

Marquette County



Personnel Policies & Procedures Manual

Revised June 21, 2016

TABLE OF CONTENTS

TABLE OF CONTENTS	2
INTRODUCTORY STATEMENT	5
GENERAL PERSONNEL ADMINISTRATION	6
EMPLOYEE RELATIONS	6
EMPLOYMENT CATEGORIES	6
DISCIPLINE	7
GRIEVANCE PROCEDURE <i>See Also Appendix B</i>	9
EQUAL EMPLOYMENT OPPORTUNITY & DISABILITY ACCOMMODATION	9
HARASSMENT, DISCRIMINATION, AND RETALIATION	10
CONFLICT OF INTEREST	13
OUTSIDE EMPLOYMENT	14
EMERGENCY RESPONSE VOLUNTEER POLICY	14
HIRING OF RELATIVES	15
POLITICAL ACTIVITY	15
NON-DISCLOSURE	15
USE OF PHONE AND MAIL SYSTEMS	16
PERSONAL APPEARANCE	16
PAYROLL / EMPLOYEE INFORMATION	17
HOURS OF OPERATION	17
WORK SCHEDULES	17
TIMEKEEPING	17
OVERTIME	17
COMPENSATORY TIME	18
PAYDAYS	18
ADMINISTRATIVE PAY CORRECTIONS	18
PAY DEDUCTIONS AND GARNISHMENTS	18
PAYROLL DEDUCTIONS - PART-TIME EMPLOYEES	19
PERSONNEL DATA CHANGES	19
ACCESS TO PERSONNEL FILES	19
BREAST FEEDING POLICY	20

<u>BENEFITS</u>	20
EMPLOYEE BENEFITS _____	20
BUSINESS TRAVEL EXPENSES _____	21
PENSION PLAN _____	22
DEFERRED COMPENSATION PLAN _____	22
SECTION 125 _____	22
HEALTH INSURANCE PLAN _____	23
LIFE INSURANCE PLAN _____	23
HOLIDAYS _____	23
SICK LEAVE BENEFITS _____	24
VACATION BENEFITS _____	24
VOLUNTARY VACATION DONATION PROGRAM _____	25
JURY DUTY _____	27
FMLA - FAMILY MEDICAL LEAVE ACT AND MILITARY CAREGIVER _____	27
UNPAID LEAVES OF ABSENCE _____	28
VOLUNTARY LEAVE WITHOUT PAY PROGRAM _____	28
MILITARY LEAVE _____	29
BEREAVEMENT LEAVE _____	29
REST AND MEAL PERIODS _____	30
<u>SEVERANCE</u>	31
EMPLOYMENT AT-WILL _____	31
EMPLOYMENT TERMINATION _____	31
SEVERANCE PAY _____	31
RETURN OF PROPERTY _____	32
BENEFITS CONTINUATION (COBRA) _____	32
<u>EMPLOYEE SAFETY</u>	33
USE OF EQUIPMENT AND VEHICLES _____	33
EMPLOYEE IDENTIFICATION BADGES _____	34
COMPUTER AND INTERNET PROCEDURES <u>See Also Appendix A</u> _____	36
SMOKING _____	39
DRUG AND ALCOHOL USE (See Alcohol and Drug section of this manual for additional policies) _____	40
EMERGENCY CLOSINGS _____	40

WORKERS' COMPENSATION INSURANCE	41
TEMPORARY LIGHT DUTY POLICY	41
<u>ALCOHOL AND DRUG POLICY</u>	<u>43</u>
POLICY ON DRUG- AND ALCOHOL-FREE WORKPLACE	43
MARQUETTE COUNTY ALCOHOL AND DRUG POLICY FOR:	
A. CDL DRIVERS	44
B. ALL EMPLOYEES: REASONABLE SUSPICION TESTING POLICY	49
OTHER TESTING POLICIES	52
<u>APPENDIX A – ELECTRONIC DEVICE POLICIES</u>	<u>53</u>
COMPUTER & NETWORKING SECURITY POLICY	53
SOCIAL MEDIA POLICY	62
MOBILE DEVICE POLICY	72
ENCRYPTION POLICY	78
ELECTRONIC KEY POLICY	83
<u>APPENDIX B – GRIEVANCE PROCEDURE</u>	<u>86</u>
<u>APPENDIX C – Family Medical Leave and Military Caregiver Leave</u>	<u>108</u>
<u>APPENDIX D – Prohibited Weapon Policy</u>	<u>118</u>

INTRODUCTORY STATEMENT

This Marquette County Policy and Procedures Manual (Manual) is designed to acquaint you with Marquette County and is intended to provide guidance and information regarding your employment with the County. You should read, understand, and comply with all provisions of the Manual. It describes many of your responsibilities as an employee and outlines the programs developed by Marquette County to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

This Manual applies to all Marquette County employees not covered by a collective bargaining agreement and to employees so covered when the provisions of this Manual do not contradict the collective bargaining agreement or when this Manual addresses an area which is not covered by a collective bargaining agreement. These policies may be superseded by union contract, state and federal laws, or by Resolutions and Ordinances passed by the Marquette County Board of Supervisors.

Individual departments may choose to adopt specific work rules and procedures in addition to the policies and procedures set forth in this Manual. These rules and procedures must be approved by the Department's respective committee. Employees are required to follow the policies in this Manual as well as any Departmental rules and procedures. This Manual will control to the extent that this Manual is in conflict with any Department rule or procedure.

All individuals of Marquette County are employed "at will," and the relationship may be terminated by either party at any time with or without cause and with or without notice, subject to existing law and any collective bargaining agreements. The policies set forth in this Manual are not a contract, are not intended to create a contract, nor do they create a contract of employment or obligations of any kind between Marquette County and any of its employees. Only the Marquette County Board is authorized to create an employment contract, and a signed and written agreement is required for it to do so.

The provisions of this Manual have been developed at the discretion of Marquette County and may be unilaterally changed, supplemented or rescinded at any time by Marquette County as it deems appropriate and in its sole and absolute discretion, with or without notice. Only the Marquette County Executive and Finance Committee or Marquette County Board of Supervisors has the ability to adopt revisions to the policies in this Manual. The final interpretation of this Manual is the exclusive responsibility of the County.

This Manual was approved by the County Board on June 21, 2016 and supersedes all previous Marquette County personnel policies.

GENERAL PERSONNEL ADMINISTRATION

EMPLOYEE RELATIONS

If employees have concerns about work conditions, they are strongly encouraged to voice these concerns openly and directly to their supervisors. Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive.

EMPLOYMENT CATEGORIES

It is the intent of Marquette County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws. NON-EXEMPT employees are paid based on an hourly basis and are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

EXEMPT employees are expected to work at least eight (8) hours per day and may be required to work a greater number of hours based upon work flow. EXEMPT employees are expected to be at work for a part of every work day.

An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by Marquette County management.

In addition to the above categories, each employee will belong to one of the following employment categories:

- REGULAR FULL-TIME employees are those who are not in a temporary status and who are regularly scheduled to work Marquette County's full-time schedule.
- REGULAR PART-TIME employees are those who are not assigned to a temporary status who are regularly scheduled to work less than the full-time work schedule, but at least 1040 hours per year.
- TEMPORARY employees are those who have established an employment relationship with Marquette County but who are assigned to work on an intermittent and/or unpredictable basis. Temporary employees include seasonal and limited term employees (LTE's).
- PART-TIME employees include those who work as fill-ins but less than 1200 hours per year.

The County will assign employees to one of the above categories at the time of hire. Employees will remain in their assigned category unless re-designated by the County. Employees may not automatically change categories.

DISCIPLINE

To ensure orderly operations and provide the best possible work environment, Marquette County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. Employees who violate County policies and procedures or Department rules and regulations or who have unsatisfactory work performance are subject to disciplinary action up to and including discharge from employment.

At the sole discretion of the County, various types of employee discipline may be imposed which include oral reprimand, written reprimand, suspension and discharge. None of these disciplinary measures are required to be used before discharge from employment occurs, nor are the listed actions required to be used in any specific order. Nothing in this policy shall be construed as establishing a "just cause" standard for discipline or discharge of employees or to require the County to impose progressive discipline.

Listed below are examples of behaviors or actions which, in the absolute discretion of Marquette County, may result in discipline or discharge. The listing provided below is illustrative, and is not intended to be all-inclusive.

- The employee has falsified or assisted another person in falsifying County records including, without limitation, time records.
- The employee has: (1) failed to provide or timely provide proper notification that the employee will be absent or tardy from work; (2) failed to report promptly at the employee's designated starting time or end work as prescribed by the employee's supervisor; (3) demonstrated poor attendance; (4) been absent without leave, or has failed to report upon the expiration of an approved leave of absence; (5) improperly used or abused the sick leave benefit; or (6) hindered the regular operation of a department or County office because of unauthorized or excessive absenteeism, tardiness or leaving work without permission.
- The employee has engaged in political activity which: (1) interferes with normal work performance; (2) is conducted during normal work hours; or (3) involves the use of County equipment or property.
- The employee has taken for personal use, a fee, gift, or other valuable thing in the course of work or connection with employment with the County.
- The employee has used County-owned equipment, supplies, uniforms, or a vehicle for personal use without receiving proper authorization.
- The employee has harassed, discriminated or retaliated against another employee or subordinate in violation of the law or this Manual.
- The employee has endangered his/her own safety and/or safety of others through carelessness in the performance of his/her job and/or non-compliance with established safety procedures.
- The employee is incompetent, negligent, or inefficient in the performing of his/her work duties or through culpable negligence or willful misconduct, has caused damage to public property or waste of public property or supplies.
- The employee is abusive in his/her behavior and language or has been abusive in his/her conduct to fellow employees or the public.

- The employee has violated any lawful or official regulations, order or rule, or failed to obey any lawful and reasonable direction given him/her by his/her supervisor.
- The employee has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the employee's particular job or licensed activity.
- The employee is found to have knowingly made a false statement in his/her application for employment on in any of the preliminary employment forms.
- The employee, while on duty, has been drinking intoxicating beverages, using illegal drugs, or engaging in illegal gambling on duty or reports for duty under the influence of drugs or alcohol.
- The employee has operated County vehicle(s) in an unlawful or hazardous manner.
- The employee has misappropriated County funds, appropriated County property for personal use, or illegally disposed of County property.
- The employee has engaged in conduct unbecoming an employee of the County while on duty.
- The employee has failed to show proof of possession and/or maintenance of a valid license and/or certificate that is required in the performance of his/her assigned position.
- The employee has provided incorrect or fraudulent information pertaining to an on-the-job injury or an off-the-job injury.
- The employee has refused or delayed carrying out work assignments or instructions given by the work unit supervisor, department head or a County official exercising authority over an employee.
- The employee has made an unauthorized disclosure of confidential records or information.
- The employee has entered County property or buildings without authorization;
- The employee has, without authorization, removed notices or signs from County property, equipment or bulletin boards.
- The employee has engaged in willful misconduct or is insubordinate.
- The employee sleeps during work hours.
- The employee has violated any of the rules, regulations or policies in this Manual or those established by any department.

Additional examples of behaviors and actions which may result in discipline up to and including discharge are discussed in the various sections of this Manual and are incorporated herein by reference. An employee will not be disciplined for taking designated state or federal family medical leave or leave in accordance with state or federal disability law or workers' compensation law. And employee will not be disciplined for engaging, or refusing to engage in, lawful self-organization, labor organization or other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

GRIEVANCE PROCEDURE

The County has adopted a grievance procedure in accordance with Wis. Stat. § 66.0509(1m) covering employee discipline, termination and workplace safety as those terms are defined in the grievance procedure. The grievance procedure outlines the actions which may be grieved, the employees who are eligible to utilize the grievance procedure and the procedures and processes for resolving grievances. The grievance procedure is attached as an Appendix B to this Manual. If you have questions regarding the policy, please contact the Administrative Coordinator.

EQUAL EMPLOYMENT OPPORTUNITY & DISABILITY ACCOMMODATION

Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Marquette County will be based on merit, qualifications, and abilities. Marquette County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, gender, sexual orientation, marital status, national origin, age, disability, ancestry, arrest or conviction record (unless substantially related to the employee's position) or any other characteristic protected by law. Marquette County is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Administrative Coordinator. Employees can raise concerns and make reports and participate in investigations or matters related to a claim of discrimination without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Disability Accommodation

Marquette County is committed to complying fully with the Americans with Disabilities Act (ADA) and any other applicable federal, state, and local laws relating to disability accommodation which require equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Marquette County will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position.

Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (*or changes in compensation*) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression. Leave of all types will be available to all employees on an equal basis.

HARASSMENT, DISCRIMINATION, AND RETALIATION

Marquette County is committed to maintaining a place of employment and a work environment that is free from discrimination and any form of harassment whatsoever. Harassment is unlawful and is conduct that could expose both Marquette County and individuals engaging in harassment to significant liability under the law.

No employee should be subjected to behavior that is personally offensive, which lowers morale or interferes with productivity in the workplace. Each employee has a duty to help maintain a workplace free from harassment. This duty involves refraining from any insulting, degrading, demeaning or exploitative behavior toward other employees, including sexual harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It is also unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about any form of harassment or discrimination against the individual raising the concern or against another individual.

Statement of Prohibited Conduct

Marquette County considers the following conduct to represent the kind of acts that violate this Harassment Policy. The prohibited conduct listed below is illustrative and not exhaustive of all acts prohibited under this Policy. All employees are advised that Marquette County will impose strict penalties up to and including discharge for all confirmed violations of this policy.

- A. Physical Contact of a Degrading, Demeaning or Sexual Nature. This includes:
 - 1. Any punching, hitting, slapping, rape, battery, molestation or attempts to commit any assaults; and
 - 2. Intentional physical conduct that is offensive or sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- B. Unwanted Sexual Advances, Propositions, or Other Sexual Comments. This includes:
 - 1. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experienced directed at or made in the presence of

any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;

2. Preferential treatment or promises of preferential treatment to any employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
3. Subjecting or making threats of subjecting an employee to unwelcome sexual attention or conduct, or intentionally making performance of the employee's job more difficult because of the employee's sex.

C. Sexual, Discriminatory or Otherwise Offensive Displays or Publications Anywhere in Workplace by Employees. These includes:

1. Displays pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are offensive to other employees, sexually suggestive, demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display, or view at work.

Materials will be presumed to be offensive to other employees if such materials depict persons, symbols, situations, objects, caricatures, language or any other thing known to be generally offensive to certain classes of persons or known to be offensive to a particular employee.

Materials will be presumed to be sexually suggestive if such materials depict through words, symbols, situations or in any other way a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the Marquette County and who is posed for the obvious purpose of displaying or drawing attention to the private portions of his or her body.

2. Reading or otherwise publicizing in the workplace or during work-related activities materials that are in any way offensive to other employees, sexually suggestive, demeaning or pornographic; and
3. Displaying signs or other materials purporting to segregate an employee by sex, race, creed, color, age, disability or sexual preference in any area of the workplace.

D. Retaliation for Harassment Complaints. This includes:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and
2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct, such as that described in any item above.

E. Other Acts.

Any language or gesture depicting hostility toward any employee because of that employee's race, color, creed, sex, gender, age, disability, sexual preference or any other lawfully protected class.

Penalties for Misconduct

Harassment, discrimination and retaliation are unlawful and hurt other employees and create a negative work environment in which all employees suffer the consequences. This misconduct has no legitimate business purpose; accordingly, any employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct up to and including discharge.

Procedures for Making, Investigating, and Resolving Harassment and Discrimination Complaints

A. Complaints

Marquette County provides its employees with a convenient, confidential and reliable mechanism for reporting incidents of harassment, discrimination and retaliation. Marquette County designates the Administrative Coordinator or his or her designee to investigate complaints related to these types of misconduct.

Complaints of harassment, discrimination, or retaliation will be accepted in writing or orally and should be directed to the following people:

- 1) If the harasser is a non-supervisory employee or a supervisory employee other than a department head, the complaint should be made to the employee's department head and/or the Administrative Coordinator;
- 2) If the harasser is a department head, the complaint should be made to the Administrative Coordinator and/or the County Board Chair;
- 3) If the harasser is a county board member other than the County Board chair, the complaint should be made to the Administrative Coordinator and/or County Board chair;
- 4) If the harasser is the Administrative Coordinator or the County Board Chair, the complaint should be made to the county's Corporation Counsel.

The purpose of having several persons to whom complaints may be made is to avoid situations where employees are faced with complaining to a person, or a close associate of a person, who might be the subject of a complaint.

B. Investigations

All complaints, including anonymous complaints, will be taken seriously and investigated thoroughly. Anyone who has observed alleged harassment, discrimination or retaliation has an affirmative duty to report it to designated personnel immediately. A complaint need not be the person who was the target of harassment or retaliation.

The identity of complainants will be revealed only to those persons who have an immediate need to know. All persons contacted in the course of an investigation will be advised that the parties involved in a charge are entitled to confidentiality and respect and that any breach of such confidentiality and respect or other act of retaliation or reprisal against the complainant or other individuals involved with the complaint is a separate, actionable violation of this Policy.

C. Cooperation

Employees are required to cooperate with investigations conducted by Marquette County. Failure to cooperate will result in discipline up to and including discharge. Anyone who refuses to implement remedial measures, obstruct the remedial efforts or other Marquette County employees, and/or retaliate against sexual harassment complainants or witnesses may be immediately discharged.

CONFLICT OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. State law, particularly § 946.10 through § 946.18, Wisconsin State Statutes, prohibits all public officials and employees from engaging in certain kinds of conduct. If a County official or employee is found to be engaging in one (1) of the prohibited acts described in the Wisconsin Statutes, the situation could be treated as a felony offense and, upon conviction, result in a fine not to exceed ten thousand dollars (\$10,000.⁰⁰), imprisonment, or both. Section 19.59 of the Wisconsin statutes further prohibits various types of conduct local government officials and employees relating to use of a public position or office to obtain direct or indirect profit or gain.

The following are examples of conduct which are prohibited under these statutory sections:

Receipt of Gifts and Gratuities Prohibited.

An official or employee shall not accept anything of value whether in the form of a gift, service, loan or promise from any person which may impair his or her independence of judgment or action in the performance of his or her official duties.

Exception.

It is not a conflict of interest for an official or employee to receive a gift of gratuity that is an unsolicited item of insignificant value or anything which is given to them independent of their position as an official or employee.

Business Interest.

An official or employee shall not engage in any business or transaction or act in regard to any financial interest, direct or indirect, which:

- A. Is incompatible with the proper discharge of his or her official duties for the benefit of the public;
- B. May impair his or her independence of judgment or action in the performance of his or her official duties.

Employment.

An official or employee shall not engage in or accept any private employment or render any service for a private interest when such employment or service is incompatible with the proper discharge of his or her official duties or which may impair his or her independence of judgment or action in the performance of his or her official duties unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

Private Interest in Public Contracts.

A Marquette County public officer or employee, *acting in a private capacity*, shall not negotiate or bid for or enter into a contract with Marquette County in which said officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in his or her capacity as a Marquette County officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on said officer's or employee's part.

A Marquette County officer or employee, *acting in an official capacity*, shall not participate in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on the officer's or employee's part.

Certain conduct may be exempted from liability under these statutory provisions. It shall be the obligation of any Marquette County public official or employee so situated to establish the applicability of any exemption claimed. Employees who are in violation of this policy or any Wisconsin statutes relating to ethics or conflict of interest are subject to discipline up to and including discharge.

OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they meet the performance standards of their job with Marquette County. All employees will be judged by the same performance standards and will be subject to Marquette County's scheduling demands, regardless of any existing outside work requirements. If Marquette County determines that an employee's outside work interferes with performance or the ability to meet the requirements of Marquette County as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Marquette County.

Outside employment that constitutes a conflict of interest is prohibited. Determining whether or not such outside employment constitutes a conflict of interest shall be the responsibility of the employee who shall request an advisory opinion of the standing committee that governs the employee's department. The employee must act in accordance with this advisory opinion.

Employees may not receive any income or material gain from any person or entity other than Marquette County for materials produced or services rendered while performing Marquette County work. Employees who are in violation of this section are subject to discipline, up to and including discharge and legal action.

EMERGENCY RESPONSE VOLUNTEER POLICY

It is the policy of Marquette County to encourage reasonable accommodation of the temporary absence of an employee from work while the employee responds to an emergency call as a volunteer fire fighter, member of Marquette County Emergency Medical Services, or Marquette County Haz-Mat Team.

If approval is granted by the department head, an employee who is a member of one of those groups may be granted temporary leave from work duties to participate in training sessions or to respond to an emergency call. Temporary leave may be granted to attend training sessions only if the department head, in his or her sole discretion, approves the

leave with reasonable advance notice. Employees who may be called to an emergency while at work should discuss that possibility with their department heads, who should advise whether and under what conditions the employees may leave work to respond to an emergency call.

Employees will not be paid their regular wages while on temporary leave pursuant to this policy, but may use compensatory time or vacation time if available, or at the discretion of the department head may be permitted to make up missed work hours.

HIRING OF RELATIVES

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of persons currently employed by Marquette County may be hired only if they will not be working directly for or supervising a relative or will not be working directly above the relative's immediate superior or directly for the relative's immediate subordinate. Marquette County employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred, or the employment relationship terminated. If that decision is not made within 30 calendar days, management will decide.

In other cases, where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment in the County's sole discretion.

For the purposes of this policy, a relative shall mean spouse, parents, children, siblings, grandparents, grandchildren, father-in-law, mother-in-law, stepchildren, stepparents, or other legal relationship that contributes over ½ of the support of the other person, and any person sharing the employee's residence. Nothing herein shall be construed to conflict with Wisconsin state law regarding discrimination based on marital status.

POLITICAL ACTIVITY

No employee is precluded from engaging in political activity provided such activity does not interfere with normal work performance, is not conducted during normal working hours and does not involve the use of County equipment or property.

NON-DISCLOSURE

The protection of the County's confidential information is vital to the interests and the success of Marquette County. Such confidential information includes, but is not limited to, the following examples:

- Labor relations strategies.
- Pending projects and proposals.
- Privileged legal advice, knowledge or strategies.
- Confidential law enforcement investigative information.
- Crime victim information unrelated to official duties.

- Confidential Human Services and AODA or Mental Health information.
- Information which would unfairly benefit an outside firm or person in either bidding or purchasing activities.
- Confidential medical records and information regarding a citizen or employee.
- Information from a closed session meeting of the County Board or any committee.

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

USE OF PHONE AND MAIL SYSTEMS

Employees should practice discretion in using County telephones when making personal calls and are required to reimburse Marquette County for any charges resulting from their personal use of the telephone.

The use of Marquette County-paid postage for personal correspondence is not permitted.

Abuse of the phone and mail system may result in discipline up to, and including, termination.

PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image Marquette County presents to its clients and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees may not be compensated for the time away from work.

Individual departments may have their own additional dress policy. Consult your supervisor or Department Head if you have questions as to what constitutes appropriate attire or to request a reasonable accommodation for sincerely held religious practices.

