

**LANGLADE COUNTY  
PERSONNEL COMMITTEE REPORT**

**Meeting Date: 9/1/2016**

**Time: 9:00 a.m.**

**CHAIRMAN:** Doug Nonnenmacher

**MEMBERS PRESENT:** Doug Nonnenmacher, Dave Solin, Richard Hurlbert, Jim Jansen, Pete Pennington

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Gary Olsen, RJ Weitz, Joe Novak, Richard Burby, Erik Rantala, Brad Henricks, Don Bergbower, Brian Braun, Becky Rank, (Robin Stowe attended at approx. 12 p.m.).

The meeting was called to order at 9:00 a.m. by Chairman Nonnenmacher, Courthouse, Room 203.

**Pledge of Allegiance.**

**Approve/amend Minutes of August 4, 2016 Personnel Committee Meeting.** Motion by Pennington, second by Hurlbert to approve the August 4, 2016 Personnel Committee Meeting, all ayes, motion carried.

**Approve/amend the Agenda of September 1, 2016 Personnel Committee.** Motion by Jansen, second by Hurlbert to approve the September 1, 2016 amended agenda as printed, all ayes, motion carried.

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

**Review and decide upon the investigations into County Board Supervisor Complaints.** RJ Weitz, Human Resource Director stated he has investigated two out of the five complaints filed from Supervisor Burby against Langlade County. The Complaints are on file in the County Clerk's Office and are summarized as follows: Public Records Complaint, Open Meetings Complaint, Conduct Complaint, two similar complaints about the validity of County Board Rule 17.1. The two investigations, including the Conduct Complaint against the Corporation Counsel, showed no merit and it was recommended that they be closed with no action taken.

Regarding the Public Records Complaint, Brian Braun, Highway Commissioner, reported his efforts in responding to the public records request from Mr. Burby for Highway Department records. He has been working with standby Corporation Counsel, Mike Winter, in responding to this request.

Motion by Solin, second by Hurlbert to close all complaints finding that there is no merit to the complaints, all ayes, motion carried.

**Review Management Team resolution.** Gary Olsen, Finance Director gave an overview of the proposed Resolution from the Management Team. The Management Team would like the County Board to reaffirm its recognition and expectations of the Team which also would provide the ability of Department Heads to meet on an informal basis. Brad Henricks, Emergency Management Director spoke on behalf of the other Department Heads. Discussion was held. The Committee suggested to change the wording Management Staff and Designee to Department Head within the Resolution. Motion by Pennington, second by Solin to send the Resolution to County Board with the wording change Management Staff to Department Head, all ayes, motion carried.

**Discuss new FLSA Law for salaried individuals and how to keep department head positions and the Parks Director position salary.** The revised Fair Labor Standards Act (FLSA) will take effect December 1, 2016. In the Final Rule, the Labor Department updated the standard salary level and total annual compensation requirements to more effectively distinguish between overtime-eligible employees. Under today's regulations, employers generally don't have to pay premium rates (time-and-half, over 40 hours) to

salaried employees who earn more than \$23,660 per year. The Labor Department has proposed to raise the annual compensation threshold to about \$47,476 in 2016. This amount will be adjusted again in three years.

Gary Olsen, Finance Director, stated that of the eight positions that will be transitioning from salaried to hourly to comply with the new law, there are three positions that could be problematic if they are hourly. These positions are the Parks Department Manager and the two department head positions of Emergency Government Manager and Veterans Service Officer. The Matrix Committee had met and recommended increasing the Parks Department Manager's wages by .02¢ which would adjust the total annual compensation for the position to \$47,476. The two department head position's hours could be adjusted to meet the minimum salaries also. The changes to the three positions would be as follows:

- Parks Department Manager: will need to be increased .02¢ per hour. This puts the annual wage to the \$47,486.40 keeping that position as salaried.
- Emergency Government Department Manager: will go to a 37.5 hour work week. This will increase the salary for this position by \$3,212.30 for 2017, keeping that position salaried.
- Veterans Service Officer: will go to a 37.5 hour work week. This will increase the salary for this position by \$3,346.20 for 2017, keeping the position salaried.

