

CHAPTER 3

PERSONNEL ADMINISTRATIVE CODE

- 3.01 Purpose
- 3.02 Applicability
- 3.03 Employee Recruitment and Hiring
- 3.04 Standards of Conduct
- 3.05 Probation
- 3.06 Definitions
- 3.07 Employee Benefits
- 3.08 Hours of Operation/Filing of Documents
- 3.09 Grievance Procedures
- 3.10 Training
- 3.11 Employee Development Reviews
- 3.12 Layoffs and Reduction of Staff
- 3.13 Travel, Mileage and Conference Expenses
- 3.14 Termination of Employment
- 3.15 Accommodation During Employment
- 3.16 Classification of Positions
- 3.17 Compensation Plan
- 3.18 Amendments to Classification and Compensation Plans
- 3.19 Accident Prevention
- 3.20 Employee Handbook and Manuals
- 3.21 Use of Administrative Vehicles
- 3.22 Electronic Mail and Internet Policy
- 3.23 Intellectual Property Policy
- 3.24 Nepotism
- 3.25 Code of Ethics
- 3.26 Political Activity
- 3.27 Affirmative Action

3.01 PURPOSE. This chapter is established to provide consistent and fair administration of County personnel policy and procedures, and to ensure equal opportunity under the law. To that effect:

(1) County Personnel Ordinance. This chapter codifies fixed benefits and contains rules for the process and procedure in other employee matters. Basics include hiring, holidays, vacation, sick leave, retirement, grievance process and other terms and conditions not subject to frequent change.

(2) Annual Resolutions. Terms and conditions of employment, which are advisable to consider annually, shall be brought through committee to the County Board for annual consideration at times directed by the County Administrator, or requested by the County Board. Appropriate subjects include, without limitation:

- (a) Changes to the pay plan for employees
- (b) Changes to the County Employee Handbook, unless the change is adopted by separate resolution under this subsection
- (c) Changes to Health, Dental or Life and Disability Insurance benefits
- (d) Changes to any other benefits provided to all employees
- (e) Changes to pay of specific employee groups
- (f) Other matters as necessary or advisable
- (g) Union contracts, if any

(3) Employee Policies and Procedures. The County Personnel Department shall coordinate and draft employee policies and procedures as they apply to personnel of the county. Policies may be drafted, modified or cancelled by the Personnel Director as needed or as directed, subject to review and approval by the County Administrator prior to release or revision. Policies shall be in accord with County ordinance and annual resolutions, and may be released to carry out the intent of County Board action. Policy and procedure shall be communicated to the Executive committee when released.

(4) Departmental Employee Work Rules. Departmental work rules and procedures shall be subject to review and approval by the County Personnel Director prior to release or revision. Work rules and procedures shall be in accord with County ordinance, annual resolutions, and County policies. Examples of Departmental work rules include uniform policy, scheduling, holiday or vacation or shift sign up and safety requirements.

3.02 APPLICABILITY. This chapter shall apply to all County positions and employees receiving remuneration from the County, except employees covered by an individual employment agreement; employees covered by a labor agreement to the extent the labor agreement provides differently; where State or Federal Law has precedence; or where no existing agreement or law provides differently.

3.03 EMPLOYEE RECRUITMENT AND HIRING.

(1) POSITION VACANCIES.

(a) Filling Existing Vacancy in Budgeted Positions. The County Administrator may approve filling of vacancies in budgeted positions upon the recommendation of the Personnel Director. No Committee or County Board approval is required.

(b) Filling New Position Vacancy in Existing Job Classification and Title.

1. The Personnel Director and County Administrator may recommend hiring additional staff where there is an existing County job classification and title, if the position is:

- a. Fully funded by outside sources, and
- b. Sunsets at the end of funding.

2. Executive Committee approval is required.

3. County Board approval is required pursuant to s. 2.02(11)(a)3 of this Code if the position is not fully funded by outside sources.

(c) Filling New Position Vacancy in New Job Classification and Title.

1. The County Administrator and Personnel Director may recommend approval.

2. Executive Committee and County Board approval is required for the hiring of additional staff for new positions pursuant to s. 2.02(11)(a)3.

(d) Temporary Services – Replacement for Absent Staff.

1. The Department Head shall provide the Personnel Director with written justification for the need to replace absent staff with temporary services.

2. The Personnel Director may approve the use of temporary staff if justified by the Department Head.

3. After approval, the Personnel Department will assist departments in securing temporary services.

(2) RECRUITMENT.

(a) Notice of Vacant Position. When recruitment is necessary, means shall be used which provide public notification, such as newspaper advertisement, State Job Service listing, job web sites or such other means calculated to reach qualified applicants. All public notices shall indicate the job title, necessary qualifications, closing date for applying, notification of equal employment opportunity and may include other appropriate information, including residency, if required.

(b) Residency Requirements for Applicants. There shall be no residency requirements except where required by state statute such as for Deputy Sheriffs and other sworn law enforcement officers. Employees must, however, be available in reasonable amounts of time for call in or call back, in jobs which require such for public safety or client care and protection.

(c) Qualifications. Qualifications sought for any particular classification shall be established by the hiring authority and the Personnel Director prior to initiating recruitment. The guidelines for such qualifications shall be established by the creation of a formal job description. All applicants for employment shall fill out completely a County application form in order to be considered.

(d) Reasonable Accommodation. La Crosse County will make reasonable efforts to accommodate and assist all persons wishing to participate in the recruitment process. Those persons needing accommodation and assistance should contact the Personnel Department.

(3) REFERRAL OF APPLICANTS. Applications of those interested in a position shall be reviewed for qualifications, education and experience required for the position, and ranked accordingly. Skill testing, if required, shall be fair and impartial, open and accessible to all qualified applicants. The Personnel Director shall determine what examinations are necessary and appropriate to test for skills, knowledge and qualifications utilizing whatever resources are deemed appropriate. All applicants shall be entitled to know the results of their examination. A list of qualified applicants shall be referred to the hiring authority.

(4) EMPLOYEE PHYSICAL EXAMINATION.

(a) Required Pre-employment. Applicants may be required to submit to physical agility testing which is directly related to the essential functions of the position applied for and applicants may be required to submit to drug testing.

(b) Required Post-employment. All employees shall complete a physical screening after hire in accordance with the procedures established by the Personnel Director. For specified positions designated in advance, the County may require physical examination and testing, after a conditional offer of employment, where the essential job functions require physical conditioning, effort or ability. Physical examination and testing shall be at County expense after which a determination shall be made as to fitness for duty. All such physical screenings shall be completed within 30 days of employment.

(c) Medical Information. Every employee, after offer of employment, shall release such medical information as is necessary to complete the physical screening, physical examination or testing. All medical information shall be subject to the laws on confidentiality and shall not be used to discriminate against an employee in regard to any terms and conditions of employment.

