

**LANGLADE COUNTY
JOINT PERSONNEL COMMITTEE AND EXECUTIVE COMMITTEE REPORT**

Meeting Date: 2/29/2016

Time: 8:30 a.m.

CHAIRPERSONS: Doug Nonnenmacher and Dave Solin

MEMBERS PRESENT: Doug Nonnenmacher, Arlene Bonacci, Dave Solin, Jim Jansen, Ronald Nye, Mike Klimoski and Holly Matucheski

MEMBERS ABSENT: Richard Hurlbert,

OTHERS PRESENT: Robin Stowe, RJ Weitz, Judy Nagel, Pete Pennington

The meeting was called to order at 8:30 a.m. by Chairman Solin in the County Board Room, Safety Building.

Pledge of Allegiance.

Public comment on agenda items, and consideration of requests for items to be added to future meeting agendas. None

Review Langlade County Accountability and Complaint Resolution Policy, including access to personnel files and policy enforcement. Robin Stowe, Corporation Counsel, discussed the Langlade County Government Accountability and Complaint Resolution Policy. The highlighted items are additions or changes from the draft on 7-22-2015 that were previously approved by the Personnel and Executive Committees.

RJ Weitz, Human Resource Director discussed the proposed Access to Personnel Files policy (See attachment).

Motion by Ron Nye, second by Mike Klimoski to send a copy of the proposed Langlade County Government Accountability and Complaint Resolution Policy and the proposed Access to Personnel Files Policy to each County Board Supervisor for review and any questions be directed toward Robin Stowe, all ayes, motion carried from Executive Committee.

Motion by Arlene Bonacci, second by Jim Jansen to send a copy of the proposed Langlade County Government Accountability and Complaint Resolution Policy and the proposed Access to Personnel Files Policy to each County Board Supervisor for review, all ayes, motion carried from Personnel Committee.

Review process of making “draft” minutes available to the public before the minutes are approved by the committee. Proposed that the word DRAFT be used as a watermark on all unapproved Committee minutes in order to avoid any confusion regarding whether the minutes are “official”. Once the minutes are adopted, the official minutes will be filed without any DRAFT watermark in place.

Motion by Ron Nye, second by Jim Jansen for all Committee Recording Secretaries use the DRAFT watermark on all unapproved meeting minutes, all ayes, motion carried, by Personnel and Executive Committees.

Adjourn the joint meeting of Personnel and Executive Committees.

Motion by Ron Nye, second by Arlene Bonacci to adjourn the meeting, all ayes, motion carried; meeting adjourned.

Respectfully Submitted,
Becky Rank, Recording Secretary

Attachment:

LANGLADE COUNTY GOVERNMENT ACCOUNTABILITY AND COMPLAINT RESOLUTION POLICY

Mission Statement.

The primary mission of Langlade County government is to provide essential services in a fiscally responsible manner that protect and promote the health, safety, economic well-being, and environmental stewardship of our community.

Intent and Purpose.

The following policies and procedures are designed to assist Langlade County government in fulfilling its mission by ensuring government accountability and by establishing a process to resolve complaints involving public officials and employees. Langlade County takes all complaints seriously and this policy identifies the following objectives:

- 1) code of conduct for public officials and employees;
- 2) the methods for filing complaints;
- 3) the process for documentation of complaints;
- 4) the chain of command for investigation of complaints;
- 5) the chain of command (decision-making authority) for resolving complaints.

The objectives identified in this policy also represent policy goals and “best practices” and these objectives shall be followed to the greatest extent practicable or feasible.

Code of Conduct.

Langlade County Government is committed to professional standards of conduct by its public officials and employees in the performance of their public duties. When acting in their official capacities, Langlade County public officials and employees shall adhere to all applicable legal requirements and rules of conduct. Langlade County public officials and employees are expected to treat all persons with respect and hold paramount the safety, health and welfare of the public in the performance of job duties. Langlade County public officials and employees shall act in such a manner to uphold and enhance professional honor, integrity and the dignity of public service and to serve the best interests of the residents of Langlade County.

Although it is not possible to list all the forms of behavior that would be considered a violation of the Code of Conduct for Lantlade County Government, the following are examples of unacceptable conduct while acting within the scope of employment or elected office of Lantlade County government.