PAYROLL / EMPLOYEE INFORMATION

HOURS OF OPERATION

Marquette County's normal hours of operation for its office buildings are from 8:00 a.m. to 4:30 p.m., Monday through Friday. If an office, to include elected offices, has two (2) personnel or less due to vacation, illness, training or other situations that office may close for a thirty (30) minute period around the lunch hour provided the office obtains prior approval of the Administrative Coordinator or the County Board Chair.

Work hours may be established for individual departments according to departmental operational needs. Non Exempt Employees must receive specific authorization from their respective department head prior to performing any work after scheduled hours.

WORK SCHEDULES

The normal work schedule for all categories of employees will be determined by the department head or supervisor. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Federal and state laws require Marquette County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing.

OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, employees will be provided with advance notification of these mandatory assignments. All overtime work must receive the supervisor's prior authorization.

Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour restrictions. Unless an applicable law enforcement partial exemption applies, Non-Exempt employees shall receive time and one-half (1 ½) for all hours worked in excess of forty (40) hours per week.

Employees who work overtime without receiving prior authorization from the supervisor may be subject to disciplinary action, up to and including possible termination of

employment. Supervisors and Department Heads may also be subject to disciplinary action, up to and including possible termination of employment, for abuse in approving overtime for employees.

COMPENSATORY TIME

At the discretion of the County, an employee may receive compensatory time off equal to time and one-half (1 ½) the number of hours worked in lieu of cash payment for overtime. The County will manage compensatory time in accordance with the Fair Labor Standards Act (FLSA). Under the FLSA, law enforcement, emergency response personnel and employees engaged in seasonal activities may accrue up to 480 hours of compensatory time and other public sector employees may accrue up to 240 hours of compensatory time. On the first pay period in April, non-exempt employees shall be paid for all compensatory time accumulated and not taken off at one and one-half (1½) times the employee's wage rate at the time payment is made.

PAYDAYS

All employees are paid biweekly on every other Friday. All employees are required to have their checks direct deposited. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

ADMINISTRATIVE PAY CORRECTIONS

Marquette County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the office of the Administrative Coordinator so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck. Overpayments will also be corrected as quickly as possible unless this presents a burden to the employee (*where there is a substantial amount owed*). In that case, the employer will attempt to arrange a schedule of payments to minimize the inconvenience to all involved.

PAY DEDUCTIONS AND GARNISHMENTS

The law requires that Marquette County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. Marquette County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." Marquette County offers programs and benefits beyond those required by law and are defined in the *Employee Benefits Section*. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Garnishments are pay deductions taken by Marquette County, usually to help pay off a debt or obligation to Marquette County or others. The law requires Marquette County to make deductions for such garnishment as child support payments, bankruptcy

payments, etc. Therefore, Marquette County reserves the right to deduct any garnishment processing fees from the employee's paycheck. The county is not required to inform employees before deducting such garnishments.

If you have questions concerning why deductions were made from your pay check or how they were calculated, the Administrative Coordinator's office can assist in having your questions answered.

PAYROLL DEDUCTIONS - PART-TIME EMPLOYEES

When an employee elects to join in an employer sponsored benefit, such as deferred compensation, health insurance, or the Section 125 Plan, there is very little flexibility with regards to the amounts of the deductions. The County must pay what is billed by the company. Additionally, employees that choose to have extra federal or state tax withheld from their paychecks should be cautious as well.

When payroll is calculated and an employee does not have enough hours to cover their deductions, the payroll program will flag that employee with a negative net pay. Obviously this is impossible so the County must somehow correct that problem. The County will correct this by one of the following methods:

- If the employee was off on sick leave Marquette County will take hours from the sick leave bank to bring the paycheck to a positive net pay.
- If the employee was off on vacation Marquette County will take hours from the vacation bank to bring the paycheck to a positive net pay.
- If the employee's check is short due to reduced work hours Marquette County will take hours from the vacation bank to bring the paycheck to a positive net pay.

PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify Marquette County of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed notify the Administrative Coordinator's office.

ACCESS TO PERSONNEL FILES

Marquette County maintains personnel files and employee medical records in the County Administrator's Office for individual employees. Employee medical records are maintained separately from the employee's personnel file. Personnel files and employee medical records are confidential and remain the property of the County. All employee personnel and medical records will be maintained and retained in accordance with County record retention policies and existing state and federal laws.

The County allows viewing of personnel and medical records by employees and their designated representatives in accordance with the provisions of section 103.13 of the Wisconsin Statutes. The right of the employee or the employee's representative to inspect personnel and medical records includes the right to copy or receive a copy of the records. The County may charge a reasonable fee for providing copies of records. The

right of inspection of an employee or the employee's designated representative is subject to the limitations and exceptions set forth in section 103.13.

Marquette County will not tolerate any mishandling of employee information by any County employee or representative. Such occurrences will subject the party to discipline up to and including discharge.

BREAST FEEDING POLICY

Marquette County provides "reasonable" unpaid breaks to nursing mothers to express milk for their infants in a private location, other than a bathroom for up to one year after their child's birth as long as providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

BENEFITS

EMPLOYEE BENEFITS

Regular full-time and regular part-time employees are eligible for a wide range of benefits in addition to those required by law. Human Service employees working less than 50% time, who received benefits prior to January 1, 2012 will continue to receive those benefits. Regular part-time and human service employees will receive benefits on a pro-rata basis calculated on the budgeted number of hours for the employee. The pro-rata percentage is the budgeted number of hours for the employee in relation to a full time equivalent of 2080 hours.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook or through contacting the Administrative Coordinator.

The benefit programs available to eligible employees include, but are not limited to, the following:

- Auto Mileage
- Pension Plan
- Medical Insurance
- Vacation Benefits
- Family Leave
- Rest and Meal Periods
- Severance Pay*
- Meal Allowances
- Longevity Pay
- Section 125
- Paid Holidays
- Jury Duty Leave
- Military Leave
- Unemployment Compensation
- Travel Allowances
- Deferred Compensation
- Life Insurance
- Sick Leave Benefits
- Medical Leave
- Bereavement Leave
- Dental Insurance

* See Severance Pay policy in the SEVERANCE section.

Some benefit programs require contributions from the employee.

BUSINESS TRAVEL EXPENSES

Marquette County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the employee's Department Head.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Marquette County, to the extent such expenses would be deductible by the employee according to current IRS regulations. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- Mileage costs for use of personal cars, only when less expensive transportation is not available.
- Cost of meals, *eaten outside of Marquette County*, associated with conventions or overnight travel will be reimbursed (up to maximum daily rate of \$22.50 when accompanied by an original detailed receipt). The cost of alcoholic beverages and tips will not be reimbursed.
- Charges for telephone calls, fax, and similar services required for business purposes.
- Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings. (The County's Tax Exempt Certificate shall be used to avoid payment of Wisconsin tax.)

Expenses that will not be reimbursed include the following:

- Any meal without an attached detailed vendor receipt.
- Credit card receipts that are not itemized.
- Handwritten receipts.
- Alcoholic beverages.
- Tips and gratuities.
- Any expense report submitted for reimbursement after sixty (60) days from when it was incurred.
- Any mileage for meetings held within the city of Montello.
- Any expense not documented as to date, place and purpose.

Mileage Reimbursement - Authorized use of an employee's vehicle for County business shall be reimbursed at the rate of two and ½ (2.5) cents below the IRS business mile rate.

1. Mileage computation for all business travel during normal business hours (8:00 a.m. - 4:30 p.m. Monday through Friday) shall use mileage from the employee's workplace or the point of origin whichever is less
2. No employee may claim mileage to their workplace if it is the first (1st) stop of the day or from their workplace if it is the last stop of the day.

3. For business travel during non-business hours, the actual point of origin shall be used to compute mileage.
4. If traveling by other means of transportation, the appropriate fare will be reimbursed by the County.
5. When work for Marquette County entails home visits to clients, the policy for calculating mileage shall be determined by the individual department's committee and Department Head.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by Marquette County may not be used for personal use without prior approval.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of County business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

Reports should be accompanied by receipts for all individual expenses.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

PENSION PLAN

As a public employer, Marquette County participates in the Wisconsin Retirement System (WRS). The County will make employer required WRS contributions as required by law. Employees should direct all questions involving WRS eligibility or contribution levels to the Administrative Coordinator or the Department of Employee Trust Funds at 1-877-533-5020.

DEFERRED COMPENSATION PLAN

Employees have the option of participating in a Deferred Compensation Plan administered through the Nationwide Retirement Solutions, and Wisconsin Deferred Compensation. Deferred Compensation is defined under Section 457 of the Internal Revenue Service Code which allows state and federal taxes on deferred wages to be deferred until a later date.

No Deferred Compensation will be deducted from an employee's check while the employee is on Worker's Compensation or unpaid Leave of Absence.

SECTION 125

Employees have the option of participating in a Section 125 Program. Section 125 of the Internal Revenue Service Code allows certain payroll deductions to be deducted from the employee's paycheck on a pre-tax basis. Examples of these deductions include, but are not limited to, dental insurance, health insurance premiums, health

insurance deductibles, medical expenses not covered by health insurance, child-care, and other qualified deductions.

Voluntary deductions through the Section 125 Program may have an impact on future social security benefits.

HEALTH INSURANCE PLAN

Marquette County offers both single and family health insurance plans for County employees through the State Insurance plan. Insurance becomes effective on the first day of the month following thirty (30) days from the date of hire. Employee premium contributions will be determined by the Executive and Finance Committee, but will be in amounts no less than what is required under State Law.

LIFE INSURANCE PLAN

All employees under the Wisconsin Retirement System are eligible for group term life insurance coverage through the Wisconsin Public Employers Group Life Insurance Plan. Insurance becomes effective on the first day of the month following thirty (30) days from the date of hire. The County will pay that portion of the employee's share of the premium as authorized by union contract or County Board Resolution.

HOLIDAYS

Marquette County will grant paid holiday time off to regular full-time and regular part-time employees on the holidays listed below.

- New Year's Day (January 1st)
- Good Friday (Friday before Easter)
- Independence Day (July 4th)
- Thanksgiving (fourth Thursday in November)
- The Day after Thanksgiving
- Christmas (December 25th)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Labor Day (first Monday in September)
- Veterans' Day (November 11th)
- Christmas Eve
- New Year's Eve (afternoon of December 31st)

Highway employees will have two (2) floating holidays in lieu of President's Day and the Day after Thanksgiving. Buildings and Grounds employees will have two (2) floating holidays in lieu of Presidents' Day and Veterans' Day.

Marquette County will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (*as of the date of the holiday*) times the number of hours the employee would otherwise have worked on that day. Regular part-time employees shall be paid holiday pay on a pro-rata basis.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (*such as vacation or sick leave*), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages or comp time at one and one-half times their straight-time rate for the hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining whether overtime pay is owed.

SICK LEAVE BENEFITS

Marquette County provides paid sick leave benefits to regular full-time, regular part-time and eligible part-time human service employees for periods of temporary absence due to illnesses or injuries. Employees are not eligible to earn or accrue sick leave until completion of six (6) months of employment with the County. Sick leave days will be added to employee's sick leave bank on the second payroll of the month but are not fully earned or available for use until the end of the month.

Full Time employees shall accrue one (1) day (8 hours) of sick leave per month. The day or days off on sick leave will be deducted from the employee's accumulated total. Regular part-time and eligible part-time human service employees shall accrue sick leave on a pro rata basis. For employees hired prior to January 1, 2012, unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 107 work days. Employees hired after January 1, 2012 shall be allowed to accrue a total of 60 work days (480 hours) worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Paid sick leave can be used in minimum increments of one quarter (1/4) hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a family member who resides in the employee's household.

An employee may be required to furnish a physician's certificate to the County as proof of illness after two (2) days off in any one (1) month.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor as soon as possible but no later than the scheduled start of their workday. The direct supervisor must also be contacted on each additional day of absence.

Abuse of sick leave and/or excessive absenteeism shall result in discipline, up to and including discharge, at the discretion of the County.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

VACATION BENEFITS

Regular full-time, regular part-time and eligible human service workers are eligible to earn and use vacation time as described in this policy. Vacation benefits for regular part-time and eligible human service workers are paid on a pro-rata basis. The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule.

After six (6) months	-	1 week
After one (1) year	-	1 week
After two (2) years	-	2 weeks
After seven (7) years	-	3 weeks
After twelve (12) years	-	4 weeks

After twenty (20) years	-	5 weeks
After twenty-six (26) years	-	1 day a year to max of six (6) weeks

A "week" of earned vacation is equal to forty (40) hours. A "day" of earned vacation is equal to eight (8) hours.

After one (1) year vacation will be added to the employee's vacation bank on the first of each year but is not truly earned until the employee's anniversary date.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation.

Once employees complete six (6) months in an eligible employment classification, they begin to earn paid vacation time according to the schedule. They can request use of vacation time after it is earned. Paid vacation time can be used in minimum increments of one quarter (1/4) hour. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward for up to six months into the next calendar year. Any unused vacation at the end of the eighteen months will be lost.

VOLUNTARY VACATION DONATION PROGRAM

PROGRAM BENEFIT

The Voluntary Vacation Transfer Program allows County Employees to voluntarily donate earned vacation leave or accumulated sick leave to another County Employee with a qualifying medical emergency.

DEFINITIONS

"Medical Emergency" is a medical condition of an employee or an employee's family member that meets the requirements of the Federal Family and Medical Leave Act (FMLA) for "Serious Health Condition"

"Family Member" includes:

- Employee's spouse and spouse's parents
- Employee's children, including adopted, step, and
- Foster Children
- Employee's Parents

RECIPIENT ELIGIBILITY

To be eligible as a recipient in this program, it must be determined that:

- The Recipient has submitted the County's Family Medical Leave (FML) form which shows FMLA "Serious Health Condition".
- The medical emergency is that of the employee or family member (as defined above).
- The Recipient has no remaining sick leave, vacation or other paid leave to apply to the absence from work.
- The leave donated will be used to preserve in-pay status for the Recipient employee during the period of medical emergency.
- The potential Recipient has signed a Request for Assistance, authorizing minimum disclosure of the need for assistance under this program.
- Leave received is limited to a maximum of forty (40) days of leave per serious health condition. Donations will be accepted on a first-in, first taken basis as determined by receipt of the authorization form by the Administration Office. Forms received after the maximum donation limit has been reached will be returned to the donor with explanation.

DONOR ELIGIBILITY

To be eligible as a Donor in this program, it must be determined that:

- The Donor has earned vacation or sick leave available in their bank.
- The Donor cannot decrease their sick leave bank to less than ten (10) days of accrued leave.
- The Donor is in pay status.
- The Donor has signed a Voluntary Vacation Transfer form

WHAT IS DONATED

When a Voluntary Vacation Transfer form is signed Vacation or sick leave may only be donated in increments of hours. Regardless of the hourly rate of the Donor or Recipient, donations in increments of hours of vacation will be credited to the earned vacation bank of the Recipient, and deleted from the bank of the Donor. Because of time lags, vacation under this program may be used to cover Recipient's pay retroactively.

CONFIDENTIALITY

When a potential Recipient signs a Request for Assistance, they authorize the communication of the Recipient's need County-wide, according to the authorization statement. Donor's names and the amount of leave they donated will be confidential and not communicated to the Recipient. Only the total amount of all donations will be released to the Recipient by the County.

NOT ALLOWED

- No donation is allowed for a medical emergency not meeting the definition of "Serious Health Condition" under the Federal FMLA.
- A Donor may not withdraw a voluntary transfer once it has been signed, nor may a Donor request return of leave donated.
- No donation is allowed for purposes of a Recipient's vacation, however, once donated, the value donated becomes the exclusive property of the Recipient and may be used according to the regular rules governing the taking of vacation in effect for the Recipient.

All necessary forms are available at the Administration office.

JURY DUTY

Marquette County encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Regular full-time, regular part-time and eligible human service employees are eligible for jury duty pay. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Regular part-time and human service employees will be paid jury duty pay on a pro rata basis.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees shall report to work if released from jury duty when at least two (2) hours remain in the scheduled work day.

Either Marquette County or the employee may request an excuse from jury duty if, in Marquette County's judgment, the employee's absence would create serious operational difficulties.

Marquette County will continue to provide health insurance benefits for the full term of the jury duty absence.

Employees who are required to serve on jury duty shall be paid their normal pay as jury duty pay and shall be required to reimburse the County for amounts received for serving on the jury less reimbursed expenses.

Vacation, sick leave, and holiday benefits, will continue to accrue during jury duty leave.

FMLA - FAMILY MEDICAL LEAVE ACT AND MILITARY CAREGIVER LEAVE

Marquette County's Family Medical Leave and Military Caregiver Leave policy is attached as Appendix C to this Handbook. If you have questions regarding the policy, please contact the Administrative Coordinator.

UNPAID LEAVES OF ABSENCE

An unpaid leave of absence of up to six months may be granted at the discretion of the Executive and Finance Committee. Prior to being allowed to take unpaid leave, all paid leave of any type must be exhausted. Requests shall be made in writing.

Unless required by law, paid benefits and any applicable service credits shall not continue during an unpaid leave of absence. The employee is responsible for paying the total of his or her monthly health insurance premium during the leave of absence. All leaves granted under this section which would qualify as leaves under the State or Federal Family and Medical Leave Act will be administered in accordance with, and counted as, leaves taken pursuant to those acts.

VOLUNTARY LEAVE WITHOUT PAY PROGRAM (adopted Jan. 21, 2013)

Purpose: The purpose of this program is for the County to reduce County expenses by providing an opportunity for employees to voluntarily take time off without pay.

Who is Eligible: All full-time and part-time regular employees of Marquette County.

Program Guidelines:

- Voluntary Leave Without Pay Program will begin on January 1st and end on December 31 of each calendar year.
- Participation in the Voluntary Leave Without Pay Program is subject to the approval of the Department Head.
- Maximum amount of leave is 40 hours in one year.
- Requests will be reviewed on a case-by-case basis and will be granted at such time as may be deemed in the public's interest, there is a cost savings and it is acceptable to the employee's department, office or division.
- Leave may be granted as a two-day continuous block of time or in eight-hour increments. Less than 8-hour increments may be allowed at the discretion of the Department Head.
- Leave that causes increased costs or that requires overtime will not be approved, at the discretion of the Department Head.
- Denial by the Department Head of a request for voluntary leave without pay will be final; such denial is may not be grieved under the County Grievance Procedure.
- If an employee's voluntary leave without pay coincides with any eligible leave under the Marquette County Personnel Rules and Regulations, the leaves will run concurrently.
- An employee's vacation balance does not have to be exhausted before she/he can request voluntary leave without pay.

- All personal leaves under this section will be without compensation; however, benefits (i.e.; vacation, and sick leave accrual, and County credits to benefits, etc.) will be maintained.
- Employees must submit the Voluntary Leave without Pay Program request form to their immediate supervisor to request time off under this program.
- The County reserves the right to rescind or modify the Voluntary Leave without Pay Program with or without notice, and at its sole discretion.
- Once the employee has requested the time off and it has been approved by the Department Head, the leave cannot be rescinded by the employee unless there is a qualifying event. Once the leave has been taken, there can be no rescission.

Employee request forms are available at the Administration Office.

MILITARY LEAVE

Employees entering military service shall be granted a leave of absence in compliance with state and federal statutes.

In the event an employee is drafted or volunteers for the Armed Services, said employee shall be granted full leave without pay provided he returns to work within ninety (90) days of the date of separation from active duty.

In the event an employee is drafted or volunteers for a national or state emergency, they shall be granted full leave without pay provided they return to work within thirty-one (31) days of the date of separation from active duty. There shall be no loss of seniority, sick leave, or vacation rights during such leaves, but benefits do not accrue during such leave.

BEREAVEMENT LEAVE

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to three days of paid bereavement leave will be provided to regular full-time, regular part-time and eligible part-time human service employees.

Bereavement leave pay is calculated based on the base pay rate at the time of absence. Eligible part-time employees receive bereavement leave pay on a pro rata basis.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

For purposes of this policy, Marquette County defines "immediate family" as the employee's spouse, parent, step-parent, child, step-child, sibling; the employee's spouse's parent, child, or sibling; the employee's son-in-law, daughter-in-law, brother-in-law, sister-in-law, and/or any member of the employee's household.

In the event of the death of an employee's or employee's spouse's grandparent, aunt, uncle, niece, nephew, or grandchild, the employees mentioned in the above classifications shall be granted bereavement leave for one (1) day.

REST AND MEAL PERIODS

Employees shall be allowed a rest period not to exceed fifteen (15) minutes in the first half of their work day and fifteen (15) minutes in the second half of their work day. Rest periods not taken are lost. Breaks cannot be accumulated or used to extend lunch periods or to shorten the work day.

Regular full-time and regular part-time employees are generally provided with one half-hour meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

SEVERANCE

EMPLOYMENT AT-WILL

Employment with Marquette County is based on mutual consent where both the employee and the employer have the right to terminate employment at will, with or without cause, at any time, subject to law and any provision of existing collective bargaining agreements.

EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - voluntary employment termination by an employee.

DISCHARGE - involuntary employment termination by the County.

LAYOFF - involuntary employment termination by the County for non-disciplinary reasons.

RETIREMENT - voluntary employment termination by the employee meeting age, length of service, and any other criteria for retirement.

The County's grievance procedure defines the types of involuntary employment terminations which may be grieved, employees who are eligible to file grievances and the process and procedure for resolving grievances. Employees are referred to Appendix B of this Manual for details on the County's grievance procedure.

SEVERANCE PAY

Severance pay as set forth below, will be provided to regular full-time employees, regular part-time employees, and eligible part-time human service employees who resign, or qualify for normal retirement pursuant to the rules of the Wisconsin Retirement System, or are terminated. An employee who is terminated for disciplinary reasons shall not be entitled to severance pay except for vacation pay that is grandfathered as set forth below. "Disciplinary reasons" shall include, but are not limited to, violation of the provisions set forth in this manual or other workplace rules and poor work performance as determined by the County.

Severance checks will include the following:

Vacation Pay:

For vacation time earned prior to January 1, 2017, the employee will be reimbursed for any earned, unused vacation time if employment is terminated for any reason. Employees whose employment is terminated before they have reached their employment anniversary date on which the vacation time is earned, shall be entitled to unused vacation pay earned on a pro-rata basis, provided they have completed their first six (6) months of employment.

Vacation Pay:

For vacation time earned after December 31, 2016, termination of employment for non-disciplinary reasons shall entitle the employee to reimbursement for any earned, unused

vacation time. Vacation time is earned as set forth in this policy. Employees terminated for disciplinary reasons shall not be entitled to reimbursement for vacation time.

Sick Leave: Upon Normal Retirement, Death, or Forced Retirement due to a disability incurred while at work:

Employees hired prior to January 1, 2012, upon normal retirement pursuant to the rules of the Wisconsin Retirement System, death, or forced retirement due to a disability incurred while at work, shall be paid seventy-five percent (75%) of any unused, accumulated sick leave.

Employees hired after January 1, 2012, upon normal retirement pursuant to the rules of the Wisconsin Retirement System, death, or forced retirement due to a disability incurred while at work, shall be paid fifty percent (50%) of any unused accumulated sick leave.

