

**SHEBOYGAN COUNTY ORDINANCE NO. 05 (2013/14)**

Re: **Amending County Employee Grievance Procedure**

**WHEREAS**, pursuant to the requirements of Wis. Stat. § 66.0509(1)(m), the Sheboygan County Board enacted Ordinance No. 6 (2011/12) on November 1, 2011, creating a County Employee Grievance Procedure, and

**WHEREAS**, in reviewing the procedure, the Human Resources Committee has determined that there are areas where the procedure can be clarified and can provide the potential for a more even-handed approach to discipline than the original language of the Ordinance, and

**WHEREAS**, it is in the best interests of Sheboygan County to amend the County Employee Grievance Procedure Ordinance to incorporate those provisions.

**NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Order of Business as to Grievance Procedure..**

Section 2.04(2) of the Sheboygan County Code of Ordinances is hereby amended as follows (additions indicated by redlining; deletions by strike-through):

2.04(2) The order of business for all other meetings except the budget review session, special sessions, and the Organizational Meeting shall be as follows:

- (a) Call to order.
- (b) Certification of compliance with Open Meeting Law.
- (c) Pledge of Allegiance.
- (d) Roll call.
- (e) Approval of Journal.
- (f) Committee and other appointments.
- (g) Presentations.
- (h) Public Addresses to the Board.
- (i) Letters, Communications, and Announcements.
- (j) County Administrator's report.
- (k) Public Hearings.
- (l) Reports of Committees on referrals of Resolutions and Ordinances and action thereon in the following order:
  - 1. Executive Committee.
  - 2. Other standing committees in alphabetical order.
  - 3. Special committees.
- (m) Elections.
- (n) Other Committee reports and action thereon, if any.
- (o) Introduction of Resolutions, discussion, and action thereon. (All new Resolutions referred to Committees shall be read, titles only.)
- (p) Introduction of Ordinances, discussion, and action thereon. (All new Ordinances referred to Committees shall be read, titles only.)
- (q) Grievance Appeals required by Section 48.09 of this Code.
- (qr) Adjournment.

Section 2. **Amending Grievance Procedure.** Section 48.08(2) of the Sheboygan County Code of Ordinances are hereby amended as follows (additions indicated by redlining; deletions by strike-through):

48.08(2) The Human Resources Director shall upon receipt of a written hearing request appoint an impartial hearing officer/examiner to hear the matter. ~~The impartial hearing officer shall be selected by the Human Resources Director with the approval of the County Administrator from among the Department Heads but shall not be a person who supervises the employee. Alternatively, in~~ the discretion of the Human Resources Director, with the approval of the County Administrator, the Human Resources Director may select a person who is not affiliated with the County. Alternatively, the impartial hearing examiner may be selected by the Human Resources Director with the approval of the County Administrator from among the Department heads but shall not be a person who supervises the employee.

Section 3. **Amending Grievance Procedure.** Section 48.08(8) of the Sheboygan County Code of Ordinances are hereby amended as follows (additions indicated by redlining; deletions by strike-through):

- (8) The employee has the burden of proof in an employee discipline grievance to show that the County's discipline was arbitrary and capricious and/or that the County did not adhere to the time limits or other grievance process requirements established under this Chapter. The County has the burden of proof in a workplace safety grievance. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence.

Section 4. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of June, 2013.

**HUMAN RESOURCES COMMITTEE**

Devin LeMahieu  
Devin LeMahieu, Chairperson

Fran Damp  
Fran Damp, Vice-Chairperson

George Marthenze  
George Marthenze, Secretary

Keith Abler  
Keith Abler

Edward J. Procek  
Edward J. Procek

Opposed to Introduction:

ENACTED 07.16.2013

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