

3.20.010 Benefits of elected officials. This section establishes fringe benefits for county elected officials under Wis. Stat. §59.22(1), effective on the first day of the term of office that begins after the date of the ordinance. Fringe benefits are separate and distinct from total annual compensation. It is expressly understood that fringe benefits are subject to increase or decrease during the officer's term at the discretion of the county board and in accordance with state and federal law. Elected officials are:

A. Eligible to participate in a group health insurance plan as provided in the Employee Policy Manual.

B. Eligible to participate in a group dental plan by paying the entire premium as provided in the Employee Policy Manual

C. Eligible to participate in the Wisconsin Retirement System ("WRS") as authorized by law. Each elected official is required to pay their share of the total WRS required contributions. The county will pay only its share of the total WRS required contributions as required by law. It is expressly recognized that these contributions may change, when the required WRS rate is adjusted, as authorized by law.

D. Eligible to participate in the Wisconsin Group Life Insurance Program, social security, deferred compensation, Roth IRA's, group long-term disability plan, flexible spending account and the EdVest college savings program as provided in the Employee Policy Manual.

E. The sheriff is eligible to receive reimbursement of up to \$720 annually for expenses incurred for the purchase of uniforms based on receipts received with monthly expense reports. (Ord. 161-39, Sec. 2, 2018; Ord. 161-32, Sec. 1, 2017; Ord. 160-18, Sec. 1, 2016; Ord. 159-30, Sec. 1, 2016; Ord. 159-11, Sec. 1, 2015; Ord. 157-23, Sec. 1, 2013; Ord. 155-033, Sec. 3, 2012; Ord. 150-004, Sec. 1, 2006; Ord. 147-54, 2003; Ord. 127-45, Sec.1, 1983; Ord. 126-7, Secs.6 and 7, 1982).

3.20.020 County board of supervisors compensation.

A. The compensation for each member of the county board shall be paid monthly by the county treasurer on the payroll date falling no earlier than the 7th day but not later than the 20th day of each month as follows:

1. Chair: \$4,675 per year at \$389.58 per month;
2. First vice chair: \$1,836 per year at \$153 per month;
3. All others: \$1,500 per year at \$125.00 per month;*
4. A pro rata adjustment shall be made for portions of months not served in

such capacities.

B. Each supervisor shall be paid \$30.00 for each committee or county board meeting he or she attends. Supervisors shall not receive per diem for attending a committee meeting held within 1 hour prior to a county board meeting or held during a county board recess. Meeting and mileage payments for attendance are not to exceed two meetings in any one day. Supervisors shall not be paid for attending the meeting of a committee to which he or she has not been appointed as provided by resolution or ordinance unless the chair of the committee certifies in writing that his or her attendance was requested. Any supervisor failing to answer at least half of all roll call votes at any meeting of the board shall be considered absent for purposes of receiving payment.

C. The finance director or designee shall prepare an appropriate attendance certificate in either paper or electronic format. Attendance of the meeting will be determined by the minutes and an attendance sheet will promptly be filed with the finance department.

* This ordinance will go into effect at the County Board organization meeting, the 3rd Tuesday of April 2020. (Ord 163-22, Sec. 2, 2019)

D. No payment claims shall be allowed if not filed within 60 days of the date of the committee meeting and in accord with this section.

E. All claims under this section shall include the claimant's certification that the claim is true and correct, and that no portion of the amount claimed was previously reimbursed by the county or by any other source. (Ord. 163-22, 2019, Sec. 2, 2019; Ord. 163-021, Sec. 1, 2019; Ord. 151-040, Sec. 1-2, 2008; Ord. 147-54, 2003; Ord. 145-65, Sec. 1, 2001; Ord.143-57, 1999; Ord.140-38, Sec.2, 1996; Ord.137-73, 1993; Ord.135-60, Sec. 1, 1991; Ord.131-46, Sec.1, 1987, Ord. 126-39, Secs.1-4, 1982; Ord.79-80/244, Sec.1, 1979; Ord.361-77, Sec.2, 1977).

3.20.030 Committee meeting defined. "Committee meeting" as used in this chapter shall mean:

A. The convening of a standing, select or special committee of the county board or a subcommittee thereof for duly authorized purposes under Wis. Stat. ch. 19, subch. V, and the rules of the county board wherein an agenda is published, a quorum is present and regular business is conducted;

B The attendance by a supervisor at a meeting of any other board, council, commission, or committee, without enumeration, to which he or she has been appointed by the county board or the chair thereof as the official permanent county representative, and at meetings of subcommittees thereof to which said supervisor has been appointed by the chair of such body.

