

AGENDA

Eau Claire County

Committee on Human Resources

Date: Friday, July 10, 2020

Time: 8:30 a.m.

Location: Remote Meeting via Webex Events

Dial In: 1-415-655-0001

Access Code: 145 457 3775

**please remain muted when not speaking*

For those wishing to make public comment, you must e-mail Samantha Kraegenbrink at samantha.kraegenbrink@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public session to make your comments.

1. Call to Order and Confirmation of Meeting Notice
2. Roll Call
3. Public Comment
4. Approval of Minutes – **Discussion/Action**
 - a. June 12, 2020
5. File No. 20-21/041: Resolution authorizing to abolish one (1.0 FTE) Administrative Specialist III and to create one (1.0 FTE) Assistant to the County Administrator - **Discussion/Action**
6. File No. 20-21/042: Resolution authorizing to abolish one (1.0 FTE) Risk Analyst and to create one (1.0 FTE) Risk Manager – **Discussion/Action**
7. File No. 20-21/043: Resolution authorizing to reclassify the Facilities Director to Pay Grade U, Step 1 – **Discussion/Action**
8. File No. 20-21/008: Ordinance amending section 3.10.001, 3.10.010 and 3.10.040; creating section 3.10.002; abolishing 3.10.020 of the code: Equal Employment Opportunity and Affirmative Action – **Discussion/Action**
9. Policy 101 – Recruitment and Selection Updates – **Discussion/Action**

Prepared by: Samantha Kraegenbrink

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 839-6745 (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

10. Policy 705 – Harassment and Discrimination – **Discussion/Action**

11. RFP Update – **Discussion**

12. Pursuant of 19.85(1)(e) move into closed session

RE: Related to competitive or bargaining reasons for contract negotiations

13. Adjourn

Prepared by: Samantha Kraegenbrink

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 839-6745 (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, June 12, 2020

Time: 8:30 a.m.

Present: Mark Beckfield, Judy Gatlin, Kevin Stelljes, Katherine Schneider, Stella Pagonis

Others: Amy Sires, Dave Hayden, Jessica Rubin, Katelynn Eslinger, Norb Kirk, Sara Bronstad, Tim Sullivan

Public: Colleen Bates, Donald Mowry, Martha Nieman

Chair Beckfield called the meeting to order at 8:31 a.m. and confirmed meeting notice.

No members of the public wished to make comment.

The committee reviewed the minutes from April 8, 2020 and May 1, 2020. There was one correction of the date listed on April 8, 2020 minutes. Supervisor Gatlin motioned to approve the minutes as corrected. All in favor, the minutes were approved as amended.

Amy Sires was in attendance and provided an update on Health Insurance. The County has initiated an RFP for bids on changing health insurance. A report will come back to the committee in July or August.

Dave Hayden was in attendance to provide details for File No. 20-21/031: Resolution - FTE increase for one Administrative Associate III (5 hours/week) for Information Systems/ADRC. This position would have a cost savings as it is eliminating a 0.50 FTE vacant position in ADRC. ACTION: ADRC Director to send analysis of positions. Supervisor Schneider motioned to approve the resolution; motion passed unanimously.

Norb Kirk was in attendance to provide details for File No. 20-21/005: Resolution – Replace one 1.0 FTE Fiscal Associate (Grade E) with one 1.0 FTE Fiscal Associate III (Grade G) position. Roles and responsibilities for this position have changed. This is a vacant position, Administrator Schauf supported the change and Finance and Budget supported 4-1. This position is not being immediately filled. Motion by Supervisor Stelljes to approve; 4 yes, 1 no (Supervisor Pagonis.) Motion passed.

Jessica Rubin discussed the changes to the recruitment and selection policy. The committee refers to Corporation Counsel to review Policy 101 – Recruitment and Selection Updates and Policy 705 – Harassment and Discrimination Updates. Should review the different types of harassment (wording of unlawful) Will be agendized at a future meeting.

Jessica Rubin provided further details on the quarterly reports.

Administrator Schauf provided an update on EDI. Administration is currently forming a task force for Equity, Diversity, Inclusion, & Social Justice. Have identified two subject matter experts to help spearhead the initiative. A smaller task force would map out objectives and timeline for the objectives and deliverables. This process should be slow and methodically to yield long lasting results.

Corporation Counsel Tim Sullivan provided information and reminders for the WPPA contract negotiations.

