

## HUMAN RESOURCES AND LABOR NEGOTIATIONS COMMITTEE

**HR COMMITTEE MEMBERS PRESENT: Marsik, Frohling, Greshay, Duchac and Schmidt**

**MEMBER EXCUSED:** None

Minutes of the regular meeting of the Human Resources and Labor Negotiations Committee of the Dodge County Board of Supervisors held on Tuesday, April 4, 2017 at 8:00 a.m. in meeting room 4C, located on the fourth floor of the Administration Building.

**ALSO PRESENT: Jim Mielke, County Administrator; Sarah Hinze, Human Resources Director; Tonia Mindemann, Assistant Human Resources Director; Angi Zilliox, Human Resources Specialist; Scott Smith, Chief Deputy.**

**Meeting called to order by Marsik at 8:00 a.m.**

Roll call was taken. All members present.

Hinze verified that the meeting was noticed in compliance with the Open Meetings Law.

Motion by Greshay to approve the agenda and allow the Chairperson to go out of order to efficiently conduct the meeting. Second by Duchac. Motion carried.

Marsik asked if anyone present had any public comments. None

Motion by Schmidt to approve the regular session minutes of the March 31, 2017 meeting of the Human Resources and Labor Negotiations Committee. Second by Frohling. Motion carried.

Hinze presented a final draft of the Bereavement Leave Policy #210.6 with the previously discussed changes highlighted.

Motion by Duchac to approve the changes, as presented, to the Bereavement Leave Policy #210.6 effective April 4, 2017. Second by Schmidt. Motion carried.

Hinze stated that she met with the Finance Department regarding the Worker's Compensation Fund Balance Policy. Hinze indicated that she was meeting with Dave Eslinger, Dodge County's Worker's Compensation Insurance Broker with Hays Companies later in the week. Hinze stated she would report findings at the next meeting.

Hinze noted there are no new updates regarding the Employee Trust Funds Group Insurance Board proposed transition to self-insurance. Mielke stated there are continued discussions with Jefferson County. Hinze informed the Committee that the contract with Hayes expired on October 31, 2015 and if the county pursues any partnership with another entity, an RFP would be requested. Mielke stated it will be a topic of discussion for Representative Born when he meets with the Department Heads on April 17, 2017.

The Committee reviewed the Personnel Requisitions. Mielke recommended approval of these requests.

One (1) Psychiatric Therapist II – Outpatient  
One (1) Social Worker I, II or Senior CPS Ongoing

Human Services  
Human Services

One (1) Administrative Support Staff Coordinator	Sheriff
One (1) Deputy/Drug Task Force P.T. – L.T.E.	Sheriff
One (1) Jail Corporal	Sheriff

Motion by Greshay to approve the Personnel Requisitions as presented. Second by Frohling. Motion carried.

Mindemann presented three (3) leaves of absence for consideration. Mindemann stated an employee with the Clerk of Courts requested an unpaid General Leave of Absence 04/03/2017-04/08/2017.

Motion by Greshay to approve the General Leave of Absence as presented and by doing so does not establish a practice or precedent. Second by Frohling. Motion carried. Duchac voted against.

Mindemann stated a need for an Unpaid General Leave for an employee with the Sheriff's Office for 03/29/2017-10/01/2017.

Motion by Schmidt to approve the General Leave of Absence as presented and by doing so does not establish a practice or precedent. Second by Duchac. Motion carried.

Mindemann stated an employee of the Sheriff's Office requested an Intermittent General Leave of Absence to care for a brother with a request to use sick time for related absences for 04/10/2017-07/03/2017. Mindemann indicated that Human Resources does have supporting medical certification for the leave request.

Motion by Schmidt to approve the General Leave of Absence, however, denying the request to use sick time, and by doing so does not establish a practice or precedent. Second by Duchac. Motion carried.

Mielke requested drafting a memo to Department Heads highlighting the policy regarding Department Head approval of unpaid leave of up to three (3) days per calendar year with a reminder that leave requests requiring consideration from the Committee must be presented to the Committee prior to the start of the leave request. Hinze indicated she will draft a memo to send out to Department Heads.

The Committee reviewed the Salary, Wage, and Status changes as presented.