C. The attendance of a member of the human resources committee at collective bargaining negotiation sessions, mediation sessions, grievance or interest arbitration hearings, unit clarification hearings, prohibited practice hearings or any other hearing authorized under the Wisconsin Municipal Employment Relations Act.

D. The following do not constitute meetings and therefore do not qualify for per diem payments; ribbon cuttings, ground breakings meals not in conjunction with approved meetings, award ceremonies, sporting events, taxpayer alliance meetings and political forums. (Ord 151-40, Sec. 3-4, 2008; Ord. 151-10, Sec. 24, 2007; Ord. 147-54, 2003; Ord. 146-77, 2003; Ord.139-53, 1995; Ord.126-55, Sec.1, 1982; Ord. 126-39, Sec.7, 1982; Ord.361-77, Sec.4, 1977).

(Ord. 163-021, Sec. 2, 2019; Ord. 159-20, Sec. 1, 2015; Ord. 158-12, Sec. 8 & 9, 2014; Ord. 152-34, Sec. 1, 2008; Ord. 151-10, Sec. 25, 2007; Ord. 147-54, 2003; Ord.141-63, 1997; Ord. 135-60, 1991; Ord. 133-68, Ord. 133-57, 1989; Ord. 131-46, Secs.2 & 3, 1987; Ord. 130-46, Sec.1, 1986; Ord. 127-60, Sec.2, 1983; Ord. 126-76, Secs.6 (part), 7, 1983; Ord. 126-39, Secs.5, 6, 6m, 1982; Ord. 81-82/344, Sec.1, 1981; Ord. 80-81/244, Sec.1, 1980; Ord. 79-80/244, Sec.2, 1979; Ord. 361-77, Sec.3, 1977).

3.20.045 County board chair per diem and expense authorization. All county board chair per diems authorized in this chapter and travel and training expenses authorized in the Human Resources Manual require approval of the finance and budget committee. (Ord. 151-10, Sec. 26, 2007; Ord. 147-54, 2003; Ord.146-76, 2003).

3.20.050 County board mileage allowance.

A. Each supervisor shall, for each day he or she attends a meeting of the board or for attendance at not to exceed 2 committee meetings in any 1 day, receive a mileage allowance for each mile traveled in going to and returning from the meeting by the most usual traveled route at the rate established in the Employee Policy Manual as the standard mileage allowance; but subject to the limitations in the Employee Policy Manual for out-of-county committee meetings. The standard mileage allowance shall be paid to any county supervisor who travels to a meeting, which is cancelled due to a lack of a quorum.

B. Nothing in this section shall be construed to prohibit claims for travel expense reimbursement by any supervisor for authorized travel within or without the county on official county business not constituting a committee meeting as defined in 3.20.030. All such claims shall be subject to the provisions of the Employee Policy Manual. (Ord. 158-12, Sec. 5, 2014; Ord. 151.10, Sec. 32, 2007; Ord. 147-54, 2003; Ord.139-88, 1995; Ord. 138-28, 1994; Ord. 126-55, Sec.2, 1982; Ord. 126-39, Sec.8, 1982; Ord. 361-77, Sec.5, 1977).

3.20.060 Compensation of county governing bodies.

A. Each member of a county governing body created under 2.05.001 shall be paid the per diem authorized in 3.20.080, except that members who are county supervisors shall be compensated under 3.20.040 A.

B. Each member of a county governing body created under 2.05.001, any commission, board, committee, advisory committee, council or authority created by ordinance or resolution, and of a special committee under 2.04.150 shall receive mileage reimbursement, except that members who are county supervisors shall be allowed mileage under 3.20.050.

C. Mileage reimbursement shall be paid for each mile traveled in going to and returning from a meeting of any governing body or subcommittee thereof authorized under B. by the most usual traveled route at the rate established in the Employee Policy Manual as the standard mileage allowance, subject to the limitations in the Employee Policy Manual for out of county travel. The standard mileage allowance shall be paid to any committee member authorized to receive mileage reimbursement who travels to a meeting which is cancelled due to lack of a quorum. (Ord. 158-12, Sec. 6, 2014; Ord. 151-10, Sec. 28, 2007; Ord. 147-54, 2003; Ord. 138-28, 1994; Ord.135-36, Sec.2, 1991; Ord. 126-53, Sec.4 (part), 1982).

