

Richland County Finance and Personnel Committee

Agenda Item Cover

Agenda Item Name: Administrative Manual Amendment

Department	Administration	Presented By:	Clinton Langreck
Date of Meeting:	August 4 th , 2020	Action Needed:	Vote on a Motion
Disclosure:	Open	Authority:	Committee Structure page 6E
Date submitted:	August 2 nd , 2020	Referred by:	

Recommendation and/or action language:

Motion to recommend proposed amendments to the Administrative Manual of Richland County, (as established through Resolution No. 14-126 and amended in Resolution 16-87), and refer to the Rules & Resolutions Committee for potential changes to the Committee Structure resolution, (as it relates to the responsibilities of the Finance & Personnel Committee), with resolution referral to the County Board.

Background:

At the July 21, 2020 meeting of the Richland County Board, job descriptions of the Administrator and 13 department heads were amended to reflect the statutory authority of the Administrator to supervise department heads who are not elected by Richland County voters.

The purpose of the Administrative Manual of Richland County is to provide “. . . guidance to managers, department heads, administrators, and supervisors (collectively referred to as “management” regarding the administration of Richland County . . .” Among other topics, this manual provides guidance on hiring, performance evaluation, discipline, separation, sexual harassment, accident reporting, and the County’s drug and alcohol policy.

Several changes are recommended to the Administrative Manual to reflect the supervisory changes approved by the Richland County Board. These changes shift responsibilities from the Administrative Coordinator and supervisory committees to the Administrator. In some instances, it will be more appropriate for the Administrator to designate other County staff positions as a responsible authority. Changes in the attached document reflect the possibility for the Administrator to utilize such discretion.

It is recommended this action be referred to the Rules & Resolutions Committee for consideration as it relates to the Committee Structure resolution. For example, the Finance & Personnel Committee is currently responsible for suspending and relieving personnel of duties. Should these changes to the Administrative Manual be approved by the Finance & Personnel Committee, the Rules & Resolutions Committee should consider amending the Committee Structure resolution to reflect the revised Administrative Manual.

Should these changes be adopted by the County Board, similar changes should be brought forward in September for the Employee Handbook (adopted by the County Board on January 17, 2012 and last amended on April 16, 2019) to eliminate related conflicts between the two documents.

Richland County Finance and Personnel Committee

Agenda Item Cover

Attachments and References:

Attachment A: Administrative Manual

Financial Review:

(please check one)

<input type="checkbox"/>	In adopted budget	Fund Number	
<input type="checkbox"/>	Apportionment needed	Requested Fund Number	
<input type="checkbox"/>	Other funding Source		
<input checked="" type="checkbox"/>	No financial impact		

(summary of current and future impacts)

Approval:

Department Head

Review:



Administrator, or Elected Office (if applicable)

ADMINISTRATIVE MANUAL
OF
RICHLAND COUNTY

Adopted: September 16, 2014

Amended: June 21, 2016

Amended: pending for August 2020

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I. INTRODUCTION

This Administrative Manual (“Manual”) provides guidance to managers, department heads, administrators, and supervisors (collectively referred to as “management”) regarding the administration of Richland County (“County”).

The success of the County in meeting its fiscal and operational goals is dependent upon management implementing and complying with County Board policies. The County Board implements policy through a number of means including the budget, ordinances, resolutions and policies and procedure manuals.

Management personnel, led by the County Administrator, are part of the team that is responsible for managing County operations consistent with the policies adopted by the County Board and its committees. Management functions include planning, coordinating, organizing and staffing departmental operations so as to provide services in the most efficient and effective manner consistent with County Board policy and federal, state and local laws.

The provisions of this Manual are subject to, and may be superseded by, applicable collective bargaining agreements and the Wisconsin Constitution, statutory provisions, regulations and ordinances (collectively “codes”) which apply to elected officials, public safety and other employees. The provisions of this Manual do not supersede the constitutional authority of elected officials. In the event of a conflict between this Manual and any applicable collective bargaining agreement or code, the collective bargaining agreement or code will control.

Employees are expected to follow both the policies in this Manual and departmental policies. If there is a conflict between this Manual and departmental policies, this Manual will control unless the conflicting department policy has been approved in accordance with this Manual. Approved department addendums to the County Handbook of Personnel Policies and Works Rules will control in the event of a conflict with this Manual. Management employees are expected to be knowledgeable about the policies contained in this Manual and the County’s Handbook of Personnel Policies and Work Rules. Management shall apply all policies fairly and consistently towards the employees they supervise and manage. The failure of management employees to comply with policies in this Manual may result in disciplinary action.

The County has developed the policies and provisions in this Manual and may change, supplement or rescind them at any time. Only the Finance and Personnel Committee and the County Board have authority to change the provisions in this Manual. Changes to the Manual will be communicated to management employees by the Administrator or their designee~~County Clerk~~. None of the statements, policies, procedures, rules or regulations contained in this Manual create or is intended to create a guarantee of or vested right to any practice, procedure or benefit, or a contract of any kind, express or implied. Unless provided in a County Board resolution or required by law, all employees remain “at-will” employees and may be terminated with or without cause and with or without prior notice at any time.

Management employees (other than Department Heads) with any questions regarding the policies in this Manual should be addressed to Department Heads. Questions from Department Heads should be addressed to the Administrator or their designee~~Administrative Coordinator~~.

I. APPROVAL PROCESS FOR DEPARTMENT POLICIES

Departments may be authorized to establish department-specific administrative policies that supplement or supersede the policies in this Manual. Department-specific administrative policies that supplement or supersede the policies in this Manual must be approved by the department's oversight supervisory committee, the Finance and Personnel Committee and the County Board.

