frame go beyond thirty-five (35) calendar days from the date of his or her selection.
2. Discovery – Depending upon the complexity of the issues, discovery may be authorized by the Hearing Officer. It is expected that the parties will voluntarily and in good-faith share information without needing to seek authorization to engage in formal discovery. Formal discovery, if required, shall consist of Interrogatories and Requests for Production of Documents. All formal discovery, if required, must be provided no later than seven (7) calendar days prior to the scheduled hearing date. The parties shall provide a list of anticipated witnesses within the same time frame contained in this subsection.

3. The Employer shall present evidence and call witnesses, subject to cross examination by the Employee. The Employee may present evidence and call witnesses, subject to cross examination by the Employer.
4. Rules of Evidence – The Impartial Hearing Officer is not bound by rules of evidence any may admit all evidence that the Officer determines is reliable and relevant. The Officer may limit evidence that is unduly repetitious. The Hearing Officer shall recognize the rules of privilege, unless waived by the appropriate party.
5. Representation – The Employer and/or the Employee may choose to be represented. The Representative does not need to be an attorney.
6. Briefs –There shall be no briefs submitted by either party; however, each party may choose to submit a two-page summary of their position in lieu of closing oral arguments of the parties.
7. Recording the Hearing – The Hearing shall be recorded. Any party wishing to have the recording transcribed shall bear the cost of the transcription.
8. Decorum – The Impartial Hearing Officer shall maintain order and decorum at all times during the hearing.
9. Burden of Proof – The Employer bears the burden of proving by a preponderance of the evidence that the condition identified by the Employee does not constitute a Workplace Safety violation and that no corrective action is required.
10. Decision – The Impartial Hearing Officer shall issue a written decision within seven (7) calendar days of the close of the evidence. The decision shall, at a minimum, contain a statement of issues, standard of review, findings and, if the grievance is sustained, a remedy for the Employee.
11. Remedies – If the Grievance under this subsection is sustained, the Impartial Hearing Officer may issue an order requiring the County to take corrective action. The Hearing Officer may not order a particular kind of corrective action.

## **V. APPEAL TO COUNTY BOARD OF DISCIPLINE, TERMINATION AND WORKPLACE SAFETY GRIEVANCES**

- A. Requesting an Appeal – An appeal may be initiated by filing a request to the Employee Relations Director on the form attached as Appendix C within seven (7) calendar days of the date of the decision of the Impartial Hearing Officer. Failure to file the request within the deadline constitutes a waiver of the right to an appeal.



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- B. County Board Appeal - When the Employee Relations Director receives a timely request, he or she shall forward the appeal to the County Board Chair along with a copy of the Hearing Record, including the audio recording. The Chair shall schedule a meeting to review the Record and the Hearing Officer's decision. The County Board may not take new evidence and is only to conduct a review of the Record.**
- C. Standard of Review – The County Board shall only overturn the decision of the Independent Hearing Officer if the Officer abused his or her discretion and rendered a decision that is arbitrary, oppressive or unreasonable.**
- D. Remedies on Appeal in Termination and Discipline Cases – If the County Board overturns the Hearing Officer's decision, the matter goes back to the Hearing Officer for reconsideration of his or her decision consistent with the findings made by the County Board.**
- E. Remedies on Appeal in Workplace Safety Cases – The County Board may immediately require the Employer to take corrective action according to law.**
- F. The decision of the County Board is final.**

Note: Nothing in this Grievance Policy should be interpreted to create a contractual relationship between the County and any employee. Unless specifically required otherwise by statute or code, the County's employment relationship with employees covered under this policy is at-will and employment may be terminated at any time, for any reason that does not violate state or federal law, with or without cause, at the option of the employer or the employee

**Polk County Wisconsin**

**SEXUAL HARASSMENT**

**Policy 703**

**Effective Date: 03-15-94  
3-11-08, 9-21-10**

**Revision Date: 6-20-2006,**

Polk County is committed to providing a work environment that is free of sexual harassment. Actions, words, jokes, or comments based on an individual's sex are strictly prohibited and will not be tolerated. Sexual harassment (both overt and subtle) is a form of misconduct that is demeaning to another person and undermines the integrity of the employment relationship. Sexual harassment by any employee, elected official, or County Board member of Polk County is strictly prohibited. In addition, acts of sexual harassment by members of the public that create a hostile work environment for any employee, elected official, County Board member, or other member of the public are strictly prohibited.