STEP INCREASE – UNION – None. NEW HIRE – Juan J. Guerrero Jr., Bilingual Economic Support Specialist I, Human Services, \$16.83+\$0.05 differential, DC04, ST01, 03/27/2017; Dalys O. Hohmann, Bilingual Economic Support Aide, Human Services, \$12.94+\$0.05 differential, DC02, ST01, 04/10/2017; Mackenzie Pufahl, 4H Summer Agent (Intern), UW Extension, \$10.00, MSC19, ST01, 5/22/2017; Paige Wollin, 4H Youth Dairy/Livestock Summer Intern, UW Extension, \$10.00, MSC19, ST01, 05/23/2017. RE-HIRE – None. RECLASSIFICATION - None. STEP INCREASE – Robert E. Griffith, Print Shop Technician, Central Services, \$20.41, DC03, ST14B, 05/15/1017; Carrie A. Lagerman, Payroll Coordinator, Finance, \$21.90, DC06, ST03, 03/06/2017; Leann Schultz, Insurance and Benefits Coordinator, Human Resources, \$23.97, DC06, ST07A, 03/24/2017; Karen A. Gonzalez, SW CPS Investigator/Intake, Human Services, \$23.08, DC06, ST05, 03/15/2017; Shane R. VanLoenen, Network Administrator, I. T., \$36.09, DC11, ST08A, 04/13/2017; Joseph E. Giebel, Manager – Code Administration, LR&P, \$39.57, DC11, ST12A, 03/14/2017; Jean A. Lepple, Clerk,

Register of Deeds, \$14.97, DC02, ST07A, 11/18/2016 – retro due; Mark W. Goetsch, Correctional Officer, Sheriff, \$25.47, DC05, ST14A, 04/09/2017; Chris S. Myers, Jail Programs Specialist, Sheriff, \$25.74, DC05, ST14B, 04/07/2017.

The Committee reviewed the Orientation Period Reports as presented.

**Committee Member Report:** None

**HR Director's Report:**

- a) Disciplinary Actions: None to Report
- b) Grievances and Arbitrations: None to Report

Hinze presented summarized employee demographic data to the Committee as a follow up to the exit interview presentation. Hinze stated that the information provided will be utilized in future discussions regarding paid time off.

Hinze notified the Committee of an extended offer to an applicant for the Captain position with an anticipated start date of April 17, 2017 at step six (6) and with four (4) weeks of vacation. Smith highlighted the applicant's education and employment qualifications. Hinze indicated that the topic of additional vacation time upon hire and creditable years of services will be a future agenda item.

Future Agenda Items: Worker's Compensation Fund Balance, ETF Group Insurance Board Self Insurance, Blue Zones, and Vacation/PTO including creditable years of service.

The next scheduled meetings of the Human Resources and Labor Negotiations Committee are regular meetings on **April 18, 2017 at 10:30 a.m. or after the County Board meeting, whichever is later, and Monday, May 1, 2017 at 10:30 a.m.** which will be held in room 4C of the Administration Building.

Meeting adjourned by order of the Chairperson at 8:54 a.m.

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Richard Greshay, Secretary

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Joseph Marsik, Chairperson

Disclaimer: The above minutes may be approved, amended, or corrected at the next committee meeting.



State of Wisconsin  
Department of Employee Trust Funds  
Robert J. Conlin  
SECRETARY

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## Correspondence Memorandum

**Date:** April 12, 2017  
**To:** Robert J. Conlin, Secretary  
**From:** David H. Nispel, General Counsel  
Diana M. Felsmann, Attorney  
**Subject:** Self-Insured Health Insurance Benefits and Local Employers

**Question Presented:** Does Wisconsin Attorney General (A.G.) Opinion, 76 OAG 311, (1987) prohibit the State of Wisconsin's Group Insurance Board (GIB) from establishing a self-insured group health insurance program for local governmental employers that elect to offer that coverage to their employees through the Wisconsin Public Employer (WPE) program?

**Answer:** No. GIB authority to establish a self-funded health insurance program for local governmental employees whose employers choose to participate in the WPE program is found in the plain language of Chapter 40 of the Wisconsin Statutes. Specifically, Wis. Stat. §40.03(6)(a)2. states that the GIB may provide any group insurance plan on a self-insured basis for insured employees. "Insured employee" is defined in state law to include eligible employees based on a local governmental employer's participation in the WPE program. Wis. Stat. §§40.02(39) & 40.02(25)(b)9.