II. JOB DESCRIPTIONS

A. Requirement. Each position is required to have a written job description which includes, without limitation, the title, classification (regular, temporary, seasonal, etc.), department, supervisor, a general description concerning the purpose of the position, a list of the essential and non-essential job duties, required qualifications, explanation of physical demands and the work environment and any special requirements necessary to perform a particular job. The job description must also identify whether the employee is non-exempt, partially exempt or exempt for purposes of the Fair Labor Standards Act and state wage and hour laws (collectively "FLSA"). Attached as Addendum A to the Manual is a sample job description. The appearance and format of all job descriptions must be substantially similar to the sample job description.

B. Job Description Updates. Department Heads are responsible for updating the job descriptions for their department. All job descriptions must be reviewed periodically but no less than every three (3) years by the Department Head. The Department Head will certify in writing to the Administrator or their designee ~~County Clerk~~ that the review has been conducted as required by this policy and either indicate that there are no updates or provide the updated job description with the certification.

C. Approval. All revisions to a job description must be approved by the ~~department's supervisory committee, the Finance and Personnel Committee and the County Board~~ Administrator. A copy of the revised job description must be filed with the ~~County Clerk's~~ Administrator or their designee ~~office~~.

III. RECRUITMENT AND HIRING

EQUAL OPPORTUNITY

The County is committed to recruitment and hiring practices that provide equal employment opportunity for all qualified applicants. All screening, testing and interview procedures utilized by the County are designed to assess only the attributes necessary for successful job performance based upon the duties and responsibilities of the job to be filled. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Richland County will be based on merit, qualifications, and abilities. The County does not discriminate in

employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

HIRING PROCESS TO FILL VACANCIES

Note: Hiring procedures for certain county positions may be governed by statute or County ordinance, such as hiring procedures for deputy sheriffs. In addition, hiring decisions for certain positions may be vested in certain officials such as circuit court judges in the case of judicial assistants. This policy applies to the extent that it does not conflict state or federal law, County ordinance or approved department policies such as department addendums to the Handbook of Personnel Policies and Work Rules.

A. Vacancies Longer than 90 Days. Whenever it appears to a Department Head that an approved job position within the department will be vacant for a period of 90 days or longer, the following procedure shall be followed:

1. The Department Head must immediately notify the Administrator or their designee~~supervisory committee and the County Clerk, who shall in turn notify the Finance and Personnel Committee~~. In case of a vacancy in a Department Head position, the ~~County Clerk~~Administrator or their designee shall perform the hiring steps which the Department Head would otherwise perform.
2. The ~~County Clerk~~Administrator or Department Head shall place an advertisement in the Richland Observer to run for at least two weeks. The ~~Administrator~~County Clerk or Department Head must also send the advertisement to the MIS Department who shall advertise the position on the County website. The advertisement shall, at a minimum, briefly describe the job position, necessary qualifications, the salary range and where and how to apply for the position and include the sentence that the County is an equal opportunity employer. All applicants must be directed to fill out the application form attached as Addendum B to this Manual unless the department has its own approved application form.
3. The Department Head or designee and the Administrator or their designee~~applicable supervisory committee or board~~ may interview those applicants who appear from their written applications to be qualified for the job.
4. Skills testing is required for all positions. The Department Head shall determine what skill tests are necessary and appropriate for each position and when in the hiring process to administer the tests. All tests shall be designed to determine whether the applicant has the basic skills and aptitude necessary to satisfactorily perform the job duties of the position. Department Heads may seek approval from Administrator or their designee~~their supervisory committee and the Finance and Personnel Committee~~ to not administer skills testing for specific positions if skills testing is not necessary to determine if the applicant has the basic skills for the position.

5. Background checks must be performed on all final candidates prior to making an offer of employment in accordance with department policy and state and federal law. Except as otherwise required by law, the scope of the background check shall be determined by the Department Head. The Department Head shall obtain a legal review if the background check reveals information that may be used adversely against the candidate.

B. Vacancies Less Than 90 Days (Temporary Vacancies). Whenever it appears to the Department Head that a job position within the department will be vacant for a period of less than 90 days, the Department Head, with approval of the Administrator or their designee~~chairperson of the Department Head's supervisory committee~~, may hire a limited term employee on an emergency basis not to exceed thirty (30) working days which shall expire when the regular employee returns to the position or the position is filled by a regular employee. The Department Head shall also give written notice to the Administrator or their designee ~~Finance and Personnel Committee and to the County Clerk~~ when filling a vacant position with a limited term employee. All persons filling temporary vacancies under this paragraph shall be paid at the probationary rate for Grade 7 in the County's Job Classification and Salary Plan.

C. Reclassifications. This policy does not apply to the reclassification of existing positions. Position reclassifications shall follow the reclassification policy in the Handbook of Personnel Policies and Work Rules.

IV. COMMENCEMENT OF EMPLOYMENT, INFORMATION MANAGEMENT, AND PERFORMANCE EVALUATION

EMPLOYEE ORIENTATION

Each new regular County employee shall be provided with job orientation consisting of the following:

A. Completion of Necessary Forms, Introduction to County Policies and Procedures and Use of Computer System. Prior to the first day of employment, each new regular County employee shall report to the Administrator or their designee ~~County Clerk's office~~ to complete all necessary forms to enable preparation of payroll and required reports. The employee should be prepared to present his/her identification, driver's license, social security card, automobile insurance certificate (if required), and to complete such forms as are necessary. The employee shall be advised of all general conditions of employment including fringe benefits and other privileges. The employee shall be required to read the County's Handbook of Personnel Policies and Work Rules, any applicable department rules for the employee's position and execute an acknowledgement providing that the employee has received the Handbook and department rules and is responsible to read and comply with the Handbook policies and department rules. The MIS Department shall provide training on how to use the County's computer system and review the County's computer use and social media policies with all new hires who will use the computer system as part of their regular job duties. The employee shall also be provided with an overview of the different county departments and the County Board's supervisory oversight committees.