Motion by Hurlbert, second by Pennington to send a Resolution to County Board recommending to increase Parks Department Manager .02¢ and change the Emergency Government Department Manager and the Veterans Service Officer to a 37.5 hour work week, all ayes, motion carried.

#### **Discuss the Handbook Advisory Committee Recommendations:**

**Courthouse/Resource Center; Maintenance/Forestry; Highway; Sheriff/Dispatch/Jail; Health/Social Services.** The recommendations that were brought to the Committee during the August Executive Committee meeting were discussed. It was decided to hold all recommendations and the Committee will take them under advisement. No action taken.

#### **Review and revise Personnel Policies.**

- **COLA Language, Employee Handbook.** Gary Olsen, Finance Director presented a proposed change to the COLA language in the Employee Handbook allowing the Executive Committee to approve any additional amount above the recommended CPI from WERC. The Executive Committee can approve an additional COLA amount if there are funds within the budget for a larger increase. The Executive Committee can also approve an amount less than CPI if the CPI amount is too large for the budget to sustain the increase. Motion by Pennington, second by Solin to approve the wording change to allow the Executive Committee to recommend the COLA amount, all ayes, motion carried. On file with County Clerk.
- **Access to Personnel File policy:** Wording change to clarify the custodian of the Human Resources Director's personnel file. The custodian for the Human Resources Director personnel file is the Administrative Coordinator. Motion by Solin, second by Hurlbert to approve the wording change for the custodian for the Human Resource Director personnel file, all ayes, motion carried. On file with County Clerk.
- **Enforcement of Rules of County Board, under the Accountability & Complaint Resolution policy:** Wording change to clarify the Executive Committee's decision may be appealed to the County Board within ten (10) working days. Motion by Pennington, second by Solin to accept the wording change to include the appeal time deadline, all ayes, motion carried. On file with County Clerk.
- **Equal Employment & Complaint Procedure policy:** Wording change to include the Human Resource Director. Motion by Jansen, second by Hurlbert to add the Human Resource Director to be included the Equal Employment & Complaint Procedure policy, all ayes, motion, carried. On file with County Clerk.
- **Open Records Request-Fee Schedule:** To add the wording: If locating a second request from the same requestor, filed in the same year then fees will be incurred. The custodian shall impose the fees. Motion by Pennington, second by Solin to approve charging location fees for a second request in the same year, all ayes, motion carried. On file with County Clerk.

**Human Resources Director's Report. (Explanatory Note: Given the nature of the personnel matters contained within the Director's report, it may be necessary to discuss certain parts of the Director's report in closed session.)** RJ Weitz, Humans Resource Director has proposed to create two different performance evaluation forms. One form to be used by the Oversight Committee to evaluate Department Heads and the other form to be used by the Department Heads to evaluate Department Employees. Motion by Pennington, second by Hurlbert to approve the Human Resource Director to create the evaluation forms, all ayes, motion carried.

**At approximately 10:30 a.m., consider moving into closed session pursuant to Section 19.85 (1)(c)(f), to consider report from the HR Director which includes employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; or includes financial, medical, social or personnel histories or disciplinary data of specific persons, preliminary consideration of personnel problems or the investigation of charges if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations and to continue in closed session to complete the one-year probationary review for the Human Resources Director position.**

Motion by Pennington, second by Nonnenmacher to move into closed session. Chairman Nonnenmacher aye; Solin aye; Hurlbert aye; Jansen aye; Pennington aye. The Committee commenced to closed session at 11:43 a.m.

Chairman Nonnenmacher asked to clear the room.

**At approximately 11:00 a.m., return to open session with possible action taken on any matters discussed in closed session.**

Motion by Pennington, second by Hurlbert to return to open session, all ayes, motion carried. The Committee returned to open session at 11:40 a.m.

Motion by Pennington, second by Nonnenmacher to excuse Hurlbert, all ayes, motion carried.

Motion by Solin, second by Pennington to recommend the Highway Department uses the Finance Department for financial back-up. This will be on a short-term trial basis. Request is being referred to the Finance and Highway Committees, all ayes, 1 absent, motion carried.

Motion by Pennington, second by Nonnenmacher to approve the one- year probation review for Human Resource Director, all ayes, 1 absent, motion carried.

