

## **AGENDA**

Eau Claire County  
Committee on Human Resources

**Date:** Friday, March 13, 2020

**Time:** 8:30 a.m.

**Location:** 721 Oxford Ave, Eau Claire, WI 54703  
Room 3312

1. Call to Order and Confirmation of Meeting Notice
2. Public Comment
3. Approval of Meeting Minutes – **Discussion/Action**
  - a. February 14, 2020
4. General Director Updates – Jessica Rubin - **Discussion**
5. Resolution 19-20/093 – Authorizing reclassification of one (1.0 FTE) Facilities Supervisor in the Maintenance Department – **Discussion/Action**
6. Resolution 19-20/109 – Directing the County Administrator to take significant action steps with the Department of Human Services to ensure budget compliance in the year 2020 – **Discussion/Action**
7. Ordinance 19-20/115 – Amending section 3.10.001 and 3.10.040; creating section 3.10.002; abolishing 3.10.010 and 3.10.020 of the code: Equal Employment Opportunity – **Discussion/Action**
8. Policy 101 – Recruitment and Selection Updates – **Discussion/Action**
9. Policy 705 - Harassment and Discrimination Updates – **Discussion/Action**
10. Adjourn

Prepared by: Samantha Cole

Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710 (FAX) 839-1669 or (TDD) 839-4735 or by writing to the ADA Coordinator, Human Resources Department, Eau Claire County Courthouse, 721 Oxford Ave., Eau Claire, Wisconsin 54703

## MINUTES

Eau Claire County

Committee on Human Resources

**Date:** Friday, February 14, 2020

**Time:** 8:30 a.m.

**Location:** 721 Oxford Ave, Eau Claire, WI 54703 – Room 3312

Members Present: Judy Gatlin, Connie Russell, Katherine Schneider

Others Present: Samantha Cole – Administrative Specialist III, Kathryn Schauf – County Administrator, Norb Kirk – Finance Director, Jessica Rubin – Human Resources Director, Glenda Lyons - Treasurer, Tina Pommier – Register of Deeds, Sara Bronstad – Human Resources Advisor, Amy Sires – Benefits Administrator

Supervisor Gatlin called the meeting to order at 8:30 a.m. and confirmed meeting notice.

No members of the public were present.

The committee reviewed the minutes from the January 10, 2020 meeting. Supervisor Russell motioned to approve the minutes as presented; Supervisor Gatlin seconded the motion. Minutes were approved.

The committee discussed resolution 19-20/092 – authorizing reclassification of the Human Resources Director. Supervisor Schneider motioned to approve the resolution; Supervisor Gatlin seconded the motion. All in favor.

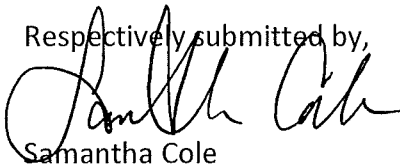
The committee discussed resolution 19-20/099 – authorizing to abolish one (1.0 FTE) Criminal Justice Coordinating Council Manager to the create one (1.0 FTE) Criminal Justice Coordinating Council Director. Supervisor Gatlin motioned to approve; Supervisor Schneider seconded the motion. All in favor.

The committee discussed salaries for election positions: County Clerk, Treasurer, and Register of Deeds. The committee discussed the proposal to move to 6% increase during year one and 3% each subsequent year. Supervisor Gatlin motioned to approve; Supervisor Schneider seconded the motion. All in favor. Human Resources will create a fact sheet and resolution for Vice-Chair Gatlin to sign.

At a future meeting, the committee would like to discuss the affirmative action policy and discuss County ADA.

The meeting was adjourned at 9:32 a.m.

Respectively submitted by,



Samantha Cole

Administrative Specialist III – Department of Administration

**FACT SHEET**

**TO FILE NO. 19-20/093**

Positions are reviewed when they become vacant and when substantial changes are made to determine if any amendments should be made to the position description in order to accurately reflect the position.

The Facilities Supervisor job description was reviewed due to evolution in the responsibilities. Duties were clarified and responsibilities regarding new technologies were added. With these changes, the position was reevaluated for appropriate salary grade placement. The amended position was evaluated at pay grade M (two steps above the current pay grade, K).

The fiscal impact of this change is an immediate annual cost increase of \$642 and an eventual annual cost of \$3,269.