3.04 STANDARDS OF CONDUCT.

(1) County employees are paid with public funds and employees are expected to adhere to public expectations of appropriate conduct. Generally, county employees are expected to follow these standards of conduct:

- (a) Honesty – truthful and trustworthy in all dealings
- (b) Dedication – to a day’s work worthy of a day’s pay
- (c) Proper Use of Position – for public good and not personal gain
- (d) Respect – for supervision and directives
- (e) Neutrality – serving all the public with equal access
- (f) Customer Service – with respect and fairness for all

(g) Ethical Behavior – avoiding even the appearance of illegal behavior or conflict of interest

(h) Use of County Property – carefully and appropriately

(2) Violations of standards of conduct will subject an employee to personal responsibility and disciplinary action, up to and including discharge from employment. Breaches of the following standards of conduct are examples of the most severe violations for public employees and may subject the employee to immediate termination (these are guidelines and not an all-inclusive list):

(a) Theft or willful misuse or destruction of County or public property

(b) Fraudulent claims for hours worked or reimbursement of expenses

(c) Illegal or improper conduct degrading the image of a public employee

(d) Use of illegal drugs or uncontrolled addiction to alcohol or drugs

(e) Chronic absenteeism or tardiness

(f) Sleeping, Gambling or working for another employer while on duty

(g) Violation of rules against prohibited discrimination, or sexual harassment

(h) Misuse of position, department or business knowledge for personal gain

(i) Intentional breach of privacy, or release of confidential client information

(j) Gross insubordination or disregard of authority

(3) Prohibition on Open or Concealed Carry of Weapons or Firearms by Employees.

(a) County employees are prohibited from the open carry or concealed carry, on their person, or in County vehicles, of weapons or firearms while performing duties for La Crosse County.

(b) This prohibition does not apply to the following:

(i) An authorized law enforcement officer acting in the discharge of official duties.

(ii) An employee who carries a weapon in the employee's own motor vehicle, which motor vehicle is used in the course of employment or driven or parked on property used by the County.

(4) PROHIBITION OF SMOKING AND THE USE OF SMOKELESS TOBACCO BY EMPLOYEES.

(a) County employees are prohibited from smoking and the use of smokeless tobacco in personal vehicles while transporting persons on County business and in all County buildings, vehicles, park shelters, and within 20 feet of County building doorways.

(b) The following definitions apply to this prohibition:

1. "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

2. "Electronic Delivery Device" shall mean any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

3.05 PROBATION.

(1) REQUIRED PERIOD. Employees, whether full or part time shall serve a probationary period of 12 calendar months of active employment. All probationary employees shall have 1 or more performance reviews prior to passing probation in accordance with Personnel Department procedures. A probationary employee may be dismissed without cause during the probationary period.

(2) EXTENSIONS. A probationary period may be extended for a period not to exceed 90 calendar days, subject to the approval of the Personnel Director, following a review of the request to determine appropriate justification.

(3) BENEFITS DURING PROBATION.

(a) Probationary employees shall not be entitled to vacation or sick leave benefits for the initial 6 months of employment. Upon completion of 6 months of employment, employees may use vacation and sick leave accumulated. Vacation and sick leave of probationary employees shall begin to accumulate from the date of employment. Current County employees who are on probation in a promotional position shall keep their sick leave and vacation balances and may use benefits during their probation, but probation may be extended if use of vacation or sick leave prevents sufficient probationary evaluation.

(b) Participation in the Wisconsin Retirement System shall be in accordance with the applicable state statutes.

(c) Group hospitalization, medical, major medical, dental, life, weekly income and disability insurance shall be available to a probationary employee prior to the completion of probation, provided the employee meets all requirements outlined in the policy agreement.

(d) Probationary employees shall be entitled to paid holidays, provided they meet the eligibility requirements in qualifying for holiday pay.

3.06 DEFINITIONS. In the interpretation and application of this chapter the following definitions shall apply:

(1) REGULAR FULL-TIME EMPLOYEE. An employee who works 37-1/2 hours or 40 hours or more per week, or 1,950 hours or 2080 hours or more per year.

(2) REGULAR PART-TIME EMPLOYEE. An employee who works half time or more but less than full time and who works longer than a temporary employee. Regular part-time employees shall work at least 18.75 hours per week, or 975 hours per year. Only employees working more than 18.75 hours/week shall be entitled to benefits.

(3) LIMITED TERM EMPLOYEE. An employee hired full or part time for an experimental or limited funding position or for a special project where the need for regular employee or the existence of on-going funding has not been determined, usually not exceeding 2 calendar years. Time worked as a limited term employee may be credited toward the probationary period if such employee is hired as a regular employee.

(4) TEMPORARY EMPLOYEE. An employee hired to fill in during the absence of a regular employee for a short period of time, usually not exceeding 6 calendar months. Time worked as a temporary employee shall not be credited toward the probationary period if such employee is hired as a regular employee.

(5) SEASONAL EMPLOYEE. An employee hired for a seasonal period of time whose employment terminates at the end of a given season and usually does not exceed 6 months.

(6) ON-CALL OR IRREGULAR PART-TIME EMPLOYEE. An employee who is on-call is called only when needed and available, such as Jury Commissioners, bailiffs, or part-time employees who work less than 18.75 hours per week or 975 hours per year.

3.07 EMPLOYEE BENEFITS.

(1) HOLIDAYS.

(a) The following shall be the standard 10 paid holidays for all eligible full-time and regular part-time employees, except such different holidays as approved in County policy:

1. New Year's Day - January 1
2. Martin Luther King Day – the 3rd Monday in January
3. Spring Holiday
4. Memorial Day – the last Monday in May
5. Independence Day - July 4
6. Labor Day – the 1st Monday in September
7. Thanksgiving Day – the 4th Thursday in November
8. Day after Thanksgiving
9. Christmas Eve Day - December 24
10. Christmas Day - December 25.

(b) Holidays Falling on Weekends. Holidays falling on Saturday should be observed on the preceding Friday. Holidays falling on Sunday should be observed on the following Monday. Provided, however, that when Christmas Day falls on a Saturday the following Monday should be observed as the holiday and when Christmas Eve falls on a Sunday the preceding Friday shall be observed as the holiday.

(c) Worked Holidays. If an employee works on a day when that employee's worksite is closed because of a specified holiday, the employee shall be compensated according to the provisions for Compensatory Time in this Code.

(d) Qualifying. To qualify for paid holidays, the employee must have worked the last scheduled workday preceding the holiday and the next scheduled workday following the holiday unless excused by paid sick leave, paid vacation, paid funeral leave or other approved paid absences.

(e) Regular Part-time Employees. Regular part-time employees shall be entitled to Holidays which shall be prorated by the number of regularly scheduled hours of work. A regular part-time employee is defined as one who works half time hours or more.

(f) Exceptions. Irregular part time, on call, temporary and seasonal employees shall not be entitled to paid holidays, but shall be granted time off without pay on the dates of the holidays observed by their worksite.

(2) VACATIONS.

