

SECTION VI – PERSONAL CONDUCT

ATTENDANCE AND PUNCTUALITY

POLICY: It is the expectation of Douglas County that employees will be punctual and in regular attendance. Poor attendance and excessive tardiness may lead to disciplinary action, up to and including termination of employment.

A. Responsibilities

1. Employee

Employee shall make a time off request to his/her supervisor as far in advance as possible and indicate type of leave requested.

If employee is unable to report to work on a scheduled work day, employee must notify his/her immediate supervisor within one (1) hour of starting time. If supervisor is unavailable, employee should contact the next person designated by the department manager.

Employee shall contact his/her supervisor each day of absence due to occasional illness.

2. Department Manager/Supervisor

Supervisors shall give prompt responses to leave requests and determine whether approved leave is with or without pay.

Supervisors shall review employee attendance records periodically for problems, consulting with the Human Resources Department regarding any absence situation which may warrant disciplinary action.

B. Unexcused Absences

Unexcused absences are generally without pay and may result in termination. An absence may be considered to be unexcused if:

1. An employee is absent for any reason, including illness, and does not contact his/her manager or supervisor.
2. An employee's request for time off has been denied and the absence occurs anyway.
3. An employee who, for two consecutive days, remains absent from work and fails to report the absence to his/her manager or supervisor, may be terminated for "job abandonment". Termination will officially occur at the end of the second day of absence.

C. Excessive and Problem Absenteeism

Excessive absenteeism or problem attendance may be cause for disciplinary action, unsatisfactory performance ratings, and/or termination. Absences may be considered excessive when they exceed seven working days in a calendar year for full time employees or a questionable pattern of absenteeism is established by the employee. It should be noted that even if reasons offered for each individual absence seem legitimate, employees might be disciplined for excessive absenteeism.

In managing excessive absenteeism and determining if absences should be paid, managers must ensure that employees with similar attendance records be treated consistently. To ensure consistency, managers should consult the Human Resources Department as to when an absence situation warrants disciplinary action such as withholding pay for an absence, attendance warnings and/or termination.

Passed by County Board, Resolution#4-12; January 19, 2012

DISCIPLINE

POLICY: Disciplinary action against employees may be taken for violations of standards of conduct, violations of policies and procedures, unlawful conduct, or for unsatisfactory work performance.

Level of Discipline

The level of discipline imposed will take into consideration the seriousness of the infraction, the employee's past performance or disciplinary record, and any other relevant circumstances. When appropriate, discipline should be corrective in nature. At the discretion of Douglas County, various types of employee discipline may be imposed which include, but are not limited to, the following: verbal warning, written warning, demotion, or suspension. None of these disciplinary measures are required to be used before discharge from employment occurs, nor are the listed disciplinary actions required to be used in any specific order and they may be repeated. Serious violations may result in suspension of employment or immediate termination without taking prior measures of discipline. All discipline shall be documented, with a copy provided to the employee and a copy placed in the employee's personnel file.

Employees are expected to work in a competent and conscientious manner which reflects favorably upon the employee and Douglas County. The following is a list of examples of behavior which would normally justify disciplinary action (this list is not exhaustive and employees may be disciplined or terminated for other reasons not listed):

- Fraud in securing employment
- Incompetency
- Inefficiency
- Unauthorized absences
- Repeated absence or tardiness or improper use of leave
- Neglect of duty
- Insubordination or willful misconduct
- Dishonesty
- Unauthorized disclosure of confidential information
- Theft or misappropriation of funds
- Unauthorized use of county equipment/property
- Assuming duties while under the influence of controlled substances or intoxicants; or possession or use of intoxicants or controlled substances during working hours
- Conviction of a felony or misdemeanor, the circumstances of which are substantially related to the duties performed
- Negligence or willful damage to county property
- Discourteous treatment of the public or fellow employees
- Failure to obtain and maintain a current license or certification as required by law or Douglas County
- Failure to maintain effective relationship with other employees or the public
- Sexual or other unlawful harassment

- Workplace violence
- Violation of any lawful order, directive, policy, or work rule

Suspension

Suspension is the temporary removal of an employee from his/her duties without pay. Suspensions are normally imposed in cases involving serious misconduct or chronic behavioral or performance problems that have not been corrected. Department managers are required to consult with the Human Resources Department prior to the suspension of any employee.