Respectfully Submitted,

Sara Bronstad  
Human Resources

Kathryn Schauf  
County Administrator

4 - AUTHORIZING RECLASSIFICATION OF ONE (1.0 FTE) FACILITIES SUPERVISOR IN THE  
5 MAINTENANCE DEPARTMENT -

6 WHEREAS, the Eau Claire County Code of General Ordinances requires that all regular positions or  
7 changes therein be submitted to the Board for authorization; and

8  
9 WHEREAS, a classification and compensation review of the position resulted in a recommended salary  
10 grade placement of pay grade M from pay grade K; and

11  
12 WHEREAS, at its regularly scheduled meeting on March 13, 2020, the committee on human resources  
13 approved the request from the Maintenance Department to reclassify one 1.0 FTE Facilities Supervisor;  
14 and

15  
16 WHEREAS, the reclassification of this position has the eventual annual cost of \$3,269 and an  
17 immediate annual cost of \$642;

18  
19 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby  
20 approves to reclassify one (1.0 FTE) Facilities Supervisor in the Maintenance Department to pay grade M  
21 from pay grade K.

22  
23  
24 ADOPTED:

25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_  
31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \_\_\_\_\_  
34 \_\_\_\_\_  
35 \_\_\_\_\_  
36 \_\_\_\_\_  
37 \_\_\_\_\_  
38 \_\_\_\_\_  
39 \_\_\_\_\_  
40 \_\_\_\_\_  
41 \_\_\_\_\_  
42 \_\_\_\_\_  
43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_  
46 \_\_\_\_\_  
47 \_\_\_\_\_  
48 \_\_\_\_\_  
49 \_\_\_\_\_  
50 \_\_\_\_\_  
51 \_\_\_\_\_  
52 \_\_\_\_\_

Committee on Human Resources

Committee on Administration

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

SB

**Fact Sheet**  
**File No. 19-20/109**

The Department of Human Services (DHS) has been changing the Eau Claire County human services delivery system to “preserve and strengthen families”. DHS staff and Human Services Board should be commended for its visionary planning. The last three years of financial data clearly demonstrate the plan is being implemented at a pace available funds cannot handle. DHS has exceeded its budgets with a deficit of \$225,089 in 2016, \$1,934,293 in 2017, \$2,492,413 in 2018 and 2,180,909 in the preliminary report for 2019. Having continued budget overages is going to have substantial and long-term negative effects on the entire county’s critical needs, including the level of services and funding available for the vulnerable population and competitive staff compensation.

The problem is primarily caused by the lack of sufficient state reimbursement. Eau Claire County has repeatedly expressed our concern to the state. We should continue to lobby the state to do right by counties, but the county can’t count on it happening any time soon.

In DHS's data reporting out of home placements have been trending down and there has been transitioning from high-cost placements. This helped slow the cumulative deficit for 2019. This resolution supports and acknowledges these efforts and recognizes additional adjustments likely will be required to avoid the 4<sup>th</sup> year of a substantial deficit in the DHS department.

This resolution directs and grants/reaffirms the authority and responsibility of the Administrator to take significant action steps in the DHS department to ensure there is budget compliance in 2020. The resolution further attempts to provide the support, tools, and options to achieve a zero deficit in the DHS budget for 2020

This resolution directs the Administrator to evaluate with the DHS finance and county finance teams or contract for an evaluation to determine if the DHS fiscal department should be consolidated within the county finance department.

Respectfully submitted by,

Gerald “Jerry” Wilkie

County Board Supervisor District#19

2  
3 DIRECTING THE COUNTY ADMINISTRATOR TO TAKE SIGNIFICANT ACTION STEPS  
4 WITH THE DEPARTMENT OF HUMAN SERVICES TO ENSURE BUDGET  
5 COMPLIANCE IN THE YEAR 2020  
6

7 WHEREAS, the County Administrator, the County Finance Director, governing committees  
8 and the Finance and Budget Committee all have the responsibility to provide fiscal oversight,  
9 support adherence to the adopted budget, and report to the County Board; and,  
10

11 WHEREAS, among other things, the County Administrator administers the county budget  
12 and works with departments to remain in compliance with the adopted budget within the budget  
13 parameters. It is understood many departments have budget areas of risk. The administrator and  
14 department heads are expected to take all possible corrective action when departments are exceeding  
15 their budget; and,  
16

