

1 **Resolution #12-2009**

2  
3 **GENERAL CODE OF ONEIDA COUNTY, WISCONSIN**  
4 **ORDINANCE AMENDMENT #**

5  
6 **Ordinance Amendment offered by Supervisors of the Labor Relations and Employee**  
7 **Services Committee**

8  
9 **Whereas**, the Oneida County Board of Supervisors has been made aware of future  
10 budget constraints, and

11  
12 **Whereas**, the Labor Relations and Employee Services Committee has reviewed the  
13 Vacancy Review Policy and recommends necessary changes due to the economy and budget  
14 constraints.

15  
16 **NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF**  
17 **SUPERVISORS DOES ORDAIN AS FOLLOWS:**

18 Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict  
19 with this ordinance shall be and hereby are repealed as far as any conflict exists.

20 Section 2. This ordinance shall take effect the day after passage and publication as  
21 required by law.

22 Section 3. If any claims, provisions or portions of this ordinance are adjudged  
23 unconstitutional or invalid by a court of competent jurisdiction, the  
24 remainder of this ordinance shall not be affected thereby.

25 Section 4. Section 4.32 of the General Code of Oneida County, Wisconsin, is amended as  
26 follows [additions noted by underline, deletions noted by strikethrough]:

27  
28 4.32 Filling Position Vacancies. ~~When a permanent vacancy exists or is anticipated in an existing~~  
29 ~~position or classification, the department head in conjunction with the committee of jurisdiction~~  
30 ~~and Labor Relations and Employment Services Committee, shall review the position and~~  
31 ~~determine whether to fill the position provided funding exists for the position. Any vacant~~  
32 ~~position that is not authorized to be filled according to the rules and that remains vacant for a~~  
33 ~~period of six consecutive months shall automatically be eliminated. Vacancies shall be filled as~~  
34 ~~follows:~~

35  
36 (1) Notification of Position Vacancy. All County departments shall notify their Committee  
37 of Jurisdiction Chairman and the Labor Relations and Employee Services Department of  
38 a position vacancy (the term vacancy used herein includes current or future vacancies).  
39 This notification shall occur within three working days of the department becoming  
40 aware of the vacancy or future vacancy. This notification shall also include whether or  
41 not the department head wishes to fill the vacancy or future vacancy.

42  
43 (2) Mandatory Vacancy Period.

44  
45 (A) Due to budget constraints, the LRES Committee/County Board has mandated that all  
46 positions remain vacant for six (6) months. An exception may only be made where  
47 public safety or welfare would be immediately placed in jeopardy. Under said  
48 exceptions, Department Heads must still follow the steps for filling the vacancy as  
49 outlined in this process/policy under (4) Deliberation of vacancy.

50 (B) Only those positions specifically identified below will be exempt from the six (6) month

vacancy mandate:

1. Non-Tax Levy supported positions that are supported completely and directly by federal, state, or other external revenues.
2. The Chief Deputy, Lieutenants, Jail Administrator and Assistant Jail Administrator positions assigned to the Sheriff's Office are exempt from the moratorium.
3. Any Deputy Sheriff, Lead Corrections Officer, Lead Telecommunicator, Corrections Officer, Telecommunicator, Sergeant, or Detective Sergeant in the Sheriff's Office that becomes vacant must be held open for at least eight (8) weeks. Once the eight (8) weeks has elapsed, the Department may proceed with the recruitment process without appeal.
4. Child and Adult Protective Social Workers and Economic Support Specialists positions are exempt from the moratorium.
5. The Attorney and Paralegal assigned by Corporation Counsel to CHIPS and Adult Protective Services cases.
6. All other positions will be subject to the moratorium and will not be filled for six (6) months unless, an appeal is granted by the Labor Relations and Employee Services Committee.
7. Thirty Days prior to the end of the six (6) month period a Department Head may wish to pursue the steps outlined in this process for having the vacancy filled.

(3) Appeal Process. Department Heads may appeal to the County Coordinator to fill positions covered by the vacancy mandate. Appeals should be submitted per the guidelines set forth in (4) Deliberation of Vacancy below.

(4) Deliberation of Vacancy.