Sick Leave: Upon Resignation or Termination for Non-Disciplinary Reasons:

Employees hired prior to January 1, 2004, upon resignation or termination, except for just cause, shall receive a pay out of fifty percent (50%) of the unused sick leave, accumulated prior to January 1, 2012 or fifty percent (50%) of the current balance, whichever is lower, provided that an employee who voluntarily resigns his/her employment with the County gives a minimum two (2) weeks' notice in writing of the date of his/her resignation.

Employees hired after January 1, 2004, upon resignation or termination other than normal retirement pursuant to the rules of the Wisconsin Retirement System, death, or forced retirement due to a disability incurred while at work, shall not receive a pay out of any unused, accumulated sick leave.

RETURN OF PROPERTY

Employees are responsible for all property (*i.e. keys, software, calculators, computers, beepers, tools, books, etc.*), materials, or written information issued to them by the County or in their possession or control. Employees must return all Marquette County property immediately upon request or upon termination of employment. Where permitted by applicable laws, Marquette County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Marquette County may also take all action deemed appropriate to recover or protect its property.

BENEFITS CONTINUATION (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Marquette County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at Marquette County's group rates plus an administration fee of two percent (2%) as allowed by law.

EMPLOYEE SAFETY

USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

There will not be personal use of equipment (pc's, laptops, printers) or vehicles or other County property unless otherwise noted.

In certain circumstances, a County-owned vehicle may be provided for certain employees in order to carry out their assigned duties. These vehicles should be housed on County-owned property during non-working hours and used by employees only to carry out their job duties as needed.

The County requires that no personal items other than incidentals be stored in the vehicle. The vehicle is to be locked each night with work articles in the lock box or trunk during times when the vehicle is not in use.

In instances where a County-owned vehicle is provided to an employee on a 24-hour basis, it is the policy of the County that the only personal use allowed would be commuting between an employee's home and his/her work. Under IRS regulations, this commuting is considered personal use and is required to be reported as compensation subject to Federal and State taxes and FICA. Individuals driving County Vehicles may have occasions where an incidental stop is necessary between business stops. Such use shall not be considered to be in violation of this policy.

There may be instances where employee's on-call are allowed to use a County-owned vehicle for other non-business use purposes other than just commuting to and from work. The appropriate home committee must approve these instances.

All personal use of County-owned vehicles shall be valued in accordance with the IRS regulations and will be included on the employee's W-2.

Specific departments may have additional vehicle use policies in effect, please consult your individual supervisor or Department Head if you have questions.

EMPLOYEE IDENTIFICATION BADGES

Adopted 6/16/2015 Res #43-2015

Purpose

Marquette County has established an Identification (ID) Badge policy to provide a safe environment by:

- a) Reducing the possibility of non-employees accessing personal workspace.
- b) Increasing accountability of employees moving throughout the county.
- c) Encouraging employees of Marquette County to verify & assist visitors before allowing them access to office areas.
- d) Enabling Security and Law Enforcement personnel to quickly determine if a person is an employee or member of the public.

General information

All ID Badges and associated hardware are the sole possession of Marquette County and may not be altered, loaned, misused, or copied without the approval of the Administration Department.

Authorized designees of the MIS or Administration staff are the only personnel authorized to perform maintenance, including, but not limited to, creating and changing any and all components of the ID Badge system.

Policy

Marquette County Employees will be required to wear an assigned ID Badge while performing duties as an employee or engaged on official activities. The only exceptions to this policy will be for the Sheriff's Department employees, whether in uniform or undercover and Highway Department employees who will be issued ID Badges, but will be expected to have the Badges available if they are requested to verify their employment with Marquette County.

New Badge Issuance

Marquette County employees will be provided ID Badges within the first week of their employment. The ID Badge is for the individual employee's use only and will be issued in the Administration department. No charge will be made for the initial Badge. An employee's receipt of his/her ID Badge will acknowledge the acceptance of this policy.

Requirements for Wear and Proper Use

All Marquette County employees must wear their identification Badges on the front of their person, at or above the waist, on the outermost garment, with the photo facing out, being clearly visible to someone facing the wearer.

The ID Badge may be worn attached to a clip, in a clear plastic holder, on a lanyard or other device making the Badge clearly visible.

ID Badges must be free of decoration with nothing restricting the view of the ID Badge picture, name, department, or credentials.

Department heads and supervisors will be responsible for ensuring that their employees are wearing the ID Badge.

The ID Badge shall be worn while performing any duties or business as a Marquette County employee.

No employee shall loan, transfer, give possession of, misuse, modify, alter, cause, allow, or contribute to the making of any unauthorized copies of the Badge.

Any employee who loses, finds, or determines an ID Badge has been compromised, stolen or damaged, shall report it to their supervisor immediately.

An employee who fails to wear his/her ID Badge when on duty, uses their ID Badge for purposes other than authorized Marquette County business, or violates these ID Badge requirements, may be subject to disciplinary action, up to and including termination.

ID information on Badge

All ID Badges will show the employee's full name, as well as job title and department, and picture of the employee on the front of the badge.

Replacement of Badges

A replacement identification Badge is required and will only be re-issued for the following conditions; name change, transfer to a different department, when photo becomes unrecognizable, or for a lost, missing, stolen, or damaged Badge.

A fee for a replacement ID Badge may be charged if the Badge is lost, stolen or damaged. Any employee who has proof that their Badge was stolen, i.e. police report number, will have the replacement fee waived.

Replacement fees for new ID Badges will be a charge of \$10.00. A lanyard or belt clip will be replaced for a fee of \$1.00. If the replacement of the ID Badge is necessary to ordinary wear and tear in the course of employment, the \$10.00 fee will be waived.

MIS will bill each department for any replaced ID Badges and the department may require reimbursement from that employee.

Should an employee later find his/her lost ID Badge, either it or the replacement must be surrendered to the Administration department.

An old or damaged ID Badge must be returned to the MIS Department before a replacement card is re-issued.

Maintenance and Control

Administration is responsible for the implementation of the policy and its related procedures.

All ID Badges shall be issued using means authorized by Administration.

When County employees encounter individuals in County facilities or work sites without appropriate identification and without identified companion, they should inquire whether the individual needs assistance. Any suspicious or unusual behavior should be immediately reported to the Sheriff's Office.

The County Administrative Coordinator may propose additional procedures necessary for the implementation and enforcement of this policy and its related procedures and may interpret or authorize exceptions when deemed in the best interest of the County.

Return of Badges upon Termination

Terminating employees shall turn in identification Badges in their possession to their department heads upon their final day of employment. It is the department head's responsibility to see these ID Badges are then returned to the Administration department.

Failure to return the badges shall result in the withholding of any termination benefit payout that can be legally withheld and for which the employee would otherwise be eligible.

Policy Enforcement

Department heads and supervisors shall be responsible for enforcing this policy, and for reporting any serious violations of the policy to Administration.

COMPUTER AND INTERNET PROCEDURES

(See Appendix A for additional policies)

Backup tapes are to be stored in the appropriate places directed by the MIS Director.

Computers and the Internet represent a powerful resource, which allows users to find and use information by connecting to and corresponding with organizations and people throughout the world. Just as a person learns social codes and behaviors, which are acceptable in society, there is a need to learn correct procedures and rules for using computers and the Internet. Employees are required to become knowledgeable about and adhere to the following guidelines. Breaking any of these rules will be cause to deny access to computers and the Internet and may subject employees to disciplinary action.

General

All use of the Internet must be related to Marquette County business. Marquette County reserves the right to prioritize uses and access to the network.

All computer systems and networks are Marquette County property and as such users shall have no expectation or right to privacy, regardless of whether the account was provided by Marquette County or whether the employee regards the account as personal. All programs, e-mail and other data are subject to inspection, review, or examination by authorized Marquette County personnel at any time and for any reason. Additionally, Marquette County may require access to or observation of an employee's personal internet account if Marquette County has reasonable cause to believe that there has been activity on such account related to alleged:

1. Unauthorized transfer of Marquette County's confidential information to the personal internet account;
2. Employment related misconduct;
3. Violation of law; or
4. Violation of a work rule contained in this Manual.

For purposes of this policy, "personal internet account" means an Internet-based account that is created and used by an employee exclusively for purposes of personal communications (such as Facebook, Twitter, or personal email accounts).

All use of the Internet must be in conformity with local, state and federal law and Marquette County policies and procedures.

Use of the Internet from Marquette County for non-county related solicitation is prohibited.

Use of the computers or computer networks from Marquette County to access, view, store or distribute obscene or pornographic materials is prohibited.

Subscriptions to mailing lists, bulletin boards, chat groups, commercial on-line services or other information related services must be pre-approved by an employee's department head or supervisor and must be related to Marquette County business.

No employee shall have access to the Internet without having received appropriate training and having read and signed Marquette County's Computer and Networking Security Policy agreement.

Users must identify themselves clearly and accurately in electronic communications. Anonymous or pseudo-anonymous communications appear to dissociate users from responsibility for their actions and are prohibited.

Concealing user identity or misrepresenting a user name or the County to mask or distance users from irresponsible or offensive behavior is a serious abuse of network privileges and Marquette County policies and procedures.

Using identifiers of others constitutes fraud and is a violation of Marquette County policies and procedures.

Etiquette

Be polite.

Do not get abusive in messages or communications to others.

Use appropriate language. Do not use swear words, vulgarities or any other inappropriate language.

Do not reveal personal addresses or telephone numbers or those of colleagues.

Do not use the Internet in such a way that would disrupt the use of the network by others.

All communications and information accessible via the Internet should be assumed to be private property.

Users are responsible for the appropriateness and content of material they transmit or publish on the Internet. Hate mail, harassment, discriminatory remarks or other antisocial behavior such as targeting another person or organization to cause distress, embarrassment, injury, unwanted attention or other substantial discomfort is prohibited. Personal attacks or other action to threaten or intimidate or embarrass an individual, group or organization or attacks based on a person's race, national origin, ethnicity, handicap, religion, gender, veteran status, sexual orientation or any other such characteristic or affiliation are prohibited.

An employee will not be disciplined for engaging, or refusing to engage, in lawful self-organization, labor organization or other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Security

Sharing or otherwise divulging a user's password and/or account codes with another person is prohibited.

Users may not leave an open file or session unattended or unsupervised.

Users will be held accountable for all activity that occurs under their password and/or account code.

Seeking information on, obtaining copies of, or modifying files, data, passwords or account codes belonging to another person is prohibited.

Misrepresenting one's self or other users could be considered fraud and is prohibited.

Attempting to gain unauthorized access to the Internet and/or any other network is against the law and is prohibited.

Communications may not be encrypted so as to avoid security review.

Distributing or otherwise making a user's password and/or account codes or those of another person, available to others or otherwise attempting to evade, disable or crack passwords and/or account codes or other security provisions or assisting others in doing so is a serious violation of Marquette County policies and will result in disciplinary action.

Personal Security

Personal information such as addresses and telephone numbers should remain confidential when communicating on the Internet. This includes the user's own personal information as well as those of colleagues.

Divulging or in any other way making a fellow employees personal information (including but not limited to home telephone number (s) and/or address) is prohibited.

Installation of all software must be pre-approved by an employee's department head or supervisor.

The unauthorized installation, use, storage or distribution of copyrighted software or material is against the law and is prohibited.

Copying of files, passwords or access codes belonging to others will be considered a violation of law and Marquette County policies, and may constitute fraud, plagiarism and/or theft.

Software licensed by and to Marquette County may only be used in accordance with the applicable license.

Modifying or damaging information without authorization (including but not limited to altering data, introducing viruses or worms, or simply damaging files) is unethical, a violation of Marquette County policies, and is a felony in Wisconsin.

Using identifiers of other employees, including using such identifiers as one's own, constitutes fraud and is a violation of Marquette County policies.

Electronic Mail

1. E-mail may not be used for commercial solicitation and/or personal activities.
2. Users must include their e-mail address in all mail sent.
3. Users must be aware that the Internet is not secure and assume that others can read and possibly alter e-mail.
4. No form of a chain letter or similar communication may be sent.
5. Sending mail that appears to have come from someone else is prohibited.
6. Minimize large attached files when sending and/or receiving e-mail.
7. Use extreme caution when downloading attached files and/or programs from persons known or unknown since they may contain viruses or worms.
8. Downloaded files and/or programs must be scanned with a virus detection program. Users are responsible, and may be held liable, for a computer becoming infected with a virus or worm.
9. Except as provided below, no employee may read or otherwise disclose the contents of any other employee's e-mail.
10. E-mail received at Marquette County is retained on the system until deleted by the recipient. In addition, because of system backups, e-mail deleted on the system by the recipient may very well continue to exist in an offline backup archive file.
11. Employees are expected to delete e-mail in a timely manner. Authorized management personnel may remove such mail if not attended to regularly by the recipient.
12. Marquette County reserves the right to fully cooperate with local, state and/or federal officials in any investigation concerning or relating to any e-mail transmitted from or received by any Marquette County employee.

System Resources

1. Diligent effort must be made to conserve system resources. E-mail and unused files should be deleted in accordance with Marquette County policies.
2. Users will accept limitations or restrictions on system and network resources such as storage space, time limits, or amount of resources consumed when so instructed by authorized personnel.
3. Marquette County reserves the right to monitor system and network resources in any form to maintain system and network resources and to ensure that illegal or improper activity is not occurring.

SMOKING

In keeping with Marquette County's intent to provide a safe and healthful work environment, and sections 80.03€ and 80.08(B) of the Marquette County Code of Ordinances, smoking or other tobacco use is prohibited on or in any Marquette County property, except that smoking or other tobacco use is permitted more than fifty (50) feet away from any building. No smoking is permitted in any bathroom, building, or shelter.

Smoking and tobacco use is prohibited in any vehicles owned, leased, or otherwise operated by or on behalf of Marquette County at any time.

This policy applies equally to all employees, customers, and visitors. Violation of this policy may result in the issuance of a penalty under Chapter 80 of the Code of Ordinances.

DRUG AND ALCOHOL USE (See Alcohol and Drug section of this manual for additional policies)

It is Marquette County's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Marquette County premises and while conducting business-related activities off Marquette County premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Administration Office to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through Marquette County's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Marquette County policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Marquette County any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Marquette County of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Administration Office without fear of reprisal.

EMERGENCY CLOSINGS

At times, emergencies and/or severe weather can disrupt County operations. In extreme cases, these circumstances may require the closing of work facilities.

The County Board Chairman (*or their designee*) in their sole discretion, shall have the responsibility for determining whether an emergency situation exists and/or whether the County's operations can be adequately performed. When it is deemed that an emergency situation exists, employees shall be released from work without loss of pay.

Employees that do not report to work or leave before such emergency is declared, shall forfeit pay or may use vacation time or compensatory time, if available, for the entire period of the absence; regardless of the County's decision to close.

In the event that such an emergency occurs during non-working hours, employees should check their emails and the County website for closing notices. Local radio stations will be asked to broadcast notification of the closing.

WORKERS' COMPENSATION INSURANCE

Marquette County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. In addition to reporting the injury to the supervisor, an accident report must be filed with the Administrative Coordinator within twenty-four (24) hours. This will enable an eligible employee to qualify for coverage as quickly as possible. Failure to report the injury or illness in a timely manner affects employee rights under the Worker's Compensation Act.

Neither Marquette County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Marquette County.

If the employee is absent from work for three (3) days or less he/she will use their sick leave. If the employee is absent more than three (3) days, but less than (10) days, he/she will use sick leave for the first three (3) days and workers compensation will pay a percentage of wages for the remaining seven (7) days. If the employee is absent for more than ten (10) days, workers compensation will pay a percentage of wages for the entire time.

TEMPORARY LIGHT DUTY POLICY Adopted Nov. 13, 2012 by E & F

Light Duty

If an employee is recuperating from temporary illness or injury, the County may offer them light duty work prior to full medical release, if such work is available. This means that the employee will temporarily be given work that is less physically demanding than usual so that they may return to work as soon as possible. Light duty work may only be available for a limited time period or for the completion of specific tasks. No employee is guaranteed light duty work for any period of time.

Purpose

The purpose of a light duty policy is to allow an employee to return to work quickly, while ensuring the employee is doing productive work, if such work is available. Light duty work will only be available if there are tasks that need to be done, but are currently being put on hold due to time and/or staff shortages. The County will not create light duty work that does not otherwise need to be completed.

Medical Assessment

An employee shall only be allowed light duty if a physician indicates that the employee is unable to fulfill usual duties but is able to fulfill light duties. The employee shall provide the County with sufficient information to determine the employee's work restrictions.

Pay

Pay for the light duty work would be the lesser of the employee's regular pay rate before the illness or injury or the pay rate for comparable work; to be determined by the Administrative Coordinator and Department Head overseeing the light duty work.

Duration

Temporary light duty status will be initially granted for a maximum period of thirty (30) days. After the initial 30 day period and after any subsequent 30 day period of temporary light duty, the employee's situation will be reviewed primarily in light of the following two factors:

1. Continuation of a favorable prognosis for return to full duty, based upon the physician's periodic examination and statement thereof, and
2. The continuation of availability of an appropriate position, job, or duty within the department or County.

In any event, a complete medical evaluation and a statement of release by the employee's physician will be required prior to any employee returning to full duty status after having been off duty or on light duty.

ALCOHOL AND DRUG POLICY

POLICY ON DRUG- AND ALCOHOL-FREE WORKPLACE

Pursuant to the Drug-free Workplace Act of 1988, this memo is written to formally state Marquette County's policy regarding the work related effects of off County premises, off work time use or sale of controlled substances or alcohol. The policy also addresses the use, possession, or sale of controlled substances or alcohol on or off County premises while on work time. Marquette County's policy is as follows:

It is the policy of Marquette County to not become involved in the off County premises off work time conduct of Marquette County employees unless the conduct has work related effects.

The use of or sale of controlled substances or alcohol by a Marquette County employee while off County premises and off work time will be grounds for discipline if the conduct has the effect of:

- 1) Adversely affecting the reputation or credibility of Marquette County, the department or office in which the employee is employed or the program in which the employee is involved;
- 2) Rendering the employee unable to perform his/her duties or appear at work;
- 3) Causing clients, the public, or fellow employees to refuse or show unwillingness to work with the employee.

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent to provide a drug-free, alcohol-free, healthful, safe, and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on County premises or while conducting County business off County premises is absolutely prohibited. Use of alcohol on County premises or while conducting County business off County premises is absolutely prohibited. Violation of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The County recognizes drug dependency and alcohol dependency as an illness and a major health problem. The County also recognizes drug abuse and alcohol abuse as a potential health safety, and security problem. Employees needing help in dealing with such problems are encouraged to seek help. Conscientious efforts to seek such help will not jeopardize any employee's job, and will not be noted in any personnel record. (Consult your health coverage summary or call the Administrative Coordinator for an explanation of insurance coverage.)

Employees must, as a condition of employment, abide by the terms of these policies and report any conviction under a criminal drug statute or alcohol related statute for violations occurring on or off County premises while conducting County business. A report of a conviction must be made within five (5) days after the conviction.

MARQUETTE COUNTY ALCOHOL AND DRUG POLICY FOR:

A. CDL DRIVERS

B. ALL EMPLOYEES

PURPOSE

The purpose of the alcohol and drug policy is three-fold:

1. To ensure that the county is in compliance with mandated U.S. Department of Transportation (DOT) alcohol and drug regulations for drivers of commercial motor vehicles.
2. To ensure that clear policies and procedures are in place to govern the handling of employees whose job performance problems are related to alcohol and drug use and,
3. To prevent accidents and injuries resulting from the misuse of these substances.

The following policies and procedures have been developed in accordance with DOT drug and alcohol procedures rules 49 CFR 40 and 49 CFR 382.

A. POLICY FOR CDL DRIVERS

Marquette County recognizes that the use and/or abuse of alcohol or controlled substances by drivers of commercial vehicles presents a serious threat to the safety and health of the driver and the general public. Employees shall be required to report for work free of the influence of alcohol and drugs (unless medically prescribed and monitored) and shall not possess, sell or consume any illegal or non-prescribed drug or alcohol while performing his/her assigned duties. In order to further our goal of obtaining a drug-free and alcohol-free transportation system, and to come into compliance with the Omnibus Transportation Employee Testing Act of 1991, Marquette County has implemented a drug and alcohol testing program which is designed to help reduce and avoid traffic accidents and injuries to our employees and the public, to discourage substance and alcohol abuse, and to reduce absenteeism, accidents, health care costs, and other drug and alcohol-related problems.

Marquette County shall provide a safe work environment and promote an alcohol and drug free work place in which employees may safely perform their duties. Employees who possess commercial driver licenses (CDL) are considered to perform safety-sensitive job functions.

PROHIBITED CONDUCT

Federal Regulations prohibit employees from engaging in the following conduct:

- 1) Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
- 2) Being on duty or operating a commercial motor vehicle while possessing alcohol, or using alcohol while performing safety sensitive functions.

Note: Federal Regulations include non-prescription and prescription medications containing alcohol in the substances banned from use or possession in the workplace. Therefore, employees should not report for duty while using or possessing non-prescription and/or prescription medication if such medication contains any measurable amount of alcohol;

- 3) Performing safety-sensitive functions within four (4) hours after using alcohol;

- 4) Using alcohol within eight (8) hours following an accident, if the employee was required to be tested, unless an earlier test results in a reading of less than 0.02;
- 5) Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when using any controlled substance, unless the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
- 6) Reporting for duty, remaining on duty or performing a safety sensitive function if the employee tests positive for controlled substances; or
- 7) Refusing to submit to any alcohol or drug testing required by this Policy.
- 8) Deliberately misusing this policy in regard to subordinates; and
- 9) Providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution.

A "safety-sensitive function" means any of the following on-duty functions:

- a) All time waiting to be dispatched;
- b) All time inspecting, servicing or conditioning any commercial motor vehicle;
- c) All driving time, i.e., all time spent at the driving controls of a commercial motor vehicle in operation;
- d) All time, other than driving time, in or upon any commercial motor vehicle;
- e) All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- f) All time spent making reports and other activities in an accident scene in which the driver was involved; and
- g) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

In addition, Marquette county Policies prohibit employees from engaging in the following conduct:

- a) Dispensing, distributing or receiving alcohol and controlled substances while on duty;
- b) Possession of controlled substances while on duty;
- c) Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or higher.

PROCEDURES

All commercial motor vehicle operators will be included in the alcohol and drug testing program which includes education and training, alcohol and drug testing (pre-employment, post-accident, random, reasonable suspicion, return to duty and follow-up testing) and record keeping.

EDUCATION AND TRAINING

1. All affected employees will be provided with a minimum of one (1) hour of training on drug use, alcohol misuse and treatment resources.
2. All affected supervisors will be provided with a minimum of two (2) hours of training on the signs and symptoms of substance abuse. This mandatory training is necessary to determine reasonable suspicion testing.

REQUIRED TESTING FOR ALCOHOL AND/OR DRUGS

The following tests are required:

- 1) **Pre-employment** testing will be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Testing is also required when a current employee transfers to a safety-sensitive position. A positive test will result in disqualification from further consideration for the safety-sensitive position or eligibility list. Any applicant or existing employee who refuses to undergo such alcohol and/or drug testing will also be disqualified from further consideration for the vacancy or eligibility list.

Post-accident testing will be conducted within eight (8) hours following an accident if: The driver was performing safety-sensitive functions with respect to the vehicle; and the accident involved the loss of human life; or The driver receives a citation under state or local law for a moving traffic violation arising from the accident.