17 WHEREAS, the County Board of Supervisors is committed to seeing that the County  
18 Administrator has the necessary support and authority to achieve budget compliance in the  
19 Department of Human Services; and,  
20

21 WHEREAS, the Department of Human Services has exceeded its annual budgets resulting in  
22 deficits as follows: \$225,089 in the year 2016; \$1,934,293 in the year 2017; \$2,492,413 in the year  
23 2018; and the preliminary report for the year 2019 shows a deficit of \$2,180,909; and,  
24

25 WHEREAS, Eau Claire County has repeatedly expressed concern to the state for the lack of  
26 adequate state reimbursement. Eau Claire County should continue to lobby the state to do right by  
27 counties, but not count on it happening any time soon.  
28

29 WHEREAS, the repeated deficits of the Department of Human Services have contributed to  
30 placing Eau Claire County in a precarious financial condition that has resulted in depleted cash  
31 reserves, and a depletion of the county fund balance; and,  
32

33 WHEREAS, the depleted cash reserves could result in the county needing to engage in short  
34 term borrowing to meet payroll. This may result in lost revenue associated with the cost of  
35 borrowing, and the potential loss of revenue from investments; and,  
36

37 WHEREAS, the continued depletion of the fund balance will at some point have an impact  
38 on the county's bond rating, causing a substantial increase in expense for the county when it comes  
39 to borrowing for the county's capital projects and to meet the county's critical needs; and,  
40

41 WHEREAS, currently there is an unacceptable time lag in the Department of Human  
42 Services fiscal reports which does not allow for prompt management adjustments and adequate fiscal  
43 oversight. As such, it may be beneficial to determine if the fiscal division of the Department of  
44 Human Services combined with the County Finance Department would be more cost-effective and  
45 improve fiscal reporting.  
46

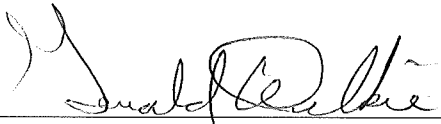
47 NOW THEREFORE BE IT RESOLVED, the County Administrator is directed to take  
48 significant action steps within the Department of Human Services to make sure there is  
49 compliance with the 2020 adopted budget; and,  
50

51 BE IT FURTHER RESOLVED, the County Administrator is authorized to place any

1 vacant positions on hold, or delay the hiring for newly approved positions in the Department of  
2 Human Services; and,  
3

4 BE IT FURTHER RESOLVED, the County Administrator is supported and directed to  
5 bring to the Department of Human Services Board and the Committee on Finance and Budget  
6 any administrative tool that is also required to be brought before the county board for approval,  
7 to fulfill the expectation of a Department of Human Services net-zero deficit in the year 2020;  
8 and,

9 BE IT FURTHER RESOLVED, the County Administrator shall either conduct an in-  
10 house evaluation or contract for an outside evaluation to determine if the Department of Human  
11 Services fiscal unit should be combined with the County Finance Department.  
12  
13  
14

15  
16  
17   
18 \_\_\_\_\_  
19 Supervisor Gerald Wilkie  
20

21 Dated this 3<sup>rd</sup> day of March, 2020.  
22

APPROVED BY  
CORPORATION CLERK  
AS TO FORM

Reviewed by Finance Dept.  
for Fiscal Impact  
-----

**FACT SHEET**  
**TO FILE NO. 19-20/115**

**Background:** Under the suggestion of County Board Supervisor Roberts, Human Resources reviewed Section 3.10 of the County Code. It was found that language should be updated to be more inclusive and reflective of Eau Claire County practices. During that review, it was also discovered that the language referring to Affirmative Action was outdated. In 2018, the Corporation Counsel's Office found that the County was exempt from Affirmative Action reporting; we do, however, comply with Civil Rights regulations and the Americans with Disabilities Act.

**Request:** Update language in Chapter 3.10 of the County Code to remove reference to the Affirmative Action plan and include a more comprehensive list of protected statuses under law.