Employee Pay Status During Incident Investigation

When an investigation of an incident occurs which may result in disciplinary action and continuation of work for the employee involved would be a disruption to county business, the County Administrator may place the employee on paid “administrative leave” during the investigation.

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DISCRIMINATION, HARASSMENT AND RETALIATION-FREE WORKPLACE

POLICY: To maintain a safe workplace environment that is free from discrimination, harassment and retaliation. Workplace harassment and/or discrimination whether engaged in by employees, supervisors or members of the public, will not be tolerated and will subject offenders to disciplinary action or discharge from employment. Retaliatory acts taken against employees for reporting workplace safety issues, harassment or discrimination, will also not be tolerated and will subject the offender to disciplinary action or discharge from employment.

A. Definitions

1. Harassment

Illegal harassment or discrimination may exist when there is persistent, unwelcome, unwanted conduct or actions which are directed toward or offensive to an individual because of the individual's age (over 40), national origin or ancestry, arrest record, conviction record, color, creed or religion, disability or association with a person with a disability, genetic testing, honesty testing, marital status, pregnancy or childbirth, military service, race, sex, sexual orientation, use or nonuse of lawful products off the employer's premises during non-working hours, and any other status protected under applicable federal or state law.

a. Sexual

Includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when submission to that conduct or communication is made a term or condition of employment; when submission to or rejection of the conduct is used as a factor affecting employment decisions; or when the conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive work environment. Sexual harassment does not need to be sexual in nature if it is directed specifically at someone because of his or her sex.

Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to:

1. Repeated, unsolicited sexual or gender-based gestures, comments jokes, insults, innuendoes, whistles, catcalls;
2. Remarks or questions about a person's body or sexual activities;
3. Subtle pressure for sexual activity;
4. Patting, pinching, hugging, unnecessary touching of, or inappropriate closeness to, a person's body;

5. The distribution or display of printed materials with a sexual content to employees who may find such materials offensive;
6. Any threat or insinuation that a person's employment at the county, wages, work assignments, promotion, or other condition of employment may be adversely affected by a refusal to submit to or tolerate sexual advances;
7. Sexually-oriented language used in the presence of employees who may find it offensive;
8. Rudeness or refusal to cooperate with an employee because of his or her gender;
9. Retaliation against a person for making a complaint about sexual harassment.

b. Other

Harassment on the basis of a person's age (over 40), national origin or ancestry, arrest record, conviction record, color, creed or religion, disability or association with a person with a disability, genetic testing, honesty testing, marital status, pregnancy or childbirth, military service, race, sex, sexual orientation, use or nonuse of lawful products off the employer's premises during non-working hours, and any other status protected under applicable federal or state law.

This harassment is verbal or physical conduct that disparages or shows hostility toward a person because of one of these factors, and that has the purpose or effect of creating an intimidating, hostile, or offensive work environment or unreasonably interfering with a person's work performance, or otherwise adversely affects a person's employment. Unwelcome verbal or physical conduct of this nature includes, but is not limited to:

1. Epithets or slurs;
2. Negative stereotyping;
3. Intimidating or hostile acts;
4. Written or graphic material that disparages or shows hostility or dislike toward an individual or group.

B. Responsibility to Report

It is the responsibility of each and every employee to immediately report to management any and all health and safety issues, discriminatory, harassing or retaliatory conduct which may relate to the work environment whether it occurs on or off the job. Such conduct includes conduct by employees toward other employees and by members of the public toward employees which relates to their work.

C. Procedure for Dealing with Harassment and Discrimination

1. Complaining About Harassment

Employees who believe they have witnessed or been the victim of behavior which is in violation of this policy are strongly encouraged to use the following procedure to bring the situation to the attention of the appropriate person at the County who can take appropriate steps to resolve the problem.

