



Drafted By:
Ana Rolbiecki
Presented Month/Year:
September 2022
Involved Committees:
Human Resources Committee

County Department:
Administration
Fiscal Impact: YES / NO
AC Approved: YES / NO

RESOLUTION # 22-09-02

A RESOLUTION TO UPDATE PERSONNEL POLICY 206 LEAVES-FAMILY, MEDICAL, MILITARY; 506-JOB VACANCIES AND POSTINGS; AND 508-PERFORMANCE REVIEWS

WHEREAS, the current Buffalo County Handbook requires the Buffalo County Board of Supervisors to authorize by resolution any amendments to the Employee Handbook; and,

WHEREAS, the Human Resource Committee has recommended changes to Policy 206 Leaves-Family, Medical, and Military to align with current federal and state laws; to Policy 506 Job Vacancies and Postings to allow for immediate advertisement of vacancies; and to Policy 508 Performance Reviews to remove the requirement of completing a 12 month new hire review.

NOW, THEREFORE BE IT RESOLVED, that the Buffalo County Board of Supervisors hereby amends POLICY 206-LEAVES-FAMILY, MEDICAL & MILITARY, POLICY 506-JOB VACANCIES AND POSTINGS, AND POLICY 508-PERFORMANCE REVIEWS of the Buffalo County Handbook effective September 26th, 2022, to update the language in these policies.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 26th day of September, 2022.


County Clerk

ATTEST:


County Board Chairperson

Respectfully Submitted:

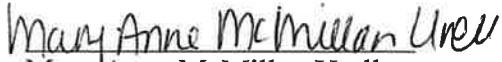
Human Resources Committee



Steven Nelson



Carol McDonough



Mary Anne McMillan Urell



Nathan Nelson



Michael Taylor

ANTICIPATED FINANCIAL IMPACT STATEMENT

No Financial Impact anticipated.

EXHIBIT A

POLICY 206. LEAVES - FAMILY, MEDICAL & MILITARY

1. **Purpose:** Child rearing, family illness, employee medical leave, and military call-to-duty and military caregiver leave are available to employees as specified below. The intent of this Policy is to comply with both the Wisconsin and Federal Family and Medical Leave Acts. Should this policy conflict in any way with the applicable federal and state statutes or regulations, the statutes, or regulations will control.
2. **Policy:** Eligible employees may qualify for unpaid leave under Wisconsin's Family and Medical Act (WFMLA) and/or the federal Family and Medical Leave Act (FMLA). When applicable, the leaves shall run concurrently. Employee rights posters for both laws are in the workplace for reference by all employees. Additionally, employees may apply for medical leave to donate bone marrow or to be an organ donor. An explanation of employee rights and responsibilities are set forth below.

2.1 Wisconsin Family and Medical Act (WFMLA)

- 2.1.1 **Eligibility:** Generally, an employee is eligible for leave under WFMLA after they have been employed by the County for more than 52 consecutive weeks; has worked at least 1,000 hours (including paid leave time used) during the proceeding 52 week period; and has not exhausted WFMLA entitlement.
- 2.1.2 **Qualifying Reasons and Entitlement:** In a calendar year, up to 2 weeks of leave for the employee's own serious health condition, up to 2 weeks for the serious health condition of an employee's parent, child, spouse or domestic partner (as defined by state law), and up to 6 weeks for the birth or adoption of a child (must commence within 16 weeks before or after the birth or adoption) in a 12-month period. For any part-time employees that qualify, available leave will be prorated when used intermittently. Employees may take no more than 8 weeks of WFMLA in a 12-month period. The 12-month period is defined as the calendar year, January 1 to December 31.
- 2.1.3 **Definitions:** Under Wisconsin law, a serious health condition is a disabling physical or mental illness, injury, impairment, or condition involving inpatient care or outpatient care that requires continuing treatment or supervision by a health care provider.
- 2.1.4 **Use of Leave:** Time designated under this leave may be used continuously, intermittently (in smallest allowed increment allowed under Policy 104), or on a reduced work schedule or a combination.

- 2.1.5 Notice Obligations: An employee must provide as much advance notice as reasonable and practicable for the specific situation. Employees must notify Administration to obtain the appropriate paperwork.

- 2.1.6 Pay and Benefits: An employee may substitute available paid time off bank hours in lieu of unpaid time under WFMLA. The County will maintain the employee's elected benefits on the same terms as if the employee was actively working, and benefit deductions will continue to be taken from their paycheck. If the employee is receiving no pay or doesn't have enough pay to cover deductions, they have 30 days to remit payment to the County for their premiums. If an employee doesn't meet the deadline, they will be notified of cancellation of their benefits. They will be reinstated upon active return.

- 2.1.7 Restoration of Employment and Benefits: At the end of WFMLA, employees generally have the right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms.