The committee discussed DHS and the organizational chart as well as the open positions list. There was a question/concern on the caseload within DHS. Diane Cable was in attendance to provide further details.

The next meeting will be on Friday, July 10, 2020.

The meeting was adjourned at 10:20 a.m.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Samantha Kraegenbrink". The signature is fluid and cursive, with the first name being more prominent.

Samantha Kraegenbrink
Administrative Specialist III – Department of Administration

FACT SHEET

TO FILE NO. 20-21/041

Background

The Administrative Specialist III is currently within the department of Administration and reports to the County Administrator. The job duties of the position have been reviewed and more closely align with the duties and skill set of that of the Assistant to the County Administrator.

The current Administrative Specialist III has been performing duties beyond the scope and definition of an Administrative Specialist III for a great length of time. The job description has been updated and more closely aligns with the Assistant to the County Administrator. The changes move the position from Pay Grade H, Step 4 to Pay Grade J, Step 3.

Request

Abolish the Administrative Specialist III position and create the Assistant to the County Administrator position. If approved, it is the intent to abolish the Administrative Operations Manager position in the 2021 budget.

Fiscal Impact

The fiscal impact of this change is an eventual cost of \$4,022 and immediate cost of \$1,458, however there is a decrease in the Administration Department budget of \$61,043 in 2020 and decrease of \$122,057 in 2021 from the vacancy and abolishment of the Administrative Operations Manager.

Position	Annualized Cost
Administrative Operations Manager	-\$122,057
Assistant to the County Administrator	+\$4,022
Risk Manager	+\$7,031
Facilities Director	+\$4,700
Total Cost Savings	-\$106,304

Respectfully submitted,



Kathryn Schauf
County Administrator

Jessica Rubin
Human Resources Director

4 - AUTHORIZING TO ABOLISH ONE (1.0 FTE) ADMINISTRATIVE SPECIALIST III AND TO
5 CREATE ONE (1.0 FTE) ASSISTANT TO THE COUNTY ADMINISTRATOR -

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, at its regularly scheduled meeting on July 7, 2020, the Committee on Administration
10 approved a request from the Administration Department to abolish one 1.0 FTE Administrative Specialist
11 III position and create one 1.0 FTE Assistant to the County Administrator position: and

12
13 WHEREAS, at its regularly scheduled meeting on July 10, 2020, the Committee on Human Resources
14 approved a request from the Administration Department to abolish one 1.0 FTE Administrative Specialist
15 III position with Pay Grade H, Step 4 and create one (1.0 FTE) Assistant to the County Administrator
16 position with Pay Grade J, Step 3: and

17
18 WHEREAS, the change of this position will have a cost savings to the Administration Department and
19 will be funded by the vacancy and abolishment of the of the Administrative Operations Manager position;

20
21 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby
22 approves to abolish one (1.0 FTE) Administrative Specialist III with Pay Grade H, Step 4 and to create one
23 (1.0 FTE) Assistant to the County Administrator with Pay Grade J, Step 3 in the Administration
24 Department.

25
26 **ADOPTED:**

27
28 I hereby certify that the foregoing correctly
29 represents the action taken by the undersigned
30 committee on July 7, 2020 by a vote of
31 5 for and 0 against

32 

33 _____
34 Nick Smiar, Chair
35 Committee on Administration
36

37
38 I hereby certify that the foregoing correctly
39 represents the action taken by the undersigned
40 committee on July 10, 2020 by a vote of
41 for and against

42
43 _____
44 Mark Beckfield, Chair
45 Committee on Human Resources
46
47
48
49

50 **SK**

FACT SHEET
TO FILE NO. 20-21/042

Background

The Risk Analyst is currently within the department of Administration and reported to the Administrative Operations Manager. The job duties of the position have been reviewed with the vacancy of the Administrative Operations Manager and the job duties more closely align to that of a Risk Manager.

The current Risk Analyst has been assigned duties to oversee all Risk Management for the organization, previously a portion of this responsibility was shared with the Administrative Operations Manager. The Risk Manager will report to the County Administrator. The job description has been updated and more closely aligns with a Manager role. The changes move the position from Pay Grade P, Step 11 to Pay Grade Q, Step 14.

Request

Abolish the Risk Analyst position and create the Risk Manager position. If approved, it is the intent to abolish the Administrative Operations Manager position in the 2021 budget.