- a. Sometimes unwelcome and offensive conduct can be dealt with by simply letting the offender know that his or her conduct is offensive, and requesting that it be stopped. When this approach is feasible, it usually results in the least disruption to ongoing working relationships.
- b. If the action suggested in step (a) is not effective in ending perceived harassing behavior, or if an employee feels uncomfortable speaking directly to the offender about the problem, then the employee should report the situation to his or her supervisor.
- c. If the supervisor does not take action to deal with the offending behavior, or if the employee has reason to believe it is not appropriate or would not be effective to take a complaint to the supervisor, then the problem should be addressed to the employee's department head.
- d. If none of the steps outlined above is effective in ending the harassment, then the employee should report the situation to the County Administrator.

2. Response to a Complaint

When a complaint or report of harassment is made as outlined above, the responsible person receiving the complaint will take steps to see that the situation is investigated promptly, by seeking guidance from the Human Resources Department to ensure that the investigation is conducted as thoroughly and as confidentially as possible consistent with the need to gather accurate information and take appropriate corrective action. If an employee believes that he or she is being retaliated against for having made a report or complaint pursuant to this procedure, he or she should report the suspected retaliation just as outlined above. Retaliation against an employee for reporting suspected illegally harassing behavior is a violation of this policy, and will not be tolerated. Once an investigation is completed, appropriate action will be taken to correct any problem found to exist and the complaining employee will be given information about the conclusion of the process.

D. Other Conflicts

Although Douglas County is strongly committed to maintaining a workplace that is respectful of all its employees, it is important to realize that this policy only deals with behavior which is illegal based on an individual's protected status under the law. Inevitably other conflicts and misunderstandings may arise between co-workers or between employees and their supervisors, and the Human Resources Department representatives are available to answer questions and assist in resolving those situations.

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GRIEVANCE PROCEDURE

POLICY: To provide a timely and orderly review of decisions, as required by Wisconsin Statutes § 66.0509, concerning: a) employee terminations; b) employee discipline; and c) workplace safety.

A. Purpose and Applicability

This procedure provides an employee with the individual opportunity to address concerns regarding discipline, termination or workplace safety matters, to have those matters reviewed by an Impartial Hearing Officer and to appeal to the County Board, where appropriate. The County expects employees and management to exercise reasonable efforts to resolve any questions, problems, or misunderstandings prior to utilizing the Grievance Procedure.

If an employee is subject to a contractual grievance procedure, the contractual grievance procedure must be followed as applicable. If an employee is subject to Douglas County's civil service system, the civil service system shall supersede this procedure where applicable.

Further, this procedure does not replace or supersede any statutory provision which may be applicable to an employee's employment with the County.

This Grievance Procedure does not create a legally binding contract or a contract of employment.

B. Definitions

Definition of "Discipline": For purposes of this procedure, "discipline" means an employment action that results in disciplinary suspension and/or disciplinary demotion/reduction in rank. "Discipline" does not include any written or verbal notices, warnings, or reminders; verbal discipline will be documented, but not subject to the grievance procedure. The purpose of written and verbal notices, warnings, or reminders is to alert the employee that failure to correct the behavior may result in disciplinary suspension, termination, or disciplinary demotion/reduction in rank.

Definition of "Employee" for Purposes of Discipline and Termination Grievances: For purposes of the Procedure for Grievances Concerning Employees Terminations and Employee Discipline, "employee" includes all regular full-time and part-time employees who have been employed for (1) one year or more. The term "employee" excludes elected officials; individuals hired on a limited term, temporary, casual or seasonal basis; independent contractors; and any individual, official or officer that serves at the pleasure of the appointing authority as provided by Wisconsin Statutes.

Definition of "Employee" for Purposes of Workplace Safety Grievances: For purposes of the Procedure for Grievances Concerning Workplace Safety, "employee" shall include all regular full-time and part-time employees, elected officials; and, individuals hired on a limited term, casual, or seasonal basis. The term "employee" excludes independent

contractors.

Definition of “Termination”: For purposes of this procedure, “termination” means a separation from employment by the employer for disciplinary and/or performance reasons. “Termination” does not include layoff, furlough or reduction in workforce, reduction in hours, job transfer or reassignment, or retirement.

Definition of “Workplace Safety”: For purposes of this procedure, “workplace safety” includes any conditions of employment related to the physical health and safety of employees, including the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of personal protective equipment, and accident risks. “Workplace Safety” does not include conditions of employment unrelated to physical health and safety matters, including, but not limited to, hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews and compensation.