With respect to the 1987 A.G. opinion requested by the Office of the Commissioner of Insurance, its analysis was incomplete in concluding: (1) the language in Wis. Stat. §40.03(6)(a)2. limits the GIB to providing a group insurance plan on a self-insured basis on behalf of the state, and the state does not include municipal employers; and (2) that such an interpretation avoids creating the potential issue of the state taking on the obligation of paying the debt of another, which would be prohibited by article VIII, section 3 of the Wisconsin Constitution.

Regarding a potential constitutional issue, the opinion did not conclude that establishing a self-funded plan as an option to local governmental employers was unconstitutional. It only identified the issue. Based on how the Wisconsin Supreme Court has previously defined the word "debt," it appears establishing such a plan would not, in fact, raise such a concern. In particular, the Court defined the word debt for purposes of article VIII, section 3 to mean the state taking on absolute obligations to pay money or its equivalent.<sup>1</sup>

Under the current fully-insured model, the Department of Employee Trust Funds (ETF) maintains separate health insurance reserve accounts for state employees and local governmental employees.<sup>2</sup> Under a self-insured model, those two separate reserves, one for state employees and one for local governmental employees, would continue.<sup>3</sup> The WPE self-funded reserve would

<sup>1</sup> *State ex rel. Warren v. Nusbaum*, 59 Wis.2d 391, 427, 208 N.W.2d 780, 802 (1973).

<sup>2</sup> Wis. Stat. §40.04(9).

<sup>3</sup> Wisconsin Legislative Council memo *Brief Description of Selected Differences in Providing Health Care Coverage for State Employees Under a Self-Insured Structure Versus an Insured Structure*, dated March 24, 2017, page 6, suggests a constitutionality issue may possibly be avoided by maintaining a separate reserve for the WPE program. ETF already

be a continuation of the already existing fully-insured reserve. Under a self-funded model, that reserve would continue to receive contributions via ongoing employer and employee premiums. As in all self-insured plans, if claims experience outpaced the continued build-up of funds in the reserve, adjusting premiums would be one of a number of considerations.<sup>4</sup> Based on these protections, the state would not be taking on an absolute obligation to pay money or its equivalent for a WPE self-insured plan.

Also, it is significant to note that the GIB already provides self-insured coverage to local governmental employees through the Its Your Choice Access Health Plan and State Maintenance Plan, a pharmacy benefit program, and the uniform dental benefit program.

In addition to failing to fully analyze the plain language of Chapter 40, Wisconsin Supreme Court precedent, and note that the local employer plan is separately funded, the 1987 opinion did not distinguish between the statutory language related to the GIB authority to establish fully-insured plans and the GIB authority to establish a self-insured plan. Both reference the GIB as “acting on behalf of the state.” While the A.G. opinion uses that language to support its conclusion that the GIB cannot establish a self-insured plan for local governmental employers, the opinion does not address how that same language does not restrict the GIB from establishing fully-insured plans for local governmental employers as well.<sup>5</sup>

## ANALYSIS

### I. BACKGROUND

ETF is governed by Chapter 40 of the Wisconsin Statutes. GIB authority is established in that chapter. Regarding statutory language specific to the GIB’s authority to provide a self-insured group health plan for state employees and eligible employees of local governmental employers, applicable statutes include: (1) Wis. Stat. §40.03(6)(a); (2) Wis. Stat. §40.02(39); (3) Wis. Stat. §40.02(25)(b)9.; and (4) Wis. Stat. §40.51(7)(a).

Wis. Stat. §40.03(6)(a) provides the following:

(6) GROUP INSURANCE BOARD. The group insurance board:

- (a) 1. Shall, on behalf of the state, enter into a contract or contracts with one or more insurers authorized to transact insurance business in this state for the purpose of providing the group insurance plans provided for by this chapter; or
- 2. May, wholly or partially in lieu of subd. 1., on behalf of the state, provide any group insurance plan on a self-insured basis in which case the group insurance board shall approve a written description setting forth the terms and conditions of the plan, and may contract directly with providers of hospital, medical or ancillary services to provide insured employees with the benefits provided under this chapter.