- Theft of property belonging to the County or a County employee;
- Willful damage to County property;
- Falsifying reports, records, or information;
- Unauthorized use of County equipment and/or supplies;
- Harassment;
- Engaging in acts of discrimination or violations of civil rights;
- Engaging in behavior that a reasonable person would consider offensive, degrading, humiliating, or threatening;
- Fighting or engaging in actions that leads to violence;
- Willful conduct endangering the public health, safety or welfare;
- Possession of dangerous or unauthorized materials, such as explosives, weapons, or firearms in the workplace or on the premises;
- Consuming, possessing, or being under the influence of alcoholic beverages or illegal drugs in the workplace or while on duty;
- Sleeping on duty;
- Gambling on the job;
- Use of tobacco in prohibited areas;
- Violations of County policies;
- Bullying, horseplay and/or practical joking;
- Insubordination and/or refusing to perform work as assigned;
- Inefficiency, such as failing to perform the quantity or quality of work that is expected;
- Conviction of a criminal offense related to job duties;
- Violating safety regulations and/or security protocols;
- Using abusive or profane language;
- Failure to comply with the explicit requirements of the Employee Handbook;
- Tardiness or absenteeism; leaving early without permission;
- Failing to promptly notify supervisor of absence from work;
- Failing to report an injury or incident concerning an employee, visitor, or any other person on County property;

- Disclosure of confidential information without proper authorization;
- Engaging in actions that constitute a violation of the code of ethics for local public officials and employees (Sec. 19.59, Wis. Stats.);
- Soliciting or receiving (directly or indirectly) gifts, favors, free service, money or gratuities in exchange for government services or benefits;
- Unauthorized use of paid time off, medical or personal leave, or unexcused absence from work;
- Failure to report to work as scheduled after an authorized leave;
- Failure to disclose a conflict of interest;

- Failure to report violations of the Code of Conduct to the proper authorities within the County's chain of command;
- Engaging in behavior inconsistent with the County's Mission Statement.

If a public official or employee is uncertain whether contemplated conduct is consistent with this policy, then they should first consult with the Human Resources (HR) Director or the Corporation Counsel.

Violations of the Code of Conduct applicable to public officials may result in sanctions, including but not limited to: private or public reprimand, applying to the Court for remedial action, and requesting removal from office.

Violations of the Code of Conduct applicable to public employees may result in disciplinary action, up to and including, termination of employment.

Application of the Policy.

To the extent that matters covered by this Policy are specifically governed by the terms of a collective bargaining agreement (or an employment contract), or Federal or State Law, then the terms of the employment contract or applicable Federal or State law, rule or regulation shall control.

Complaint Procedure.

To the greatest extent practical or feasible, the process of addressing complaints will be divided into two separate and independent stages: an Investigation Stage and a Decision-Making Stage.

Objectives:

- > The process to file a complaint will be clearly identified (i.e., posted) and will allow for the filing of anonymous complaints.
- > Complaints will be investigated in a timely, thorough and fair manner.
- > The Human Resources Director shall document any complaints received by or forwarded to Human Resources Department. [See attached Complaint Form] The Human Resources Director shall ensure that a consistent process is used to investigate complaints received by the HR Department.

- > The scope of the investigation and the need to take immediate action (i.e., administrative suspension) will have a rational relationship to the severity of the conduct described within the complaint (i.e., formal investigation with assistance of labor counsel required when complaint creates a potential claim against the County or may result termination of employment).
- > The process maintains the confidentiality of the complainant to greatest practicable extent.
- > The process protects against retaliation for filing legitimate complaints or complaints filed on a “good faith” basis.
- > The process, the findings and any remedial action taken will be documented (i.e., complaint substantiated or unsubstantiated).
- > The process protects privacy rights of all persons involved (i.e., sensitive or protected information is only made available to specific individuals on a “need to know” basis). [See Policy on Access to Personnel Files]
- > The legitimacy of the process is protected by requiring some objective and rational basis for the complaint (i.e., that the complaint is capable of substantiation; that the complaint is not based solely on rumor or hearsay; that the complaint is based upon sufficient and reliable evidence to support a legitimate investigation). To that end, there is no obligation to report, within the chain of command, complaints based solely upon hearsay or rumor.
- > The process includes safeguards against abuses (i.e., by imposing penalties for filing frivolous complaints, unauthorized disclosure of confidential information, and failure to follow the complaint procedures).
- > To the greatest extent practicable or feasible, the complaint process will include follow-up as needed (i.e., with the complainant) to ensure that substantiated complaints have been remedied.