(a) Regular Full-time Employees. Eligible regular full-time employees who have been continuously employed by the County for the following periods shall be granted a vacation (leave from scheduled work) with pay which shall be earned as follows:

Employment during:	through year:	Vacation earning level
Year 1	4	10 days
Year 5	11	15 days
Year 12	19	20 days
Year 20	or more	25 days

1. The definition of a "day" for purposes of this section shall be 7.5 hours for those normally scheduled for 1950 hours per year; and 8.0 hours for those normally scheduled 2080 hours per year; and prorated for those working less than full time. Vacation is earned at the rate of 1/26th of the employee's annual earning level per pay period. An employee cannot earn more in a year than the vacation earning level provides for.

2. Employees may accumulate up to a maximum balance of earned vacation not to exceed an amount equal to earned vacation for the current year, plus earned vacation for the preceding year. No vacation will accumulate in excess of this amount. (Example: an employee earning 10 days of vacation will have a maximum cap of 20 days) There will be no earning of vacation beyond the cap, and no drawing ahead on unearned vacation.

3. Any employee who has a balance of unused vacation at time of termination shall be paid for said vacation upon termination.

(b) Regular Part-time Employees. Regular part-time employees shall be entitled to vacation with pay which shall be prorated by the number of regularly scheduled hours of work. The maximum accumulation cap shall also be prorated for regular part-time employees. A regular part-time employee is defined as one who works half time hours or more.

(c) Other Employees. Irregular part-time, on call, temporary and seasonal employees shall not be entitled to vacation with pay.

(d) Scheduling. Except in emergencies, all vacation shall be requested in advance by employees to the Department Head or designee. The Department Head shall consider the effect on work load, customer service and consider other staff already off before approval or denial. When more than 1 employee requests the same time off, seniority and order of request shall be considered.

(e) Use as Sick Leave or Other Leave. Any employee or officer who has used accumulated sick leave but is entitled to vacation leave as herein provided may, upon request and with the approval of his Department Head, use vacation leave for sick leave. Any time absent from duty by an employee or officer during the work year, except for sick leave, or disciplinary suspension, may be deducted from such vacation leave with approval of the Department Head.

(f) Sick Leave or Holiday During Vacation. Sick leave shall not be claimed for an illness occurring during an employee's vacation time. Holidays falling during an employee's vacation time shall not be charged against the employee's vacation credits.

(3) SICK LEAVE.

(a) Regular Full-time Employees. Eligible regular full-time employees of the County shall earn sick leave pay protection of approximately 1 work day per full month of employment, earned at the rate of 1/26th bi-weekly of the employee's annual benefit, to a maximum accumulation as approved by the County Board. Employees earn sick leave from the date of hire but are eligible to use this benefit only after they have completed 6 months of employment. The definition of a "day" for purposes of this section shall be 7.5 hours for those normally scheduled for 1950 hours per year; and 8.0 hours for those normally scheduled 2080 hours per year.

(b) Regular Part-time Employees. Regular part-time employees of the County working half-time or more shall be entitled to a pro rata accumulated sick leave based on the number of regular hours worked per month, earned at the rate of approximately 1/26th of the employee's annual benefit bi-weekly. Employees earn sick leave from the date of hire but are eligible to use this sick leave pay protection benefit only after they have completed 6 months of employment. The maximum accumulation cap shall also be prorated for regular part-time employees.

(c) Other Employees. Irregular part-time, on call, temporary and seasonal employees shall not be entitled to sick leave pay protection.

(d) Additional Sick Leave. When an employee has used all accumulated sick leave balance, the employee may request additional sick leave. Additional sick leave may be granted by the County Administrator on recommendation of the Personnel Director to an employee who has 10 years or more of continuous employment with the County and who meets the criteria set forth in County policy.

(e) Use of Sick Leave. This benefit requires the employee to have a personal illness or injury, or to attend to appointments for preventative or treatment purposes as provided in County policy. Sick leave is not allowed to give the employee time off of work for reasons not related to illness or injury. Excessive use or patterns of sick leave abuse may lead to discipline.

(f) Illness of Family Member. Accumulated sick leave of up to 3 consecutive days may be used by an employee for necessary care of a resident of the employee's household or immediate family incapacitated due to illness or injury as set forth in County policy.

(g) Termination and Retirement Health Insurance Continuation. Those employees who retire under the Wisconsin Retirement System, either normal or disability retirement, will be credited at terminating base pay rate with 85% of a maximum of 150 days accumulated to the date of retirement, to be deposited for the payment of the monthly group health insurance contribution, or medical expenses after retirement. Program requirements shall be set forth in County policy as approved by the County Board. In no event shall cash out to the employee be available. Upon termination of employment for any reason other than provided in this section, all accumulated sick leave shall be forfeited.

(4) GROUP INSURANCE.

(a) All eligible County employees shall be offered optional participation in the Health, Dental, and Life insurance programs selected by the county and amended from time to time. Health insurance coverage shall be offered as required by law. If the employee chooses to participate in health or other plans, the employee designate their option for coverage under the County's group plans then in effect within 30 days of initial employment.

(b) Enrollment in the group insurance programs shall be through the County Personnel Office. The applicable eligibility rules as may be amended by the group insurance carrier or plan administrator shall prevail and shall be published in an employee handbook. Employee contributions to group insurance shall be as set by the County Board from time to time.

(5) FUNERAL AND BEREAVEMENT LEAVE.

(a) Death of Family Member. If a death occurs among a member of the employee's immediate family, the employee will be excused from work to attend the funeral or memorial service, and make other necessary arrangements without loss of pay for up to 3 working days. Such absence shall be granted for (1) the day of the funeral or memorial service and (2) the 1 or 2 days immediately prior to or subsequent to the day of the funeral or memorial services, provided such days are workdays. Immediate family for purposes of this section includes the following family members:

Employee:	Spouse of Employee:
Spouse	
Children	Children
(including adopted & step children of a current marriage)	
Parents	Parents
Brother or Sister	Brother or Sister
Grandparents	Grandparents
Grandchildren	Grandchildren
Spouse of Child	Spouse of Child

And other members of the immediate household for which the employee has the responsibility of funeral or memorial service arrangements. For purposes of this section, spouse includes domestic partner, if registered in advance with the County.

One day of funeral leave with pay will be granted to attend the funeral or memorial service of the following relations:

Employee:	Spouse of Employee:
Spouse of Brother or Sister	Spouse of Brother or Sister
Aunt or Uncle	Aunt or Uncle

Paid bereavement leave is not granted if the funeral is held while the employee is on paid leave or excused absence from work.

(b) Pall Bearer Leave. Any employee may take up to 1 day without loss of pay from regular work hours when serving as a pallbearer or military honor guard to a maximum of 2 days per year.

(6) REST PERIODS. All employees subject to this code shall be granted appropriate rest periods in the first and second half of a full shift. Such rest periods shall be paid time during which the employee is subject to call back to work. Employees working hours over a customary meal period should be granted time for an unpaid meal period. Specific policy and procedure shall be described in the Employee Handbook and policy.

(7) UNEMPLOYMENT COMPENSATION.

(a) The County shall provide unemployment compensation protection as required by State law for those employees who qualify.

(b) All claims and notices of filing for unemployment compensation by an employee of the County shall be processed through the County Personnel Office.