The above-referenced language authorizes the GIB to provide a group insurance plan on a self-insured basis for insured employees. Wis. Stat. §40.02(39) defines “insured employee” as “any

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maintains separate reserves for state employee coverage and local governmental employee coverage, and would continue that practice under a self-insured model.  
[http://www.thewheelerreport.com/wheeler\\_docs/files/0328legcouncilerpenbach.pdf?\\_sm\\_a\\_u\\_=iVVSHWHM6S16N5MH](http://www.thewheelerreport.com/wheeler_docs/files/0328legcouncilerpenbach.pdf?_sm_a_u_=iVVSHWHM6S16N5MH), visited April 9, 2017.

<sup>4</sup> When a local governmental employer resolves to offer health insurance coverage through WPE, that employer agrees to abide by the terms of the program as set forth in the contract between the GIB and health insurance providers, and further agrees “to take all actions and make salary deductions for premiums and submit payments required by the Board to provide such Group Health Insurance.” <http://etf.wi.gov/publications/fet1324.pdf>, visited April 11, 2017.

<sup>5</sup> As noted in the March 24, 2017 Wisconsin Legislative Council memo, page 6, footnote 5.

eligible employee who is properly enrolled in the benefit plan.” The definition of “eligible employee” in Wis. Stat. §40.02(25)(b)9. includes “any other employee of any employer, other than the state, that has acted under s. 40.51 to make such coverage available to its employees.”

Regarding an employer electing to be included under the WPE program, Wis. Stat. §40.51(7)(a) provides in pertinent part: “Any employer, other than the state, including an employer that is not a participating employer, may offer to all of its employees a health care coverage plan through a program offered by the group insurance board.”

#### **A. Current Group Health Insurance Coverage for State Employees and Local Governmental Employees**

For plan year 2017, the GIB provides and ETF administers the State of Wisconsin Group Health Insurance Program (GHIP) for state employees and the WPE program for local government employees. There are 368 local government employers offering health benefits to employees through the WPE program.

The GHIP and WPE programs are primarily fully-insured health plans. However, the GIB already provides (and ETF already manages) three self-insured benefit programs: (1) the IYC Access Health Plan and State Maintenance Plan; (2) the pharmacy benefit program; and (3) the uniform dental benefit program.

ETF currently maintains separate reserve accounts for GHIP and WPE.

#### **B. Group Health Insurance Coverage for State Employees and Local Governmental Employees on an Overall Self-Insured Basis**

On February 8, 2017, the GIB approved a new self-insured/regional program structure for the GHIP and WPE for 2018. This would be in addition to the programs already offered on a self-insured basis, and would replace the fully-insured plans now offered under GHIP and WPE. ETF would continue to maintain separate reserve accounts for each plan.

### **II. ANALYSIS OF THE 1987 ATTORNEY GENERAL OPINION**

In 1987, the State of Wisconsin’s Attorney General’s Office issued an opinion in response to questions posed by then Commissioner of Insurance, Robert Haase. The questions posed were:

1. Does section 632.895(5m), Stats., apply to group health insurance contracts between health maintenance organizations and the GIB?
2. May the GIB establish a pool of municipal employers under section 40.51(7) to provide health care benefits on a self-funded basis?

The majority of the opinion focused on the first question regarding disability insurance policies and dependents. The first question is unrelated to the GIB’s authority to establish a self-insured plan. The analysis on the self-insured question was limited to two paragraphs, and concluded the following:

- The language in 40.03(6)(a)2. limits the GIB to providing a group insurance plan on a self-insured basis on behalf of the state, and the state does not include municipal employers.

- The above interpretation avoids creating the potential issue of the state taking on the obligation of paying the debt of another, which would be prohibited by article VIII, section 3 of the Wisconsin Constitution.

#### **A. The Analysis of GIB Authority to Establish a Self-Insured Plan for Local Governmental Employees Was Incomplete**

The analysis contained in the A.G. opinion was incomplete because it did not reference the plain language of Wis. Stat. §§40.03(6)(a)2., 40.02(39) & 40.02(25)(b)9. When read together, those statutory sections lead to the conclusion that local governmental employees are eligible for self-insured group health insurance coverage through WPE.