3.20.070 Compensation prohibited.

A. No per diem shall be paid to any county elected officer or employee under 3.20.060, nor to any other member of a county governing body unless authorized in this chapter.

B. It is the policy of the county board that members of advisory committees serve without per diem compensation. (Ord. 147-54, 2003; Ord. 126-53, Sec.4 (part), 1982).

3.20.080 Authorized per diem compensation.

A. Board of land use appeals, ADRC subcommittee on Older Americans Act programs, human services board, land conservation commission, veterans service commission not to exceed 6 meetings per calendar year, local emergency planning committee and housing authority, and aging and disability resource center board: \$30.00;

B. Airport commission: \$75 per month for attendance at the regularly scheduled monthly meeting. (Ord. 159-20, Sec. 2; 2015; Ord. 152-31, Sec. 8, 2008; Ord. 151-42, Sec. 2, 2008; Ord. 147-54, 2003; Ord. 143-80, 1999; Ord. 136-42, 1992; Ord. 134-60, Sec. 2, 1990; Ord. 134-53, 1990; Ord. 131-46, Sec.5, 1987; Ord. 127-60, Sec.1, 1983; Ord. 126-53, Sec.4 (part), 1982).

3.20.090 Compensation of other officials.

A. The officials named in this section shall be compensated at the rates fixed herein.

B. Each such official shall receive reimbursement only for mileage, meals and lodging expenses incurred in the course of his or her duties, in accordance with the Employee Policy Manual.

C. Compensation rates:

1. Commissioners of condemnation (Wis. Stat. § 32.08(4)): \$20 per hour, except for the chair at \$25 per hour;

2. County board of canvassers (Wis. Stat. § 7.60): \$15 per hour, except for county elected officials or employees;

3. Court commissioners appointed under Wis. Stat. § 757.68, shall be paid reasonable compensation as fixed by the circuit court but not more than the hourly equivalent of the salary of a circuit court judge as determined by the county finance director;

4. Grand and petit jurors and talesmen (Wis. Stat. § 756.25): \$25 per day or \$12.50 per half-day;

5. Local assessors, clerks and other officials, for attending any meeting directed by the State Department of Revenue under Wis. Stat. § 73.06(1): \$18 per day plus the standard county mileage allowance in the Employee Policy Manual;

6. Circuit court officers shall be paid the hourly rate established at salary grade 801 step A, with a minimum 2 hours of call-in time on days where circuit court officers report for work and court is cancelled;

7. Except for mileage, witnesses paid per statute.

D. The director and the finance director shall assure compliance with this chapter, and shall recommend appropriate revisions in the compensation schedules to the committee prior to November 1st annually. (Ord. 161-23, Sec. 1, 2017; Ord. 158-12, Sec. 7, 2014; Ord. 151-10, Sec. 30, 2007; Ord. 147-54, 2003; Ord.141-71, Sec.1; Ord.141-58; Ord.141-03, Sec.1; Ord.140-107, Sec.1; 1997; Ord.137-38, 1993; Ord.135-84, 1992; Ord. 134-64, 1991; Ord. 134-54, 1990; Ord. 131-52, Sec.1, Ord. 130-59, Secs.1-3, 1987; Ord. 129-77, Secs.1,2, 1986; Ord. 129-46, Sec.1, 1985; Ord. 127-60, Sec.3, 1983; Ord. 127-30, Secs.1, 2, 1983; Ord. 126-76, Secs.3, 4, 1983; Ord. 126-53, Sec.5 (part), 1982).

(Ord. 163-21, Sec. 3, 2019; Ord. 147-54, 2003; Ord.140-107, Secs.2-3, 1997; Ord. 126-76, Secs.5, 6(part), 8, 1983).
(Ord. 155-27, Sec. 11, Repealed Chapters 3.25, 3.30, 3.35, 3.40, 3.55, 3.60, 3.65, 3.70, 3.75 and 3.80)

Chapter 3.50

CONFLICT OF INTEREST

Sections:

<u>3.50.001</u>	Purpose.
<u>3.50.005</u>	Definitions.
<u>3.50.010</u>	Specific conflicts enumerated.
<u>3.50.020</u>	Prohibited contracts with the county.
<u>3.50.030</u>	Public purpose doctrine.
<u>3.50.040</u>	Incorporation of state statutes.
<u>3.50.050</u>	Sanction for violations.
<u>3.50.060</u>	Forfeiture schedule.
<u>3.50.070</u>	Political activity.
<u>3.50.080</u>	Outside employment.
<u>3.50.090</u>	Nepotism.
<u>3.50.100</u>	Solicitations and sales.