(8) WORKERS COMPENSATION.

(a) County employees shall be protected by workers compensation coverage as required by State law.

(b) Claims, reports of injuries and litigation of workers compensation claims shall be processed through the County Personnel Office.

(c) All injuries shall be reported in accordance with the established procedure within 24 hours after occurrence to the County Personnel Office. The Department Head or supervisor shall investigate each accident and take the necessary corrective actions to prevent recurrence whenever possible.

(9) LEAVES OF ABSENCE.

(a) Generally. Any employee, who has more than 12 months of service, may request a general unpaid Leave of Absence. Each request may be made for up to a maximum of 60 days. Total requested time may not exceed 1 year. Requests shall be made to the Department Head or supervisor, and if acceptable to the department, sent to the Personnel Director for final approval. Approval or denial will depend on the reasons for the request; the impact on the department; and the likelihood of the employee's return. Leaves of absence shall not be granted for the purpose of obtaining employment elsewhere. No leave of absence shall be granted to an employee who has been employed for less than 1 year, except on the grounds of serious health condition.

(b) Military Leave.

1. Any employee who is called into the military service of the United States; or who in time of declared National Emergency voluntarily enlists in such service, shall be granted an unpaid leave of absence for the duration of such military service, and such additional time not exceeding 90 days as may be necessary to enable such employee to resume duties with the County.

2. During unpaid Military leave of absence, seniority shall continue to accumulate as if continuously employed by the County; and although the level of earning shall follow seniority, no benefits, such as vacation, sick leave, or holidays shall accumulate while the employee is in unpaid status during such leave of absence. A probationary employee granted a leave of absence for military or National Guard service, shall have probation suspended and upon return from leave such employee will continue to serve the remaining months of the probationary period to qualify for status with seniority.

3. Any employee who is a duly enrolled member of the National Guard or any other organized reserve unit of the armed forces of the United States is entitled to leave of absence, without loss of service to the County, to attend scheduled military training, but not to exceed 15 work days, in a calendar year. Such employee shall suffer no reduction in pay from the County for the time spent in such attendance. Following service, if the employee provides documentation of all salary received for such military training, then the County shall make up the difference between the military pay and the employee's regular salary, considering the total salary for the period as a whole. The leave granted by this subdivision is in addition to any other leave provided for and shall be counted as time qualifying for seniority, benefits and pay advancement.

(c) Absence for Jury Duty.

1. All regular employees shall be paid their regular wages during the period of their jury service provided the employee shall immediately upon receipt submit a photocopy of the jury duty notice to their supervisor or department head.

2. The employee shall not be eligible for jury duty pay for any day when the employee was not otherwise scheduled to be at work.

3. An employee called for jury duty is required to report to work prior to and following jury duty to complete the regular work shift, except when excused by the employee's supervisor because the time at work would be de minimis. Upon advance notification that a second or third shift employee has been summoned to report for jury duty, the county will adjust the employee's work schedule so that the employee is not required to work on the day(s) that the employee reports for jury duty. For a third shift employee, the adjustment shall include the shift immediately before the employee reports for jury duty. Upon conclusion of employee's service as a juror, the employee shall report to work for the balance of their shift.

(d) Absence for Witness Service.

1. Except as provided in (b), all regular employees shall be made whole for their regular wages when subpoenaed to testify in an action or proceeding resulting from a crime against the county or as a result of the employee's involvement in a matter arising out of his or her performance of official job duties. The employee shall be paid their regular wages during the period of their witness service. The employee shall immediately upon receipt submit a photocopy of the witness subpoena to their supervisor or department head.

2. Witness service pay shall not apply when an employee is subpoenaed as a witness for a matter not related to and not arising from the performance of official county job duties.

3. The employee shall not be eligible for witness service supplemental pay for any day when the employee was not otherwise scheduled to be at work.

4. An employee called for witness service is required to report to work prior to and following witness service to complete the regular work shift, except when excused by the employee's supervisor because the time at work would be de minimis.

(e) Family and Medical Leave. Upon prior written request, regular employees who meet the requirements of the law, shall be granted family leave in accordance with the Wisconsin or Federal Family Leave Act and the regulations pertaining to it which are expressly adopted by this Code. All qualifying leave granted to County employees shall be designated as leave provided under the Wisconsin and Federal Family Leave Acts.

(f) Unauthorized Leaves. Any employee who is absent from duty without authorized leave or fails to report after a leave of absence has expired or been disapproved, or cancelled shall be subject to disciplinary action. An employee absent from duty without authorization and without contact to the employee's supervisor or Department Head for 3 consecutive work days may be deemed to have voluntarily terminated.

(g) Expiration of Leaves. Upon the expiration of a leave of absence, an employee shall be reinstated in the employee's former position if mentally and physically fit to perform the essential duties of the position. The County, through its authorized representative, may require a fitness for duty examination of such employee to verify ability to perform such essential duties.

(h) There shall be no accumulation of sick leave or vacation during unpaid leaves of absence.

(10) EMPLOYEE ASSISTANCE PROGRAM. An Employee Assistance Program shall be available to assist employees in finding guidance and counseling for employee's personal problems affecting work performance. An outside referral agency, or agencies, shall be used for initial contacts and to maintain confidentiality. Initial contacts with the referral agency shall be at no cost to the employee. Financial charges resulting from any further counseling or referrals may be submitted to the employee's health insurance for coverage to the extent available under policies existing at the time of submittal and any uncovered charges shall be the responsibility of the employee.

(11) RETIREMENT.

(a) Wisconsin Retirement System. All employees who meet the applicable statutory requirements may participate in the Wisconsin Retirement System. Retirement plan eligibility and benefits shall be governed by the Wisconsin Retirement System as amended from time to time.

(b) Commencement of Retirement. There is no mandatory retirement age. All employees of the County regardless of age must be physically and mentally fit to perform the duties of their regularly assigned positions, except as otherwise provided in this chapter. Any employee, including elected officials and law enforcement officers, electing to retire must do so in accordance with the provisions of the Wisconsin Retirement System.

(c) County and Employee Contribution. The County shall contribute the Employer's portion toward the Wisconsin Retirement System and the Employee shall contribute the Employee's portion as determined by State statutes.

(d) Public Safety Employees. The County and Employee contribution toward Wisconsin Retirement System for public safety employees shall be according to State statutes.

(12) Domestic Partner Benefits. Those employees who register, in advance, as domestic partners with La Crosse County Personnel Office, will be eligible during the domestic partnership to use county benefits for domestic partners as defined, including: sick leave, funeral leave, family medical leave, Health and Dental insurance. The employee shall pay all taxes applicable on benefits provided for employee's domestic partner. County contribution to premium shall be the same as for employee family coverage.

3.08 HOURS OF OPERATION/FILING OF DOCUMENTS.

(1) It is the policy of the County of La Crosse to establish and publicize normal hours of operation sufficient to meet the needs of the public. In order to carry out this policy, the County Administrator shall work with County departments to establish such hours of operation. The County Administrator shall report the normal hours of operation for County departments to the County Board for review and approval initially and as often as directed by the County Board.