In particular, Wis. Stat. §40.03(6)(a)2. states that the GIB may provide any group insurance plan on a self-insured basis for insured employees. “Insured employees” is defined in state law to include employees eligible based on a local governmental employer’s participation in the WPE program. Wis. Stat. §§40.02(39) & 40.02(25)(b)9.

In addition, the opinion did not distinguish between Wis. Stat. §40.03(6)(a)2. related to self-insured plans and Wis. Stat. §40.03(6)(a)1. related to fully insured plans. Both of those statutory subsections provide that GIB is acting “on behalf of the state,” yet the A.G. opinion does not question the GIB’s authority to provide a fully-insured plan for local governmental employees.

Further, neither of the cases cited in the 1987 opinion offer direct insight into the GIB’s authority to establish a self-insured health insurance plan for local governmental employees. The issue in *Madison v. Hyland, Hall & Co.*, 73 Wis.2d 364 (1976), was whether the city and county were “persons” within the meaning of the Antitrust Act and thus entitled to seek treble damages in the case. The court concluded they were. The issue in *Bleck v. Monona Village*, 34 Wis.2d 191 (1967) was the extent to which the village was required to follow state law in transforming from a village to a fourth class city.

#### **B. Question of Constitutionality**

The 1987 A.G. opinion did not conclude that establishing a self-funded plan offered as an option to local governmental employers was unconstitutional. Rather, that opinion remarked on the potential issue of the state taking on the obligation of paying the debt of another, which would be prohibited by article VIII, section 3 of the Wisconsin Constitution.

Article VIII, section 3 of the Wisconsin Constitution states:

**Credit of state.** SECTION 3. Except as provided in s. 7 (2) (a), the credit of the state shall never be given, or loaned, in aid of any individual, association or corporation.<sup>6</sup>

The Wisconsin Supreme Court in *State ex rel. Hammermill Paper Co. v. LaPlante*, 58 Wis.2d 32, 205 N.W.2d 784 (1973) discussed the burden a party carries when challenging the constitutionality of legislative acts:

Unconstitutionality of the act must be demonstrated beyond a reasonable doubt. Every presumption must be indulged to sustain the law if at all

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<sup>6</sup> The Constitution annotated does not cite to any cases interpreting section 3 immediately below that section. <https://docs.legis.wisconsin.gov/constitution/wi/000233/000004>, visited April 9, 2017.

possible and, wherever doubt exists as to a legislative enactment's constitutionality, it must be resolved in favor of constitutionality.

*Id.* at 58 Wis.2d 45-47, 205 N.W.2d 792-793.

In this case, Chapter 40 provides that local governmental employers may elect to participate in a self-insured plan established by the GIB. The standard to be met if challenged on constitutionality grounds would appear to be proving beyond a reasonable doubt that the establishment of a self-insured plan for local governmental employers violated article VIII, section 3 of the Wisconsin Constitution.

Further, in *State ex rel. Warren v. Nusbaum*, 59 Wis.2d 391, 208 N.W.2d 780 (1973), the Wisconsin Supreme Court defined the word "debt" as used in article VIII, section 3 to mean: "The word 'debt' as used in the constitution, means all absolute obligations to pay money or its equivalent." *Id.* at 427, 802.

No absolute obligation on behalf of the state is created when the GIB establishes self-insured programs offered as an option to local governmental employers. ETF has and would continue to have a separate reserve account for paying health insurance claims. That reserve, which already exists as the local employer reserve under the current fully-insured model, would continue to receive contributions through employer and employee premiums. If claims experience were to outpace the build-up of funds in the reserve, among the options would be to adjust premiums. When a local employer resolves to participate in the WPE program, that employer is required to "abide by the terms of the program as set forth in the contract between the GIB and health insurance providers," and "to take all actions and make salary deductions for premiums and submit payments required by the Board to provide such Group Health Insurance."<sup>7</sup> As a result, if the GIB established a self-funded plan as an option for local employers, it would not appear to create debt in the form of an absolute obligation on behalf of the state.