Specifically, sexual harassment is defined as:

- 1) Threat of retaliation against for refusal, or promises of rewards to an employee in return for the granting of sexual acts or favors. Such threats or promises include but are not limited to such job related areas as termination, promotion, transfers, employee evaluation, or monetary or other valuable compensation.
- 2) Any physical, verbal, or nonverbal action of an employee, elected official, County Board member, or member of the public, or a physical attribute of the workplace that creates an intimidating, hostile, or offensive work environment for another employee, elected official, County Board member, or member of the public. This includes but is not limited to:

offensive language, jokes, gestures, or comments

sexually oriented material such as pictures, calendars, graffiti, or objects

Any employee, elected official, County Board member, or member of the public who wishes to report an incident of sexual harassment should promptly report the matter to the Employee Relations Director. If the Employee Relations Director is unavailable or the individual believes it would be inappropriate to contact the Employee Relations Director, the individual should immediately contact the Corporation Counsel or County Administrator. Individuals can raise concerns and make reports without fear of reprisal. All reports filed shall be kept strictly confidential.

Any supervisor or manager who becomes aware of possible sexual or other harassment shall promptly report the incident to the Employee Relations Director.

The Employee Relations Director, or if there is a potential conflict of interest the Corporation Counsel, County Administrator, or outside legal counsel, shall be responsible for conducting a complete and thorough investigation of all complaints filed under this policy. Investigations of complaints filed involving an elected official, the County Administrator, or a County Board Supervisor will immediately be turned over to outside legal counsel. All investigations will be confidential in nature, and shall protect the identity of both the party filing the complaint and of the person the complaint is filed against.

Upon completion of the investigation, the Employee Relations Director, County Administrator, or the Corporation Counsel shall issue a determination of facts and a recommendation of action to the Personnel Committee. Recommendations of action shall include all necessary steps to correct and alleviate the complaint, and may include disciplinary action against an employee, elected official, or County Board member who violates this policy.

The Personnel Committee or County Administrator shall take such action as is recommended and any further action that is required to address the issues raised in the complaint. Any disciplinary action taken by the County Administrator shall be appropriate to the severity of the violation of this policy, and may include termination. ~~Disciplinary actions taken under this policy shall be subject to the procedural requirements of the County's progressive discipline policy.~~ Elected officials and County Board members who violate this policy may be subject to a vote of censure or removal from office pursuant to Sec. 17.09 Wis. Stat., and the rules of order of the County Board.

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**Polk County Wisconsin**

**EMPLOYEE RECRUITMENT, SELECTION, AND STATUS**

**Policy 103**

**Effective Date: 04-20-82**

**Revision Date: 3-11-08, 07-20-2004, 6-20-2006**

The purpose of this policy is to specify the procedures that will be used in the recruitment and selection of candidates to fill position vacancies in Polk County. Because Polk County recognizes that its' most valuable asset is its' employees, it shall be the goal of Polk County to recruit and hire individuals with the highest qualifications possible to fill position vacancies.

**Equal Opportunity Policy**

Polk County is committed to equality of opportunity in its employment practices without regard to an employee or employment candidate's race, color, national origin, religion, sex, age, or disability, political affiliation, marital status, sexual orientation, ancestry, arrest or conviction record, use of lawful products or military participation. It shall be the responsibility of all parties having authority under this policy to adhere to this requirement in the discharge of that authority.

**Responsibility**

Unless otherwise stated the duties and responsibilities of recruitment and selection rest solely with the Department of Employee Relations. With respect to position vacancies that occur at Golden Age Manor, the Employee Relations Director shall have the authority to delegate any of the responsibilities assigned to the Department of Employee Relations to the Administrator of Golden Age Manor as needed. Such delegation shall be in writing and subject to the approval of the Personnel Committee.

**Position Analysis prior to the Selection Process**

When a position vacancy occurs the first step in filling the position is an examination by the immediate supervisor of the duties and responsibilities of the position, minimum qualifications required, and other desirable characteristics the applicant must possess. The immediate supervisor shall be responsible for the initial development or review of the job description, which shall include:

a listing of the essential as well as marginal duties and responsibilities, minimum qualifications including education and experience, specific skills and certifications and the physical demands and work environment of the position.

Department heads may require that job descriptions in their department receive their approval prior to the start of the selection process.

The Department of Employee Relations shall be responsible for giving final approval to job

descriptions prior to the re-authorization process. Any changes to job descriptions that, in the opinion of the Employee Relations Director, have the potential to result in a wage scale re-classification, must also be approved by the governing committee and the Personnel Committee.

The Department of Employee Relations shall also be responsible for reviewing the wage and benefit structure for each vacant position and shall make such recommendations as are warranted to the Personnel Committee for changes in such as part of the reauthorization process.

Prior to the issuance of an offer of employment for any vacant position, any approvals that are required under the re-authorization provisions of the Position Administration Policy shall be obtained. Positions failing to receive these approvals shall not be filled.

### **Posting of Union Positions**

If the position is covered by a union or association contract, the position will be filled in accordance with any job posting requirements of such contracts or agreements prior to outside recruitment.