(2) Filing of Documents. In order to assure the complete processing, recording and indexing of documents on the same day they are received, the Register of Deeds office must receive a document no later than 3:30 p.m. Monday through Friday, excluding legal holidays. Documents received after 3:30 p.m. shall be processed on the next business day.

3.09 GRIEVANCE PROCEDURE.

(1) This procedure applies to employee discipline consisting of unpaid suspensions, employee terminations, and employee complaints of workplace safety of employees not covered by an existing collective bargaining agreement, unless a different process is specified by law. Employees shall also have the right to utilize Steps 1 through 3 of the grievance procedure for discipline consisting of a written warning. Any employee covered by an existing collective bargaining agreement shall use the grievance process specified in that document. In discipline cases involving unpaid suspension or termination, the employee shall have the right to representation by a person of the employee's choosing at the employee's expense at all stages of the grievance procedure, except that the employee's representative shall not be a material witness to the grievance matter.

(2) Definitions.

(a) Employee – for discipline or termination matters, employee means regular, full or part-time employees; but does not include temporary, irregular part-time or seasonal employees, elected officials, or employees covered by a collective bargaining agreement. For workplace safety complaints, employee includes any employee of La Crosse County.

(b) Employee discipline – means written warning or unpaid suspension; but does not include, without limitation, performance evaluation, work plan, verbal counseling, verbal warning, change of pay or benefits due to economic reasons, reassignment or change of duties, or refusal to promote or reclassify.

(c) Employee termination – means involuntary end of employment due to disciplinary reasons; but does not include layoff, resignation, end of position funding, and reduction of hours or pay for economic reasons. The exclusions given are illustrative only and not limiting or exclusive.

(d) Workplace safety – means a condition of employment directly affecting the complaining employee's health or personal safety. A violation of any applicable state or federal occupational safety or health standard, rule or regulation implicates workplace safety.

(3) Filing a Grievance. The County Grievance Form must be completed and filed with the employee's Department Head and a copy provided to the County Personnel Department within 14 calendar days of the date of the occurrence giving rise to the grievance. Verbal notice is not acceptable. Failure to file a completed Grievance Form in a timely manner bars the grievance. Failure to file a timely appeal at any step of the Grievance Procedure bars an appeal and shall result in its dismissal with prejudice.

(4) Grievance Procedure.

(a) Step 1 – Department Review - the employee meets with Department Head, and/or immediate supervisor to attempt to reach a resolution within 14 calendar days. If none, Appeal notice in writing must be given within 7 calendar days after the meeting.

(b) Step 2 – Personnel Review - The Personnel Director meets with the grieving employee, Department Head/supervisor within 14 calendar days of appeal. They shall attempt to resolve the dispute. The County shall give the employee a written decision within 7 calendar days after said meeting. Appeal notice in writing must be given within 7 calendar days after receipt of the decision.

(c) Step 3 – Administrator Review - The Administrator meets with the grieving employee, Department Head/supervisor within 14 calendar days of appeal. They shall attempt to resolve the dispute. The County shall give the employee a written decision within 7 calendar days after said meeting. Appeal notice in writing must be given within 7 calendar days after receipt of the decision.

(d) Step 4 – Impartial Hearing Officer (IHO) Review.

1. If no settlement is reached, then the grievance may be appealed in writing to an Impartial Hearing Officer as follows: If the employee requests or if the County Administrator and the employee agree, the Wisconsin Employment Relations Commission shall be utilized as a source for the IHO, and, in that case, the County and employee shall each pay 50% of the cost of using the WERC, including the cost of a court reporter, if utilized. Alternatively, the County Administrator or designee shall provide the names of 3 persons, not employees of La Crosse County, whom he or she determines are impartial, having no interest in the grievance. The grievant shall select 1 of the 3 impartial persons to hear the grievance. A hearing will be scheduled as soon as possible with the IHO.

2. Impartial Hearing Officer Hearing Procedure:

a. The IHO may issue subpoenas, and witnesses shall be sworn. The parties may present evidence and call and examine witnesses and cross-examine witnesses of the other party.

b. The burden of proof required is preponderance of the evidence, which means the greater weight of the evidence.

(i) the burden is on County in discipline or termination grievances to show just cause for the action taken.

(ii) the burden is on the employee in workplace safety grievances to show a violation of applicable state or federal occupational safety and health standard, rule, or regulation implicating workplace safety showing a condition of employment directly affecting an employee's health and safety that requires correction.

c. Strict adherence to legal rules of evidence is not required. Evidence must be relevant, reliable and probative. The IHO will determine admissibility, credibility, and weight of evidence.

d. In discipline and termination cases, the IHO has authority to sustain or deny the grievance. The IHO may not change or modify any discipline imposed, unless sustaining the grievance means that the discipline must be modified. In workplace safety cases, the IHO can recommend a corrective remedy.

e. The hearing may be recorded by court reporter or an audio/video device.

f. Post-hearing briefs may be requested and may be allowed or required by the IHO.

g. The IHO will issue a written decision within 45 calendar days after the hearing.

h. La Crosse County will assume responsibility for the costs of the IHO and court reporter, if any, unless the WERC is used for the IHO.

(e) Step 5 - Appeal to County Board.

1. Initial Process. If either the grievant or the County desires to appeal the decision of the IHO, the appealing party shall give written notice of appeal to the County Administrator within 20 calendar days of the date of the decision of the IHO or be barred from appeal. The appeal shall be to the La Crosse County Board.

2. Burden of proof and scope of review. The appeal shall be a review of the record only and not a de novo hearing of the case. The appellant at all times bears the burden of proof. The decision of the IHO enjoys a presumption of validity.

3. Review Procedure.

a. The Executive Committee of the County Board shall review the appeal record and make a recommendation to the County Board. Only the compiled record of the IHO hearing and exhibits admitted at the hearing shall be reviewed on appeal and no additional evidence shall be considered. The Executive Committee's and County Board's review is limited to:

- i. whether the IHO kept within the IHO's jurisdiction;
- ii. whether the IHO proceeded on a correct theory of law;
- iii. whether the IHO's action was arbitrary or capricious; and,
- iv. whether the IHO's decision was supported by the preponderance of the evidence.

b. The County Board on recommendation of the Executive Committee, may affirm, reverse, or modify the IHO's decision.

c. The County Board shall decide the matter by a majority vote. This decision is final and non-appealable.

3.10 TRAINING.

(1) Each department may provide training opportunities for new and existing employees, appropriate for maintenance of skills and development of abilities for greater responsibilities and advancement. The Personnel Department shall provide training opportunities for countywide employees in subject matter appropriate to the mission and responsibilities of La Crosse County as a public employer.

(2) Training may be accomplished by in-service or in-house trainers, software programs, and by external seminars, Technical College or University courses and other means calculated to successfully educate employees.

(3) Expenses for training, if within budget, may be reimbursed pursuant to the provisions of the County Code of Ordinances, provided employees wishing to attend training shall comply with the procedures for prior approval and documentation of allowable expenses as required.