- 2) **Reasonable suspicion** testing will be conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol and/or drug misuse.

In a situation where an employee is either acting in an impaired manner or the supervisor has reasonable suspicion to believe the employee is using or is under the influence of alcohol or drugs, the supervisor may order the employee to undergo a drug and/or alcohol test. The supervisor may, but need not, seek a corroborating opinion from another supervisor or manager prior to immediately removing the employee from the job and sending the employee for drug and alcohol testing.

Once the employee has been removed from the job, the supervisor is to contact the Administration Department. If contact cannot be made at that time, the supervisor is to proceed through the next step of this procedure and make contact with the Administration Department as soon thereafter as possible.

The supervisor is to then transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours for an alcohol test or twenty-four (24) hours for a drug test, or having determined that there is reasonable suspicion to believe that the employee is using or is under the influence of alcohol or drugs. If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours, after the supervisor makes such reasonable - suspicion determination, the supervisor will complete a report explaining the reason why the test was not conducted.

Once the alcohol and/or drug testing has been completed and a positive confirmatory test result has been received (0.02 percent or above for alcohol or a positive drug test), the County will not allow the employee to drive a vehicle home at that time but will be taken home by the supervisor or other designated employee.

The employee is to be advised not to report for work as he/she will be placed on administrative leave without pay. If a blood alcohol or urine test has been administered, the county will contact the employee once the test results are known (this normally takes 24 to 48 hours) and a decision has been made as to the employee's status.

The results of the drug or alcohol testing will be sent directly to the Administration Department. When the results are obtained, the employee's supervisor, and/or department head will meet with the administrative Coordinator to determine the appropriate course of action to be taken. This is a confidential process. Test results will be held strictly confidential and are not to be discussed or shared with anyone who does not need to know. Likewise, a supervisor must not discuss the suspected reason for a referral or discipline action with anyone who does not need to know.

Once the test has been completed and the employee has been sent home, the supervisor must submit a written report to the Administrative Coordinator outlining, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs. This report must be done within 24 hours of the testing.

- 3) **Random testing** will be conducted on a random, unannounced basis just before, during or just after performance of safety-sensitive functions.
- 4) **Return-to-duty and follow-up testing** will be conducted when an individual who has violated the prohibited alcohol and/or drug conduct standards returns to performing safety-sensitive duties.
- 5) **Voluntary Testing** - This testing provides an opportunity for all employees (management, supervisory/ and non-supervisory) not part of the random pool to demonstrate a commitment to the goal of a drug and alcohol free workplace.

RANDOM ALCOHOL TESTING

Employees will be randomly selected for testing via a computer program. Testing dates and times are unannounced and will occur with unpredictable frequency throughout the year. Each year, the number of random tests conducted must equal at least 25% of all safety-sensitive employees. All testing will take place during working hours.

ALCOHOL TESTING PROCEDURES

Testing will be conducted using evidential breath testing devices or through blood tests. Blood alcohol tests will only be given when it is necessary and allowed by law. When the employee enters the collection site, the Breath Alcohol Technician (BAT) will require him or her to provide positive identification (i. e. photo ID or driver's license). Two (2) breath tests are required to determine if a person has a prohibited alcohol concentration. An employee is considered positive for alcohol with a testing level of 0.04 or greater. Employees who test 0.02 or greater must be removed from a safety-sensitive position.

RANDOM DRUG TESTING

Employees will be randomly selected for testing via a computer program. Testing dates and times are unannounced and will occur with unpredictable frequency throughout the year. Each year, the number of random tests conducted must equal at least 50% of all safety-sensitive employees. All testing will take place during working hours.

DRUG TESTING PROCEDURES

Testing will be conducted by urine specimen analysis. All urine specimens will be analyzed for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates (including heroin, codeine, morphine)
- Phencyclidine (PCP)
- MDMA (Ecstasy)

When the employee enters the collection site, the employee will be required to provide positive identification (i.e. photo ID or driver's license). Chain of custody documents will be maintained on each sample submitted for screening. Each specimen is evaluated prior to screening to verify that it has not been altered or tampered with. Split samples will be prepared. Analysis will be performed at a laboratory certified and monitored by the Department of Health and Human Services. All test results will be reviewed and interpreted by a physician (Medical Review Officer [MRO]) before they are reported to the employer.

In the event of a positive test, the MRO will contact the employee to determine if there is an alternative medical explanation for the drugs found in the employee's specimen, such as prescribed drugs for medical use. If the employee provided appropriate documentation, and the MRO determines that it is a legitimate medical use of the prohibited drug, the drug test result is reported as negative to the employer.

REFUSALS

DOT rules prohibit refusal to submit to any of the required tests. The consequences of refusal are the same as if the employee had tested at 0.04 or greater. The employer is prohibited from permitting an employee who refuses to submit to testing to perform or continue to perform safety-sensitive functions.

CONSEQUENCES OF A POSITIVE ALCOHOL OR DRUG TEST

Employees who test positive for drug use will be removed from safety sensitive duty. Such removal will not take place until the MRO has interviewed the employee and determined that the positive drug test resulted from the unauthorized use of a controlled substance.

- 1) An employee with an alcohol concentration of 0.02 or greater must be removed from safety-sensitive duties for eight (8) hours or until test results are less than 0.02.
- 2) Commercial motor vehicle drivers must be removed from driving for at least 24 hours.
- 3) An employee who tests positive for alcohol is subject to a minimum of six (6) unannounced follow-up tests within the next 12 month period.
- 4) An employee who tests positive for alcohol or drugs must be referred to a Substance Abuse Professional (SAP). The SAP can be either a physician, licensed certified psychologist, social worker or an Employee Assistance professional for evaluation and determination of required rehabilitation.

- 5) An employee must comply with recommended rehabilitation, test negative and be subject to follow-up, with testing to monitor abstinence before returning to safety-sensitive duties. The employee must be re-evaluated by a SAP to determine whether the employee has successfully complied with the treatment program prescribed following the initial evaluation.
- 6) The employer is not required under DOT regulations to provide rehabilitation, pay for treatment, pay for re-tests after initial positive test, or to reinstate the employee in his/her safety-sensitive position.
- 7) An employee who tests positive for drug use or for an alcohol concentration of at least 0.02, but less than 0.04, will be subject to discipline up to, and including, termination.
- 8) An employee who tests positive for an alcohol concentration of 0.04 or greater than 0.04, which results in the loss of the CDL, shall be cause for termination.

RECORDKEEPING

All employee drug testing results and records will be maintained under strict confidentiality by the employer, the drug testing laboratory and the medical review team. These records cannot be released to others without the written consent of the employee. Exceptions to this confidentiality provision are limited to DOT agencies when license or certification actions are required or to a decision maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

PENALTIES

Employees or employers who violate the provisions of the DOT policy can be subject to fines up to \$10,000 for each offense.

INTERVENTION

Employees who wish additional information on the effects of drugs or alcohol or would like to speak with a SAP are encouraged to do so. Copies of the Marquette County Resource Directory will be made available in discrete locations.

TESTING LOCATION

All alcohol and drug testing for Marquette County will be performed by an appropriate outside agency from time to time designated by the Executive & Finance Committee.

B. ALL EMPLOYEES: REASONABLE SUSPICION TESTING POLICY

PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace and requirements for reasonable suspicion testing.

POLICY

It is the policy of Marquette County to provide a drug and alcohol free workplace for all employees.

GENERAL GUIDELINES

Alcohol and drug use in the workplace or on work time can endanger the health and safety of other employees and the public. Such use shall not be tolerated (41 USC § 8103). Employees who have consumed an amount of an alcoholic beverage or taken any drug or medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify the appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while on-duty, he/she shall be immediately removed and released from work. Employees should avoid taking any medications that will impair their ability to safely and completely perform their duties and should report the need to take any such medication to his/her immediate supervisor. No employee shall be permitted to work or drive a vehicle owned or leased by Marquette County while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician. Possession of marijuana or being under the influence of marijuana on- or off-duty is prohibited and will lead to disciplinary action.

EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on County property or on work time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition. Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use. Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Administration Office, their insurance providers or the employee assistance program (EAP) for additional information. Employees are encouraged to seek assistance before alcohol or drug problems lead to performance problems.

WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from his/her physician before continuing to work. If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the

employee from continuing work and shall ensure that he/she is safely transported away from the work site.

REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.
- (c) Violates any provisions of this policy.

COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, Marquette County will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

CONFIDENTIALITY

Marquette County recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

OTHER TESTING POLICIES

Departments may implement their own controlled substances and alcohol testing policy with proper approvals.

APPENDIX A – ELECTRONIC DEVICE POLICIES

COMPUTER & NETWORKING SECURITY POLICY

Revised 02/2014

Purpose :

Marquette County's goal in establishing a Computer & Networking Security Policy has two purposes: to prohibit certain unacceptable uses of the Marquette County's computer and network facilities and to educate users about their responsibilities.

Scope:

This policy applies to all employees, consultants, temporary staff and other users at Marquette County, including those users affiliated with third parties who access Marquette County's computer networks. The policy also applies to all computer and data communication systems owned by and/or administered by Marquette County.

Definitions :

Marquette County computers and network facilities – comprise all computers owned or administered by any part of Marquette County or connected to the Marquette County communication facilities, including departmental computers and also the County's computer network facilities accessed by anyone from anywhere.

Network resources – include and are not limited to:

- Digital information such as files, records, images, audio, video or textual material (including network account information, access and authorization codes) stored on or accessible through the network.
- Computer and networking programs, programming languages, instructions or routines which are used to perform work on the network.

Responsibilities regarding access of network, system and Computer services

There are responsibilities that must be met as part of the privilege of network access. All who access and use the Marquette County's network are expected to live up to these responsibilities. If you knowingly violate a network responsibility, your network access may be suspended.

- You are responsible for the use of your account. You may not give anyone else access to your account. You must not use a Marquette County network account that was not assigned to you. You may not try in any way to obtain a password or access code for another person's network account. You may not attempt to disguise the identity of the account or

machine you are using. **Employees should log off their workstations anytime they leave their computer**

- You are responsible for the security of your passwords and access codes.
- Protect your user id and system from unauthorized use.
- You are responsible for all activities on your user id or that originate from your system. Your user id and password act together as an electronic signature.

Computer and Networking Resources General Use Policy

Marquette County Employees must assume responsibility for legal and ethical computer and network use. The Computer and Networking Security Policy has been designed to ensure computing and information resources are used appropriately.

Activities considered to be in conflict with this policy include, but are not limited to, the following:

- Accessing computers, data and programs for which you are not authorized.
- Creating, modifying, executing or re-transmitting any computer program or instructions intended to gain access to, or make unauthorized use of, any computer facilities or software.
- Violating copyright laws or software license agreements.
- Modification of any County workstation or computer equipment which includes both hardware and/or software, including smartphones.
- Installing software including freeware, shareware, public-domain or commercial software on any Marquette County -owned computer equipment without appropriate authority, including smart phones.
- Using computers or networks with the intent to compromise any other computers or networks or to commit crimes or other unethical acts.
- Using computers or networks for unauthorized non-work-related commercial or for-profit activity.
- Viewing, printing, storage, display, transmittal or playing of games or any sexually explicit or potentially offensive materials in a way that may create a hostile working or learning environment or with intent to demean any person's age, disability, gender, race, national origin or sexual orientation.
- Storage of any personal pictures and/or music on any workstation, laptop, server or any type of County equipment which does not pertain to official County business, including smart phones
- Activities, which violate local, state or federal laws.
- Playing or download of any game on any of the County's workstations or smart phones.
- Viewing, downloading, or accessing of unauthorized streaming media (Internet Radio, internet news, etc...), chatting and social networking (facebook, twitter, myspace, etc...) site for non-county purposes during normal business hours.
- Intentionally deleting or damaging data
- Intentionally introducing a computer virus

- Wagering, betting or selling chances
- Systems can't be used for private business or other commercial purposes including the sale of goods and services
- Third party email systems such as Yahoo, MSN, Hotmail, etc can't be used on Marquette County workstations unless prior approval from the MIS Department is obtained.

In addition:

- Each account owner and workstation user is solely responsible for the usage incurred through her/his account or workstation. Individuals, who intentionally abuse accounts and privileges, degrade system performance, misappropriate computer resources or interfere with the operation of the computer and/or telecommunication facilities are subject to disciplinary action. The removal, modification, or reconfiguration of files on Marquette County's computer hardware or software is prohibited.
- You must not run or install on any of the County's computer systems, or give to another, a program, which is intended to and likely to result in the eventual damage to a file or computer system and/or the reproduction of itself. This is directed towards, but are not limited to, the classes of programs known as computer viruses, Trojan horses, and worms.
- You must not attempt to circumvent access and use authentication, data protection schemes or exploit security loopholes without authorization.
- You cannot place on Marquette County's computing and networking systems, any information which:
 - o Infringes upon the rights of another person.
 - o gives unauthorized access to another network account or system.

All equipment connected to the Marquette County systems and network must be authorized by the MIS Department. Any violations of this will result in immediate disconnection from the Marquette County system or network. All equipment purchased is property of Marquette and is not the property of individual departments or individual users unless the equipment is purchased through grant funds. If the equipment is purchased through grant funds, the grant terms determine ownership. This equipment must still conform to all of the standards maintained for county equipment. Spare equipment is under the charge of the MIS Department and shall be returned when the original piece of equipment is repaired or replaced. Personal hardware, software, and telephone items may not be connected to Marquette County equipment. This includes, but is not limited to; USB drives, CD's, DVD's, MP3 players, PDA's, floppy drives, digital recorders, cell phone, smart phones, etc.

Privacy

Files controlled by individual users are considered private, whether or not they are accessible by other users. A user must obtain written permission from the owner of a file to alter or copy a file that does not belong to him or her. The ability to read, alter or copy a file does not imply permission to read, alter or copy that file.

Computer users shall not intentionally seek, provide, or modify information in or obtain copies of files, programs, or passwords belonging to other computer users without the permission of those other computer users. This includes all system files and accounts.

Confidential Information

Many employees have access to confidential information through the course of their job. Confidential information may only be used to perform job functions. Any other use is prohibited and may be punishable by criminal prosecution and /or employee sanctions including termination. Access to confidential information outside the strict business needs of job functions is prohibited. Reasonable measures must be taken to safeguard confidential information from unauthorized access.

Confidentiality of messages cannot be guaranteed in the Marquette County Email system. If a message contains confidential information, consider using other forms of delivery.

Internet Access Policy

This policy describes Marquette County's official policy regarding Internet security. It applies to all users (employees, contractors, temporaries, etc.) who use the Internet with the County's computing or networking resources, as well as those who represent themselves as being connected - in one way or another - with the County. All Internet users are expected to be familiar with and comply with these policies. Questions should be directed to the Administrative Coordinator or MIS Director of Networking Services. Violations of these policies can lead to revocation of system privileges and/or disciplinary action, including termination of service.

Information Movement

All software downloaded from non-County network sources via the Internet must be screened with virus detection software prior to being run or opened. All information taken off the Internet should be considered suspect until confirmed by separate information from another source. There is no quality control process on the Internet and a considerable amount of its information is outdated or inaccurate.

Users must not place Marquette County material (software, internal memos, etc.) on any publicly accessible Internet enabled computer that supports anonymous file transfer

protocol (FTP) or similar services, unless the Administrative Coordinator or MIS Director of networking services has first approved the posting of these materials.

In more general terms, County internal information should not be placed at any location, on machines connected to the Marquette County 's internal networks, or on the Internet, unless the persons who have access to it have a legitimate need-to-know.

Internet Acceptable Use Policy:

Although internet access is provided to all County Network users, employee use of the internet is at the discretion of the respective department head. It is acceptable to use Marquette County Internet resources to gather information of value to Marquette County, for professional development, corporate or customer-related research, communicating with Marquette County customers and/or business partners. The use of information technology resources for limited personal use is a **privilege** which may be revoked at any time by Marquette County management if use is deemed inappropriate.

The following are examples of appropriate use:

- **Marquette County internet can only be used for personal use during break and lunch time of an individuals paid work shift.**
- Use of the system does not interfere with the normal performance of the user's duties.
- There is no additional cost to the Government in using the system for personal use.
- There is no breach of the prohibitions identified in this policy.

Examples:

- You can look at the Weather but you can't watch weather videos or newscasts, listen to weather radio, download or print.
- File downloads such as Adobe Reader (pdf files), Word documents, research materials, etc. are permissible (All downloaded files should be checked for viruses.)
- You can read the news at MSN, CNN, etc but you can't watch videos, listen to reports, copy any images, download or print.
- Reading personal information on the internet is fine but you can't **stream radio, personal video, weather video, use third party email, do social networking (Facebook, My Space, Twitter, etc) sell, download or print** from the internet using Marquette County equipment for non-county purposes.

Internet Use Guidelines:

• Users of Marquette County's Internet connections must:

1. Know and apply the appropriate County policies and practices pertaining to Internet security
2. Not permit any unauthorized individual to gain access to Marquette County Internet connections.
3. Not use or permit the use of any unauthorized device in connection with Marquette County personal computers.
4. Not use Marquette County resources (software/hardware or data) for other than authorized Marquette County purposes.
5. Ensure that data under his/her control and/or direction is properly safeguarded according to its level of sensitivity.

6. Report to the Administrator or MIS Director any incident that appears to compromise the security of the Marquette County's information resources. These include missing data, virus infestations and unexplained transactions.
7. Access only the data and automated functions for which he/she is authorized in the course of normal business activity.
8. Obtain authorization from senior management for any uploading or downloading of information to and from Marquette County multi-user information systems if this activity is outside of the scope of normal work related activities.
9. Degrade the performance of the Marquette County Networking systems, Internet, and servers for any type of personal use.

Electronic mail (Instant Messaging & e-mail) Policies

The following guideline and rules are set forth regarding e-mail, instant messaging & all related electronic messaging within Marquette County.

Unacceptable use:

- Harassing or intimidating others via electronic mail, newsgroups or web pages.
- Initiating or propagating electronic chain letters.
- Initiating or facilitating in any way mass unsolicited and unofficial electronic mailing (e.g., "spamming", "flooding", or "bombing").
- Any County wide business only e-mailings will be submitted to the MIS or Administration Department for approval, upon approval the message will be forwarded to employees by the MIS department only. This will facilitate e-mails being sent to user only accounts and not administrative accounts set up by the MIS department to monitor server and network usage and alerts.
- Forging the identity of a user or machine in an electronic communication.
- Saturating network or computer resources to the exclusion of another's use, for example, overloading the network with traffic such as emails or legitimate (file backup or archive) or malicious (denial of service attack) activities.
- E-mail is intended for conducting Marquette County governmental business.

In addition:

- Users shall take full responsibility for messages that they transmit through Marquette County's computers and network facilities. No one shall use the County's computers to transmit, download, or receive fraudulent, defamatory, harassing, obscene, or threatening messages, or any communications or pictures prohibited by law.
- For its own protection, Marquette County reserves the right to block all Internet communications from sites that are involved in extensive spamming or other disruptive practices, even though this may leave

Marquette County computer users unable to communicate with those sites.

- The confidentiality of any message should not be assumed. "Deleted" messages may be recoverable
- Marquette County does not permit the use of instant messaging programs.
- Employees are prohibited from conducting employee and non-employee business of any kind with any instant messaging account.
- No email attachments will be allowed except for the following unless previously authorized:
 - Adobe Reader
 - Microsoft Office products
 - Work related images
 - Work related video, audio
 - Information Systems approved files

Although e-mail accounts are provided to all County Network users, employee use of E-mail is at the discretion of the respective department head. E-mail is intended for conducting Marquette County governmental business. Occasional and incidental personal use of the e-mail system is permitted. However, all e-mail information processed by or stored on the county's e-mail system is subject to public review and disclosure. Marquette County reserves the right to alter, modify, re-route or block the delivery of messages as appropriate. This includes but is not limited to:

- Rejecting, quarantining or removing the attachments and/or malicious code from messages that may pose a threat to County resources.
- Discarding attachments, such as music, to be considered to be of little business value and of significant resource cost.
- Rejecting or quarantining messages with suspicious content.
- Rejecting or quarantining messages containing offensive language.
- Re-routing messages with suspicious content to designated county employees for manual review.
- Rejecting or quarantining messages determined to be unsolicited commercial email (spam)

All Internet and Email usage and/or content may be monitored and/or logged. Suspected inappropriate use of services and/or security violations will be investigated

Archiving

The Email Retention Policy is intended to help employees know what information sent or received by email is retained and for how long.

This policy covers, but is not limited to, information that is either stored or shared via email. *Important Note:* All emails and attachments entering and leaving Marquette County's email system are automatically retained for a seven year period by Marquette County's Razorsafe archiving appliance. Any and all access to the archiving system by

the MIS department will be logged by the archiving system and will not be able to be deleted.

After a certain time or as the appliances storage space becomes full, the archive may be moved to storage off of the appliance to make more memory space available. This archive will be placed in a secure location until such time when and if a request for email records is presented.

At the end of that seven year period the email will be purged from the County's archiving system, unless directed by the County Administrative Coordinator or Legal Counsel.

Email Encryption

To secure sensitive Marquette County data sent by email transmission, Marquette County has licensed Zix Corp™ encryption software for use by Marquette County employees. This is to provide for the secure transmission of protected health information (PHI) in compliance with the Health Insurance Portability and Accountability Act (HIPAA) and other Sensitive Data when e-mailed to minimize the risk of a breach of confidentiality and the potential misuse, disclosure or theft of such information.

All outgoing (Internet) PHI e-mail from Marquette County will be encrypted and delivered to the recipient's e-mail address via ZixVPM through Zix Corp.

Please see The Marquette County Encryption Policy.

Antivirus Measures

All computers will have virus protection software installed. Even though this software will detect many viruses, it will not detect them all. If it is suspected that a computer has been infected by a virus, the user should not attempt to remove the virus, but immediately contact The MIS Department which will arrange for diagnosis and /or removal.

Computer, System or Network Administration

Administrators of computers, systems and networks have the responsibility to protect the rights of users, to set policies consistent with those rights, and to publicize those policies to their users. They have authority to control or refuse access to anyone, with approval of Marquette County administration, who violates these policies or threatens the rights of other users; they should make reasonable efforts to notify users affected by decisions they have made. Administrators of computers, systems and networks are, of course, also users, and as such must follow the above rules for computer, system, or network use.

System administrators shall perform their duties fairly, in cooperation with the user community. System administrators shall respect the privacy of users as far as possible.

Computer and Equipment Purchasing

Computer purchasing which includes workstations, networking equipment, cellular phones, desk and office phones, and the associated supplies and accessories to the fore mentioned items are the responsibility of the MIS Department. Any and all purchases and/or recommendations for this equipment must be approved through the MIS Department. The purchase of and attachment of equipment to the County's computer and networking resources without prior and proper authorization is prohibited.

Software Purchases/Use/Installation

The only office productivity package supported by Marquette County is Microsoft office. All Software on Marquette County computers must be legally licensed, purchased and installed through the Information Systems Department. Personal software should never be installed on Marquette County equipment. Marquette County Software can't be taken home or installed on any other computer that isn't Marquette County owned.