3.50.001 Purpose. The proper operation of a democratic and representative government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for improper personal gain; and that conflicts between private interests and public responsibilities be avoided. In recognition of these goals, there is established a code of ethics to establish guidelines for ethical standards of conduct for such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the county and by directing disclosure by such officials and employees of private interests in matters affecting the county. The provisions and purpose of this code and such rules and regulations as may be established are declared to be in the best interests of the county. (Ord. 147-54, 2003; Ord.136-11, Sec.1, 1992; Ord.81-82/132, Sec. 1 (part), 1981).

3.50.005 Definitions.

A. "Person" means any individual, corporation, partnership, joint venture, association or organization.

B. "Financial interest" means any interest which yields, directly or indirectly, a monetary or other material benefit to the county officer or employee or to any person employing or retaining services of the county officer or employee.

C. "Anything of value" means any money or property, favor, service, payment, advance forbearance, loan or promise of future employment, but DOES NOT INCLUDE such things as compensation and expenses paid by the state or county, fees, honorariums and expenses, unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, informational or educational materials of unexceptional value, plaques, other advertising giveaways or any other thing which is not likely to influence the judgment of individuals covered by this code.

D. "Privileged information" means any written or oral material related to county government which has not become part of the body of public information and which is designated by statute, court decision, lawful order, ordinance, resolution or custom as privileged.

E. "Official" means all county department heads or directors, county supervisors, and all other county elected officers, except judges and district attorneys.

F. "Employee" means all persons filling an allocated position of county employment and all members of boards, committees, and commissions except those individuals included in E.

G. "Immediate family" means an individual's spouse; and an individual's relative by marriage, lineal decent, or adoption who receives, directly or indirectly, more than ½ of his or her support from the individual or from whom the individual receives, directly or indirectly, more than ½ of his or her support. (Ord. 147-54, 2003; Ord. 136-11, Sec. 2, 1992)

3.50.010 Specific conflicts enumerated. The following conflicts of interest shall be expressly prohibited:

A. Incompatible employment. No public official or employee shall engage in or accept private employment or render services to any other governmental body or to anyone in the private sector which would tend to be incompatible with the proper discharge of his or her duties, unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

B. Representing private interests before agencies or courts. No elected public official or employee who is admitted to practice law shall represent, as an advocate any private interests, other than his or her own or that of his or her family, in any proceeding adverse to the county before any federal or state court or agency.

C. Disclosure of confidential information. No public official or employee shall, without proper authorization, disclose confidential information, nor use such information to advance the actual or anticipated financial or personal interests of him or herself or others.

D. Gratuities or kickbacks.

1. 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.

2. No payment of a gratuity or kickback shall be made by or on behalf of any person and be accepted by any public official or employee as an inducement or reward for the latter's action in procuring the award of any contract or order.

3. It is not a conflict of interest for an official or employee to receive a gift or 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.

E. Failure to disclose interest in legislation.

1. The following persons on behalf of themselves or their families shall disclose the nature and extent of any personal or financial interest in proposed legislation before the county board:

a. County board members; and

b. Public officials or employees who have been asked to render official opinions or recommendations to the county board on the legislation.

2. The disclosure shall be made before any debate commences upon the particular legislation and shall consist of an announcement to be recorded in the journal of proceedings and a request to abstain from voting. Notwithstanding abstention from voting as may be allowed by the board, it shall be the responsibility of each employee or public official to personally ascertain that such actions do not conflict with Wis. Stat. § 946.13.

F. Nepotism forbidden. Public officials and employees are forbidden from engaging in nepotism, as applied at 3.50.090, and are further forbidden from using their positions to influence the county to employ in any capacity whatsoever, or otherwise retain the services of, as an independent contractor or agent, a member of his or her immediate family.

G. Use of position to compel charitable contributions, donations or induce business. Public officials are forbidden from using their positions to influence employees to make political campaign contributions, secure other donations to causes, public or private, or to engage in business transactions in which they have a personal or financial interest.