A Wisconsin Legislative Council memorandum issued on March 24, 2017, seems to concur.<sup>8</sup> On page 6 of that memo, the Legislative Council suggested a resolution to the potential constitutional issue, offering that it may possibly be resolved under a self-insured model by keeping the reserve account for the WPE program separate from the reserve for state employees. As noted above, ETF already maintains two separate reserves, one for state employee coverage and one for local governmental employee coverage, and would continue that practice under a self-insured model.

### **III. Conclusion**

In our opinion, the GIB has the authority pursuant to the plain language of Chapter 40 of the Wisconsin Statutes to provide eligible employees with health insurance coverage under a self-insured group health insurance program. As set forth above, it is the choice of local government employers to make available to their employees the health benefit plans offered by the GIB. The local employer makes the employer premium contribution and the employee makes the employee contribution. Currently, there are separate reserve accounts for state employees and for local employees. Those separate reserves would continue to exist under a self-insured model.

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<sup>7</sup> <http://etf.wi.gov/publications/et1324.pdf>, visited April 9, 2017.

<sup>8</sup> *Brief Description of Selected Differences in Providing Health Care Coverage for State Employees Under a Self-Insured Structure Versus an Insured Structure*  
[http://www.thewheelerreport.com/wheeler\\_docs/files/0328legcouncilerpenbach.pdf](http://www.thewheelerreport.com/wheeler_docs/files/0328legcouncilerpenbach.pdf), visited April 9, 2017.



Further, the GIB has already established self-insured plans for local employers via the Its Your Choice Access Health Plan and the State Maintenance Plan, and through the uniform dental benefits and pharmacy benefits programs.

Attorney General Opinion 76 OAG 311, (1987) is not a barrier because its analysis under Chapter 40 was incomplete. Also, its remark on a potential constitutional issue was unexplored, and did not reference then-existing Wisconsin Supreme Court precedent interpreting article VIII, section 3. Nor did it recognize how ETF separately funds accounts for the state employee and local employee plans now, and would continue to do so under a self-insured model.

Moreover, the same language that the opinion interpreted as preventing the GIB from establishing a self-insured plan for local employers, "that the GIB acts "on behalf of the state," is also present in the statutory language referencing fully-insured plans. Wis. Stat. §40.03(6)(a)1. & 2.



## DODGE COUNTY PERSONNEL POLICIES AND PROCEDURES

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Policy #	<b>218</b>	Approval Date: 11/15/11
Policy Title	<b>VACATION</b>	Effective Date: 01/01/12
		Revision Date(s): 8/05/14; 7/1/16

Regular full time employees will earn paid vacation based upon their anniversary date of employment in accordance with the following schedule:

- After 1 year - Ten (10) vacation days
- After 7 years - Fifteen (15) vacation days
- After 14 years - Sixteen (16) vacation days
- After 15 years - Seventeen (17) vacation days
- After 16 years - Eighteen (18) vacation days
- After 17 years - Nineteen (19) vacation days
- After 18 years - Twenty (20) vacation days
- After 19 years - Twenty-one (21) vacation days
- After 20 years - Twenty-two (22) vacation days
- After 21 years - Twenty-three (23) vacation days
- After 22 years - Twenty-four (24) vacation days
- After 23 years - Twenty-five (25) vacation days

Employees may take vacation in units of one (1) or more working days or one (1) or more working hours when the supervisor does not need to replace that employee. Vacation pay is equal to the pay employees would have received when working their normal schedule of hours, exclusive of shift premium, if any.

Employees hired before January 1, 1977 must take off all vacation days earned before December 31st of the year they are earned.

Employees hired after January 1, 1977 must take all vacation days off within twelve (12) months of the anniversary date they are earned.

Length of service will be given consideration in granting choice of vacation time within a given job classification, however Department Heads will make the final determination regarding vacation requests. This rule will apply provided that the requests for preferred vacation time are submitted in writing no later than May 1. Clearview employees must have preferred vacation requests submitted by February 15 and August 15.

Newly hired non-represented full-time employees hired on or after January 1, 2012 are entitled to two (2) weeks of vacation after having completed six (6) months of employment. This vacation time must be taken within the six (6) month period prior to their first anniversary date.