Chain of Command.

Complaints shall be reported to the appropriate level within County government who possess the authority to investigate a complaint, including the Human Resources (HR) Director.

For non-department head level positions, the HR Director is authorized to investigate the complaint. The HR Director shall report the receipt of a complaint to the Department Head,

Corporation Counsel and to the Personnel Committee Chairman. Depending upon the severity of the complaint, the HR Director may seek guidance and assistance from the Personnel Committee, in closed session, in conducting the investigation.

For Department Head positions, the oversight committee in conjunction with the HR Director are authorized to investigate the complaint. Depending upon the severity of the complaint, the oversight committee may delegate this responsibility the Personnel Committee.

The chain of command within departments shall be identified by an organizational (authority) chart with the Department Head at the top of the departmental chain of command. Complaints that reach the level of management/supervisory staff within a department shall be reported to the Human Resources Department.

The chain of command for Department Heads is the oversight committee, then Administrative Coordination Team (composed of the Administrative Coordinator/ Corporation Counsel and the County Board Chairman), then the Executive Committee, and then the County Board.

If a complaint involves either the Human Resources Director or the Corporation Counsel / Administrative Coordinator, then arrangements shall be made to retain services to replace the responsibilities of these positions within the Chain of Command on a “standby” or interim basis.

If a complaint involves a member of the County Board or a standing committee of the County Board, then the matter shall be reported to the Executive Committee and addressed using the procedure outlined in the Rules of the County Board.

Excerpt from Board Rules (proposed).

RESPONSIBILITIES OF COUNTY BOARD MEMBERS:

Rule

16.1 Each member of the Langlade County Board of Supervisors shall:

6. follow applicable policies and procedures adopted by the County Board, including but not limited to the Government Accountability and Complaint Resolution Policy.

ENFORCEMENT OF RULES:

Rule

17.1 These Rules of the Lantlade County Board may be enforced in the following manner:

For rules violations observed during a meeting, the Presiding Officer of the meeting shall have the authority to sanction members at the meeting or refer the matter to the Executive Committee for resolution.

For rules violations that occur at all other times, any complaint shall be forwarded to the Executive Committee. The Committee shall meet with the County Board member(s), who is/are the subject of the complaint, in closed session to review the complaint. The Committee shall decide upon the merits of the complaint and render a decision on the appropriate remedy for any violation of these Rules. The Executive Committee's decision may be appealed to the County Board. If the complaint involves a member of the Executive Committee, then that member shall be replaced on the Committee until the complaint is resolved.

17.2 Depending upon the severity of the rules violation, sanctions may include: private reprimand, public reprimand, removal from committee assignment, referral for criminal prosecution, payment of a forfeiture and/or a request for removal from office.

Objectives:

> The chain of command represents the most efficient and effective process to resolve the complaint. Therefore, the objective is to resolve a complaint at the lowest possible level within the chain of command whenever possible.

> The complaint is reported or forwarded to the proper step with the chain of command (i.e., who has the authority to investigate the merits of the complaint).

> The chain of command recognizes the limits of authority established by the County Board and by State Statute. Complaints may not be formally considered by a committee or by the County Board until the complaint is first reported to the proper step within the chain of command (i.e., for investigation of the complaint).

> Information about a complaint received outside the proper chain of command shall be forwarded to the proper step within the chain of command. Anyone outside of the chain of command shall not take any action to investigate the complaint, communicate information with the complainant, or otherwise interfere with the conduct of the investigation.

> If the complaint involves an imminent threat to health or safety, then the complaint shall be immediately reported to the law enforcement and/or other appropriate agencies having jurisdiction over the emergency (i.e., Health Department, Emergency Management, etc.).

Incorporation of Policies.

The following policies and procedures are incorporated into this Policy by reference:

Policy regarding Access to Personnel Files;

Job Performance Management and Disciplinary Policy;
Procedure for Reviewing and Approving Separation Agreements;
Grievance Procedure

Policy Enforcement.