H. Conducting private business on county premises and time. Public officials and employees are forbidden from conducting their personal or private business while they are on county premises and engaged in their public duties. (Ord. 147-54, 2003; Ord. 139-16, Sec.1, 1995; Ord. 136-11, Sec. 5 & 6, 1992; Ord. 81-82/380, Secs.1, 2, 1981; Ord. 81-82/132, Sec.1 (part), 1981).

3.50.020 Prohibited contracts with the county.

A. An official or employee or a business in which an official or employee holds a 10% or greater interest, may not enter into a contract with the county involving a payment or payments of more than \$3,000 within a 12 month period unless the official or employee has made a written disclosure of the nature and extent of such relationship or interest to the county board. Further, pursuant to Wis. Stat. § 946.13, an official or employee is prohibited from participating in the formation of a contract(s) with Eau Claire County involving receipts or disbursements of more than \$15,000 in any year.

B. Contracts are not prohibited if they are with, or tax credits or payments are received by, public officers or employees as set forth in Wis. Stat. § 946.13(2)(g). (Ord. 161-11, Sec. 1, 2017; Ord. 147-54, 2003; Ord.141-81 Sec.1; Ord.141-03, Sec.1, 1997; Ord.136-11, Sec.7, 1992)

3.50.030 Public purpose doctrine.

A. Use of public property. No public official or employee shall request or permit the use of county services or of county-owned vehicles, equipment, materials or property for non-official purposes or for personal profit or convenience, except when such services are generally available to the public-at-large. This prohibition shall not apply to the use of county vehicles or property for personal convenience, sufficiently related to job requirements of an officer or employee, as approved and regulated by the county board or as provided pursuant to a contract with a collective bargaining unit.

B. Obligations to citizens. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. (Ord. 147-54, 2003; Ord.136-11 Sec.8, 1992; Ord.81-82/132, Sec.1 (part), 1981).

3.50.040 Incorporation of state statutes.

A. In addition to Wis. Stat. § 946.13, referred to in 3.50.020, the following provisions of the Wisconsin Statutes are incorporated by reference and made a part of this chapter:

1. Section 19.01, Oaths and bonds;
2. Section 19.21, Custody and delivery of official property records.
3. Section 19.81-19.89, Open meetings with governmental bodies.
4. Section 19.59, Codes of ethics for local government officials, employees and candidates.

B. Failure of public officials to comply with the provisions of law set forth in A. of this section shall constitute a violation of this chapter. (Ord. 147-54, 2003; Ord.141-81, Sec.2, 1997; Ord.136-11, Sec.9, 1992; Ord.81-82/132, Sec.1 (part), 1981).

3.50.050 Sanction for violations. Any person violating this chapter may be subject to a forfeiture of not less than \$100 nor more than \$1,000 for each offense, subject to 3.50.060. (Ord. 147-54, 2003; Ord. 136-11, Sec.10, 1992; Ord. 129-1, Sec.1, 1985; Ord. 81-82/132, Sec.1 (part), 1981).

3.50.060 Forfeiture schedule. The following specified violations of this chapter shall be subject to the accompanying forfeiture schedule:

- A. 3.50.010 A., Incompatible employment, \$100 to \$500;
- B. 3.50.010 B., Representing private interests before county agencies or courts, \$100 to \$1,000;
- C. 3.50.010 C., Disclosure of confidential information, \$100 to \$1,000;
- D. 3.50.010 D., Gratuities or kickbacks, \$100 to \$1,000;
- E. 3.50.010 E., Failure to disclose interest in legislation, \$100 to \$250;
- F. 3.50.010 F., Nepotism forbidden, \$100 to \$250;
- G. 3.50.010 G., Use of position to compel charitable contributions, donations or induce business, \$100 to \$250;
- H. 3.50.010 H., Conducting private business on county premises and county time forbidden, \$100 to \$200;
- I. 3.50.020, Prohibited contracts with the county, \$100 to \$1,000;
- J. 3.50.030, Public purpose doctrine, \$100 to \$1,000. (Ord. 161-11, Sec. 2, 2017; Ord. 147-54, 2003; Ord. 136-11, Sec.11, 1992; Ord. 81-82/132, Sec.1 (part), 1981).

3.50.070 Political activity. All employees and elected officials shall have the right to freely express their views as a citizen and cast their vote, subject to the following:

A. No employee or elected official shall directly or indirectly use or seek to use his or her authority or the influence of his or her position to control or modify the political action of another person.