B. Benefits. The Administrator or their designee ~~County Clerk~~ will provide information regarding enrollment in the County's benefit programs.

C. Department Orientation. The Department Head or direct supervisor shall orient each employee hired to fill an existing or new position (including existing County employees hired to fill a vacancy) on their job and work site. Such orientation shall include providing the employee with his/her job description, rate of pay, hours, departmental rules, work standards, safety regulations, supplies and equipment and giving introductions to co-workers.

PERSONNEL FILES

A. Official Personnel Files. Each Department Head is responsible for the maintenance of the official personnel files for all employees. Personnel files shall be confidential, unless disclosure is required by law. The personnel file should include the complete employment history of the employee, including, but not limited to:

- employment application
- reference checks
- commendations
- reprimands
- performance evaluations
- wage data
- promotions
- education and special training paid for by the County
- records of absences and paid leave allotment and use
- written resignations
- any other items, within law, that may be deemed necessary

Employee medical records shall be kept in a separate file from the personnel file and shall remain confidential in accordance with this Manual and the requirements of the ADA.

B. Administration of Personnel Files. An employee's personnel file will be maintained in accordance with federal and state laws and administered as follows:

1. Collection and Storage of Confidential Records. Each Department Head is responsible for ensuring that all personnel documents (as defined in this policy), pertaining to County employees are stored in a secure location. All personnel records will be locked up when not in use and during non-working hours.

2. Employee Access to Their Personnel Records. Employees are permitted to inspect and copy, at their own expense, their personnel file and medical records file in accordance with Wis. Stat. § 103.13. An employee who wishes to inspect his/her personnel file must submit a written request to his/her Department Head. The Department Head shall set up an appointment with the employee to review the file. The Department Head or his or her designee shall be present with the employee while the employee inspects his/her personnel file. No documents or other

information shall be removed from an employee's personnel file without authorization from the Administrator or their designee.~~Finance and Personnel Committee.~~

3. External Disclosure of Personnel Information/Reference Requests. Only limited information may be given upon request for business or reference purposes. This information will be strictly limited to employment status, date(s) of employment, and job title. No other information will be given unless the employee executes a written authorization and release of information for the County. All reference requests for information must be referred to the employee's Department Head or designee to provide the appropriate information.

4. Internal Access. Subject to applicable law, only the employee, Administrator or the designee~~Administrative Coordinator~~, County attorney and the employee's Department Head or designee are permitted to view personnel records of County employees including personnel information that may be stored on the County's computer system.

5. Public Records Requests. A request to access or copy personnel information by a public records requester must be referred to the Administrator or their designee~~County Clerk~~. The ~~Clerk~~Administrator of their designee, in consultation with Corporation Counsel or the County's labor attorney, will provide access to the personnel records to the extent required by the Wisconsin Public Records Law, Wis. Stat. §§ 19.31-19.39.

CONFIDENTIALITY OF MEDICAL INFORMATION

The County will keep any medical information obtained from applicants, candidates and employees in a separate file from any personnel file and confidential subject to the following limited exceptions as recognized by the ADA:

1. Supervisors and managers may be told about necessary restrictions on the work or duties of the employee and about necessary accommodations;
2. First aid and safety personnel may be told if the disability might require emergency treatment;
3. Government officials investigating compliance with the ADA must be given relevant information on request;
4. The County may give information to state workers' compensation offices, state second injury funds or workers' compensation insurance carriers in accordance with state workers' compensation laws; and
5. The County may use the information for insurance purposes permitted by the ADA.

No disclosure of confidential medical information shall be made without first consulting Corporation Counsel or the County's labor attorney.

PERFORMANCE EVALUATION

All employees are expected to satisfy or exceed the levels of performance required of the positions in which they are employed. The evaluation of an employee's performance is a daily process and responsibility of management. Formal performance reviews must be conducted at least annually and more frequently if deemed appropriate by management ~~and/or the supervisory committee~~. An employee must meet County standards of work quality and must accomplish work within the time limits established by the County.

The ~~supervising committee~~Administrator shall conduct annual performance evaluations of Department Heads with the exception of elected county officials. Department Heads shall conduct annual performance evaluations of their staff. All performance evaluations shall be conducted using the standard forms available from the Administrator or their designee~~in the County Clerk's office~~.

V. EMPLOYEE DISCIPLINE AND INVESTIGATIONS

Note: Disciplinary procedures for certain county positions may be governed by statute or County ordinance, such as disciplinary procedures for deputy sheriffs. In addition, disciplinary decisions for certain positions may be vested in certain officials such as circuit court judges in the case of judicial assistants. This policy applies to the extent that it does not conflict state or federal law, County ordinance or approved department policies such as department addendums to the County Handbook of Personnel Policies and Work Rules.

A. Overview. The goal of the County's disciplinary procedure is to administer adverse employment action for nonperformance and/or misconduct in a fair and consistent manner. Unless otherwise provided in this section, an employee's immediate supervisor or Department Head is responsible for issuing disciplinary action when necessary. In cases involving ~~none-elected~~ Department Heads not elected by Richland County voters, the ~~supervising committee~~ Administrator shall impose discipline unless otherwise provided by this section or by law. The following procedure is designed to provide guidelines for employee discipline and to provide consistency in employee discipline to the extent practicable. This procedure is not a guarantee of employment, a guarantee of any rights or benefits, a contract of employment, express or implied, does not alter the at-will employment relationship and does not create tenure or a property interest of any type in employment with the County. None of these guidelines are intended, by their creation or publication, to confer any rights or privileges upon employees or to entitle any employee to remain employed with the County.