This policy shall be enforced by the Executive Committee.

JOB PERFORMANCE MANAGEMENT AND DISCIPLINARY POLICY

I. Intent and Purpose.

The Job Performance Management and Disciplinary Policy establishes general guidelines for department heads and supervisors to follow in managing employee performance and addressing unacceptable job performance or employee misconduct when necessary.

The Job Performance Management Policy is intended to monitor the employee's job performance and to correct or improve unsatisfactory job performance on a timely basis.

The Disciplinary Policy is based upon a progressive approach in which the disciplinary action is related to the scope, duration and nature of the substandard performance or behavior and the ability of the employee to continue to fulfill the requirements of the position. For example, whereas a performance problem such as being tardy to work may warrant a reprimand or warning, habitual tardiness may warrant more progressive disciplinary action, and some behavior may be so offensive, unacceptable or even criminal as to warrant immediate termination of employment (such as: theft, sexual harassment, etc.).

Job performance evaluations and the disciplinary process shall be administered in conformance with the County's Equal Employment Policy.

II. Job Performance Management.

Supervisors are responsible to monitor the job performance of all positions within their respective departments on a regular basis and to address unsatisfactory job performance in a timely manner. Oversight Committees are responsible to monitor the job performance of the heads of departments that they oversee, on a regular basis.

III. Disciplinary Process.

To the greatest extent practicable, the supervisor should meet with the employee in a “closed door” setting to discuss the employee’s substandard performance or work behavior and the nature of the disciplinary action that will be taken against the employee. It is recommended that a witness be present and if the disciplinary action involves a union employee, that a union representative also be present at the meeting. A disciplinary meeting is not required before disciplinary action can be taken. Such disciplinary meeting may not occur before disciplinary action is taken if in the opinion of the supervisor such meeting is impracticable under the circumstances or would otherwise unduly interfere or interrupt the natural course of business within the department.

Any disciplinary action will be reduced to writing and placed in the employee’s personnel file.

Department Heads shall have the independent authority to discipline employees progressively, from an oral reprimand to suspension without pay for up to three (3) five (5) work days. Department Heads also have the independent authority to terminate the employment for any probationary or casual employee. If the Department Head recommends discipline exceeding five (5) working days, then the recommendation must be reported to the County Board Chairman and the Chairman of the respective oversight committee and approved by the Corporation Counsel. If the Department Head and Corporation Counsel do not agree on disciplinary action exceeding five (5) working days up to and including termination of employment, then the matter shall be submitted to the Personnel Committee.

Oversight Committees shall have the authority to discipline Department Heads that the Committee is delegated the responsibility to oversee by the County Board. The Administrative Coordinator may also discipline employees pursuant to the specific delegation of such authority by the County Board.

Disciplinary action for eligible employees that would result in a leave of absence without pay for more than five (5) work days may be subject to review pursuant to the County's Grievance Procedure.

Illustration of Appointment and Removal (Disciplinary) Authority:

	Appointment	Removal
Casual Employee	Dept Head*	Dept Head
Permanent Employee	Hiring Body	Dept Head + Admin Coord
Department Heads (non-elected)	Hiring Body	Oversight
Admin Coord	County Board	County Board
Corporation Counsel	County Board	County Board

Social Services Director	County Board	County Board
Highway Commissioner	County Board	County Board
Veterans Service Officer	County Board	County Board
County Board Supervisor	Elected	County Board
County Clerk	Elected	County Board
Treasurer	Elected	County Board
Clerk of Court	Elected	Circuit Court Judge
Register of Deeds	Elected	Governor
Sheriff	Elected	Governor
Coroner	Elected	Governor
District Attorney	Elected	Governor
Circuit Court Judge	Elected	Wisconsin Supreme Court
UW-Extension Agents	UW-Ext + Ag & Ext	Office Chair or Ag & Ext

*The identification of “Dept Head” also includes Elected Officials that also are responsible to supervise positions of employment within Langlade County government.

Note: the positions (appointed and elected by the County Board) for which the County Board serves as the removal authority do not have the ability to file a grievance under the County’s Grievance Procedure.