3.11 EMPLOYEE DEVELOPMENT REVIEWS.

(1) Reviews of employee's performance should be made at least yearly. Probationary employees should be reviewed at least twice during their probationary period. The purpose of the review is to help the employee develop and improve performance and value in the County service. The procedure and form shall be prescribed by the County Personnel Director.

(2) Elected officials shall not be subject to development reviews.

3.12 LAYOFFS AND REDUCTION OF STAFF.

(1) In the event of lack of work or economic cutbacks in any department, the reduction of staff will be accomplished by attrition, retirements or voluntary reduction in hours or voluntary layoff to the extent possible to minimize the impact on staff.

(2) If layoffs are necessary they may be done in a manner that gives consideration to the following factors:

- (a) the skills, expertise, and licenses necessary to perform the work of the department;
- (b) the greatest cost saving to the department while preserving jobs;
- (c) retention of those employees with greater length of service with the County; and,
- (d) the temporary, seasonal, or part-time nature of the duties.

(3) When deciding the order of reinstatement from layoff, consideration shall be given to skills and expertise, and length of service in the department reinstatement.

(4) Eligibility for reinstatement from layoff shall be for 1 year from the date of layoff. Employees on layoff shall not lose vacation or sick leave benefits but shall not accrue the same during the layoff. After 1 year on layoff, reinstatement eligibility, vacation and sick leave benefits shall terminate.

3.13 TRAVEL, MILEAGE AND CONFERENCE EXPENSES.

(1) Employees may be reimbursed for some or all expenses of travel, mileage and conferences incurred in the line of duty, or for the benefit of La Crosse County.

(2) In requesting permission to attend or for reimbursement, employees shall comply with the policy and procedure of the Finance Department. The County Administrator shall oversee and approve the rules and regulations developed by the Finance Department regarding reimbursement.

(3) The Finance Director shall recommend for County Administrator approval, subject to review by the Executive Committee, policy and procedure for the payment of employee travel, mileage and conference or convention expenses, and other appropriate rules for administering employee expenses incurred for County business.

3.14 TERMINATION OF EMPLOYMENT. An employee shall give at least 2 weeks written notice of intention to terminate employment to terminate to the Department Head, in order to leave in good standing. Departments may require a longer notice period for certain positions. Such notice period shall be worked by the employee and shall not include vacation time, except upon retirement. An employee who does not give 2 weeks written notice shall not be considered as terminating in good standing, absent extenuating circumstances which preclude giving proper notice. Employees terminating in good standing shall be eligible for accrued vacation credits. Employees who do not terminate in good standing may not be eligible for rehire for an appropriate period.

3.15 ACCOMMODATION DURING EMPLOYMENT. La Crosse County will make reasonable accommodation to the known physical or mental limitations of employees with a disability, as requested or as necessary, unless that accommodation would cause an undue hardship on the operation of County business, in accordance with law.

3.16 CLASSIFICATION OF POSITIONS.

(1) Job descriptions shall be drafted for every paid position in the County service Description of the job will be used to assign pay grade classifications. Job descriptions are also used for employee understanding and for notice to the public during recruitment.

(2) The Personnel Director shall be responsible for drafting job descriptions and assigning described jobs to the pay grade classifications and shall establish and implement the procedures necessary to do so.

(3) Job descriptions shall be reviewed periodically, and prior to recruitments, for accuracy and to incorporate any changes in work assignments.

3.17 COMPENSATION PLAN.

(1) Pay Grades and Steps. Each position shall have an established pay grade designation and pay range. Each pay grade shall be divided into one or more steps.

(2) Compensation Plan Administration. The following shall apply in the application and interpretation of the compensation plan:

(a) Initial Employment Rate. The lowest step in the pay grade shall be the entrance rate payable to an employee on first appointment to the job. Under extenuating circumstances, the County Administrator or designee may approve starting an employee at a higher step in the pay grade.

(b) Promotional Increase. An employee who has been promoted to another classification in a higher pay grade shall be placed in a step that affords an appropriate increase in pay above the employee's existing classification, but not into a step that requires meritorious performance, without documentation of such. The employee shall progress normally into subsequent steps from the date of promotion.

(c) Reclassification.

1. Generally. Any change in non-union employee position classifications shall be governed by policies established by the Executive Committee. The criteria for requesting a reclassification include: assigned duties and responsibilities substantially exceed the job classification, increased or new responsibility assigned by management, and additional training or skills required by the job and obtained by the employee. A higher volume of duties without a substantial change is not a valid criterion for reclassification. All requests for reclassification shall be reviewed by the Personnel Director and a Review Committee appointed by the County Administrator. The County Administrator shall be the determining authority for approval of re-classes, who shall notify the County Board annually of those approved within the budgeted amount.

2. Interim Appointments. Under emergency conditions interim appointments may be made to fill vacant positions until a successor is able to assume the duties of the position, but not to exceed 6 months, per approval. Such appointments may be made from within the County service. If so, all benefits and privileges shall continue to accrue. Such employee shall start at the minimum of the new position and pay grade, or receive a pay step that provides an increase over existing pay. If the Interim employee should be the successor, such time shall be credited toward the probationary period.

(d) Demotion. An employee demoted to a lower pay grade shall be placed in the same step as held in the previous pay grade, or a step which provides appropriate pay depending on the reason for the demotion. The demoted employee shall progress through steps, if any, in the demoted grade, from the date of demotion. Demotions shall be reviewed by the County Personnel Director and approved by the County Administrator.

(e) Transfer. The lateral movement of an employee from one position to another in the same pay grade is a 'transfer.' Transfer shall be to the same step as currently occupied, but the employee shall progress to the next higher step from the date of transfer. Transfers are not allowed during probation.

(f) Reinstated Employees. A terminated employee, who is rehired within 12 months after leaving County service, shall be considered 'reinstated.' Such employee may receive a salary equal to the same step in the classification and pay grade held at the time of termination, if hired back to the same position. Those rehired after more than 12 months separation shall not be considered 'reinstated' and may be required to start at the minimum pay step. Special consideration may be given reinstated employees who terminated County service and obtained additional education or experience to enhance their job performance. Reinstatement shall not entitle an employee to claim past service credits for vacation and sick leave and the reinstated employee may be required to serve a probationary period. This section does not apply to seasonal or temporary employees.

(g) Annual Salary Adjustments. The pay grades and steps for each classification shall be reviewed annually and the Personnel Director shall recommend changes to the County Administrator. Annual salary adjustments shall be considered by the Executive Committee which shall make a recommendation to the County Board. Any adjustments shall become effective at such time indicated in a County Board resolution.

(h) Pay Plan Policy and Procedure. The Personnel Director shall recommend and the County Administrator shall consider approval of, subject to review by the Executive Committee and County Board, policy and procedure for the employee pay plan, including part time and special rates, merit step considerations, shift differential and other appropriate rules for administering the pay plan.