Backup of Electronic Files

The MIS Department periodically backs up all network directories including e-mail. These back-ups are not intended for storage of documents, but are solely for the purpose of restoring needed, active files in the event of accidental deletion or data loss. Users are not to rely on these back-up tapes as a document retention mechanism, as the tapes are routinely recycled every 14 days. Local hard drives on personal computers (PCs) are not backed up. Document folders will be directed on the workstation to a server for storage by the MIS Department, but it is the users responsibility to make sure any documents that wish to be backed up are saved to this directory.

Termination of Employment & Services

Upon termination or last day of employment all user accounts of that employee will be deleted from the system by the MIS department for security access reasons. It shall be the responsibility of the department head or manager of that employee's department to ensure that all parties are notified of the staffing change to both County employees and external contacts.

Monitoring & Enforcement

Employees have no right to, or legitimate expectation of privacy regarding their use (for Marquette County business or personal pursuits) of any computer, e-mail, and/or Internet services that is provided by Marquette County and/or is accessed on or from any Marquette County premises. At any time, and without prior notice, Marquette County reserves the right to examine e-mail, personal file directories and other information stored on the County's computers. This examination assures compliance with internal policies, supports the performance of internal investigations and assists with the management of Marquette County's information systems.

Marquette County considers violations of acceptable use principles or guidelines to be serious offences. The County will take such action it deems necessary to copy and examine any files or information resident on Marquette County's systems allegedly related to unacceptable use, and to protect its network from systems and events that threaten or degrade operations. Violations will be referred to the appropriate County representative.

Marquette County reserves the rights to: monitor employees use of the Internet: monitor employees e-mail: and files, information or communications sent, received or stored on any computer provided by Marquette County and/or is accessed on or from any Marquette County premises.

In the case of major infractions, for example those that impair others' ability to use the networking and computing resources, Marquette County may immediately restrict systems or network access as it deems necessary to mitigate such activities.

Improper use or violation of above policies and guidelines may result in disciplinary action and could be used as grounds for dismissal.

The failure or refusal of any employee or officer of Marquette County to abide by this policy may result in employment related sanctions in accordance with existing Personnel policy.

SOCIAL MEDIA POLICY Revised December 31, 2014

Marquette County recognizes that emerging online collaboration platforms are fundamentally changing the way citizens, government entities, and businesses interact with each other. The County has determined that online discourse through social computing may facilitate the efficient delivery of County services and foster positive public perception and a sense of community.

I. Purpose

This policy is intended to provide a framework for use of social media when authorized by the County as part of an employee's job duties. This policy also provides general guidelines for the personal use of social media by all employees. The forms of social media or technology referred to in this policy include, but are not limited to Facebook, LinkedIn, MySpace, Twitter, Yammer, YouTube, video or wiki postings, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the County.

County-owned technology resources are the property of the County, as is all data created, entered, received, stored, or transmitted via County-owned equipment.

All use of social media or similar technology is subject to all County policies, including but not limited to the information technology use and security policy, as well as existing internet, email, and harassment policies. Employees may be subject to discipline, up to and including discharge for conduct that violates County policies or rules and regulations, whether such conduct occurs on duty or off-duty. Please refer to each of these policies for additional information.

II. Changes to This Policy

Marquette County may, from time to time, modify this Social Media Policy to reflect legal, technological and other developments. A current copy of this document can be found on the MIS Department's web page at <https://marq-web/policies.htm>.

III. Definitions

The following definitions related to terms as used within the context of this policy

Social Media - a means of interactions among people in which they may create, share, and exchange information and ideas in virtual communities and networks.

Blog - discussion or informational forum published on the World Wide Web and consisting of discrete entries ("posts") typically displayed in reverse chronological order.

Facebook – social media network found at [Facebook.com](https://www.facebook.com)

Twitter – social media network found at [twitter.com](https://www.twitter.com)

Spam - unsolicited bulk messages, especially advertising, indiscriminately sent to any number of recipients

Social Media Site – Any platform on which to build social networks or social relations for the sharing of information of common interest.

IV. Work Related Social Media Guidelines

- 1) Employees are not permitted to use social media, blogging, or technology during working hours or at any time on County computers or other County-supplied devices unless specifically authorized to do so as part of employee's job responsibilities. Employees so authorized shall be referred to as designated social media representatives and such designation shall be made by the employee's Department Head with notice to the Management Information Systems (MIS) Director.

- 2) Employees may only establish official sites, blogs, pages, or accounts in their official capacity as County staff on a social media site with the authorization of their Department Head. Notification of all new official Social Media sites must be provided to the Administrative Coordinator and the MIS Director. All County authorized social media sites are to be sponsored by a County agency or department and the content of such site will become the responsibility of the department and its management.
- 3) Permission to author content on County authorized social media sites will only be granted to those employees who are authorized to speak on behalf of the County via these electronic communications media.
- 4) Employees shall not disclose any information that is required to be held confidential by state or local law. An employee shall not disclose any information that would not be available pursuant to a public records request under Wisconsin law. An employee shall only disclose a record upon approval by the record's custodian. If an employee has questions or concerns regarding the release of information or records, the employee shall consult with the employee's supervisor or Department Head.
- 5) Making false statements or providing false information may result in disciplinary action up to and including termination."
- 6) Employees may not publish content to any County-owned website or social media application that is unrelated to subjects associated with their position with the County. When writing about County matters, try to add value and provide worthwhile information and perspective.
- 7) All official Marquette County social media sites and Blog posts made or cases where an employee is speaking as a representative of the County will include the following disclaimer: "The information on this site is provided as a courtesy for informational purposes only. Please contact the listed media contact for this (site, page, etc.) to confirm the accuracy of the information on this site. Content on this site is not to be construed as a legal notice."
- 8) No image of another person shall be used without the person's consent.

- 9) Employees should not cite or reference County contractors or suppliers without approval from a Department Head. Care should be taken to not promote one contractor over another or provide preferential treatment of any kind.
- 10) Authorized social media sites are not be used to express a political view point or endorse a political candidate.

V. General Social Media Site Guidelines

All County social media sites must be sponsored by a department. The department must include a link to this site from their departmental home page and the County's official social media directory, on the County's official website.

The sponsoring department will be responsible of all management of an authorized social media site and it is the department head's responsibility to maintain compliance with this policy and all other applicable policies or laws in the management of their social media site(s).

The accuracy, quality and timeliness of all content on an authorized social media site is the responsibility of the sponsoring department. Likewise, the authorization of the appropriate staff to maintain such a site is also the responsibility of the sponsoring department.

When creating a County social media site, page, etc, all departments and employees should adhere to the following Guidelines:

- 1) Appropriate use: All communications carried out on County equipment or County-sponsored electronic media must adhere to the appropriate use guidelines set forth in the technology use policy.
- 2) Comment Policy: Any County authorized social media site which allows comments to be posted must display the following comment policy:

The purpose of this site is to present matters of public interest in the County of Marquette, including information regarding its many residents, businesses and visitors. We encourage you to submit comments, but be advised this is not an open public forum. Once posted, the County reserves the right, but assumes no obligation to delete submissions that are illegal, obscene, defamatory, threatening, invade privacy, or which are considered to be offensive to anyone or may infringe upon the intellectual property or copy rights of others. The County does not necessarily review all posted comment on a regular basis. Furthermore, the County reserves the right to delete any comment for

any reason and will immediately delete any comments that include: spam or links to other sites; are clearly off topic; advocate illegal or illicit activity; promote particular products, services or vendors; infringe on copyrights or trademarks; or advocate for a particular political party, candidate or point of view. Comments expressed on this site do not necessarily reflect the opinions of Marquette County or its employees. The County takes no responsibility nor assumes any liability for any content posted on this site. Please contact the site administrator for assistance with a comment you believe violates the above policy.

Departments are required to enforce this policy and verify that all posts comply with these guidelines:

- a) No spam
 - b) No posts unrelated to County matters.
 - c) Promotion of illegal activity prohibited
 - d) Copyrighted or licensed material prohibited
 - e) Promotion of political organization prohibited
 - f) Promotion of products or services prohibited
 - g) Personal attacks prohibited
 - h) Personal protected information prohibited
 - i) Violent, obscene or racist comments prohibited
 - j) Repetitive posts prohibited
- 3) Administrative Structure: any County authorized social media site will require the following:
- a) Assigned administrator: this person will be responsible to see to it that the use of the social media site adheres to this policy and all related County policies. The name of the site administrator must be filed with a request for an authorized social media site.
 - b) Backup administrator: to prevent issues related to site administration during the absence of the site administrator, all authorized sites must also have a named backup administrator to be filed as part of the request for an

authorized site. It is the responsibility of the sponsoring department head to update this information should authorized personnel change.

- c) Approved content authors: sponsoring departments must authorize all employee content authors for their departmental social media site.
- 4) Notification to Administration: The Administrative Coordinator's office is to be made aware of any and all Department sponsored social media sites, to include the following information:
- a) Site Address
 - b) Purpose of Site
 - c) Administrator of site
 - d) Type of communication, one-way, two-way moderated, open two-way
- 5) Required elements of a County authorized social media page: technology permitting, all County sanctioned social media sites should contain the following information in a prominent place on the site:
- a) County Department clearly identified
 - b) Comment policy
 - c) Stated purpose of page
 - d) Notification that violations of comment policy will result in blocking user
 - e) Disclaimer – See Section IV, 7.
 - f) Official contact for page
- 6) Prohibited content: The following types of content are prohibited on County sponsored social media sites:
- a) Political opinions or endorsements, campaign adds or links to any such content
 - b) Content that may be considered offensive
 - c) Content not related to the stated purpose of the particular social media site

VI. Personal use of Social Media

Marquette County respects the right of employees to use social media and does not discourage employees from self-publishing, self-expression and public conversation and does not discriminate against employees who use these mediums for personal interests and affiliations or other lawful purposes. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee of Marquette County.

- 1) Employees cannot use employer-owned equipment, including computers, County-licensed software or other electronic equipment, facilities or County time, to conduct personal use of social media.
- 2) Employees can be disciplined for use of social media in a manner that violates County policies. Information posted on social media sites can be used by the County as evidence in disciplinary actions.

VII. Employer Monitoring

Marquette County reserves the right to access and monitor all applications and functions, including social media accounts, which are used in whole or in part for County-related business. Employees have no right to or legitimate expectation of privacy regarding their use of any application or function which is used in whole or part for County-related business. Such applications and functions may be accessed and monitored by the County at any time. The County may withdraw content deemed to be inappropriate, outside the scope of an employee's authority, or in violation of County policy as determined by the Department Head and/or the Administrative Coordinator.

VIII. Reporting Violations

The County requests and strongly urges employees to report any violations or possible or perceived violations of this policy to supervisors or to Administration

IX. Discipline for Violations

The County will investigate and respond to all reports of violations of this policy. Violations may result in disciplinary action up to and including termination.

X. Acknowledgement

By downloading this policy via the email link, employees acknowledge that they received, read, understand and agreed to comply with the company's social media

policy and guidelines. Any questions regarding this policy should be directed to the MIS Director.

XI. Specific Social Media Guidelines by Medium for Authorized Sites

Twitter

Twitter is an online social networking site where members can post short updates and keep up with other members through online profiles or cell phone text messages.

Effective and approved applications for County use of Twitter would be to re-broadcast the County's Blog headlines, news releases, testimonies, statements, public service announcements, accomplishments, job announcements, and to alert citizens of emergency broadcasts, epidemics, recalls, hazardous materials incidents, national incidents, terrorists' threats and natural disasters.

Legal implications of Twitter relate primarily to the privacy of members that follow County Twitter accounts and the appearance of commercial endorsement. Restricting settings and use of follow ability can mitigate these risks.

Facebook

Effective applications for County use of Facebook include public outreach programs that target segmented audiences, public service announcements, departmental contact information, emergency broadcasts and other public affairs activities.

Legal implications of County use of social media relate primarily to:

- 1) Copyrights of video footage and photos uploaded by County representatives. Risks can be mitigated by following these standard operating procedures:
 - a) County source materials. Use only photos and videos produced by the County or contractors working directly on behalf of the County
 - b) Obtain written copyrights. If copyrighted materials are used, be sure to get and maintain physical records of copyright licenses and honor any branding or labeling requirements specified in the copyright license.
- 2) Privacy rights of individuals who become friends, fans or followers of County sites. Social media users will follow these guidelines:

- a) Account. County representatives who set up accounts should use a general office e-mail account, department name and general office phone number if possible.
 - b) Restrict to Find People and Follow People. County representatives should not follow private citizens or commercial profiles from within their County social networking profile. While we cannot necessarily stop all people from being Friends, Fans or Following us, we should not click onto the profiles of our Friends, Fans and Followers.
 - c) Comments and Discussions. When possible, disallow comments and discussions on social profiles. If it is not possible to disable this function, representatives must refrain from participating in dialogue and online discussions with social profile visitors.
- 3) Accessibility rights are governed by Section 508 compliance and web accessibility for people with visual and hearing disabilities. Social media users will follow these guidelines:
- a) Video captions and transcriptions. Embed captions within videos as part of the postproduction process. Provide transcripts of videos and attempt to include these transcripts on the social networking site. Attempt to link back to the County website from the social networking site.
 - b) Photo - alternative descriptions. Name the photo after the description before uploading it to the social networking site. Write text captions and descriptions when social networking site makes these form fields available.
 - c) PDFs. Work to make documents compliant in source format before converting to a PDF. Use formatting such as headers when applicable. Embed hyperlinks within the anchor text rather than supplying the physical URL to the right of anchor text.
- 4) Brand management of County logos and color or style guides. Social media users using media as an official representative of the County will follow these guidelines:
- a) Profile Picture. County profiles should upload the County or departmental seal or logo as their picture. It is important to use the County/departmental seal or logo to demonstrate authenticity.

- b) Profile Design. County profiles should use colors consistent with the County's brand, and should not use extraneous or distracting design. All design should be in keeping with Section 508 compliance (web accessibility) needs and maintain professionalism and consistency with County branding.
- 5) Open Records requirements are mandated by the State of Wisconsin. County Social media authors will use existing material from existing County web pages or records only upon approval by the record's custodian.

Blogs:

Blogs are forums which allow the posting of information and allow comments to such posts.

Individuals who wish to use blogs to keep the public regularly informed of the activities of their departments are required to do so within the bounds of this policy. Marquette County will allow the use of County related blogs under the following standards and conditions:

- 1) Employees are permitted to create, or use a blog only with the approval of their department head.
- 2) Blogs must be reliable and dependable. Once a blog is started, it must be regularly updated and maintained.
- 3) Only County-related matters are to be addressed in blog entries.
- 4) All blogs, comments, and postings must be respectful to employees, divisions/departments, residents, and others.
- 5) Blogs and blog posts must be accurate, fair, unbiased, and reflect positively on Marquette County.
- 6) Posts should not be edited after the fact. When making changes to previous posts indicate that you have done so.
- 7) All blog postings will be monitored. Employees have no expectation of privacy in their use of County technology resources. The County may remove any blog entry deemed to be inappropriate, outside the scope of their authority, or in violation of County policy as determined by the Department Head and/or the Administrative Coordinator. Marquette County may revoke permission to for an employee to use social media on behalf of the County or share information on behalf of the County at any time and for any reason.

MOBILE DEVICE POLICY

Revised December 31, 2014

Purpose

The purpose of this Mobile Devices Policy is to allow for the authorized use of approved portable computing and communications devices for conducting Marquette County's business. This policy sets forth guidelines for the use of both devices issued by Marquette County and devices owned by others and approved for use in conducting County business. [This Policy only applies to devices used to store information downloaded from Marquette County's systems.]

General Introduction

Marquette County, herein referred to as the County, recognizes that Mobile Devices can provide for a more efficient work environment and allows a user to perform their job duties more effectively outside of County facilities. At the same time, the use of such devices creates new risks to privacy; Protected Health Information ("PHI"); employee and organizational confidentiality; and intellectual property. This Policy is therefore intended to permit the use of such devices while managing the risks they present.

The use of Mobile Devices under this Policy is a privilege which may be terminated at any time for violation of this Policy, or as a sanction for violation of any other County policy. Violation of this Policy may be grounds for disciplinary action up to and including termination or dismissal.

Individuals Subject to this Policy

This Policy applies to all members of the County's Workforce, including all employees, volunteers, trainees, contractors and any other person whose conduct is under the direct control of the County in the performance of their job duties for or on behalf of Marquette County.

Information Subject to this Policy

This Policy applies to all information owned by Marquette County, as well as information which the County is obliged by law to protect against unauthorized use, disclosure, copying or alteration. This includes, but is not limited to:

- a) Protected Health Information, as defined under HIPAA.
- b) Intellectual property such as copyrighted text or graphics.
- c) Information required to be held confidential by law.
- d) Sensitive visual information, such as patient faces or physical security safeguards, which may be subject to photographing or video capture.
- e) Information that is not subject to release under Wisconsin public records law.

Devices Subject to this Policy

This Policy applies to all electronic computing and communications devices which may be readily carried by an individual and capable of receiving, processing, or transmitting digital information, whether directly through download or upload, text entry, photograph or video, from any data source, whether through wireless, network or direct connection to a computer, other Portable Device, or any equipment capable of recording, storing or transmitting digital information (such as copiers or medical devices). Mobile Devices therefore include but are not limited to smartphones, digital music players, hand-held computers, laptop computers, tablet computers, and personal digital assistants (PDAs) used in conducting County business.

This Policy applies to personally-owned Mobile Devices used in conducting County business as well as Mobile Devices provided by the County. *This policy does not apply to any device not used for the storage, receipt, processing or transmittal of County information subject to this policy, as set forth in item 0 above.*

Prohibited Mobile Devices

Mobile Devices which cannot be or have not been configured to comply with this Policy or meet the operational standards required by County software applications necessary for authorized use are prohibited from being used for any County-related business or purpose.

Authorization to Use Mobile Devices

Authorization for the use of mobile devices in conducting County business can be obtained [at the request of the Department Head], or their designee, who in turn will obtain authorization from the MIS Department. No Mobile Device may be used for any purpose or activity involving information subject to this Policy without prior authorization. Authorization will be given only for those Mobile Devices which the MIS Department has determined conform to County standards for operability and can be configured to comply with this Policy.

Access to, obtaining, use and disclosure of information subject to this Policy by a Mobile Device, must be in compliance with all County policies at all times.

Authorization to use a Mobile Device may be suspended at any time:

- a) If the User fails or refuses to comply with this Policy;
- b) In order to avoid, prevent or mitigate the consequences of a violation of this Policy;
- c) In connection with the investigation of a possible or proven security breach, security incident, or violation of County policies;

- d) In order to protect individual life, health, privacy, reputational or financial interests; to protect any assets, information, reputational or financial interests of the County;
- e) Upon request of the Department Head;
- f) At the discretion of the County for any reason.

Authorization to use a Mobile Device terminates:

- g) Automatically upon the termination of a User's status as a member of the County's Workforce;
- h) Upon a change in the User's role as a member of the County's Workforce, unless continued authorization is requested by the supervisor or department head of the department in which the User works.
- i) If it is determined that the User violated this or any other County policy, in accordance with such policies.

The use of a Mobile Device without authorization, while authorization is suspended, or after authorization has been terminated is a violation of this Policy.

Audit of Mobile Devices

Upon request by the Department Head or at the County's discretion at any time, any Mobile Device authorized under this policy may be subject to audit to ensure compliance with this and other County policies. Any User receiving such a request shall transfer possession of the Mobile Device to the MIS Department at once, unless a later transfer date and time is indicated in the request, and shall not delete or modify any information subject to this Policy which is stored on the Mobile Device after receiving such request.

Evidentiary Access to Mobile Devices

The MIS, Administration or Legal Departments may issue a litigation hold at their sole discretion. Upon notice of a litigation hold, any Mobile Device may be subject to transfer to the possession of such Department to ensure compliance with the litigation hold. Any User receiving such a notification shall transfer possession of the Mobile Device at once, unless a later transfer date and time is indicated in the notification, and shall not delete or modify any information subject to this Policy which is stored on the Mobile Device after receiving the request.

Right to Remove Data / Remote Wipe

The County reserves the right to remove any and all County information from any mobile device, whether County issued or personally owned, at any time, for any reason through direct or remote access.

Mobile Device User Responsibilities

In addition to other requirements and prohibitions of this and other County policies, Mobile Device Users have the following responsibilities:

- a) Information subject to this Policy which is stored on the Mobile Device must be encrypted as provided by other policies or laws governing the type of information stored. Information subject to this Policy should not be stored on the Mobile Device for any period longer than necessary for the purpose for which it is stored.
- b) Any Mobile Device subject to this policy may not be shared at any time if the information stored on the device under this policy is unencrypted.
- c) Access to each Mobile Device must be controlled by a password or PIN number consistent with County policy. Password or PINs must be changed periodically as provided in the Marquette County Computer and Network Security Use policy. The Mobile Device must limit the number of attempts to enter the password or PIN correctly.
- d) The timeout for access to the Mobile Devices must be a maximum of 30 minutes.
- e) If possible, Mobile Devices must have antivirus software. Mobile Devices which cannot support antivirus software may be subject to limitations on use at the discretion of the MIS Department.
- f) Physical protection for Mobile Devices must be provided as required by this policy.
- g) If the Mobile Device is misplaced, stolen or believed to be compromised this must be immediately reported to the Department Head and MIS Department
- h) Applications and services installed on County-issued Mobile Devices must be properly licensed and approved by MIS Department prior to installation
- i) Bluetooth and infrared (IR) services must be configured as approved by the MIS Department or turned off.
- j) Comply with all open records laws and the County's records retention ordinance.
- k) County owned Mobile Devices must be disposed of in accordance with County policy.
- l) Marquette County does not allow texting or emailing while operating County owned vehicles.

Physical Protection of Mobile Devices

All mobile devices authorized for County business use under this policy must be handled, stored, transported and used in a manner which provides for the protection of the device and information stored on the device.

All mobile devices containing information covered under this policy must be:

- a) secured from theft at all times and not left unattended in insecure locations
- b) protected from the elements to the degree specified by the manufacturer of the device

- c) protected by an appropriate case or carrying bag to prevent damage from drops or exposure
- d) removed from unattended vehicles or properly secured within the vehicle, such as in the trunk or locked compartment
- e) removed from unattended vehicles during periods of extreme heat or cold which exceeds the device manufacturers recommended minimum and maximum operating temperatures.

Personal Use of Mobile Devices

Personal Use of County issued Mobile Devices is subject to the County's Computer and Networking Security Policy and all other applicable County policies.

Personal use of a non-County issued Mobile Devices is not subject to the Technology Use Policy, except when such use utilizes other County owned technology resources. The personal use of a non-County issued device must at all times be consistent with this Policy.

All information on a Mobile Device, including personal information about or entered by the User, may be subject to audit or evidentiary review as provided in this Policy. Any such personal information may be used or disclosed by the County to the extent it deems reasonably necessary under the following conditions:

- a) In order to avoid, prevent or mitigate the consequences of a violation of this Policy;
- b) In connection with the investigation of a possible or proven security breach, security incident, or violation of County policies;
- c) In order to protect the life, health, privacy, reputational or financial interests of any individual;
- d) To protect any assets, information, reputational or financial interests of Marquette County;
- e) For purposes of determining sanctions against the User or any other member of the County's workforce;
- f) For purposes of litigation involving the User;
- g) If Required by Law.