The Department of Employee Relations shall be responsible for the creation and distribution of all job postings required by collective bargaining agreements. At a minimum, the job posting will include a position title, a brief description of essential job functions, salary range, minimum qualifications, how to apply, the closing date and any other information required by the collective bargaining agreement. The posting shall be placed in all venues required by the agreement.

The screening, testing, and interviewing of candidates shall be in accordance with any posting requirement set forth in the collective bargaining agreement. The Department of Employee Relations shall determine which applicants meet the minimum qualifications as listed in the job description. Applicants that do not meet the minimum qualifications shall be notified they are no longer under consideration for the position. All applications will be screened using standardized criteria.

The Department of Employee Relations shall be responsible for the selection, approval and administration of all pre-selection tests. Testing requirements for all positions shall be established by the Department of Administration and listed in the respective job descriptions of each position. All tests shall be validated for adverse impact and scoring shall be on a standardized basis where appropriate. Only those applicants meeting the minimum requirements for the position shall be allowed to test. Minimum test score requirements shall be established prior to the administration of any test. Any applicant not meeting the minimum test score requirements shall not be considered for the position.

In cases where physical or psychological screening is required for a position, candidates shall progress through the hiring process with such screening to be performed on the final

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candidate after a conditional offer of employment has been made.

The immediate supervisor shall conduct the interviews and make the final selection decision for all posted positions. In the case of professional technical or skilled labor positions, Department heads shall participate in the interviews, and the immediate supervisor shall consult with the Department head prior to making a final selection decision and appointment. In all cases, appointments shall be made based on the requirements set forth in the respective collective bargaining agreements.

### **Non-Union Promotions**

The following procedure shall apply to promotions to non-union positions:

Non-union positions, which become vacant or are newly created, shall first be filled by promotion/appointment if there is an acceptable candidate currently employed by the county. All persons considered for promotion shall bear the burden of proof that they are qualified for the job.

The Department of Employee Relations shall be responsible for the creation and distribution of all job announcements for non-union promotional opportunities. At a minimum, the announcement will include a position title, a brief description of essential job functions, salary range, minimum qualifications, how to apply, and the closing date. The announcement shall be placed in all county facilities and on the county web site for a period of seven (7) calendar days.

The Department of Employee Relations shall determine which applicants meet the minimum qualifications as listed in the job description. Applicants that do not meet the minimum qualifications shall be notified they are no longer under consideration for the position. All applications will be screened using standardized criteria.

The Department of Employee Relations shall be responsible for the selection, approval and administration of all pre-selection tests. Testing requirements for all positions shall be established by the Department of Employee Relations and listed in the respective job descriptions of each position. All tests shall be validated for adverse impact and scoring shall be on a standardized basis where appropriate. Only those applicants meeting the minimum requirements for the position shall be allowed to test. Minimum test score requirements shall be established prior to the administration of any test. Any applicant not meeting the minimum test score requirements shall not be considered for the position.

In cases where physical or psychological screening is required for a position, candidates shall progress through the hiring process with such screening to be performed on the final candidate after a conditional offer of employment has been made.

The Department of Employee Relations may identify one or more qualified individual(s)

for promotion who are currently employed by the County.

The following procedure shall apply to interviews for promotions to non-Department Head positions:

The Department Head and a member of the Department of Employee Relations staff shall conduct the first round of interviews for non-Department Head positions. The Department Head shall conduct the final interview for these positions.

The Department Head shall make the final promotion decision. In the event the Department Head does not recommend promotion, the position must be filled through the normal competitive hiring procedure.

The following procedure shall apply to interviews for promotions to Department Head level positions:

The Employee Relations Director, the Administrative Coordinator and the Chair of the governing committee or his or her designee shall conduct the first round of interviews for Department Head management positions. The Administrative Coordinator and all members of the governing committee shall conduct the final interview for these positions. The Administrative Coordinator shall make a promotion recommendation (either for or against) to the governing committee who may then make a final selection and appointment. For those positions having statutory requirements with regard to appointment, the body or individual having the statutory authority of appointment may make a final selection and appointment after receiving the recommendation of the Administrative Coordinator.

For the Corporation Counsel position, a preliminary committee comprised of one member from each of four of the standing committees, the second Vice-Chair, and the Employee Relations Director shall conduct the first interview. A final committee comprised of one member each from the remaining three standing committees, the first Vice Chair, and the County Board Chair will conduct the final interview. The County Board Chair shall make a promotion recommendation (either for or against) to the Executive committee who may then make a final selection and appointment. The full County Board must approve the appointment of the Corporation Counsel position.

Upon selection of a final applicant, the Department of Employee Relations shall conduct a background reference check on the applicant prior to an actual offer of employment. Reference checks shall include verification of current and past employment, work experience and personal references.