C. General Provisions

Role and Appointment of “Impartial Hearing Officer”: For purposes of this policy, the role of the “Impartial Hearing Officer” will be to define the issues, identifying areas of agreement between the parties and identifying the issues in dispute, and to hear the parties’ respective arguments.

The Impartial Hearing Officer may require the parties to submit documents and witness lists in advance of the hearing in order to expedite the hearing. The Impartial Hearing Officer will have the authority to administer oaths, issue subpoenas at the request of either party, and decide if a transcript is necessary. The Impartial Hearing Officer shall apply relaxed standards for the admission of evidence and may allow or request oral or written arguments and replies.

The Impartial Hearing Officer shall be selected by the County Administrator based on the nature of the matter in dispute.

Costs: Each party shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees, in investigating, preparing, presenting, or defending a grievance. The fees of the Impartial Hearing Officer will be paid by the County.

Time Limits: The term “days” as used in this provision means calendar days, excluding holidays. The employer and grievant may mutually agree to extend time limits, in writing. If the last day on which a grievance is to be filed or a decision is to be appealed is a Saturday, Sunday or holiday, the time limit is the next day which is not a Saturday, Sunday or holiday. A grievance or decision or appeal is considered timely if received by the employer during normal business hours or if postmarked by 12:00 midnight on the due date.

The employer and grievant may mutually agree, in writing, to waive any step to facilitate or expedite resolution of the grievance.

If the grievance is not answered within the time limits, the grievant may proceed to the next available step within (10) ten days.

Any issues involving the timeliness of a grievance shall be resolved by the County Administrator.

Scheduling: Grievance meetings and hearings will typically be held during the grievant's off-duty hours. Time spent in grievance meetings and hearing outside of normal business hours shall not be considered as compensable work time.

Representation: The grievant shall have the right to representation during the Grievance Procedure at the Grievant's expense.

D. Procedure for Grievances Concerning Employee Terminations and Employee Discipline

Step 1: An earnest effort shall be made to settle the matter informally between the aggrieved employee and the employee's immediate supervisor. If the grievance is not resolved informally, it shall be reduced to writing by the employee who shall submit it to the employee's Department Manager, with a copy to the Human Resources Representative.

The written grievance shall give a detailed statement concerning the subject of the grievance, the facts upon which the grievance is based, and indicate the specific relief being sought.

Time Limit: If the employee does not submit a written grievance within 10 ten days after the facts upon which the grievance is based first became known, or should have been known to the employee, the grievance will be deemed waived. The Department Manager will reply in writing to the employee within (10) ten days after receipt of the written grievance.

Step 2: If the grievance is not settled in Step 1, and the employee wishes to appeal the decision, the employee shall submit the written grievance to the County Administrator to request a hearing before an Impartial Hearing Officer.

Time Limit: If the employee does not submit a written grievance to the County Administrator requesting a hearing before an Impartial Hearing Officer within (10) ten days after receipt of the Department Manager's decision, the grievance will be deemed waived. If timely requested, the hearing will normally be scheduled within 30 days of receipt of the request for hearing.

The Impartial Hearing Officer shall determine whether the Department Manager's decision was arbitrary, capricious or not supported by the facts. At the conclusion of the hearing, the Impartial Hearing Officer shall render a written decision indicating the reasons for one of four decisions:

- 1) Sustaining the discipline/termination;

- 2) Modifying the discipline/termination;
- 3) Denying the discipline/ termination; or
- 4) Recommending additional investigation prior to final determination.

In cases where the Impartial Hearing Officer recommends additional investigation, at the conclusion of the additional investigation, a second, follow-up hearing shall be scheduled.

The Impartial Hearing Officer shall render a written decision to the employer and employee within (30) thirty calendar days from the date of the hearing.

Step 3: The employer or employee may appeal the decision of the Impartial Hearing Officer to the County Board. The decision of the governing body shall be final and binding upon the parties.

