

PORTAGE COUNTY CODE OF ORDINANCES

Chapter 3 ADMINISTRATION OF COUNTY GOVERNMENT

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3.1 THE PORTAGE COUNTY BOARD OF SUPERVISORS STRUCTURES AND RESPONSIBILITIES OF THE STANDING COMMITTEES AND STANDING APPOINTMENTS OF THE PORTAGE COUNTY BOARD

Overview. This section details the membership, structure, terms, per diem policies and appointment structure of the standing committees of the Portage County Board of Supervisors and for permanent memberships and appointments of the Board as well. As a general rule, per diem payments are authorized for county board supervisors for attendance at regular committee meetings and for bona fide county business. Supervisor and citizen member (where specifically authorized in this code) per diems will be given for subcommittee meeting when designated and authorized by a majority of the standing committee through the special meeting approval process. As a general rule and unless otherwise specified, per diem and mileage payments are not authorized for citizen members of committees for attendance at regular committee meeting, for county business, or for subcommittee meetings.

Terms of Offices. Unless otherwise specified by Statute or agreement of the County Board of Supervisors, all supervisor and citizen member committee and commission terms shall end on the Monday in April before the third Tuesday (or other designated month) in the last year of such term. New terms will therefore commence on the third of Tuesday of the designated month. The April terms are intended to coincide as nearly as possible with the two-year terms of the County Board Supervisors.

STANDING COMMITTEES OF THE PORTAGE COUNTY BOARD

3.1.1. AGRICULTURE AND EXTENSION EDUCATION COMMITTEE (Statutory)

- a. Five members.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To comply with all appropriate statutory duties as described in Chapter 59.87 and other sections of the Wisconsin State Statutes.
- f. To set policy and provide policy guidance and legislative oversight for the activities of the Portage County University Extension Office and determine Educational program needs in cooperation with U.W. Extension.
- g. Audit claims under dog license law and make recommendations to the County Board.
- h. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.2 BOARD OF ADJUSTMENT (Statutory)

- a. Five members, with two alternate members.
- b. Selected by the County Executive for appointment and subject to confirmation by the County Board.
- c. Members must reside outside the limits of incorporated cities and villages, provided however that no two members shall reside in the same town.
- d. Term of three years, expiring the last day of June of the designated year.
- e. To carry out the duties in accordance with Section 59.694 of the Wisconsin State Statutes.
- f. Per Diem: Members shall be entitled to per diems and mileage.

3.1.3 IS NO LONGER NEEDED BECAUSE THE CAPITAL IMPROVEMENTS/ECONOMIC DEVELOPMENT COMMITTEE NO LONGER EXISTS (3-17-20)

3.1.4 CENTRAL WISCONSIN JOINT AIRPORT BOARD

- a. Three members. Two County Supervisors and one Citizen member. Citizen member's term expires the Monday before the third Tuesday in April of odd-numbered years.
- b. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- c. Selected by the Executive/Operations Committee for appointment by the County Board.
- d. To set policy and provide guidance and legislative oversight for the activities of the Central Wisconsin Airport as defined in the Joint Agreement with Marathon County.
- e. Per Diem: County Supervisors and citizen members shall be entitled to per diems and mileage.

3.1.5 COMMISSION ON AGING/AGING AND DISABILITY RESOURCE CENTER BOARD

- a. Ten members. Three County Supervisors and seven citizen members.
- b. Of the seven (7) target group citizen members, five (5) shall be age 65 or older; of the remaining two (2) target group members, one (1) shall be an adult with a physical disability, or their family member or other representative; and one (1) shall be an adult with a developmental disability, or their family member or other representative as set forth by State policy. Each of these members may only represent one target group and elected county officials may not serve as a representative for any of these target group members. Individuals who are elected to any office (including the Portage County Board of Supervisors) may not constitute 50% or more of the membership of the

COA/ADRC Board. The composition of the COA/ADRC Board shall reflect the ethnic and economic diversity of Portage County; and

c. Any individual who has a financial interest in, or serves on the governing Board of, a Managed Care Organization (MCO), PACE Program, Family Care Partnership Program, or SSI managed care plan and IRIS Independent Consultant Agency or Financial Services Agency – that provides service in Portage County or who has a family member with any of these same conflicts, is prohibited from serving on the COA/ADRC Board. Providers offering long term care services in Portage County for older adults or people with physical or developmental disabilities are also prohibited from serving on the governing board. County employees may not serve on the COA/ADRC Board, unless prior authorization for exceptional circumstances is obtained from the Wisconsin Department of Health Services.

d. Term of two years for County Supervisors, coinciding with the term of the County Board Supervisors and a three year term for citizen members, ending the Monday before the third Tuesday in April of the odd or even numbered year. No member may serve more than six consecutive years.

e. All members to be selected by the County Executive for appointment and subject to confirmation by the County Board.

f. The Commission on Aging/Aging & Disability Resource Center Board shall be responsible to set policy and provide policy guidance and legislative oversight for the programs and services of the county aging unit and the Aging and Disability Resource Center.

g. Per Diem: County Supervisors and Citizen members shall be entitled to per diems and mileage.

3.1.6 DIVERSITY AFFAIRS AND INCLUSIVENESS COMMITTEE

a. Seven members as follows:

1. Three County Supervisors shall be selected by the County Board Chair for appointment, approved by the Executive/Operations Committee, and are subject to confirmation by the County Board;

2. Four citizen members from marginalized and/or underrepresented communities in Portage County. If fewer than four citizens meeting these criteria apply to serve, then up to four citizen members who work directly with marginalized and/or underrepresented communities in Portage County may be selected to serve on the committee; and

3. Citizen members shall be selected by the County Executive for appointment, approved by the Executive/Operations Committee, and are subject to confirmation by the County Board.

b. Term of two years for all members coinciding with the term of the County Board of Supervisors.

c. The Chairperson shall be an elected member of the County Board of Supervisors.

d. The committee members will work collectively and individually to:

1. Enlist the cooperation of agencies, organizations, and individuals in the community to promote awareness and appreciation of diversity and inclusiveness;

2. Evaluate Portage County's policies for bias and make recommendations to reduce bias and create more inclusiveness;

3. Recommend strategies that improve Portage County's capacity to attract and retain people from groups that are either marginalized or underrepresented in central Wisconsin;

4. Promote equitable and fair access to public services; and

5. Develop strategies to address the public health issues related to discrimination, oppression, and racism.

e. The committee shall meet monthly and be accountable to the County Board.

f. Per Diem: County Supervisors and citizen members shall be entitled to per diems and mileage.

3.1.7 IS NO LONGER NEEDED BECAUSE THE EMERGENCY MEDICAL SERVICES OVERSIGHT BOARD (EMS BOARD) NO LONGER EXISTS (12-17-19)

3.1.8 IS NO LONGER NEEDED BECAUSE THE ETHICS COMMITTEE NO LONGER EXISTS (1-21-20)

3.1.9 EXECUTIVE/OPERATIONS COMMITTEE

- a. Five members, elected separately, (Majority vote required) consisting of the County Board Chair, First Vice-Chair, Second Vice-Chair and two additional County Board members.
- b. For the exclusive, limited purpose of carrying out the provisions of Section 3.6 of the Portage County Code of Ordinances, entitled "Code of Ethics for Portage County Public Officials and Employees" as set forth in section 3.1.9.I. below, the Executive Operations Committee shall consist of two additional citizen members, and the Corporation Counsel shall be an ex-officio, non-voting member. The two additional citizen members shall be selected by the Executive/Operations Committee for appointment by the County Board and will serve a term of two years coinciding with the term of the County Board of Supervisors, ending the third Monday before the third Tuesday of April of the designated year.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. To recommend for appointment by the County Board, the Supervisors and/or citizen members to staff the Committee/Board/Commission/Council/Authority as required by this resolution.
- e. To recommend to the County Board the creation and membership or the dissolution of any Committee/Board/Commission/Council/Authority.
- f. To act as a rules Committee for defining the areas of jurisdiction for each Committee, for referral of matters to the proper Committees and for recommending changes of Board procedure.
- g. To approve payment for all special meetings attended by County Board Committee members, and citizen members where authorized.
- h. To appoint a Supervisor to serve as Safety Officer for all safety matters in the County.
- i. To address County related issues not falling within the area of jurisdiction of another County Board Committee/Board/Commission/Council/Authority or the County Executive.
- j. To meet as needed with the County Executive, Committee Chairs and Department Heads.
- k. To oversee Portage County's Strategic Planning Program.
- l. To carry out the provisions of Section 3.6 of the Portage County Codified Ordinance entitled "Code of Ethics for Portage County Public Officials and Employees," including the investigation, reporting and resolution of ethical misconduct allegations.
- m. At the direction of the Chair, to represent Portage County to the Wisconsin Counties Association, to review proposed state and local legislation concerning county Government and make recommendations thereon, and to act as liaison between the County Board and area Legislators.
- n. Per Diem: County Supervisors and citizen members shall be entitled to per diems and mileage.

3.1.10 FINANCE COMMITTEE

- a. Five members.
- b. Selected by the Executive Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To set policy and provide policy guidance and legislative oversight for the county's financial, insurance, risk management, information technology, treasury and tax, and purchasing operations, and to coordinate and work with the County Executive, Treasurer, Procurement Director, Information Technology Director, and Finance Director.
- f. To provide financial oversight for all financial matters of the County including budgeting and financial planning, financial reporting, and the creation and monitoring of internal controls and

accountability policies. This includes the areas of debt management, investment management, economic development, accounting and financial reporting, grants management, fund balance, risk management, internal controls, procurement, long-term financial planning, operational and capital budgeting, along with revenue and expenditure policies.

g. To provide for all necessary and appropriate lines of insurance coverage, including, without limitation: General Liability, Automobile Liability and Collision, Worker's Compensation, Umbrella, Fire and Extended, Boiler, Faithful Performance, False Arrest, Money and Securities, Burglary and Theft. To review notice of circumstances of claims, claims, losses, and make policy recommendations regarding loss prevention.

h. To set policy and provide policy guidance and legislative oversight for all matters pertaining to taking of tax deeds and canceling tax deeds.

i. To plan, review, and determine a schedule of capital improvements for implementation within the limits of the County's financial resources as provided for in the *Capital Improvements Program Handbook* in conjunction with guidance from the County Board and the County Executive.

j. To review and approve all agreements for the County related to the County's support of economic development activities. Further, to review, approve, and recommend to the County Board any financial incentive packages or offers involving County property or dollars, in an effort to secure development projects within Portage County and its municipalities. To review, evaluate, and set policy on any economic development projects or programs, including constructing, managing, operating, and marketing of the Portage County Business Park, along with establishing lot prices and any sales commissions. To review and make final decisions on any covenant waivers requested by developers in Portage County Business Park and to act on any site/building or landscape plan disputes that remain unresolved between the Director of Planning and Zoning and developers locating in the Portage County Business Park. Staff assistance for meetings shall be furnished by the Planning and Zoning Department.

k. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.11 HEALTH AND HUMAN SERVICES BOARD

a. Nine members. Six members to be County Supervisors and three citizen members. At least one member appointed to a county human services board shall be an individual who receives or has received human services or shall be a family member of such an individual. The remainder of the county human services board members shall be consumers of services, or citizens-at-large. Portage County will make a good faith effort to appoint a registered nurse and a physician to the Board, in compliance with sec. 251.03 Stats. No public or private provider of services may be appointed to the county human services board.

b. A three year term for citizen members and three year term for County Board members. Each year on the Monday before the third Tuesday in April, the terms of one citizen member and two County Board members will end to provide for the staggered terms. A County Board member may be removed for failure of re-election as provided by law. All terms to end on the Monday in April before the third Tuesday and shall begin on the third Tuesday in April.

c. All members to be selected by the County Executive for appointment and subject to confirmation by the County Board.

d. To set policy and provide policy guidance and legislative oversight for the activities of the consolidated departments of Health, Social Services and the 51.42 Board in accordance with Wisconsin State Statutes sec. 46.23, including the Division of Health Services, the Division of Community Programs, and the Division of Children and Family Services (including the Child Support Enforcement section).

e. Per Diem: County Supervisors and Citizen members shall be entitled to per diems and mileage.

3.1.12 HEALTH CARE CENTER COMMITTEE

- a. Five members.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Portage County Health Care Center.
- f. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.13 HIGHWAY COMMITTEE (Statutory)

- a. Five members.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Highway Department and comply with all appropriate statutes as pertains to roads and bridges.
- f. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.14 HOUSING AUTHORITY (Appointment Authority Only)

- a. Five members (Two County Board members and Three citizen members).
- b. One member of the three citizen members must be a participant of the Housing Authority of the County of Portage's Section 8 Housing Choice Voucher Program.
- c. Selected by the County Executive for appointment and subject to confirmation by the County Board.
- d. Term of five years, expiring on the last day of the month of September, County Supervisor's term subject to re-election.
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Housing Authority of the County of Portage to operate its units and programs to ensure diverse, affordable, and integrated housing is available to the residents and in all areas of Portage County, and to perform all duties as required by Wisconsin State Statutes 59.07(56), 59.075 and 66.40 through 66.404 (now 66.1201 through 66.1213). The Housing Authority of Portage County is a non-profit government agency, a Wisconsin municipal corporation (but is not part of the overall Portage County government). (The Housing Authority of the County of Portage is an independent entity separate and distinct from the County Board and County government but will retain certain in-kind county services per County Board Resolution and Administrative Memorandum of Understanding.)
- f. Per Diem: County Supervisors and Citizen members shall be entitled to per diems and mileage along with reimbursement of other necessary expenses incurred in the discharge of their duties per County Resolution 169-March 1988 and Wisconsin Statute 66.1201(5)(b).

3.1.15 HUMAN RESOURCES COMMITTEE

- a. Five members.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Human Resources Department.

- f. In consultation with the County Executive, to set policy for all matters pertaining to salaries, working conditions, employee benefits, including health and life insurance and job descriptions of all County employees; to negotiate with Union and other representatives of employees in all departments and units of the County with the advice and cooperation of Committees having jurisdiction over the various departments and units. To recommend approval of negotiated contracts to the County Board; to submit recommendations to the County Board the salaries of all elected officials, prior to the election of such officials.
- g. In consultation with the County Executive, and County Board approval, establish human resources policies and oversee conformance with such established policies.
- h. Conduct third-step grievance hearings.
- i. Act as a Grievance Committee for all matters under Section 59.21(a)&(b), Wisconsin State Statutes.
- j. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.16 JUDICIAL/GENERAL GOVERNMENT COMMITTEE

- a. Five members.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To set policy and provide guidance and legislative oversight for county-related activities of the offices of Clerk of Court, District Attorney, County Clerk, Register of Deeds, Family Court Commissioner, Veterans Service, Corporation Counsel, Portage County Circuit Court Offices, and Department of Justice Programs.
- f. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.17 LAND AND WATER CONSERVATION COMMITTEE (Statutory)

- a. Six members. Five County Supervisors, and one member from the elected County Office Committee of the Farm Service Agency (FSA) said member to be designated by FSA County Office Committee to a two year term by law.
 - 1. One County Supervisor from each of the following:
Planning and Zoning Committee, Solid Waste Management Board, Park Commission
 - 2. Two County Supervisors from the Agriculture and Extension Education Committee.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Chair to be County Supervisor.
- d. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Land and Water Conservation Office and carry out such duties as provided in Chapter 92 of the Wisconsin State Statutes.
- f. To deal with all matters relating to wind and water erosion and the prevention of water and air pollution including provisions of Chapter 33, Wisconsin State Statutes.
- g. Per Diem: County Supervisors and the citizen member shall be entitled to per diems and mileage.

3.1.18 IS NO LONGER NEEDED BECAUSE THE LAND PRESERVATION FUND COMMITTEE NO LONGER EXISTS (3-17-20)

3.1.19 LAND RECORDS MODERNIZATION COMMITTEE

- a. Fourteen members. Three County Supervisors and eleven other members. Supervisors will be representatives from the following committees: Finance, Planning and Zoning, and one at large member.
- b. Additional membership will be set as follows:
 1. Position Appointment-Portage County Land Information Officer.
 2. Position Appointment-Portage County Information Technology Manager.
 3. Position Appointment-County Surveyor.
 4. By Position-County Register of Deeds.
 5. Position Appointment-City of Stevens Point Surveyor.
 6. Position Appointment-Village of Plover GIS Manager.
 7. By Position-County Treasurer.
 8. Citizen appointment-assessor.
 9. Citizen appointment-professor of geography.
 10. Citizen appointment-a licensed realtor employed within the county.
 11. Citizen or position appointment-a public safety or emergency communications representative employed within the county.
- c. Term of two years for County Supervisors, coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year and a five year term for citizen and position-appointment members ending the Monday before the third Tuesday of April of the designated year. County Register of Deeds and County Treasurer will automatically be on the Committee by law without need for county board appointment.
- d. Citizens selected by the Executive/Operations Committee for appointment by the County Board.
- e. The Committee shall be responsible to set policy and provide policy guidance and legislative oversight for the county land records program. This oversight shall include the inventory of land records, review of the program and document and electronic services, and recommendation of any necessary changes or new program initiatives for land records.
- f. Per Diem: County Supervisors shall be entitled to per diems and mileage. Citizen members shall not be entitled to per diems and mileage.

3.1.20 PARK COMMISSION (Statutory)

- a. Seven members as follows four members from the County Board of Supervisors and three citizen members.
- b. Citizen members selected by the County Executive for appointment and subject to confirmation by the County Board.
- c. Term of seven years set by State Statutes, expiring the last day of June in the designated year for each citizen member, but not to exceed two consecutive terms. County Supervisor's term shall end when the commissioner's membership on the County Board terminates (each two year term), unless thereafter reappointed to the Commission pursuant to Sec. 27.02 Wis. Stats. The Chairperson shall be an elected member of the County Board of Supervisors.
- d. To set policy and provide policy guidance and legislative oversight for the activities of the County Parks Department and the Park System in accordance with Wisconsin State Statutes 27.02 through 27.06.
- e. To deal with matters pertaining to restoration of forests and encouragement of programs to assist in the restoration of wild life, game and fish within Portage County.
- f. Per Diem: County Supervisors and citizen members shall be entitled to per diems and mileage.

3.1.21 PLANNING AND ZONING COMMITTEE

- a. Five members.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.

- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. To set policy and provide policy guidance and legislative oversight for the activities of the Planning and Zoning Department and the County Surveyor's Office.
- f. To set policy and provide policy guidance and legislative oversight for short and long range county planning. To maintain an up-to-date comprehensive zoning ordinance for the County and to handle its application and implementation in the County as provided by Wisconsin State Statutes 59.69.
- g. To review all groundwater matters.
- h. To review and supervise street name and building numbering program.
- i. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.22 PORTAGE COUNTY JUSTICE COALITION

- a. Membership Listing. Numerous community and government officials to include the County Board Chairman, one supervisor each from the Finance, Public Safety, Judicial General Government, and Space and Properties Committee, and one at large supervisor. Additional supervisors may be added by necessity as set forth in paragraph c.
- b. Term of two years for County Supervisors coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- c. All members to be selected and nominated by the Executive Operations Committee and approved by the County Board.
- d. The Justice Coalition is an independent advisory body with its own charter charged with reviewing, drafting, and suggesting policies impacting the improvement of the operation of the judicial system in Portage County, including the courts, law enforcement, attorneys, human services, and citizen participation. The Coalition is lead by a Circuit Court Judge and retains a flexible membership and structure to meet the changing conditions and challenges of the justice system.
- e. Per Diem: County Supervisors only shall be entitled to per diems and mileage.

3.1.23 PUBLIC LIBRARY BOARD (Sec. 43.57 Wis. Stats.)

- a. Seven members. Two members to be County Supervisors and one member to be a School District Administrator or that School District Administrator's designee.
- b. Term of three years, expiring the last day in January as set by State Statute. County Supervisor's term subject to re-election.
- c. Selected by the County Executive for appointment and subject to confirmation by the County Board.
- d. To set policy and provide policy guidance and legislative oversight for activities of the Portage County Public Library System in accordance with Wisconsin State Statutes 43.58.
- e. Per Diem: All members, County Supervisors, School District Administrator/designee, and citizen members, shall be entitled to per diems and mileage.

3.1.24 PUBLIC SAFETY/EMERGENCY MANAGEMENT COMMITTEE

- a. Five members.
- b. Selected by the Executive Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. Members to be County Supervisors.
- e. Chair of Committee to be designated by the County Board Chair.

- f. To set policy and provide guidance and legislative oversight for the activities of the Portage County Sheriff's Office, Emergency Medical Services, including Portage County's county-wide ambulance service, Medical Examiner, and all areas related to protection of person's property, public safety, emergency planning, and law enforcement.
- g. To set policy and provide policy guidance and legislative oversight for Emergency Management and assure compliance with Emergency Management programs as provided by Chapter 323, Wisconsin State Statutes.
- h. Per Diem: County Supervisors shall be entitled to per diems and mileage.

3.1.25 PORTAGE COUNTY TRANSPORTATION COORDINATING COMMITTEE

- a. Eleven voting members as follows:
 - 1. One County Board Supervisor.
 - 2. One member of the Portage County Finance Committee.
 - 3. One County Board Supervisor member of the Health & Human Services Board.
 - 4. Eight members subject to the following criteria (Three by position or designation and five by citizen appointment):
 - a. The Mayor of Stevens Point or designee.
 - b. The President of the Village of Plover or designee.
 - c. The Director of the Aging and Disability Resource Center of Portage County or designee.
 - d. One Citizen member with low income (defined as 150% or less of the federal poverty level amount).
 - e. One Citizen member who is an older adult (defined as age 60 or older).
 - f. One Citizen member with a disability (defined as someone who self-reports a physical or mental impairment that substantially limits one or more major life activity).
 - g. One representative from private, public or non-profit transportation providers.
 - h. One representative from a human service agency.
 - 5. The following individuals shall be ex officio but non-voting members of the committee:
 - a. The County/City Merged Transportation Program's Mobility Management Coordinator and the Transit Manager who shall provide administrative and executive support to the Committee and assist the Chairperson in calling meetings. Setting the Committee agenda and sending out notices.

Privileges of Ex Officio Member of the Committee

An Ex Officio Member of the Committee, as defined in these Committee Policies, shall be entitled to the privileges of membership, subject to the following limitations:

 - a. An Ex Officio Member shall be allowed to sit with the Committee and participate in discussions of agenda items, but shall not be allowed to vote on any matter coming before the Committee or any committee of the Committee, or to make any motion regarding any matter before the Committee or any committee of the Committee.
 - b. An Ex Officio Member shall be allowed to participate in and attend executive or closed sessions of the Committee (or of any committee of the Committee).
 - c. An Ex Officio Member may not be elected as an officer of the Committee.
 - d. At the request of an Ex Officio Member, the Chair of the Committee may appoint the Ex Officio Member as an ex officio member of any standing committee of the Committee.
 - e. An Ex Officio Member shall be allowed to attend and participate in any open meeting discussion at any meeting of this committee.
 - f. An Ex Officio Member shall observe all rules, regulations and policies applicable to members of the Committee, and any other conditions, restrictions or requirements established or directed by vote of a majority of the voting members of the Committee.
 - 6. The County Clerk shall, by letter, coordinate the solicitation of nominations or confirmations of members prior to appointment, and shall make a good faith effort to secure representatives with requisite criteria for the committee. Membership shall be contingent upon the citizen's continued and ongoing participation in designated employment or membership.

7. All County Board Supervisors, citizen and representative members to be selected by the Executive Operations Committee for appointment by the County Board.
8. Terms of office:
 - a. County Board Supervisors – 2 year terms coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year and may serve 3 consecutive terms.
 - b. Position representative terms are subject to existence of position.
 - c. Citizen Representative members – 3 year terms expiring the Monday before the third Tuesday of April of the designated year and may serve three consecutive terms.
9. The committee shall meet at least annually.
10. The powers and duties of the Committee shall be:
 - a. Develop a vision and mission statement for transportation services in Portage County.
 - b. Coordinate the development of the local public transit-human services transportation plan. The plan will be updated to align with the competitive selection process based on needs identified on the local levels. As part of the planning process, the committee agency will identify the process for adoption of the plan.
 - c. Maintain an inventory of existing transportation services, equipment and costs. This will also provide a comprehensive list in event of disaster or other emergency.
 - d. The committee shall evaluate the unmet transportation needs within the county. Special attention should be focused on those populations which are most likely to be transit dependent, e.g. the elderly, low-income, handicapped, minorities, and recipients of human services. These needs shall be used to identify gaps and duplications in the delivery of transportation services and provide guidance to the committee in its coordination efforts.
 - e. A process shall be developed in cooperation with the county board chairperson and county executive to ensure county board and executive reaction and approval of the strategies for provision of transportation services. A vital function of this committee will be to serve as a communication link to higher levels of administrative government. This two-way communication will allow local agencies to better inform regional and state offices of problems in coordination of transportation needs and to seek assistance when necessary.
 - f. The committee shall have the following duties per Wisconsin Administrative Code, Chapter Trans 2.10 (b)
 1. Monitor the expenditures of transportation funds being expended on transportation services for the elderly and disabled in service areas;
 2. Review passenger transportation plans for service areas;
 3. Review and comment on county aid applications under section 85.21, Wisconsin Statutes;
 4. Review and comment on capital assistance applications under section 85.22, Wisconsin Statutes;
 5. Act as an informational resource for local transportation providers regarding the requirements of the American with Disabilities Act of 1990, 42 USC 12101 et seq.;
 6. Act on requests by local public bodies to be designated as coordinators of transportation services for elderly and disabled person for the purpose of becoming eligible for assistance under the Federal sec. 5310 program; and
 7. Apply for and accept Federal section 5310 grants for purchasing specialized vehicles for transporting elderly and/or disabled citizens of the County in accordance with county procedures.
 - g. Per Diem: Only the county supervisors shall be entitled to per diems and mileage.

3.1.26 IS NO LONGER NEEDED BECAUSE THE REVOLVING LOAN FUND COMMITTEE'S AUTHORITY HAS BEEN TRANSFERRED TO THE REGIONAL REVOLVING LOAN FUND, KNOWN AS THE CENTRAL WISCONSIN ECONOMIC DEVELOPMENT (CWED) FUND, BOARD OF DIRECTORS (11-9-17)

3.1.27 IS NO LONGER NEEDED BECAUSE THE RISK MANAGEMENT COMMITTEE NO LONGER EXISTS (6-19-18)

3.1.28 SOLID WASTE MANAGEMENT BOARD

a. Nine members as follows:

1. Five County Supervisors.
2. Four Representative members, non County Supervisors subject to the following criteria:
 - a. One resident of the Town of Stockton, where the County landfill is located.
 - b. The Mayor of Stevens Point or his designee.
 - c. The President of the Village of Plover or his designee (as the location of the transfer facility and the material recovery facility).
 - d. One member to represent the Towns in the program, chosen in consultation with the Portage County Unit of the Wisconsin Towns Association.
 - e. The County Executive shall, by letter, coordinate the solicitation of nominations or confirmations of representative members prior to appointment.
 - f. Representative membership shall be contingent upon the member's municipality's continued and ongoing participation in the Portage County Solid Waste program.
 - g. All representative members under this paragraph are exempt from the term limits section of the Portage County Code of Ordinances, with such representative memberships herein deemed to be "titles or positions" as set forth in that section.
3. Each County Supervisor must represent municipalities which are part of the County pick-up and/or disposal program, and at least one supervisor must represent a district with a participating village.
4. All members to be selected by the County Executive for appointment and subject to confirmation by County Board.
5. Terms of office:
 - a. County Supervisors – 2 year terms coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
 - b. Representative members – 3 year terms expiring the Monday before the third Tuesday of April of the designated year and exempt from term limits as set forth above.
 - c. Per Diem: County Supervisors and citizen members shall be entitled to per diems and mileage.
6. The powers and duties of said Board shall be:
 - a. To set policy and provide policy guidance and legislative oversight for the solid waste management and county recycling system.
 - b. To carry out all duties and responsibilities set forth in the Portage County Solid Waste Ordinance.
 - c. To arrange for, as necessary, the collection, transport, and disposal of wastes, including garbage, ashes, or incinerator residue, municipal, domestic, agricultural, industrial and commercial wastes, chemical wastes, and herbicide and pesticide wastes.