Fiscal Impact

The fiscal impact of this change is an eventual cost of \$7,031 and immediate cost of \$2,746, however there is a decrease in the Administration Department budget of \$61,043 in 2020 and decrease of \$122,057 in 2021 from the vacancy and abolishment of the Administrative Operations Manager.

Position	Annualized Cost
Administrative Operations Manager	-\$122,057
Assistant to the County Administrator	+\$4,022
Risk Manager	+\$7,031
Facilities Director	+\$4,700
Total Cost Savings	-\$106,304

Respectfully submitted,



Kathryn Schauf
County Administrator

Jessica Rubin
Human Resources Director

4 - AUTHORIZING TO ABOLISH ONE (1.0 FTE) RISK ANALYST AND TO CREATE ONE (1.0
5 FTE) RISK MANAGER -

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, at its regularly scheduled meeting on July 7, 2020, the Committee on Administration
10 approved a request from the Administration Department to abolish one (1.0 FTE) Risk Analyst position and
11 create one 1.0 FTE Risk Manager position: and

12
13 WHEREAS, at its regularly scheduled meeting on July 10, 2020, the Committee on Human Resources
14 approved a request from the Administration Department to abolish one 1.0 FTE Risk Analyst position with
15 Pay Grade P, Step 11 and create one (1.0 FTE) Risk Manager position with Pay Grade Q, Step 14: and

16
17 WHEREAS, the change of this position will have a cost savings to the Administration Department and
18 will be funded by the vacancy and abolishment of the of the Administrative Operations Manager position;

19
20 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby
21 approves to abolish one (1.0 FTE) Risk Analyst with Pay Grade P, Step 11 and to create one (1.0 FTE)
22 Risk Manager with Pay Grade Q, Step 14 in the Administration Department.

23
24 ADOPTED:

25
26 I hereby certify that the foregoing correctly
27 represents the action taken by the undersigned
28 committee on July 7, 2020 by a vote of
29 5 for and 0 against

30 

31 _____
32 Nick Smiar, Chair
33 Committee on Administration

34
35 I hereby certify that the foregoing correctly
36 represents the action taken by the undersigned
37 committee on July 10, 2020 by a vote of
38 for and against

39
40 _____
41 Mark Beckfield, Chair
42 Committee on Human Resources

43
44 SK
45

FACT SHEET
TO FILE NO. 20-21/043

Background

The job duties of the Facilities Director have been reviewed and additional work duties have been added to the job description to absorb work previously completed by the Administrative Operations Manager.

Request

Reclassify the Facilities Director position to Pay Grade U, Step 1. If approved, it is the intent to abolish the Administrative Operations Manager position in the 2021 budget. It is the request to reclassify the Facilities Director position from Pay Grade T, Step 3 to Pay Grade U, Step 1.

Fiscal Impact

The fiscal impact of this change is an eventual cost of \$1,537 and immediate cost of \$4,700, however there is a decrease in the Administration Department budget of \$61,043 in 2020 and decrease of \$122,057 in 2021 from the vacancy and abolishment of the Administrative Operations Manager.

Position	Annualized Cost
Administrative Operations Manager	-\$122,057
Assistant to the County Administrator	+\$4,022
Risk Manager	+\$7,031
Facilities Director	+\$4,700
Total Cost Savings	-\$106,304

Respectfully submitted,



Kathryn Schauf
County Administrator

Jessica Rubin
Human Resources Director

4 - AUTHORIZING TO RECLASSIFY THE FACILITIES DIRECTOR TO PAY GRADE U, STEP 1

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

7
8 WHEREAS, at its regularly scheduled meeting on July 7, 2020, the Committee on Administration
9 approved a request from the Administration Department to reclassify the Facilities Director to Pay Grade
10 U, Step 1: and

11
12 WHEREAS, at its regularly scheduled meeting on July 10, 2020, the Committee on Human Resources
13 approved a request from the Administration Department to reclassify the Facilities Director to Pay Grade
14 U, Step 1: and

15
16 WHEREAS, the change of this position will have a cost savings to the Administration Department and
17 will be funded by the vacancy and abolishment of the of the Administrative Operations Manager position;

18
19 NOW, THEREFORE BE IT RESOLVED that the Eau Claire County Board of Supervisors hereby
20 approves to reclassify the Facilities Director to Pay Grade U, Step 1

21
22 ADOPTED:

23
24 I hereby certify that the foregoing correctly
25 represents the action taken by the undersigned
26 committee on July 7, 2020 by a vote of
27 5 for and 0 against

28
29 

30
31 _____
32 Nick Smiar, Chair
33 Committee on Administration

34 I hereby certify that the foregoing correctly
35 represents the action taken by the undersigned
36 committee on July 10, 2020 by a vote of
37 ___ for and ___ against

38
39 _____
40 Mark Beckfield, Chair
41 Committee on Human Resources

42
43
44 SK
45

**FACT SHEET
TO FILE NO. 20-21/008**

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. While we are exempt from this reporting we do complete and file EEO-4 and EEOP reports, both related to equal employment. Further, Eau Claire County complies with Civil Rights regulations, the Americans with Disabilities Act, and participates in Affirmative Action practices.

Request: Update language in Chapter 3.10 of the County Code to remove reference to an official 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, 3.10.010 AND 3.10.040; CREATING SECTION
5 3.10.002; ABOLISHING 3.10.020 OF THE CODE: EQUAL EMPLOYMENT OPPORTUNITY
6 AND AFFIRMATIVE ACTION
7

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

10 **SECTION 1.**

11 That Section 3.10.001 of the code be amended to read:
12
13

14 **3.10.001 Equal employment opportunity and affirmative action policy.** The county
15 shall foster to the fullest extent practicable that equal employment opportunity be provided
16 in the employment and advancement of covered veterans and persons with disabilities at
17 all levels of employment, including the executive level. Eau Claire County does not and will
18 not discriminate against any applicant or employee because of race, sex, religion, national
19 origin, color, gender, sexual orientation, age, physical or mental disability, marital status,
20 veteran status or other protected status ~~he or she is a covered veteran or because of a physical~~
21 ~~or mental disability~~ in regard to any position for which the applicant or employee is qualified.
22 ~~In addition, Eau Claire County is committed to a policy of taking affirmative action to~~
23 ~~employ and advance in employment qualified covered veterans and individuals with~~
24 ~~disabilities. Such~~ It is the policy of Eau Claire County to provide equal employment
25 opportunities and affirmative action in affirmative action shall apply to all employment
26 practices, including, but not limited to hiring, upgrading promotion, demotion or transfer,
27 recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of
28 compensation, and selection for training, including apprenticeship and on-the-job training.
29 Decisions related to personnel policies and practices shall be made on the basis of an
30 individual's capacity to perform a particular job and the feasibility of any necessary job
31 accommodation. Eau Claire County will make every effort to provide reasonable
32 accommodations to any physical and mental limitations of individuals with disabilities and
33 to disabled veterans. Our obligations in this area stem from not only adherence to various
34 state and federal regulations, but also from our commitment as an employer in this
35 community to provide equal job opportunities to covered veterans and persons with
36 disabilities. Equal opportunity and affirmative action are the responsibility of Human
37 Resources, all hiring managers, and all Eau Claire County employees with influence on
38 employment practices.
39

40 **SECTION 2.**

41 That Section 3.10.002 of the code be created as follows:
42
43

44 **3.10.002 Exceptions.** It is not considered discrimination to make an employment decision
45 based on an individual's protected status if the status interferes with the ability to
46 adequately complete the duties of the position, unless the duties can be reasonably
47 accommodated.
48

49 **SECTION 3.**

1
2 That Sections 3.10.010 of the code be amended to read:

3
4 **3.10.010 Affirmative action program.** ~~Affirmative Action is a practice intended to~~ ~~The program has~~
5 ~~been designed to~~ bring women and men, members of minority groups, covered veterans, and persons
6 with disabilities into all levels and segments of Eau Claire County's workforce in proportion to their
7 representation in the qualified relevant labor market. Minority and female applicants will be considered
8 for all positions for which they are qualified. The Human Resources Department works with
9 departments in all employment practices to ensure discrimination or bias do not impact the outcome of
10 any practice. The program is a detailed, results-oriented set of procedures which, when carried out,
11 results in full compliance with equal employment opportunity requirements through the equal treatment
12 of all people.

13
14 **SECTION 4.**

15
16 That 3.10.020 of the code be repealed.