**Fiscal Impact:** \$0.

Respectfully Submitted,



Sara Bronstad  
Human Resources



2  
3  
4 - AMENDING SECTION 3.10.001 AND 3.10.040; CREATING SECTION 3.10.002;  
5 ABOLISHING 3.10.010 AND 3.10.020 OF THE CODE: EQUAL EMPLOYMENT  
6 OPPORTUNITY

7  
8 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
9

10 **SECTION 1.**

11 The Title of Chapter 3.10 shall be amended to read:

12  
13 EQUAL EMPLOYMENT OPPORTUNITY AND ~~AFFIRMATIVE ACTION~~

14  
15  
16  
17 **SECTION 2.**

18 That Section 3.10.001 of the code be amended to read:

19  
20  
21 **3.10.001 Equal employment opportunity and ~~affirmative action~~ policy.** The county  
22 shall foster to the fullest extent practicable that equal employment opportunity be provided  
23 in the employment and advancement of ~~covered veterans and persons with disabilities~~ at  
24 all levels of employment, including the executive level. Eau Claire County does not and will  
25 not discriminate against any applicant or employee because of race, sex, religion, national  
26 origin, color, gender, sexual orientation, age, physical or mental disability, marital status,  
27 veteran status or other protected status ~~he or she is a covered veteran or because of a physical~~  
28 ~~or mental disability~~ in regard to any position for which the applicant or employee is qualified.  
29 ~~In addition, Eau Claire County is committed to a policy of taking affirmative action to~~  
30 ~~employ and advance in employment qualified covered veterans and individuals with~~  
31 ~~disabilities. Such~~ It is the policy of Eau Claire County to provide equal employment  
32 opportunities in affirmative action shall apply to all employment practices, including, but  
33 not limited to hiring, upgrading promotion, demotion or transfer, recruitment, recruitment  
34 advertising, layoff or termination, rates of pay or other forms of compensation, and  
35 selection for training, including apprenticeship and on-the-job training. Decisions related  
36 to personnel policies and practices shall be made on the basis of an individual's capacity to  
37 perform a particular job and the feasibility of any necessary job accommodation. Eau Claire  
38 County will make every effort to provide reasonable accommodations to any physical and  
39 mental limitations of individuals with disabilities and to disabled veterans. Our obligations  
40 in this area stem from not only adherence to various state and federal regulations, but also  
41 from our commitment as an employer in this community to provide equal job opportunities  
42 ~~to covered veterans and persons with disabilities.~~

43  
44 **SECTION 3.**

45 That Section 3.10.002 of the code be created as follows:

46  
47  
48 **3.10.002 Exceptions.** It is not considered discrimination to make an employment decision  
49 based on an individual's protected status if the status interferes with the ability to

1 adequately complete the duties of the position, unless the duties can be reasonably  
2 accommodated.

3  
4 **SECTION 4.**

5  
6 That Sections 3.10.010 and 3.10.020 of the code be repealed.

7  
8 **SECTION 5.**

9  
10 That Section 3.10.040 of the code amended to read:

11  
12 **3.10.040 Grievances under this chapter.** Any employee or applicant, feeling personally  
13 aggrieved by the action of any person obligated to administer the equal employment  
14 opportunity and affirmative action policy shall refer such matter directly to the affirmative  
15 ~~action officer~~, the director or the corporation counsel. (Ord. 158-15, Sec. 2, 2014; Ord.  
16 147-54, 2003; Ord. 128-11, Sec.4, 1984; Ord. 80-81/276, Sec.4 (part), 1980).

17  
18 ADOPTED:

19  
20 \_\_\_\_\_  
21  
22 \_\_\_\_\_  
23  
24 \_\_\_\_\_  
25  
26 \_\_\_\_\_  
27  
28 \_\_\_\_\_

29 Committee on Human Resources

30 SB

31  
32 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

## POLICY 101 RECRUITMENT & SELECTION

1. **Purpose.** To provide a recruitment and selection process for all regular and temporary positions. The County observes all equal employment opportunity laws and regulations ~~and the Eau Claire County Affirmative Action Plan~~ in all of its recruitment and selection efforts. The selection process will include an evaluation of the applicant's relative abilities, skills, knowledge, and experience. HR will accept an employment application from any individual regardless of race, religion, color, national origin or ancestry, age, sex, disability or other protected characteristics. If a disability prohibits a potential applicant from applying via the standard, online application process, reasonable accommodations will be made.
  
2. **Vacancies.**
  - 2.1 When the County determines that a vacancy or new position will be filled, the County will normally notice the vacancy or new position electronically. In departments where employees do not have ready access to e-mail, such as Highway, a paper notice of vacancy or new position will be provided. Job openings will normally be noticed for a minimum of five (5) working days. ~~The notice may include such information as required qualifications, the date the position is to be filled, rate of pay, benefits, and the current job description for the position.~~ The County retains the right to determine whether and when to recruit outside applicants.
  