3.1.29 SPACE AND PROPERTIES COMMITTEE

- a. Six members. Five County Supervisors and the City of Stevens Point Mayor/Designee.
- b. Selected by the Executive/Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. City of Stevens Point position to vote only on matters contained in the Joint County-City Building Agreement.
- e. To allocate or lease space in all County properties and report same to the County Board.
- f. To secure options and with County Board approval purchase or sell County Property as deemed necessary.

- g. To authorize improvements and alterations in all County properties.
- h. To recommend future County construction projects.
- i. To set policy and provide policy guidance and legislative oversight for the activities of the Maintenance Department and maintain custodial services and property repair of the County-City Building, Law Enforcement Center, Gilfry Center, Lincoln Center, Portage County Public Library, Courthouse Annex, MRF and all County rental properties.
- j. To set policy and provide policy guidance and legislative oversight for the management of all tax deeded lands and policies for the appraisal and sale of any excess lands as provided in Chapter 75, Wisconsin State Statutes.
- k. To ensure compliance with Title II, IV and V of the Americans with Disability Act (ADA).
- l. Per Diem: County Supervisors shall be entitled to per diems and mileage. The City of Stevens Point Mayor or designee shall not be entitled to per diems or mileage.

3.1.30 VETERANS SERVICE COMMISSION (Statutory)

- a. Three members.
- b. Selected by the County Executive for appointment and subject to confirmation by the County Board.
- c. Term of three years, expiring the Monday before the third Tuesday in December of the designated year.
- d. Members must be Veterans.
- e. To carry out such duties as provided in Chapter 45, Wisconsin State Statutes providing for services to the veterans of Portage County.
- f. Per Diem: Citizen members shall be entitled to per diems and mileage.

STANDING APPOINTMENTS AND MEMBERSHIPS OF THE PORTAGE COUNTY BOARD OF SUPERVISORS

3.1.31 IS NO LONGER NEEDED BECAUSE COMMUNITY CARE CONNECTIONS OF WISCONSIN (A MULTI-COUNTY ENTITY OF CENTRAL WISCONSIN COUNTIES) NO LONGER EXISTS (1-17-17)

3.1.32 NORTHEAST WISCONSIN PUBLIC SAFETY COMMUNICATIONS (NEWCOM) GROUP

- a. County Board Supervisor and staff to the Advisory Board.
- b. County Board Supervisor to be designated by the Public Safety Committee and staff member by the Sheriff, on file with the County clerk.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- d. To represent Portage county in the implementation of reliable and interoperable communications systems for emergency services and public safety agencies.
- e. NEWCOM and the designations herein are hereby designated as a permanent program of Portage County.
- f. Per Diem: The County Supervisor shall be entitled to per diems and mileage.

3.1.33 CONVENTION AND VISITORS BUREAU

- a. One member of the Board of Supervisors, the Chairman or designee from the Board.
- b. Confirmed by the Executive Operations Committee for appointment by the County Board.
- c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.

- d. Appointment to the indicated independent bureau to set policy and provide guidance and legislative oversight for the activities of the Convention and Visitor's Bureau for the promotion of are local tourism, marketing organizations specializing in developing conventions, meetings, conferences and visitations for all municipalities in Portage County.
- e. Per Diem: The County Supervisor shall be entitled to per diems and mileage

3.1.34 LANDFILL MONITORING COMMITTEE

- a. No member from the Board of Supervisors. There are four committee members, one of whom is staff (Solid Waste Manager) appointed from the Portage County Solid Waste Department, other members appointed by and from the Town of Stockton per the landfill siting agreement between Stockton and Portage County.
- b. Staff selected by the Solid Waste Department for membership.
- c. An independent board, created by the landfill siting agreement which monitors the county landfill in Stockton.
- d. Per Diem: All costs of the committee are paid by the Solid Waste Department.

3.1.35 LIAISON TO THE CAP AGENCY BOARD

- a. One member of the Board of Supervisors who is a member of the Health and Human Services Board, to be the Chair of the Health and Human Services Board or designee, confirmed by the county board.
- b. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- c. This is an appointment to a separate Board to set policy and provide guidance and oversight to provide community services and projects, such as emergency human services, receiving and disbursing grants for governmental program, typically for those of modest means.
- d. Per Diem: County Supervisor shall be entitled to per diems and mileage

3.1.36 IS NO LONGER NEEDED BECAUSE THE COUNTY EMS NEGOTIATIONS GROUP NO LONGER EXISTS (6-19-18)

3.1.37 LOCAL EMERGENCY PLANNING COMMITTEE (Statutory)

- a. The Local Emergency Planning Committee (LEPC) is a committee of the County established by section 59.54(8) of the Wisconsin state statutes. The County Executive shall appoint (with County Board Confirmation), at a minimum, representatives from each of the following groups or organizations as specified in Emergency Planning and Community Right-to-Know Act (EPCRA; 42 USC 11001(c)):
 - 1. Elected State and Local Officials. This shall include the Chair or designee of the Public Safety/Emergency Management Committee.
 - 2. Law Enforcement, Civil Defense, Firefighting, First Aid, Health, Local Environmental, Hospital, and Transportation Personnel.
 - 3. Broadcast and Print Media.
 - 4. Community Groups.
 - 5. Owners and operators of facilities subject to the requirements of EPCRA.
- b. The term of appointment shall be four years for all members, except the term shall be two years for county board supervisors. All terms shall coincide with the term of the County Board of Supervisors, ending Monday before the third Tuesday of April of the designated year.
- c. The LEPC is a statutory committee which is established for several purposes. These include providing a forum wherein representatives of local government, community leaders, emergency response agencies, long term response agencies, reporting and planning facilities, the media, and

other concerned parties may cooperatively examine and discuss the political, financial, environmental, and personal safety issues of emergency planning activities; conduct fact-finding, planning, exercising, evaluating, and coordinating activities for the development of a comprehensive area-wide response system to hazardous materials emergencies; identify local response needs and resources; serve as the primary information source for residents of Portage County regarding emergency response activities, especially hazardous materials information and activities; fulfill requirements set out in EPCRA, sections 59.54, 323.60, and 323.61 of the Wisconsin statutes; and establish liaison, maintain communication, and exchange information with other LEPCs in the region.

d. Per diems and mileage are to be paid to county board supervisors. No other payments shall be made for any other purpose. Administrative support is to be provided by the Sheriff's Office.

3.1.38 PORTAGE COUNTY BUSINESS COUNCIL

a. The County Executive, the County Board Chairman, and the Chairperson of the Finance Committee, by virtue of their positions.

b. As set forth in paragraph a.

c. Terms of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.

d. To provide membership and oversight of the Portage County Business Council, a organization with the mission of fostering and promoting business growth and development in Portage County, with funding from the county.

e. Per Diem: County Supervisors shall be entitled to per diems and mileage

3.1.39 PORTAGE COUNTY SAFETY OFFICER

a. One member of the Board of Supervisors, County Board chair or designee.

b. Confirmed by the Executive Operations Committee for appointment by the County Board,

c. Term of two years coinciding with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.

d. To provide coordination and oversight for County safety functions, including interaction with county departments, insurance, and the county board, in particular to oversee the worker's compensation program.

f. Per Diem: County Supervisor shall be entitled to per diems and mileage

3.1.40 PORTAGE COUNTY TRAFFIC SAFETY COMMISSION (Statutory)

a. The Portage County Traffic Safety Commission is a committee of the County established by section 83.013 of the Wisconsin state statutes. The membership consists of the following persons by virtue of their position:

1. County Highway Commissioner, or a designated representative

2. Sheriff, or a designated representative

3. County Highway Safety Coordinator

4. Three representatives will be appointed by the Secretary of Transportation involved in law enforcement, highways, and highway safety.

5. The County Executive shall appoint (with County Board confirmation) a representative from education, medicine, and law.

6. The County Executive may appoint (with County Board confirmation) additional persons to serve on the Commission, including, but not limited to, any or all of the following:

a. County Board Chairman;

b. County Executive;

c. County Safety Officer;

- d. Stevens Point Police Department Representative;
 - e. Plover Police Department Representative;
 - f. Medical Examiner;
 - g. Sheriff's Traffic Safety Officer;
 - h. Traffic Incident Management Committee Representative;
 - i. Planning and Zoning Director;
 - j. Emergency Management Coordinator.
- b. The term of appointment shall be four years for all members, except the term shall be two years for county board supervisors. All terms shall coincide with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- c. The Commission shall meet at least quarterly with the charter of reviewing traffic accident data and other traffic safety related matters, as well as other duties detailed in law.
- d. Per diems are to be paid to county board supervisors. No other payments shall be made for any other purpose. Administrative support is to be provided by the Sheriff's Office.

3.1.41 SOUTH CENTRAL LIBRARY SYSTEM BOARD (SCLS)

- a. One citizen member at large and one member from the Board of Supervisors (said Board member to be concurrently serving on the Portage County Library Board). The citizen member need not be concurrently serving on the Portage County Library Board, but must express and demonstrate an interest and expertise in library matters and be able to represent Portage County's interests on the SCLS.
- b. Both members appointed by the County Executive, confirmed by the County Board.
- c. Staggered terms of three years ending the Monday before the third Tuesday of December of the designated year.
- d. To set policy and provide policy guidance and legislative oversight for the SCLS, a coalition of member libraries offering exchange library services for member libraries and patrons.
- e. Per Diem: Mileage is paid by the SCLS. Both the citizen members and the Supervisor shall receive per diem payments (exception to the general policy).
- f. As an exception to policy (Code section 3.1.49) attendance by telephone or video is permitted as the SCLS meets in Madison.

3.1.42 WISCONSIN COUNTIES ASSOCIATION (WCA)

- a. All WCA sponsored activities, committees and events shall be authorized for participation by the Portage County Board of Supervisors, including ITBEC, the County Mutual Insurance Board, and WCA Steering Committees.
- b. Supervisors shall be appointed by the Executive Operations Committee, confirmed by the County Board to serve on any WCA sponsored committee, group, or sub-committee.
- c. Per diems shall be authorized for such participation through the special meeting payment policy.

3.1.43 WOODLAND ENHANCED HEALTH SERVICES COMMISSION

- a. The Commission is established by member counties, including Portage, by an intergovernmental agreement for the operation of the former Clark County Health Care Center which will enable Portage County Health and Human Services to better manage individual cases (and reserve space) for those who need the use of the facility.
- b. Portage County representation on the Commission is by the Chairperson of the Health and Human Services Board or designee from the Board (who must be an elected supervisor). The term shall coincide with the term of the County Board of Supervisors, ending the Monday before the third Tuesday of April of the designated year.
- c. Per diems shall be authorized through the special meeting payment policy.

3.1.44 LIMITATION ON THE TERMS OF CHAIRPERSONS

All Chairs/Presidents of any Standing Committee/Board/Commission/Council/Authority of the County Board who are currently serving in that capacity or who will serve in that capacity are limited to no more than two consecutive two year terms as such Chair/President.

3.1.45 ADOPTION OF ROBERT'S RULES OF ORDER

The rules of Parliamentary Practice comprised in Robert's Rules of Order, revised, shall be the Rules of Order in all county meetings, including the county board and all county committees, except where they are inconsistent with specified cases in the Code of Ordinances and state statutes. Specific exceptions include the following. The presiding chair shall not be required to relinquish the position of chair before debating any issue. Members of the board or committee shall be permitted to address an issue more than twice, upon the recognition of the chair and after others members have been afforded an opportunity to address any issue. Any member of the Board of Supervisors may attend any meeting of any sub-committee, standing committee or any other county commission, board or organization in closed or in open session.

3.1.46 REAPPOINTMENT OF CITIZEN MEMBERS

No citizen member of any standing committee of the Portage County Board of Supervisors shall be reappointed, if such member has reached ten years longevity on that committee prior to the start of the proposed term, excluding any "title or position" specific appointment.

3.1.47 PER DIEM, MILEAGE PAYMENTS AND ATTENDANCE

- a. For any member to be eligible for any payment of per diem or mileage, of the board or of its committees, the member must physically attend the meeting claimed. No telephonic or other electronic means are authorized for attendance or for voting, an exception is made for the South Central Library Board. The Chairman of the Board and the chairperson of its committees may excuse the attendance of the members, for good cause only. Excessive absenteeism is defined by the board as good cause for removal or other actions of the board.
- b. As an exception to subparagraph (a), County Board Supervisors who serve on bona fide Wisconsin Counties Association (WCA) committee and board positions shall be entitled to per diem meeting payments without physically attending a meeting in cases where the meeting involves no physical meeting place. The agenda indicating the nature of such meeting will accompany the payment voucher, and signatures by appropriate governing committee prior to payment.
- c. Supervisors/citizen members must obtain prior approval to attend a special meeting to receive any per diem and expense payment.
- d. As a general rule, per diem payments are authorized for county board supervisors/citizen members for attendance at regular committee meetings and for bona fide county business. Supervisor and citizen member (where specifically authorized in this code) per diems will be given for subcommittee meeting when designated and authorized by a majority of the standing committee through the special meeting approval process. As a general rule and unless otherwise specified, per diem and mileage payments are not authorized for citizen members of committees for attendance at regular committee meeting, for county business, or for subcommittee meetings unless designated in Portage County Ordinance 3.1.
- e. The Chairman of the Board is a salaried position and therefore does not receive per diems.
- f. It shall be county policy that all persons, including elected officials (including county board supervisors) and citizen members, who are entitled to any payments under this provision, must

establish and abide by a direct deposit to their accounts, in lieu of payment by check. This requirement is a condition of the receipt of such payments.

3.1.48 BOARD AND COMMITTEE ADMINISTRATIVE REQUIREMENTS

- a. Committee/Board/Commission/Council/Authority minutes must be prepared and filed in the County Clerk's office for approval at the next Committee/Board/Commission/Council/Authority meeting or within two weeks, whichever is earlier, unless there is good cause for delay.
- b. Under direction of the County Board Chair, the Corporation Counsel may be directed to review Special Meeting vouchers of the Board in determining bona fide county board business.
- c. On all Committee/Board/Commission/Council/Authority meeting agendas the following item shall appear: Members of the public who wish to address the Committee/Board/Commission/Council/Authority on specific agenda items must register their request at this time, which such comments subject to the reasonable control of the Committee/Board/Commission/Council/Authority Chair as to set policy forth in Robert's Rules of Order.
- d. Any supervisor desiring to have an item placed on the agenda of a standing committee may contact the committee chairperson or, if necessary, the County Board Chairperson with the request. Upon such request, the item shall be placed on a subsequent committee agenda for consideration within 60 days. The supervisor who makes such request shall be notified with the agenda including the requested item. Any difficulty in implementing this policy shall be referred to the County Board Chair for review and resolution.
- e. For all County Board meetings there shall be a provision for "**Public Notice Agenda Items**" as follows. Members of the Public may present an agenda item in writing to the County Clerk no later than noon seven days prior to the meeting. The agenda item shall be reviewed by the Chair and must pertain to a county governmental function. The citizen will then be afforded an opportunity to address the County Board during the County Board meeting for a period not to exceed three minutes on the agenda item. The County Clerk may serve as timekeeper for the Board. The citizen should not expect to engage in a general discussion with the County Board or with county staff. However, the County Board Chair may, at his or her discretion, allow County Board Members or county staff to respond for the sole purpose of clarifying or correcting factual statements only. No general debate will be permitted. This provision applies only to the County Board meetings and does not apply to other committees, boards, or commissions of the county.
- f. No resolutions/ordinances or any other action items shall be placed on the County Board meeting agenda unless first approved by the respective reviewing committee or authorized by majority Board vote. Minutes, in draft form or finalized form, shall be made available upon request for any committee, board or commission meeting from which a resolution or ordinance is sent to the county board, on the Friday before the applicable county board meeting.
- g. For all Committee/Board/Council/Authority/Commission meetings, all supporting documents to any action items on the agenda (a/k/a the packet of information) must be received by the membership no less than 24 hours prior to the meeting, either via U.S. mail or electronically, and must be published on the County's website for the public to access. Failure to provide supporting documentation to action items on the agenda at least 24 hours prior to the meeting will make any and all action taken with respect to the action items null and void (i.e. no handouts will be allowed for action items). The foregoing requirement shall not apply to Special Meeting Per Diem/Expense Reports at governing committee level. Any documentation (i.e. handouts) with respect to discussion items on the agenda will be allowed less than 24 hours prior to the meeting but is not encouraged.
- h. Committee/Board/Council/Authority/Commission agenda shall include:
 - Request for special meeting attendance
 - Approval of attendance of special meetings
 - Special meeting attendance report

- i. The County Board meeting agenda shall be mailed out six (6) days prior to the Board meeting with no addendums to the agenda being permitted. Extreme emergencies will be reviewed and handled on a case by case basis by the County Board Chair/Corporation Counsel/County Clerk.
- j. The Standard meeting day and time of the monthly meetings of the Portage County Board of Supervisors shall be the third Tuesday of the month at 5:00 p.m. Special meetings of the Board may be called by the Chair on different days and at different times as may be necessary.
- k. Votes of the members of the county board shall be deemed final upon confirmation and posting of the computer results by the County Clerk.
- l. Tablet Devices (a/k/a mobile devices) may be distributed to members of the County Board of Supervisors with the consent of the member. Reasonable regulations and policies may be set for the distribution and use of such devices.

3.1.49 DUTIES OF THE CHAIR OF THE COUNTY BOARD

a. Board Duties

General. The Chair is the elected head of the County Board and shall set and approve the agenda and meeting times and places of the County Board. The Chair shall ensure County Board compliance with Wisconsin's Open Meetings and Open Records Law.

Meetings. The County Board Chair preserves the order of the County Board, and shall decide all the questions of order, subject to an appeal of the County Board. The Chair may excuse the attendance of members and the excuse shall be entered into the minutes of the County Board. The Chair shall preserve and may speak on points of order in preference to other Supervisors and shall be required to vote on all questions and matters pertaining to the County Board, except questions on appeal from his decisions, and his vote shall be recorded with the rest. The Chair shall ensure the County Board and individual Supervisors act consistently with the County Board's Rules and Policies. The Chair shall preside at County Board meetings in an efficient and effective manner and shall set the general tone for each meeting through positive leadership. Deliberation will be fair, open, and thorough, but also efficient, timely, orderly, and to the point. Consistent with Board rules and the conduct of an orderly meeting, the Chair shall allow public input on agenda items after registration.

Conflict. The Chair is a member of the County Board, and has the same rights in debate as any other member and may discuss issues before the Board. However, the Chair is also obligated to maintain impartiality when presiding over the County Board. If the Chair has an unresolved conflict of interest regarding matters before the Board, the First Vice Chair or Second Vice Chair will then assume the Chair for the duration of the discussion and action on the subject agenda item.

b. General Duties

Leadership. The Chair shall provide leadership and coordination for the integration of county governmental functions, including the county board, its committees and the departments. The Chair shall maintain an effective relationship with the County Executive in the management and oversight of county government, to include ensuring compliance with county policies. The Chair, or designee, shall represent the County at various events and functions in the community and conduct negotiations on behalf of the county as needed.

The Chair shall ensure the other Supervisors are informed of current and pending County Board issues and processes in coordination with the County Clerk. The Chair shall ensure that the Board remains focused on key legislative tasks and functions and shall foster good relations among members. The Chair shall ensure that all supervisors are involved in the work of the Board and encourage active engagement and contributions of all members of the Board.

In particular, the Chair will apprise the Board and county officials of pending legislative and legal changes to county operations. By law, the Chair shall take care that all federal, state, and local laws, rules and regulations pertaining to county government are enforced.

Committee membership. The Chair shall be an ex-officio member of all committees, but may vote as such in committee only in the absence of a member of the committee.

3.1.50 RESIDENCY REQUIREMENT FOR APPOINTMENTS AND CONFIRMATIONS

a. Only county residents may be appointed to boards, commissions, and committees. A resident is an individual who has resided continuously within Portage County for thirty days before appointment. An appointee must continue his or her residency to maintain the appointment.

b. Exceptions to this policy may be granted for good cause shown.

Revised by Resolution No. 171-2002-2004 on 3-16-04

Revised by Resolution No. 5-2004-2006 on 4-22-04

Revised by Resolution No. 75-2004-2006 on 12-21-04

Revised by Resolution No. 192-2004-2006 on 3-21-06

Revised by Resolution No. 143-2006-2008 on 8-21-07

Revised by Resolution No. 164-2006-2008 on 11-6-07

Revised by Resolution No. 179-2006-2008 on 12-18-07

Revised by Resolution No. 185-2006-2008 on 1-15-08

Revised by Resolution No. 179-2006-2008 on 2-19-08

Revised by Resolution No. 1-2008-2010 & 2-2008-2010 & 3-2005-2010 on 4-15-08

Revised by Resolution No. 22-2008-2010 & 23-2008-2010 & 24-2008-2010 on 5-20-08

Revised by Resolution No. 33-2008-2010 on June 17, 2008

Revised by Resolution No. 62-2008-2010 on September 16, 2008

Revised by Resolution No. 63-2008-2010 on September 16, 2008

Revised by Resolution No. 91-2008-2010 on December 18, 2008

Revised by Resolution No. 150-2008-2010 on May 19, 2009

Revised by Resolution No. 180-2008-2010 on July 21, 2009

Revised by Resolution No. 211-2008-2010 on 9-22-09

Revised by Resolution No. 251-2008-2010 on 12-15-09

Revised by Resolution No. 304-2008-2010 on 3-16-10

Revised by Resolution No. 23-2010-2012 on 5-18-10

Revised by Resolution No. 33-2010-2012 on 6-15-10

Revised by Resolution No. 57-2010-2012 on 8-17-10

Revised by Resolution No. 92-2010-2012 on 12-21-2010

Revised by Resolution No. 122-2010-2012 on 1-18-2011

Revised by Resolution No. 129-2010-2012 on 2-15-2011

Revised by Resolution No. 152-2010-2012 on 4-19-2011

Revised by Resolution No. 179 -2010-2012 on 6-21-2011

Revised by Resolution No. 186-2010-2012 on 7-19-2011

Revised by Resolution No. 243-2010-2012 on 11-10-2011

Revised by Resolution No. 289-2010-2012 on 3-20-2012

Revised by Resolution No. 24-2012-2014 on 7-17-2012

Revised by Resolution No. 26-2012-2014 on 7-17-2012

Revised by Resolution No. 33-2012-2014 on 7-17-2012

Revised by Resolution No. 53-2012-2014 on 8-21-2012

Revised by Resolution No. 113-2012-2012 on 12-18-2012

Revised by Resolution No. 136-2012-2014 on 3-19-2013
Revised by Resolution No. 244-2012-2012 on 12-17-2013
Revised by Resolution No. 3-2014-2016 on 4-15-2014
Revised by Resolution No. 44-2014-2016 on 10-14-2014
Revised by Resolution No. 70-2014-2016 on 12-16-2014
Revised by Resolution No. 139-2014-2016 on 7-21-2015
Revised by Resolution No. 140-2014-2016 on 7-21-2015
Revised by Resolution No. 144-2014-2016 on 7-21-2015
Revised by Resolution No. 159-2014-2016 on 9-15-2015
Revised by Resolution No. 205-2014-2016 on 3-15-2016
Revised by Resolution No. 85-2016-2018 on 12-20-2016
Revised by Resolution No. 107-2016-2018 on 3-21-2017(CCCW)
Revised by Resolution No. 158-2016-2018 on 8-15-2017
Revised by Resolution No. 189-2016-2018 on 11-9-2017
Revised by Resolution No. 190-2016-2018 on 11-9-2017 (effective 1-1-2018)
Revised by Resolution No. 239-2016-2018 on 3-20-2018
Revised by Resolution No. 240-2016-2018 on 3-20-2018
Revised by Resolution No. 18-2018-2020 Amended on 6-19-2018
Revised by Resolution No. 19-2018-2020 on 6-19-2018
Revised by Resolution No. 77-2018-2020 on 11-20-2018
Revised by Resolution No. 102-2018-2020 on 2-19-2019
Revised by Resolution No. 189-2018-2020 on 12-17-2019
Revised by Resolution No. 205-2018-2020 on 1-21-2020
Revised by Resolution No. 218-2018-2020 on 3-17-2020
Revised by Resolution No. 219-2018-2020 on 3-17-2020
Revised by Resolution No. 221-2018-2020 on 3-17-2020
Revised by Resolution No. 3-2020-2022 on 5-19-2020
Revised by Resolution No. 26-2020-2022 on 8-18-2020

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3.2 JOINT ACTION EMERGENCY MANAGEMENT ORDINANCE

3.2.1 POLICY AND PURPOSE

(A) To ensure that the County of Portage will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from disasters, an emergency management organization is hereby created to perform the purposes set forth in Chapter 323 of Wisconsin State Statutes.

(B) Definitions: As used in this ordinance:

- (1) The term “*enemy action*” means any hostile action taken by a foreign power, which threatens the security of Portage County or a portion thereof.
- (2) The term “*disaster*” shall have the same meaning as in 323.02(6) of the Wisconsin Statutes.
- (3) The term “*emergency management*” includes “civil defense” and means all those measures and activities designed or undertaken by or on behalf of the County and its subdivisions:
 - (a) To prepare for and minimize the effects upon the civilian population caused or which would be caused by enemy action or natural disaster;
 - (b) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or such natural disaster.

3.2.2 COUNTY HEAD OF EMERGENCY MANAGEMENT

(A) The Sheriff shall be responsible for selecting an Emergency Management Coordinator, appointed as the head of emergency management at the discretion of the County Executive, and confirmed by the County Board of Supervisors pursuant to section 323.14(1)(a)2 of the Wisconsin Statutes.

(B) The Emergency Management Coordinator shall have all of the powers and duties set forth in Sections 323.14 and 323.15 of the Wisconsin Statutes.

(C) The Emergency Management Coordinator or designee shall be designated as the reviewing entity for hazardous substance reimbursements pursuant to section 323.71(5)(a) of the Wisconsin Statutes.

3.2.3 DECLARATIONS OF EMERGENCIES

(A) The Governor of the State of Wisconsin, the Portage County Executive, or in the County Executive's absence, in the following line of succession, 1) the Chair of the Portage County Board of Supervisors, 2) the Vice Chair of the Portage County Board of Supervisors, 3) the Second Vice Chair of the Portage County Board of Supervisors, 4) the Sheriff, 5) the Emergency Management Coordinator, and 6) a majority of the Portage County Board of Supervisors (hereinafter the "issuing authority") are empowered to declare a state of emergency and as such shall issue all necessary proclamations relating to the existence of a state of emergency and shall issue such disaster warnings or alerts as shall be required in the county emergency management plan.

(B) The Emergency Management Coordinator shall take action in accordance with the county emergency management plan, as necessary, before, during and after a declaration of an emergency and the issuance of official disaster warnings.

(C) Such state of emergency shall continue until terminated by the issuing authority.

3.2.4 EMERGENCY ORDINANCES

(A) Whenever necessary to meet an emergency for which adequate ordinances have been adopted by the County Board, the issuing authority may proclaim, promulgate, and enforce orders and rules relating to the conduct of persons and the use of property which are necessary and expedient for the safety, welfare, and good order of the County and to protect public peace, health, and safety, and preserve lives and property, and to ensure the cooperation in emergency management activities. Such proclamation shall be posted in three public places which may include a media release and will be valid until rescinded by the issuing authority.

(B) In a declared emergency, the issuing authority shall have the authority to solicit bids and obtain the services of temporary county employees and independent contractors to assist in response and recovery efforts. The issuing authority may also designate any county employee, either represented or non-represented, to perform necessary functions that may not be stated in that person's job description, but necessary to assist in government operations during a declared emergency. This authority shall supersede existing county policy, collective bargaining agreements, resolutions, and ordinances, but only for the duration of the declared emergency, not to exceed 30 days unless such authority is extended by the County Board.

3.2.5 PUBLIC SAFETY/EMERGENCY MANAGEMENT COMMITTEE

(A) How Constituted: The Public Safety/Emergency Management Committee is created under the rules of the Portage County Board of Supervisors. The Portage County Board Chair shall designate the Chair of the Committee.