B. No employee or elected official during his or her hours of duty shall, except as provided by law, engage in political activities including, but not limited to, the following:

1. Campaign for any candidate or political party;
2. Make campaign speeches or engage in other activity to elect a candidate;

3. Collect contributions or sell tickets to political fund-raising functions;
4. Distribute campaign material in any election;
5. Organize or manage political meetings;
6. Circulate nominating petitions;
7. Display political badges, buttons or stickers in any county building or

wear such items during working hours.

C. No employee or elected official shall at any time use any county-owned or leased equipment for any personal political activity.

D. No employee shall be removed, discharged, reduced in pay or position, or otherwise discriminated against because of the employee's political opinions or affiliations except as provided for in this section.

E. Employees whose principal employment is in a federally grant-aided program are subject to prohibitions in the Federal Hatch Political Activities Act as amended, 5 U.S.C. §§ 1501--1508. (Ord. 147-54, 2003; Ord. 144-24, Sec. 10, 2000; Ord. 80-81/276, Sec.3 (part), 1980).

3.50.080 Outside employment.

A. No employee may engage in outside employment if such employment conflicts with or affects the performance of the employee's county duties.

B. No employee may concurrently hold more than 1 county position without the written approval of the director. The director shall have authority to grant such approval up to 30 working days within the budget of the affected department(s). Such approval may be granted for combination part-time positions when it is in the best interests of the county to do so, and when such part-time positions do not represent a conflict of interest.

C. All forms of money compensation, except expense reimbursements, for outside services performed during the hours when the employee is actually providing services to the county, shall be turned over to the director for deposit with the county treasurer.

D. Failure to comply with this section shall be considered grounds for discipline. (Ord. 147-54, 2003; Ord. 144-24, Sec. 17, 2000; Ord. 136-63, 1992; Ord. 80-81/276, Sec.16 (part), 1980).

3.50.090 Nepotism.

A. Within this section "relative" shall include: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepchild, stepparent, grandchild and grandparent.

B. Relatives shall not be employed in an immediate superior-subordinate relationship.

C. No appointing authority shall hire a relative nor participate in selection and appointment procedures if a relative is an applicant under consideration.

D. The county chair shall not appoint a county board supervisor to a standing committee where a relative is an employee in the governed department.

E. No appointing authority, county board supervisor, county elected official or employee shall seek to influence the employment decisions of an appointing authority on behalf of a relative.

F. Any person who violates this section shall be subject to disciplinary action. (Ord. 147-54, 2003; Ord. 132-101, 1989; Ord. 80-81/276, Sec.18 (part), 1980).

3.50.100 Solicitations and sales. No employee or group of employees shall on behalf of the county solicit funds or other things of value from any person, nor solicit funds or sell things of value to persons on county property without first obtaining permission from the county administrator. This shall not apply to internal departmental solicitations such as farewell gifts, shower gifts, length of service gifts or donations for employee social gatherings. (Ord. 147-54, 2003; Ord.141-06, Sec.23, 1997; Ord. 80-81/276, Sec.18 (part), 1980).

Chapter 3.85

DEPUTY SHERIFFS

Sections:

<u>3.85.001</u>	Purpose.
<u>3.85.005</u>	Definitions.
<u>3.85.010</u>	Classification and number of deputy positions.
<u>3.85.015</u>	Qualifications.
<u>3.85.020</u>	Municipal police as deputies.
<u>3.85.025</u>	Certain deputies and posse exempt.
<u>3.85.030</u>	Appointment of Undersheriff.
<u>3.85.035</u>	Disciplinary and dismissal procedures.

3.85.001 Purpose.

A. This chapter establishes a civil service system under Wis. Stat. § 59.52(8), for the office of the county sheriff.

B. This chapter will apply to employees not covered by collective bargaining agreements and to employees so covered when specific bargaining agreements do not apply to the contrary.(161-11, Sec. 4, 2017; 157-26, Sec. 1, 2013)

3.85.005 Definitions. The following definitions apply to this chapter:

A. "Office" means the office of the county sheriff.

C. "Deputy sheriff" means such persons as are duly appointed by the sheriff to aid in the performance of his or her duties, as set forth at Wis. Stat. § 59.27 under his or her direction, and in the case of his or her absence or disability, or a vacancy in his or her office, who will perform all of the duties of the sheriff during such absence or until such vacancy is filled.