2.2 Federal Family and Medical Leave Act (FMLA)

- 2.2.1 Eligibility: Generally, an employee is eligible for leave under FMLA after they have been employed by the County for a total of at least 12 months (need not be consecutive), has worked at least 1,250 hours (excluding paid leave time used) during the previous 12 months, and has not exhausted FMLA entitlement.

- 2.2.2 Qualifying Reasons and Entitlement:
 - 2.2.2.1 Twelve (12) workweeks of leave in a 12-month period for the birth of a child and to care for the newborn child within one year of birth; the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement; a serious health condition that makes the employee unable to perform the essential functions of his or her job; and any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty". For any part-time employees that qualify, available leave will be prorated when used intermittently. The 12-month period is defined as the calendar year, January 1 to December 31. An employee is not entitled to take intermittent leave for the birth and care of a newborn child or for the placement with an employee of a child for adoption or foster care unless the County agrees to the arrangement.

 - 2.2.2.2 Twenty-six (26) workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible

employee is a servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

2.2.3 Definitions: Under federal law, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

2.2.3.1 Inpatient care with an overnight stay in a hospital, hospice, or residential medical care facility including any related period of incapacity or subsequent treatment; or

2.2.3.2 Continuing treatment by a health care provider which includes any one or more of the following:

2.2.3.2.1 A period of incapacity of more than three consecutive, full calendar days and:

2.2.3.2.1.1 Two or more in person visits to a health care provider for treatment within 30 days of the first day of incapacity; or

2.2.3.2.1.2 At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regiment of continuing treatment under the supervision of the health care provider.

2.2.3.2.2 A period of incapacity due to pregnancy or for prenatal care

2.2.3.2.3 Incapacity or period(s) of treatment due to a chronic serious health condition which requires periodic visits to a health care provider at least twice a year, recurs over an extended period, and may cause episodic rather than continuing period of incapacity.

2.2.3.2.4 A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider.

2.2.3.2.5 Absences for multiple treatments for restorative surgery after an accident or other injury, or for a condition that if not treated, would likely result in period of incapacity of more than three consecutive, full calendar days.

- 2.2.4 Use of Leave: Time designated under this leave may be used continuously, intermittently if the County approves (in smallest allowed increment allowed under Policy 104), or on a reduced work schedule or a combination. If intermittent leave is being taken for child bonding, the Department Manager and Administrative Coordinator must approve the use of the leave as intermittent rather than continuous. It is expected that any intermittent leave for FMLA need to be scheduled in a way that causes minimal disruption to the employee's work department.
- 2.2.5 Notice Obligations: An employee must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When the 30 days' notice is not possible, employees must provide the County notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give a 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied. Employees must notify Administration to obtain the appropriate paperwork.
- 2.2.6 Pay and Benefits: An employee must use available paid time off bank hours prior to taking any FMLA as unpaid if the employee isn't being paid via any elected disability insurance. The County will maintain the employee's elected benefits on the same terms as if the employee was actively working, and benefit deductions will continue to be taken from their paycheck. If the employee is receiving no pay or doesn't have enough pay to cover deductions, they have 30 days to remit payment to the County for their premiums. If an employee doesn't meet the deadline, they will be notified of cancellation of their benefits. They will be reinstated upon active return. Employees on leave will only accrue PTO for paid hours. Any unpaid hours will result in no PTO accrual.
- 2.2.7 Restoration of Employment and Benefits: At the end of WFMLA, employees generally have the right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms.

2.3 Wisconsin Bone Marrow and Organ Donation Leave Act

- 2.3.1 Eligibility: Generally, an employee is eligible for this leave after they have been employed by the County for more than 52 consecutive weeks and has worked at least 1,000 hours (including paid leave time used) during the proceeding 52 week period.
- 2.3.2 Qualifying Reasons and Entitlement: Up to six (6) weeks leave per twelve (12) month period for the purpose of serving as a bone marrow or organ donor
- 2.3.3 Use of Leave: Leave may be taken only for the period necessary for the employee to undergo the donation procedure and to recover from the procedure.

- 2.3.4 Notice Obligations: The employee must provide Buffalo County with written verification that the employee is to serve as a bone marrow or organ donor and so long as the leave is only for the period necessary for the employee to undergo the bone marrow or organ donation procedure and to recover from the procedure. Employees must notify Administration to obtain the appropriate paperwork.
- 2.3.5 Pay and Benefits: An employee may substitute available paid time off bank hours in lieu of unpaid time under this leave. The County will maintain the employee's elected benefits on the same terms as if the employee was actively working, and benefit deductions will continue to be taken from their paycheck. If the employee is receiving no pay or doesn't have enough pay to cover deductions, they have 30 days to remit payment to the County for their premiums. If an employee doesn't meet the deadline, they will be notified of cancellation of their benefits. They will be reinstated upon active return. Employees on leave will only accrue PTO for paid hours. Any unpaid hours will result in no PTO accrual.
- 2.3.6 Restoration of Employment and Benefits: At the end of this leave, employees generally have the right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms.