(B) Duties: The County Public Safety/Emergency Management Committee shall be an advisory and planning group and shall advise the Emergency Management Coordinator and the County Board of Supervisors on all matters pertaining to emergency management. It shall meet on call of the Chairman or in the event of a disaster.

3.2.6 EMERGENCY MANAGEMENT COORDINATOR

(A) Emergency Management Coordinator: There is hereby created the position of Emergency Management Coordinator. The Emergency Management Coordinator shall also hold the office of Emergency Management Coordinator of such municipalities of Portage County as may enact joint action ordinance parallel to this ordinance. The additional duties and responsibilities of an Emergency Management Coordinator shall be as provided in Sections 323.14 and 323.15 of the Wisconsin State Statutes.

(B) Tenure: The Emergency Management Coordinator shall be a full-time position and shall serve at the pleasure of the Sheriff. The salary of the Emergency Management Coordinator and members of Emergency Management staff shall be set from time to time by the County Board.

(C) Appointment: The Emergency Management Coordinator shall be appointed as specified in section 3.2.2(A) of this Code.

(D) Statutory Provision: The provisions of Sections 323.14(1)(a)2 and 323.25 Wisconsin State Statutes, in relation to personnel shall apply to the selection of the Emergency Management Coordinator and his or her staff.

(E) Status: The Emergency Management Coordinator shall be considered to be an employee of the County not under civil service and shall be entitled to all rights, privileges, and benefits that county employees have. The Emergency Management Coordinator shall report to the Sheriff of Portage County or designee.

3.2.7 MUNICIPAL DEPUTY EMERGENCY MANAGEMENT COORDINATOR

(A) Notwithstanding the provisions of Section 323.15 of the Wisconsin State Statutes, each municipality passing a joint action ordinance with the County may appoint a Municipal Deputy Emergency Management Coordinator.

(B) The Municipal Deputy Emergency Management Coordinator will operate under the administrative direction of the Emergency Management Coordinator.

(C) Remuneration, if any, for the Municipal Deputy Emergency Management Coordinator will be determined and paid by the governing body of that municipality.

3.2.8 SHARING OF COSTS

(A) Office and Staff: The Portage County Board shall provide office space, office furniture, supplies and support staff as may be necessary to carry out the functions of the Emergency Management Coordinator. The County of Portage with the help of applicable Federal matching funds thereof shall defray the cost.

(B) Major Equipment and Services: Costs of equipment and services shall be borne 100 percent by the municipal government requiring such procurement with Federal matching funds procured by the Emergency Management Coordinator when applicable. Federal matching fund reimbursements shall be returned to the treasurer of the municipality procuring such equipment or services.

3.2.9 JOINT ACTION MEETINGS

Whenever it is deemed necessary by either the County Public Safety/Emergency Management Committee or the emergency management committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

3.2.10 DUTIES OF THE EMERGENCY MANAGEMENT COORDINATOR

(A) County-wide Duties: The Emergency Management Coordinator, consistent with the powers and authorities of the Public Safety/Emergency Management Committee under Section 323.14(1)(a)3 of the Wisconsin Statutes, and under the supervision and direction of the Sheriff of Portage County or designee shall:

- (1) Develop and promulgate emergency management plans for the County, including planning for joint action municipalities, consistent with the State emergency management plans;
- (2) Coordinate and assist in the development of non-joint action municipal emergency management plans within the County, and integrate such plans with the County plan;
- (3) Direct the County and joint action municipality emergency management programs;
- (4) Direct countywide emergency management training programs and exercises;
- (5) Advise the State Director of all emergency management planning for the county and render such reports as may be required by the State Director;
- (6) In case of a declared state of emergency, serve as chief of staff to the issuing authority designated under section 3.2.3(A) above and the executive heads of joint action municipal emergency management activities and coordinate the non-joint action municipal emergency management activities within the County, subject to the coordinating authority of the State Director; and,
- (7) Perform such other duties relating to emergency management as may be required by the Public Safety/Emergency Management Committee under Section 323.14(1)(a)3 of the Wisconsin Statutes, the Sheriff of Portage County or designee, or issuing authority.

(B) Municipal Duties: The Emergency Management Coordinator, in his or her capacity as director for a municipality participating in joint action, consistent with the powers and authorities of the Public Safety/Emergency Management Committee under Section 323.14(1)(a)3 of the Wisconsin Statutes, and under the supervision and direction of the Sheriff of Portage County or designee, shall:

- (1) Direct the municipal emergency management organization;
- (2) Develop, promulgate, and integrate into the County plan, emergency management plans for the operating services of the municipality;
- (3) Direct participation of the municipality in such emergency management training programs and exercises as may be required on the county level or by the State Director;
- (4) Direct the municipal emergency management training programs and exercises;
- (5) Perform all administrative duties necessary for the rendering of reports and procurement of Federal matching funds for each municipality requesting such funds;
- (6) In case of a state of emergency proclaimed by the Governor, serve as chief of staff to the executive head of the municipal emergency management organization; and,
- (7) Perform such other duties, relating to emergency management, as may be required by the municipal governing body.

3.2.11 UTILIZATION OF EXISTING SERVICES AND FACILITIES

(A) Policy: In preparing and executing the Emergency Management Program, the services, equipment, supplies and facilities of the existing departments and agencies of the county shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.

(B) Responsibility: In order to assure that in the event of an emergency, all the facilities of the existing county government are expanded to the fullest to meet such emergency, responsibilities shall be assigned to designated department heads as set forth in the Portage County Emergency Operations Plan (EOP) or Emergency Response Plan (ERP) as may be amended from time to time.

- (1) Department heads not specifically designated in the Portage County Emergency Operations/Response Plan will fulfill emergency and non-emergency responsibilities as assigned.

(2) The Emergency Management Coordinator will assist such designated department heads in organizing and planning for the expansion of their departments prior to and during an emergency and for recruiting necessary volunteers to supplement their regular department employees.

(3) Nothing in this section shall be construed so as to limit the Emergency Management Coordinator from immediately commencing organizational and planning programs as required by the County Emergency Operations/Response Plan adopted by the Portage County Board of Supervisors.

(C) Joint Action: Municipalities entering into joint action with Portage County will provide for the utilization of existing services of their government by enactment of an ordinance parallel to this section of the County ordinance. Because the National Incident Management System (NIMS) is essential for responding to disasters and emergencies as well as securing the homeland by allowing federal, state, local and tribal organizations to utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, NIMS will be used whenever joint action is required.

3.2.12 OTHER EMERGENCIES

(A) Joint Action Municipalities: In the event the Governor determines that an emergency exists growing out of natural or manmade disasters, the Emergency Management Coordinator will activate and coordinate the emergency management services as the appropriate level of government affected by the emergency.

(B) Non-joint Action Municipalities: In the event of a natural or manmade disaster, the Emergency Management Coordinator will coordinate the municipalities affected and render such assistance as is required and available from the county resources.

3.2.13 PENALTIES

It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions of this ordinance, he shall forfeit not less than \$100.00 nor more than \$500.00, and in default of payment thereof, shall be incarcerated in the County jail for a period not exceeding 90 days.

3.2.14 EMERGENCY OPERATIONS/RESPONSE PLAN OF PORTAGE COUNTY (on file with the Portage County Emergency Management Coordinator)

Reference: Sections 59.12 and 166 of the Wisconsin Statutes

Enacted: 6-29-05

Section 3.13 repealed: 12-19-06

Updated: 12-19-2006

Revised Resolution No. 136-2012-2014 on 3-19-13

Revised Resolution No. 240-2016-2018 on 3-20-2018

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3.3 ACCESS TO PUBLIC RECORDS

3.3.1 DEFINITIONS

(A) "Authority" means any of the following having custody of a record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.

(B) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

3.3.2 LEGAL CUSTODIANS

(A) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.

(B) Unless otherwise prohibited by law, the county clerk or the clerk's designee shall act as legal custodian for the county board and for any committees, commissions, boards, or authorities created by ordinance or resolution of the county board.

(C) For every authority not specified in subsection (A) or (B), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

(D) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designate. This section does not apply to members of the county board.

(E) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

3.3.3 PROCEDURAL INFORMATION

Pursuant to section 19.34, Wisconsin State Statutes, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which the legal custodian from whom and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of sections 19.31 to 19.39, Wisconsin State Statutes. This section does not apply to members of the county board.

3.3.4 ACCESS TO RECORDS; FEES

(A) The rights of any person who requests inspection or copies of a record are governed by the provisions and guidelines of section 19.35(1), Wisconsin State Statutes.

(B) Each authority shall provide any person who is authorized to inspect or copy a record which appears in requests permission to photograph a record the form of which does not permit copying pursuant to section 19.35 (1)(f), Wisconsin Statutes, with facilities comparable to those used by its employees to inspect, copy, and abstract the record during established office hours. An authority is

not required by this subsection to purchase or lease photocopying, duplicating, photographic, or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(C) (1) Each authority shall impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, including labor costs, unless a fee is otherwise specifically established or authorized to be established by law.

(2) Each authority shall impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photocopying and photographic processing, including labor costs, if the authority provides a photograph or a record, the form of which does not permit copying.

(3) Except as otherwise provided by law or as authorized to be prescribed by law, an authority shall impose a fee upon the requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is fifty (\$50.00) dollars or more.

(4) Each authority shall impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requestor.

(5) An authority may provide copies or a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(6) Each authority shall require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds five (\$5.00) dollars.

(7) Fees for determination of joint tenancy shall be as follows: (1) recording certificates by the Register of Deeds under provisions of sec. 867.045, Wisconsin State Statutes, ten (\$10.00) dollars,

(2) preparing and mailing documents by the Register of Deeds under the provisions of Sec. 867.045, Wisconsin State Statutes, fifteen (\$15.00) dollars.

(D) Each authority in acting upon a request for any record shall respond within the times and according to the procedures set out in section 19.35(4), Wisconsin State Statutes.

(E) County Board Supervisors shall be provided copies of documents necessary for legislative oversight activities at no cost. These are frequently provided and mailed with committee and county board agendas. Any issues of conflict that may arise between a custodian of the records and a county board supervisor under this paragraph will be referred to the County Board Chairman for resolution, with reference to the advice of the Corporation Counsel for legal questions.

3.3.5 SEPARATION OF INFORMATION

If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. Each authority shall consult with the Corporation Counsel before releasing any information under this section.

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3.4 RETENTION OF RECORDS BY COUNTY DEPARTMENTS

3.4.1 PURPOSE

The purpose of this records retention schedule is to authorize destruction of county records pursuant to the schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in the schedule only if such record has been photographically reproduced as an original record or converted to optical disc format pursuant to s.16.61 (7) Wis. Stats. Any record not covered by this ordinance or any regulation or law shall be retained 7 years unless the record is added by amendment into the ordinance and the shorter time period approved by the state Public Records and Forms Board. This ordinance is based on the state model ordinance.

3.4.2 DEFINITIONS

(A) "Legal Custodian" means the individual responsible for maintaining records pursuant to Section 19.33 Wis. Stats. The legal custodian is the person empowered by statute (Sec. 19.33 Wis. Stats.) with the care and custody of public records, and tasked with the responsibility of compliance with Wisconsin Public Records Law (Secs. 19.31 – 10.39 Wis. Stats.)

Unless otherwise designated in the schedule, the custodian is as a rule, the 1) department head or their permitted designee; 2) an elected official or their permitted designee; and 3) for the county board and for any committees, commissions, boards or authorities created by ordinance or resolution of the county board, the county clerk.

(B) "Record" has the meaning defined in Section 19.32 (2), Wis. Stats.

3.4.3 HISTORICAL RECORDS NOTIFICATION TO STATE HISTORICAL SOCIETY OF WISCONSIN (SHSW)

Under s. 19.21 (4) (a) counties must notify the State Historical Society of Wisconsin (SHSW) 60 days prior to destroying records. The SHSW has waived the required 60 day notice for any record designated "Waived" (notification requirement waived) in the retention schedule. The SHSW must be notified 60 days prior to destruction of any record designated with "Notify" (notification required). "NA" indicates not applicable and applies to any record designated for permanent retention with the original custodian.

Notice to SHSW is also required prior to the destruction of any record not listed in this schedule.

3.4.4 ELECTRONIC RECORDS

Local units of government may keep and preserve public records through the use of microfilm, optical imaging or other electronic means providing they meet applicable standards by law or regulations (administrative code). Retention periods and estimated costs and benefits of converting records between different media should be considered in deciding which records to store in electronic format. After verification and notification to the State Historical Society, records converted to electronic format should be destroyed. The retention periods identified in this schedule apply to records in any media. An electronic record shall be considered an original record unless otherwise proscribed by law.

3.4.5 DESTRUCTION AFTER REQUEST FOR INSPECTION

No records requested under 19.35 may be destroyed until after the request is granted or 60 days after the request is denied. If any action is commenced under Section 19.37 Wis. Stats., the requested record may not be destroyed until after a court order is issued and all appeals have been completed. See 19.35(5), Wis. Stats.

3.4.6 DESTRUCTION PENDING LITIGATION

No record subject to pending litigation shall be destroyed until the litigation is resolved.

3.4.7 REVIEW AND APPROVAL BY PUBLIC RECORDS AND FORMS BOARD

This schedule and the retention periods of less than 7 years have been reviewed and approved by the Public Records and Forms Board.

3.4.8 RETENTION PERIOD

Refers to the minimum time that a particular records series must be kept prior to destruction. The following terms and abbreviations are used in the records retention schedule:

- AT: After termination
- C: Confidential
- CR: Creation or receipt (typically the retention is calculated from the creation or receipt of a records, plus the designated number of years.)
- EVT: Event (typically the retention is calculated from an event, such as the close of a case or end of the project, plus the designated number of years)
- FIS: Fiscal (meaning the current fiscal year and the designated number of years)
- N: Notify WHS before destruction
- N/A: Not applicable
- P: Permanent
- PH: Personally identifiable information (has the meaning specified in sec. 19.62(5) Wis. Stats.)
- S: Until superseded
- W: Waived notification
- WHS: Wisconsin Historical Society
- WPBR: Wisconsin Public Records Board

3.4.9 PERIOD OF TIME

The period of time a record must be kept is expressed in years unless specifically identified as months or days.

3.4.10 AUTHORITY

Refers to any specific statutory, administrative rule, or regulation that results in the retention of a record.

3.4.11 SHSW NOTIFICATION

Refers to whether or not a county must notify the State Historical Society of Wisconsin of its intention to destroy records.

- “Waived means that the required notification has been waived.
- “Notify” means that the notification by the local unit of government is required.
- “NA” means that the notification is not applicable because the records have been designated for permanent retention by the original custodian (in this case, the local unit of government).

Notice to the SHSW is required for any record not listed in this schedule.

3.4.12 LITIGATION HOLD

Destruction Pending Litigation, public records request or audit.

No record subject to pending litigation, public records request, or audit shall be destroyed until the litigation public records request, or audit has been resolved. A litigation hold on all documents (including electronic documents) will be declared upon the receipt of a claim, a suit, or determination that a suit or claim is likely. The Corporation Counsel will notify the affected departments and officials in writing of the declaration of a litigation hold. Upon such declaration, all records of any type as defined by this ordinance shall be retained pending the final outcome of the matter.

3.4.13 RETENTION SCHEDULE

The following records are maintained by the various departments in the county and are subject to uniform regulation unless otherwise specified. The retention period and authority are listed with each record.

[Records retention schedule Appendix A to Chapter 3.4](#)

Revised by Resolution No. 198-2004-2006 on 3-21-06
Revised by Resolution No. 264-2008-2010 on 1-19-10
Revised by Resolution No. 264-2010-2012 on 1-17-2012
Revised by Resolution No. 19-2012-2014 on 6-19-2012

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3.5 DISPOSAL OF ABANDONED PROPERTY BY THE SHERIFF

3.5.1 PERSONAL PROPERTY

Any personal property which has been abandoned, or remained unclaimed for a period of thirty (30) days after the taking of possession of the property by the Portage County Sheriff's Department may be disposed of by any means determined to be in the best interests of the county. Prior to disposition, the Sheriff's Department shall attempt to notify the apparent owner of the property by any reasonable means of the intent to dispose of the property. The sheriff may designate a deputy to carry out this ordinance.

3.5.2 DISPOSAL

Abandoned or unclaimed property may be disposed of by any of the following means:

1. An advertised sale open to the public.
2. Property may be disposed of by other than a sale open to the public if the following conditions are met:
 - (a) An inventory of such property is maintained including a record of the date and method of disposal, including the consideration received for the property if any, and the name and address of the person taking possession of the property.
 - (b) Such inventory shall be kept as a public record for a period of not less than two (2) years from the date of disposal of the property.
 - (c) If the disposal is in the form of a private sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and in conducting the sale, shall be paid into the county treasury.
3. As provided for under section 3.5.3.

3.5.3 FLAMMABLE, EXPLOSIVE OR INCENDIARY SUBSTANCES

The sheriff's department may safely dispose of abandoned or unclaimed flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage, transportation or use immediately after taking possession of the substances, materials or devices without a public auction.

Prior to disposing of the property, the sheriff shall attempt to return to the rightful owner any of the above substances which have a commercial value in the normal business usage and do not pose an immediate threat to life or property. It is presumed that if the substance, material or device

appears to be or is reported stolen, an attempt will be made to return the substance, material or device to the rightful owner.

3.5.4 DANGEROUS WEAPONS AND AMMUNITION

Under section 968.20 of the Wisconsin statutes, except where prohibited by law, the Sheriff's Department may dispose of any dangerous weapon or ammunition by means of:

1. Return to the rightful owner.
2. Transfer to the state crime laboratories.
3. Retention for authorized use by the Sheriff's Department.
4. Disposal in accordance with section 973.075(4) of the Wisconsin statutes where the dangerous weapon is a motor vehicle.

3.5.5 AUTHORITY

This ordinance is adopted pursuant to sections 66.0139, 968.20, and 968.205, Wisconsin Statutes. All rights and obligations established under the law are incorporated herein by reference. The Sheriff's Department is authorized to establish its own internal procedures for the disposition or property where required by law.

3.5.6 PROCEEDS FROM SALE

Under section 66.0139(2) of the Wisconsin statutes, all proceeds from any sale of abandoned property, after deducting any necessary expenses of keeping the property and conducting the sale by the Sheriff's Department, shall be returned to the County.

Revised by Resolution No. 198-2004-2006 on 3-21-06

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3.6 CODE OF ETHICS FOR PORTAGE COUNTY PUBLIC OFFICIALS AND EMPLOYEES

3.6.1 DECLARATION OF FINDINGS; AUTHORITY

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of government structure; that public office and government service as an employee not be used for personal gain and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established this Code of Ethics for Portage County employees and local public officials. The purpose of this Code is to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of Portage County and its residents. The Board of Supervisors finds that this Code will help avoid conflicts, will improve standards of public service, and will promote and strengthen the confidence of Portage County residents in their public officials. This ordinance is enacted pursuant to the authority set forth in sec. 19.59(2) Wis. Stats.

3.6.2 DEFINITIONS

- A. "Associated", when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or own or controls, directly or indirectly, severally or in the aggregate, at least 10% of the outstanding equity.
- B. "Local Public Official" means an individual holding a local public office.
- C. "Local Public Office" means any of the following offices:

- (a) An elective office of Portage County or its government, but does not include the office of District Attorney or Circuit Court Judges.
- (b) An appointive office or position of Portage County government in which an individual serves for a specified term, except a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- (c) An appointive office or position of Portage County government which is filled by the County Board or the executive or administrative head of the County Board and in which the incumbent serves at the pleasure of the appointing authority, except a clerical position, a position limited to the exercise of ministerial action or a position filled by an independent contractor.
- (d) A position of department head for Portage County, which includes all program directors and administrators who supervise and implement their respective programs and report directly to the County Executive or to a governing committee or committees of the Portage County Board of Supervisors.
- D. “*Anything of Value*” means any money or property, favor, service, payment, advance, forbearance, loan or promise of future payment, but does not include compensation and expenses paid by the County, honorariums and expenses, political contributions which are recorded under Wis. Stats. Chapter 11, or hospitality extended for a purpose unrelated to County business.
- E. “*Gift*” means the payment or receipt of anything of value without valuable consideration.
- F. “*Immediate Family*” means a local public official’s spouse, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, son-in-law, or daughter-in-law.
- G. “*Portage County Employees*” shall include all employees of the county, part-time, season, full-time and casual, who receive wages or salaries from Portage County.

3.6.3 STANDARDS OF CONDUCT

A. STATEMENT OF POLICY

The County Board recognizes: that in a representative democracy its leaders are drawn from the very society that they serve; therefore, they cannot and should not be expected to be without any personal or economic interest in the decisions and policies of government; that citizens who serve as local public officials retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for employees and local public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that employees and local public officials may need to engage in employment, professional or business activities other than County employment or official public duties in order to support themselves or their families and to maintain a continuity of professional business activity, or may need to maintain investments. However, such activities or investments must not conflict with the specific provisions of the Code. This Code does not prevent an employee or local public official from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge of his or her duties as an employee or a local public official.

B. OFFER OR ACCEPTANCE OF GIFTS; OVERNIGHT TRAVEL WITH VENDOR

No person may offer to give to a Portage County employee or local public official, directly or indirectly, and no Portage County employee or local public official may solicit or accept from any person, directly or indirectly, anything of value, if it could reasonably be expected to influence the Portage County employee’s duties and responsibilities or to influence a local public official’s vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of a local public official. An item offered or received with a fair market value greater than the amount set by the State Ethics Board (currently twenty-five (\$25.00) dollars) shall give rise to a rebuttal presumption that the item could reasonably be expected to influence the Portage County employee or local public official or be considered a reward. Any overnight trip, regardless of its purpose, taken by a employee or local public official with a vendor doing business

with Portage County is prohibited unless prior approval by the governing committee of the employee or local public official is received.

C. EXAMPLES OF PROHIBITED GIFTS

By way of illustration and not limitation, the following gratuities shall be considered anything of value, the receipt of which by an employee or county public official may be a violation of Paragraph B. These are examples only and receipt of other gratuities of like values are also prohibited. Examples are: Food and/or drink offered in connection with meeting concerning county government, bottles of liquor, turkeys and meals.

D. EXAMPLES OF PERMISSIBLE GIFTS

For purposes of illustration and not limitation, the following items shall not be deemed to be anything of value for purposes of Paragraph B. These are examples only and other gratuities of like value may also be acceptable. Examples are: Promotional items of a small value with advertising prominently displayed such as baseball caps, calendars, pens, pencils and ashtrays.

E. CONFIDENTIAL INFORMATION

No employee or local public official shall use or disclose information gained in the course of or by reason of his or her County employment or official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person, if such information has not been communicated to the public or is not public information.

F. USE OF COUNTY PROPERTY

No employee or local public official shall use or permit the use of any Portage County property for personal convenience, improper use or profit, of the employee, public official or members of their immediate family.

G. EQUAL TREATMENT

No employee or local public official shall grant special consideration, treatment or advantage to any person.

H. CONFLICT OF INTEREST PROHIBITED; EXCEPTION

(1) Except as otherwise provided in sub. (2), no employee or local public official may:

(i) Take any official action affecting a matter in which the employee or official, a member of his or her immediate family, or an organization with which the employee or official is associated has a substantial financial interest.

(ii) Use his or her employment, office or position in a way that produces or assists in the production of financial gain or a substantial benefit, direct or indirect, for the employee or official, one or more members of the employee's or official's immediate family whether separately or together, or an organization with which the employee or official is associated.

(iii) Use or attempt to use his or her employment or public position to influence or gain unlawful advantage or privileges for himself or others.

(2) This section does not prohibit an employee or local public official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, nor does it prohibit an employee or local public official from taking official action with respect to any proposal to modify county law so long as the requirement of Subsection J is observed. This paragraph does not prohibit a local public official from using the title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by law.

I. PRIVATE INTEREST IN PUBLIC CONTRACTS

No county employee or official may, in their official capacity, participate in the making of a contract exceeding \$15,000 if they have a direct or indirect financial interest in the contract. Further, no county employee or official may in their private capacity negotiate or bid for or enter into a contract in which they have a direct or indirect financial interest, if in their public capacity they are authorized or required by law to participate in the making of the contract.

J. DISCLOSURE OF INTEREST IN LEGISLATION

Any employee or local public official who has a financial interest or personal interest in any proposed legislation before the County Board or a constituent committee shall disclose on the record of the County Board or the constituent committee the nature and extent of such interest.

3.6.4 NOTICE

Employees and local public officials shall be made aware of this Code at the time of election, employment or appointment. The County Clerk shall distribute a copy of this Code to each County Board Supervisor at the first meeting of the County Board following the spring biennial election. The Corporation Counsel shall be available at that meeting to discuss the provisions of this Code.

3.6.5 RELATION WITH OTHER LAWS

Nothing in this Code shall be construed to supersede any other state or local law relating to the actions proscribed herein. Nothing in this ordinance shall be construed to supersede any Portage County personnel policy relating to conflict of interest or receipt of gifts.

3.6.6 ENFORCEMENT

A. VERIFIED COMPLAINT AND TIME LIMITATION

Anyone desiring to report an alleged violation of this Code shall submit a verified complaint to the office of Corporation Counsel. A verified complaint shall consist of sworn charges alleging personal knowledge of a violation of the Code of Ethics. The Corporation Counsel or, in his absence, either the Deputy or Assistant Corporation Counsel shall forward the complaint to the Executive Operations Committee for investigation. A form will be made available for this purpose. The complaint must be filed within two years of the date of the occurrence or occurrences alleged to constitute a violation of the code of ethics.

In the event that a verified complaint is filed involving any personnel from the Office of the Corporation Counsel, the Executive Operations Committee will hire outside legal counsel for legal advice and procedural assistance.

B. EXECUTIVE OPERATIONS COMMITTEE

The Executive Operations Committee (the Committee) shall enforce the provisions of the Code of Ethics. The Committee shall develop and adopt reasonable rules of procedure consistent with this Code. The Committee shall have such other duties as set by resolution of the County Board of Supervisors. The Corporation Counsel shall be an ex-officio, non-voting member of the Committee for purposes of reviewing and responding to alleged violations of the Code of Ethics.

In the event that a verified complaint is filed involving any member of the Executive Operations Committee, that member shall be ineligible to participate as a Committee member in the review, investigation and disposition of the case. The member may present matters on his or her own behalf and retain the rights of any other subject as set forth in this code.

C. INVESTIGATION AND NOTICES

Within ten business days of receiving a verified complaint from the Corporation Counsel's office, the Committee shall hold an initial meeting to determine whether the complaint sets forth a probable ethics code violation. The ten day time frame may be expanded to twenty business days only for good cause. If the Committee determines that the complaint sets forth a probable ethics code violation, it may continue to investigate the complaint as necessary and:

- (i) Shall cause notice to be given to the complainant and subject or subjects of the complaint by first class mail of all the Committee's meetings relating to the complaint. Such notice shall specify the charges against the subject as well as a notice that the subject may file a written statement of his or her response to the complaint. A copy of the complaint itself will also be provided to the subject of the complaint;
- (ii) Schedule and hold hearings on the complaint, if and as necessary;

- (iii) Hear the subject's position and the testimony of witnesses, if any;
- (iv) Permit the subject and the complainant to call such witnesses as either desires and to cross-examine the witnesses of the other;
- (v) Consider the evidence presented and make findings thereon;
- (vi) By the Committee's chair or his or her designee, make rulings on motions and objections made by any party in such a manner as to assure due process protection to the parties;
- (vii) Based upon the evidence presented to it, determine whether or not to seek imposition of a forfeiture. If forfeiture is deemed advisable, the Committee may direct the Corporation Counsel to start an action in the name of the County against the violator. When deciding to seek the imposition of a forfeiture, the Committee shall, at the time of notifying the Corporation Counsel, serve notice by mail upon the subject to the effect that a forfeiture will be sought against the subject, specifying the amount and that court action may be avoided if the amount specified is paid within thirty (30) days of the date of the notice. If a person against whom the Committee decides to seek imposition of a forfeiture fails to pay the amount specified by the Committee within thirty (30) days of the date of the notice, the Corporation Counsel shall initiate an action in circuit court for the collection of the forfeiture; and
- (viii) If the Committee determines that a violation of this Code occurred but does not desire to seek a forfeiture, the Committee may take other appropriate action. Other appropriate action may include issuing a written warning or written finding of violation and contempt setting forth the specific violation. A violation of any provision of this Code may constitute a further cause for suspension, removal from office or employment. Any County Board Supervisor who is found to have violated any provision of this Code, in addition to any other penalties as prescribed herein by law, may be required by the Committee to forfeit any per diem payments otherwise due and owing if the violation occurred during an event or meeting at which that supervisor conducted or engaged in official County business.

