

Richland County Government Personnel Administration

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Friends,

My purpose in issuing this opinion is to set forth the legal principles governing positions in the County Clerk's office. These positions are:

- County Clerk; an elected position created by the Wisconsin Constitution
- Deputy County Clerk/Accounting Supervisor: position is currently vacant;
- Payroll and Benefit Specialist: held by Ms. Tami Hendrickson;
- Accounts Payable Specialist held by Ms. Amy Louis.

Per Wisconsin Statutes, section 59.23 (1), the County Clerk is entitled to at least one Deputy Clerk position and the County Clerk has the authority to appoint that person.

The remaining positions in the County Clerk's office are known as assistants. On the one hand, the County Board determines the number of assistant positions in the County Clerk's office although, on the other hand, the County Board must provide the County Clerk with sufficient staff to enable the County Clerk to fulfill his statutory duties, which are set forth primarily in section 59.23. The County Clerk has the authority to fill such assistant positions as are authorized by the County Board.

Finally, it is my opinion that there is no authority to transfer a person appointed by the County Clerk as Deputy County Clerk or as an assistant in the County Clerk's office, to another position in County government. Such action would violate the County Clerk's authority to appoint persons to the positions in the County Clerk's office.

I will attend remotely the Committee's meeting scheduled for this coming Friday at 1:00 p.m.

Ben

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