Each instance of employee performance and/or misconduct must be viewed on its individual circumstances. The County has the right to take one or more adverse employment actions it deems appropriate based on the circumstances which may include, without limitation, a verbal warning, written warning, suspension, reduction in rank, demotion or termination. None of these disciplinary measures are required to be used before discharge from employment occurs, nor are the listed actions required to be used in any specific order. These guidelines do not impose or require progressive discipline or a just cause discipline standard.

1. Duty to Address Performance Issues or Misconduct.

a. Discipline Due to Nonperformance. If an employee's performance in one or more job duties becomes unacceptable, the employee's Department Head and/or supervisor is expected to place the employee on notice of the performance issue in a timely manner. Management shall document all performance deficiencies in an employee's personnel file. The documentation should include the date or dates the performance deficiency was observed, a detailed description of the performance deficiency and the action taken against the employee including, without limitation, any discipline as well as the implementation of a Performance Improvement Plan or other alternatives to discipline, such as training, coaching, and support, if applicable.

b. Disciplinary Action Due To Misconduct. The Handbook of Personnel Policies and Work Rules includes a policy on employee misconduct along with examples of misconduct that will lead to disciplinary action. Management should familiarize themselves with the various types of misconduct that can lead to disciplinary action. The list is not intended to be exclusive. The County reserves the right to take disciplinary action under any circumstances where such action is determined to be in the best interests of the County.

Management has an obligation to enforce the County's policy against misconduct and to take appropriate disciplinary action against employees who engage in misconduct. If an employee is disciplined, management shall document any disciplinary or corrective action taken, including alternative non-disciplinary corrective action, in the employee's personnel file with a copy given to the employee. The documentation should include the date or dates of the misconduct or performance issues, a detailed description of the misconduct and the disciplinary or corrective action taken. It is critical that management carefully document all discipline. Documentation of the discipline shall include, without limitation, references to prior misconduct and disciplinary actions taken.

2. Applicable Legal Standards for Investigation and Discipline. Management must be aware of the standard applicable to the investigation and discipline of employees for performance and misconduct. While the majority of employees in the County are "at-will," various employees are provided with special statutory rules regarding investigation and discipline and may also have rules in their collective bargaining agreements (if any) which address discipline. For example, there are special notices and rules for questioning law enforcement officers under Wis. Stat. § 164.02 regarding matters relating to discipline. Moreover, the County must comply with the statutory and collective bargaining agreement requirements for disciplining deputy sheriffs which includes a "cause" standard. Various department heads may also be subject to special rules. For example, a highway commissioner may not be removed without cause as defined under Chapter 17 of the Wisconsin Statutes.

B. Disciplinary Procedures.

1. Investigation of Misconduct.

a. Investigation Elements. In order to administer a fair and consistent disciplinary system, it is important that the County have a reasonable basis to believe the employee committed the misconduct. Records of disciplinary action should always include witness

statements or other relevant documentation, to the extent available, which demonstrates that the employee committed the misconduct. If the supervisor personally witnesses the misconduct, he or she should prepare a memorandum for the record summarizing the incident.

b. Preservation of Evidence, Documentation. A critical component of any investigation is the preservation of evidence related to the misconduct. Managerial personnel should ensure that all potential evidence, including, without limitation, all physical evidence, documentation and electronic media relating to the alleged misconduct is preserved. In conducting the investigation, management should be careful to note that many employees today communicate through texting and social media websites. Efforts should be made to preserve evidence on these communication channels. Management should consult the Corporation Counsel if there is any legal question as to whether the County may access, or require an employee to produce, information contained on County or personal electronic devices. Management, in conjunction with the MIS Director, the ~~Administrator~~~~Administrative Coordinator~~, the County's labor attorney and law enforcement (if applicable) shall collect all such evidence and preserve it in a separate file so as to ensure its preservation.

2. Meeting with Employee Regarding Alleged Misconduct. Once the relevant documentation has been compiled and witnesses have been interviewed by the immediate supervisor, the employee should be notified of the alleged misconduct and be given an opportunity to respond verbally or in writing. The employee's oral response to the allegations should be well documented or recorded. Any written statements submitted by the employee in response to the charges should be included as part of the investigation file.

3. Standards for Imposing Disciplinary Action. Discipline may be imposed as necessary to address performance concerns or misconduct. Disciplinary action may include, without limitation, a verbal warning (with written reference in the employee's personnel file), written warning, suspension, reduction in rank, reduction in base pay, demotion and termination.

Action taken by the County on an individual case does not establish a precedent in other circumstances. The County reserves the right to take any disciplinary or corrective action it deems appropriate under the circumstances of each individual case.

In deciding whether to take disciplinary action and what disciplinary action to take, management is strictly prohibited from discriminating against an employee based on disability, sex, race, religion, color, national origin, age or any other classification protected by state or federal law.