D. FORFEITURE PENALTY

For each violation of a provision of this ordinance for which no penalty is specified, the violator shall forfeit not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each violation.

E. CLOSED SESSION

When permitted by law, the Committee may conduct its proceedings, including a hearing, in closed session. The subject of the allegation may request an open hearing, which request shall be granted.

F. OPEN RECORDS

All records of the Committee relating to enforcement of the Code shall be open to public inspection at any time except that the names of individuals and identifying matter which clearly discloses the identity of any individual shall be kept confidential if the Committee finds that there is insufficient evidence to make any Findings.

G. ADVISORY OPINIONS

Any person subject to the provisions of this Code may at any time request the Committee to issue an advisory opinion as to the applicability of this Code to any given set of facts. Such request shall be as detailed as possible and shall be in writing. The Committee may request legal assistance from the office of Corporation Counsel, if necessary. Advisory requests and opinions shall be kept confidential, except where disclosure is authorized by the requester, in which case the request and opinion may be made public. The Committee shall from time to time release such opinions after first ensuring that all individual identifying information has been deleted from such opinion.

Revised by Resolution No. 8-2008-2010 on April 22, 2008

Resolution No. 181-2008-2010 on July 21, 2009 – postponed

Revised by Resolution No. 181-2008-2010 on August 18, 2009

Revised by Resolution No. 99-2010-2012 on 12-21-10

Revised by Resolution No. 205-2018-2020 on 1-21-2020

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3.7 COUNTY PURCHASING

3.7.1 PURPOSE

The purpose of this ordinance is to secure for the county taxpayers the advantages and economies which will result from oversight over the expenditures of county funds for supplies, materials, equipment and contractual services; to establish uniform purchasing procedures for Portage County; to provide for administration of the purchasing system; to promote efficiency and standardization of purchasing methods for county departments; to promote competitive bidding; to provide for administration, regulation, control and enforcement of the purchasing procedures and methods hereby established; and to improve overall budgetary control.

3.7.2 AUTHORITY

This ordinance is created and adopted pursuant to authority granted by sections 59.52 (9) and 66.0131 of the Wisconsin Statutes.

3.7.3 ADMINISTRATION

The provisions of this ordinance and regulations duly adopted hereunder shall be administered, supervised, and enforced by the County Executive, the Procurement Director, and such other officials or employees as the Board may hereafter designate or provide.

3.7.4 DEFINITIONS

- (a) "Bid, Request for Bid, RFB" means an advertised, open, competitive solicitation that is opened publicly.
- (b) "Board" means the Portage County Board of Supervisors.
- (c) "Change Order" means a written order directing and approving the vendor to modify the original contract specifications.
- (d) "Contract" means all types of county agreements, regardless of what they may be called, for the procurement of goods or services.
- (e) "Contract Modification" means any written alteration in specifications, requirements, length of term, quantities, pricing, or other provision of any contract and approved by mutual agreement of the parties to the contract.
- (f) "Cooperative Purchase" means procurement activities conducted jointly by two or more public, non-profit, or procurement buying group organizations.
- (g) "County" means the County of Portage, Wisconsin.
- (h) "County Executive" means the Portage County Executive.
- (i) "Department" means any of the departments, offices, or other organization units of the county government whose affairs and funds are under the supervision and control of the Board of Supervisors and the County Executive.
- (j) "Department Head" means the lead person in a department or designated person responsible to enter and control purchases.
- (k) "Emergency" means an unexpected and urgent situation where the health and safety or the conservation of public resources is at risk, natural disaster, situation causing a work stoppage, or when a state of emergency is declared by the County Executive.
- (l) "Irresponsible Bidder" means a bidder or prospective bidder who fails to furnish, upon written request, proof of his capability to meet all the requirements and qualifications of the solicitation; who

has as a vendor or contractor with the County, repeatedly made slow or unsatisfactory deliveries or performance; or who has violated, or attempted to violate, the provisions of this ordinance.

(m) "*Local Vendor*" means a firm or individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in, or is licensed by, or pays business taxes to the County.

(n) "*Purchase Order*" means a written order issued by the County directing and approving a vendor to provide goods or serves to the County.

(o) "*Responsible Bid or Quotation*" means an offer, submitted by a responsible bidder to furnish supplies, materials, equipment or contractual services in conformity with the specifications, delivery terms and conditions, and other requirements included in the invitation for bids or quotations.

(p) "*Responsible Bidder*" means a vendor, contractor, business entity or individual who is fully capable to meet all of the requirements of the solicitation and subsequent contract. Must possess the full capability, including financial and technical, to perform as contractually required, and be able to fully document the ability, experience, and service reputation to provide good faith performance. Past performance shall be considered as a factor in determining responsibility.

(q) "*Sole Source Purchasing*" means when a procurement process is initiated with a specific vendor without competition who has a unique product or service.

(r) "*Specification*" means a description of the physical or functional characteristics or of the nature of a good or service. It may include a description of any requirement for inspection, testing, or delivery and installation.

(s) "*Vendor*" means a supplier or seller of goods or services.

3.7.5 DUTIES AND RESPONSIBILITIES OF THE COUNTY EXECUTIVE

The County Executive shall have the following responsibilities under this ordinance:

- (a) Advise and consult with the Procurement Director on all matters relating to purchases.
- (b) Through the Procurement Director, enforce compliance with the provisions of this ordinance.
- (c) Be responsible for promoting standardization of items of equipment and supplies within departments where practicable.
- (d) Exercise general supervision of the Procurement Director and all other matters relating to purchasing not otherwise provided for by the Board; establish, and implement the provisions of this ordinance by administrative regulation where deemed necessary, which rules shall be complied with by the departments.
- (e) Decide all policy questions arising under this ordinance relating to the methods of purchasing.
- (f) To investigate all matters relating to purchasing methods used by departments, to recommend to departments improvements or changes in purchasing methods, and in case of non-compliance therewith, to impose disciplinary or corrective actions including any other matters relating to purchasing not covered by the provisions of this ordinance.

3.7.6 DUTIES AND RESPONSIBILITIES OF THE COUNTY PROCUREMENT DIRECTOR

The County Procurement Director shall, subject to the provisions of this ordinance and applicable provisions of state law:

- (a) Purchase all supplies, materials, equipment and contractual services required by the departments on a timely basis and provide the departments with any new information, on alternative products or services to best fulfill their requirements.
- (b) Transfer between departments supplies, materials, and equipment which are no longer needed by a holding department but which can be used by the receiving department.
- (c) Exchange, trade in or sell those supplies, materials, and equipment which are surplus, obsolete or unused and which are found by the Department Head or designee not to be required for public use, the proceeds from these transactions to be credited to the common use equipment fund for the maintenance of common use items.

(d) Develop, with the approval of the Corporation Counsel as to legal sufficiency, standard forms and conditions of invitations to bid or quote; purchase orders and contracts; develop and prescribe the use by departments of other forms required in carrying out the provisions of this ordinance; and amend or eliminate any such forms.

(e) The Procurement Director shall perform all duties under the general supervision of the County Executive.

(f) The Procurement Director shall have direct supervision, management and control of the purchasing system and be responsible for submitting an annual budget for the Purchasing Department.

(g) It shall be the duty of the Procurement Director to prepare bid specifications based on information furnished by the department for which the purchase is to be made, and from such other sources as necessary, in order to meet the needs of the department, consistent with the purpose of this ordinance. The bid specifications shall contain sufficient information to fully describe the item or supplies to be purchased, and to clearly differentiate it from other similar articles or supplies. Such specifications shall be drawn so as to make competitive bidding reasonably possible in the interest of obtaining the best product at the most advantageous price to the County.

(h) The Procurement Director shall be responsible to recommend to the County Executive procedural regulations (purchasing manual) which, when adopted by the Finance Committee, shall be circulated to all county departments, and the Procurement Director shall be responsible to ensure compliance by all concerned with such regulations.

(i) The Procurement Director shall maintain a permanent inventory hereafter called "fixed asset inventory" to include all equipment, furniture, and assets, owned by the County. All departments shall cooperate with the Procurement Director in keeping accurate current inventories of these items under their control, and to notify the Procurement Director of any changes so they can be reflected on our insurance policies.

(j) The Procurement Director may at any time require information from departments where it deems it necessary for efficient purchasing for the County.

(k) The Procurement Director will police the purchasing procedures and practices of all departments on purchases outside this ordinance to assure compliance of the policies described herein.

3.7.7 DUTIES AND RESPONSIBILITIES OF THE COUNTY DEPARTMENT HEADS

It is the responsibility of the Department Heads or designee to;

(a) Key in the county's computer system (where possible) all requisitions for purchases covered by this ordinance.

(b) Obtain necessary approvals for all purchases.

(c) Ensure that such purchase authorizations are forwarded to the Procurement Director.

(d) Cooperate in the promotion and expanding use of the Purchasing Department.

(e) To verify that all purchases within the department comply with the purchasing ordinance and to provide the Procurement Director with an explanation, if requested, on any purchase where a potential violation of policy may exist.

(f) All County Department Heads shall cooperate with the Procurement Director in purchases for the departments which they administer, pursuant to the provisions of this ordinance.

3.7.8 DUTIES AND RESPONSIBILITIES OF THE COUNTY FACILITIES DEPARTMENT

The Facilities Department shall be responsible for unloading of delivery trucks and the prompt distribution of equipment and supplies to appropriate departments. Under ordinary conditions, this distribution service shall occur within one business day.

3.7.9 INFORMATION TECHNOLOGY PURCHASES

All requisitions for the information technology equipment or software must have prior approval from the Director of Information Technology. This is to ensure the compatibility of the requested equipment and software with existing systems. The Director of Information Technology may waive the compatibility requirement.

3.7.10 EMERGENCY PURCHASES

(a) If an emergency occurs, the Department Head or other employee of the using department shall purchase the required commodity. Under all circumstances, the Department Head or designee shall, no later than two business days thereafter, submit to the Procurement Director a requisition and a written explanation of the circumstances of the emergency.

3.7.11 CONTRACTS AND LEASES

(a) All leases or contracts for services of any type for \$25,000 or less shall be reported to the legislative oversight committee of the department.

(b) All leases or contracts for services of any type exceeding \$25,000 must be approved by the legislative oversight committee of the department.

(c) All leases or contracts for services of any type exceeding \$100,000 or 10% of a department's annual budget with a single vendor in a single calendar year or are for an amount of more than \$25,000 (twenty five thousand dollars) per year and which have a duration exceeding one year, must be approved by the legislative oversight committee of the department and by resolution of the County Board, except where otherwise permitted by law.

(d) All contracts and leases under this paragraph shall be reviewed for legal sufficiency by the Corporation Counsel and shall be kept on file in the originating department, except for those contracts as deemed by the Corporation Counsel to be kept on file with the County Clerk, generally certain large scale or multi-year contracts, contracts for the sale and purchase of real estate, and intergovernmental contracts. In the case of the County Executive, the Finance Committee shall be the designated legislative oversight committee for reporting purposes under this paragraph.

(e) Exception to the reporting and approval process under this paragraph includes contracts for services specific to client services prepared by the Health and Human Services Department in accordance with Wis. Stats. Sec. 46.036. Contracts for services under this exception may be executed by the Director of Health and Human Services for any amount. Expenses related to these contracts will be reported monthly to the Health and Human Services Board and quarterly to the Finance Committee. These contracts include those which provide client driven services, court ordered services, or which contain service rates that are pre-determined by state agencies. Examples include but are not limited to contracts for children's substitute care services, adult substitute care services, mental health and substance abuse treatment, and children's long term support waiver services

3.7.12 REQUISITIONS AND ESTIMATES OF FUTURE REQUIREMENTS

(a) All departments shall submit to the Procurement Director, requisitions for supplies, materials, equipment and contractual services (for the type of purchases stated above) as required for their operations and for the purposes and within the limits of funds appropriated therefore. The Procurement Director may require from the Department Head of the requesting department a justification of the quantity requisitioned.

(b) All departments shall also file with the Procurement Director estimates of their requirements for supplies, materials, equipment and contractual services in such form, at such time, and for such future periods as the Procurement Director shall prescribe.

3.7.13 PURCHASING PROCEDURE AND METHODS

- (a) All purchases shall be conducted in accordance with all State and Local laws, codes, ordinances, and industry best practices established by the national Institute of Government Purchasing (NIGP).
- (b) All purchases, acquisitions or leases of any type where the estimated cost is \$10,000 or more may be made only after using a competitive process determined by Purchasing, where possible. Competitive processes include, but are not limited to, Request for Bids, Request for Proposals, Request for Quotes, Cooperative Purchase Contracts, or Request for Qualifications.
- (c) The purchase of used equipment from vendors when, in the discretion of that department's respective head, the purchase of said used equipment will result in considerable savings to Portage County, shall be submitted to the Procurement Director or Procurement Director's designee for review and approval for waiving requirements of the competitive process. Respective department head must provide written justification to Procurement Director or Procurement Director's designee for review and approval.
- (d) All purchases where the estimated cost is under \$10,000 may be made on the open market and directly from a dealer or supplier without obtaining quotations, but multiple quotations should be obtained where possible if a fair market price is not known or apparent.
- (e) The Procurement Director may waive the competitive process requirement, if multiple bids, quotations or proposals are not obtainable, for professional services not conducive to competition, or in cases of immediate need for items or supplies due to unforeseen circumstances.
- (f) The justification and reasons for awards of purchases made by the procedures authorized in paragraphs a, b, c and d above shall be recorded and kept on file in the Procurement Director's office.
- (g) No bid, quotation or purchase may violate the Portage County Code of Ethics.
- (h) The Procurement Director reserves the right to accept or reject any or all options, bids or proposals; to waive any technicality or error in any bid or part thereof submitted, and to accept any bid or option, or combination thereof, in whole or in part, which is deemed to be in the best interest of the County, and the needs of the department for whom the purchase is made. Further, for good cause only, the Procurement Director may authorize consideration of minor or technical alterations to bids and quotes; however, this provision may not be utilized to alter or add to a project in a manner designed to avoid the competitive bidding procedure.
- (i) Each solicitation shall set forth the criteria to be considered in the evaluation of bids or proposals for award, and that no factor shall be considered that is not included in the solicitation.
- (j) All things being equal, contracts for purchases shall be awarded to the lowest qualified, responsive and responsible bidder who meets specifications, absent compelling circumstances.
- (k) Purchases that are considered "sole source" must be approved by the Procurement Director and the Corporation Counsel.
- (l) Change Orders. The Procurement Director may authorize written change orders in an amount not to exceed 10% of the award, to address needed contract changes. Change orders exceeding 10% of the award and \$25,000 or less shall be approved by the County Executive. Change orders exceeding 10% of the award and greater than \$25,000 shall be approved by County Board. This provision may not be utilized to alter or add to a project in a manner designed to avoid the competitive bidding procedure.

3.7.14 APPROPRIATIONS

All purchases shall be made in accordance with such appropriations as have been made by the County Board for the operation of the respective county departments, and the responsibility for not exceeding existing appropriations rest with the department making the requisition, not with the Procurement Director.

3.7.15 UNLAWFUL PURCHASES

Purchases or contracts for any supplies, materials, equipment or contractual services contrary to the provisions of this ordinance may be considered void. The official or employee making such purchase transactions may be personally liable for the amount of such purchase or contract.

3.7.16 CODE OF ETHICS

No county employee, manager, department head, supervisor or elected official may, in the purchase, procurement, bidding or soliciting of contracts with the County, violate the Portage County Code of Ethics.

3.7.17 CENTRAL STORES

(a) There is hereby established a central store which shall operate under the supervision of the Procurement Director who shall purchase such supplies as the various County departments shall require.

(b) The Procurement Director, shall be responsible for the above mentioned supplies and shall prescribe rules for the issuance of supplies to the various departments of the County.

(c) The Procurement Director has the authority to approve all central stores inventory purchases.

3.7.18 PHOTOCOPY MACHINES

The Procurement Director will be responsible for the ordering of supplies for all the County's photocopier machines. The Purchasing Department shall take the necessary action to insure inventory control and optimum use of the machines in order to take advantage of the flexible pricing structure. The Procurement Director shall also have the authority to conduct a cost study to determine if the present machines are most economical for the services provided.

3.7.19 DISPOSAL OF UNSUITABLE OR UNUSABLE PROPERTY

(a) Departments which have equipment or supplies that are regulated by this ordinance, which have become unsuitable or unnecessary to their needs, and which is not to be traded in or applied on any purchase, shall upon request of the Procurement Director report such fact, with a description of such equipment or supplies. Upon receipt of such notice the Procurement Director shall canvas other county departments to determine whether the items or supplies may be used by them. If such items or supplies are not needed by any county department, they may then be sold by the Procurement Director on open market at the price to be established by the County Executive, or under competitive bids, whichever method is deemed most advantageous to the County.

(b) The Procurement Director shall report the disposition of any such equipment or supplies to the County Executive.

(c) The proceeds from the sale of any equipment or supplies hereunder shall be paid to the Portage County Treasurer, and shall be credited to the common use equipment fund or user department.

3.7.20 COOPERATIVE PURCHASES

The County may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods and services. The Procurement Director shall review and participate in any/all cooperative purchasing opportunities to take advantage of the collective purchasing power, thereby reducing the costs of the participating entities. Cooperative purchase

shall be made in accordance with public procurement principles of open and equitable competition. The County may also purchase from any other government entity without the intervention of bids, Section 66.0131(2) Wisconsin Statute.

3.7.21 PROCUREMENT CARD PURCHASES

The Procurement Director is responsible for the administration of the County's Procurement Card Program.

Originally adopted as Portage County Fiscal Policy 17-89
Revised by Resolution No. 46-2008-2010 on 8-19-08
Revised by Resolution No. 142-2010-2012 on 3-15-2011
Revised by Resolution No. 139-2012-2014 on 3-19-2013
Revised by Resolution No. 183-2016-2018 on 11-1-2017
Revised by Resolution No. 13-2018-2020 on 5-15-2018
Revised by Resolution No. 204-2018-2020 on 1-21-2020

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3.8 PORTAGE COUNTY FISCAL POLICIES

3.8.1 BUDGET SCHEDULE

(1) **STATEMENT OF PURPOSE:** The objective of this policy is to establish a standard schedule for the budget process.

(2) **STATEMENT OF POLICY & PROCEDURES:** The County activity for the budget process will occur within the period of July through November of each year. The County Executive has the statutory responsibility for the preparation of the annual county budget and presentation of the budget to the County Board.

(3) PROCESS OF THE COUNTY EXECUTIVE

The schedule of budget hearing as follows:

July:

- A. Meet with departments who project potential budget deficits for the current year operation.
- B. Establish budget goals including a preliminary tax rate.
- C. Develop specific budget guidelines for all departments.
- D. Meet with the Finance Committee and develop the Capital Improvement Plan for Portage County.

August:

- A. Review reclassifications and wage schedule issues.
- B. Review new staff requests.
- C. Commence budget hearing sessions with county departments.
- D. The County Board will formerly adopt a Capital Improvement Plan.

September:

- A. Conduct joint meeting with Marathon County Finance Committee and the Portage County Finance Committee regarding airport budget.
- B. Review budgets for non-department and non-county agencies (i.e., fairs, Community Action Program, Economic Development, Historical Society, Business Council, etc.).
- C. At least two weeks prior to the presentation of the county budget to the County Board, provide a report to the Finance and Human Resources Committees regarding the upcoming budget's reclassifications and new positions.

D. Continue review of the budget for finalization and develop the budget document.

October:

A. Prior to submission to the County Board, the County Executive will conduct any final reviews and public hearings on the County Budget as needed.

B. No later than October 7th, the County Executive shall present the formal County Budget to the County Board at a special October County Board meeting.

C. Finance Committee will review the County Budget after the presentation to the County Board in October and review potential budget amendments.

November:

A. The County Board will conduct a public hearing on the budget and formally adopt the budget at the November sessions of the Board.

3.8.2 CAPITAL IMPROVEMENTS PROGRAM

(1) **STATEMENT OF PURPOSE:** The objective of this policy is to provide for a continuous six (6) year program review of major capital expenditures anticipated by County departments and determine an appropriate budget amount for the Capital Projects Fund to be placed in the annual budget.

(2) **STATEMENT OF POLICY & PROCEDURES:** The Finance Committee, having been delegated the oversight of capital planning, will establish and maintain a *County Capital Improvements Program Handbook*. In accordance with the *County Capital Improvements Program Handbook*, every department head shall prepare and submit their capital improvement requests to the County Executive, through the County Finance Director by March 1st of every year. The requests shall include all anticipated projects for the upcoming budget year and five years beyond. The County Finance Director shall annually prepare the Capital Improvements Program and submit it for review and approval by the County Executive, and then present the plan to the Finance Committee.

The County Executive, in conjunction with the Finance Committee shall prepare and develop a Capital Improvement Plan. The Finance Committee shall recommend a plan and a list of projects for the upcoming fiscal year to the County Board for approval.

The County Executive shall then establish a capital projects fund for the forthcoming budget year to fund approved projects. The County Executive may postpone the lowest priority projects if he determines that adequate funds cannot be made available within the budget guidelines of the forthcoming year.

(3) **DEFINITIONS:** A capital improvement project which requires submittal and review under this policy is defined as one of the following:

- The acquisition of land for a County facility such as a park, building, etc.
- The construction costs associated with a new or expanded County facility/building.
- Purchases of equipment necessary as part of a newly constructed or acquired County facility.
- Purchase of major pieces of equipment (in excess of \$25,000) which have a relatively long period of usefulness (nonrecurring nature and not funded through an annual equipment replacement fund).
- Costs for engineering/planning/architectural studies and services in excess of \$25,000 associated with a public improvement.
- Costs for a project manager, owner's representative, or engineer deemed necessary by the Finance Committee to oversee the project for capital projects in excess of \$1 million. The Finance Committee has the authority to require this level of oversight based on the type and scope of the capital project but is not absolutely required for all projects in excess of \$1 million.

3.8.3 FUND BALANCE POLICY

(1) STATEMENT OF PURPOSE: The objective of this policy is to establish a reasonable level of unrestricted fund balance and to establish guidelines for the uses of fund balance. This policy is in accordance with the Governmental Accounting Standards Board (GASB) Statement #54 Fund Balance Reporting and Governmental Fund Type Definitions. Fund balance is defined as the difference between assets and liabilities in governmental funds. Fund balance is comprised of both spendable and non-spendable forms. Spendable fund balance is available for appropriation based on the constraints that control how specific amounts can be spent as defined by this policy.

(2) STATEMENT OF POLICY & PROCEDURE: Financial stability is important in safeguarding County assets and providing a stable tax rate for County residents. The unassigned fund balance is an indicator of sound financial planning and impacts the following:

- Bond rating – Ability to repay commitments increases bond rating potential. Higher bond ratings reduce the overall cost of long term borrowing.
- Cash flow – Ability to utilize existing cash flow for normal operations without the need for short term borrowing. Also, the ability to save for anticipated expenditures, such as equipment replacement, by budgeting level expenditures in order to keep the tax rate stable.
- Investment interest income – Additional income reduces the reliance on property taxes and provides ability to fund ongoing operations.

Non-Spendable Fund Balance

The non-spendable fund balance describes the amount of fund balance that cannot be spent because it is either in a non-spendable form or there is a legal or contractual requirement for the funds to remain intact.

Restricted Fund Balance

The restricted fund balance represents resources constrained by legal restrictions stipulated by outside parties or based on state statutes or grant requirements placed on the use for specific purposes.

Committed Fund Balance

The committed fund balance represents resources constrained by limitations imposed by the County Board. Committed fund balance shall be set by the recommendation of Finance Committee and authorized by the County Board. Action to authorize committed fund balance must occur prior to the end of the fiscal period and remain binding unless removed by action in the same manner. These fund balances along with imposed restrictions are maintained by the Finance Director by account number.

Assigned Fund Balance

The assigned fund balance reflects the County's intended use of resources. The assigned fund balance shall be set by Finance Committee. These assignments shall be reviewed by the County Board as part of the end of fiscal year reconciliation. These fund balances along with imposed restrictions are maintained by the Finance Director by account number.

Unassigned Fund Balance

The general fund shall be the only governmental fund with an amount of unassigned fund balance. The unassigned general fund balance shall be a minimum of 15% to a maximum of 25% of operating expenditures from the following funds: the general fund, any special revenue fund requiring tax levy to operate, and the debt service fund. The percentages shall be calculated on an annual basis in conjunction with the end of fiscal year reconciliation. The unassigned fund balance maintains adequate working capital for county operations.

If the unassigned general fund balance falls below the minimum threshold, the shortfall must be funded through the subsequent budget process to restore the appropriate level of unassigned fund balance.

If the unassigned general fund balance exceeds the maximum threshold, the excess must be allocated as follows: a minimum of 50% to the Capital Improvement Fund for future capital improvements, a minimum of 25% to fund subsequent year budget for non-recurring expenditures, and the remaining 25% in accordance with the guidelines as specified for use of unassigned general fund balance.

Any use of the unassigned general fund balance that exceeds the minimum requirements must not cause an extreme fluctuation of the tax rate and must be based on the following guidelines for use of such funds:

- Capital expenditures – to reduce the County’s reliance on borrowed funds and future debt service costs.
- Prepayment of outstanding debts – to reduce debt service costs for an immediate savings.
- Start-up costs of new programs – to fund non-recurring start up costs for new county programs.
- Non-recurring expenditures – to fund other non-recurring expenditures.
- Emergencies or unanticipated expenditures – to fund emergencies or contingencies only after the contingency fund has been exhausted.

The use of unassigned general fund balance should not be used to fund operational costs. This promotes the philosophy that current year operating expenses are funded with current year collections; therefore, not creating a structural deficit.

Flow of Funds

The order of fund balance spend-down shall be as follows: 1)restricted, 2)committed, 3)assigned, and 4) unassigned. This order will be used for purposes of reporting fund balance.

Revised 8-17-10 by Resolution No. 56-2010-2012

Revised 11-12-12 by Resolution No. 96-2012-2014

3.8.4 CONTINGENCY FUND BUDGET

(1) **STATEMENT OF PURPOSE:** The objective of this policy is to determine the appropriate amount of the Contingency Fund to be placed in the annual budget.

(2) **STATEMENT OF POLICY & PROCEDURES:** A Contingency Fund is necessary to finance transactions that could not have been identified during the normal budget process. Proper budgeting techniques mandate that the size of the Contingency Fund should be determined by a mathematical formula directly related to the amount of modified gross expenditures. An amount not to exceed of one half of one percent of the modified gross expenditures is hereby established as the level of the Contingency Fund and shall be included in each year’s budget.

(3) **DEFINITIONS:** Modified gross expenditures represents the amount of gross expenditures included in the Combined Funds Statement of the budget document reduced by any expenditure which is financed by borrowing proceeds and by internal service departments’ expenses which are charged to other funds.

3.8.5 CONTINGENCY FUND AND INTER-DEPARTMENTAL TRANSFERS

(1) **STATEMENT OF PURPOSE:** State Statutes provides that a County Board may authorize its Finance Committee to supplement the budget appropriation of a department by transfers from the Contingency Fund or, in limited circumstances, from other Budget Expense Accounts or departments. The objective of this policy is to develop a streamlined process for evaluating department requests and to establish procedures which will control the use of contingency funds, as well establish procedures for the limited circumstances where an inter-departmental or Budget Expense Account Transfer can appropriately be executed.

(2) **Inter-departmental or Budget Expense Account Transfers** are generally prohibited except in accordance with the procedures set forth in this section (3.8.5).