3. **Interview.**
  - 3.1 In most cases, employees who meet the minimum qualifications for the position and who provide the required information will normally be given the opportunity to interview for the opening. ~~Employees who interview for a position will be notified of selection outcome.~~
  - ~~3.1~~3.2 If the vacancy is opened to external applicants, these application materials will be reviewed and the applicants who are determined to be best qualified based on the information provided will be given the opportunity to interview for the opening.
  
4. **Background Checks.**
  - 4.1 Background check requirements for each position are listed in the respective job description and in the application for that vacancy. Requirements may depend on state and federal statute and applicable regulations.
    - 4.1.1 Background checks are required dependent on the duties of the position and may include, but are not limited to, national and local criminal history review by name and or fingerprint, caregiver background check, professional reference and employment

## POLICY 101 RECRUITMENT & SELECTION

Effective Date: January 1, 2012

Revised Date: October 11, 2013<sup>9</sup>

*Eau Claire County*  
Employee Policy Manual

verification, education verification, character inquiries, credit check and driving records.

4.1.2 Background checks are reviewed and passed or failed based on all information available and whether arrests, convictions, or pending charges are substantially related to the responsibilities of the position.

4.1.3 Employment offers and continued employment are conditional on the results of background checks. Eau Claire County follows FCRA Adverse Action procedures.

4.2 Certain positions require ongoing criminal background checks based on timelines established by the State.

4.3 Active employees are required to notify HR in the event of a change to their criminal history.

4.4 All background check information is stored in a confidential file separate from personnel files or other recruitment files. These files are destroyed following the County's retention guidelines. In most cases, information obtained in the background check, is reviewed by HR exclusively.

5.

4.6. Pre-Employment Testing.

4.16.1 HR makes recommendations with regard to the structure of pre-employment selection tests. In order to ensure that all pre-employment tests are work-related and non-discriminatory in nature, HR will administer, or make the decision to delegate, the testing process.

5.7. Eligibility List.

5.17.1 Eligibility lists will be administered for law enforcement positions who have defined qualifications based upon the Law Enforcement Standards Board §§165.85(4)(c) and 66.0501(1) Wis. Stats. and §§LES 2.01 and 2.02, Wis. Admin. Code.

~~5.2 A comprehensive, validated written examination approved for use by the committee will be administered along with an oral interview.~~

~~5.2.1 The interview panel will evaluate each candidate on established job-related criteria.~~

~~5.2.2 Each interviewed candidate will be given a point score by the interview panel~~

~~5.2.3 Following completion of all assessments, a numerical weighted rating will be applied to each candidate equaling 100 percent.~~

## **POLICY 101 RECRUITMENT & SELECTION**

Effective Date: January 1, 2012

Revised Date: October 11, 2013<sup>9</sup>

*Eau Claire County*  
Employee Policy Manual

~~5.37.2~~ Eligibility lists will be established for the following positions based upon this schedule or as approved by the director.

~~5.3.17.2.1~~ Biannually for Correctional Officer

~~5.3.1.17.2.1.1~~ The list will be effective for six months from date scoring process is completed

~~5.3.27.2.2~~ Annually for Protective Sergeant and Deputy Sheriff

~~5.3.2.17.2.2.1~~ The list will be effective for one year from date scoring process is completed

~~5.3.37.2.3~~ As needed for Civilian Sergeant

~~5.3.3.17.2.3.1~~ The list will be effective for one year from date scoring process is completed

~~5.47.3~~ Rated candidates will be placed alphabetically on the eligibility list and hiring from the list will occur as position vacancies take place.

~~6.8.~~ Hiring.

~~6.18.1~~ With the exception of Department Head and County Administrator positions, all recommendations for hire are subject to the review and approval of the director.