Prohibited Uses of Mobile Devices

The following uses of Mobile Devices are prohibited:

- a) The storage of information subject to this Policy, including voice messages, voice notes, email, instant messages, web pages and electronic documents, photographs, images and videos, unless they are encrypted or protected to the degree required by law or other County policies.
- b) The non-secure transmission or upload of information subject to this Policy, including voice messages, voice notes, email, instant messages, web pages and electronic documents, photographs, images and videos, without encryption, unless previously authorized by the Department Head and MIS Department

- c) The creation of any photograph, image, video, voice or other recording of any individual who is a patient or member of the County's workforce, except in compliance with County policy or authorization by that individual.
- d) The creation of any photograph, image, video, voice or other recording of any County document, record, computer or device screen which includes information subject to this Policy, except as authorized by other County policies or required in the performance of the users job duties.
- e) Devices may not be used at any time to:
 - Store or transmit illicit or illegal material
 - Harass others

Specific Provisions for Non- County Issued Devices

The use of non-County issued devices for County business must be authorized under the provisions of this policy. Personal Devices belonging to employees that are for personal use only are not allowed to connect to the network without Department Head or designee approval. In addition, the owner of such devices authorizes the County to:

- a) Install any applications necessary to provide compliance with this policy
- b) Remotely access the device
- c) Prevent the disabling of security and remote access functions
- d) Remove any County owned information or applications from the device
- e) Take possession of and hold the device for reasons set forth in this policy
- f) Limit or prevent uses which risk loss or disclosure of information covered under this policy
- g) Limit or prevent uses which constitute a security risk to the County or County systems
- h) Require the installation of applicable upgrades or security patches
- i) Monitor the use of the device

Risks/Liabilities/Disclaimers

- a) In the event that a device must be remotely wiped, it is the employee's responsibility to take additional precautions, such as backing up email, contacts, pictures, music, etc. for all personal data.
- b) The County will not reimburse an employee for cost associated with the use of a personal device
- c) The employee is personally liable for all costs associated with his or her personal device
- d) The employee assumes full liability for risks including, but not limited to, the partial or complete loss of county and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable.

ENCRYPTION POLICY adopted 2/18/2014

Overview

Marquette County's intentions for publishing this policy are not to impose restrictions that are contrary to Marquette County's culture of trust and integrity, but is committed to protecting Marquette County's employees and clients from illegal or damaging actions by individuals, either knowingly or unknowingly.

Internet/ Intranet/ Extranet related systems, including but not limited to computer equipment, software, operating systems, storage media, network, accounts providing electronic email, WWW browsing, and FTP, are the property of Marquette County. These systems are to be used for business purposes in the serving interests of the County and its clients.

Effective Information Security is a team effort involving the participation and support of every Marquette County Employee and third party who deals with the information and information systems. It is the responsibility of every computer user to know these guidelines, and conduct their activities accordingly.

1.0 Purpose

The purpose of this policy is to ensure that appropriate security controls are used to protect confidential / personal/ personnel sensitive information within storage and during transmission, including

- Data encryption during transmission
- Encryption for all internet-based transmission
- Encryption of backups

These rules are in place to protect the employee and Marquette County. Inappropriate use exposes Marquette County to risks including virus attacks, compromise of network systems, as well as Regulatory and Compliance Issues.

This policy is mandatory and by accessing any Information Technology (I.T.) resources which are owned or leased by the Marquette County, users are agreeing to abide by the terms of this policy.

2.0 Scope

This policy applies to all employees, contractors, consultants, temporaries, and other workers at Marquette County, including all personnel employed by third parties who may have access to Marquette County resources, premises, All connections to (locally or remotely) the HSE network Domains (LAN/WAN/Wi-Fi), and IT systems. This policy applies to all equipment and series that are owned or leased by Marquette County.

3.0. Definitions

Sensitive Data: Protected Health Information, Social Security Numbers, Credit Card Numbers, Financial Account Numbers, and other information protected by HIPAA, FERPA, Gramm Leach Bliley, and other laws and regulations.

Protected Health Information: Protected health information (PHI) is any information in the medical record or designated record set that can be used to identify an individual and that was created, used, or disclosed in the course of providing a health care service such as diagnosis or treatment.

The 18 Identifiers that render information PHI are the following:

1. Names;

2. All geographical subdivisions smaller than a State, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code, if according to the current publicly available data from the Bureau of the Census: (1) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and (2) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
4. Phone numbers;
5. Fax numbers;
6. Electronic mail addresses;
7. Social Security numbers;
8. Medical record numbers;
9. Health plan beneficiary numbers;
10. Account numbers;
11. Certificate/license numbers;
12. Vehicle identifiers and serial numbers, including license plate numbers;
13. Device identifiers and serial numbers;
14. Web Universal Resource Locators (URLs);
15. Internet Protocol (IP) address numbers;
16. Biometric identifiers, including finger and voice prints;
17. Full face photographic images and any comparable images; and
18. Any other unique identifying number, characteristic, or code (note this does not mean the unique code assigned by the investigator to code the data)

4.0 Policy

4.1 Principles of Encryption

Where possible all confidential and restricted information must be stored on a secure Marquette County network server with restricted access. Where it has been deemed necessary by a department manager to store confidential or restricted information on any device other than a Marquette County network server the information must be encrypted.

All confidential and restricted information transmitted via email to an email address outside of the Marquette County domain (i.e. one that does **not** end in “@co.marquette.wi.us”) must be encrypted.

4.2 Servers

Confidential and restricted information stored on shared Marquette County network servers which are situated in physically insecure locations (For example remote file/print servers) must be protected by the use of strict access controls.

4.3 Desktop Computers

Marquette County desktop computers are generally accepted as having a lower risk of being stolen and as such most will not need to have encryption software installed. However the following types of Marquette County desktop computers will need to have encryption software installed:

- 1) Desktop computers which for business, geographic or technical reasons need to permanently store Marquette County confidential or restricted information locally on the computer’s hard drive (as opposed to a secure Marquette County network server).

2) Desktop computers which for business, geographic or technical reasons need to permanently host Marquette County information systems (for example, MS Access, Excel etc.) that process Marquette County confidential or restricted information locally on the computer's hard drive (as opposed to a secure Marquette County network server).

The preferred method of encryption for Marquette County desktop computer devices is whole disk encryption.

4.4 Laptop, Mobile Computer & Smart Devices

All Marquette County laptop computer devices must be password protected and have up to date anti-virus software installed.

Mobile computer devices and smart devices which are not capable of whole disk encryption must use file/folder level encryption to encrypt all confidential and restricted information stored on the device.

Laptop, mobile computer devices and smart devices must not be used for the long-term storage of confidential and restricted information.

4.5 USB Memory Sticks

Confidential and restricted information may **not be stored on USB memory sticks without department head approval**. The storage of confidential or restricted information on USB memory sticks without approval will be considered a breach of this policy.

Marquette County approved USB memory sticks must only be used on an **exceptional** basis where it is essential to store or temporarily transfer confidential or restricted information and **must be encrypted and approved through their appropriate department head**. They must **not be used for the long term storage of confidential or restricted information**, which must where possible be stored on a secure Marquette County network server.

Confidential and restricted information stored on the Marquette County approved USB memory stick must not be **transferred** to any internal (except a secure Marquette County network server) or external system.

4.6 Transmission Security

All confidential or restricted information transmitted through email to an email address outside of the Marquette County domain (i.e. one that does **not** end in "@co.marquette.wi.us") must be encrypted. The transfer of such information outside of the Marquette County domain must be authorized by the department's head of staff. The authorization must be issued in advance of the first instance and will apply thereafter if necessary.

Where confidential and restricted information is transmitted through a public network (for example the internet) to an external third party the information must be encrypted first or sent via a secure channels (for example: Secure FTP, TLS, VPN etc.). The transfer must be authorized by the employee's department head. The authorization must be issued in advance of the first instance and will apply thereafter if necessary.

All confidential and restricted information transmitted around existing wireless networks must be encrypted using WEP (Wired Equivalent Privacy) or better. All new wireless networks installations must be encrypted using WPA (Wi-Fi Protected Access) or better.

5.0 Roles & Responsibilities

5.1 MIS Department

The MIS Department is responsible for:

The selection and procurement of all encryption facilities used within the Marquette County Networking system.

The provision, deployment and management of encryption facilities within the Marquette County Networking system.

Advice and guidance on the use of encryption facilities within the Marquette County Networking system.

5.2 Users

Each user of the Marquette County's IT resources is responsible for:

Complying with the terms of this policy and all other relevant Marquette County Networking policies, procedures, and regulations.

Respecting and protecting the privacy and confidentiality of the information they process at all times.

Complying with instructions issued by the MIS Department on behalf of the Marquette County Computer and Networking Systems policy and procedures issued by the County Board.

Ensuring all passwords assigned to them are kept confidential at all times and not shared with others;

Ensuring passwords used to access devices are not written down on the device or stored with or near the device

Reporting all misuse and breaches of this policy to their Department Head.

5.3 Department Heads

In addition to each user's responsibilities, Department Heads are directly responsible for:

The implementation of this policy and all other related Marquette County policies within the business areas for which they are responsible.

Ensuring that all Marquette County employees who report to them are made aware of and are instructed to comply with this policy and all other relevant Marquette County policies.

Consulting with the HR Department in relation to the appropriate procedures to follow when a breach of this policy has occurred.

6.0 Enforcement

The Marquette County MIS Department reserves the right to take such action as it deems appropriate against individuals who breach the conditions of this policy. Marquette County staff, contractors, sub-contractors or agency staff who breach this policy may be subject to disciplinary action, including suspension as provided for in the Marquette County Policy and Procedure Manual.

Breaches of this policy by a third party commercial service providers, may lead to the withdrawal of Marquette County information technology resources to that third party commercial service provider and/or the cancellation of any contract(s) between Marquette County and the third party commercial service provider.

Appendix

Authorization / Authorized: Official Marquette County Personnel approval and permission to perform a particular task.

Confidential information: Information which is protected by legislation or regulations, Marquette County policies or legal contracts. The unauthorized or accidental disclosure of this

information could adversely impact Marquette County Government, its patients, its staff and its business partners. Some examples of confidential information include:

Patient / client / staff personal data (Except that which is restricted)

Patient /client / staff medical records (Except that which is restricted)

Unpublished medical research

Staff personal records

Service plans / service performance monitoring reports

Draft reports

Audit reports

Purchasing information

Vendor contracts / commercially sensitive data

Data covered by Non-Disclosure Agreements

Passwords / cryptographic private keys

Data collected as part of criminal/HR investigations

Incident Reports

Decryption / Decrypt: The process of decoding information which has been converted into an unreadable form (cipher text) back into a readable form (plain text).

Marquette County Network: The data communication system that interconnects different Marquette County Local Area Networks (LAN) and Wide Area Networks (WAN)

Marquette County Network Server: A computer on the Marquette County network used to manage network resources.

Home Worker(s): Marquette County employee(s) who is authorized to work from their home (on an occasional or regular basis) instead of a Marquette County buildings. **Information:** Any data in an electronic format that is capable of being processed or has already been processed.

Information Technology (I.T.) resources: Includes all computer facilities and devices, networks and data communications infrastructure, telecommunications systems and equipment, internet/intranet and email facilities, software, information systems and applications, account usernames and passwords, and information and data that are owned or leased by Marquette County.

Mobile Phone Device: Any wireless telephone device not physically connected to a landline telephone system. Including but not limited to mobile phones, smart phone devices (for example, Apple iPhones, Windows Mobile enabled devices, Google Android enabled devices, Blackberry RIM enabled devices etc.). This does not include cordless telephones which are an extension of a telephone physically connected to a landline telephone.

Personal information: Information relating to a living individual (Marquette County employee, client and patient) who is or can be identified either from the information or from the information in conjunction with other information. For example: - an individual's name, address, email address, photograph, date of birth, fingerprint, racial or ethnic origin, physical or mental health, sexual life, religious or philosophical beliefs, trade union membership, political views, criminal convictions etc.

Process / Processed / Processing: Performing any manual or automated operation or set of operations on information including:

Obtaining, recording or keeping the information;
Collecting, organizing, storing, altering or adapting the information;
Retrieving, consulting or using the information;
Disclosing the information or data by transmitting, disseminating or otherwise making it available;
Aligning, combining, blocking, erasing or destroying the information.

Removable storage Device: Any optical or magnetic storage device or media including but not limited to floppy disks, CD, DVD, magnetic tapes, ZIP disk, USB flash drive (i.e. memory stick/pen/keys), external hard drives.

Restricted Information: Highly sensitive confidential information. The unauthorized or accidental disclosure of this information would seriously and adversely impact Marquette County Government, its patients, its staff and its business partners. Some examples of restricted information include:

Patient / client / staff sensitive personal information (i.e. mental health status, HIV status, STD/STI status etc.)
Childcare / Adoption information
Social Work information
Addiction Services information
Disability Services information
Strategic corporate plans

Smart Device: A handheld mobile computer device which is capable of wireless connection (via WiFi, 3G, 4G etc.), voice and video communication and, internet browsing etc. (for example: Apple IOS enabled devices (i.e. iPhone & iPad), Google Android enabled devices (i.e. Samsung Galaxy tablet), Windows Mobile enabled devices and, Blackberry RIM enabled devices etc.).

Third Party Commercial Service Provider: Any individual or commercial company that have been contracted by Marquette County Government to provide goods and/or services (for example, project / contract management, consultancy, information system development and/or support, supply and/or support of computer software / hardware, equipment maintenance, data management services, patient / client care and management services etc.) to Marquette County.

Transmission / Transmitted: The process of sending something (information or otherwise) from one location to another location.

ELECTRONIC KEY POLICY

PURPOSE

Marquette County shall provide facilities access and security procedures to assist key holders in maintaining the security of County's facilities. It is the responsibility of each key holder to ensure that such procedures are followed and to maintain the security of County buildings and facilities to which they have access. Key holders are responsible for physically securing access points upon entering or leaving a room or facility after operational hours. All keys are issued by Marquette County Information Technology Department and shall remain the property of the Marquette County.

Key Policy

1. Keys are only for the person to whom the key(s) is (are) issued.
2. Keys are not to be used to allow unauthorized person(s) into the building.
3. Propping open any door is strictly prohibited.
4. Keys are the property of the Information Technology Department. Any staff member of the Administration or Information Technology Department may demand the return of any or all keys at any time for any reason.

Lock Down Hours

During non-business hours, access to County buildings is obtained through the following:

Courthouse: North entrance of the Courthouse building. These doors will be locked between 4:30 P.M. and 7:30 AM on weekdays and throughout the weekends.

Service Center: North entrance of the Service Center Building. These doors will be locked between 4:30 P.M. and 7:30 AM on weekdays and throughout the weekends.

Health & Human Services: South Entrance of the Health & Human Services Building. These doors will be locked between 4:30 P.M. and 7:30 AM on weekdays and throughout the weekends. Access may also be obtained, by employees only, through the employee entrance on the East door of the building.

Highway Maintenance: South Entrance to the Parts Facility for non-county personnel. This includes vendors, deliveries, etc... This door will be locked between 3:30 P.M. and 7:00 A.M. on weekdays and throughout the weekends.

Highway Storage Facility: East Entrance to the Storage Facility. This door will be locked at all times with secure access granted to highway personnel only.

All other secure entrances may be accessed through the use of provided security keys provided access has been approved by department heads and established in the security system.

Lock down hours may change due to special events or circumstances. These requests must go through Building and Grounds Supervisor, appropriate department head or Committee.

Authorized Physical Key Holder

Employees will be issued keys based upon necessity of their position or job description.

NOTE: Only ONE key for a door will be issued to each person.

Electronic Key Return

All keys that no longer are needed due to transfer, termination, retirement, etc. shall be returned to the Administration Office or the Information Technology Department. Under no circumstance are keys to be transferred to any other individual or left with the department.

Lost or Stolen Electronic Keys

If a key is lost or stolen, it is the responsibility of the individual assigned the key to immediately notify the department who authorized said key. Failure to do so may result in the loss of key privileges.

Replacement of a physical key is \$50 for the first time an issued key is lost. This is to be paid by the person to whom the lost key was issued.

If an individual has two or more separate incidents of lost, stolen, or non-returned key violations, the Administration or Information Technology Department may revoke his/her key privileges.

Consequences of Failing to Return Keys

If the key given to the employee is not returned to the Administration Office or Information Technology Department by the set end date, then the respective budget to which the employee worked under will be charged for key replacement as stated above.

Authorized Access

Marquette County Employees will be given access through an electronic key. Access will be provided based upon necessity of their position or job description. Any extra access will be granted on a case-by-case basis.

Possession of unauthorized keys or alteration of keys is prohibited. If an individual is found to possess and/or use unauthorized keys, or is found to have altered keys for unauthorized use, appropriate disciplinary action will be taken in accordance with applicable policies and regulations.

APPENDIX B – GRIEVANCE PROCEDURE

CHAPTER 1 - GRIEVANCE PROCEDURE

1.01 PURPOSE

This grievance procedure is established pursuant to Wis. Stat. § 66.0509(1m). Eligible employees shall use the procedure to resolve disputes with Marquette County (County) regarding covered employee termination, employee discipline or workplace safety issues. This grievance procedure may be modified or eliminated by the County at any time, with or without prior notice. 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.

1.02 DEFINITIONS

The following definitions shall apply to this grievance procedure:

1. **“Employee”** for purposes of Discipline and Termination (as defined in this grievance procedure) means a “regular full-time” and “regular part-time” employee as defined in the Marquette County Policies and Procedures Manual. “Employee” does not include, without limitation, any of the following: elected officials, other part-time employees, temporary employees, limited term employees, contractors or their respective employees, employees covered by a collective bargaining agreement containing a grievance procedure which addresses Discipline and Termination (as defined in this grievance procedure) or any employees and officials or officers that serve at the pleasure of an appointing authority as provided by Wisconsin statute.

“Employee” for purposes of Workplace Safety (as defined in this grievance procedure) means any employee of the County.

2. **“Discipline”** is defined as any of the following adverse employment actions: disciplinary action that results in a loss of pay; and disciplinary reduction in rank or demotion. “Discipline” does not include, without limitation, any of the following actions: paid suspensions, layoffs or workforce reduction activities; non-disciplinary wage, benefit or salary adjustments or reductions; non-disciplinary reductions in rank or demotions; 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 pending investigation of misconduct or nonperformance; or change in assignment or assignment location.

3. **“Termination”** is defined as an involuntary separation of employment initiated by the County that is not a layoff, furlough, workforce reduction or involuntary separation of employment due to disability or failure to maintain proper certification or qualifications for a position within the County.

4. **“Working day”** means a day when the Marquette County Courthouse is open for business.

5. **“Workplace Safety”** means any standard established or adopted under Wis. Admin. Code Chapter SPS 332 Public Employee Safety and Health.

1.03 GRIEVANCE PROCEDURE FOR DISCIPLINE AND TERMINATION.

A. Filing Procedure.

1. **Who May File A Grievance For Discipline Or Termination.** A grievance may only be filed by the “Employee” who is the subject of the Discipline or Termination.

2. **Initiating A Grievance.** An Employee may initiate a grievance relating to Discipline or Termination by presenting a written grievance on the form attached to this policy as Appendix A to the Office of the County Administrative Coordinator within ten (10) working days of the event giving rise to the grievance or the date upon which the Employee should have reasonably known the facts giving rise to the grievance. The Employee must sign and date the grievance. A grievance will not be considered filed until the Employee signs the grievance and the grievance is received by the Office of the County Administrative Coordinator. Failure to timely file a grievance with the Office of the County Administrative Coordinator within ten (10) working days shall constitute a waiver of the Employee’s right to use the grievance procedure and an abandonment of the grievance.

3. Incomplete Grievance; Impact Of Failure To Provide Complete Information.

If a timely filed grievance is missing information or is incomplete, the Administrative Coordinator shall issue a written request to the Employee identifying the information needed to complete the grievance form and proceed with the grievance procedure. The Employee shall have five (5) working days from receipt of the written request to provide the Office of the Administrative Coordinator with the requested information.

If the Employee timely responds, and the Administrative Coordinator finds that the information provided by the Employee is complete, the grievance shall move forward in the grievance procedure. If, upon timely receipt of a response from the Employee, the Administrative Coordinator finds that the grievance is still incomplete, the Administrative Coordinator shall refer the matter to the Marquette County Executive and Finance Committee to determine whether the Employee's response is sufficient and the grievance may proceed. The decision of the Executive and Finance Committee as to the sufficiency of the grievance shall be final and binding. The failure of an Employee to timely provide the requested information or a finding by the Executive and Finance Committee that the Employee has failed to provide sufficient information to allow the grievance to move forward shall constitute a waiver of the Employee's right to use this grievance procedure and an abandonment of the grievance.

4. Grievance Verification.

By signing the grievance, the Employee is certifying, under penalty of law, that the information in the grievance is true and correct. Any employee who files a grievance that is false or misleading or for the purposes of intimidation, annoyance or harassment or who otherwise files a grievance in bad faith is subject to disciplinary action.

B. County Response

Upon receipt of the filing of a timely and complete grievance form, the Administrative Coordinator shall have ten (10) working days to provide a written response to the Employee either sustaining or denying the grievance.

C. Request For Hearing.

In the event the grievance is denied, an Employee shall have five (5) working days from receipt of the County's Response to file a written request for hearing with the Office of the Administrative Coordinator. Failure of the Office of the Administrative Coordinator to receive a written request for hearing from the Employee within five (5) working days of the County's Response shall constitute a waiver of the Employee's right to use the grievance procedure and an abandonment of the grievance. In the event the County fails to timely provide a Response to the grievance, the grievance shall be deemed denied and that matter shall automatically proceed to hearing.

D. Hearing Procedure.

1. Selection Of An Impartial Hearing Officer. Upon receipt of the request for hearing, the County shall provide the grievant with a list of three (3) individuals from which the Employee may select to serve as the impartial hearing officer. The Employee shall provide the Office of the Administrative Coordinator with the name of the impartial hearing officer selected by the Employee in writing within three (3) working days of receipt of the list from the County. If the Employee does not select an impartial hearing officer within this period, the County shall select the impartial hearing officer from the list

provided to the Employee. The County shall notify the impartial hearing officer as soon as possible of his or her appointment. The County will be responsible for any costs associated with the impartial hearing officer.

2. Hearing Date. Upon notification of his or her selection, the impartial hearing officer shall schedule a hearing within a period of not less than fifteen (15) working days nor greater than thirty (30) working days. Within three (3) working days of the appointment of the impartial hearing officer, the impartial hearing officer shall confer with the Employee and the Administrative Coordinator to select a date for the hearing on the grievance. 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 the requesting party has demonstrated "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 appeal. Any amendments to the grievance by the Employee shall be made prior to the selection of the hearing date. Any amendments after that time may only be allowed if the Employee has demonstrated "good cause" for delay as determined by the impartial hearing officer, whose decision regarding a request for amendment shall be final, binding, and not subject to appeal.