### **Competitive Selection Process**

### Recruitment Announcement

In instances where position vacancies are not filled through posting or promotion, the Department of Administration shall be responsible for the creation and distribution of all position announcements. Position announcements are required for all vacancies, with the exception of temporary and emergency positions, which may be filled by the Department of Administration in accordance with the County's Equal Employment Opportunity and Affirmative Action Policy. The following procedure shall be followed when announcing a position vacancy:

- A. At a minimum the position announcement will include a position title, salary range, how to apply, and the closing date. All announcements will also state "Polk County is an Equal Opportunity Employer".
- B. Position announcements shall be posted on the County web site. The announcements must also be placed in the official County newspaper for a minimum of one week. The announcement will also be emailed to all of the counties in Wisconsin capable of receiving such. In addition, the position shall be announced in any venue deemed appropriate for the position by the Employee Relations Director or Employee Relations Manager.

### Screening Applications

All applications will be evaluated by the Department of Employee Relations to determine which applicants meet the minimum qualifications as listed in the job description. Applicants, who do not meet the minimum qualifications, shall be notified by letter they are no longer under consideration for the position. All applications will be screened using standardized criteria.

### Testing

The Department of Employee Relations shall be responsible for the selection, approval and administration of all pre-employment tests. Testing requirements for all positions shall be established by the Department of Employee Relations and listed in the respective job description of each position. All tests shall be validated for adverse impact and scoring shall be on a standardized basis where appropriate. Only those applicants meeting the minimum requirements for the position shall be allowed to test. Minimum test score requirements shall be established prior to the administration of any test. Any



applicant not meeting the minimum test score requirements shall not be considered for the position.

In cases where physical or psychological screening is required for a position, candidates shall progress through the hiring process with such screening to be performed on the final candidate after a conditional offer of employment has been made.

#### Evaluation of Applications

All applicants who have met the minimum requirement for the position and who have received a passing score on any tests required for the position shall have their application evaluated for education and experience. All application scores shall be standardized for consistency.

The Employee Relations Director and/or the Employee Relations Manager shall evaluate applications for clerical, administrative, and unskilled labor positions.

In the case of professional, technical, and skilled labor positions, the Employee Relations Director or the Employee Relations Manager and the immediate supervisor will score applications.

The Department Head and the Employee Relations Director shall evaluate applications for non-department head supervisory positions.

The Employee Relations Director and the Administrative Coordinator shall evaluate applications for Department Head level positions.

- A. Evaluation of Education and Experience - All candidates will be evaluated for education and experience and a numerical rating assigned. No credit need be given for education beyond that required unless it enhances the applicants ability to perform the work. The format of the evaluation for each position shall be determined prior to the evaluation of applications. All applications shall be scored on a standardized basis.
- B. Veteran's Preference - Veterans are given preference in the hiring process through the addition of points to evaluation scores. Proof of service and/or disability must be provided.

The veteran's preference will be applied in the following manner:

1. Points equivalent to five percent of the total possible score will be given to veterans discharged under honorable conditions from active duty with the

United States Armed Forces. Points equivalent to ten percent of the total possible score will be given to veterans with service-connected disabilities. (Active duty for training purposes as a member of the National Guard or a Reserve component is not creditable for veteran's preference points.)

- 2. Veteran's preference will be applied only for initial County employment and cannot be used for promotion or transfer purposes.
- 3. The points awarded to veterans will be applied only as part of the application evaluation process.

C. Selection of Candidates for Interviews – Based on the evaluation of applications, the Department of Administration shall determine which candidates shall receive an interview for the position.

Initial Background Check

The Department of Administration shall conduct a basic criminal background check and an educational background verification on all applicants selected for interviews prior to the scheduling of such interviews. Any applicant whose educational background cannot be verified, or for whom there is an arrest or conviction record for offenses substantially related to the duties and responsibilities of the position shall be eliminated from further consideration.

Interviews and Finalist Selection

Only individuals who have received training from the Department of Employee Relations shall be allowed to interview applicants for positions.

The responsibility for conducting interviews for the various positions shall be as follows:

The Department of Employee Relations shall be responsible for conducting the initial interviews for all clerical, administrative, maintenance, seasonal, and other unskilled positions. The Department of Employee Relations may choose to establish a pool of qualified applicants for various positions in the County or may establish a list of qualified applicants for individual positions. Immediate supervisors shall conduct final interviews for these positions from a list of applicants provided by the Department of Employee Relations. The immediate supervisor may make the final selection and appointment from the list of those interviewed.

The immediate supervisor shall conduct the interviews and make a final selection decision and appointment for all technical, professional and skilled labor positions. Department heads shall participate in these interviews, and the immediate supervisor

shall consult with the Department head prior to making a final selection decision and appointment.