**POLICY 101 RECRUITMENT & SELECTION**

Effective Date: January 1, 2012

Revised Date: October 11, 2013<sup>9</sup>

*Eau Claire County*  
Employee Policy Manual

## **POLICY 705 HARASSMENT AND DISCRIMINATION**

1. **Purpose.** The fundamental policy of Eau Claire County is that the workplace is for performing duties to serve and provide the highest quality services to the public. The purpose of this policy and goal of the County is to maintain a healthy work environment free from sexual harassment and other unlawful harassment and discrimination ~~based on sexual, racial, age-based, religious, ethnic, disability, family status, and other forms of legally impermissible harassment or discrimination~~ of any employee or applicant for employment or by any employee and to provide procedures for reporting, investigating, and resolving complaints of harassment, discrimination and retaliation.

2. **Policy.**

2.1 It is the policy of Eau Claire County that all employees have the right to work in an environment free of all forms of unlawful harassment and discrimination by employees, whether sworn, civilian, volunteer, or non-employees who conduct business with the County. Eau Claire County considers harassment, discrimination, and retaliation of others to constitute serious employee misconduct warranting prompt and effective remedial action to end the harassing or discriminatory behavior. It is the responsibility of all employees of the County to take reasonable and necessary action to prevent unlawful harassment, discrimination, and retaliation, and it is the responsibility of all employees to promptly report and cooperate with the County's efforts to eradicate conduct that could be in violation of this policy. Where impermissible harassment, discrimination, or retaliation has occurred, the County will take appropriate disciplinary action, including, without limitation, termination.

3. **Scope.**

3.1 This policy applies to all employees and applicants for employment with Eau Claire County, whether sworn, regular, reserve, or civilian, and all volunteers.

4. **Definitions.**

4.1 Harassment means any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment. Harassment includes persistently bothering, disturbing, or tormenting another person. Unlawful harassment may be based on a variety of factors, such as race, sex, religion, national origin, color, religion, sex, national origin, gender, sexual orientation, age, physical or mental disability, marital status, veteran status, ~~sexual orientation~~ or other protected status. The County prohibits all forms of ~~unlawful~~ harassment, including, but not limited to:

## **POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual

- 4.1.1 Verbal harassment, such as making derogatory statements, epithets, or slurs to or about another person or group;
  - 4.1.2 Visual harassment, such as displaying offensive posters, cartoons, or drawings; and
  - 4.1.3 Physical harassment, such as threatening, assaulting, or physically interfering with another person or making other inappropriate or unwelcome physical contact.
  - 4.1.4 Examples of unlawful harassment and discrimination include use of sexual, racial, religious, age, or ethnic epithets or other derogatory words or actions based upon someone's ~~sex, race, color, origin, ethnic origin, religion, age, physical or mental impairment or other protected~~ status.
- 4.2 Discrimination. Unfair or unequal treatment of a person ~~A failure to treat all persons equally and without discrimination based on race, sex, religion, national origin, color, disability gender, sexual orientation, age, physical or mental disability, marital status, veteran status, English proficiency or other protected status under the law, where no reasonable distinction can be found between those favored and those not favored.~~
- 4.3 Sexual harassment. ~~is defined as u~~Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, and other verbal, visual, or physical conduct of a sexual nature when:
- 4.3.1 Submission to such conduct is explicitly or implicitly made a term or condition of employment;
  - 4.3.2 Submission or refusal to submit to such conduct is used as the basis for employment decisions; or
  - 4.3.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- 4.4 No employee can be forced to ~~submit to~~endure sexual harassment as a basis for any employment decision. The County will attempt to prevent and promptly eliminate any conduct that creates an intimidating, hostile, or offensive work environment for our employees.

**POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual



4.5 The following conduct may be considered sexual harassment or another form of prohibited harassment, discrimination, or inappropriate behavior:

- 4.5.1 Sexually suggestive or ~~off-color~~ obscene comments or jokes;
- 4.5.2 Sexual flirtation, innuendo, advances, propositions, or other sexual activities;
- 4.5.3 Unprofessional touching, such as massages, embracing, or inappropriately putting an arm around another employee;
- 4.5.4 Repeated and unwelcome invitations for social interactions outside of the workplace;
- 4.5.5 Sexual or racial slurs, derogatory remarks, or offensive gestures;
- 4.5.6 Displaying or distributing sexually explicit or ~~otherwise off-color~~ suggestive materials, including books, magazines, articles, pictures, greeting cards, photographs, drawings, cartoons, and e-mail messages; and
- 4.5.7 Including or excluding any individual from workplace activities, assignments, or responsibilities based on their refusal to participate in or tolerate sexual or other forms of harassment or based on other factors not related to job performance or legitimate business reasons.
- 4.5.8 Inappropriate displays of affection or sexually related conduct, even if welcome, are inappropriate at work and will not be tolerated.