(3) **STATEMENT OF POLICY & PROCEDURES:** The Finance Committee shall have authority to transfer funds (from the contingency fund or an inter-departmental or Budget Expense Account Transfers) limited to the lesser of the following amounts:

- a. \$10,000; or
- b. 10% of the adopted gross expenditures in the department’s annual budget.

Transfer requests which exceed the limited authority of the Finance Committee shall, in addition to being submitted to the County Executive, Governing and Finance Committees, be forwarded to the County Board for final authorization by resolution of no less than a 2/3 vote of the county board.

Addition: A class 1 notice as set forth in State Statutes sec. 65.90(1) describing the change shall be published within 10 days after the change is made (contingency or other fund transfer set out in this section).

Contingency fund transfers will generally occur for the following situations:

- a. Budget supplement requirements resulting from binding arbitration awards and union contract settlements when ratified by the County Board shall be funded by the Contingency Fund.
- b. Budget supplement requirements resulting from reclassifications when approved by the Human Resources Committee shall be funded by the Contingency Fund.
- c. Unanticipated accumulated budget costs which exceed \$4,000 for large departments and which exceed \$2,000 for small departments shall be reported to the Finance Committee for immediate consideration.
- d. Unanticipated accumulated budget costs less than the amounts specified in "B" will be evaluated for possible contingency funds transfer in accordance with Code of Ordinances Section 3.8.8.

Revised 7-15-08 by Resolution 38-2008-2010

Revised 11-03-08 by Resolution 86-2008-2010 - Amended

Reconsidered and Revised 11-18-08 Resolution 86-2008-2010-Amended

3.8.6 INTRA-DEPARTMENT BUDGET TRANSFERS

(1) STATEMENT OF PURPOSE: The purpose of this policy is to delegate authority to the County Executive to modify budgets by intra-department transfers in limited amounts.

(2) STATEMENT OF POLICY & PROCEDURES: The expenditure component of each department's budget is formally adopted by the County Board at program object code level. Unanticipated events may dictate the necessity of shifting appropriations within a department in order to deliver services. To provide flexibility for changing budget needs, the County Executive, through the Finance Director, is hereby authorized to transfer budgeted expenditure funds within their department limited, to a maximum limit per year of the lesser of 10% of the original total expenditure budget amount or \$25,000. This transfer authority does not supercede existing personnel policy which controls the addition of staff. Departments shall not have the discretion of using excess revenues as a source of funding to increase program expenditures. Line-item budget transfers should not be made if a bottom-line deficit condition exists

(3) DEFINITIONS: Intra-department transfers include budget transfers between programs within a department that do not require external funding.

(4) INTRA-DEPARTMENT TRANSFERS which exceed \$25,000 or 10% of the original total budget require approvals by the County Executive, governing committee, Finance Committee and resolution of the County Board as set forth in Section 3.8.5 (which requires a 2/3 majority vote).

Revised Res. No. 47-2008-2010 on 8-19-08

3.8.7 BUDGET SURPLUS POLICY

(1) STATEMENT OF PURPOSE: The objective of this policy is to encourage department heads to make conscious budget saving decisions with the understanding that surpluses created by that effort, with the Finance Committee approval, may be available to meet important department needs that were not included in their original budget.

This policy DOES NOT authorize automatic blanket approval to use budget surplus funds. It does however, develop a uniform process which will allow department heads to submit budget modification requests to the Finance Committee.

(2) STATEMENT OF POLICY & PROCEDURES: Department heads and the County Executive will be required to identify the source of current surplus funds by program object code level when submitting their request.

The Finance Committee shall review the budget history for the year the surplus was generated and the subsequent year to determine if the department was granted special exceptions to the budget guidelines. If this situation occurred, the Finance Committee shall give low priority for budget surplus carryover requests if it is obvious that the surplus was a product of the granted exception.

When it becomes necessary for department heads to make projections to year end because of the timing of their request, it is to be understood that projections are the sole responsibility of the department head and they will be held accountable for their accuracy. In the event that the projected surplus determined by the department head does not materialize and a deficit situation results due to spending surplus funds, the County may offset the deficit with subsequent year's budget funds.

Budget surpluses which occur in programs financed by restricted grants will normally be carried over as segregated funds to be used as financial resources for the subsequent year's budget. State and federal grant monies will be deemed to be expended first for those programs which are financed through a combination of grants and property tax levy. Under this concept, surpluses which are identified as unexpended property tax levy will be closed to the general fund if carryover authorization is not received from the Finance Committee.

The Finance Committee will give the highest priority to a request when the department head can clearly demonstrate savings that resulted from internal decision factors and when the use of surplus funds can reasonably be expected to increase productivity.

The Finance Committee shall give consideration to a department head who is requesting carryover funds for subsequent year's operation to offset loss of federal and/or state grants that have become apparent after the budget was adopted.

(3) DEFINITIONS: Net surplus funds will be deemed to exist only when the combined effects of all expenditures are lesser than all budgeted expenditures; AND when total actual revenues exceed budgeted revenues. A minor deficit in either an expenditure or revenue component may be offset by a larger surplus in the remaining component to produce net surplus balance. Classification of object code expenditures shall include personal services, contracted services, supplies and expense, and fixed charges.

Restrictive state and federal grants are funds which can be used only for a specific purpose outlined by the funding agency. Unexpended grants must be returned to the funding agency and cannot be closed to the County's general fund.

3.8.8 BUDGET DEFICIT AND BUDGET ADJUSTMENT RESOLUTIONS

(1) STATEMENT OF PURPOSE: The objective of this policy is to establish budget deficit reporting requirements, reviews and funding options as well as setting policy for Budget Adjustment Resolutions pursuant to sec. 65.90(5)(a) Stats. A Budget Adjustment Resolution shall follow the procedures set forth in contingency fund transfers of section 3.8.5, which include department approval, oversight and finance committee approval, county executive approval, and approval by a 2/3 supermajority of the county board, with notice to the public.

(2) STATEMENT OF POLICY & PROCEDURE: Department heads shall monitor the status of their operating budget each month and immediately report potential problems of expenditure overruns and/or revenue shortfalls to the County Executive. The department head shall report to the County Executive and the Finance Committee by the end of August when projections clearly indicate an anticipated budget deficit for the year. The operational duties of the County Executive include the supervision of the day-to-day operations of departments and budget oversight, in particular any potential deficits to fund and department budgets. The County Executive shall require reports as are necessary from the departments and specifically from the Finance Department to ensure compliance with this section.

A Budget Adjustment Resolution is mandatory when in the reasonable judgment of the County Executive and the Finance Committee, a department's budget or fund is within \$10,000 of its total budget prior to November of the calendar year. The county shall not issue checks for any amount which exceeds the budgeted fund balance for the requesting department unless such expenditure has been authorized by a 2/3 vote of the County Board. Any Department which submits a payment request for expenditures exceeding the available budget without County Board authorization shall be subject to an immediate spending freeze for all expenditures excepting wages and salaries. During a spending freeze, the affected department shall not authorize any overtime.

When deemed appropriate by the Finance Committee, budget deficits may be remedied by additional budget appropriation transfers from the Contingency Fund following the contingency fund procedure of 3.8.5. The Finance Committee reserves the right to deny contingency transfer requests and require that the governing committee take corrective action to alleviate the department's deficit internally. All budget changes, including contingency fund or other transfers, to remedy deficits shall be deemed as Budget Adjustment Resolutions and shall follow the contingency fund transfer procedures as set forth in section 3.8.5, and as set forth in the law, sec. 65.90(5) Stats.

Budget deficits at year end will be closed to the General Fund when departments have met all reporting requirements and it has been determined by the Finance Committee that the deficit was created by justifiable circumstances. A Budget Adjustment Resolution will then be sent to and approved by the County Board, again in compliance with section 3.8.5.

When the Finance Committee determines that the deficit has resulted from poor budget and personnel management, the Finance Committee may recommend to the County Executive that the deficit be closed out to the department's subsequent year's budget. This procedure will have the effect of reducing the budget appropriation for the following year's budget.

The County Executive shall report all significant department year-end deficits to the County Board at the April meeting, including any Budget Adjustment Resolutions.

(3) DEFINITIONS: A significant deficit is deemed to occur when the dollar amount exceeds the lesser of 1% of gross expenditures or \$10,000.

Revised 11-4-08 by Resolution 86-2008-2010

3.8.9 CENTRAL WISCONSIN AIRPORT BUDGET & PERSONNEL MANAGEMENT

(1) STATEMENT OF PURPOSE: The objective of this policy is to establish budget and personnel management for the Central Wisconsin Airport.

(2) STATEMENT OF POLICY & PROCEDURES: Portage County and Marathon County have entered into a partnership and have formed an Airport Board to manage operations and construction projects of the Central Wisconsin Airport. To establish sufficient flexibility for the Airport Board to manage effectively, the following authority is delegated with supporting procedures:

BUDGET

The Airport Board shall prepare an annual budget and submit it to both Finance Committees and the Portage County Executive for approval.

- The Airport Board, the Portage County Executive and both Finance Committees shall meet annually for a budget hearing.

- Finance Committee approval means a majority vote of all the members of the combined Finance Committees present at the budget hearings provided that at least three (3) members are present from each Finance Committee.

LINE ITEM TRANSFERS

After final approval of the budget by both County Boards, the Airport Board is hereby delegated the authority to make line item transfers of funds without further approval from the Finance Committees or County Boards.

- The Airport Board is, under this paragraph, specifically delegated the authority to make line item transfers regarding salaries and fringe benefits of employees, operating expenses, and capital outlays for the Airport, as well as any other line item transfers.
- The Airport Manager shall promptly inform both Finance Committees and the Portage County Executive in writing after any line item transfer has been approved by the Airport Board.

BUDGET OVER-RUNS

Should unforeseen expenses require additional contributions by the respective Counties, the Airport Board shall appear before each Finance Committee and the Portage County Executive with justification for any over-run, and to request fiscal guidance or procurement of funds necessary to meet the unbudgeted expenses.

PASS-THROUGH ITEMS

All revenues generated because increased costs have been passed through to ultimate users shall be used to pay for the corresponding expense without further authorization or approval by the Finance Committees or County Boards.

PERSONNEL

The Airport Board is hereby delegated the authority to create and/or terminate personnel positions at the Central Wisconsin Airport subject to the following restrictions:

- This power extends to creation or termination of personnel positions only.
- Positions may be created only if they do not result in exceeding the annual budget "salaries and wages" account.
- Position reclassifications and changes in ordinance pay grades made by the Airport Board shall be submitted to the Marathon County Personnel Committee for approval before executing said reclassifications or changes. The Portage County Executive shall be notified of any and all such position changes.

3.8.10 AIRPORT CAPITAL RESERVE FUNDS

(1) **STATEMENT OF PURPOSE:** The purpose of this policy is to establish budgetary procedures and appropriate reserving techniques to facilitate the elimination of property tax supplement for the airport.

(2) **STATEMENT OF POLICY & PROCEDURES:** The self-sustaining goal established by the Airport Board requires implementation of the following budget procedures:

BUDGET REVENUES

It will be the intention of the Airport Board to negotiate contracts to a level that when combined with other use fees shall generate sufficient revenue to match budgeted expenses.

BUDGET EXPENSES

Budget expenditure components shall include:

- Normal operating expenses.
- Capital expenses (local share of construction projects cost-shared by Federal/State).
- Debt service expense sufficient to amortize the Terminal Issue over a fifteen (15) year period. Payments shall be made by November 1 to each county for their proportionate share (equalized valuation ratio in 1986, 66%-34%).

APPLICATION OF RESERVE FUND

In the event budgeted revenues are insufficient to offset budgeted expenses, capital project reserve funds may be used to balance the budget. The application of reserve funds to balance the budget will require approval from joint Finance Committee.

(3) **STATEMENT OF RESERVING TECHNIQUES:** The following reserves shall be established within the airport account system:

CONTINGENCY FUND

A Contingency Fund shall be established to provide working capital and to finance unanticipated budgeted expenses. This fund balance shall be limited to a maximum amount of \$150,000. The Airport Board shall be delegated the authority to use an amount not to exceed \$50,000 in any budget year. Joint Finance Committee authorization must be obtained for use of funds exceeding the \$50,000 cap. The Contingency Fund may be replenished to the \$150,000 cap at year end from current year's budget surplus.

CAPITAL PROJECT RESERVE FUND

All fund equity in excess of the Contingency Fund balance shall be recorded in the Capital Projects Reserve Fund. This fund shall be the financing source for future major capital projects and shall be available to supplement the budget balancing process. Joint Finance Committee authorization must be obtained for the use of all Capital Project Reserve fund resources.

The status of the Contingency Fund and Capital Project Reserve Fund shall be reviewed annually by the joint Finance Committees and the Portage County Executive during the annual budget process.

(4) STATEMENT OF RESERVING TECHNIQUES: The following fund shall be established within Portage County Accounting system: Portage County shall establish an airport debt service sinking fund to record annual transfers from the airport to account for debt service expenses relating to the airport terminal issue.

3.8.11 HIGHWAY BUDGETING & ACCOUNTING POLICY

(1) STATEMENT OF PURPOSE: The objective of this policy is to establish an accounting/budgeting system that is in compliance with the State Department of Transportation and the Generally Accepted Accounting Principles (GAAP).

(2) STATEMENT OF POLICY & PROCEDURES: The accounting/budgeting for highway activity is maintained in the Special Revenue and Internal Service Funds.

Highway Special Revenue Fund

A Special Revenue Fund classification is appropriate for an activity where a significant portion of supporting revenue is legally restricted for specific activity. The revenue source for this fund is property tax and state transportation aid.

Expenditures of this fund consist of purchased services from the Highway Internal Service Fund for maintenance/construction of the county highway system and for the municipal bridge system. A summary budget format follows:

REVENUES BY SOURCE:

Property Tax for CTHS
Intergovernmental Revenues
State Maintenance Aid
State and Federal Project Aid
Total Revenues:

EXPENDITURES BY CLASSIFICATION:

Public Works
County Highway General Maintenance
County Highway Winter Maintenance
County Highway Construction
Total Expenditures:

The Special Revenue Fund will be billed by the Highway Internal Service Fund on a monthly basis for services rendered. Since the amount of provided services fluctuate, particularly for snow removal, this fund is subject to annual budget variations. Accordingly, the Special Revenue Fund shall be considered non-

lapsing with year end balances carried over to the subsequent year. The balance of the Special Revenue Fund shall consist of the following reserves:

- Cost-Pool Reserve – (maximum amount limited to \$175,000)
- Uncompleted Construction Project Reserve – (amount limited to estimated cost to complete specific project)
- Cost-Sharing/Jurisdictional Projects – This reserve will be used to finance the County share of local match funds for joint transportation projects. The fund will also be used to accumulate excess undesignated reserve funds which will be designated for jurisdictional transportation projects.
- Undesignated Reserve Funds – This reserve shall function as a balancing account. Annual surpluses of the Highway Internal Service Fund shall be transferred to this account. Funds from this reserve should be used to eliminate annual deficits of the Highway Internal Service Fund. The maximum amount in this reserve fund shall be limited to \$200,000; amounts in excess of \$200,000 shall be transferred to Cost Sharing/Jurisdictional Projects.

The use of any amounts by the Highway Committee from the above reserves shall require prior approval by the Portage County Executive and the Finance Committee.

Highway Internal Service Fund

In concept, the Highway Internal Service Fund is viewed as an outside agency whose budget level is dependent totally upon the projected needs of the governmental entities it serves, (i.e., State & Federal Government, the county as it relates to the Special Revenue Fund, and other municipal governments). A summary budget format follows:

Operating Revenues by Source:

Intergovernmental Charges
County CTHS Charges
State & Federal Charges
Local Municipal Charges
Miscellaneous

Total Operating Revenues:

Operating Expenses by Classification:

Administration
Radio & Insurance Expense
CTHS – Resurfacing
CTHS – Routine Maintenance
CTHS – Winter Maintenance
CTHS – Construction
Equipment Purchases
Municipal Roadway Maintenance
State & Federal Hwy Maintenance
Cost Pool Differential

Total Operating Expense:

The County Highway Department shall bill their clients for services provided according to billing rates established annually by the Wisconsin Department of Transportation.

The County Highway Department's accounting system contains several cost pools which accumulate operating costs including depreciation. Although these costs pools in theory are intended to break even, the fluctuation of such key factors as petroleum product costs produce a profit or loss. The net profit or loss from combined activity of all highway internal service fund cost pools shall be closed out in the form of an operating transfer at year end to the Highway Special Revenue Fund.

3.8.12 TRAVEL AND BUSINESS EXPENSES POLICY

STATEMENT OF PURPOSE: The objective of this policy is to regulate the management and reimbursement of bona fide county business and travel expenses by eligible employees and officials (defined as members of the County Board of Supervisors, members of boards and/or committees (when

authorized), other elected officials, and employees) for situations where Portage County has payment responsibility

STATEMENT OF POLICY AND PROCEDURES:

Eligible officials as defined in paragraph one shall be reimbursed for reasonable and necessary travel expenses actually incurred in the performance of official duties within the reimbursement guidelines provided here in. Attendance shall be limited to those conferences, conventions, meetings, and seminars which are expected to contribute to the improvement of Portage County services. Travel shall be undertaken by the most practical and economical means available.

AUTHORIZATION OF TRAVEL:

Within budget control limitations, travel and attendance at conferences, conventions, meetings, and seminars must have prior approval as follows:

In State Travel (including Chicago and Minneapolis/St. Paul)

1. For employees, by department heads or appropriate supervisor.
2. For County Board Supervisors and members of boards and/or committees, by vote of that respective body.

Out of State Travel:

1. For employees, by County Executive.
2. For County Board Supervisors and members of boards and/or committees, by the Finance Committee. With voucher approval by the Executive Operations Committee.

All out of state travel shall be reported on a quarterly basis to the Finance committee. Any requests for travel which the department is unable to fund with its current budget resources must be approved by the County Executive and the Finance Committee.

PROHIBITION OF TRAVEL

No county travel shall be authorized outside the continental United States, except with the approval of the County Executive and the Finance Committee. All other travel within the United States and within the State of Wisconsin is subject to this policy.

REIMBURSEMENT

Eligible officials as defined in paragraph one are required to submit standardized travel forms which identify dates, times, and destinations in order to receive reimbursement for business travel expenses. Individuals must also remit copies of the conference brochure when appropriate. Upon proper approval, the County shall reimburse documented expenses through the appropriate payment system. All requests for reimbursement require the submission of receipts, with the exception for meals and mileage.

No person shall receive any compensation or reimbursement under this section for performing any duties for which compensation or reimbursement is made by any other party.

Requests for travel reimbursement must be filed, delivered, and paid by the Portage County Finance Department within 60 days for employees and elected officials, with the exception of County Board Supervisors or members of boards and/or committees who must file within 90 days, following the date of travel or the request will be denied and not paid.

Registration – Registration fees at conferences, conventions, meetings, and seminars are fully reimbursable.

Lodging – Reasonable lodging accommodations and applicable taxes are reimbursable.

Mileage – Eligible officials as defined in paragraph one who are required to use their personal vehicles to conduct County business shall be reimbursed at the IRS standard business mileage rate. This rate shall be indexed semi-annually on January 1 and July 1 and shall remain in effect until a change is made.

If the IRS standard business mileage rate increases prior to January 1 or July 1, the County shall increase the rate accordingly on next index date, January 1 or July 1. However, if the IRS standard business mileage rate decreases prior to the index date, the rate will be decreased with the IRS effective date for the rate change.

Meals – Eligible officials as defined in paragraph one who are required to travel for business purposes shall be reimbursed for meals at a rate acceptable to IRS regulations.

The meal compensation plan allows for two separate meal expense reimbursement schedules – one for in-state meals, and one for out-of-state meals including the City of Milwaukee, as follows:

	In State	Out-of-State <u>(incl Milwaukee, Chicago, Minneapolis/St. Paul)</u>
Breakfast	\$9.00	Breakfast \$10.00
Lunch	\$9.00	Lunch \$10.00
Dinner	\$17.00	Dinner \$20.00

The Compensation Plan provides that when an individual is entitled to reimbursement for two or more consecutive meals in one day, the amount expended for any particular meal is left to the discretion of the individual, but the total reimbursement shall not exceed the total of the eligible individual meal rates for the consecutive meals in a day.

If the travel is to attend a conference, the daily allowance will be reduced by the amount of a meal included in the conference cost. For example, if conference fees pay for lunch, then the total amount of \$9.00 for lunch will be excluded from the daily allowance.

Reimbursement for meals for employees will be allowed only on the following conditions:

1. Breakfast, provided the employee leaves home before 7:00 a.m.
2. Lunch, provided the employee leaves his/her headquarters before 10:30 a.m. and returns after 2:30 p.m.
3. Dinner, provided the employee returns from travel status after 7:00 p.m. or departs his/her headquarters for overnight travel before 6:00 p.m.

Traveling with Spouse: When not traveling in a County-owned vehicle, there is no objection to an employee/official and spouse traveling together while on official County business. No expenses for travel by the spouse will be reimbursable. With respect to the cost of lodging, the amount reimbursable will be equal to the single room rate. The hotel/motel clerk must be asked to write the single room rate on the receipt.

Employees will use vacation time if additional days are taken beyond the specific meeting dates and travel time.

DEFINITIONS: Not applicable.

STATUTORY REFERENCE: Not applicable.

Revised by Resolution No. 194-2006-2008 on 2-19-08

Revised by Resolution No. 9-2008-2010 on 4-22-08

Revised by Resolution No. 153-2010-2012 on 4-19-2011

3.8.14 GRANT APPLICATION AND ACCEPTANCE PROCEDURE

(1) STATEMENT OF PURPOSE: The objective of this policy is to develop procedures for the application and acceptance of grant monies that become available after the budget has been formerly adopted.

(2) STATEMENT OF POLICY & PROCEDURE: Department heads are encouraged to seek and apply for federal and state grants with governing committee approval. The County Executive shall be informed by department heads when a grant application has been submitted. This initial notification to the County Executive will serve as a preliminary informational report which will keep the Committee apprised of

potential funding sources. When departments receive confirmation of grant approval by appropriate federal and/or state agencies, department heads shall develop a program expenditures budget and, with County Executive approval, submit their proposal to the Finance Committee. The Finance Committee shall have the authority to accept grants and approve program implementation amounting to a maximum of \$50,000. Grants in excess of \$50,000 shall be subject to County Board consideration before acceptance. It is recognized that, by law, many grants will require affirmative approval by resolution of the Portage County Board of Supervisors.

Grants which involve the hiring of additional staff must comply with the County's existing Authorization for New Position policy (refer to Human Resources Policies).

Requests involving additional personnel must identify current and future employment of staff and potential unemployment costs. Unemployment costs should be included in the grant.

Any grants accepted by the Finance Committee shall be reported to the County Board. At the termination of the grant period, the Governing Committee shall conduct a formal evaluation to determine if program objectives were achieved and report their findings to the County Board.

3.8.15 VOUCHER AUTHORIZATION PROCESS

(1) STATEMENT OF PURPOSE: The objective of this policy is to establish strong internal control and to develop a standardized voucher payment process for financial accountability.

(2) STATEMENT OF POLICY & PROCEDURES: This policy specifically addresses authorization required for the disbursement of budgeted expenditures and purchase orders. The County Executive shall have the responsibility of approving the disbursement of budgeted funds and purchase orders by signing and thereby approving a standard computer generated voucher approval report. The County Executive will review, and approve as to form only (availability of funds and general purpose), the vouchers of the departments of elected officials. The County Executive may delegate the authorities set forth in this paragraph. In all cases, the governing committee shall be responsible for the oversight function by reviewing approved vouchers approval reports at committee meetings.

The Finance Department will only pay properly approved vendors from properly approved requests for payment. Internal control and internal audit requirements require that supportive documentation in the form of an invoice is required for all voucher payments. Each department is responsible for verifying the receipt of goods or services to the County and the accuracy of the invoice.

Revised on 4-21-09 by Resolution No. 137-2008-2010

3.8.16 INVESTMENT PROGRAM

(1) STATEMENT OF PURPOSE: The purpose of this policy is to provide guidelines for the investment of available County funds. All funds shall be invested in the conformance with federal, state, and other legal requirements, including Wisconsin Statute Chapter 66.

(2) STATEMENT OF POLICY & PROCEDURES: The Finance Committee, having been delegated the oversight of investing county funds, has established the following primary investment objectives, in order of priority:

- **Safety** - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal will be to mitigate credit risk and interest rate risk.
- **Liquidity** - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.
- **Return** - The investment portfolio shall be designed with the objective of regularly meeting or exceeding its performance benchmark, which is specified in the investment procedures.

The Finance Committee will establish an investment policy to be part of the Financial Management Policy & Procedure Manual further defining the parameters within which funds are to be managed to include the following major areas: Scope, Objectives, Standards of Care, Authorized Investments, Safekeeping & Custody, and Reporting.

The County Finance Director shall oversee and have the responsibility for the operation and review of the investment program, as well as advise County officials and implement the investment policy.

Revised on 8-21-2007 by Resolution No. 144-2006-2008

Revised on 4-21-2015 by Resolution No. 117-2014-2016

3.8.17 SPECIAL ASSESSMENT SETTLEMENTS

STATEMENT OF PURPOSE: The objective of this policy is to establish a uniform special assessment settlement between the County Treasurer and local municipalities.

STATEMENT OF POLICY & PROCEDURES: Under State Statutes regulations, counties are authorized, but are not required, to settle in full with all taxing jurisdictions for uncollected special assessments and special charges.

If the County selects the full settlement option, the County is entitled to retain all payments by taxpayers as they are collected. The benefit of exercising this option is minimizing the bookkeeping requirements for the County Treasurer and retaining the 12% annualized interest rate charged to delinquent taxpayers. The risk of uncollectibility for these accounts is minimal since the County has authority to ultimately take a tax deed.

If the County chooses not to make full settlement, the County Treasurer is still required to collect the delinquent accounts for the local taxing district. The County Treasurer would be required to remit all collections, including interest, made by his/her office to the local taxing district on a monthly basis.

Since the full settlement option provides a solid 12% rate of return and reduces bookkeeping requirements, the County Treasurer shall institute the following full settlement option:

The County Treasurer shall settle in full all special assessments and all special charges returned by the local taxing district treasurer by August 20, for taxing districts with the two (2) payment plan and multiple payment plan.

DEFINITIONS: Examples of special charges include delinquent snow shovel billings, delinquent weed cutting bills, and delinquent utilities. Examples of special assessments include street, curb and gutter improvements; water and sewer installation.

Statutory Reference 74.29

Revised Resolution No. 193-2006-2008 on 2-19-08

3.8.18 TAX DEED PRE-INSPECTION REQUIREMENT

STATEMENT OF PURPOSE: The objective of this policy is to require a pre-inspection of delinquent tax parcels prior to the issuance of a tax deed.

STATEMENT OF POLICY & PROCEDURES: State Statutes authorize Portage County to take tax deeds in an effort to enforce the collection of delinquent taxes. The County's existing policy is to

duly notify all owners of property having three (3) years of delinquent taxes and set into motion a procedure which may culminate in the issuance of a tax deed for tax delinquent properties.

This tax deed procedure may subject the County, in the role of the new owner, to environmental liabilities associated with the acquired property. Since the County's equity in delinquent taxes may be only a fraction of the potential costs associated with environmental risks, such as pollution, the County may choose not to take a tax deed.

Prior to the issuance of a tax deed, the County Clerk or his/her designee shall make an on-site inspection of each parcel and conduct an investigation to determine whether a potential environmental risk may be involved.

In the event a hazardous substance, environmental pollution, or an environmental risk is discovered after the county has taken a tax deed, it will be the county's policy to take all necessary legal action to recover costs relating to the environmental problems from the past owner.

DEFINITIONS: Not applicable

STATUTORY REFERENCE: 75.36; 75.377

Resolution Reference: Portage County Ordinance No. 186-2006-2008

Revised Res. No. 193-2006-2008 on 2-19-08

3.8.19 REPURCHASE OF TAX DEEDED PROPERTY BY FORMER OWNERS

STATEMENT OF PURPOSE: This policy is to establish a procedure which will allow preference to former owners to repurchase tax deeded lands.