Time Limit: The employee or employer may request a review by the County Board by filing a request with the County Administrator within (10) ten days of receipt of the written decision of the Impartial Hearing Officer. The request must set forth in detail the reasons for the appeal. The non-appealing party shall have (10) ten days to submit a reply to the detailed request. Once the written request and reply are received by the County Clerk, the review will be scheduled on the agenda for the first County Board meeting that is held at least 10 days after said request and reply are received or at a special meeting if such is deemed necessary by the County Board. If not timely submitted by the grievant, the grievance can no longer be addressed in the grievance procedure.

Level of Review: The County Board shall review the record and determine whether a rational basis exists for the Impartial Hearing Officer's decision. The findings of fact of the Impartial Hearing Officer shall not be overturned unless clearly erroneous. In the event the County Board does not sustain the Impartial Hearing Officer's decision, then the County Board may render a new decision and remedy, request the Impartial Hearing Officer to take further evidence, assign an Impartial Hearing Officer to create a recommendation for the County Board's review, or hold a new hearing and make an independent decision.

E. Procedure for Grievances Concerning Employee Workplace Safety

Step 1: Any employee who personally identifies, or is given information about, a workplace safety issue or incident must notify his/her supervisor of the issue or incident as soon as reasonably practicable. All safety issues, no matter how insignificant the situation may appear to be, must be reported. If the matter is not resolved in this manner, the employee shall report the incident or issue to the employee's Department Manager and file a written report of the incident or issue.

Time Limit: In order to be addressed as part of the grievance procedure, any workplace safety incident or issue must be reported by an employee within 24 hours after the incident or issue was raised. The 24 hour time limit for reporting may be waived by mutual agreement of the employer and employee.

A written report of the incident or issue, outlining the events that transpired and proposed resolution, if any, shall be signed by the employee and submitted to the employee's Department Manager within 10 days of the incident or issue for review and consideration.

Step 2: After receipt of the written report, the Department Manager will conduct an investigation, if required, and will normally reply to the employee in writing within 10 days of receipt of the written report. Copies of the Department Manager's final report will be given to the County Administrator.

Step 3: The employee may appeal the decision of the Department Manager and request a hearing before an Impartial Hearing Officer.

Time Limit: If the employee does not submit a written grievance to the County Administrator requesting a hearing before an Impartial Hearing Officer within 10 days after receipt of the Department Manager's written decision, the grievance can no longer be addressed in the grievance procedure. If timely requested, the hearing will normally be scheduled within 10 days of receipt of the request for hearing.

The Impartial Hearing Officer shall render a decision as to one of three outcomes:

- 1) Sustaining the conclusions of the Department Manager;
- 2) Denying the conclusions of the Department Manager and ordering additional or alternative remedial measures; or
- 3) Recommending additional investigation prior to final determination. In cases where the Impartial Hearing Officer recommends additional investigation, at the conclusion of the additional investigation, a second, follow-up hearing shall be scheduled.

The Impartial Hearing Officer shall render a written decision setting forth the reasons for his/her decision within 30 calendar days from the date of the hearing.

Step 4: Any order for additional or alternative remedial measures must be submitted to the Administration Committee for approval prior to implementation. The employer or employee may appeal the decision of the Impartial Hearing Officer, or the Administration Committee, if applicable, to the County Board. The decision of the governing body shall be final and binding upon the parties.

Time Limit: If additional or alternative remedial measures are ordered, the Administration Committee shall meet within 30 days to consider the order and render a written opinion.

The employee or employer may request a review by the County Board by filing a request with Human Resources within 10 days of receipt of the written decision of the Impartial Hearing Officer, or the Administration Committee, as applicable. The request must set forth in detail the reasons for the appeal. The non-appealing party shall have 10 days to submit a reply to the detailed request. Once the written request and reply are received by the County Clerk, the review will be scheduled on the agenda for the first County Board meeting that is held at least 10 days after said request and reply are received or at a special meeting if such is

deemed necessary by the County Board. If not timely submitted by the grievant, the grievance can no longer be addressed in the grievance procedure.

