

ORDINANCE

SUBJECT: GRIEVANCE PROCEDURES

COMMITTEE: EXECUTIVE COMMITTEE

FIRST CONSIDERATION: April 17, 2012

FINAL CONSIDERATION: May 17, 2012

ORDINANCE # 98 - 5/12 **PUBLICATION DATE** May 27, 2012

The County Board of Supervisors of La Crosse County does ordain as follows:

AN ORDINANCE TO AMEND S. 3.09 OF CHAPTER 3 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN REGARDING GRIEVANCE PROCEDURES

ANALYSIS

2011 Wisconsin Act 10 requires a local governmental unit to establish a grievance procedure if the unit has not established a civil service system. This ordinance updates the County grievance procedure to meet the elements required by state law, which include providing a hearing before an impartial hearing officer and an appeal process where the highest level of appeal is the governing body of the local governmental unit. The ordinance provides for a grievance procedure for disciplinary matters and for workplace safety issues. The ordinance also references a separate policy that will provide more detail regarding the County grievance procedures.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/.

(rev. 3/03)

ORDINANCE #98 - 5/12

**AN ORDINANCE TO AMEND S. 3.09 OF CHAPTER 3
OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN
REGARDING GRIEVANCE PROCEDURES**

County Board of Supervisors of the County of La Crosse does hereby ordain as follows:

Section 1. Section 3.09 of the County Code is amended to read:

3.09 GRIEVANCE PROCEDURES.

(1) Employees of the County who are regular, temporary, or seasonal full or part time and who have received disciplinary action, termination, or believe there is a workplace safety issue affecting their status shall have the right to appeal such action or safety issue in accordance with the following prescribed rules; provided employees who are elected, are covered by an existing labor agreement or by state statute, or independent contractors shall not have recourse through such rules but shall follow those procedures prescribed by statute or labor agreement. In discipline cases involving unpaid suspension or termination, the employee shall have the right to representation by a person of the employee's choosing at the employee's expense at all stages of the grievance procedure, except that the employee's representative shall not be a material witness to the grievance matter. Detailed rules and procedures consistent with this section shall be outlined in a separate document and approved by the Executive Committee.

(a) The employee shall first discuss the matter with the immediate supervisor or Department Head within 10 calendar days of the alleged action. If the matter is not resolved within 7 calendar days, an appeal may be made to the next step.

(b) The employee may appeal in writing to the County Personnel Director within the next 7 calendar days. The Director shall meet with both parties within 10 calendar days of the appeal and attempt to adjudicate and resolve the matter. If it is not resolved, then upon written request of the complaining party within 5 calendar days from receipt of the Personnel Director's response, the matter shall be referred to the County Administrator, who shall provide for the appointment of an Impartial Hearing Officer (IHO) in accordance with the approved procedures.

(c) The IHO shall review and hold a hearing on the matter. The parties directly involved may employ counsel at their own expense. The IHO may issue subpoenas and witnesses shall be sworn by the IHO. The hearing shall be informal, and rules of evidence and law may not necessarily apply. The parties may present evidence and call and examine witnesses and cross-examine witnesses of the other party. In discipline and termination cases the County shall have the burden to show just cause for the action taken.

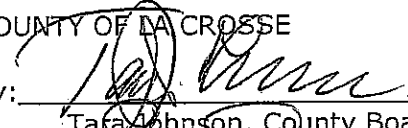
(d) The IHO may sustain or deny the grievance. The IHO may not change or modify any discipline imposed, unless sustaining the grievance means that discipline must be modified. In workplace safety cases, the IHO can recommend a corrective remedy. The IHO's decision shall be made in 45 calendar days after the hearing. The decision of the IHO shall be final and binding on the parties involved unless the aggrieved employee or the County appeals to the County Board.

(e) The employee or the County must appeal in writing to the County Board within 20 calendar days of receipt of the decision from the IHO and such appeal must specify the reasons for the appeal.

(2) Final appeal shall be to the County Board. The appeal shall be limited to a review of the record. The appeal will be first reviewed by the Executive Committee, which Committee will make a recommendation to the County Board. The Executive Committee and/or County Board may affirm (in full or in part), reverse (in full or in part), or modify the IHO's decision. The decision of the County Board is final and non-appealable.

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

COUNTY OF LA CROSSE

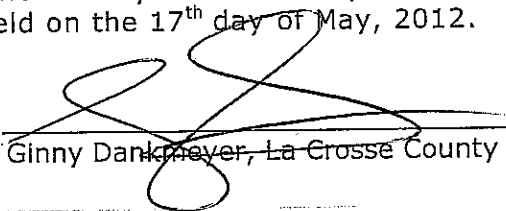
By: 
Tara Johnson, County Board Chair

By: 
Ginny Dankmeyer, County Clerk

PASSED: May 17, 2012
PUBLISHED: May 27, 2012

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 17th day of May, 2012.


Ginny Dankmeyer, La Crosse County Clerk