PROCEDURE FOR REVIEWING AND APPROVING SEPARATION AGREEMENTS

The Separation Agreement shall be reviewed by the Human Resources Director and approved by the Corporation Counsel, County Board Chairman and the Personnel Committee. The Department Head will be consulted during this review process. Additionally, if the Agreement obligates the County to remit any monetary amounts, then approval of the Finance Committee is also required. County Board approval is required for any Separation Agreements requiring the allocation of funds from the General Fund or obligating County funds in an amount beyond the authority granted to the Finance Committee.

Required Minimum Provisions of Separation Agreements

All Separation Agreements must include a full and complete release of any and all claims against Langlade County, (its officials, officers, employees and agents), and acknowledge that by entering into such agreement Langlade County is not admitting any allegations of wrongdoing.

GRIEVANCE PROCEDURE

PURPOSE

This grievance procedure is established pursuant to Section 66.0509(1m), Wisconsin Statutes. Eligible employees shall use the procedure to resolve qualifying disputes regarding covered employee termination, discipline or workplace safety issues.

This policy is not a guarantee of employment, a guarantee of any rights or benefits, does not create or grant covered employees with a property interest in their employment or tenure rights of any kind and does not constitute a contract of employment, express or implied. Unless specifically required by another statute or code, the County's employment relationship with employees eligible to use this procedure is at will and employment may be terminated at any time for any reason, with or without cause and with or without notice, at the option of the County or the employee. This grievance procedure may be modified or eliminated by the County at any time, with or without prior notice.

DEFINITIONS

"Employee" is defined as, and limited to, an individual who has been actively employed in a regular or permanent part-time position, authorized by the Langlade County Board of Supervisors at a minimum of 900 work hours per calendar year, and who has satisfied the initial probationary period of twelve (12) months.

"Employee" does not include, without limitation, any of the following: elected officials, part-time employees, temporary employees, contract employees, limited term employees, contractors or their respective employees, employees covered by a collective bargaining agreement containing a grievance procedure or any employees for whom a separate statutory procedure for discipline and removal applies.

Any employee in a position for which the County Board serves as the removal authority shall not be eligible for this Grievance Procedure.

"Discipline" is defined as any of the following adverse employment actions: disciplinary suspension of employment for a period of greater than five (5) days without pay; or reduction in base pay as a result of disciplinary action.

Discipline" does not include, without limitation, any of the following actions: layoffs or workforce reduction activities; suspensions for a period of ~~three (3)~~ five (5) days or less without pay; non-disciplinary wage, benefit or salary adjustments or reductions; plans of

correction or performance improvement; performance evaluations or reviews; documentation of employee acts or omissions in an employment file; oral or written reprimands; administrative suspensions with or without pay pending investigation of misconduct or nonperformance of assigned duties; change in job assignments or work locations, change in base pay is not reduced; adverse employment actions based upon a testing process or a result of medical tests (physical, psychological, neurological, etc.) performed by an independent contractor.

“Termination” is defined as an involuntary separation of employment initiated by the County as a result of disciplinary action.

"Termination" does not include, without limitation, any of the following actions: separation of the employment relationship initiated by the employee; separation of employment initiated by the County for non-disciplinary reasons, such as: by a reduction in workforce, restructuring how government services are provided; failure to satisfy probationary period; failure to satisfy terms of corrective action plan or performance improvement plan; or based upon a testing process or a result of medical tests (physical, psychological, neurological, etc.) performed by an independent contractor.

“Workplace safety” is defined as and limited to any federal or state safety standard that applies to a workplace operated by and under the control of Langlade County government. Workplace safety standards include Chapter Comm 32 of the Wisconsin Administrative Code.

GRIEVANCE PROCEDURE FOR DISCIPLINE AND TERMINATION

Filing Procedure

A grievance may only be filed by the Employee who is the subject of the Discipline or Termination. An Employee may initiate a grievance relating to Discipline or Termination by presenting a written grievance on the approved form to the Human Resources Director within ten (10) working days of the event giving rise to the grievance.

Within ten (10) working days of receiving the grievance, the Human Resources Director will issue a written response to the grievance which may include, without limitation, the following: the terms and conditions of any agreements to resolve the grievance; findings and recommendations regarding the disposition of the grievance.