(i) Overtime. Wages at Time and One Half. Any scheduled employee who works qualifying time as provided by the Federal Fair Labor Standards Act or other State law shall be paid in accordance with said laws as amended from time to time. This section is not applicable to non-scheduled employees in executive, administrative or professional positions or those employees covered by a collective bargaining agreement.

Additional qualifying time may be approved and documented in County policy and the Employee Handbook.

(j) Compensatory Time. (Comp Time) This article is designated as the understanding regarding comp time under the Fair Labor Standards Act.

1. Non-Exempt Employees. Compensatory time off instead of regular straight time pay may be elected by Non-Exempt employees. If authorized work time exceeding regular work hours (overtime) would be paid at straight pay, employees may elect Comp time instead of pay. Comp time may be accumulated to a maximum of no more than 37½ hours. All Comp time earned and taken shall be recorded on timesheets. Time in excess will be paid out. Accumulated comp time must be taken off within 90 calendar days of being earned or will be paid out. Comp time off must be scheduled in advance. If wages for the time worked would be payable at time and one-half under the Fair Labor Standards Act, comp time may not be elected and time worked must be paid. Comp time must be earned before it is taken. Additional qualifying time may be approved and documented in County policy and the Employee Handbook.

2. Compensatory time may also be allowed in the following cases:

a. Holidays worked. An employee may be granted both holiday pay and comp time off as provided for County holidays worked.

b. Eight hours rest. When hours required to be worked do not permit a period of 8 hours rest between shifts, comp time may be granted at the beginning of the shift following an order to allow a period of 8 hours rest.

c. No comp time in the same day. There shall be no comp time earned and taken within the same day, except as otherwise provided in County policy and handbook. If needed, the employee's schedule will be changed by the supervisor, rather than granting and taking comp time in the same day.

3. Exempt Employees.

a. Non-scheduled employees who are exempt from overtime regulations shall set their schedules giving consideration to the standard work hours of non-exempt employees, seasonal fluctuations in workload and public expectations regarding services and availability. Continuing County policy shall be to recognize no compensatory time plan for said employees, who may vary their work schedules. Exempt employees will coordinate their hours with immediate supervisors. Department Heads will coordinate hours with the County Administrator and the County Administrator will coordinate hours with the County Board Chair.

b. No compensatory time will be granted to exempt employees and no excess time may be accumulated for any purpose. At termination of employment for any reason, no excess or compensatory time shall be due or payable by La Crosse County. The salary paid by La Crosse County to salaried employees is specifically intended to compensate for all hours worked. For qualifying groups of employees, comp time may be approved and documented in County policy and the Employee Handbook.

3.18 AMENDMENT TO CLASSIFICATION AND COMPENSATION PLANS. The Executive Committee may review and take such actions as are deemed necessary to implement, amend or add to the classification and compensation plan or otherwise amend the plan provided for in this chapter, provided amendments to the classification and compensation plan shall be by resolution of the County Board and shall take effect at such time as may be set by the County Board.

3.19 ACCIDENT PREVENTION. Every department or division of the County service, in which the nature of the work done exposes employees to hazards and risks of injury, shall implement an accident prevention program pursuant to procedures established under a County approved safety program.

3.20 EMPLOYEE HANDBOOK AND MANUALS.

(1) The County Personnel Department shall publish an employee handbook, supervisors' manuals, and other necessary publications, which shall aide employees in understanding the Personnel Administrative Code, employee benefits and such other information as is beneficial to employees and supervisors. This includes establishing rules and procedures to carry out the provisions of this chapter, such as, but not limited to, benefit plans, evaluations, disciplinary procedures, and pay plan procedures.

(2) Each department establishing necessary rules and procedures shall put them in writing and distribute them or post them electronically, to assist department employees in better understanding of departmental rules and procedures. These rules may include scheduling, shift sign up, emergency planning and training.

3.21 USE OF ADMINISTRATIVE VEHICLES.

(1) County Vehicle Necessary to Job. Certain employees need access to a County vehicle before and after work hours to fulfill job responsibilities. Examples are Highway Commissioner and Assistants; County Sheriff and Chief Deputy Sheriff; and Facilities Director. This ordinance does not apply to users of special purpose or utility vehicles such as squad cars, dump trucks, or other utility vehicles used in the daily operations of the County or Sheriff's vehicles.

(2) Restrictions. The following restrictions shall apply to administrative vehicles and their use.

(a) Administrative vehicles are to be used only for official County business. Administrative vehicles are not personal vehicles and should only be driven by the person assigned to.

(b) La Crosse County administrative vehicles may be taken home overnight and on weekends by appointed officials, other County employees and authorized volunteers on an occasional basis for official County business upon approval by the County Administrator. The La Crosse County Auditor/Finance Director will insure that Internal Revenue Service rules on taxable benefits are complied with regarding vehicles which are authorized to be taken home pursuant to this section.

(c) All drivers assigned an administrative vehicle shall comply with County policy and regulations developed by the Finance Department for the use and expense of such vehicles.

3.22 ELECTRONIC MAIL AND INTERNET POLICY. La Crosse County has established policies and procedures regarding County's electronic mail (e-mail) and Internet systems and devices, including monitoring of Internet activities and disclosure of all messages that are created, sent or received by County employees using these systems. All County employees, whether assigned devices or software access, are subject to these rules.

(1) Electronic Mail (E-Mail) and Internet.

(a) All hardware, devices and software used to create and receive Internet and County e-mail is County property.

(b) All messages composed, sent, or received on the Internet and County's e-mail systems shall remain the property of the County and are governed by the Wisconsin open records law. Such messages are not the private property of any employee(s) and employees have no right or expectation of privacy in messages.

(c) The use of the Internet and County e-mail systems is reserved for the conduct of County business. The Internet and County e-mail systems are not intended to be used for personal business.

(d) The County reserves the right and intends to exercise the right to monitor e-mail activities and monitor review, audit, access and disclose all messages created, received or sent over the Internet and County e-mail systems for any purpose. The contents of electronic communications properly obtained for legitimate business purposes may be disclosed within the County to those with legitimate need to know or to law enforcement officials without the permission of the employee.

(e) Internet and County e-mail may be accessed by an employee's supervisor or County management if such employee is on leave of absence, vacation, transferred to another department or on any other occasion, if necessary for County business purposes.

(f) The County's Internet facilities and computing resources shall not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, providence or other local jurisdiction in any material way. Use of any County resources for illegal activity is grounds for immediate dismissal, and the County will cooperate with any legitimate law enforcement activity.

(g) Any software or files downloaded via the Internet into the County network become the property of the County. Any such files or software shall be used only in ways that are consistent with the licenses or copyrights.

(h) No employee shall use County facilities knowingly to download or distribute pirated software or data.

(2) Enforcement and Violations.

(a) The Electronic Mail (e-mail) and Internet Policy is intended to be illustrative of the range of acceptable and unacceptable uses of e-mail and Internet facilities and is not necessarily exhaustive. Questions about specific uses related to security issues not enumerated in this policy statement, reports of specific unacceptable uses or other questions about appropriate use should be directed to the employee's supervisor or Department Head.