- (A) Whenever the department head wishes to fill the vacancy, the Department Head and Employee Services Manager will review the job description and make any necessary changes.
- (B) The Department Head shall present to the County Coordinator his/her rationale for filling the vacancy, the costs associated with filling the vacancy, funding sources, the job duties to be performed, alternatives to filling the vacancy, and any other pertinent information.
- (C) The County Coordinator shall indicate in writing to the Department Head if he/she is in support of filling the vacancy.
- (D) The Department Head shall present to the Committee of Jurisdiction his/her rationale for filling the vacancy, the costs associated with filling the vacancy, funding sources, the job duties to be performed, alternatives to filling the vacancy, and any other pertinent information including whether or not the County Coordinator supports filling the vacancy.
- (E) The Committee of Jurisdiction may decide not to fill the vacancy, in which case, no recruitment activity will commence. If the Committee of Jurisdiction wishes to have the vacancy filled, it will make and pass a motion to that effect, and will forward the recommendation on to the Labor Relations and Employee Services (LRES) Committee.
- (F) The LRES Committee will review the position with the County Coordinator and the Department Head and any other interested person(s). If the LRES Committee agrees with the recommendation to fill the vacancy, it will make and pass a motion to that effect. Recruitment activity will then commence.

- 102 (5). Approval. Once approval has been obtained, recruitment procedures as detailed in the  
103 General Code of Oneida County shall commence.  
104
- 105 (6). The County Coordinator and the chairpersons of the Committee of Jurisdiction and the  
106 Labor Relations and Employee Services Committee may authorize an emergency filling  
107 of a vacancy. This emergency authorization must be confirmed by a majority vote of the  
108 members of the committee of Jurisdiction and the Labor Relations and Employee  
109 Services Committee at their next meeting(s). An emergency authorization may only be  
110 made where public safety or welfare would be immediately placed in jeopardy.  
111
- 112 (7) Elimination of Position.  
113
- 114 (A) Thirty days prior to the end of the six (6) month vacancy period, a Department Head may  
115 ask that the position be reviewed and evaluated by the County Coordinator and a  
116 recommendation given to the LRES Committee regarding the need to continue the  
117 position. The position vacancy will be placed on the LRES Committee agenda where a  
118 final determination shall be made.  
119
- 120 (B) Any vacant position that is not authorized to be filled according to the rules contained  
121 herein, and remains vacant for a period of more than six (6) consecutive months, shall  
122 automatically be eliminated.  
123
- 124 (C) Any vacant position, funded by grant monies, where the grant monies are no longer  
125 available, in whole or in part, shall be eliminated.  
126
- 127 (8). Approved vacancies shall be filled as follows:  
128
- 129 (A) Whenever it is felt the local area could support filling a vacancy by advertising in the  
130 official County newspaper, such advertisements shall be made. Other forms or sources of  
131 public notice may be used at the discretion of the County Coordinator. Public  
132 announcements of vacancies shall include at least the following information:
- 133 1. Classification/Position title.  
134 2. Department where the position vacancy exists.  
135 3. Salary range.  
136 4. Benefit summary.  
137 5. Minimum qualifications and requirements of the position.  
138 6. Address and phone number to request and submit application.  
139 7. Application deadline.  
140 8. EEO statement; drug free, alcohol free and smoke free workplace  
141 statement.
- 142 (B) In some positions, including new hires for regular and permanent part-time positions, a  
143 medical examination may be required. For those employees required to have a  
144 Commercial Drivers Licenses (CDL), a drug and alcohol test is required prior to  
145 employment and each applicant will provide any drug and alcohol testing information as  
146 required by the Department of Transportation mandated regulations. Each applicant will  
147 sign a waiver for release of information from their previous employers for the purpose of  
148 reference checks. Each applicant must also file a County application form with the office  
149 identified in the job ad.
- 150 (C) Applicant evaluation prior to oral evaluations may consist of one (1) or more of the  
151 following as deemed appropriate by the County Coordinator, department head, oversight  
152 Committee or Labor Relations and Employee Services Committee:

- 153                    1.       Written examinations.
- 154                    2.       Evaluation of education, qualifications and experience.
- 155                    3.       Performance of tasks required.
- 156                    4.       Other requirements allowed by law.
- 157       (D) A Selection Committee shall be appointed consisting of any two (2) or more members
- 158       selected from the following:
- 159                    1.       Oversight Committee member(s).
- 160                    2.       Department Head or designee.
- 161                    3.       Labor Relations and Employee Services Committee member(s).
- 162                    4.       County Coordinator.
- 163                    5.       Employee Services Manager .
- 164       (E) Initial screening of applicants will be done by the Labor Relations and Employee
- 165       Services Office. The Selection Committee shall participate in the screening and formal
- 166       interview process of all non-elected department head positions and shall be responsible
- 167       for the hiring decision, unless otherwise required by statute. If the Selection Committee
- 168       so desires, it may screen the applications after the deadline for accepting applications has
- 169       passed, using experience and qualifications criteria. In screening applications, the
- 170       County Coordinator’s Office shall certify to the departments those applicants who are
- 171       eligible for final selection. The screeners may reduce the number of applicants
- 172       interviewed to a number not less than five (5) provided five (5) or more qualified
- 173       individuals have applied. When possible, the County Coordinator’s Office shall certify
- 174       only the top five (5) ranked applicants. If the selection process does not provide for the
- 175       ranking of applicants, the County Coordinator’s Office shall, if possible and under
- 176       specific criteria, establish categories of “most qualified, second most qualified, third most
- 177       qualified,” and so on. The department shall first make employee selections based upon
- 178       selections from the first category, then the second category, and so on. If neither of the
- 179       above two methods is available, the County Coordinator’s Office may certify all
- 180       applicants or implement random selection methods to reduce the applicant pool to a more
- 181       manageable number.
- 182       (F) Applicants will be notified at least five (5) working days prior to the date of the
- 183       scheduled interview when possible. Applicants not selected for interview shall, if
- 184       possible, be notified by mail on the same date as those who are selected for interview.
- 185       (G) The Selection Committee shall conduct oral evaluation interviews and shall certify the
- 186       top three (3) applicants, provided three (3) qualified individuals have applied to fill
- 187       possible vacancies in the ensuing year. Where a certified eligibility list exists, the
- 188       department head shall fill the vacancy from the list.
- 189                    1.       The application forms, ratings and certified eligibility list shall be
- 190                    utilized for future vacancies in the same classification for a period not to
- 191                    exceed twelve (12) months. If less than three (3) qualified applicants
- 192                    remain available to fill a vacancy in the same classification during said
- 193                    period, the department head may request that the formal selection
- 194                    process be reinitiated.
- 195                    2.       At the request of the Department Head, the Selection Committee may
- 196                    certify more than three (3), provided that all certified applicants meet the
- 197                    minimum qualifications. The County Coordinator shall verify that all of
- 198                    the certified applicants meet the minimum qualifications.
- 199       (H) No applicant shall be considered for a vacancy where appointment to such vacancy
- 200       would result in members of an immediate family being employed in a direct supervisor-
- 201       employee relationship.
- 202       (I) No person shall serve as a member of the Selection Committee for a vacancy in which an
- 203       applicant is a member of his/her immediate family. Any Selection Committee member

204 named as a reference shall be disqualified from voting on the vacancy for that applicant.  
205 In the event an interviewer is uncomfortable with evaluating an applicant, the interviewer  
206 should identify the concern to the other interviewers and a decision should be made  
207 collectively whether the interviewer should or should not participate.

208 (J.) The County Coordinator will verify eligibility of interviewers when coordinating  
209 interviews.

210 (K.) Applicants selected to receive a formal job offer shall be notified in writing by the  
211 County Coordinator. This job offer shall include the pay rate, percentage of full-time  
212 employment, position title, appropriate department, shift if appropriate, and shall request  
213 a written acceptance letter which includes the individual's proposed start date.

214 (L.) Exceptions to this process are outlined in Sections 4.35 Promotions and 4.36 Transfers.

215 (M.) Upon request by the department head, as required by statute, and authorized by the  
216 County Coordinator, Oneida County may conduct background investigations and  
217 reference checks on applicants.

218

219 Approved by the Labor Relations and Employee Services Committee on .

220

221 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority = \_\_\_\_\_

222

223 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by  
224 the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

225

226

227 Offered and passage moved by:

228

\_\_\_\_\_  
Supervisor

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\_\_\_\_\_  
Supervisor

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Supervisor

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Supervisor

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243 Seconded by: \_\_\_\_\_

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246 \_\_\_\_\_ Ayes

247

248 \_\_\_\_\_ Nays

249

250 \_\_\_\_\_ Absent

251

252 \_\_\_\_\_ Abstain

253

254

255 \_\_\_\_\_ Adopted  
256  
257 by the County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_ 2009.  
258  
259 \_\_\_\_\_ Defeated  
260  
261 \_\_\_\_\_  
262 Robert Brusio, Clerk Andrew P. Smith, County Board Chair