17
18 **SECTION 5.**

19
20 That Section 3.10.040 of the code amended to read:

21
22 **3.10.040 Grievances under this chapter.** Any employee or applicant, feeling personally
23 aggrieved by the action of any person obligated to administer the equal employment
24 opportunity and affirmative action policy shall refer such matter directly to the ~~affirmative~~
25 ~~action officer~~ civil rights compliance officer, the director or the corporation counsel. (Ord.
26 158-15, Sec. 2, 2014; Ord. 147-54, 2003; Ord. 128-11, Sec.4, 1984; Ord. 80-81/276, Sec.4
27 (part), 1980).

28
29 ADOPTED:

30
31
32 I hereby certify that the foregoing correctly
33 represents the action taken by the
34 undersigned committee on July 10, 2020 by a
35 vote of ___ for and ___ against

36
37
38 _____
39 Mark Beckfield, Committee on Human
40 Resources Chair

41
42 SB

43 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. Human Resources 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 to current employees. 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.~~

2.2 The County retains the right to determine whether and when to recruit outside applicants.

~~2.1 Job openings will normally be noticed for a minimum of five (5) working days.~~

2.3

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, 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.

Formatted: Outline numbered + Level: 3 + Numbering
Style: 1, 2, 3, ... + Aligned at: 0.5" + Indent at: 1"

Formatted: Normal, No bullets or numbering

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

4.1.2 Background checks are received by and reviewed by Human Resources. Whether the applicant passes or fails the background check will be based on all information contained within the background check and if any arrests, convictions or pending charges are substantially related to the responsibilities of the position.

4.1.3 Offers of employment and continued employment are conditional on the results of background checks. Eau Claire County follows Fair Credit Reporting Act (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 Human Resources 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.

4.5. Pre-Employment Testing.

~~4.15.1~~ HR makes recommendations with regard to the structure of pre-employment selection tests. ~~In order to~~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.

5.6. Eligibility List.

~~5.16.1~~ Eligibility lists will be administered for ~~law enforcement~~ positions within the Sheriff's Office ~~which~~ 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

Formatted: No bullets or numbering

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

~~5.3.6.2~~ Eligibility lists will be established for the following positions based upon this schedule or as approved by the director.

~~5.3.16.2.1~~ Biannually for Correctional Officer

~~5.3.1.16.2.1.1~~ The list will be effective for six months from date scoring process is completed

~~5.3.26.2.2~~ Annually for Protective Sergeant and Deputy Sheriff

~~5.3.2.16.2.2.1~~ The list will be effective for one year from date scoring process is completed

~~5.3.36.2.3~~ As needed for Civilian Sergeant

~~5.3.3.16.2.3.1~~ The list will be effective for one year from date scoring process is completed

~~5.46.3~~ Rated candidates will be placed ~~based on scoring of interviews and/or pre-employment testing~~ alphabetically on the eligibility list and hiring from the list will occur as position vacancies take place.

~~6.7.~~ Hiring.

~~6.17.1~~ 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 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 the goal of the County is to maintain a healthy work environment free from sexual and other 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.

2.2 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.

2.3 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.

~~2.1.2.4~~ 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:

- 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~~ legally 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 unwelcome~~ conduct of a sexual nature, including ~~unwelcome~~ sexual advances, requests for sexual favors, sexually motivated physical contact, and
- 4.3.1 other verbal, visual, or physical conduct of a sexual nature when:
 - 4.3.1.1 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 interferes ~~ing~~ with an individual's work performance or creates ~~ing~~ 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 it is aware of that creates an intimidating, hostile, or offensive work environment for our employees.

Formatted: Heading 3

Formatted: Heading 4, Indent: Left: 2", First line: 0"

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.

~~4.5.8-4.5.9~~ 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.

Formatted: Heading 3

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.

- 5.2 If any County employee believes ~~that he or she has~~ they have been retaliated against for bringing a complaint or providing information related to a complaint, the County requires ~~employees to promptly comply~~ prompt compliance 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 current employees ~~and or~~ 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 is intimidates ing 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.

- 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~~they ~~is~~ are 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 ~~their own 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~~the supervisor 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~~they are ~~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 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. If the individual prefers 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.

7.3 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 their ~~employee's~~ supervisor or the Civil Rights Compliance Officer in Human Resources as soon as possible. Complaints received by supervisors or department heads must be reported to the Civil Rights Compliance Officer immediately.

7.3.1 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.

~~7.27.3.2~~ **7.3.2** 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.

Formatted: Heading 3

~~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. ~~The~~ 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.

- 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.

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.