3. Discovery; Grievance Amendment; Witnesses And Documents; Pre-hearing statements; No Mediation.

There shall be no formal pre-hearing discovery. The Employee and the County shall exchange a list of witnesses they intend to call at the hearing and any exhibits they intend to introduce at the hearing 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. No witness or document which was not identified or exchanged by a party may be introduced at the hearing without a written finding by the impartial hearing officer that there was good cause for the failure of the party to identify a witness or produce a document prior to the deadline. Each party may file a pre-hearing statement of no more than two (2) type written single space pages outlining their position relative to any issues related to the grievance. The impartial hearing officer may not serve as a mediator nor make any attempt to mediate the dispute.

4. Hearing.

a. Recording; Closed Hearing. The hearing before the impartial hearing officer will be digitally recorded and a copy of the recording shall be provided at no cost to the Employee, the County and the impartial hearing officer. The digital recording of the hearing shall be maintained by the County for the period required by law. The hearing shall be closed to the public.

b. Representation. The Employee and the County may be represented by an attorney of their choice. Neither party shall be responsible for the attorneys' fees, witness fees or costs of the other. The Employee may only be represented by an attorney.

c. **Order Of Case; Cross-Examination.** The Employee shall call witnesses and present testimony and exhibits that are relevant to the grievance. 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 may allow for opening or closing statements at the discretion of the impartial hearing officer, such statements not to exceed ten (10) minutes in length.

d. **Rules of Evidence; Exclusion of Evidence.** The impartial hearing officer is not bound by the rules of evidence and has the discretion to admit all evidence that the impartial hearing officer determines is relevant and to exclude immaterial, irrelevant or unduly repetitious testimony or evidence. Notwithstanding the foregoing, the impartial hearing officer may not base any factual finding or conclusion solely on hearsay evidence.

e. **Right Of Impartial Hearing Officer To Question.** During the hearing, the impartial hearing officer may ask questions as the impartial hearing officer deems necessary or helpful.

f. **Close of the Hearing; No Briefs.** After the Employee and the County have finished introducing evidence and completed closing arguments, if any, the impartial hearing officer shall close the hearing. The parties shall have no right to file briefs or position statements following the close of the hearing.

E. Burden Of Proof; Impartial Hearing Officer's Decision; Remedies

1. **Burden Of Proof; Standard Of Review.** Unless specifically required by another statute or code, the Employee bears the burden of proof to persuade the Impartial Hearing Officer by clear and 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.

In determining whether an Employee has proved by clear, convincing and satisfactory evidence that the County's decision to Discipline/Terminate did not have a rational basis, the Impartial Hearing Officer may only consider the evidence introduced at the hearing and the weight of that evidence. The Impartial Hearing Officer may not overturn the County's decision to Discipline/Terminate based upon his or her own personal judgment or opinion regarding the matter. Moreover, the Impartial Hearing Officer may not determine a decision to Discipline/Terminate did not have a rational basis based on the County's failure to implement or follow concepts of progressive discipline or just cause, in whole or in part, in making the decision to Discipline/Terminate the Employee. Finally, the Impartial Hearing Officer must recognize all County policies, rules, procedures and

regulations and may not modify or disregard the same in determining whether the County's decision to Discipline/Terminate has a rational basis.

2. Decision. 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 statement of issues, standard of review, findings and, if the grievance is sustained, a remedy for the Employee. If the Impartial Hearing Officer sustains the grievance, in whole or in part, the Impartial Hearing Officer's decision must include a detailed explanation as to why the County's decision to Discipline/Terminate has no rational basis as well as a detailed description of the Impartial Hearing Officer's reasons for reducing or modifying the Discipline/Termination imposed by the County.

Remedies. If the grievance is sustained, the impartial hearing officer may but is not required to, award the Grievant one or more of the following remedies, if reasonable, under the totality of the circumstances:

reinstatement, lesser adverse employment action than the termination or discipline imposed by the County such as a reduced period of suspension, reduction in base pay, reduction in rank, demotion, oral or written reprimand or performance improvement plan, documentation of employee acts and/or omissions in an employment file, or that no adverse employment action be taken by the County. If the Impartial Hearing Officer reduces an unpaid suspension, the Impartial Hearing Officer may award back pay, less other interim earnings, to the Employee for any period of unpaid suspension served by the employee that was reduced. If reinstatement is awarded, the Impartial Hearing Officer may award back pay to the employee reduced by any other interim earnings and unpaid suspension imposed by the Impartial Hearing Officer, and/or reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

1.04 GRIEVANCE PROCEDURE – WORKPLACE SAFETY

A. Preconditions To Filing.

1. 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 Office of the Administrative Coordinator in writing on the attached Unsafe Condition or Hazard Report, Appendix B.

2. County Response. Upon receiving an Unsafe Condition or Hazard Report from an Employee, the County shall have ten (10) working days in which to investigate the condition and advise the Employee in writing that the County: (a) has determined that the condition does not constitute a Workplace Safety violation and will not be taking corrective action; or (b) will be taking corrective action in accordance with law to address the condition.

3. Grievance Filing Limitation. If the County advises the Employee in writing within ten (10) working days that it is taking corrective action in accordance with law and has commenced corrective action within this period, an Employee may not initiate a Workplace Safety grievance.

4. Dissatisfaction With The County's Corrective Action. If, at completion of the County's corrective action, the Employee believes a Workplace Safety violation continues to exist, the Employee must resubmit a new Unsafe Condition or Hazard Report and follow the procedures in this paragraph prior to proceeding with a Workplace Safety grievance.

B. Filing Procedure.

1. Who May File A Workplace Safety Grievance. 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.

2. Initiating A Grievance. An Employee may initiate a grievance relating to Workplace Safety by presenting a written grievance on the form attached to this policy as Appendix C to the Office of the County Administrative Coordinator within ten (10) working days of: (a) the Employee's receipt of written notice from the County that the County will not be taking corrective action with respect to an alleged Workplace Safety violation; (b) the County's failure to begin corrective action within ten (10) working days of the Employee's report of the Workplace Safety violation referenced in section 1.04(A) above; (c) the failure of the County to respond to a report of a Workplace Safety violation within ten (10) working days. The Employee must sign and date the grievance. A grievance will not be considered filed until the Employee signs the grievance and the grievance is received by the Office of the County Administrative Coordinator.

3. Extensions Of Time; Impact Of Untimely Filing. The Administrative Coordinator may, in his or her sole and absolute discretion, agree to extend the time for filing a grievance up to an additional five (5) working days based upon a written request for an extension received from the Employee prior to the expiration of the ten (10) working day deadline to file the grievance. Any written request for an extension of time must explain the reasons why the Employee cannot meet the grievance filing deadline. Failure to timely file a grievance with the Office of the County Administrative Coordinator within ten (10) working days or any period of extension granted by the Administrative Coordinator shall constitute a waiver of the Employee's right to use the grievance procedure and an abandonment of the grievance.

4. Incomplete Grievance; Impact Of Failure To Provide Complete Information.

If a timely filed grievance is missing information or is incomplete, the Administrative Coordinator shall issue a written request to the Employee identifying the information needed to complete the grievance form and proceed with the grievance

procedure. The Employee shall have five (5) working days from receipt of the written request to provide the Office of the Administrative Coordinator with the missing information.

If the Employee timely responds, and the Administrative Coordinator finds that the information provided by the Employee is complete, the grievance shall move forward in the grievance procedure. If, upon timely receipt of a response from the Employee, the Administrative Coordinator finds that the grievance is still incomplete, the Administrative Coordinator shall refer the matter to the Marquette County Executive and Finance Committee to determine whether the Employee's response is sufficient and the grievance may proceed. The decision of the Executive and Finance Committee as to the sufficiency of the grievance shall be final and binding.

The failure of an Employee to timely provide the requested information or a finding by the Executive and Finance Committee that the Employee has failed to provide sufficient information to allow the grievance to move forward shall constitute a waiver of the Employee's right to use this grievance procedure and an abandonment of the grievance.

5. Grievance Verification.

By signing the grievance, the Employee is declaring, under penalty of law, that the information in the grievance is true and correct. Any employee who files a grievance that is false or misleading or for the purposes of intimidation, annoyance or harassment or who otherwise files a grievance in bad faith is subject to disciplinary action.

C. County Response.

Upon receipt of the filing of a complete grievance form, the Administrative Coordinator shall have ten (10) working days to provide a written response to the Employee either granting or denying the grievance.

D. Request For Hearing. An Employee shall have five (5) working days from receipt of the County's Response to file a written request for hearing with the Office of the Administrative Coordinator. Failure of the Office of the Administrative Coordinator to receive a written request for hearing from the Employee within five (5) working days shall constitute a waiver of the Employee's right to use the grievance procedure and an abandonment of the grievance. In the event the County fails to timely provide a Response to the grievance, the grievance shall be deemed denied and that matter shall automatically proceed to hearing.

E. Hearing Procedure.

The selection of an impartial hearing officer and hearing on a Workplace Safety violation shall be conducted in accordance with the Hearing Procedure in section 1.03(D) above.

F. Burden Of Proof; Impartial Hearing Officer's Decision; Remedies

1. Burden Of Proof; Standard Of Review. The County bears the burden of proof to persuade the impartial hearing officer 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 grant the grievance.

2. Decision. 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 statement of: (a) the standard of review; (b) the particular provisions of Wis. Admin. Code Chap. Comm 32 that are implicated by the Workplace Safety grievance; (c) the impartial hearing officer's findings as to whether a Workplace Safety violation exists; and (d) a remedy, if any.

3. Remedies. If the grievance is sustained, the impartial hearing officer may order the County take corrective action in accordance with law 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.

1.05 COUNTY BOARD APPEAL OF DISCIPLINE, TERMINATION AND WORKPLACE SAFETY MATTERS

A. Who May File An Appeal. An appeal of the impartial hearing officer's decision may be filed by the Employee or the County.

B. Requesting An Appeal.

An appeal may be initiated to the County Board by filing an appeal with the Administrative Coordinator on the form attached as Appendix D 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 impartial hearing officer shall be final.

C. County Board Appeal. When the Administrative Coordinator receives a timely request for appeal, the Administrative Coordinator shall forward the appeal to the chair of the County Board along with a copy of hearing record inclusive of the digitally recorded hearing and any exhibits introduced at the grievance hearing. The Chair shall schedule the matter on the County Board's agenda for consideration at a County Board meeting. The Board may review the record and listen to any portion of the digital recording of the hearing before the impartial hearing officer. The County Board shall not take testimony, accept additional evidence, accept briefing, accept oral argument or otherwise conduct a hearing of any sort in relation to an appeal.

D. Standard Of Review. The Board may overturn or otherwise modify the impartial hearing officer's decision if the decision of the impartial hearing officer is found to be arbitrary and oppressive and represented the will of the impartial hearing officer and not his/her judgment, or that the Impartial Hearing Officer improperly applied or interpreted the County rules or policies.

E. Decision. The County Board shall deliver a written decision to the Employee and the County no later than ten (10) working days from the date of the County Board meeting. The written decision shall contain: (1) a statement of the issues; (2) findings along with an explanation as to why any findings differ from the impartial hearing officer; and (3) a remedy, if applicable, along with an explanation as to why any remedy differs from the remedy granted by the Impartial Hearing Officer. The County Board shall have the right to modify the remedy issued by the Impartial Hearing Officer if the County Board overturns or modifies the decision of the Impartial hearing Officer.

F. Remedies On Appeal; Discipline And Termination. The County Board may award one or more of the following remedies to the Employee on appeal in a matter involving Discipline or Termination: (a) reinstatement; (b) a lesser adverse employment action consisting of a suspension, reduction in the length of a suspension, written reprimand or documentation of employee acts and/or omissions in an employment file; (c) back pay; and (d) in the event of a reinstatement following termination, reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

G. Remedies On Appeal; Workplace Safety. If the County Board determines on appeal that a violation of Workplace Safety has occurred, the County Board may order that corrective action be taken by the County according to law.

H. Final Decision. 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.

MARQUETTE COUNTY DISCIPLINE/TERMINATION GRIEVANCE FORM

Please fill out this form completely. If you need more space, use a separate sheet of paper.

Name of Grievant: Job Title:	Work Phone: Home Phone:
Home Mailing Address:	DATE AND TIME RECEIVED <i>(for County use only)</i>
1. Discipline/Termination Being Grieved. Provide a description of the discipline/termination being grieved.	
2. Basis For Grievance. Provide a detailed description of the reason or reasons why you believe that the County's decision to discipline or terminate you was incorrect and should be overturned and a detailed description of any facts or information which support your belief.	
3. Witnesses. Identify by name, telephone number and address of all witnesses that you believe will support your claim that the County's decision to discipline or terminate you was incorrect and should be overturned. Provide a summary of the facts and/or information known by each witness.	
4. Documents. Attach any documents which support your claim that the County's decision to discipline or terminate you was incorrect. If you do not have a document, provide a description of the document which includes date of the document, the source of the document and the content of the document.	

<p>5. Remedy Requested. Describe in detail how you believe the County's disciplinary action or termination should be modified. Set forth your specific remedy request. Remedies that are available to you include: (a) reinstatement; (b) a lesser adverse employment action consisting of a suspension, reduction in the length of a suspension, written reprimand or documentation of employee acts and/or omissions in an employment file; (c) back pay; and (d) in the event of a reinstatement following termination reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the Consolidated Omnibus Budget Reconciliation Act (COBRA).</p>
<p>6. Certification and Signature.</p> <p>By my signature below, I certify that I have read the above grievance and, under penalty of law, I declare that the information in the grievance is true and correct.</p> <p>Signature of Grievant: _____ Date _____</p> <p>Signed: _____</p>

INSTRUCTIONS

- 1. USE:** This discipline/termination grievance form is for use in connection with the Marquette County Grievance Procedure (Grievance Procedure) in the Marquette County Policies and Procedures Manual (Manual). Only "regular full time" and "part-time" employees (as defined in the Manual) who have completed six (6) continuous months of employment with the County may use the Grievance Procedure. The grievance form may be used only in connection with "discipline" and "termination" as defined by the Grievance Procedure. Please refer to the Grievance Procedure in the Manual for additional rules and restrictions relating to the Grievance Procedure.
- 2. FILING DEADLINE:** In accordance with section 1.03(A)(2) of the Grievance Procedure, this grievance form must be completely filled out, signed and filed with the Marquette County Administrator's office within **10 working days** of the event giving rise to the grievance or the date upon which an employee should have reasonably known of the facts giving rise to the grievance. No extensions of time for filing are available. Failure to timely file a grievance will constitute a waiver of the right to use the grievance procedure and abandonment of the grievance.

3. FILLING OUT THE GRIEVANCE FORM.

a. **Event Being Grieyed.** This section requires you to describe the disciplinary act or termination that you are grieving. The description should include the reason(s) you understand you were disciplined/terminated and the date on which the discipline/termination occurred. A grievance form may only address one disciplinary event.

b. **Basis for Grievance.** This section of the form requires you to provide a detailed description of the reason or reasons why you believe that the County's decision to discipline or terminate you was incorrect. Single word or limited responses to the effect that the discipline/termination was "wrong," "unfair," "unequal" or "mistaken" are insufficient. You must provide a *detailed* response explaining why you believe the disciplinary action or termination taken by the County was incorrect or unreasonable and a *detailed* description of any facts, events or other information which support your belief. Note under the Grievance Procedure, you will have the burden of proving that the County did not have a rational basis for the disciplinary action/termination.

c. **Witnesses.** This section of the form requires you to identify all witnesses who you believe will support your claim that the disciplinary action or termination taken by the County was incorrect. The last known telephone number and address of each witness must be provided. You are also required to provide a detailed description of the facts or information known by each witness that supports your claim that the disciplinary action or termination taken by the County was incorrect and should be overturned. Single word or limited descriptions to the effect that the witness knows the discipline/termination was "wrong," "unfair," "unequal" or "mistaken" are insufficient. Employees must provide a *detailed* response of the facts or information known by each witness.

d. **Documents.** This section of the form requires you to produce all documents you believe support your claim that the disciplinary action or termination taken by the County was incorrect. If you do not have the documents, you are required to provide a description of each document which includes the date of the document, the source of the document and a description of the contents. The source can be, for example, an e-mail from a department head, supervisor, co-worker or other individual, a County policy or communication, a time card, portions of an employee or County file or a document that you wrote. The description of the contents should include the subject of the document and the information in the document which you believe supports your position on the grievance.

e. **Remedy Requested.** This section requires you to describe how you believe that the discipline or termination should be modified or reduced. Remedies that you could request include: (a) reinstatement; (b) a lesser adverse employment action consisting of a suspension, reduction in the length of a suspension, written reprimand or documentation of employee acts and/or omissions in an employment file; (c) back pay; and (d) in the event of a reinstatement following termination, reimbursement of the County's applicable percentage of any payments made by the Employee for continuation of health insurance under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

4. **ASSISTANCE:** All information on the grievance form *must* be provided. If you have any questions regarding the information required by the form, please contact the office of the Marquette County Administrative Coordinator (608) 297-3001. Employees in the Administrative Coordinator's office may only offer assistance in identifying the information required in the grievance form. Employees in the Administrative Coordinator's office are not engaged in the practice of law and cannot provide you with legal advice in connection with your grievance. Employees are encouraged to consult an attorney of their choice with any legal questions.

**MARQUETTE COUNTY
Unsafe Condition Or Hazard Report**

Instructions:

- Use this form to report an unsafe working condition that does not require immediate action.
- This form should NOT be used to *initially* report immediate and dangerous working conditions. See page 2 of this form for instructions on such conditions.
- This form should be completed, fully and legibly, with as much detail as possible. If additional space is needed, print information on a separate piece of paper and attach. If you need assistance in filling out the form, please contact the Office of the County Risk Manager/Administrative Coordinator at (608) 297-3001.
- Submit completed forms to the Office of the County Risk Manager/Administrative Coordinator.

Employee's Name: <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> Job Title: <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> Date of Report: <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/>	DATE AND TIME RECEIVED <i>(for County use only)</i>
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1. Location Of Condition Believed To Be Unsafe Or Hazardous (specify exact location where alleged unsafe or hazardous condition exists, the type of work performed and the approximate number of employees in the location. Use a separate form for each unsafe or hazardous condition).

2. Detailed Description Of Unsafe Or Hazardous Condition And Its Cause:

3. Date And Time Unsafe Or Hazardous Condition First Observed By Employee:

4. Are there any employees or other individuals who you believe have been injured or become ill from the unsafe or hazardous condition? If so, please identify the employee or individual, the nature of the illness or injury and the date on which the employee or individual was injured or became ill.

5. To your knowledge, has the unsafe or hazardous condition previously been reported to a person in management? If so, to whom was the condition reported and on what date or dates?

6. To your knowledge, has the unsafe or hazardous condition previously been inspected? If so, who inspected the condition, when was the inspection and what was the result of the inspection?

7. What changes would you recommend to correct the unsafe or hazardous condition?

8. Certification.

By my signature below, I certify that I have read the above report and declare that the information in the report is true and correct.

Signature of Employee: _____

Date Signed: _____

Immediate and Dangerous Working Conditions

1. This form should not be used to *initially* report immediate and dangerous working conditions. If a dangerous working condition exists that requires immediate corrective action, the employee must notify his/her supervisor at once. If the situation involves serious injury and/or the need for rescue, fire, or other emergency response, call 9-1-1 immediately.
2. Upon being advised of an immediate and dangerous working condition, the supervisor shall evaluate the condition and take any immediate action necessary to correct or minimize the hazard to a reasonable standard of safety. The supervisor shall notify the Department Head and the Risk Manager/Administrative Coordinator of the employee's report of an immediate and dangerous working condition and the corrective action, if any, taken by the supervisor.
3. If corrective action is not taken immediately by the supervisor, or the employee believes that action taken by the supervisor does not minimize the hazard to a reasonable standard of safety, the employee shall immediately report the hazard to the Department Head and fill out and file this Unsafe Condition or Hazard Report with the Office of the County Administrator.
4. The Department Head will designate the appropriate individual to go to the scene immediately, evaluate the situation, make a judgment, and document and communicate the decision on appropriate action to the employee, the supervisor and the Risk Manager/Administrative Coordinator.
5. Upon receiving an Unsafe Condition or Hazard Report, the Risk Manager/Administrative Coordinator will review the information related to the reported dangerous working condition and determine whether the situation has been satisfactorily resolved or if additional investigation and corrective actions are necessary. The Risk Manager/Administrative Coordinator may consult with the County's Safety Sub-Committee and any Departmental Subcommittees as he or she deems appropriate in addressing the reported condition. The Risk Manager/Administrative Coordinator will advise the employee in writing of the results of the investigation and any corrective action that the County intends to take as soon as possible but no later than ten (10) working days of receipt of this Unsafe Condition or Hazard Report from the employee.

MARQUETTE COUNTY WORKPLACE SAFETY GRIEVANCE FORM

Please fill out this form completely. If you need more space, use a separate sheet of paper.

Name of Grievant: Job Title:	Work Phone: Home Phone:
Home Mailing Address:	DATE AND TIME RECEIVED <i>(for County use only)</i>
1. Identification of Condition Being Grieved. Provide a description of the Workplace Safety condition being grieved.	
2. Basis For Grievance. Provide a detailed description of the standard under Wis. Admin. Code Chap. Comm 32 that you believe the County has violated and a detailed description of any facts or information which support your belief.	
3. Witnesses. Identify by name, telephone number and address of all witnesses that you believe will support your claim that the County has violated a standard established under Wis. Admin. Code Chap. Comm 32. Provide a summary of the facts and/or information known by each witness.	
4. Documents. Attach any documents which support your claim. If you do not have a document, provide a description of the document which includes date of the document, the source of the document and the content of the document.	

5. Remedy Requested. Describe in detail the remedy you request.

6. Certification and Signature.

By my signature below, I certify that I have read the above complaint and, under penalty of law, I declare that this complaint is true and correct to my knowledge and belief.

Signature of Grievant: _____

Date Signed: _____

INSTRUCTIONS

1. **USE:** This Workplace Safety grievance form is for use in connection with the Marquette County Grievance Procedure (Grievance Procedure) in the Marquette County Policies and Procedures Manual (Manual). A Workplace Safety grievance may be filed by any "Employee" of the County as defined in the County's grievance procedure. The Employee need not be personally impacted by a condition alleged to constitute a Workplace Safety violation. The grievance form may be used only in connection with "Workplace Safety" as defined by the Grievance Procedure. Please refer to the Grievance Procedure in the Manual for additional rules and restrictions relating to the Grievance Procedure.

2. **FILING DEADLINE.** In accordance with section 1.04(B)(2) of the Grievance Procedure, an Employee may initiate a grievance relating to Workplace Safety by filing this form with the Office of the County Administrative Coordinator within **ten (10) working days** of: (a) the Employee's receipt of written notice from the County that the County will not be taking corrective action with respect to an alleged Workplace Safety violation reported in accordance with section 1.04(A) of the Grievance Procedure; (b) the County's failure to begin corrective action within ten (10) working days of the Employee's report of the Workplace Safety violation in accordance with section 1.04(A) of the Grievance Procedure; (c) the failure of the County to respond to a report of a Workplace Safety violation within ten (10) working days as required by section 1.04(A) of the Grievance Procedure. The time period for filing a Workplace Safety grievance may be extended by the Administrative Coordinator. Please see the Grievance Procedure for any available extensions of time and for additional rules and requirements relating to the filing of a Workplace Safety grievance.