STATEMENT OF POLICY & PROCEDURES: The County Board hereby provides the former owner who lost title through delinquent tax collection enforcement procedure preference to repurchase tax deeded land acquired by the county. If the former owner is deceased, the former owner's heirs shall have this preference to repurchase such land(s) upon payment of the following:

- a. All delinquent taxes and accumulated interest charges to the repurchase date.
- b. All costs incurred by Portage County in proceedings necessary to obtain and file the tax deed.

This repurchase option shall be available for a maximum of 30 days after the date of the tax deed acquisition. After termination of the option period, the former owner or his or hers heirs can purchase the tax deeded property only through the competitive public auction.

DEFINITIONS: Not applicable

STATUTORY REFERENCE: 75.35(3) and 75.69

Revised by Resolution No. 193-2006-2008 on 2-19-08

Revised by Resolution 167-2012-2014 on 6-18-13

3.8.20 VEHICLE COLLISION-DEDUCTIBLE PROGRAM

STATEMENT OF PURPOSE: The County has selected a \$1,000 deductible for its vehicle collision insurance program to avoid high first-dollar coverage costs. The existing cost-sharing arrangement

for the deductible amount requires the County department to fund the first \$100; the balance is funded by the non-lapsing reserve. The existing policy is revised to require departments to absorb the entire deductible amount whenever our employee has been determined to be the major contributor of negligence.

STATEMENT OF POLICY & PROCEDURES: The County's Safety Officer shall determine if the County's employee meets the negligence test that will require the department to absorb the entire deductible costs. Any department head may appeal this decision through the County's Risk Management Committee.

DEFINITIONS: Not applicable

STATUTORY REFERENCE: Not applicable

Revised by Resolution No. 193-2006-2008 on 2-19-08

3.8.21 PORTAGE COUNTY COLLECTION POLICY

(1) STATEMENT OF PURPOSE: The purpose of this policy is to provide guidelines to all County Departments for the collections of overdue accounts. The County Finance Director shall oversee and be responsible for the review, consolidation and oversight of all County overdue accounts with delinquent balances.

(2) STATEMENT OF POLICY & PROCEDURES: The Finance Committee, having been delegated the responsibility of the oversight of all county accounts, has established the following collection program objectives:

- * To maximize rate of return on unpaid accounts.
- * To insure that all county collection activities are consolidated and overseen by the Finance Department, and enforced in accordance with law.
- * To develop a consolidated collection program which provides for clarity and efficiency.

(3) The Finance Director shall advise county officials and implement a consolidated and centralized collection program for all county accounts. Management and control of those accounts shall likewise be centralized in the finance Department, as overseen by the County Finance Committee and the County Executive.

(4) Accounts that remain delinquent after in-house collection efforts have been exhausted may be assigned by the Finance Department to an external collection agency. The Finance Department will establish guidelines for a bad debt write off policy.

Revised by Resolution No. 48-2008-2010 on 8-19-08

3.8.22 IDENTITY THEFT PREVENTION PROGRAM (Red Flags Rule)

(1) STATEMENT OF PURPOSE: The purpose of this program is to provide reasonable and appropriate policies and procedures for the identification, detection, and response to "red flags" in order to prevent and mitigate identity theft. The Program is intended to comply with the Fair and Accurate Credit Transaction Act of 2003 and the Federal trade Commission's Red Flags Rule, 16 C.F.R. Part 681. The Program will be reviewed and updated periodically in order to reflect changes in the risk, means of detection, and responses necessary to protect against identity theft.

(2) STATEMENT OF POLICY & PROCEDURE: This Program applies only to covered accounts that are maintained by a county department or that are serviced by a service provider under contract with the county.

Portage County does not generally provide the type of consumer accounts that are the focus of the Red Flags Rule – specific examples provided at 16 C.F.R. § 681.2(a)(3)(i) are “a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account.” Instead, the county maintains accounts in connection with goods and services provided to citizens as the result of government programs or court-ordered services. Under these general circumstances, the risk from identity theft is small.

Portage County is entitled to reimbursement of benefits it has paid or costs that it has incurred in some cases, and it may permit that reimbursement to be made through a payment plan or a similar arrangement. Even though the risk of identity theft is small, these deferred payment plans are covered accounts within the meaning of the “Red Flags Rule”.

(3) IDENTIFICATION OF RED FLAGS

The Federal Trade Commission has identified five general categories of red flags and has provided a list of 26 suggested red flags in an appendix to the Code of Federal Regulations. Not all of these red flags may apply to a covered entity, and a covered entity may find other red flags that it should consider. Ultimately, an Identity Theft Prevention Program must be appropriate to the size and complexity of the creditor and the nature and scope of its activities.

As noted above, the risk from identity theft is small because of the nature of the accounts, goods, and services that are made available by Portage County. Accordingly, Portage County has determined that the only relevant red flag in connection with its covered accounts is the receipt of a notice from a customer, victim of identity theft, law enforcement agency, or other business concerning identity theft in connection with a covered account.

The Portage County Finance Department will maintain a list of departments and accounts subject to the Red Flags Rule, which shall be posted to the web. Supervision, maintenance and training will be provided to the affected departments to implement the program.

(4) DETECTION OF RED FLAGS

Each employee or service provider handling a covered account is required to be alert for any report or other notice from a customer, victim or identity theft, law enforcement agency, or other business alleging or reporting identity theft in connection with the covered account. Upon receipt of such notice, the employee or service provider is required to report the red flag to his or her supervisor who will then report the red flag to the Corporation Counsel or to law enforcement as appropriate.

(5) RESPONSES TO RED FLAGS

The Finance Director or designee will review each reported red flag, collect whatever information is necessary, and consult with the Corporation Counsel and the reporting department to determine the appropriate response and implement any necessary precautions for the payment system.

The appropriate response will depend on the nature of the account and the red flag that has been reported. Appropriate responses may include, but are not limited to:

- Monitoring an account.
- Contacting the customer.
- Not opening an account.
- Closing an account.
- Reopening an account with a new number.
- Notifying law Enforcement.

In some cases, it may be determined that no response is warranted.

(6) PROGRAM ADMINISTRATION

The Identity Theft Prevention Program will be administered by the Finance Department and the Corporation Counsel. Corporation Counsel will provide technical information to department directors to enable them to identify covered accounts and train appropriate staff.

The Finance Director will provide an annual report to the Finance Committee regarding the Identity Theft Prevention Program. The report will provide an assessment of the need for the program and its effectiveness. It will summarize any significant incidents involving identity theft and describe the responses made. Finally, it will provide recommendations for any changes in the program that might be needed.

Inquiries regarding Portage County Identity Theft Prevention Program may be directed to:

Portage County Finance Director
1462 Strongs Avenue
Stevens Point, WI 54481
Telephone: (715) 346-1300
Email: finance@co.portage.wi.us

(7) DEFINITIONS:

“Covered account” means any account that the county offers or maintains primarily for personal, family, or household purposes and that provides for multiple payments or transactions. It also means any account that the county offers or maintains for which there is a reasonably foreseeable risk to the account holder or to county’s safety or soundness from identity theft.

“Employee” means any agent, employee, officer, or official of the county who provides services in connection with a covered account.

“Identity theft:” means a fraud that is attempted or committed by a person using another person’s identifying information.

“Identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person. It includes any name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number. It also includes any unique biometric data, such as fingerprint voice print, retina or iris image, or other unique physical representation; unique electronic identification number, address, or routing code; or telecommunication identifying information or access devise.

“Red flag” means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

“Service provider” means any person or entity that provides a service directly to the county that is related to a covered account.

Revised by Resolution No. 24-2010-2012 on 5-18-10

3.8.23 PORTAGE COUNTY FISCAL GIFT CARD AND GIFT CERTIFICATE POLICY FOR PROGRAM RECIPIENTS

(1) STATEMENT OF PURPOSE: The purpose of this policy is to provide guidelines to all County Departments for proper utilization of cash and gift cards/certificates in county operations with program recipients. The County Finance Director shall oversee and be responsible for the implementation of this policy in coordination with department heads.

(2) STATEMENT OF POLICY & PROCEDURES: It shall be the policy of Portage County to prohibit the usage and distribution of cash and gift cards/certificates to county employees and county volunteers. County volunteer policy is set forth in section 3.17 of this Code. Employee Gift Certificate Policy is set forth in section 3.11.9.19 of this Code.

The sole permitted use of cash and gift cards/certificates will be for the benefit of program recipients in bona fide county programs, such as Food Stamp Employment & Training (FSET) and the Safety Cadet Program. The use will be permitted provided that accurate, detailed accounting methods are used along with internal control procedures.

(3) PROCEDURE: The purchase, donation, usage, and distribution of cash and gift cards/certificates for the benefit of program recipients will require prior approval. The Finance Director may authorize for programs up to \$1,000 with a report to the Finance Committee. Any uses for over \$1,000 will be reported to the Finance Department with approval by the respective governing committee and the Finance Committee. The program manager will submit a written request to the Finance Department prior to the commencement of the program to arrange accountability and reporting methods. Thereafter, the program manager will submit a monthly report, as well as a final report to the Finance Department. All cash and gift cards/certificates will be reconciled, registered and with the log available at all times by the program manager to ensure accountability.

(4) DEFINITIONS:

Cash and Gift Cards/Certificates. Any cash and cash equivalents including gift certificates (e.g. store gift cards for groceries, gas, or any similar item or voucher having a cash equivalent value).

Program Manager. The program manager for each program will be designated in writing to the Finance Department by the department head as the authority responsible for program monitoring, financial reporting, and program reporting. The department head is ultimately responsible for compliance with this policy.

Program Recipients. Customers served by Portage County such as individuals receiving public assistance benefits (e.g., those individuals in work programs receiving a gas card to meet transportation requirements; those individuals participating in the safety cadet program receiving a gift certificate).

3.8.24 PROPERTY ASSESSED CLEAN ENERGY FINANCING

(1) PURPOSE

The County finds that renovations or additions to premises located in the County made to improve energy efficiency, improve water efficiency, and/or use renewable resource applications, increased property values, stimulate local economic activity, provide local and global environmental benefits, and promote the general welfare of County residents. The purpose of this Section is to facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

(2) STATUTORY AUTHORITY

This ordinance is enacted pursuant to Wis. Stat. § 66.0627, as amended, which authorizes a County to make a loan or enter into an agreement regarding loan repayments to a 3rd party for owner-arranged or lessee-arranged financing, to an owner or a lessee of a premises located in the County for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to a premises.

(3) DEFINITIONS

In this section:

- (a) "Annual installment" means the portion of the PACE loan that is due and payable for a particular year under the supplemental agreement.
- (b) "Borrower" means the property owner or lessee of the subject property that borrows the proceeds of a PACE loan.
- (c) "Default loan balance" means the outstanding balance, whether or not due, of a PACE loan at the time that the County receives foreclosure proceeds.
- (d) "Foreclosure proceeds" means the proceeds received by the County from the disposition of a subject property through an in rem property tax foreclosure.
- (e) "Loan amount" means the principal, interest, administrative fees (including the Program Administrator's fees) and other loan charges to be paid by the borrower under the PACE loan.
- (f) "PACE" means the acronym for property assessed clean energy.
- (g) "PACE default provisions" means:
 - 1. The delinquent annual installment(s) due when the County initiates the in rem property tax foreclosure on the subject property;
 - 2. Any additional annual installment(s) that become due between the time that the County initiates in rem property tax foreclosure on the subject property and the date the County receives the foreclosure proceeds;
 - 3. Any default interest charges applied to unpaid annual installments referenced in subs. (1.) and (2.) above, as provided in the supplemental agreement; and
 - 4. Any default loan balance.
- (h) "PACE lender" means any person that makes a PACE loan, and which may include an affiliate of the borrower.
- (i) "PACE loan" means a loan made by a PACE lender to a borrower under this Section for energy efficiency improvements, water efficiency improvements, or renewable resource applications made to or installed on a subject property.
- (j) "Person" means any individual, association, firm, corporation, partnership, limited liability company, trust, joint venture or other legal entity, or a political subdivision as defined in Wis. Stat. § 66.0627.
- (k) "Program Administrator" means the person retained by the Wisconsin PACE Commission as provided in subsection (5) (b).
- (l) "Subject property" means any premises located in the County on which an energy efficiency improvements, water efficiency improvements, or renewable resource applications are being or have been made and financed through an outstanding PACE loan.
- (m) "Supplemental agreement" means a written agreement among a borrower, a PACE lender and the County, as provided for in subsection (7).
- (n) "Wisconsin PACE Commission" means the Wisconsin PACE Commission formed under Wis. Stat. § 66.0301, as amended, by the County and one or more other political subdivisions as defined in Wis. Stat. § 66.0627, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission.

(4) PACE LOANS AS SPECIAL CHARGES; DELINQUENT AMOUNTS AS LIENS

Any PACE loan made and secured pursuant to this Section shall be considered a special charge on the subject property. Any annual installment or portion of a PACE loan made and secured

pursuant to the Section that becomes delinquent according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll, as permitted pursuant to Wis. Stat. § 66.0627 as amended.

(5) WISCONSIN PACE COMMISSION

(a) Any of the powers and duties of the County under this Section, except for those under subsection (9) may (but are not required to) be delegated to the Wisconsin PACE Commission.

(b) The Wisconsin PACE Commission is further authorized to retain a Program Administrator to act as its agent and administer the PACE program, subject to adherence with PACE program requirements set forth in this Section and in Wis. Stat. § 66.0627 as amended.

(6) LOAN APPROVAL

(a) A prospective borrower applying for a PACE loan shall comply with the loan application process set forth in the program manual approved by the County.

(b) The County shall approve the financing arrangements between a borrower and PACE lender.

(7) SUPPLEMENTAL AGREEMENT

(a) The County, the borrower and the PACE lender shall execute the supplemental agreement which, without limitation:

1. Shall inform the participants that the PACE loan amount shall be imposed as and considered a special charge, and each year's annual installment may be included on the property tax roll of the subject property as a special charge and an annual installment that is delinquent shall be a lien against the subject property pursuant to Wis. Stat. § 66.0627, as amended;

2. Shall recite the amount and the term of the PACE loan;

3. Shall provide for the amount, or a method for determining the amount, of the annual installment due each year;

4. Shall provide whether default interest may be applied to unpaid annual installments;

5. Shall require the PACE lender and the borrower to comply with all federal, state and local lending and disclosure requirements;

6. Shall provide for any fees payable to the County and/or Program Administrator;

7. Shall recite that the supplemental agreement is a covenant that runs with the land;

8. May provide for prepayments of annual installments by the borrower with a resulting reduction in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if any; and

9. May allow for amendment by the parties.

(b) Prior to executing the supplemental agreement, the owner of the subject property, if different from the borrower, and any existing mortgage holder(s) on the subject property must have executed a separate writing acknowledging the borrower's use of PACE financing for the subject property and the special charge that will be imposed under this Section and its consequences, including the remedies for collecting the special charge.

(c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the supplemental agreement.

(d) The annual payments of a PACE loan may be payable in installments as authorized by Wis. Stat. § 66.0627, as amended.

(8) ANNUAL INSTALLMENTS ADDED TO TAX ROLLS

Upon the request of the Program Administrator the County shall place each year's annual installment on the tax roll for the subject property as permitted pursuant to Wis. Stat. § 66.0627, as amended.

(9) REMITTANCE OF SPECIAL CHARGES

The County shall promptly remit to the Wisconsin PACE Commission any payment(s) for a special charge imposed under this Section, including penalties and charges thereon, it may receive from any taxing district or the County treasurer pursuant to Wis. Stat. Ch. 74, as amended.

(10) PROPERTY TAX FORECLOSURE PROCEDURES

(a) The County elects to utilize the provisions of Wis. Stat. § 75.521, as amended, for the purpose of enforcing tax liens if a subject property owner fails to pay any special charges imposed on the subject property under this Section as required.

(b) The County shall begin an in rem property tax foreclosure proceeding on the subject property at the earliest time allowed under Wisconsin Statutes, unless the County determines that subject property is a “brownfield” (as defined in Wis. Stat. § 75.106, as amended) or that in rem property tax foreclosure is not in the best interests of the County due to the condition of the property or for other reasons.

(c) If the County has determined that it will not commence an in rem property tax foreclosure proceeding, then the PACE lender may request that the County, pursuant to Wis. Stat. § 75.106, as amended, assign the County’s right to take judgement against the subject property, provided that the PACE lender and the County fully comply with all provisions of Wis. Stat. § 75.106, as amended, concerning the subject property and the PACE lender agrees to pay the amounts required by Wis. Stat. § 75.36(3)(a)1 and 1m, as amended.

(11) SALE OF FORECLOSED PROPERTY

If the County prevails in an in rem property tax foreclosure action against a subject property, the County shall diligently proceed to sell the subject property pursuant to the procedures set forth in Wis. Stat. § 75.69, as amended.

(12) DISTRIBUTION OF FORECLOSURE PROCEEDS

The County treasurer shall follow the procedures set forth in Wis. Stat. § 75.36, as amended, to distribute the proceeds from the sale of a subject property.

3.8.25 ANNUAL VEHICLE REGISTRATION FEE

(1) AUTHORITY: This ordinance is adopted pursuant to the authority granted by Wisconsin Statutes § 341.35.

(2) STATEMENT OF PURPOSE: The purpose of this ordinance is to provide the Portage County Highway Department with a source of funds in addition to other funding sources currently being utilized to maintain and construct the County’s roadway and bridge program.

(3) DEFINITION: In this section, “motor vehicle” means an automobile or motor truck registered under § 341.25(1)(c), Wis. Stats, at a gross weight of not more than 8,000 pounds, that is registered in this state and is customarily kept in Portage County.

(4) ANNUAL REGISTRATION FEE: At the time a motor vehicle is first registered or at the time of registration renewal, the applicant shall pay a county vehicle registration fee of \$25. This fee is in addition to other fees required by Wisconsin Statutes Chapter 341. The Wisconsin Department of Transportation (DOT) shall collect the fee. Use of funds generated by this registration fee shall be restricted to Highway Department expenses.

(5) EXEMPTIONS: The following motor vehicles are exempt from the annual vehicle registration fee:

(a) All vehicles exempted by Wisconsin Statutes Chapter 341 from payment of a state vehicle registration fee.

(b) All vehicles registered by the state under Wisconsin Statutes § 341.26 for a fee of \$5.

(6) ADMINISTRATIVE COSTS: The DOT shall retain a portion of the moneys collected under this section equal to the actual administrative costs related to the collection of these fees according to Wisconsin Statutes § 341.35(6m).

(7) EFFECTIVE DATE: This ordinance shall take effect on March 1, 2019.

(8) SUNSET DATE: This registration fee will therefore sunset at midnight on March 1, 2024 unless otherwise amended, rescinded, or extended by future action by the Portage County Board of Supervisors.

Revised by Resolution 76-2010-2012 on 10-19-2010

Revised by Resolution 142-2012-2014 on 4-16-2013

Revised by Resolution 153-2016-2018 on 7-18-2017

Revised by Resolution 78-2018-2020 on 11-20-2018

Revised by Resolution 218-2018-2020 on 3-17-2020

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3.9 COMPUTER USE POLICY

3.9.1 PURPOSE

The County provides the use of the computing and networking resources to enhance and support the work of employees. It must be understood the use of this powerful tool is a privilege and not a right. It carries with it the responsibility for making use of these resources in an efficient, ethical, and legal manner. It can provide many avenues¹ for research and information, but is a privilege that can be taken away for a violation of this policy. The Internet is included as part of Portage County's network resources. It includes material that is not suited for County business and may be offensive to some people. Connections to the Internet are to be used only for County-related purposes.

3.9.2 POLICY

Portage County Data Processing has limited resources and times available for network supported activities, all users have the individual responsibility to abide by the policies set forth. These documents will evolve over time. It is the user's responsibility to review these policy documents on a regular basis. Anyone who uses the network in an illegal, improper or unauthorized manner could lose the privilege of using it and be subject to employee discipline including possible discharge.

3.9.3 AGREEMENT

Access to the Portage County computing and network resources will be granted to an individual based upon the completion of the Computer Access Request and Agreement. This will insure that the user is aware of the procedures of this policy and their responsibility to comply with it. The provisions of this policy apply to all County and State employees using the County's networking resources.

3.9.4 UNAUTHORIZED ACTIVITY

Respect County Regulations

Proper use of computing and network facilities respects all County regulations, contracts with County suppliers and other service providers. Any use of Portage County computing facilities for illegal purposes, or in support of illegal activities, is prohibited. Data Processing will report all known illegal activities to the appropriate local, state, or federal offices.

Respect others' right to freedom from harassment or intimidation

Proper use of computing facilities respects individuals rights to privacy and to freedom from intimidation, harassment, and unwarranted annoyance. Sending abusive statements, patently unwanted materials, for example, electronic "chain letters", "junk mail", to others is prohibited.

3.9.5 SECURITY

Respect security restrictions to systems and information

Access to County computing facilities is based on a user ID and password. Each user is responsible for all actions taken while using their user ID. Do not share your user ID with any one else. Forgery (or attempted forgery such as "E-mail address spoofing") of electronic mail messages is prohibited.

3.9.6 COPYRIGHT

Respect copyright and other intellectual property rights

Proper use of computing facilities respects intellectual property rights. Intellectual property rights begin with respect for intellectual labor and creativity. They include the right to acknowledgment, the right to privacy, and the right to determine the form, manner, and terms of publication and distribution.

Copying programs, files, or passwords belonging to others may constitute plagiarism or theft. Software licensed by the County or merely used on County equipment must be used in accordance with proper vendor license agreements. The County will seek repayment of fines or damages from employees who violate licensing terms.

3.9.7 INTERNET USE

Responsible use of County Internet Facilities

Personal use of County Internet Services

Portage County provides Internet services for County employees in the normal use of business operations. Visiting websites for non-County business related issues is prohibited. Individuals found using County resources for this type of purpose will have their actions reviewed by the Department Head, Supervisory Committee, or Ethics Committee for possible disciplinary actions.

Download of Internet files

Any individual downloading files through the Internet, not in the course of County business will be held liable for all damages incurred by unwanted viruses. If a County employee has the need for downloading information from the Internet it will be their responsibility to keep anti-virus software on their computer.

3.9.8 ENFORCEMENT

Investigation and Enforcement

All instances of improper use and conduct will be investigated and actions may be taken to prevent their further occurrence.

Data Processing staff members may be directed to copy and examine files, network access logs, electronic mail boxes or other information on County computing and network systems. Improper use of the computing and network services may lead to disciplinary actions, and future access to computing and network resources may be limited or restricted. While Data Processing may

suggest what actions could be taken to protect Portage County computing and network resources, Data Processing will ask that the Department Head, Supervisory Committee, or County Ethics Committee determine what final disciplinary action should be taken. Revisions to the Portage County Computer Use ordinance will be developed and published by the Data Processing department with final approval by the Portage County Finance Committee. If an acceptable use question arises it should be considered as "not acceptable" until formally approved by the Data processing Department.

3.9.9 FORM

PORTAGE COUNTY COMPUTER ACCESS REQUEST FORM

Name: (include middle initial) _____ Effective Date: _____
Department: _____ Job Title: _____

COMPUTER ACCESS CONFIDENTIALITY AND SECURITY

I have received the Portage County E-Mail Policy.
I have received the Portage County Computer Acceptable Use Policy.
I understand that I am responsible to read and comply with the above documents.
I acknowledge that any actions by me to access any information in the computer system or any other County records must be for the direct performance of my job duties. I understand that any violation of the policies referenced above including accessing information for any reason outside the scope of my job duties, is considered a serious violation of County policy that could result in disciplinary action, up to discharge from employment.

I request access to the computer information system as necessary for the performance of my job and acknowledge my responsibilities set forth in County policies.
Employee's Signature: _____ Date: _____

COMPUTER ACCESS REQUEST

Menus will be assigned as specified in the Menu Access by Job Type guidelines. If special access beyond the guidelines is required, enter any additional requests for access and justification here:

Please forward this completed form to the Data Processing Department
*****THIS SECTION IS FOR DATA PROCESSING USE ONLY*****

USER ID _____
User Entered By _____ Date _____

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3.10 PORTAGE COUNTY E-MAIL REGULATIONS

3.10.1 PURPOSE

Portage County has established a policy with regard to access and disclosure of electronic mail messages created, sent, or received by County employees using the County's electronic mail system.

3.10.2 POLICY

- 1) The electronic mail system hardware is County property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the County. They are not the private property of any employee.
- 2) The use of the electronic mail system is reserved solely for the conduct of business at the county. It may not be used for personal business.
- 3) The electronic mail system may not be used to solicit or proselytize the commercial ventures, religious or political causes, outside organization, or non-job-related solicitation.
- 4) The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender specific comments, profanity or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
- 5) The County reserves the right and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes, may be disclosed within the County without the permission of the employee.
- 6) The confidentiality of any message cannot and should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
- 7) Notwithstanding the County's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to the policy must receive prior approval by the department head.

3.10.3 ENFORCEMENT PROVISIONS

Any employee who discovers a violation of this policy shall notify the Data Processing Department who in turn will notify the Department Head or the Personnel Department or both.

Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge.

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3.11 COUNTY HUMAN RESOURCES POLICIES

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3.11.1 GENERAL PROVISIONS, OBJECTIVES AND SCOPE

3.11.1.1 PURPOSE:

A. The general purpose of this manual is to establish a system of human resource administration that meets the social, economic and program needs of Portage County.

B. The system herein established shall be consistent with the following principles:

1. Recruiting, selecting, and advancing employees on the basis of merit, including their relative ability, knowledge and skills which includes open competition of qualified candidates.
2. Establishing pay rates consistent with the principle of providing equal pay for significantly equal work duties.
3. Assuring equal opportunity and fair treatment of all applicants and employees in all aspects of personnel administration in accordance with federal, state and local laws.
4. Ensure compliance with other laws, rules and regulations such as HIPAA, Family and Medical Leave provisions, Americans with Disabilities Act, Portage County's Affirmative Action Plan and other Human Resources policies.

C. These written policies should increase understanding, reduce the need for separate decisions on matters of County-wide policy, and help to ensure uniformity throughout Portage County organization. While uniform implementation of Human Resource policies is the ultimate goal of Portage County, it is recognized that all departments have unique characteristics that may require special consideration in certain policy areas. When there is a conflict regarding the present policy and any other past policies relating to personnel matters, the present policy will prevail.

D. These policies may be amended by the Portage County Executive, the Human Resources Committee and the Portage County Board.

3.11.1.2 DEFINITIONS:

In these policies, certain terms are used with a County-wide perspective. Definitions are provided herein for those terms.

Appointing Authority - The County Executive, Official or Committee who has the authority to appoint and remove individuals to and from positions in the County service.

Casual Employee-A full or part time position created to substitute for a permanent position in an on-call as needed basis. There are no regular hours and employees in this classification do not receive employee benefits.

County Employee - Includes any employee appointed to a full time, part-time, limited term, casual, seasonal employee or elected position, except as follows: members of the Portage County Board of Supervisors; citizen members of County Board committees and commissions; volunteer workers; and persons employed through state and federal grants, funding sources or other work programs who are not on the County payroll.

County Executive. - The County's elected chief executive, with broad appointment, oversight and supervisory responsibility as set forth in Wisconsin Statutes, Chapter 59.

Department - A division of the services provided by Portage County headed by management personnel who report directly to the County Executive. This does not include smaller organizational and management units established within a Department.

Department Head - Includes all elected officials, program directors, and administrators who supervise and implement their respective programs with direct supervision (for appointed officials) and oversight review (for elected officials) by the County Executive.

Full-Time Employee - An employee whose normal work week is 40 hours or more per week.

Limited Term Employee - A limited term employee (LTE) is defined as an employee who is hired on a temporary basis for a specified period of time or for a specific project for no more than 2088 hours. Employees in this classification do not receive employee benefits.

Part-Time Employee - An employee whose normal week is anything less than 40 hours per week.

Promotion - The assignment of an employee from one class to another class with a higher pay grade.

Seasonal Employees - A full-time or part-time position created to fill seasonal workload requirements. Such positions are not to exceed nine (9) consecutive months; Employees in this classification do not receive employee benefits.