Part-Time, Seasonal or Limited Term Employees who are transferred to a regular full-time position within the first six (6) months of employment will be entitled to two (2) weeks of vacation after having completed six (6) months of employment as a regular full-time employee. This vacation time must be taken within the six (6) month period prior to their first anniversary date in the regular full-time position.

~~Full-time employees newly hired on or after January 1, 2012 into positions that are classified in Labor Grade 16 or higher of the Management and Non-represented labor grade structure are entitled to two (2) weeks of vacation after having completed six (6) months of employment.~~

~~Newly hired full-time employees may be eligible for more than two (2) weeks of vacation. Upon recommendation by the Department Head the County Administrator may approve years of credited service based on the vacation schedule listed above. These employees will then earn vacation according to the vacation schedule based on the amount of credited years of service given at the time of hire. This vacation time must be taken within the six (6) month period prior to their first anniversary date.~~

~~If termination occurs prior to one (1) year of employment, the employee must repay the County for any vacation taken within the first year and is not eligible for vacation accrued in the first year which would have been available to the employee on his/her first anniversary date.~~

### **Clearview**

Clearview employees must take at least two (2) weeks in the form of time off with pay. Clearview employees who, because of their length of service, are entitled to more than two (2) weeks of vacation, may either take additional time off with pay up to the extent of their entitlement or be paid at the end of their anniversary year for any unused vacation time beyond two (2) weeks.

In the event the County finds it necessary to deny a vacation request by staff at Clearview, the affected employee may reschedule his/her vacation days during the remainder of the anniversary year or extend the scheduling period of his/her vacation into the first (1st) three (3) months of the ensuing anniversary year, and the affected employee may reschedule his/her holiday/personal day during the remainder of the calendar year or extend the scheduling period of his/her holiday/personal day into the first (1st) three (3) months of the ensuing calendar year.

If an employee desires to reschedule a vacation day or holiday/personal day, s/he will submit a written request to the Clearview Administrator for approval.

### **Highway**

Employees must take all their vacation days off within 12 months of the anniversary date they are earned. Employees will receive cash payment if unable to take scheduled vacation days off because of an emergency in the department.

### **Pro-ration of Vacation Pay**

Part-time benefit eligible employees, ~~and non-exempt employees who have had unpaid time during the prior anniversary year,~~ will have their vacation pay pro-rated. The pro-ration calculation will take place prior to the start of the new anniversary year and will take into consideration the number of hours paid to the employee during the prior anniversary year in comparison to the total number of full-time hours for the position. The calculation will result in a reconciliation of the number of vacation hours paid versus vacation hours earned. In the case of a part-time benefit eligible employee the calculation may result in a change in the determination of how many hours of earned vacation the employee will be credited for use during the upcoming anniversary year.

Examples:

Employee A is a non-exempt employee who holds a 1040 hour/year benefit-eligible part-time position and would normally qualify for 40 hours of vacation pay (80 hours for a full-time employee.) Employee A worked 992 hours during the past year, which resulted in a pro-ration that provided for 38.5 hours of vacation pay earned during the past anniversary year.

992 hours worked during the past anniversary year

$992 / 2080 = 47.7\% = 48\%$  FTE (rounded to closest full number)

80 hours x 48% = 38.5 vacation hours earned (rounded to the closest ¼ hour)

Employee A was paid 40 hours of vacation pay so 1.5 hours must be re-paid.

~~Employee B is a non-exempt employee who holds a 2080 hour/year position and would normally qualify for 80 hours of vacation pay. Employee A had 12 unpaid days (96 hours) during the past anniversary year, which resulted in a pro-ration that provided for 76 hours of vacation earned during the past anniversary year.~~

~~$2080 - 96 = 1984$~~

~~$1984 / 2080 = 95.4\% = 95\%$  (rounded to closest full number)~~

~~80 hours x 95% = 76 vacation hours earned (rounded to the closest ¼ hour)~~

~~Employee B was paid 80 hours of vacation pay so 4.0 hours must be re-paid.~~

~~Sick leave paid to a non-exempt employee that is donated by another employee is considered equivalent to unpaid time for the purpose of calculating the employee's level of benefit.~~

### **Termination/Retirement**

Employees who terminate or retirement will be paid out their current vacation amount and the amount they have accrued from their last anniversary through their termination/retirement date. This payment will be made on the employee's last pay check.