3. FILLING OUT THE GRIEVANCE FORM.

a. **Condition Being Grieved.** This section requires you to describe the Workplace Safety condition that you are grieving. A grievance form may only address one Workplace Safety condition.

b. **Basis for Grievance.** This section of the form requires you to provide a detailed description of the standards under Wis. Admin. Code Chap. Comm 32 that you believe the County has violated. Single word or limited responses are insufficient.

c. **Witnesses.** This section of the form requires you to identify all witnesses who you believe will support your claim. The last known telephone number and address of each witness must be provided. You are also required to provide a detailed description of the facts or information known by each witness that supports your claim. You must provide a *detailed* description of the facts or information known by each witness.

d. **Documents.** This section of the form requires you to produce all documents you believe support your claim. If you do not have the documents, you are required to provide a description of each document which includes the date of the document, the source

of the document and a description of the contents. The source can be, for example, an e-mail from a department head, supervisor, co-worker or other individual, a County policy or communication, a time card, portions of an employee or County file or a document that you wrote. The description of the contents should include the subject of the document and the information in the document which you believe supports your position on the grievance.

e. **Remedy Requested.** This section requires you to describe your opinion on the appropriate remedy.

4. **ASSISTANCE:** All information on the grievance form *must* be provided. If you have any questions regarding the information required by the form, please contact the office of the Marquette County Administrative Coordinator (608) 297-3001. Employees in the Administrative Coordinator's office may only offer assistance in identifying the information required in the grievance form. Employees in the Administrative Coordinator's office are not engaged in the practice of law and cannot provide you with legal advice in connection with your grievance. Employees are encouraged to consult an attorney of their choice with any legal questions.

MARQUETTE COUNTY GRIEVANCE PROCEDURE APPEAL FORM

INSTRUCTIONS: This form is to be used by Employees and/or the County to appeal the written decision of an impartial hearing officer relating to discipline, termination or workplace safety under the Marquette County grievance procedure. The form must be completed and filed with the Office of the County Administrative Coordinator within ten (10) working days of the date of the impartial hearing officer's decision from which the appeal is being taken. Failure to file a written appeal within ten (10) working days of the impartial hearing officer's decision will result in the waiver of the right to an appeal and the outcome of the proceedings before the hearing officer shall be final. You may only use the space provided on this form.

Name of Grievant: Job Title:	Work Phone: Home Phone:
Address:	DATE AND TIME RECEIVED <i>(for County use only)</i>
<p>1. Decision From Which An Appeal Is Being Taken. Attach a copy of the impartial hearing officer's decision to this form. If you do not have a copy, provide the date of the decision, the name of the impartial hearing officer and briefly describe the decision and order of the impartial hearing officer in the space below.</p>	
<p>2. Basis For Appeal. Describe why you believe the decision of the impartial hearing officer was incorrect.</p>	

3. Remedy. Describe what you believe the impartial hearing officer should have ordered and why.

Signature of Appealing Party: _____

Date Signed: _____

APPENDIX C – Family Medical Leave and Military Caregiver Leave

FAMILY AND MEDICAL LEAVE

Family and medical leaves are available to employees as specified below or as may be provided under other existing policies or agreements. The intent of this policy is to comply with both the Wisconsin and Federal Family and Medical Leave Acts. Should this policy conflict in any way with the applicable federal and state statutes or regulations, then the statutes or regulations shall control.

(1) GENERAL REQUIREMENTS.

(a) **Eligibility and Length of Leave:** Family & Medical Leave refers to unpaid family, care-taking and medical leave for eligible employees. Eligible employees may be able to take unpaid family, care-taking or medical leave under Federal and/or State law.

Wisconsin law allows employees who have worked at least 1,000 hours in the past 52 weeks to take leave in a calendar year.

1. Up to 6 weeks of family leave during any 12 month period for the birth or adoption of a child. This leave must begin and end within 16 weeks of the birth or adoption of a child.

2. Up to 2 weeks of family leave during any 12 month period to care for a child, spouse, domestic partner, parent, or parent of a domestic partner suffering from a serious health condition.

3. Up to 2 weeks of medical leave during any 12 month period for an employee to care for his/her own serious health condition.

Federal law allows employees who have worked at least 1,250 hours and 12 months to take up to 12 weeks of leave in a year, which is calculated in one of four ways prescribed by federal law, for one or more of the following reasons:

1. Family leave for the birth of an employee's child or because of the placement of a child with the employee for adoption or foster care.

2. Family leave to care for a child, spouse or parent suffering from a serious health condition.

3. Medical leave for an employee to care for their own serious health condition.

4. Due to any qualifying exigency arising out of the fact that a child, spouse or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty in the Armed Forces.

(b) Time Allowed: Time allowed under County policies and agreements and also under federal statutes is to be used concurrently. For example, County sick leave used for the birth of a child also qualifies as birth or placement leave under federal laws and, therefore, is also deducted from an employee's leave entitlement under federal laws.

(c) Definitions:

1. "Serious health condition" is defined herein to mean an illness, injury, impairment, or physical or mental condition involving any of the following:

a. Inpatient care in a hospital, nursing home, hospice, or residential medical facility.

b. Outpatient care that requires continuing treatment or supervision by a health care provider.

2. A "qualifying exigency" is defined as the following:

a. Short-notice deployment.

b. Military events and related activities.

c. Childcare and school activities.

d. Financial and legal arrangements.

e. Counseling.

f. Rest and recuperation.

g. Post-deployment activities.

h. Additional activities not encompassed by any of the above, but agreed to by the employer and employee.

3. "covered active duty" means:

a. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

b. In the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

4. A "domestic partner" means either of the following:

a. "Registered domestic partners" are two individuals who have registered their domestic partnership with the Register of Deeds in their county of residence and meet the following criteria:

1. The individuals must be at least 18 years of age and capable of consenting to a domestic partnership;

2. Neither individual in the domestic partnership may be married to, or in a domestic partnership with, another individual;
3. The individuals must share a residence;
4. The individuals must not be more closely related than second cousins; and
5. The individuals must be of the same gender.

b. “Nonregistered domestic partners” are two individuals, whether the same or opposite genders, who have not registered their domestic partnership and meet the following criteria:

1. The individuals must be at least 18 years of age and capable of consenting to a domestic partnership;
2. Neither individual in the domestic partnership may be married to, or in a domestic partnership with, another individual;
3. The individuals must share a residence;
4. The individuals must not be related by blood in a way that would prohibit marriage under Wis. Stat. § 765.03;
5. The individuals must consider themselves to be members of each other’s immediate family; and
6. The individuals must agree to be responsible for each other’s basic living requirements.

5. “Week” means five eight hour work days of leave for purposes of calculating intermittent or partial leave.

6. For each work day or work week in which an employee works fewer than the regularly scheduled hours by using intermittent or partial leave, the specific amount taken will be deducted for purposes of computing leave taken and leave remaining.

7. “In loco parentis” means having day-to-day responsibilities to care for and financially support a child with whom one has no biological or legal relationship.

8. Calendar year refers to the months of January through December.

(2) BIRTH OR PLACEMENT LEAVE.

(a) Unpaid birth or placement leave may be used within 16 weeks before, or within 12 months following the birth of the employee’s natural child, the placement of a child with the employee for adoption, or the placement of a child with the employee for 24-hour foster care that is made by or with agreement of a licensed child welfare agency or County Human Services Department.

(b) In a calendar year, no employee may take more than 12 weeks of birth or placement leave. In addition, no more than 12 weeks leave can be taken for the birth of any

one child. If both the mother and father of a child are employed by the County, they are entitled only to a combined total leave of 12 weeks.

(c) Pursuant to state leave laws, an employee may substitute a maximum of six weeks accrued paid sick leave or other accrued leave for six of the otherwise unpaid 12 week period, provided the six weeks of unpaid leave occur within a period of 16 weeks before to 16 weeks after the birth or placement. After six weeks of unpaid leave, or at any time outside of the 16 week period before and after birth or placement, County policy requires that any paid vacation, sick leave, floating holiday or compensatory leave time be used. This time shall run concurrently with the federal leave period and reduce the amount of time for unpaid leave for the remaining federal leave period. No substitution of accrued paid sick leave is permitted for foster care placement.

(d) An employee must submit a written request for birth or placement leave not less than 30 days before the leave is to commence and must schedule the leave after reasonably considering the County's needs. If the date of the birth, adoption or foster care placement requires leave to begin sooner, the employee shall provide notice as soon as possible. The employee shall identify if and what type of paid accrued leave the employee intends to substitute as provided under the law. All of the notification requirements are included on the Medical Certification form available from the Personnel Department.

(e) For the first six weeks, an employee may take birth or placement leave as an intermittent or partial absence in employment in increments of no less than one-half hour, or as allowed by union agreement. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the County's operations. To comply with this requirement, an employee must provide the County, in writing, with the proposed schedule of intermittent or partial absences no less than two weeks before the schedule of absences is to begin. The schedule must be sufficiently explicit so that the County is able to schedule replacement employees, if necessary, to cover the absences. Intermittent or partial leave must conclude within sixteen weeks following the birth, adoption or foster placement of a child. The remaining period of up to six weeks must be taken in a single block, but exceptions may be granted.

(f) The employee must provide medical certification as required in (6) below.

(3) FAMILY ILLNESS LEAVE.

(a) Unpaid family illness leave may be used to care for an individual, who has a serious health condition and is the employee's:

1. Spouse
2. Biological, adopted or foster child
3. Child for which the employee stands "in loco parentis"
4. Biological parent or parent who stood "in loco parentis" to employee
5. Spouse's parent
6. Domestic partner
7. Domestic partner's parent

(b) In a calendar year, no employee may take more than 12 weeks of family

illness leave for the employee's spouse, child or parents. A maximum of two weeks of family illness leave may be taken for a spouse's parent, domestic partner or a domestic partner's parent.

(c) After two weeks of unpaid leave, County policy requires that any paid vacation, sick leave, floating holiday or compensatory leave time be used. This time shall run concurrently with the federal leave period and reduce the amount of time for unpaid leave for the remaining federal leave period. (d) An employee must consider the needs of the County when scheduling family illness leave. If an employee intends to use family illness leave for planned medical treatment or supervision of a family member, as defined above, the employee must do the following:

1. Give the County two weeks advance written notice of the intent to take such leave, the reason for the leave, and the planned dates of the leave. This requirement may be waived in emergency situations. The employee shall also identify if and what type of paid accrued time the employee intends to substitute as provided under the law.

2. Schedule medical treatment or supervision so that it does not unduly disrupt the County's operations. Provide the County with a proposed schedule for the leave with reasonable promptness after the employee learns of the probable necessity of the leave. The schedule must be sufficiently explicit so that the County can schedule replacement employees, if necessary.

3. Provide the required medical certification as required in, (6) below.

(e) When medically necessary, an employee may take family illness leave as an intermittent or partial absence from employment in increments of no less than one-half hour, or as allowed by union agreement. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the County's operations. To comply with this requirement, an employee must provide the County, in writing, with the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave.

(4) EMPLOYEE MEDICAL LEAVE.

(a) Unpaid medical leave may be used by an employee who has a serious health condition which makes the employee unable to perform his or her job duties. After two weeks of unpaid leave, the County requires that any paid vacation, sick leave, floating holiday or compensatory time be used. This time shall run concurrently with the federal leave period and reduce the amount of time for unpaid leave for the remaining federal leave period. No employee may take more than 12 weeks of unpaid medical leave in a calendar year.

(b) An employee may schedule medical leave as medically necessary. If an employee intends to use the medical leave for a planned medical treatment or supervision, the employee must:

1. Give the County two weeks written advance notice of the intent to take a leave, the reason for the leave, and the planned dates of leave. This requirement may be waived in emergency situations. The employee shall also identify if and what type of paid accrued leave the employee intends to substitute as provided under the law.

2. Schedule the medical treatment or supervision so that it does not unduly disrupt the County's operations. Provide the County with a proposed schedule for the leave with reasonable promptness after the employee learns of the probable necessity of the leave. The schedule must be sufficiently explicit so that the County can schedule replacement employees, if necessary.

3. Provide the required medical certification as required in (6) below.

(c) When medically necessary, an employee may take employee medical leave as intermittent or partial absences from employment in increments of no less than one-half hour, or as allowed by union agreement. An employee who does so shall schedule the intermittent or partial absence so that it does not unduly disrupt the County's operations. To comply with this requirement, an employee must provide the County, in writing, with the employee's proposed schedule of intermittent or partial absences with reasonable promptness after the employee learns of the probable necessity of such leave.

(5) QUALIFYING EXIGENCY LEAVE

(a) In a calendar year, an employee may take up to 12 weeks of unpaid leave due to any qualifying exigency arising out of the fact that a child, spouse or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty in the Armed Forces. The County requires that any paid vacation, personal leave, floating holiday or compensatory time be used prior to unpaid leave for part or all of the remaining unpaid leave.

(b) In any case in which the necessity for qualifying exigency leave is foreseeable, the employee shall provide such notice as is reasonable and practicable.

(c) The request for qualifying exigency leave must be supported by a certification issued at such time and in such manner as the U.S. Secretary of Labor may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification.

(d) An employee may take qualifying exigency leave as an intermittent or partial absence in employment in increments of no less than one-half hour, or as allowed by union agreement.

(6) MEDICAL CERTIFICATION.

(a) If an employee requests leave under this policy, the employee must obtain a Medical Certification form from the Administration Office. This form must be completed by the employee and the health care provider treating the family member or employee. In the case of placement for adoption or foster care, a copy of the legal documentation attached to the Medical Certification form will substitute for the health care provider's certification.

(b) If requirements for certification are not completed, the County may deny the leave. The County may request a second health care provider's opinion and/or periodic recertification at the County's expense.

(7) INSURANCE AND BENEFITS.

(a) While an employee is on approved paid leave, benefits continue as if the employee remained at work. While an employee is on approved unpaid leave, the County will maintain group health insurance under the conditions that applied before the leave began, and the employee will make arrangements to pay the employee's portion of the premium for health, life, and dental insurance during the term of the unpaid leave. The County's obligation to maintain health insurance benefits will terminate if and when an employee informs the County of an intent not to return to work at the end of the leave period, if the employee fails to return to work when leave entitlement is depleted, or if the employee fails to make any required payments while on leave.

(b) If the employee does not return to work after the leave entitlement has been exhausted, the County has the right to recover the health insurance premiums paid on behalf of the employee during a period of unpaid leave. An employee must return to work for at least thirty calendar days in order to be considered to have "returned" to work.

(8) RETURN FROM LEAVE.

(a) An employee returning from employee medical leave is required to obtain medical certification from the health care provider that the employee is able to resume work in some capacity.

(b) An employee returning from leave as provided under this policy can return to his or her prior position if vacant at the time the employee returns to work. If the position is no longer vacant, the employee shall be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

(c) An employee may return to work prior to the scheduled end of the leave. The employee shall be returned to his or her prior position or an equivalent position within a reasonable time after the request to return to work early is made.

(9) INTERPRETATION.

Any questions regarding Family and Medical Leave use and/or interpretation should be directed to the Administration Office for clarification.

MILITARY CAREGIVER LEAVE

(1) GENERAL REQUIREMENTS.

Federal law allows eligible employees who are family members of covered service members to take up to 26 workweeks of leave in a single 12-month period to care for a covered service member (hereinafter "military caregiver leave").

(2) DEFINITIONS.

"Family members of a covered service member" include the spouse, son, daughter, or parent, or next of kin of a covered servicemember.

A “son or daughter of a covered servicemember” means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

A “parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

The “next of kin of a covered servicemember” is the nearest blood relative to the covered servicemember.

A “covered servicemember” means:

(a) A member of the Armed forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(b) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

A “veteran” has the meaning given the term in section 101 of title 38, United States Code.

The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date, regardless of the method used by the employer to determine the employee’s 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

A “serious injury or illness” means:

(a) In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating;

(b) In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy, “serious injury or illness” means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by a member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

(3) AMOUNT OF LEAVE.

An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period”, provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee’s own serious health condition; or because of a qualifying exigency.

Thus, for example, an eligible employee may, during the “single 12-month period,” take 16 weeks of FMLA leave to care for a covered servicemember and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the “single 12-month period,” even if the employee takes fewer than 14 weeks of FMLA leave to care for a covered servicemember.

In the case of a husband and wife who are both employed by the county, the aggregate number of workweeks of leave to which both the husband and wife may be entitled is limited to 26 weeks combined for military caregiver leave or 26 weeks combined for a combination of military caregiver leave and family and medical leave.

(4) NOTICE.

An employee may schedule military caregiver leave as medically necessary. If an employee intends to use the military caregiver leave for a planned medical treatment or supervision, the employee must:

1. Give the County two weeks written advance notice of the intent to take a leave, the reason for the leave, and the planned dates of leave. This requirement may be waived in emergency situations. The employee shall also identify if and what type of paid accrued leave the employee intends to substitute as provided under the law.

2. Schedule the medical treatment or supervision so that it does not unduly disrupt the County’s operations. Provide the County with a proposed schedule for the leave with reasonable promptness after the employee learns of the probable necessity of the leave. The schedule must be sufficiently explicit so that the County can schedule replacement employees, if necessary.

(5) REDUCED OR INTERMITTENT LEAVE.

When medically necessary, an employee may take military caregiver leave as an intermittent or partial absence from employment in increments of no less than one-half hour, or as allowed by union agreement. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the County’s operations. To comply with this requirement, an employee must provide the County, in writing, with the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave.

(6) CERTIFICATION.

If an employee requests leave under this policy, the employee must obtain a Medical Certification form from the Administration Office. This form must be completed by the employee and the health care provider treating the covered servicemember. If requirements for certification are not completed, the County may deny the leave. The County may request periodic recertification at the County's expense.

(7) INSURANCE AND BENEFITS.

While an employee is on approved paid leave, benefits continue as if the employee remained at work. While an employee is on approved unpaid leave, the County will maintain group health insurance under the conditions that applied before the leave began, and the employee will make arrangements to pay the employee's portion of the health insurance premium and the full premium for life and dental insurance during the term of the unpaid leave. The County's obligation to maintain health insurance benefits will terminate if and when an employee informs the County of an intent not to return to work at the end of the leave period, if the employee fails to return to work when leave entitlement is depleted, or if the employee fails to make any required payments while on leave.

If the employee does not return to work after the leave entitlement has been exhausted, the County has the right to recover the health insurance premiums paid on behalf of the employee during a period of unpaid leave. An employee must return to work for at least thirty calendar days in order to be considered to have "returned" to work.

(8) RETURN FROM LEAVE.

An employee returning from leave as provided under this policy can return to his or her prior position if vacant at the time the employee returns to work. If the position is no longer vacant, the employee shall be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

An employee may return to work prior to the scheduled end of the leave. The employee shall be returned to his or her prior position or an equivalent position within a reasonable time after the request to return to work early is made.

(9) INTERPRETATION.

Any questions regarding military caregiver leave use and/or interpretation should be directed to the Administration Office for clarification.

APPENDIX D – Prohibited Weapon Policy

Prohibited Weapon Policy

Purpose:

Marquette County is committed to providing a safe and secure working environment for its employees and the general public. All Marquette County employees are subject to the “Resolution to Prohibit Carrying of Firearms in Buildings and Property Owned, Occupied, or Controlled by Marquette County and at Special Events in Marquette County.” In addition to the Resolution, employees are subject to this prohibited weapons policy.

Prohibition from Possession and Control of Prohibited Firearms by County Employees:

Marquette County employees are prohibited from possessing or having under their control any prohibited firearm(s) while conducting County business or while in County-owned, rented, leased, or otherwise controlled buildings unless specifically authorized by the employee’s appointing authority. A prohibited firearm includes but is not limited to any firearm, as well as any handgun as defined in Wis. Stat. § 175.60.

Law enforcement officers or other individuals specifically authorized by the County to carry a weapon are exempted from this policy and may be permitted to carry a prohibited weapon in accordance with department rules regarding the carrying and handling of such weapons.

Pursuant to Wis. Stat. § 943.13(1m)(c)4.b, no employee, contractor, visitor or other individual may carry a prohibited firearm into any building that is owned, operated or controlled by Marquette County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises.

Employees of Marquette County are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing an identification badge and working at other sites off County premises. In addition, no employee or member of the public may carry a prohibited firearm in a County-owned vehicle.

This prohibition against unauthorized firearms applies to all employees including but not limited to regular full-time or regular part-time employees, part-time employees, elected officials, limited term employees, contractors, interns, volunteers, and officials or officers

who serve at the pleasure of the appointing authority as provided by statute. Violations will be subject to legal action as appropriate. Violations of this policy by an employee may lead to disciplinary action up to and including termination of employment in accordance with the applicable law.

Notice to Employees and the Public:

Effective November 1, 2011, the following sign (or language substantially similar) will be posted at the entrance of every County-owned building, and at the entrance to the portion of any non-county owned building that is rented, leased, or otherwise controlled by the County as required by Wis. Stat. §175.60:

WARNING! All Firearms Strictly Prohibited. It is a violation of Wis. Stat. § 175.60 and Marquette County "Resolution to Prohibit Carrying of Firearms in Buildings and Property Owned, Occupied, or Controlled by Marquette County and at Special Events in Marquette County," to carry a firearm into any building occupied by Marquette County. Violation of same is a misdemeanor.

Storage of Firearms in Vehicles:

Pursuant to Wis. Stat. §175.60(15m)(b), an employee possessing a valid license to carry a concealed weapon may bring their firearm with them onto a County parking lot. Employees who possess a valid license to carry a concealed weapon are discouraged from storing a firearm in the personal vehicle while at work.

Where an employee chooses to bring a concealed firearm onto a County parking lot, the employee must leave the concealed firearm in his/her vehicle. The employee's firearm must be stored in a locked vehicle either in the glove compartment, a lock box, gun rack or the trunk.

Right to Inspection:

Marquette County reserves the right at any time and at its discretion to conduct lawful searches of County-owned, rented or leased vehicles as well as any other vehicles, packages, purses, containers, briefcases, desks, and/or persons entering County-owned, rented, leased or otherwise controlled buildings for the purpose of determining whether any prohibited firearm has been or is being brought onto such County premise in violation of this policy. Any employee failing or refusing to promptly permit a search under this policy will be subject to discipline up to and including termination of employment.

In addition, if Marquette County has reasonable suspicion that an employee or a member of the general public is carrying a prohibited firearm in violation of this policy, Marquette County reserves the right to require the individual to voluntarily demonstrate compliance with this policy. If the individual refuses to comply, he/she may be denied access to a County facility or County vehicle.

Reporting Prohibited Weapon Policy Violations:

Any employee who witnesses any prohibited activity as defined in this policy shall immediately report such activity to their immediate supervisor, or the Marquette County Administrative Coordinator.

An employee shall immediately contact a supervisor if he/she suspects an employee or member of the public is carrying a prohibited firearm on the premises of the County. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a prohibited firearm at any time while they are working for the County, acting within the course and scope of employment, or acting as a representative of the County.