Within five (5) working days from receipt of the County’s response to the grievance, the Employee may request a hearing before ~~the~~ an impartial hearing officer. The impartial

hearing officer will be selected by the County. Failure to submit a written request for hearing within five (5) working days of the County's response shall constitute an abandonment of the grievance.

Failure of the County to respond within the time periods set forth in this Policy shall not be deemed as an approval of the grievance.

Hearing Procedure

The impartial hearing officer shall schedule a hearing within thirty (30) working days. Once a hearing date is scheduled it may be adjourned only upon written request by the Employee or the County to the impartial hearing officer and a finding by the impartial hearing officer that there is "good cause" for an adjournment. The decision of the impartial hearing officer regarding a request for adjournment shall be final, binding and not subject to any appeal.

The Employee and the County shall exchange a list of witnesses they intend to call at the hearing and any documents relating to the Discipline/Termination which they intend to introduce no less than three (3) working days before the hearing.

The parties shall provide a copy of the witness list and documents to the impartial hearing officer. Each party may file a pre-hearing statement of no more than three (3) type written single space pages outlining their respective positions.

The hearing before the impartial hearing officer will be digitally recorded. The digital recording of the hearing shall be maintained by the County for one (1) year following the completion of the hearing after which time it may be destroyed. The hearing shall be closed to the public.

The Employee may be represented by an attorney at the hearing. Neither party shall be responsible for the attorneys' fees of the other party.

The Employee shall call witnesses and present testimony and exhibits that are relevant to the grievance. The Employee may call one or more County witnesses in the Employee's case and question the County witnesses. At the close of the Employee's case, the County shall call its witnesses and present testimony and exhibits that are relevant to the grievance. The parties may cross-examine witnesses presented by the other party. Cross-examination shall be limited to ten (10) minutes per witness unless extended by the impartial hearing officer.

The impartial hearing officer shall not be bound by the statutory rules of evidence. The impartial hearing officer shall have the discretion to admit all evidence that the impartial hearing officer determines is relevant and shall exclude immaterial, irrelevant or unduly repetitious testimony or evidence. During the hearing, the impartial hearing officer may ask questions as the impartial hearing deems necessary. Any defects in the proceedings that do not substantially affect the rights of the parties shall be disregarded by the hearing officer. Notwithstanding the foregoing, the impartial hearing officer may not base any finding or conclusion based solely on hearsay evidence.

After the Employee and the County have finished introducing evidence, the impartial hearing officer shall close the record. The parties shall have no right to file briefs or position statements.

Decision Standards

The Employee bears the burden of proof by clear, convincing and satisfactory evidence that the County's decision to Discipline/Terminate the Employee did not have a rational basis. If the Employee does not meet his or her burden of proof, the impartial hearing officer shall deny the grievance.

The impartial hearing officer shall issue a written decision within ten (10) business days of the close of evidence. The decision of the impartial hearing officer shall, at a minimum, contain: a description of the grievance, statement of issues under review, and the officer's findings and conclusions.

If the grievance is approved, the impartial hearing officer may recommend, without limitation, the following: reinstatement; a lesser adverse employment action including, suspension of employment, reduction in base pay, demotion, oral or written reprimand or performance improvement plan; documentation of officer's findings placed in an employment file; restitution of pay and lost benefits.

GRIEVANCE PROCEDURE – WORKPLACE SAFETY

Report Of An Unsafe Condition

An employee may not file a grievance relating to a condition that the Employee believes constitutes a Workplace Safety violation unless the employee has first reported the condition to the Human Resources Director in writing. A grievance may only be filed by an "Employee." The Employee need not be personally impacted by a condition alleged to constitute a Workplace Safety violation.

Filing Procedure

Upon receiving a written report of an alleged Workplace Safety violation from an Employee, the County shall have ten (10) working days in which to investigate the condition and advise the employee in writing of the County's findings and recommendations.

If the County advises the employee in writing within ten (10) working days that it is taking corrective action to address the workplace safety issue as may be required by law, an Employee may not initiate a Workplace Safety grievance.

An Employee may initiate a grievance relating to Workplace Safety by presenting a written grievance to the Human Resources Director. Upon receipt of the grievance, the County shall have ten (10) working days to provide a written response to the Employee. Failure to timely file a grievance with the ~~Office of the County~~ Human Resources Director within ten (10) working days of the County's response shall constitute a waiver of the right to use the grievance procedure and an abandonment of the grievance.