The first round of interviews for non-Department Head management positions shall be conducted by the Department Head and a member of the Department of Employee Relations staff. Reference checks (see below) shall be conducted on applicants prior to the scheduling of a second interview. The Department Head shall conduct the final interview and make the selection and appointment for these positions.

The first round of interviews for Department Head management positions shall be conducted by the Employee Relations Director, the Administrative Coordinator and the Chair of the governing committee or his or her designee. Reference checks (see below) shall be conducted on applicants prior to the scheduling of a second interview. The Administrative Coordinator and all members of the governing committee shall conduct the final interview for these positions. The Administrative Coordinator may make a selection recommendation (either for or against) to the governing committee who may then make a final selection and appointment. For those positions having statutory requirements with regard to appointment, the body or individual having the statutory authority of appointment may make a final selection and appointment after receiving the recommendation of the Administrative Coordinator.

For the Corporation Counsel position, a preliminary committee comprised of one member from each of four of the standing committees, the second Vice-Chair, and the Human Resource Director shall conduct the first interview. A final committee comprised of one member each from the remaining three standing committees, the first Vice-Chair, and the County Board Chair will conduct the second interview. The County Board Chair shall make a selection recommendation (either for or against) to the Executive committee who may then make a final selection and appointment. The full County Board must approve the appointment of the Corporation Counsel position.

### **Reference Checks**

Upon selection of a final applicant through either the promotion or competitive hiring process, the Department of Administration shall conduct a background reference check on the finalist prior to an actual offer of employment. Reference checks shall include verification of current and past employment, work experience and personal references.

### **Criminal Background Check for Direct Care Providers**

The Department of Employee Relations shall conduct a criminal background check as required for all positions involved in the provision of direct care. Such background checks shall be performed in accordance with the requirements of state and federal statutes. Offers of employment for such positions can only be made on a conditional basis until such time as these requirements have been satisfied. Any candidate given such a conditional offer shall not perform

any direct care duties until such time as this process is complete. Any employee found unable to satisfy these requirements shall have their employment with the County terminated.

### **Offers of Employment**

Only the Employee Relations Director or his/her designee shall have the authority to make offers of employment. No other employee or official of Polk County shall have the authority to make actual or implied offers of employment or commitments regarding employment decisions, wages, or fringe benefits, and are prohibited from making statements to that effect. Selected applicants will receive a written offer of employment based on the specific requirements of each position. In cases where physical, psychological, or criminal history screening is required for a position, the finalist shall be given a conditional offer of employment pending the successful outcome of any such screening.

### **Employment Registers**

Whenever competitive recruitment and selection activities are undertaken for a particular job title, up to five qualified applicants may be placed on an employment register by the person(s) responsible for making the final selection for the position. The employment register shall be utilized to fill vacancies in that particular job title that may occur within one year of the date of the establishment of the register. Reference checks must be performed on all applicants prior to their inclusion on an employment register.

### **Recruitment Records**

The Department of Employee Relations shall be responsible for the maintenance of all selection and recruitment records.

- A. **Content** - Each file must contain the applications of all who applied. It must also contain all the information that led to the selection of the successful candidate. (e.g. test results, interview rating forms, interview questions, reference checks).
- B. **Responsibility** - The records shall be compiled by and stored in the Department of Employee Relations.
- C. **Storage & Disposal** - Files will be maintained for seven (7) years; except that if a discrimination complaint has been filed records will be maintained until final disposition of the case.

Register of Applicants – A database of the positions and applicants will be kept for one year to be used to fill position vacancies along with new applicants.

**Employment Status**

~~A. With the exception of Department Heads appointed or promoted after January 26, 1999, the removal of any appointed or promoted individual who has passed a determined probation period, will be for just cause only utilizing county disciplinary procedures as specified in the County's Employee Discipline Policy.~~

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~~B. Except as otherwise provided by law or policy, the employment status of Department Heads appointed or promoted after January 26, 1999 shall be considered "at will." The termination of an "at will" Department Head shall be as specified in the County's Employee Discipline Policy.~~

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**Payroll Direct Deposit**

Employees must receive their payroll checks in the form of a direct deposit of funds to their bank account. These employees shall complete all necessary requirements of the Department of Employee Relations and their financial institution in order to effect this procedure.

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Polk County Wisconsin

EMPLOYEE PERFORMANCE REVIEWS

Policy 209

Effective Date: 07-19-94

Revision Date: 3-11-2008, 09-09-03, 5-17-05

Policy Statement

Polk County believes that employee performance reviews conducted on a regular and timely basis are a valuable employment tool, which benefits both employer and employee. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Furthermore, it shall be the policy of Polk County that all of its employees shall be evaluated on a regular basis in accordance with the procedures outlined in this policy.