4.5.8.1 This list is not intended to be exhaustive. For example, any particular conduct described above may also be inappropriate outside the workplace if the conduct may adversely affect the work environment. Similarly, a consensual relationship does not justify inappropriate displays of affection or other sexual statements or activities during working hours or at work-related functions.

5. Retaliation.

- 5.1 The County prohibits retaliation against any employee for filing a complaint under this policy or for assisting, testifying, or participating in the investigation of such a complaint.

**POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual

- 5.2 If any County employee believes that he or she has been retaliated against for bringing a complaint or providing information related to a complaint, the County requires employees to promptly comply with and use the reporting procedure described in this policy.
  - 5.3 Retaliation is a form of employee misconduct. Any evidence of retaliation will be considered a separate violation of this policy and will be handled by the same complaint procedures established for harassment and discrimination complaints.
  - 5.4 Monitoring to ensure that retaliation does not occur is the responsibility of the department head, supervisors, and all County employees.
6. Employee and Supervisor Expectations of Conduct and Processing of Complaints.
- 6.1 Prohibited Conduct.
    - 6.1.1 In order to prevent and eradicate sexual harassment and other unlawful harassment and discriminatory behavior, the County has established the following list of prohibited activities for County employees defined as employees and applicants for employment with the County, whether sworn, regular, reserve, or civilian, and all volunteers.
      - 6.1.1.1 No employee will either explicitly or implicitly ridicule, mock, deride or belittle any person.
      - 6.1.1.2 No employee will make offensive or derogatory comments to any person, either directly or indirectly.
      - 6.1.1.3 No employee will engage in activity such as sabotage, ostracism, badgering, withholding resources, disrespectful or disruptive treatment, defamation or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor will any non-employee who conducts business with Eau Claire County engage in such activity.
      - 6.1.1.4 No employee or non-employee will engage in conduct identified or defined as prohibited sexual harassment, harassment, discrimination, retaliation or other inappropriate behavior.
    - 6.1.2 All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."
  - 6.2 Employee Responsibilities.

**POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual

- 6.2.1 Each employee of the County is responsible for complying with this policy and assisting in the prevention of sexual harassment and other unlawful harassment and discrimination by:
  - 6.2.1.1 Refraining from conduct forbidden by this policy, including participating in or encouraging of action that could be perceived as harassment, discrimination, retaliation or conduct in violation of this policy;
  - 6.2.1.2 Behaving courteously and professionally toward fellow employees;
  - 6.2.1.3 Reading this policy and fully understanding its requirements;
  - 6.2.1.4 Immediately and thoroughly reporting observed acts of sexual harassment and other harassment and discrimination;
  - 6.2.1.5 Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor and through the reporting process; and
  - 6.2.1.6 Cooperating in any investigation conducted under this policy by providing accurate and complete information about any incidents with which they are familiar.
- 6.2.2 Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline up to and including termination of employment.

6.3 Supervisor's Responsibilities.

- 6.3.1 All employees are responsible for complying with this policy and preventing sexual harassment and other unlawful harassment and discrimination. Supervisors are also responsible for:-
  - 6.3.1.1 Advising employees on the types of behavior prohibited and the County's procedures for reporting and resolving complaints of harassment and discrimination;
  - 6.3.1.2 Monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;

- 6.3.1.3 Stopping any observed acts that may be considered harassment and discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his or her line of supervision;
  - 6.3.1.4 Utilizing all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity; and
  - 6.3.1.5 Taking immediate action to prevent adverse action or retaliation toward the complaining party and to eliminate the hostile work environment where there has been a complaint.
- 6.3.2 Each supervisor has the responsibility to assist any employee of the County who comes to that supervisor with a complaint of sexual harassment or other unlawful harassment, discrimination, or retaliation in documenting and filing a complaint with the Civil Rights Compliance Officer or as otherwise provided by this policy.
- 6.3.3 No supervisor will make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, gender, sexual orientation, age, physical or mental disability, marital status, veteran status or other protected status.
- 6.3.4 Failure of any supervisor to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline up to and including termination of employment.