D. "Posse" means adult residents of the county summoned by the sheriff to assist him or her in times of public emergency for the purpose of preserving the public peace or for the pursuit of felons.

E. "Reserve deputy " means those deputy sheriffs, not employed by the county on a regular basis, exclusive of the posse.

F. "Veteran" means a person, otherwise qualified under 3.85.020, who has served honorably in the U.S. Armed Forces as defined in Wis. Stat. ch. 45. (Ord. 161-33, Sec. 1, 2017; Ord. 161-11, Sec. 3, 2017; 157-26, Sec. 1, 2013)

3.85.010 Classification and number of deputy positions.

A. The classification and maximum number of regular deputy sheriff positions will be established by the county board.

B. There will be no honorary deputy sheriffs appointed. The county will not assume any liability for the acts of any persons appointed in violation hereof. (157-26, Sec. 1, 2013)

3.85.015 Qualifications.

A. Deputy positions will have defined qualifications established based upon the Law Enforcement Standards Board, the policy making body for the Wisconsin Department of Justice, as authorized by state law under Wis. Stat. § 15.255. The primary mission of the Law Enforcement Standards Board is to establish and enforce standards for professional employment, education and training of law enforcement, tribal law enforcement, jail and secure juvenile detention officers in Wisconsin.

B. Applicants for law enforcement employment must meet the minimum education and training requirements for deputy sheriff as defined under Wis. Stats. §§ 165.85(4)(a) and 66.0501(1) and, Wis. Admin. ch. LES Code 2. (Ord. 161-33, Sec. 2, 2017; Ord. 161-11, Sec. 5, 2017; Ord. 157-26, Sec. 1, 2013)

3.85.020 Municipal police as deputies.

A. The sheriff may appoint any duly authorized municipal police officer(s) of any municipality in the county as deputy sheriffs. Such deputies will hold office at the pleasure of the sheriff and only during their employment as a police officer by a municipality in the county.

B. Such deputies will only use their powers as deputy sheriffs when and as authorized by the sheriff. No such deputy will be considered an employee of the county for any purpose and will serve without compensation. (157-26, Sec. 1, 2013)

3.85.025 Certain deputies and posse exempt. Deputy sheriffs appointed under 3.85.020 and persons appointed to a posse by the sheriff per Wis. Stat. § 59.28, are exempt from the requirements of this chapter. (157-26, Sec. 1, 2013)

3.85.030 Appointment of Undersheriff.

A. Wis. Stat. §59.26 requires the sheriff to appoint an undersheriff. The undersheriff is responsible for executing the statutorily required duties of the sheriff in those circumstances in which the sheriff is unavailable or unable to execute those duties.

B. The sheriff will notify the director of the appointment.

C. The undersheriff will receive an annual stipend of \$1,500. (157-26, Sec. 1, 2013)

3.85.035 Disciplinary and dismissal procedures.

A. Deputy sheriffs will hold office on good behavior and will not be dismissed or suspended except as provided below.

B. A deputy sheriff may only be suspended, demoted, dismissed, or suspended and demoted for just cause. In determining whether there is just cause, the committee on human resources will apply the standards as set forth in Wis. Stat. § 59.52(8).

C. The committee on human resources will act based either on its own investigation or on charges filed by the sheriff. The charges filed by the sheriff will be filed with the chair of the committee on human resources in the human resources department. A copy of such charges will be sent to the affected employee, employee's union or other representative, corporation counsel and the human resources director. The human resources director will immediately send copies of the complaint to members of the committee on human resources.

D. The committee on human resources chair will establish a hearing date, time and place and send a written notice thereof to the employee, the employee's union representative, the sheriff, director and committee on human resources members. The committee on human resources may utilize a hearing officer and may take and have transcribed any testimony at the hearing.

E. At the end of the hearing, the committee on human resources may deliberate in open or closed session and then will formally take action in open session. The committee on human resources' decision will be reduced to writing, will include findings of fact and conclusions of law and will be signed and dated by the committee chair and filed in the human resources department. The human resources director will send a copy of the decision with a written notice stating the date the decision was filed along with appeal rights to the employee, the employee's union or other representative, the sheriff, corporation counsel and committee on human resources members. (Ord. 161-11, Sec. 6, 2017; Ord. 157-26, Sec. 1, 2013)

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