Frequency of Performance reviews

Probationary Period

~~All employees shall be subject to a performance evaluation during their probationary period. During the probationary period, the supervisor(s) and the employee shall discuss the job responsibilities, standards, and performance requirements of the new position. Informal performance evaluations are to be conducted throughout this period as needed to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. All employees shall receive a formal performance evaluation not more than thirty and not less than five days prior to the end of their probationary period.~~

Annual Basis

All non-limited employees, except Department Heads, shall receive a formal performance evaluation not more than thirty days prior to or after their annual anniversary based on date of hire in their current position. Department Heads shall receive a formal performance evaluation by January 31<sup>st</sup> of each year.

Procedure Manual

The Employee Relations Department shall publish and maintain a performance management procedure manual that shall be subject to review and approval of the Personnel Committee.

Responsibility for Performance reviews

The primary responsibility for conducting employee performance reviews shall be as follows:

#### Regular Employees

Regular employees shall be evaluated by their immediate supervisor, annually, who shall consult with and consider the comments of their Department Head as to the review process used by the supervisor as well as specific items, which pertain to the employee. This consultation shall take place during the review writing process and prior to the interview with the employee.

#### Supervisors

Supervisors shall be evaluated by their immediate supervisor annually.

#### Department Heads

Non-elected Department Heads shall be evaluated by their governing committee, annually, who shall consult with the Employee Relations Director as to the review process used by the committee. This consultation shall take place during the review writing process and prior to the interview with the employee. Each member of the committee shall complete a performance review document, and the performance interview with the employee shall be conducted by the committee. Prior to the interview, the committee shall by majority vote make a determination as to the overall performance of the Department Head. Any plan of corrective action proposed must also be approved by majority vote of the committee.

#### Review Procedures

##### Preparation

The evaluation process should be an unending cycle of activity, which begins when the employee is first hired and continues on a regular basis until they separate employment from the County. In order to facilitate this process, supervisors, Department Heads, and governing committee members are encouraged to keep supervisory notes throughout the year. In addition, formal and informal meetings may be held with employees to discuss various aspects of their performance, which demand immediate attention.

The employee's job description shall serve as the initial basis for the performance review. Information relevant to the review may be considered from sources internal or external to Polk County. Previous reviews, supervisory notes, and other information in the employee's personnel file which, pertains to the review period, should also be consulted. Finally, the employee should be asked to complete a self-evaluation as part of the preparation phase.

##### Writing the Review

All employee performance reviews shall be conducted using standardized forms developed by the Employee Relations Director and approved by the Personnel Committee. The Employee Relations Director shall design a standardized form for each type of position to be evaluated. The procedures will be delineated in the Performance Management Procedural Manual.

There shall be a section detailing a *Plan of Corrective Action*. The Plan shall detail all of the elements in which the employee's performance was deemed to be unsatisfactory, and for each element shall contain specific corrective actions which are to be taken by the employee to remedy the deficiency. In addition, there shall be a target compliance date established for each item, by which time the employee's performance must be satisfactory. Compliance dates shall be set no more than ninety (90) days after the review interview is conducted with the employee unless it is determined by the reviewer that it is impossible for the employee to meet the deadline, in which case another date may be set.

#### Interview with Employee

Each employee shall be given a performance review interview. The purpose of the interview shall be to review each section of the performance review with the employee through a face-to-face and personal format designed to enhance the employee's understanding of the written document. In addition to the Performance Review document, the self-evaluation conducted by the employee shall be discussed. Employees shall be encouraged to ask questions during this process, and to offer comments appropriate to the performance review process. Employees shall have an opportunity to make written comments in the "Employee Comments" section of the document. The employee may take up to seven (7) days after the interview to add comments to the document.

If the employee performance review calls for the implementation of a Plan of Corrective Action, it shall be discussed with the employee during the interview. The employee shall be encouraged and given an opportunity to contribute towards the final version of the plan. Prior to the end of the interview, the reviewer shall verbally enumerate the expectations of the employee that are detailed in the plan and the deadline for the employee to meet those expectations.

#### Employees Completing Probation

~~If the employee's performance is determined to be satisfactory, the employee shall be granted non-represented status in their position in accordance with the guidelines of the County position administration Policy 881. If the employee's performance is determined to be unsatisfactory in one or more areas, their employment with the County shall be terminated, unless the employee's supervisor determines that a corrective plan of action is warranted. The employee's employment with the County may continue subject to a corrective plan of action, and to extend the probationary period for a specific length of time. Corrective plans of action shall be implemented subject to the guidelines set forth in this policy. The employee may continue employment with the County until a subsequent performance review is conducted at which time a final decision regarding the employee's status shall be made. If the employee refuses to agree~~



~~to a corrective plan of action or an extension of the probationary period, the employee's employment with the County shall be terminated.~~

### Non Limited Employees

Non-Limited employees that receive a satisfactory review shall have the review made part of their permanent work record and shall continue in their current employment status with the County.