**Review monthly bills for Corporation Counsel, Circuit Court, Clerk of Circuit Court, Probate/Juvenile, Register of Deeds and District Attorney.**

**Set date for next meeting.** Thursday October 6, 2016 at 8:30 a.m.  
Room 203, Courthouse

**Adjourn the Meeting.** Motion by Pennington, second by Nonnenmacher to adjourn the Personnel Committee meeting at 12:00 p.m., all ayes motion carried.

Respectfully Submitted,  
Becky Rank, Recording Secretary

**Current language:**

**Cost of Living Adjustments (COLA):**

The Matrix Committee may grant a COLA to non-represented employees not greater than the applicable percentage increase in the Consumer Price Index (CPI). The Matrix Committee shall determine the date that will be used as a measurement of the CPI as published by the U.S. Bureau of Labor Statistics. Any COLA for non-represented employees greater than the applicable increase in the CPI requires the approval of the County Board

Matrix Committee shall recommend to the Personnel Committee the maximum COLA offered to represented employees subject to the total base wage bargaining process. The maximum COLA for represented employees shall not exceed the applicable percentage increase in the CPI.

After the review process is complete, the Compensation Matrix will be presented to the Personnel Committee for its review prior to submission to the County Board.

**Proposed language:**

**Cost of Living Adjustments (COLA):**

Non-represented employees will automatically be granted a COLA equal to the Consumer Price Index (CPI) amount for January 1<sup>st</sup>, which is provided by the WERC. The Executive Committee can approve an additional COLA amount if there are funds within the budget for a larger increase. The Executive Committee can also approve an amount less than CPI if the CPI amount is too large for the budget to sustain the increase.

**APPENDIX U**

<i>Langlade County</i>		
<b>ISSUE DATE</b> 03/08/2016	<b>POLICY TITLE:</b>	<b>POLICY NO.</b> <b>RESOLUTION</b> <b>#16-2016</b>
<b>REVISION</b>	<b>Access to Personnel File and Removal/Redaction of Information Contained in a Personnel File Policy</b>	

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 custodian for the Human Resources Director personnel file is the Administrative Coordinator.

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.

All information contained in a personnel file is used for staff management planning purposes (including but not limited to: performance evaluations, judgments regarding job assignments, promotions, transfers, demotions, letters of reference, and other personnel transactions, including comments and ratings relating to employees).

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.

## **ENFORCEMENT OF RULES:**

### **Rule**

#### **17.1 These Rules of the Langlade 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 **within ten (10) working days**. 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.**

**LANGLADE COUNTY  
EQUAL EMPLOYMENT POLICY AND COMPLAINT PROCEDURE**

Langlade County provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age or handicap in accordance with the applicable federal laws. In addition, Langlade County complies with applicable state and local laws governing nondiscrimination in employment in every location in which the County has facilities. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training.

Langlade County expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age or handicap. Improper interference with the ability of our employees to perform their expected job duties is not tolerated.

**EQUAL EMPLOYMENT**

1. The County, through **its** responsible Department Heads **and Human Resources Director**, shall recruit, hire, train and promote in all job titles without regard to race, color, national origin, sex, religion, physical handicap, age or status as a disabled veteran or veteran of the Vietnam era, except where sex, religion, national origin or age is a bona fide occupational qualification.
2. **The Human Resources Director** ~~Department Heads~~ shall insure that all other personnel actions such as compensation, benefits, County sponsored training, education tuition assistance, transfer, demotion, termination, layoff, return from layoff and social recreation programs shall be administered without regard to race, color, national origin, religion, sex, physical handicap, age or status as a disabled veteran or veteran of the Vietnam era, except where sex, religion, national origin or age is a bona fide occupational qualification.
3. **The Human Resources Director and** Department Heads shall base employment decisions on the principles of equal employment opportunity and with the intent to further the County's affirmative action program goals.