In selecting the level of discipline appropriate to performance issues and/or misconduct, all of the specific circumstances of the case should be taken into account. Careful judgment should be used to ensure that the discipline is not out of proportion to the character of the performance issue or misconduct. Past performance issues and/or misconduct may form the basis for imposing a higher penalty for subsequent performance issues and/or offenses, although past offenses are not a prerequisite to imposing any level of discipline. The Department Head should consider the following guidelines. Consideration of these guidelines does not change the "at-will" status of employees and does not require just cause or the implementation of progressive discipline:

- The nature and seriousness of the offense;
- The relationship between the offense and the employee's duties, position, and responsibilities;
- Whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
- The employee's job level and type of employment including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- The employee's past disciplinary record;
- The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
- The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisor's confidence in the employee's ability to perform assigned duties;
- The reasonableness of the work rule, if any, that the employee is alleged to have broken;
- Penalties previously imposed upon other employees for similar offenses;
- The notoriety of the offense or its impact upon the reputation of the County;
- The clarity with which the employee was on notice of any rules violated in committing the offense, and whether he or she had been warned about the conduct in question;
- Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, or harassment, bad faith, malice, or provocation on the part of others involved in the matter;
- The adequacy and effectiveness of alternative sanctions;
- The quantity and quality of the evidence of misconduct.

4. Suspensions and Terminations. An employee may be suspended by a Department Head for up to three (3) days after notifying the ~~supervisory committee chair and the Finance and Personnel Committee chair and either by mail, email or telephone~~ Administrator or their designee.

All terminations and suspensions without pay for more than three (3) days must be presented to the ~~applicable supervisory committee and Finance and Personnel Committee~~ Administrator or their designee for review and final approval. ~~If the supervisory committee recommends a suspension of more than three days or termination of employment, the recommendation shall be forwarded to the Finance and Personnel Committee for final approval. The Department Head shall be responsible for forwarding the supervisory committee's recommendation to the Finance and Personnel Committee.~~ The Department Head shall also be responsible for notifying the employee in writing of the ~~recommendation to the~~ Administrator or their designee ~~recommendation of the supervisory committee, the reasons therefore and the location, date and time of the meeting of the Finance and Personnel Committee when the supervisory committee's~~ Administrator or their designee's recommendation will be considered. Nothing in this section shall prevent the ~~Administrator or their designee~~ Finance and Personnel Committee from suspending the employee without pay pending the meeting. Eligible employees may issue a grievance in accordance with the county grievance policy.

5. Documentation of Disciplinary Action. If an employee is disciplined, management shall document any disciplinary or corrective action taken, including alternative non-disciplinary corrective action, in the employee's personnel file with a copy given to the employee.

The documentation should include the date or dates of the misconduct or performance issues, a detailed description of the misconduct and the disciplinary or corrective action taken.

C. Performance Improvement Plans and Other Corrective Actions. Depending upon the facts of an investigation and analysis of an employee's inadequate performance or misconduct, alternative corrective actions might be used in conjunction with discipline as it relates to misconduct or in conjunction with, or as an alternative, to discipline as it relates to unsatisfactory performance. All alternative corrective actions must be documented. Alternative corrective actions include, but are not limited to:

1. Performance Improvement Plan. A performance improvement plan (PIP) is developed to determine specific working expectations and standards in order to improve an employee's job performance or behavior. A performance improvement plan should advise the employee of the performance standards of the position for which his or her performance is unsatisfactory and be given a reasonable opportunity to demonstrate improvement. The employee should also be advised of the consequences of failing to improve and the type of assistance to be provided by the supervisor during the PIP. All performance improvement plans shall be in writing.

If the employee fails to meet minimally acceptable standards by the end of the PIP, action should be taken to separate the employee from employment unless another less adverse employment action is deemed advisable.

2. Support. For short-term problems of a situational nature which may be detrimentally impacting an employee's performance, such as a serious family illness or other similar personal issues, support from a supervisor and/or referral to the Employee Assistance Program may be appropriate.

3. Training. Additional training may be appropriate where employees demonstrate an inability to perform the required duties, as opposed to a demonstrated unwillingness to perform up to established performance standards. Once the specific learning need is identified, it can be addressed through various training methods such as additional on-the-job training with the supervisor or fellow employee, formal classroom training, reading manuals or procedures, or viewing films or videos.

4. Coaching/Counseling. An informal discussion or counseling/coaching session is held with the employee to identify the problems causing or contributing to inadequate performance or improper conduct on the job and to identify the problems causing or contributing to inadequate performance or improper conduct on the job.

VI. SEPARATION FROM EMPLOYMENT

Employees may be discharged at the discretion of the County, or they may choose to separate from their employment with the County. The following procedures will be utilized for employees who are discharged or who choose to separate from employment with Richland County. The following procedures are designed to provide guidelines for employee separation and to provide consistency and, to the extent practicable, limit employment claims by separating employees.

A. Involuntary Termination/Forced Resignation. In the event the County determines it is necessary to terminate an employee, the following procedures shall be followed:

1. Approval of Termination. Approval of terminations shall be as set forth in this Manual.

2. Plan Termination Meeting. If the ~~Finance and Personnel Committee Administrator~~ approves terminating the employee, the Department Head, ~~Administrative Coordinator~~, County labor attorney or human resources representative shall arrange a meeting with the employee where the employee will be formally notified of the termination decision. The ~~Administrator~~, Department Head, ~~Administrative Coordinator~~, County labor attorney or human resources representative shall plan the day, time length of the meeting and individuals to be present including a deputy sheriff if the employee poses a security threat. At least one individual should take notes during the meeting.

3. Notice to Employee. The employee to be terminated shall be notified by the Administrator, the employee's Department Head, the County's labor attorney or a human resources representative. The employee shall be provided with the grounds for the termination in writing and the employee shall be requested to sign a copy of the writing acknowledging the same. If the employee wishes to debate the decision, Administrator or their designee, the Department Head, labor attorney or human resources representative shall advise the employee of the availability of the County's grievance procedure rather than debating the merits of the termination.