## 7. Complaint Procedure.

- 7.1 Eau Claire County encourages and expects employees to immediately and thoroughly report all perceived incidents of sexual harassment and other forms of unlawful harassment, discrimination, or retaliation, regardless of the offender's identity or position. Any employee who believes that he or she is being harassed, discriminated, or retaliated against should report the incident promptly and as soon as possible so that steps may be taken to protect the employee and so that appropriate investigative and remedial measures may be initiated.
- 7.2 Employees with a complaint under this policy or questions about whether particular conduct is prohibited under this policy should immediately contact and discuss the concern with the employee's supervisor or the Civil Rights Compliance Officer in Human Resources as soon as possible. Complaints received by

### **POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual

supervisors or department heads must be reported to the Civil Rights Compliance Officer immediately. If the complaint involves the employee's immediate supervisor, then the employee should bring the complaint to that supervisor's immediate supervisor or the Civil Rights Compliance Officer. If the complaint involves the conduct of the Civil Rights Compliance Officer, then the complaint should be forwarded to the director or the Corporation Counsel.

- 7.3 The County encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The County recognizes, however, that an individual may prefer to pursue the matter through formal complaint procedures. The employee is encouraged to document all incidents of harassment and discrimination in order to provide the fullest basis for investigation by the County. The employee is expected to then promptly report such acts consistent with the requirements of this policy.
- 7.4 The supervisor to whom a complaint is given or other designated person will meet with the employee and document the facts surrounding the incident complained of, including the conduct of the parties, the person performing or participating in the harassment and discrimination, any witnesses to the incident and the date on which it occurred. That supervisor taking the complaint will promptly submit a confidential memorandum documenting the complaint to the Civil Rights Compliance Officer or to the director or Corporation Counsel if the complaint involves the Civil Rights Compliance Officer. If the Civil Rights Compliance Officer or other designated person is receiving the complaint, then they will document and prepare the same confidential memorandum regarding the complaint.
- 7.5 The director is responsible for assigning a person to conduct the investigation involving any complaint alleging harassment or discrimination. If the complaint involves the director, then the Corporation Counsel will assign a person to conduct the investigation. The investigator may include a determination as to whether other employees are being harassed or discriminated against by the person and whether other County employees participated in or encouraged the harassment or discrimination.
- 7.6 If the situation requires separation of the complainant and the alleged harasser, then care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

**POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual

- 7.7 A file of harassment and discrimination complaints will be maintained.
- 7.8 The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- 7.9 The director or designated person will inform the parties involved of the outcome of the investigation.
- 7.10 The County will take prompt and effective remedial action to end the prohibited behavior, which may include appropriate disciplinary action, up to and including termination of employment of any employee who engages in sexual or other harassment or who otherwise violates this policy. Further, the County will correct any adverse employment action an employee experienced due to conduct forbidden by this policy.
- 7.11 If the County does not employ the individual involved in harassing or inappropriate conduct, the individual will be informed of the County's policy and appropriate remedial action will be taken.
- 7.12 In all cases, the County will make follow-up inquiries to make sure the harassment has stopped. If an employee is not satisfied with the results of the investigation or follow-up action, or if further harassment or other unacceptable conduct occurs, the employee should contact the director or designated person promptly.
- 7.13 This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

## 8. Remedial Action.

- 8.1 The County will take prompt and effective remedial action to end the prohibited behavior. The County will also correct any adverse employment action an employee experienced due to conduct forbidden by this policy.
- 8.2 Misconduct constituting harassment, discrimination, or retaliation will not be tolerated and will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, reassignment, and/or disciplinary action such as warning, reprimand, reassignment, suspension without pay, or termination, as the County believes appropriate under the circumstances.
- 8.3 If a party to a complaint does not agree with its resolution, that party may appeal to the director or Corporation Counsel.

### **POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual

8.4 False and malicious complaints of harassment, discrimination, or retaliation as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

9. Training.

9.1 Human Resources will provide periodic and refresher training concerning the nature of harassment and discrimination in the workplace and prohibitions on such actions defined in the policy.

10. Conclusion.

10.1 Eau Claire County has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination, and retaliation. The County will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

10.2 Any employee who has any questions or concerns about these policies should talk with the director or Civil Rights Compliance Officer.

**POLICY 705 HARASSMENT AND DISCRIMINATION**

Effective Date: January 1, 2012

Revised Date: April 13, 2018

*Eau Claire County*  
Employee Policy Manual