Hearing Procedure

An employee shall have five (5) working days from receipt of the County's response to file a written request with the Human Resources Director for a hearing before the impartial hearing officer. Failure to submit a request for a hearing shall constitute an abandonment of the grievance.

The same hearing procedure shall be utilized as set forth in the Discipline/Termination Hearing Procedure of this Policy.

Decision Standards

The County bears the burden of proving by a preponderance of the evidence that the condition identified by the Employee does not constitute a Workplace Safety violation and that no corrective action is required. If the County does not meet its burden of proof, the impartial hearing officer shall uphold the grievance.

The impartial hearing officer shall issue a written decision within ten (10) business days of the close of evidence. The decision of the impartial hearing officer shall, at a minimum, contain: a description of the alleged unsafe condition and the County's response; the standard of review; the provisions of Wis. Admin. Code Chap. Comm. 32 that are implicated by the Workplace Safety grievance; the officer's findings of fact and conclusions.

If the grievance is sustained, then the impartial hearing officer may recommend that the County take corrective action to address the Workplace Safety violation. The impartial hearing officer shall have no authority to require the County to take any specific corrective action or provide any specific remedy in response to the Workplace Safety violation.

APPEAL TO THE COUNTY BOARD

Who May File An Appeal

An appeal of the impartial hearing officer's decision may be filed by the Employee or by the County Executive Committee.

An appeal may be initiated to the County Board by filing an appeal with the Human Resources Director on the approved form within ten (10) working days of the date of the impartial hearing officer's decision. Failure to file a written appeal by the filing deadline will result in the waiver of the right to an appeal and the outcome of the proceedings before the hearing officer shall be final.

A timely request for appeal shall be forwarded to the Chair of the County Board along with a copy of hearing record including the digitally recorded hearing and any exhibits introduced at the grievance hearing. The Chair shall schedule a meeting of the County Board no later than sixty (60) days from the receipt of the request to review the hearing record and the impartial hearing officer's decision.

Standard Of Review

The County Board's review shall be limited to the decision made by the hearing officer and therefore, the Board will not accept additional testimony, evidence, written or oral arguments or otherwise conduct a hearing of any sort in relation to an appeal. The Board shall not overturn or otherwise modify the impartial hearing officer's decision unless, upon two-thirds (2/3) vote of the members present and eligible, the decision is found to be arbitrary, oppressive or unreasonable and represented the will of the impartial hearing officer and not its judgment.

The County Board shall deliver a written decision to the Employee no later than ten (10) working days from the date of the County Board meeting. The decision of the County Board shall be final. Any judicial review of the County Board's decision shall be only as provided by law.

APPENDIX

<i>Langlade County</i>		
ISSUE DATE	POLICY TITLE:	POLICY NO. RESOLUTION
REVISION	Access to Personnel File and Removal/Redaction of Information Contained in a Personnel File Policy	

The intent of this policy is to provide a formal process and guidance regarding access to personnel files.

1. STATEMENT

The official personnel files for Langlade County employees and officials are maintained by the Human Resources Department. The personnel files are confidential, and are property of Langlade County. All employees' official personnel files will be maintained in the Human Resources Department in a locked filed cabinet and secured in the Human Resources Department.

The Human Resources Director is responsible for producing, maintaining personnel files, and the appropriate handling of Langlade County's personnel files. Separate files will be maintained and secured for medical records, worker's compensation, family or medical leave absences, and immigration records by the Human Resources Director. These files may only be accessed in accordance with applicable law (Sec. 19.36 (10), Wis. Stats.) and in accordance with this policy.

Official personnel files are to be reviewed in the Human Resources Department. **Personnel files may not be taken outside of the department. Employees may not remove from the Human Resources Department any part of his or her personnel file.**

2. Access and Removal of Information Contained in an Employee's Official Personnel File

a) access by employee or by employee's representative

Consistent with § 103.13 Wis. Stats, (2) every employee shall, upon the request of an employee, which the employer may require to make in writing, permit the employee to inspect any personnel documents which are used or which have been used in determining the employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records except as provided in subs. (5) and (6).