4. Exit Interview. The ~~Administrator~~Administrative Coordinator, Department Head, labor attorney or human resources representative shall discuss the following with the employee upon termination:

- a. The final pay period;
- b. Termination of insurance benefits and applicability of COBRA;
- c. Status of Wisconsin Retirement System ("WRS") benefits; and
- d. Status of other applicable benefits, including unused vacation, sick leave, etc.

The employee shall be provided with a summary of COBRA options, WRS forms and contact information, and a copy of the termination notice.

5. Return of Property. All County property must be collected from the terminated employee at the time of termination, including but not limited to uniforms, cell phone, keys, laptops, and identification cards.

6. Exit Strategy. Upon completion of the meeting, allow the employee to gather his/her personal belongings and immediately exit the premises. If there is a security risk, arrange for the employee to be escorted off County premises.

7. Documentation. The Administrator, Department Head, ~~and Administrative Coordinator~~ or their designee shall document the termination in the employee's personnel file.

The documentation should include the date or dates of the misconduct or actions leading to termination, a detailed description of the misconduct and or actions giving rise to termination, and the reasons for taking such action.

8. Eliminate Access To Technology. As soon as practicable, and if possible prior to the termination meeting, the employee's access to County technology should be severed at the direction of the employee's Department Head. The MIS Department shall be consulted to remove the employee from County webpages and directories. The employee's emails should be rerouted to the Department Head, and the employee's computer and email passwords should be changed. The MIS Department shall take any and all measures necessary to ensure the employee no longer has access to the County's electronic resources.

B. Voluntary Termination (Resignation, Retirement). An employee may voluntarily resign or retire in good standing by submitting a written letter of resignation/retirement to the Department Head at least ten (10) working days in advance of the separation. A Department Head wishing to resign or retire in good standing shall give a twenty (20) working day notice of resignation to the ~~Administrator~~Administrative Coordinator.

1. Notice. The Department Head (or ~~Administrator~~Administrative Coordinator in the event of voluntary termination of a Department Head) shall ensure the written notice provided by the employee is signed, dated, and includes a statement indicating the desire of the employee to separate from employment and the effective date of the separation. The Department Head shall submit the employee's notice to the ~~Administrator or their designee~~Administrative Coordinator.

2. Acceptance. Resignation or retirement of an employee shall be accepted by the Department Head upon submission of a written notice by the employee. In situations where notice has been given, the Department Head (or in case of the Department Head, the ~~Administrator~~Administrative Coordinator) may, in their sole discretion, waive the notice period given and make the resignation or retirement effective immediately.

3. Last Day Worked. Employees must actually work through their notice period and may not use benefited time or regularly scheduled days off to complete their notice period or extend their last date of employment (except in cases of an emergency).

4. Exit Interview. The ~~Administrator~~Administrative Coordinator, Department Head or human resources representative will schedule an exit interview if requested by the employee to discuss the following:

- a. Effective date of voluntary termination, the final pay period and last day worked;
- b. Termination of insurance benefits and applicability of COBRA; and
- c. Status of other applicable benefits, including unused vacation, sick leave, etc.

5. Return of Property. Department Heads must collect all County property from employees at the time of separation, including but not limited to uniforms, cell phones, keys, laptops and identification cards.

6. Documentation. The employee's notice of voluntary separation shall be placed in the employee's personnel file.

7. Eliminate Access To Technology. As soon as practicable, and if possible on the last day worked by the employee, the employee's access to County technology should be severed at the direction of the employee's Department Head. The MIS Department shall be consulted to remove the employee from County webpages and directories. The employee's emails should be rerouted to the Department Head, and the employee's computer and email passwords should be changed. The MIS Department shall take any and all measures necessary to ensure the employee no longer has access to the County's electronic resources.

C. Bar From Reemployment. An employee who is terminated involuntarily or forced to resign in lieu of termination from employment shall be ineligible for reemployment with the County.

D. Future References. A notation shall be made in the employee's personnel file as to what information may be divulged in the event a reference is requested of the County for each separated employee.

LAYOFF AND RECALL

A. Elimination of Position. Whenever the County deems it necessary to eliminate a position or reduce the County workforce, employees in affected positions shall be laid off.

B. Layoff. When the County determines that a layoff shall occur, in whole or in part, in a department, length of hire will be a secondary consideration, behind department needs, position title, skill needs and performance reviews. If two or more employees are equally qualified, the least senior employee shall be the first laid off. Employees rehired within a year of their lay off will maintain their original date of employment and any unused accrued sick leave benefits.

C. Recall. Recall will be at the discretion of the Department Head unless the County Board initiated the layoff.

VII. INVESTIGATING HARASSMENT/DISCRIMINATION

A. Overview. All forms of harassment and discrimination in the workplace, including sexual harassment (collectively "harassment"), will be taken seriously and will not be tolerated by the County. When a complaint of harassment is received, the County will begin an investigation into the allegation as soon as possible, even if the employee allegedly being harassed has not yet made a complaint. A prompt investigation is important for a variety of reasons. A prompt investigation complies with state and federal law, demonstrates that the County takes harassment seriously and seeks to eliminate it from the workplace, may assist in resolving a situation involving alleged

harassment before it escalates into a lawsuit, and in the event that the County is sued, may provide the County with defenses that it exercised reasonable care to prevent and correct harassment.

The County has promulgated this policy to identify the roles and responsibilities of management relative to allegations of harassment. Management shall, to the extent practicable, comply with the guidelines set forth in this policy.