In the event the employee receives an unsatisfactory review, a corrective plan of action shall be implemented subject to the provisions of this policy. A subsequent performance review shall be scheduled to determine if the employee has attained satisfactory performance in the areas of deficiency. If this subsequent performance review determines that satisfactory performance has been attained, the review shall be made part of the employee's permanent work record along with the initial review and the plan of corrective action, and the employee shall continue in their current employment status with the County. If it is determined that the employee's performance is still unacceptable, the supervisor, Department Head, or in the case of Department Heads, the governing committee shall take such further steps as they deem appropriate and that are consistent with the County's personnel policies including but not limited to other actions deemed appropriate to ensure employee performance will reach an acceptable level.

### Confidentiality

All records pertaining to employee performance reviews are considered to be confidential in nature. Supervisors, Department Heads, and governing committees shall be held to a strict standard of confidentiality and are prohibited from discussing the details of any performance review with anyone except the employee, a duly authorized representative of the employee, or other person(s) participating in the drafting of the review. Except as specifically provided for under County Ordinances, State Statutes, or Federal Law, no record of an employee's performance review may be made available to any individuals except the employee or a duly authorized representative of the employee, without the express written consent of the employee. The Department of Employee Relations shall receive the original employee performance reviews to ensure Polk County's compliance with its legal and contractual obligations. All meetings conducted as part of the review process shall be closed to the public in accordance with County Ordinances, State Statutes, or Federal Law. No County Board Supervisor shall be allowed to sit in on, attend or participate in the closed session meeting of a governing committee or Board that is conducting the performance evaluation of any Department Head.

Individuals found to have violated the confidentiality requirements of this policy shall be subject to the disciplinary policy of the County and in the case of elected officials, possible censure by the County Board.

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Resolution \_\_\_-11

Resolution to Authorize  
A One-Time Temporary Equity Pay Adjustment to Non-Represented Employees

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS

1. WHEREAS, the timing of union contracts results in a disparity among county employees in the effective date of the provisions of Wisconsin Act 10 that require increased employee pension contributions; and
2. WHEREAS, non-union employees will begin paying an increased pension contribution in August, 2011, and union employees not beginning paying this increase until January, 2012; and
3. WHEREAS, Polk County has adopted a budget for 2011 that fully funded pension contributions for all employees for the remainder of the year; and
4. WHEREAS, the Polk County Board of Supervisors has the authority to partially compensate non-union employee for increased pension contributions until the law is effective for all employees and to do so without increasing the 2011 budget.
5. NOW THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors does hereby authorize a one-time, temporary pay equity adjustment for non-union employees affected by the imposition of Wisconsin Act 10 for the remainder of the calendar year 2011 only.
6. BE IT FURTHER RESOLVED, that this temporary pay equity adjustment also be effective retroactively to the imposition date of Wisconsin Act 10.
7. BE IT FURTHER RESOLVED, that the cost of this temporary pay equity adjustment may be proportionately increased or decreased so as to equal the savings to the County from the imposition of Wisconsin Act 10 for calendar year 2011.
8. BE IT FURTHER RESOLVED, that the amount of this temporary pay equity adjustment may not exceed the increase in pension contribution by any individual employee.
9. BE IT FURTHER RESOLVED that said adjustment shall be budget neutral and without an increase to the budgeted personnel costs of the County for 2011.

Funding Amount and Source:	2011 Departmental Budgets / Actual Cost of Temporary Pay Equity Adjustment, (estimated general revenues \$67,014)
Date Finance Committee Advised:	September 7, 2011
Finance Committee Recommendation:	<u>Passage</u>
Effective Date:	Retroactive to effective date of 2011 Wisconsin Act 10
Date Submitted to County Board:	September 20, 2011

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Resolution No. \_\_\_\_-11: Resolution to Authorize A One-Time Temporary Equity Pay Adjustment to Non-Represented Employees  
Page 2

Submitted and Sponsored By Personnel Committee:

Russ Arcand 9-8-11  
Russ Arcand

Patricia Schmidt  
Patricia Schmidt

Ken Sample  
Ken Sample

Warren Nelson  
Warren Nelson

James A. Edgell  
James Edgell

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

[Signature]  
Dana Frey, County Administrator

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

[Signature]  
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on \_\_\_\_\_, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution \_\_\_\_-11: Resolution to Authorize A One-Time Temporary Equity Pay Adjustment to Non-Represented Employees, by a simple majority vote of \_\_\_\_ in favor and \_\_\_\_ against.