Level of Review: The County Board shall review the record and determine whether a rational basis exists for the Impartial Hearing Officer's decision. The findings of fact of the Impartial Hearing Officer shall not be overturned unless clearly erroneous. In the event the County Board does not sustain the Impartial Hearing Officer's decision, then the County Board may render a new decision and remedy, request the Impartial Hearing Officer to take further evidence, assign an Impartial Hearing Officer to create a recommendation for the County Board's review, or hold a new hearing and make an independent decision.

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REPORTING SUSPECTED UNLAWFUL CONDUCT

POLICY: To provide guidelines and procedures for employees to report unlawful conduct by the county. Douglas County has an obligation to protect the general public and its employees from unlawful conduct committed by the county, its managers, employees or agents, and to take appropriate action as advisable or warranted.

A. PROCEDURES

Douglas County reserves the right to investigate alleged unlawful conduct, determine the verity of the information reported, notify enforcement authorities when appropriate, and take corrective actions as appropriate.

Prior to taking formal action, an employee is encouraged to discuss information regarding unlawful conduct with their department manager. However, if this is not possible or appropriate due to the circumstances, employees are encouraged and expected to immediately disclose, to appropriate county officials, all information within their knowledge or possession which they reasonably believe demonstrates unlawful conduct has been committed by the county, its officers, employees or agents.

The disclosure shall be made in writing and signed by the employee and submitted to the County Administrator. If the County Administrator is the source of the alleged unlawful activity, then a written disclosure shall be made directly to the County Board Chairperson. In all cases of alleged unlawful activity, written disclosure shall be referred to the appropriate law enforcement agency. The County Administrator shall inform the Administration Committee at the next regularly scheduled meeting after completion of any investigation.

An internal investigation may be jeopardized by any comment made to the public or media before the process is completed. Comments to the public and media shall be limited to what would be consistent with the requirements and duties of the employee's position and to what the employee knows of his/her own personal knowledge to be true and actual facts.

Statements to the public or media after an investigation is completed under this policy shall be limited to what is reasonably necessary for an employee to meet his/her obligation to the duties of his/her position and shall be based upon actual knowledge of the situation and not upon speculation, rumor or hearsay.

B. EMPLOYEE INVOLVEMENT

Any Douglas County employee who files a report under this policy shall be expected to fully and promptly cooperate fully with any and all investigative efforts undertaken by the county. This includes communicating with other employees, agents or officials who are assigned to the investigation.

Retaliatory acts taken against an employee for making a report, in good faith, of a suspected unlawful activity will not be tolerated and will subject the offender to disciplinary action or discharge from employment. Employees are required to abide by the terms and provisions of this policy in order to avoid disciplinary action or termination.

This policy shall not be construed or implemented in any manner which would impermissibly restrict any public employee's protected constitutional right to speak freely as a private citizen on his or her own time about matters of public concern. Douglas County reserves all rights inherent in its authority to apply this policy as it deems necessary to efficiently and effectively conduct the lawful business of county government.

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SEPARATION FROM EMPLOYMENT

POLICY: To define the types of separation from employment, ending an individual's employment relationship with Douglas County, whether it is voluntary or involuntary.

Procedure

Employment may be terminated with or without notice, at the will and discretion of the county, at any time during employment, should such termination be regarded as necessary and appropriate by the county.

A. Voluntary Separation

1. Resignations

As a general rule, employees are expected to provide a written notice of resignation at least two weeks prior to the planned termination date. Department managers are encouraged to provide at least four to six weeks notice. The period agreed upon by management and the employee may be longer or shorter based upon circumstance.

2. Job Abandonment

An employee who fails to report to work for two consecutive days without reporting the absence to his/her supervisor is usually considered to have voluntarily terminated.

3. Failure to Return from Leave of Absence

In most cases, employees who do not return from an approved leave of absence on the date established by the county, and who do not receive approval to extend the leave, will be considered to have voluntarily terminated.

4. Retirement

When employees retire from the county they are expected to discuss their plan with their manager well in advance of the intended retirement date.

B. Termination/Involuntary Separation

The decision to terminate employment is left to the discretion of management, requiring discussion with the Human Resources Department prior to taking any action. Terminations shall be conducted in a manner which minimizes disruption of normal operations, recognizes the employee's rights and dignity, and protects the county from legal challenges.

Managers are expected to resolve employment problems before termination is considered except for unusual situations.

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