3.11.1.3 POSITIONS COVERED:

These policies shall be applicable to all County positions, including those within collective bargaining units. When there is a conflict between the Human Resource Policies and any County Labor Agreement or governing State Statute, the County Labor Agreement or State Statute shall prevail.

3.11.1.4 HUMAN RESOURCES ADMINISTRATION:

These rules and regulations shall be administered by the County Executive and the Human Resources Director.

3.11.1.5 EMPLOYEE REPRESENTATION:

No county official shall encourage or discourage employee membership in any organization, association, or union formed for the purpose of representing County employees with respect to employment relations.

3.11.1.6 EMPLOYMENT RELATIONS:

With the exception of Elected Officials, Department Heads, managerial, supervisory or confidential employees, County employees have the right to organize, join, and participate in any employee organization freely and without fear of penalty or reprisal as provided in the Municipal Employment Relations Act (Wisconsin Statutes 111.70) which includes provisions for the resolution of impasses. County employees also have the right to refuse to organize, join, or participate in collective bargaining units.

Where provisions of duly-negotiated employee labor agreements exist and are in direct conflict with provisions of this manual, said labor agreement provisions shall supersede the like provisions of this manual. All other provisions in this manual not specifically superseded by provisions in a labor agreement shall be in full force and effect.

3.11.1.7 RIGHTS OF THE COUNTY

The County of Portage reserves unto itself all rights commonly associated with the employer in the employment relationship, including but not limited to, the following:

- (1) To direct all operations of the County.
- (2) To establish reasonable work rules and schedules of work.
- (3) To hire, promote, transfer, schedule and assign employees.
- (4) To suspend, demote, discharge and take other disciplinary actions against employees.
- (5) To relieve employees from their duties because of lack of work or any other legitimate reason(s).
- (6) To maintain efficiency of County operations.
- (7) To take whatever action is necessary to comply with local, state or federal law.
- (8) To introduce new or improved methods or facilities.
- (9) To change existing methods or facilities.
- (10) To determine the kinds and amounts of services to be performed as pertinent to County operations, and the number and kind of classifications to perform services.
- (11) To contract out for goods and services.
- (12) To determine methods, means and personnel by which County operations are to be conducted.
- (13) To take whatever action is necessary to carry out the functions of the County in situations of emergency.
- (14) To take whatever measures as are reasonable to comply with the management obligations of the County.

3.11.1.8 EQUAL EMPLOYMENT OPPORTUNITY AND FAIR EMPLOYMENT

Equal employment opportunity and fair employment shall be assured for all applicants and employees in all aspects of personnel administration. The Affirmative Action plan shall be adhered to in the administration of County personnel. The Human Resources Department shall draft and prepare the Affirmative Action Plan which shall be available for public review and on file in the department. Discrimination against any properly qualified person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of age, race, religion or creed, color, disability or association with a person with a disability, marital status, sex (including pregnancy), nation origin, ancestry, sexual orientation, gender identity and/or gender expression, arrest record, conviction record, military service, use of nonuse of lawful products off the employer's premises during nonworking hours, declining to attend a meeting or to participate in any communication about religious matters, or political matters, genetic information or any other basis protected by applicable state or federal law is hereby prohibited except where specific age, sex or other requirements constitute a bona fide occupational qualification.

3.11.2 RESPONSIBILITY AND AUTHORITY

A. The County Board shall

- (1) Take action on any annual adjustments of the management and non-bargaining unit wage and classification plans, as submitted by the County Executive and HR Committee.
- (2) Review and take action on amendments to these policies when such amendments alter and/or revise policies previously established by County Board resolution.
- (3) Take action on all new positions and wages not presently included in the wage and classification plan as recommended by the County Executive and Human Resources Committee.
- (4) Approve collective bargaining agreements between Portage County and its represented employee associations and unions.
- (5) Take action on revisions to county wage and classification plans, except those in which revisions are a mandatory subject of bargaining.

B. County Executive shall

- (1) Enforce Human Resources Policies and amendments thereto in consultation with the Human Resources Director and submit those determined to be appropriate to the County Board.
- (2) Review and recommend to the County Board salary schedules for Portage County Elected Officials in

accordance with Wisconsin Statutes.

- (3) Hire and supervise the respective Department Heads, with confirmation by the County Board (except for the Library Director) and take appropriate action as needed.
- (4) Enforce all labor negotiations and related matters.
- (5) Provide direction and supervision to the Human Resources Director.
- (6) Approve or deny special wage adjustments.
- (7) Review and make recommendations on requests for additional staff based on evaluation of the position description, pay rate, classification, category and need for the position, in accordance with County Board resolutions relating to the establishment of new positions.
- (8) Supervise the County fringe benefit programs in compliance with approved labor agreements and County Human Resources Policies.
- (9) Evaluate performance of the respective Department Heads and submit written performance evaluations to the Human Resources Department.
- (10) Review and approve requests for additional staff and reclassification requests for the annual budget.
- (11) Supervise the training program for Portage County Officials and Managers in all areas including safety, Human Resources laws, privacy laws and similar requirements.
- (12) Coordinate all personnel actions with the County Board and oversight committees.
- (13) Study and recommend annual adjustments to the management and non-bargaining unit wage and classification plans, for final approval by resolution through HR Committee by the County Board.
- (14) Review recommendations for revisions to county wage and classification plans, except those in which revisions are a mandatory subject of bargaining, for final approval by resolution through HR Committee by the County Board.

C. The Human Resources Committee shall

- (1) Conduct third step grievance procedures.
- (2) Review and approve policy changes, the conduct of labor negotiations, fringe benefit policies, county contracts, county insurance and human resources programs such as health insurance and provide legislative oversight of the Human Resources department and program for Portage County.
- (3) Review and approve annual adjustments to the management and non-bargaining unit wage and classification plans, for final approval by resolution by the County Board.
- (4) Review and approve any revisions to county wage and classification plans, except those in which revisions are a mandatory subject of bargaining, for final approval by resolution by the County Board.

D. The Human Resources Director or his/her representative shall

- (1) Administer all Human Resources Policies.
- (2) Negotiate all labor agreements.
- (3) At regular intervals, review all county wage and classification plans and submit any recommendations for revision, except those in which revisions are a mandatory subject of bargaining, to the County Executive, for final approval by resolution through HR Committee by the County Board.
- (4) Advise the County Executive, County Board of Supervisors, Department Heads, and employees on Human Resources matters as required.
- (5) Cultivate sources of applicants. Recruit and advertise for all personnel.
- (6) Investigate complaints of employees with regard to County Human Resources policies.
- (7) Maintain position descriptions and conduct position analysis and evaluation.
- (8) Maintain a roster of all employees in the County service which shall include the class title, pay status and other pertinent data. Maintain a roster of all county positions by department, position title and allocation. Revise all rosters as necessary.
- (9) When appropriate, maintain lists of persons eligible and qualified for hiring and promotion to positions within the County service.
- (10) The Human Resources Department shall be the primary repository for complete personnel records, including applications, date of hire, wage rates, classification, insurance forms, change of status of employees, performance evaluations, all notices of verbal and written reprimands, discipline, suspensions and discharges, and all other records that currently, or may in the future, pertain to employees. Duplicate files may be retained in the respective departments.

- (11) Serve as Affirmative Action officer for the County by administering and regularly reviewing the program.
- (12) Administer employee fringe benefit programs and disseminate necessary information to all employees and departments.
- (13) Serve as the primary point of contact and as County Agent for Wisconsin Retirement System, group health insurance, life insurance, and disability insurance programs.
- (14) Conduct second step grievance procedures.
- (15) Investigate and make recommendations to the Human Resources Committee on third step grievance procedures and arbitration.
- (16) Prepare and implement such forms, reports and procedures necessary to carry out the personnel programs.
- (17) Maintain standards and procedures to ensure uniformity in the application of discipline and processing of employee grievances.
- (18) Investigate unemployment compensation claims and represent the County at unemployment compensation hearings.
- (19) Administer the wage and classification plan, and make recommendations for adjustment to the County Executive.
- (20) Submit reports when requested by the County Executive, the Finance and Human Resources Committee and the Portage County Board of Supervisors.
- (21) Interpret labor agreements and Human Resources Policies.
- (22) Maintain the Human Resources Policies manual.
- (23) Direct in-service training programs, as needed, for all employees.
- (24) Monitor all personal services contracts to ensure compliance with provisions of these Human Resources policies and labor agreements.
- (25) Supervise the Human Resources Department staff.
- (26) Study and recommend by report annual adjustments to the management and non-bargaining unit wage and classification plans, submitting the report to the County Executive, for final approval by resolution through HR Committee by the County Board.
- (27) Attend Risk Management Committee meetings and advise on Human Resource matters.

E. Department Heads. Department Heads shall

- (1) Enforce the Human Resources Policies and respective departmental rules and regulations in a consistent and impartial manner.
- (2) Comply with all Human Resources-related administrative rules and directives.
- (3) Keep employees informed of current Human Resources policies and future revisions.
- (4) Conduct second step grievance procedures and participate in third step grievances as necessary.
- (5) Promptly notify the County Executive and Human Resources Director of any proposed change in staff organization.
- (6) Administer discipline and delegate such authority to supervisory staff as necessary.
- (7) Participate in labor negotiations as a member of the Management Bargaining Committee as requested and oversees the enforcement of and compliance with labor agreements in their department.
- (8) Ensure that all job postings and notices are displayed in a designated area within their department.
- (9) Have the authority to employ, supervise, and discharge employees in approved/authorized positions in accordance with procedures established in these Human Resources Policies.
- (10) Develop and maintain position descriptions for all employees within their department.
- (11) Notify the County Executive and Human Resources Department of an employee's termination prior to the employee's last working day.
- (12) Evaluate staff performance and submit written performance evaluations to the Human Resources Department.

F. Supervisory Staff. To the extent authority is delegated to them, the supervisors may

- (1) Implement the Human Resources Policies, rules and regulations in their unit.
- (2) Direct and evaluate the performance of subordinate employees.
- (3) Participate in the selection of new employees.
- (4) Develop position descriptions for subordinate employees.
- (5) Administer discipline to employees.
- (6) Conduct first step grievance procedures.

3.11.3 RECORDS AND TRANSACTIONS MANAGEMENT

3.11.3.1 RESPONSIBILITY AND AUTHORITY:

A. Payroll Unit - The payroll unit shall perform personnel transactions as they affect payroll records and shall maintain cumulative records of vacation, sick leave and payroll deductions and other pertinent information. The unit shall also keep accurate records of productive time and overtime.

B. Employees - All employees shall be responsible for notifying their supervisor of any change which affects their personal status (e.g., name, address, etc.). Through submission of payroll records and verification of hours worked, employees and supervisors attest to the veracity and integrity of the payroll.

C. Human Resources Department - The Human Resources Department shall be the primary repository for complete personnel records for employees in the County service.

3.11.3.2 SECURITY OF RECORDS:

Access to personnel and payroll records shall be limited to those employees who utilize official records in order to perform their assigned duties. Other people who are authorized access should obtain the records from the Human Resources Director. In accordance with Wisconsin Statutes Section 103.13, any employee may make arrangements to view their own personnel records at a time mutually acceptable with management.

Information as to the name, dates of employment, class title and salary is available for public inspection during normal working hours. Generally an employee's written permission is required in order to release personal information for any purpose, especially credit references. Other information may be considered confidential to protect an employee's privacy and shall be available only to the employee or the employee's designee, the Human Resources Department, and authorized Federal and State representatives who have cause to review for such official reasons. For all records requests, the Department shall strictly comply with Wisconsin's Open Records law.

3.11.4 CLASSIFICATION PLANS

3.11.4.1 PURPOSE:

The classification plan provides a basis for grade assignment and compensation of all positions in the County. The plan also utilizes standard titles, each indicating a definite range of duties and responsibilities, which allows for uniform meaning and application throughout the County.

3.11.4.2 COMPOSITION OF THE CLASSIFICATION PLANS:

The classification plans shall consist of:

- A. A grouping in classes of positions which are approximately equal in difficulty and responsibility which call for the same general qualifications and which can be equitably compensated within the same range of pay under similar working conditions.
- B. Classification titles, descriptive of work of the position.
- C. Wages and steps for each classification.

3.11.4.3 USE OF CLASSIFICATION PLANS:

The classification plans are to be used:

- A. As a guide in recruiting and examining candidates for employment.
- B. In determining lines of promotion and in developing employee training programs.
- C. In determining salary to be paid for various types of work.

D. In providing uniform job terminology understandable by all County officers and employees, and by the general public.

3.11.4.4 ADMINISTRATION OF THE CLASSIFICATION PLANS:

The Human Resources Director is charged with the development and maintenance of the classification plan so that they will reflect the duties performed by each employee in the County service and the class to which each such position is allocated. The Human Resources Department will maintain an allocation list showing the class title of each position as identified by the name of the incumbent or position control number. The Human Resources Director shall conduct an annual review of the plans and submit by report any recommended adjustments to the County Executive for final approval by resolution through Human Resources Committee by the County Board.

3.11.4.5 ALLOCATION OF POSITIONS:

Whenever a new position is to be established, or the duties of an existing position are substantially changed to the extent that a classification change may be involved, the Department Head shall submit, in writing, an updated position description setting forth in detail the duties of such position.

All new position requests shall be submitted to the Human Resources Director for review and determination of the appropriate classification prior to submission to the County Executive for inclusion in the annual budget.

The Human Resources Department shall maintain a roster of every county employment position by department, title, and allocation number. A vacancy in a position of one year or more shall be cause to remove the position from the active roster. After any such removal, the position may only be re-established by the Authorization for New Positions.

3.11.4.6 REQUEST FOR RECLASSIFICATION OR UPGRADE:

A. A completed request for reclassification shall be submitted to the Human Resources Director no later than July 1st of each year if endorsed in writing by the supervisor and Department Head. A request for reclassification must include the following supporting documentation a current position description, a proposed position description, a completed job description questionnaire (JDQ), organization chart for the appropriate work unit, suggested classification or pay grade, reasons for the reclassification request, and an indication of other positions performing comparable work.

B. In general, reclassification requests shall be processed in the following manner: an audit will be conducted by the Human Resources Department, the County may utilize an independent party to conduct the audit, to determine what adjustment, if any, should be made in the classification. The results of the audit will be submitted for review by the County Executive for possible inclusion in the County Budget. At least two weeks prior to the submission by the County Executive of the county budget to the county board, the County Executive shall file a report for review with the Human Resources and Finance Committees listing the reclassifications which shall be submitted with the budget. The Human Resources and Finance Committees may then have a timely opportunity to review the report and make recommendations, regarding the County Executive's proposal for reclassification to the County Board in the budget cycle.

C. There are three primary reasons for considering the reclassification of a position or upgrade of a classification (1) if it is felt that the position was improperly classified or graded when it was first placed on the salary schedule (If the reclass is submitted for this reason it must be submitted within 1 year of the assumption by the incumbent of the position); (2) if the duties and responsibilities of a position undergo a major alteration, either expansion or curtailment, it may be necessary to amend the class plan to reflect such changes; and (3) more commonly, there is a significant growth of a position as additional duties and responsibilities are assigned.

If the duties and responsibilities of a position significantly increase to the extent that they substantially exceed the normal requirements for the class, a reclassification may be in order. It must be understood that

the classification is based on the kinds and levels of duties assigned to the position, not the employee's skills or level of performance. Reclassifications will not be used as a performance award.

D. When an employee's position is reclassified to a classification in a lower or equal pay grade, the employee in the position may have their salary adjusted in the new salary range that is at or below their current rate of pay and is subject to the reclassification procedure. In general, an employee's placement within grade is determined by time within their current classification and/or grade rather than solely by time employed by the County. Exceptions to this principle can only be implemented by County Executive action.

e. Reclassification requests must comply with Finance Policies for inclusion in the annual budget process by the County Executive, and will not normally be considered outside the budget cycle. However, if necessary, reclassifications will be processed outside the budget cycle with the review and approval of the legislative oversight committee, the HR and Finance committees, the County Executive and by resolution to the county board.

3.11.5 AUTHORIZATION FOR NEW POSITIONS

3.11.5.1 PROCEDURE – PERMANENT:

A. The Department Head shall submit New Position Requests to the Human Resources department for review no later than August 15th each year, with approval of the County Executive through the budget process. New Position Requests must include completion of Request for Additional Staff form that includes the following:

- (1) Costing of Position including Funding Sources that includes classification as recommended by the Human Resources department;
- (2) Brief Narrative of Justification for Position;
- (3) Job Description for the Requested Position as approved by the Human Resources department;
- (4) Governing Committee Minutes Approving of Position;
- (5) Human Resources Requisition Form.

B. New position requests must comply with finance Policies for inclusion in the annual budget process by the County Executive. At least two weeks prior to the submission by the County Executive of the county budget to the County Board, the County Executive shall file a report for review with the HR and Finance Committees listing the new positions which shall be submitted with the budget. The Finance and HR Committees may then have a timely opportunity to review the report and make recommendations regarding the County Executive's proposals for new positions to the county board in the budget cycle. The County Executive will submit a report of all new staff requests as part of the budget submitted to the County Board.

C. Any position that is requested to have ten or more weekly hours added, or where the total cost including benefits of the increase is \$5,000 or more shall be treated as a New Position Request

D. Any request for departmental reorganization or position reclassification(s) that trigger at least three (3) of the following criteria shall be treated as a New Position Request.

- (1) Change in job education and/or experience requirements
- (2) Change in bargaining unit and/or FLSA status
- (3) Affects more than one (1) position in the Department
- (4) New program/service to Department

E. New Position Requests which originate after August 15th shall be processed through the same procedures as above requiring Governing committee approval, County Executive approval, Human Resources Committee approval, Finance Committee approval if additional funding is required, and County Board approval.

3.11.5.2 PROCEDURE -- LIMITED TERM EMPLOYEES (LTE):

Limited Term Employees are defined as an employee who is hired on a temporary basis for a specified period of time or for a specific project for not more than 2088 hours. Employees in this classification do not receive benefits. Written justification for LTE positions shall be submitted to the Human Resources Department, including details of the job duties, expected start and finish dates, wage and budget summary. Any budgetary increase needed must be approved by the Finance Committee.

A. LTE positions for up to 1044 hours (part-time or full-time) require the prior approval of the County Executive, so long as no additional funding is required. LTE positions which require additional funding require approvals from the County Executive, Human Resources and Finance Committees.

B. The Human Resources Committee may authorize an additional 1044 hours if the need for the temporary position still exists after the initial 1044 hours, if approved by the County Executive. If additional funding is required approval of the Finance Committee is also required.

C. Recruitment and Selection - The Human Resources Director shall be notified of all LTE vacancies and shall determine the appropriate recruitment and selection procedures to be followed.

D. LTE's who become permanent County employees without a break in service shall have their date of hire as an LTE as their date of hire as a permanent County employee. No benefits will be earned while the employee is an LTE. Fringe benefits shall not be made retroactive.

3.11.5.3 PROCEDURE -- SEASONAL EMPLOYEES:

A. All seasonal positions are subject to the new position approval process.

B. Recruitment and Selection - Seasonal positions shall be announced and filled through the appropriate job announcement and hiring procedures as required by Human Resources Policies for comparable permanent positions.

C. No right of return. Seasonal employees do not have a right or expectation of return or re-hire to the seasonal position upon the termination of the season.

3.11.5.4 PROCEDURE -- JOB-SHARING:

When it is appropriate, a full-time position may be turned into two or more part-time positions. To accomplish this, the Department Head will make the appropriate request to the County Executive for review and approval. The position itself will be maintained as full-time, but the employees involved will then be treated as part-time employees and will, therefore, receive the benefits of part-time employees.

3.11.6 RECRUITMENT AND SELECTION

3.11.6.1 POLICY:

It is the policy of Portage County to recruit and select the best qualified persons for positions in the County's service. Further, it is the policy of Portage county to provide equal employment opportunity to all employees and applicants and to recruit, select, evaluate, promote, compensate, and retain employees on the basis of their ability to perform the duties and responsibilities of the position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry or political affiliation, and in compliance with federal merit system standards. The County will also provide reasonable accommodation for disabled applicants and employees

It shall be the responsibility of the County Human Resources Director to administer the Recruitment and Selection Policy. In addition, it is the responsibility of all county officials to ensure that Human Resources Policies are consistently and impartially applied within their respective department.

3.11.6.2 NOTIFICATION:

The Human Resources Department shall be notified immediately when a need to fill a new or existing position is planned or occurs. All job openings must be announced through the Human Resources Department to ensure compliance with labor agreement requirements, Human Resources Policies, and affirmative action goals. A completed Personnel Requisition to fill Vacant Position form, current job description, written verification that a vacancy exists, must be submitted to the Human Resources Department and the County Executive for review and approval prior to posting or announcing any vacancy or requesting a new position.

3.11.6.3 RECRUITMENT:

The Human Resources Director shall develop and conduct a recruitment program designed to meet the current and projected County staffing requirements, which shall include an evaluation of the Human Resources Requisition form, Finance Department recommendation, and shall then determine the necessity of immediately filling the vacant position, leaving it open for up to thirty days, or abolishing the position altogether, with review and approval by the County Executive. The Human Resources Director shall justify his/her recommendation on the basis of impact on departmental workload and fiscal accountability.

Recruitment shall be tailored to the position to be filled and directed to sources likely to yield qualified candidates. Individuals shall be recruited from a geographic area as wide as is necessary to assure well - qualified candidates for the various types of positions in County service.

Advertisement – Every position, including department heads, available for hire shall be advertised to afford all persons a reasonable opportunity to apply for the position, consistent with the County Executive's legal authority to appoint department heads pursuant to sec. 59.17(2)(br) Wis Stats and the county's official legal status as an Equal Opportunity Employer. Excluded from the provision are the following:

- a. members of the Portage County Board of Supervisors;
- b. members of Boards, Commissions and Committees;
- c. elected County officials and their statutory designated assistants
- d. court-appointed employees;
- e. members of the County Executive's staff;
- f. positions where labor agreement provisions supersede;
- g. positions filled using the internal selection process;
- h. positions filled using an eligibility list;
- i. LTE hours/positions offered to current employees due to the nature of their positions;
- j. interim positions.

Job Announcements - Job announcements shall include the job title or classification, pay rate or range, summary of duties, qualifications required, where to apply, and application deadline. Portage County will notify employees of available County positions by placing Job Announcements on bulletin boards in respective locations. The placing of Job Announcements does not give any County employee special preference to any job. All County employees must follow the same requirements as the public when applying for vacant positions.

Continuous Recruitment - The Human Resources Director and County Executive shall determine the need for continuous recruitment for positions in which there is a high degree of turnover or for which it is particularly difficult to recruit qualified employees, and shall maintain lists of qualified candidates as appropriate.

Internal Selection Process – Portage County may fill position vacancies using an internal selection process whenever practical and in the best interests of the County subject to approval by the Human Resources

Director and County Executive. Examples of when an internal selection process may be used are in the selection of a lead worker, a corrections officer to corporal, assignment of employees to equipment at the Highway department or a health care center employee accepting a position with different hours, a different shift or a different wing but within the same classification. All candidates eligible for the internal selection process must be employees who possess the qualifications as set forth in the specifications of the class in which the vacancy exists. Completion of the probationary period is criteria that should be considered when using the internal selection process. Competition will be open to all qualified employees within the applicable section, division or department. The best qualified candidate will be selected for the vacancy.

3.11.6.4 APPLICATIONS:

Unless otherwise designated, all applications for employment shall be submitted to the Human Resources Department on forms meeting state and federal regulations. Portage County accepts applications for current openings only or for bona fide eligibility listings, such as for corrections officers.

3.11.6.5 REJECTION OF APPLICATIONS:

An applicant may be rejected from further consideration for appointment for reasons including, but not limited to, the following

- A. Does not possess the minimum qualifications for the position applied for;
- B. Has established an unsatisfactory employment record as evidenced by reference checks of such nature as to demonstrate job-related unsuitability for employment;
- C. Has made a false statement of any material fact, or practiced deception in his/her application;
- D. Has any disability that would prevent satisfactory performance of the job duties, absent reasonable accommodation on the part of the County;
- E. Does not reply to mail inquiry within ten (10) calendar days or does not return a telephone inquiry within two (2) working days;
- F. Fails to accept appointment within two (2) working days or to report for duty within the time prescribed in the offer;
- G. Does not properly complete the application.

3.11.6.6 APPLICANT SCREENING AND RANKING:

The Human Resources Department shall conduct or authorize all appropriate screening and ranking (testing) procedures based on job analysis and professional Human Resources management principles to determine the candidates most qualified for the position.

Screening and ranking procedures may include, but are not limited to, the following

- A. Written examination;
- B. Oral examination by an appropriate panel;
- C. Training and experience questionnaire to be rated by an appropriate panel;
- D. Performance tests (e.g., typing);
- E. Work simulations;
- F. Review of applications to determine compliance with minimum qualifications;
- G. Medical examination.

Note: Medical examinations may be required of a candidate after the candidate has been offered a position. Such examinations shall measure the individual's physical capabilities in terms of the job to be performed. When medical examinations are required, they shall be conducted by a licensed physician at the County's expense.

Security - Formal selection materials shall be known only to Human Resources Department staff or their designees or as required by law, and to other individuals designated by the Human Resources Director. Every precaution shall be exercised by all persons participating in the development, maintenance and administration of selection devices to ensure the highest level of integrity and security and strict compliance with the law.

3.11.6.7 APPLICANT NOTIFICATION:

- A. The Human Resources Department shall notify all applicants of examinations for County positions and of the examination results. Whenever possible, applicants shall be notified of the date, time and location of the examination or interview at least one week in advance.
- B. Candidates shall be notified of the results of an examination or interview within ten (10) working days after the exam is scored or the hiring decision has been made in order to ensure timely application of grievance or appeal rights.
- C. The appointing authority shall be responsible for notifying all candidates certified of the date, time and place of the interview and of the interview results.

3.11.6.8 CANDIDATE CERTIFICATION:

It will be the responsibility of the Human Resources Director to assure that applications are thoroughly screened and that the most qualified candidates are referred to the appointing authority for final selection. At least three candidates shall be certified for each vacancy unless there are fewer than three qualified applicants, in which case the appointing authority may select from those candidates available or may request additional recruitment. If two or more candidates have tied scores within the top group of scores, all candidates with that score shall be certified.

Category certification procedures may be used to determine the "most qualified," "qualified" and "not qualified" candidates for positions which have minimal or no entry level qualification requirements. Selection shall be made by the appointing authority from the highest category needed to provide a sufficient number of qualified applicants. In the event the appointing authority wishes to interview a candidate from the "next most qualified" group the appointing authority shall submit documentation of the justification for that request and the request must be approved prior to any contact with the candidate.

3.11.6.9 ELIGIBILITY LISTS:

The Human Resources Director or appointing authority shall be responsible for establishing and maintaining eligibility lists as may be necessary or desirable. The duration of eligibility lists shall be one year with extension possible at the discretion of the Human Resources Director. Eligibility lists may be terminated prior to six months if they no longer contain a sufficient number of qualified and interested applicants.

A candidate may be removed from an eligibility list for the following reasons:

- A. Receives a permanent appointment;
- B. Files a written statement indicating unwillingness to accept appointment;
- C. Declines three offers of employment;
- D. Fails to respond within a specified time period to any official written inquiry regarding relative availability;
- E. Fails to report for a scheduled interview;
- F. Is disqualified for employment under County policies or state laws;
- G. Is disqualified for any of the reasons under Section 3.11.6.6

3.11.6.10 INTERVIEWS:

The appointing authority or designee shall conduct the final interviews. All qualified candidates shall be given equal consideration for appointment. The appointing authority shall make the final selection from the qualified candidates.

The appointing authority or designee shall conduct all interviews in a fair and impartial manner and shall provide appropriate documentation to the Human Resources Department following completion of all interviews. Governing Committees will be notified by the Department Head of the final selection after it has been made.