### **Military Leave**

Employees on military leave will be entitled to all benefits and seniority rights afforded them under federal or state law.

HUMAN RESOURCES AND LABOR NEGOTIATIONS COMMITTEE  
APRIL 18, 2017

**PERSONNEL REQUISITION REQUESTS**

One (1) Fiscal and Support Supervisor	Human Services
One (1) County Conservationist	Land Conservation
One (1) Imaging Technician – Intern	LR&P
One (1) Administrative Assistant III – L.T.E./F.T.	UW Extension

**LEAVE OF ABSENCE REQUESTS FOR COMMITTEE APPROVAL**

None.

**PERSONNEL CHANGES:**

NEW HIRE – UNION

None.

RE-HIRE – UNION

None.

RECLASSIFICATION – UNION

None.

STEP INCREASE – UNION

None.

APPOINTED OFFICIAL

Sharon Schumann	Board of Adjustment	County Board
\$50.00/meeting	CB01, ST01	03/21/2017

NEW HIRE

Phillip Prescott	Welder	Highway
\$21.31	DC06, ST02	04/05/2017

LIMITED TERM/SEASONAL RE-HIRE

Kay M. Kiser	Park Attendant – Astico	LR&P
\$12.39 (+\$.26)	MSC13, ST04Y04	04/10/2017

John A. Sevenz Jr.	Park Caretaker – Harnischfeger	LR&P
\$11.63 (+\$.29)	MSC06, ST04Y04	04/10/2017

Joseph K. Schaefer	Trail Caretaker	LR&P
\$10.88	MSC06, ST01	04/11/2017

Susan M. Schaefer	Park Attendant – Ledge Park	LR&P
\$11.61	MSC13, ST01	04/11/2017

William Suprna	Park Caretaker – Ledge	LR&P
\$11.13 (+\$.52)	MSC06, ST02Y02	04/10/2017

LIMITED TERM/SEASONAL NEW HIRE

Nancy S. Sage	Park Attendant – Harnischfeger	LR&P
\$11.61	MSC13, ST01	04/13/2017

HUMAN RESOURCES AND LABOR NEGOTIATIONS COMMITTEE – APRIL 18, 2017

RECLASSIFICATION

Kathleen A. Gordon \$22.66 (+\$.76)	Social Worker II – CPS Ongoing DC07, ST01	Human Services 03/24/2017
Linda J. Voight No change	Nutrition Site Manager MSC15, ST01 L.T.E. to P.T. <20 hours	Human Services 10/07/2013

STEP INCREASE

Bonnie E. Backhaus \$15.31 (+\$.43)	Receptionist II DC03, ST02	Clerk of Courts 05/29/2017
Kelly S. Brandsma \$20.67 (+\$.48)	Deputy Clerk of Courts DC04, ST09B	Clerk of Courts 06/02/2017
James R. Jahn \$19.71 (+\$.48)	Utility II / Truck Driver West DC04, ST7B	Highway 05/27/2017
Brian L. Otto \$23.87 (+\$.54)	Equipment Operator East DC05, ST11A	Highway 05/15/2017
Sara J. Gaska \$33.05 (+\$.87)	HS Supervisor – Clinical Services DC11, ST04	Human Services 03/24/2017
Christine C. Shanahan \$29.78 (+\$.65)	Counselor III Children with Disabilities DC07, ST12B	Human Services 05/23/2017
Lina M. Rooney \$32.34 (+.36)	RN Public Health DC08, ST12B	Human Services 05/17/2017
Daniel D. Schultz \$23.95 (+\$.64)	Park Foreman DC07, ST03	LR&P 04/07/2017
Suzanne L. Reissmann \$29.46 (+\$.65)	Communications Sergeant DC07, ST12A	Sheriff 04/02/2017

NON-SCHEDULED INCREASE

None.

ORIENTATION PERIOD REPORTS:

Emily E. Novotny	Second Report	Register of Deeds
Matthew Marvin	Second Report	Sheriff
Ben Schepp	Second Report	Sheriff
Jill Barnett	Final Report	Highway
Jonathan Bethke	Final Report	Highway
Ashley Schabel	Final Report	Human Services