2.4 Military Leave:

- 2.4.1 Eligibility: Any employee who is not a temporary employee is covered by the federal law. That includes employees on probationary status and employees who have been with their employer for only a few days.
- 2.4.2 Qualifying Reasons and Entitlement: Employees taking part in a variety of military duties are covered. Such military duties include time off serving in uniformed services including active duty, reserve or National Guard, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.
- 2.4.3 Use of Leave: Leave may be taken that aligns with training schedules, military orders, etc.
- 2.4.4 Notice Obligations: Employees are expected to provide the County with as much advance notice as possible of the need for military-related leave. The County will request documentation for military absences of 31 days or more upon an employee's return from leave. Employees must notify Administration to obtain the appropriate paperwork.
- 2.4.5 Pay and Benefits: Employees who are on leave for annual two-week tour of duty shall be paid the difference between their total military pay (including housing allowances,

etc.) and the pay they would have normally earned had they worked. An employee may substitute available paid time off bank hours in lieu of unpaid time under Military Leave. Employees on leave will only accrue PTO for paid hours. Any unpaid hours will result in no PTO accrual.

For employees on leave of less than 31 days, the County will maintain the employee's elected benefits on the same terms as if the employee was actively working, and benefit deductions will continue to be taken from their paycheck. If the employee is receiving no pay or doesn't have enough pay to cover deductions, they have 30 days to remit payment to the County for their premiums.

For employees on leave of 31 days or more, the employee may elect to continue health, dental and vision insurance coverage under COBRA for up to 24 months or for the period of military service (including the time period allowed to reapply for reemployment), whichever is shorter. State elected life insurance may continue provided the employee pays their share of the premiums. All other electable benefits terminate the day the employee becomes active military.

- 2.4.6 Restoration of Employment and Benefits: At the end of this leave, employees generally have the right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms.

To be eligible for reinstatement protection under federal law, the following conditions must have been met:

2.4.6.1 The employee gave the County notice of the need for leave.

2.4.6.2 The period of military service did not exceed 5 years.

2.4.6.3 The employee was released under honorable conditions.

2.4.6.4 The employee returned and applied for re-employment within the following time restrictions:

2.4.6.4.1 For leaves of less than 31 days, the employee must report to work on the first regularly scheduled work period following the completion of service; no application is required.

2.4.6.4.2 For leaves of 31 days but less than 180 days, the employee must apply for reinstatement within 14 days after completion of military service.

- 2.4.6.4.3 For leaves of more than 180 days, the employee must apply for reinstatement no more than 90 days after completion of military service.

2.5 Employee Responsibilities:

- 2.5.1 Employees shall make a reasonable effort to schedule medical treatments so they do not unduly disrupt current operations and they shall provide the County with reasonable advance notice.
- 2.5.2 Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.
- 2.5.3 Employees also must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- 2.5.4 Employees will be required to provide a certification and periodic recertification supporting the need for leave for most leave of absences.
- 2.5.5 Employees returning to work from leaves that were taken because of their own serious health condition which rendered them unable to perform their jobs must provide the County with medical certification confirming they are able to return to work and that they are able to perform the essential functions of their position, with or without reasonable accommodations. The County may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

2.6 Employer Responsibilities:

- 2.6.1 In regard to FMLA, the County must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the County must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the County must notify the employee.

Exhibit B

POLICY 506. JOB VACANCIES & POSTING

8. Position Announcement:

8.3 All position opening notices must be approved by the County Administrative Coordinator or designee prior to being published.

8.4 Job postings can be placed prior to Standing Committee approving the backfill request so long as it is an already budgeted position. The Department Manager must make sure the job description has been reviewed, and they will provide Administration with the request to announce the position opening via different free recruitment channels such as the company website. Department Managers may not begin any paid advertising or the interview process until the appropriate Committee(s) has approved the backfill request.

Exhibit C

POLICY 508. PERFORMANCE REVIEWS

2. Procedure:

- 2.1 Each new employee shall be evaluated at the end of the third month of employment and again on the six month of employment. ~~with a final evaluation approximately fifteen (15) days prior to the end of their introductory period by the Department Manager. These reviews are to be issued within 14 days and returned to Administration for filing.~~ The County may at its discretion, conduct additional performance evaluations if the employee believes that a performance review is needed.

- 2.2 Department Managers or their designee shall evaluate all department employees annually on forms provided by the County Administration Office. Evaluations must be submitted to the County Administrative Coordinator by December 1st of each year. This date may be extended by the County Administrative Coordinator but may not be extended beyond December 31st of each year without the authorization of the HR Committee.

~~6. Filing and Deadline:~~

- ~~6.1 Department Managers shall complete the performance review form prior to the 12-month introductory period deadline or anniversary of hire date and return it to the County Administration Office within fourteen (14) days of the end of the introductory period or anniversary of hire date or date of completed evaluation. Failure to do so may result in disciplinary action against the responsible manager.~~