B. Department Head/Supervisor Responsibilities. Department Heads, supervisors and other management personnel are critical to uncovering and reporting incidents of harassment. Accordingly, when management becomes aware of alleged harassment regarding employees, agents, contractors, vendors or clients of the County or believes that such harassment may exist, management must immediately notify the Administrator or their designee Administrative Coordinator (or the County Board Chair in the event the allegation of harassment is against the Administrator or their designee Administrative Coordinator). Once reported, management must cooperate and assist in the investigation of the alleged misconduct.

C. ~~Administrative Coordinator~~ Administrator Responsibilities. Upon being advised of an allegation or potential claim of misconduct, the Administrator or their designee Administrative Coordinator shall initiate contact with the complainant and confirm that the County will be investigating allegations of misconduct, that the County takes all such allegations seriously, and that the complainant will be required to provide further information. The Administrator or their designee Administrative Coordinator shall advise the complainant and/or any other individual reporting or having knowledge of the alleged harassment, not to discuss the matter with other employees while the investigation is pending so as to ensure that the investigation is fair and complete.

If the harassment is evidenced by any documents, electronic communications, voicemails, or other evidence, the Administrator or their designee Administrative Coordinator shall take immediate steps to obtain and/or preserve such evidence. The Administrator or their designee Administrative Coordinator shall work with the MIS Department to preserve any documents or electronic communications which are on the County's computer system.

D. Retaining an Investigator; Defining the Scope of the Investigation; Interviews. Upon being advised of an allegation or potential claim of harassment or discrimination, the Administrator or their designee Administrative Coordinator shall obtain assistance in the form of the Corporation Counsel, County labor attorney or other consultants necessary to conduct the investigation. Any investigator utilized by the County should have an understanding of the issues involved in the investigation and have experience in conducting investigations involving those issues.

The investigator shall be provided with and knowledgeable of all relevant County policies, procedures and guidelines that may pertain to the alleged harassment. The investigator should determine the individuals who need to be interviewed including the complainant, the accused, witnesses and any other potential witnesses with information and proceed to conduct interviews of those individuals. Interviews should, to the extent practicable, be recorded. The investigator shall obtain and/or preserve all available evidence relevant to the harassment allegations, including any documents, electronic correspondence or other evidence.

During the course of the investigation, the investigator should continually determine whether additional interviews and investigation is required. Follow-up interviews of additional witnesses should be conducted and additional information obtained based on the information provided.

E. Completion of the Investigation; Conclusions and Recommendations.

At the completion of the investigation, the investigator shall finalize the investigation by summarizing:

- The background of the investigation, including any allegations made;
- The interviews and other investigative steps conducted;
- The applicable guidelines, policies, laws and regulations which apply to the alleged conduct; and
- The key findings and the rationale for those findings, including inconsistencies in statements, admissions and credibility determinations.

The investigator shall also draw conclusions regarding the alleged harassment based on the interviews and evidence obtained. The following issues should be addressed prior to making any recommendations:

- Whether some form of harassment or harassing conduct occurred;
- The seriousness of the harassing behavior;
- Whether the accused had previously been asked to eliminate such conduct in the past;
- Whether the accused is a manager, supervisor or co-employee of the complainant;
- What action the County has taken to address similar conduct in the past;
- Whether the accused had been provided with the County's policies against harassment and/or had undergone harassment training; and
- The likelihood that the accused will engage in similar conduct in the future.

In the event that the investigator concludes that the accused engaged in conduct which constitutes harassment, the investigator shall provide a recommendation as to the appropriate disciplinary action which may include one or more of the following actions:

- Verbal discussion/counseling with the accused
- Written warning
- Suspension
- Demotion
- Transfer
- Reduction in compensation (wage cut, bonus ineligibility, etc.)
- Termination

If disciplinary action is recommended, the investigator's findings and recommendations shall be forwarded to the Administrator or their designee ~~Finance and Personnel Committee~~ for final approval of disciplinary action against the accused. If the investigator concludes that the allegations are unfounded, a copy of the investigator's findings and conclusions shall be forwarded to the Administrator or their designee ~~Administrative Coordinator~~ for filing along with all investigative materials as set forth below.

Once the investigation has ended, regardless of whether disciplinary action is recommended, the investigator must transmit to the Administrator or their designee ~~Administrative Coordinator~~ a copy of all information collected during the investigation including, but not limited to, all documents, images, communications and audio recordings of interviews relied upon by the investigator to make his or her findings, conclusions and recommendations. The investigation file shall be maintained by the Administrator or their designee ~~Administrative Coordinator~~ and kept strictly confidential.

F. Follow-up after Conclusion of Investigation. Regardless of whether it is determined that the allegations are well-founded, the Administrator or their designee ~~Administrative Coordinator~~ should reiterate the County's no harassment/discrimination policy to the accused, the complainant and all individuals involved in the investigation and should document such training. To the extent that the accused remains employed by the County following the completion of the investigation, the Administrator or their designee ~~Administrative Coordinator~~ shall follow-up with the accused and any witnesses of the alleged harassment to ensure that the accused has ceased all objectionable behavior and that the victim and any witnesses have not suffered any adverse consequences because he/she made a complaint or participated in the investigation. This follow-up should be conducted regularly over the course of the three (3) months following the investigation and longer if determined necessary by the Administrator or their designee ~~Administrative Coordinator~~.

VIII. ACCIDENT/INJURY RESPONSE AND REPORTING

All injuries or accidents involving employees or visitors must be reported immediately to the Department Head and to the Administrator or their designee ~~County Clerk~~. Department Heads and management personnel must instruct and remind all employees to immediately report all workplace safety issues and work-related injuries and illnesses regardless of their severity and that the failure to do so could be the subject of discipline. Department Heads or their designee shall take immediate action to correct or minimize to a reasonable standard of safety any hazard of which they become aware.