\_\_\_\_\_  
William Johnson, IV, County Board Chair

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_  
Carole Wondra, Polk County Clerk

Dated: \_\_\_\_\_

POLK COUNTY BOARD OF SUPERVISORS  
Minutes from Tuesday, September 20, 2011  
Polk County Government Center – County Board Room  
Balsam Lake, WI 54810

Chairman Johnson called the meeting of the Polk County Board of Supervisors to order at 5:30 PM.

County Clerk informed the chair that notice of the agenda was properly posted in three public buildings, published in the county's legal paper and posted on the county website the week of Sept. 12th, 2011. Corporation Counsel informed the Board that the same satisfied the notice requisites of the Open Meetings Law and County Board Rules of Order.

Roll call was taken by the Clerk, with 21 members present. Supr. Stroebel was excused. Supr. O'Connell was absent at roll call, but joined the meeting at 6:20 pm.

Chairman Johnson requested consideration of those items contained under the Consent Agenda: The Noticed Agenda and Confirmation of County Board Minutes from August 16, 2011.

**Motion (Jepsen/Kienholz) to approve those items included in the consent agenda, motion carried** by unanimous voice vote.

Community member, Resser Adams led the prayer.

Chairman led the Pledge of Allegiance

Time was given to Public comments, none offered.

Administrator Frey presented his recommendation of the 2012 Budget, followed by questions and discussion.

Chairman called for a 15 minute recess.

Presentation by Marc Bowker from the Dept. of Transportation on the Highway 8 Corridor Project.

7:00 pm Chairman Johnson opened the Public Hearings on the Ordinance to Limit the Amount for Claims for Damages by Dogs to Certain Domestic Animals and the Final Supervisory District Plan. Chairman Johnson asked for any public comment, none was offered. 7:10 pm Chair announced the public hearings closed.

Second Presentation by Sarah Pischer, from the Dept. of Tourism on the Power of Tourism in Polk County.

Chairman's Report was given by Wm. Johnson.

Committee/Board Reports were cancelled.

**Resolution 44-11 Resolution to Proceed With and To Authorize Contracts to Form and to Join Income Maintenance Administration Multi-County Consortium. Motion (Christensen,Caspersen) to approve. Admin. Frey addressed the Resolution. Motion to approve Resolution 44-11, carried by voice vote. Resolution adopted.**

**Resolution 40-11 Ordinance to Limit Amount Allowed for Claims for Damages by Dogs to Certain Domestic animals (Wisconsin Statute 174.11(5) Motion (Jepsen/D. Johansen) to approve. Supr. D. Johansen addressed the Ordinance. Motion to approve Ordinance 40-11 carried by unanimous voice vote. Ordinance adopted.**

**Resolution 45-11 Resolution to Change Designation for Persons Authorized to Request Coverage Under Legal Expense Endorsement of the Wisconsin County Mutual Insurance Corporation Liability Policy. Motion (Masters/Edgell) to approve. Supr. Masters addressed the Resolution. Motion to approve Resolution 45-11 carried by unanimous voice vote. Resolution adopted.**

**Resolution 46-11 Resolution to Adopt Final Supervisory District Plan. Motion (Brown/Kienholz) to approve. Clerk, Carole Wondra addressed the Resolution. Motion (Jepsen/Kienholz) to amend Resolution 46-11, by renumbering a portion of the newly assigned supervisory district numbers. The changes would be: District 15 to 16; District 16 to 17; District 17 to 18; District 18 to 19; District 19 to 20; District 20 to 21; and District 21 to 15. Motion to approve amendment to Resolution 46-11, carried by voice vote. Motion to approve amended Resolution 46-11 carried by voice vote. Resolution adopted.**

**Resolution 47-11 Resolution to Adopt the Grievance Procedure Concerning Employee Terminations, Employee Discipline and Workplace Safety as Required by Wis. Stat. 66.0509(1m). Motion (Masters/Schmidt) to approve. Motion (Hartung/Masters) to amend Resolution 47-11 with a change to the original resolution in the wording. Replacing the words "Grievance Procedure and Workplace Safety" throughout the resolution with "Workplace Discipline and Safety Appeal Policy. The word grievance/grievances replaced by appeal/appeals; Grievant replaced by Appellant. The title of the Resolution to become: Resolution to Adopt the Workplace Discipline and Safety Appeal Policy. Asst. Corporation Counsel, Malia Malone addressed the proposed amendment. Motion to approve amendment to Resolution 47-11, carried by voice vote. Motion to approve amended Resolution 47-11, carried by unanimous voice vote. Resolution adopted.**

**Resolution 48-11 Resolution to Authorize a One-Time Equity Pay Adjustment to Non-Represented Employees. Motion to approve Resolution 48-11 carried by unanimous voice vote. Resolution adopted.**

Supervisor's Reports were given.

Motion (Sample/Voelker) to adjourn. Motion carried. Meeting adjourned 8:43pm.