**SEXUAL HARASSMENT**

With respect to sexual harassment, Langlade County prohibits:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where
  - ❖ Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
  - ❖ Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - ❖ Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

❖ Sexual harassment includes (but is not limited to):

**VERBAL**

- ❖ Referring to an adult as girl, hunk, doll, babe or honey
- ❖ Whistling at someone; cat calls
- ❖ Making sexual comments about a person's body
- ❖ Making sexual comments or innuendos
- ❖ Turning work discussion to sexual topics
- ❖ Telling sexual jokes or stories
- ❖ Asking about sexual fantasies, preferences or history

- ❖ Asking personal questions about social or sexual life
- ❖ Making sexual comments about a person's clothing, anatomy or looks
- ❖ Repeatedly asking out a person who is not interested
- ❖ Making kissing sounds, howling and smacking lips
- ❖ Telling lies or spreading rumors about a person's personal sexual life

#### **NONVERBAL**

- ❖ Looking a person up and down (elevator eyes)
- ❖ Blocking a person's path
- ❖ Following a person
- ❖ Displaying sexually suggestive visuals
- ❖ Making facial expressions such as winking, throwing kisses or licking lips
- ❖ Making sexual gestures with hands or through body movements

#### **PHYSICAL**

- ❖ Giving a massage around the neck or shoulders
- ❖ Touching the persons' clothing, hair or body
- ❖ Hanging around a person
- ❖ Hugging, kissing, patting or stroking
- ❖ Touching or rubbing oneself sexually around another person
- ❖ Standing close or brushing up against a person

#### **COMPLAINT PROCEDURE**

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Employees are responsible for respecting the rights of their co-workers.

If you experience any job-related harassment based on your sex, your race, or another factor, or believe you have been treated in an unlawful, discriminatory manner, promptly report the incident to your Department Head and **the Human Resources Director**, who will investigate the matter. ~~and take appropriate action, including reporting it to the Corporation Counsel.~~ If you believe it would be inappropriate to discuss the matter with your Department Head, report it directly to the **Human Resources Director** ~~Corporation Counsel~~, who will undertake an investigation. If the Corporation Counsel's Office is involved, you may bring the complaint to the attention **of the Human Resources Director and/or** Chairperson of the Personnel Committee. Your complaint will be kept confidential to the maximum extent possible.

#### **INVESTIGATION PROCEDURES**

The Investigator (~~Department Head, Corporation Counsel or Personnel Committee Chairperson~~ **Human Resources Director**) will investigate the complaint and respond to the employee within ten (10) working days. The Investigator will maintain an accurate record of the steps taken during the investigation and resolution process.

A summary of the investigation and proposed resolutions shall be provided to the Personnel Committee within twenty (20) working days. The Chairperson of the appropriate oversight committee shall be invited to attend the Personnel Committee meeting. The Personnel Committee shall review the investigation summary and decide upon a resolution of the matter. If the Committee determines that an employee is guilty of harassing another employee, then appropriate disciplinary action will be taken against the offending employee.

If the decision of the Personnel Committee is unacceptable, then either party may appeal the decision to the Executive Committee within five (5) days from the date of the decision. The appeal shall be in writing and include a summary of what has happened with the complaint thus far.

The use of the above appeal procedure is encouraged and does not prohibit the employee from implementing other actions. The U.S. Equal Employment Opportunity Commission and the Wisconsin Department of Industry, Labor and Human Relations are responsible for enforcing federal and state laws against discrimination. Employees have 300

days from the incident to the date of filing a complaint with EEOC and/or DILHR. One of the agencies must have a complaint on file before a court action can be commenced.

Langlade County prohibits any form of retaliation against any employee for filing a bona fide complaint under this Policy or for assisting in a complaint investigation. However, if after investigating any complaint of harassment or unlawful discrimination, the County determines that the complaint is not bona fide or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information.

**SAMPLE  
FEE SCHEDULE**

**I. COSTS OF LOCATING DOCUMENTS:**

Most of the Authority's records are readily available or can be located in a relatively short period of time. There will be no fee imposed upon any person who requests a record if the cost of locating that record does not exceed \$50.00. **If the cost of locating a record exceeds \$50.00, then the custodian shall impose locating fees when responding to multiple requests from the same requestor filed in the same year.**

Some of the records of the Authority are in off-site storage, archived, or otherwise not immediately available. In those cases, where a record is not readily available for whatever reason and where it appears that the cost of locating a record will exceed \$50.00, the official legal custodian will seek the prior written approval of the requestor before proceeding. In addition, the custodian will endeavor, but will not be required, to provide an estimate of the total anticipated cost for locating the record.