IX. DRUG AND ALCOHOL POLICY AND REASONABLE SUSPICION TESTING PROCEDURES

Note: Certain county positions are subject to state and federal drug and alcohol testing standards and procedures such as positions that require a CDL license. State and federal law will control in the event of a conflict with this policy.

A. Introduction. In compliance with the Drug-Free Workplace Act of 1988, the County has a longstanding commitment to providing a safe, quality-oriented and productive work environment

consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of County employees and the public and threatens the security of our equipment and facilities. For these reasons, the County is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. If this policy conflicts with state or federal law regarding testing for drugs and alcohol for certain county positions, the state or federal law shall supersede this policy. Department Heads, in conjunction with the Administrator or their designee~~Administrative Coordinator~~, are responsible for policy administration.

B. Definitions.

“County Premises” includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned or leased by the County or on any site on which the County is conducting business.

“Illegal Drug” means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

“Refuse to Cooperate” means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure.

“Under the Influence of Alcohol” means an alcohol concentration greater than 0.0, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

“Under the Influence of Drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over-the-counter) where there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken, and the period of authorization).

C. Employee Assistance and Drug-Free Awareness. Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Administrator of their designee~~County Clerk’s office~~, who has been trained to make referrals and assist employees with drug/alcohol problems.

The County will assist and support employees who voluntarily seek help for such problems. Employees may use accrued paid time off or request a leave of absence to obtain treatment or counseling. Such employees may be required to document that they are successfully following

prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or have violated this policy previously.

Employees must report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

D. Work Rules Regarding Drugs and Alcohol. Whenever employees are working, are operating any County vehicle or equipment, are present on County premises, or are conducting County-related work off-site, they are prohibited from:

- using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia);
- being under the influence of alcohol or an illegal drug as defined in this policy; and
- possessing or consuming alcohol.

The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing County business or while in a County facility, is prohibited.

The County will also not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce this if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

E. Required Testing for Reasonable Suspicion. Employees are subject to testing based upon (but not limited to) observations by supervisors of apparent workplace drug or alcohol use, possession or impairment. The ~~Administrator or their designee~~~~Administrative Coordinator~~, Corporation Counsel or the County's labor attorney shall be consulted before sending an employee for testing. All levels of supervision making this decision must utilize the "Observation Checklist" attached as Addendum C to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs and/or alcohol.

If the results of the "Observation Checklist" indicate further action is justified, the Department Head or supervisor should confront the employee with the documentation and advise the employee that the County has reasonable suspicion to believe that he/she is affected by illegal drugs or alcohol and that testing is required to confirm or deny this suspicion. The County's designated testing facility is Richland Hospital. Under no circumstances will the employee be allowed to drive himself or herself to Richland Hospital for testing. A Department Head or supervisor must escort the employee; the Department Head or supervisor must also make arrangements for the

employee to be transported home. Under no circumstances will the employee be allowed to drive himself or herself home.

F. Collection and Testing Procedures.

1. Alcohol Testing. Employees subject to alcohol testing shall be driven to Richland Hospital and directed to provide breath specimens. Breath specimens shall be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is greater than 0.0, a second breath specimen shall be tested approximately 20 minutes later. The results of the second test shall be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the County's discretion. The Department Head shall obtain documentation from the testing facility regarding the results of the test.

2. Drug Testing. Applicants and employees subject to drug testing shall be driven to Richland Hospital and directed to provide urine specimens. Employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens shall be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opiates, amphetamines, PCP, benzodiazepines, methadone, methaqualone and propoxyphane use. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory shall screen all specimens and confirm all positive screens. There shall be a chain of custody from the time specimens are collected through testing and storage. The laboratory shall transmit all positive drug test results to the Department Head.

G. Administrative Suspension Pending Results of Testing. Employees will be paid for time spent in alcohol/drug testing and then administratively suspended with pay (if the results of the testing are not immediately known) pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include the Department Head, the County's labor attorney or a human resources representative.

H. Consequences of a Positive Test or Refusal to Submit to Testing. Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending upon the circumstances and the employee's work history/record, the County may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which could include follow-up drug or alcohol testing at times and frequencies determined by the County for a minimum of one (1) year. If the employee either does not complete their rehabilitation program or tests positive after completing the rehabilitation program, they will be subject to immediate discharge from employment.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested yet the Department Head believes they are impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

I. Confidentiality. Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the County shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee.

X. PROCEDURES FOR COMMITTEE AGENDAS, MINUTES AND RESOLUTIONS

In accordance with the Rules of the Richland County Board (attached as Addendum D), a copy of all agendas and minutes of county board committee meetings must be sent to the County Clerk's office. A copy of all proposed resolutions appearing on the agenda of a county board committee meeting must be sent to the County Clerk's office and Corporation Counsel. All agendas and minutes must be sent to the MIS Department to be placed on the County's official website.

XI. PROCEDURES FOR APPROVAL OF EXPENDITURES AND USE OF PERSONAL CREDIT CARDS

For those department heads who have regularly-scheduled oversight committee meetings, it is his/her responsibility to provide the oversight committee with documentation of expenditures for approval. Approval of expenditures must be a part of the monthly agenda. For those departments which have less frequent committee meetings, a semi-annual review of the budget and expenditures is required.

The County's voucher system is the approved process for making expenditures for the County. Use of personal credit cards is not an approved method for County expenditures and their use is discouraged. Prior approval must be obtained to use a personal credit card for County expenditures.