An employee may request all or any part of his or her personnel file, except as provided in sub. (6). Langlade County shall grant at least 2 requests by an employee in a calendar year, unless provided in a collective bargaining agreement, to inspect the employee's personnel record as provided under § 103.13 Wis. Stats.

Langlade County shall provide an employee with the opportunity to inspect his or her

personnel file within 7 days after the employee makes a written request to the Human Resources Director. The inspection shall take place in the Human Resources Department during normal working hours.

(3) An employee who is involved in a current grievance against Langlade County may designate in writing a representative of the employee's union, collective bargaining unit or other designated representative to inspect the employee's personnel file which may have a bearing on the resolution of the grievance, except as provided in sub (6). Langlade County shall allow the designated representative to inspect the employee's personnel file in the same manner as provided under sub. (2).

(4) If an employee disagrees with any information contained in his or her personnel file, a removal or correction of that information may be mutually agreed upon by the Human Resources Director and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The Human Resources Director shall attach the employee's statement to the disputed portion of the personnel file. The employee's statement shall be included whenever that disputed portion of the personnel file is released to a 3rd party as long as the disputed record is part of the personnel file.

(5) The right of the employee or the employee's designated representative under sub. (3) to inspect the personnel file under this section includes the right to inspect any personal medical records concerning the employee in the employer's files. If the Human Resources Director or Corporation Counsel believes that disclosure of an employee's medical records would have a detrimental effect on the employee, the Human Resources Director or Corporation Counsel may release the employee's medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the employee's medical records to the employee or to the employee's immediate family.

(6) The right of the employee or the employee's designated representative under sub. 3 to inspect his or her personnel file does not apply to: (a) Records relating to the investigation of possible criminal offenses committed by the employee. (b) Letters of reference for that employee. (c) Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document. (d) Materials used by Langlade County for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used by Langlade County for planning purposes. (e) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy. (f) An employer who does maintain any personnel files. (g) Records relevant to any other pending claim between Langlade County and the employee which may be discovered in a judicial proceeding.

(7) The right of the employee or the employee's representative to inspect personnel files includes the right to copy or receive a copy of the records. Langlade County may charge a reasonable fee for providing copies of the personnel file, which may not exceed the actual cost of reproduction.

b) access by supervisory and administrative staff

Managers and supervisors of the employee have access to personnel files on a need-to-know

basis subject to the approval of the Human Resources Director or Corporation Counsel. A manager or supervisor is defined as any individual in the chain of supervisory or administrative authority above the employee within the organizational structure for Langlade County government.

c) access by authorized County Board officials

Consistent with the County's Accountability and Complaint Resolution Policy involving the investigation of specific charges, the members of the Personnel Committee, Oversight Committee and Board Chairman may be granted access to personnel files on a need-to-know basis.

3. Other Langlade County Departments

Other than the Human Resources Department, other Langlade County Departments should only maintain departmental copies of an employee's job description, performance evaluations/reviews, supervisor notes, and leave documents. When an employee terminates employment with Langlade County, any staff personnel files maintained by the department should be forwarded to the Human Resources Director.

4. Former Employees

Former employee's who make a timely written request to the Human Resources will be provided a copy of personnel records upon payment of retrieval and copying costs.

5. Nonemployee Access

Generally, a nonemployee will be permitted access only as required by law. Normally, a subpoena or a notarized written consent by the employee will be required in order for a nonemployee to gain access to information in a Langlade County employee's personnel file. Exceptions, such as providing information to state unemployment agencies, and both federal and state investigators, may be made by the Human Resources Director and Corporation Counsel, after the Human Resources Director or Corporation Counsel have confirmed the identity of the agency and individual. Further, applicable law may require disclosure of employee information to government agencies without notifying the employee the disclosure was made.

6. Record of Access

A record shall be made of individuals who are granted access to a personnel file (except access by the employee and his or her supervisor) and the record shall be placed in the employee's official personnel file. All records of access shall include the following information:

1. Name of employee
2. Information disclosed (if any)
3. Date of access
4. Purpose of access

The record of access information must be retained for a period of two (2) years. The record of access does not apply to the processing of personnel file information for routine credit reference or for other reporting requirements as required by law.