(b) The County will review alleged violations of the Electronic Mail (e-mail) and Internet Policy on a case-by-case basis. Violations of the policy will result in disciplinary actions as appropriate, up to and including discharge.

(3) Rules and Policy. The Information Technology Department (IT) shall formulate rules and regulations, policy and procedure for the regulation of the County electronic media systems, subject to approval of the Administrator and the County Board, as shall be necessary or advisable from time to time. Rules and policy shall be published to inform employees, who shall follow said rules and policy. Violations will subject an employee to discipline up to and including discharge.

3.23 INTELLECTUAL PROPERTY POLICY. Any intellectual property conceived, made or created by a County employee within the employee's scope of employment by the County or under circumstances in which working time, funds, facilities and/or other resources of the County are utilized shall be the legal property of La Crosse County, and County employees shall have no rights thereto. Covered intellectual property rights embrace any and all forms of intellectual property rights which are created by an employee as well as any invention, whether patentable or not, conceived or made by an employee within the scope of employment or through the use of working time, funds, facilities, and/or other resources of the County. An employee shall discuss any proposed task involving intellectual property with his/her Department Head. Tasks undertaken by an employee in the creation and/or making of intellectual property rights involving any working time, funds, facilities and/or resources shall proceed only with the Department Head's approval and in accordance with the ownership and use of this policy. Employees shall not utilize funds, facilities, employment hours or any other resources of the County to promote, create and/or make intellectual property for private and/or personal gain.

3.24 NEPOTISM.

(1) Nepotism, the practice of hiring, promoting or otherwise favoring a family member by blood or marriage is prohibited in La Crosse County employment. No family member shall participate in the hiring process, or any process which would provide a financial or other material benefit, or status, to a person of said person's family by blood or marriage.

(2) No family member shall supervise another family member directly or indirectly, nor shall any employee be promoted into a position which would result in the prohibited supervision. In order to allow equal opportunity, family members may apply for positions or promotions which would result in nepotism, however, if a transfer, hiring or marriage occurs between employees, which would create a violation of the prohibition against nepotism, then both employees shall be given the opportunity for one of them to resign. In the event neither one volunteers, then the least senior employee or the employee at the lowest pay level shall be terminated, at the discretion of the County.

(3) Members of the immediate family shall be construed as follows:

- (a) Mother or father, whether foster, adopted, by blood or marriage.
- (b) Spouse or domestic partner
- (c) Brother or sister, whether by blood or by marriage.
- (d) Son or daughter, whether foster, adopted, by blood or marriage.
- (e) Uncle, aunt, niece or nephew.
- (f) Any member of an employee's immediate household.

3.25 CODE OF ETHICS. All employees of La Crosse County are expected to comply with the County Code of Ethics. See Chapter 2 "Governing Body", s. 2.04 of this Code.

3.26 POLITICAL ACTIVITY.

- (1) In general, the following political activities are permissible for employees:
 - (a) Making voluntary contributions for political purposes.

(b) Participating as a candidate for office, unless prohibited by the Hatch Political Activity Act, provided service in the office will not conflict or interfere with the efficient discharge of an employee's official duties.

(c) Expressing opinions as an individual privately and publicly on all political subjects and candidates.

(d) Being a member of a political party and participating in party affairs.

The following are some of the political activities that an employee may participate in providing he or she is off duty and not on County property:

1. Soliciting votes in support of or in opposition to a partisan candidate for public office or political party office.

2. Serving as an officer of a political party, a member of a national, state or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.

3. Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose.

4. Taking an active part in managing the political campaign of a partisan candidate for public office or political party office.

5. Acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate.

6. Organizing, selling tickets to, promoting or actively participating in a fundraising activity of a partisan candidate, political party or political club.

7. Driving voters to polls on behalf of a political party or partisan candidate.

8. Serving as a delegate, alternate or proxy to a political convention.

9. Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.

10. Initiating or circulating a nominating petition.

11. Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature or similar material, except such action shall not be taken in the employee's official capacity, unless the employee is an elected official.

12. Organizing or reorganizing a partisan political party organization or political club.

(2) In general, the following political activities by employees are prohibited:

(a) Using governmental authority to interfere or effect nomination or election for any public office or position within any political party.

PERSONNEL ADMINISTRATIVE CODE 3.26(2)(b)

(b) Using governmental authority or influence to intimidate, threaten or coerce any person to vote contrary to his/her own voluntary choosing.

(c) Using governmental authority to directly or indirectly intimidate, threaten, or coerce any person to pay, lend or contribute anything of value, including services, to any party, organization, group or individual for political purposes.

(d) Using any official authority or influence to coerce any individual or group for political action, or to confer benefits or effect reprisals to secure desired political action or inaction.

(e) Offering to pay or accept benefits in return for desired political action or inaction.

(f) Requesting or receiving anything of value for influence or help in securing appointive office.

(g) Paying or offering payment for securing appointive office.

(h) Engaging in political activity on County-owned property or during work hours in such a manner as to give the impression of an official County endorsement of a particular candidate, proposal or position unless the County in fact has taken such a formal position or the employee reasonably believes the employee's political activity to be consistent with his or her official duties.

(i) Directly or indirectly soliciting or receiving subscriptions or contributions for any political party or any political purpose while in a building, office or room occupied for any purpose by the County.

(j) Either orally soliciting or by letter transmitting any solicitation to a County office or be in any manner concerned in soliciting any assistance, subscription or support for any political party or purpose from any person holding any position with La Crosse County while on County time or engaged in official duties.

(k) During the hours when on official duty engaging in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold political office. The wearing of political identification while on duty is such a political activity.

3.27 AFFIRMATIVE ACTION.

(1) POLICY. It is the policy of the County to provide equal employment opportunities without regard to age, race, color, creed, national origin, religion, sex, handicap, marital status, sexual orientation, veteran status, use of lawful products, or any other unlawful consideration under state or federal law.

(2) Program. The County shall establish an affirmative action program to maximize compliance with the equal employment opportunity policy. The County shall make every effort to recruit from protected classes and shall maintain any records necessary to evaluate the recruitment efforts in accordance with the intent of the affirmative action program. The program shall seek to identify employment practices and policies that may act as barriers to the utilization of protected class members in the County's work force.

(3) Affirmative Action Officer.

(a) Designated. The Affirmative Action Officer shall be the County Personnel Director.

PERSONNEL ADMINISTRATIVE CODE 3.27(3)(b)

(b) Duties. The Affirmative Action Officer shall be responsible for the development and implementation of the affirmative action program and its maintenance.

(c) Powers. The Affirmative Action Officer may review all departmental policies and procedures, rules and regulations and shall have access to all personnel files, documents, investigative reports and any documents or information pertinent to the maintenance of the affirmative action program. Such Officer may participate in any programs or policies relative to the training, promotion, transfer or discipline of any person in the employ of the County.

(4) Affirmative Action Plan. The La Crosse County affirmative action plan is adopted by reference and shall be maintained and open for inspection in the Personnel Office.