3.11.6.11 DOCUMENTATION:

The appointing authority shall submit documentation to the Human Resources Department relating to the recruitment and selection process before offer of employment to the most qualified candidate. The Human Resources Department shall maintain all appropriate records and documentation relating to recruitment and selection procedures and shall evaluate such procedures to ensure compliance with County Human Resources Policies and all applicable state and federal laws and regulations.

3.11.7 PROBATIONARY PERIOD AND TRIAL PERIOD

3.11.7.1 DEFINITIONS:

Probationary Period – period of time to evaluate a newly hired employee. Probationary employees are subject to discipline and termination without recourse to the grievance procedure.

Trial Period – period of time to evaluate a current employee that accepted a new permanent position with Portage County.

A. Trial Period for Position Obtained through Open Recruitment Process – during their period current employees who have obtained a new permanent position within the County through the open recruitment process are subject to discipline and termination without recourse to the grievance procedure.

B. Trial Period for Position Obtained through Internal Selection Process – during their trial period current employees who have obtained a new permanent position with the County through the internal selection process shall be subject to being returned to his or her previous position without recourse to the grievance procedure.

3.11.7.2 PURPOSE

The probationary and trial periods are integral parts of the examination and review process. They shall be utilized to closely observe the employee's work, to ensure effective performance of an employee to his/her new permanent position and to remove any employee whose performance does not meet required work standards.

3.11.7.3 EVALUATION OF EMPLOYEE PERFORMANCE:

The appointing authority or designee shall document their evaluation of an employee's performance based on job-related criteria during the employee's probationary or trial period. During an employee's probationary or trial period, the appointing authority will inform the employee of his/her progress and explain any corrective actions needed.

The probationary or trial period for employees shall be twelve (12) months with a performance review being completed every three (3) months. At least two weeks prior to the completion of the probationary or trial period, the hiring authority shall provide the Human Resources Department with a completed performance evaluation of the employee, indicating whether he/she does or does not meet the standards necessary for continued employment with the County in that capacity. In exceptional circumstances, the probationary or trial period may be extended for an additional three (3) months to six (6) with the approval of the Human Resources Director.

3.11.8 COMPENSATION

3.11.8.1 SALARY PLAN DEVELOPMENT AND ADMINISTRATION:

The County Executive and Human Resources Committee shall be responsible for the general development and maintenance of the salary plan and the overall impact of salary administration. The Human Resources Director will administer the plan in accordance with established policies and will conduct salary surveys or other reviews as directed by the Human Resources Committee. In addition, Department Heads are

responsible for ensuring compliance with compensation policies within their department. The County Executive shall monitor departmental compliance.

3.11.8.2 GENERAL PROVISIONS:

A. Job Evaluation - The content of an individual position or classification is evaluated by the Human Resources Director in accordance with established criteria, with the position/classification then being placed into the appropriate classification plan and salary grade. The County may utilize an independent party to conduct the job evaluations. The salary grade is determined on the basis of relative worth within the County structure, and is not set on the basis of the individual holding the position or in anticipation of attracting a specific candidate.

B. Performance Evaluations - The overall salary program is based on job performance and time in the position. It is essential that each department head administer the plan equitably, recognizing the performance of each employee relative to the duties as detailed in the employee's position description. In addition, it is important that performance evaluations are conducted with employees at least annually and that each employee understands the basis of the performance evaluation and related salary recommendation.

C. Step Increases - Step increases, if applicable, for employees hired prior to September 11, 2016 shall be made January 1st annually. Step increases for employees hired September 11, 2016 or later shall be made effective on the anniversary date of the employee in the position. Any changes in employee status (such as a new position) which would affect the pay rate, eligibility for fringe benefits, or union/non-union status should be made effective at the start of a pay period whenever possible. Actions regarding the approval, denial or delay of step progressions shall not be grievable under the County's grievance procedure set forth in the Human Resources Policy.

3.11.8.3 DETERMINATION OF PAY RATES:

A. Hiring –

Employees start at Step 1 of a Pay Grade if he/she has the minimum skills and abilities required in the job description. The Appointing Authority, with the approval of the Human Resources Director, has the authority to hire experienced individuals within Steps 2 through 4, however, employees may be hired above Step 4, with Human Resources Director and County Executive approval, and the appointing authority must prove that the employee has the necessary years of identical experience. Employees hired above start rate will be eligible to advance in time from the step in which hired (i.e., hired at Step 4 - eligible to advance to Step 5 in one (1) year).

Seasonal, Limited Term and Casual Employees – If there is a corresponding permanent position generally employees are hired at the minimum starting wage rate of the wage schedule. However the appointing authority has the authority to hire limited term and casual employees following the process as outlined in the previous paragraph. Seasonal, Limited term and Casual Employees are not eligible for step increases but are eligible for annual salary adjustments.

Limited term employees funded through federal and state grants shall be subject to the regulations and limitations of the funding source. When a permanent employee is filling limited term hours in the same classification as their permanent position they shall be paid at the same rate of pay they are receiving for their permanent position for all hours worked in the limited term position.

B. Reclassification or Promotion-Employees who are promoted or reclassified shall be assigned a step in the new grade by the County Executive with the increase to be effective January 1st of the following year.

C. Salary Adjustments – Salary adjustments are generally considered on an annual basis. The employee, if not entitled to a length of service step adjustment, may receive a salary increase due to the upward movement of the schedule itself. The schedule will be adjusted based on consideration of (a) Consumer Price Index; (b) County's ability to pay; (c) anticipated union settlements; and (d) Central Wisconsin

comparables. The total cost of the plan each year will not exceed the amount mandated by the County Board. The Human Resources Director shall conduct an annual review of the plan and submit by report any recommended adjustments to the County Executive for final approval by resolution through Human Resources Committee by the County Board.

D. Frequency of Salary Adjustments –

An employee is eligible for a step increase every 12 months providing the performance increase is deemed warranted by the employee's supervisor, be it the Department Head or County Executive as appropriate. The Supervisor can deny a performance increase if the employee is not meeting performance standards. The Supervisor may reduce an employee's salary by one step at any time the employee is not meeting performance standards and a reduction in salary is warranted. The Supervisor may give the performance increase at a later date or may reinstate the salary that was reduced providing the monies are budgeted and the employee's work performance improves and meets performance standards.

E. Miscellaneous - When it is determined by the County Executive in consultation with the Human Resources Director, that an employee's position is appropriately graded but insufficiently compensated based on such factors as external comparables, the County Executive may authorize a salary adjustment within the grade.

F. Step Up Pay

(1) **Step Up Pay During Temporary Assignment** - With prior approval of the Human Resources Director and County Executive, an employee who is temporarily assigned to position with higher pay than his/her current rate for a period of thirty consecutive work days or more may be paid one half the difference between their current salary and the higher salary at their current salary step level, for the period worked in the temporary assignment. The employee must perform the major functions of the position on each consecutive workday to receive the higher rate of pay. An employee who is temporarily assigned to a position with a lower grade for any period of time shall not receive a reduction in pay. No such temporary assignment shall exceed six months.

(2) **Step Up Pay For Work in a Higher Classification** - There are times when the efficient operations of a department require management to assign an employee to work in a higher classification than the employee's regular classification. Employees shall be eligible for Step Up Pay per the Step Up Pay Schedule, on file in the Human Resources department, when assigned to a higher classification for a minimum of four (4) hours per day. Any additions or changes to the Step Up Pay Schedule must be approved by the County Executive and Human Resources Committee.

3.11.8.4 LONGEVITY:

Employees, including elected officials, who have a hire date before October 1, 2011 shall be eligible to receive a longevity payment based on the schedules on file in the Human Resources department. Employees hired October 1, 2011 or later shall not be eligible for longevity.

Said payments will be made on or about the first pay period in December of each year.

Termination - Employees whose service is terminated by the employee with required notice, death, or termination by the employer due to reduction in force, shall receive their earned longevity at the time of termination or shortly thereafter. Prorated longevity shall be determined on the basis of one-twelfth (1/12) of an annual benefit for each month worked from January 1st and based on the number of years of service completed as of the date of termination. An employee terminating before the 15th of the month shall be given credit to the end of the month preceding the date of termination. When the termination occurs on or after the 15th, the longevity shall be computed to the end of the month the termination occurs. Employees that do not give the required notice or employees terminated by the employer for all other reasons rather than reduction in force shall forfeit the longevity payout.

3.11.8.5 HOURS OF WORK AND OVERTIME:

A. Normal Work Week - The normal workweek for full time County employees shall be forty (40) hours. A workweek is defined as seven (7) consecutive days starting at 12:01 a.m. on Sunday of each week and ending at 12:00 Midnight on the following Saturday. Sheriff's department corrections officers and corporals shall work a work week averaging forty (40) hours based on a 2088 hour annual schedule prepared by the Sheriff. The Sheriff may, by written policy, establish a non-traditional schedule outside a forty (40) hour workweek.

Departments in the Courthouse and Courthouse Annex shall normally be open from 7:30 a.m. to 4:30 p.m. year round, except for designated holidays. Department heads, with approval of their respective governing committee, shall establish work schedules for their departments and, at a minimum, post the hours on the department's web page and office door.

B. Flex Time and Flexible Work Schedule –

Flex Time – The periodic adjustment of the work schedule to accommodate the operations of Portage County, or for an adjustment to allow employees to accommodate personal obligations, is considered flex time. Allowing flex time is at the sole discretion of the Department Head or designee. Flex time must be used within the workweek and requires prior approval of the supervisor.

Flexible Work Schedules –

Department heads may establish flexible work schedules with employees, for example a four (4) day, ten (10) hour schedule, with prior approval of the Human Resources Director and the County Executive. Employees with a flexible work schedule shall not have greater benefits, as a result of being on the flexible schedule, for example the employee will continue to receive eight (8) hours of holiday pay versus ten (10) hours of holiday pay if on a four (4) day, ten (10) hour schedule. Approved flexible work schedules can be terminated at any time.

The intent of the Flex Time and Flexible Work Schedules are to improve client/program services, increase productivity of employees, reduce expenses (overtime or compensatory time) and maintain the present level of employee work hours budgeted.

C. Paid Breaks: Employees working eight (8) hours per day or more shall receive two (2) fifteen (15) minute paid non-cumulative break periods. Employees working at least four (4) hours per day, but less than eight (8) hours per day shall receive one (1) fifteen (15) minute paid break. The time of the breaks shall be subject to the discretion of the department head and department policy. Paid breaks shall be non-cumulative and are not to be taken at the beginning or at the end of the work shift and are not to be combined with unpaid breaks. Paid breaks not taken are lost.

Unpaid Breaks: An unpaid break, of at least thirty (30) minutes, may be provided midway through an employee's shift in accordance to department policy. The time of the break shall be subject to the discretion of the department head and department policy. Hourly (non-exempt) employees who are scheduled for an unpaid break are to do so away from their workstation.

D. Overtime- An important duty of all employment positions is that employees will work overtime from time to time, as determined by the County.

1. Exempt Staff - Employees designated as exempt from the Fair Labor Standards Act are designated as salaried employees and may at times be required to work in excess of the normal work week. They are not entitled to overtime pay or hour-for-hour compensatory time off. As salaried employees, their pay cannot be reduced by partial days of absence. However, exempt employees will be required to use an appropriate accrued benefit for days of full or partial absence if appropriate. The Department Head must approve all time off in advance.

2. Non-exempt Staff – Employees designated as non-exempt from the Fair Labor Standards Act who work more than 40 hours per week shall be paid at the rate of time and one-half (1 ½) for all work performed. Prior approval for overtime must be obtained before working the overtime, unless not reasonable to attain. If it is not reasonable to attain prior approval if the employee shall notify their supervisor on the next working day.

3. Overtime for Sheriff's Department Communication Technicians, Corrections, Corporals, and non-exempt Highway Department Employees –

Communication Technicians – All holidays and vacation time will be included in the Communication Technicians schedule. Employees will be granted overtime at the rate of time and one-half (1 ½) for all hours worked in excess of their regularly scheduled workday.

Corrections Officers and Corporals – The County has elected to comply with the Fair Labor Standards Act by payment of overtime for hours worked in excess of 171 hours worked during each 28 day cycle. All Corrections Officers and Corporals performing work in excess of their standard work day or work week shall be compensated at the rate of one-and-one-half (1 ½) their hourly rate of pay.

Non-exempt Highway Department Employees -

Scheduled 5 Day Work Week (Winter Schedule): Time worked outside of a Highway Department employee's normal scheduled work hours, as a result of a call-in occurring after the employee's shift on Friday to 7:00 a.m. on Monday, shall be paid at a rate of 1 ½ times the employee's normal hourly rate. Time paid at 1 ½ from end of the employee's normal shift on Friday to 7:00 a.m. on Monday will not count towards the required 40 hours of work time necessary to earn overtime pay during that work week.

Scheduled 4 Day Work Week (Summer Schedule): Time worked outside of a Highway Department employee's normal scheduled work hours as a result of a call-in occurring after the employee's scheduled shift on Thursday after 4:00 p.m. to 6:00 a.m. on Monday shall be paid at a rate of 1 ½ times the employee's normal hourly rate. Time paid at 1 ½ from 4:00 p.m. on Thursday to 6:00 a.m. on Monday will not count towards the required 40 hours work time necessary to earn overtime during that work week.

4. Compensatory Time – Employees may have the ability of receiving overtime as compensatory time, if allowed under department policy. The choice of receiving overtime in pay or compensatory time shall be at the discretion of the department head or designee. The maximum compensatory time allowed shall be as provided for in the schedule on file in the Human Resources Department. Compensatory time off shall be scheduled so as to not unduly disrupt operations. Department heads may schedule compensatory time off at their discretion.

E. Shift Differential – employees may be paid a shift differential for working second and third shifts and weekends as provided for in the schedule on file in the Human Resources department.

F. Call In Pay – Employees may be paid call-in pay as provided for in the schedule on file in the Human Resources department. Call-in pay does not apply to employees already "On-Call." An employee must physically report to work to receive call-in pay.

G. Inducement pay – Sheriff's Department Communication Technicians and Health Care Center employees shall be paid inducement pay as provided for on file in the Human Resources department.

H. On-Call Pay – Health and Human Service, Facilities and Medical Examiner department employees required to participate in an on-call system shall receive \$1.50 per hour while on-call, per the department's on-call department work rule. These employees required to perform work during the on-call time shall, in addition to the above pay, be paid for actual time worked at the applicable rate of pay. On-call employees are not eligible to receive Call-In Pay. The applicable rate of pay, when required to perform work, for weeks that include a County observed holiday shall be time and one half (1 ½) for employees that do not use any additional benefit time during that week.

I. Hazardous Weather Conditions

Hazardous conditions (i.e. dangerous weather, storm damage, flooding or power outage) may make it impossible or dangerous for employees to report to work as scheduled, or may require them to leave work early, or work additional hours.

The County Executive will be responsible to determine if nonessential services can be reduced or closed, and to notify the media. Unless notified otherwise, all Departments are expected to remain open, and all employees are expected to report to work at their regularly scheduled time.

Any employee not able to report to work as scheduled is expected to inform employee's immediate supervisor (or designee). Any time an employee does not work due to hazardous conditions, such employee will not be paid unless the employee chooses to use vacation, compensatory time or other appropriate benefit; sick leave may not be used unless the employee is unable to perform job duties due to illness.

3.11.8.6 PAY PERIOD AND DIRECT DEPOSIT

A. Pay Period – Portage County is on a bi-weekly payroll system. Each pay period is two weeks long and begins on a Sunday and ends on a Saturday. Payday is generally on the Friday following the end of the pay period. The payday may be adjusted if a payday falls on a holiday.

B. Direct Deposit – Effective January 1, 2012 all employees shall participate in direct deposit for all of their pay. Employees are required to complete a direct deposit enrollment form upon hire and keep the Human Resources department up-to-date with changes.

3.11.9 FRINGE BENEFITS

3.11.9.1 WISCONSIN RETIREMENT SYSTEM (WRS) RETIREMENT CONTRIBUTION

Portage County shall abide by Wisconsin Statutes and all applicable laws and regulations regarding contributions to the Wisconsin Retirement Fund.

3.11.9.2 HEALTH INSURANCE:

General Provisions - Group health insurance is available to County permanent employees who average a minimum of 20 hours per week. If an employee is hired on the 15th day of the month or earlier, then coverage is effective the first day of the following month. If an employee is hired the 16th day of the month or later, the coverage is effective the first day of the month following twenty-eight (28) calendar days of employment following submission of appropriate forms. Any change in status (e.g., adding newborn child, adding or removing spouse from coverage) must be submitted to the Human Resources Department within thirty-one (31) calendar days of the date of change.

The County may from time to time change the insurance carrier and/or self-fund if it elects to do so. Refer to the health benefit plan booklet for the specific details of the health plan.

It is understood that amendments to the Master Plan may be made from time to time for clarification and in accordance with generally accepted insurance industry practices and policies. The Master Plan is on file in the Human Resources Department. The County Executive in consultation with the Human Resources Director will administer the Master Plan.

A. County Premium Contribution - The County's contribution to the health insurance plan shall begin with the effective date of coverage.

The amount of the County's contribution shall be as follows:

Full-Time Employees - Effective January 1, 2020 the County agrees to pay the total monthly premium for single and family plans as reflected below:

PPO Plan: 88%

High Deductible Health Plan: 95%

Part-Time Employees – Proration for permanent part-time employee contributions are addressed in Human Resources Policy 3.11.9.11 – Permanent Part-Time Employees.

Employee Premium Contribution – All employee premium contributions shall be processed through payroll deduction. Employee premium contributions shall be deducted on a pre-tax basis under Section 125 of the Internal Revenue Code, unless an employee makes an annual election to have the contribution deducted post-tax.

B. Continuation of Health Benefits for Portage County Employees.

All Employees covered by the Health Plan at time of termination

Employees who terminate employment with Portage County shall be eligible to self-pay their insurance premium for the period of time after termination of employment required by state and federal law (i.e. COBRA) and as outlined by the health plan document.

C. Employees on Leave of Absence - Employees on approved leaves of absence shall be permitted to remain on the plan for the duration of their leave of absence.

If an employee on a leave of absence is receiving payment for sick pay, vacation pay, or payment of compensatory time for the majority of the month, their normal deduction for health insurance will be continued along with the County's contribution until such time as the employee either exhausts such payments or until the leave terminates.

If an employee on leave of absence is not receiving payment for sick pay, vacation pay or payment of compensatory time for the majority of the month, the entire cost will be the responsibility of the employee, with the payment being due no later than the 30th of each month.

If an employee on leave of absence returns to continuous employment in sufficient time to work (including paid time off) for the majority of the month, that month's regular employer/employee contribution ratio will be re-established.

3.11.9.3 GROUP LIFE INSURANCE:

All employees, who fulfill the underwriting requirements of the County's group term life insurance policy, shall receive coverage in an amount equal to the next thousand dollars of annual earnings with coverage not to exceed \$100,000. The County shall pay one hundred percent (100%) of the monthly premium.

3.11.9.4 PROFESSIONAL MEMBERSHIP DUES, CERTIFICATIONS AND LICENSES:

Professional Membership Dues, Certifications and Licenses – Portage County may pay for professional membership dues, and reimburse for certifications and licenses, associated with an employee's position with the County based on funds available through the annual budget process.

3.11.9.5 VACATION:

A. Vacation Schedule – all permanent full-time employees shall receive vacation benefits as indicated on file in the Human Resources Department. All permanent part-time employees shall receive vacation benefits as indicated per HR Policy 3.11.9.11 – Permanent Part-Time Employees and Appendix A. Department Heads with less than seven years of County employment shall receive fifteen days of vacation after the completion of one year's employment. Employees who have completed six (6) months of service shall be allowed to take up to one-half (1/2) of their first year's vacation allotment, except for Corrections Officers and Corporals.

B. Vacation Accrual

Non-Represented, AFSCME Local 348, AFSCME Local 311, OPEIU Local 95, and Parks employees: The date of hire, as adjusted by approved leaves of absence, therefore the benefits date, shall be the vacation anniversary date for employees. Employees shall receive prorated vacation on the basis of one-twelfth (1/12) of an annual benefit for each month worked from their anniversary date. An employee hired on or

before the 15th of the month shall be given credit for working for the full month. If the employee is hired after the 15th of the month, the employee shall receive no credit for that month.

LPNs: Vacation shall be based on the calendar year. Proration of vacations for new Employees with less than one (1) calendar year of service (who have completed their probationary period) shall be determined by computing the actual period of employment during the calendar year. Any Employee hired on or before the 15th day of the month, shall be given credit for working the full month. If the Employee is hired after the 15th of the month, he/she shall receive no credit for that month. For purposes of computing completed year of service, as of January 1 of the calendar year following the date the Employee was last hired, an Employee shall be deemed to have completed one (1) year of service and on the succeeding January 1 shall be deemed to have completed two (2) years of service.

Corrections: The first year's vacation shall be based on twelve month's employment and all vacations thereafter will be based on the calendar year.

C. Vacation Pay Rate: Vacation shall be paid at the employee's regular classified rate of pay. AFSCME Local 311 employees' vacation shall be paid at the rate of the employee's summer classification.

D. Vacation Accumulation: Vacations shall be taken on a current year basis and shall not accumulate from year to year, except that an employee may carry over 50% of the employee's annual vacation allotment for up to six (6) months after their anniversary date (July 1st for LPNs). Carry over vacation shall be paid at the employee's current year's wage rate. Vacation not used will be lost. Corrections Officers and Corporals vacations shall be taken on a current year basis and shall not accumulate from year to year.

E. Scheduling of vacation: Scheduling of vacation shall be done at the Department Head's discretion.

F. Severance Benefit: Employees, or in the case of death their estate, that have completed at least one year of service, shall be paid for all unused and prorated vacation for termination by the employee with required notice, death, or termination by the employer due to reduction in force. Prorated vacation shall be determined on the basis of one-twelfth (1/12) of an annual benefit for each month worked from their anniversary date. An employee hired on or before the 15th of the month shall be given credit for working the full month. If the employee is hired after the 15th of the month, the employee shall receive no credit for that month. Employees that do not give the required notice or employees terminated by the employer for all other reasons rather than reduction in force shall forfeit all unused and prorated vacation.

3.11.9.6 HOLIDAYS:

A. Holiday Schedule

The following days will be paid holidays for employees who work the standard workweek:

New Year's Day

Last one-half (1/2) of Friday before Easter

Memorial Day

Fourth of July

Labor Day

Thanksgiving Day

Friday after Thanksgiving Day

Christmas Eve

Christmas Day

Floating Holiday (1 ½)

Highway Department:

New Year's Day

Last One-half (1/2) of Friday before Easter

Memorial Day

Fourth of July

Labor Day

Last one-half (1/2) of New Year's Eve

Thanksgiving Day

Friday after Thanksgiving Day

Last one-half (1/2) of Christmas Eve

Christmas Day

Floating Holiday (1/2)

Sheriff's Department (Communication Technicians and Corrections Officers):

New Year's Day

Thanksgiving Day

Last one-half (1/2) of Friday before Easter
Easter Sunday
Memorial Day
Fourth of July
Labor Day

Friday after Thanksgiving
Christmas Eve Day
Christmas Day
Floating Holiday (1/2)

When a holiday falls on a Sunday, the following Monday shall be declared a holiday. If a holiday falls on a Saturday, the previous Friday shall be declared a holiday. Departments that work seven days a week (Sheriff's Department, Portage County Health Care Center, Parks and Library) are exempt from this provision.

During the first month of each year, a schedule of holidays for that year will be published.

B. Eligibility for Holiday Pay

Permanent employees shall be eligible for holiday pay effective their date of hire.

To qualify for holiday pay, employees must work their last scheduled number of hours, on their last scheduled work day before and their first scheduled work day after the holiday. For purposes of this section, absences due to vacation, sick leave or other authorized paid leave shall count as being present and working. Employees utilizing any leave without pay will not be eligible for holiday pay.

C. Permanent Part-Time Employees

Eligible permanent part-time employees shall receive a pro-rated share of the above holidays per Human Resources Policy 3.11.9.11 – Part Time Employees. For permanent part-time bus drivers, adult day center aides, and dining site managers, when a holiday falls on what would otherwise be the employee's scheduled work day, the employee shall receive a paid holiday in the number of hours they would otherwise have been scheduled to work.

D. Compensation for Working on a Holiday

Employees that are required to work the holiday shall receive, in addition to regular compensation, additional compensation or compensatory time off at the straight time rate of pay equal to the time worked on the holiday as holiday pay, except for the positions listed in the following sentence. The following Parks employees: Working Foreman, Equipment Specialist, Maintenance Technicians, Parks Maintenance Specialists, Parks Specialists; the following Sheriff's Department employees: Corrections Officers and Corporals; and non-exempt Highway Department employees, that are required to work the holiday shall receive, in addition to regular compensation, additional compensation or compensatory time off at time and one half (1 ½) rate of pay equal to the time worked on the holiday as holiday pay. The choice of additional compensation or compensatory time shall be at the discretion of the Department Head. Employees are eligible for such additional compensation if their shift starts on the holiday.

3.11.9.7 SICK LEAVE:

A. Accumulation – Permanent full-time and permanent part-time employees, per Human Resources Policy 3.11.9.11 – Part-Time Employees, shall be eligible to earn and use sick leave after completion of thirty (30) calendar days of employment. Permanent full-time and permanent part-time employees, per Human Resources Policy 3.11.9.11 – Part-Time Employees shall earn eight (8) hours of sick leave for each month or major fraction of a month of employment with no limit on accumulation.

B. Use – An employee that has unused sick leave shall be eligible for sick leave for absence from work due to illness, temporary disability or bodily injury and unable to perform the duties of employment. A doctor's statement may be required. The County reserves the right to have any employee on sick leave examined by a physician of its own choosing at no cost to the employee

C. Notice to County - The employee shall notify the department head or designee of his/her intent to take sick leave at least thirty (30) minutes, unless a greater notice is required by department policy, prior to the regular workday if such notice is at all possible. Notice shall be given on each day the employee calls in

sick, unless the County has possession of medical documentation that the employee will be unable to return to work for a specified period of time.

D. Medical Appointments and Family Illness - With prior departmental approval, an employee that has unused sick leave may be eligible for sick leave for absence from work for the employee's, or to attend with the employee's dependent child, spouse, parent or member of the employee's household, medical appointments with a physician, chiropractor, optometrist, ophthalmologist, dentist, mental health clinician, nurse practitioner, physician assistant, physical therapist, occupational therapist and/or speech therapist appointments. All appointments shall be made outside of working hours whenever possible. The Department Head may require a letter from the attending physician/treatment provider stating that appointments outside of the regular workday are not available or that an employee's attendance is required. Employees are expected to attend work before and after appointments if appointments are during the workday.

E. Family Illness – With prior departmental approval, an employee that has unused sick leave may be eligible for sick leave for absence from work for the employee to care for the employee's dependent child, spouse, parent or member of the employee's household due to illness, temporary disability or bodily injury. The Department Head may require a letter from the attending physician stating that an employee's care is required. Employees shall not be allowed to use more than forty (40) hours of sick leave per year for family illness.

F. Sick Pay – Sick leave shall be paid at the employee's regular classified rate of pay at the time of use.

G. Misuse of Sick Leave – Employees who misuse sick leave shall be subject to appropriate discipline up to and including termination. Misuse of sick leave is defined as sick leave absences without legitimate medical need, as provided by the employee.

H. Worker's Compensation – Any employee who is receiving Worker's Compensation may take sick leave for the first three (3) days of absence and may utilize sick leave to make up the difference between the Worker's Compensation payments and regular wages.

I. Family and Medical Leave Act (FMLA) – when an employee uses sick leave that meets the criteria as established by State and/or Federal Family and Medical Leave Act (FMLA) the employee is required to complete appropriate FMLA paperwork per Human Resources Policy 3.11.9.12 – Leaves of Absences, Family and Medical Leave.

J. Payout for Corrections Officers Killed in the Line of Duty – Accrued sick leave for the last five (5) years of employment shall be paid to the surviving members of the family if the employee is killed in the line of duty.

K. Sick Leave Conversion – All permanent employees who have at least twenty (20) years of continuous full-time or part-time service as a Portage County employee, and who:

1) Actually retire from Portage County service at the normal retirement age as established by the Wisconsin Retirement Fund or retire due to a medical disability, and

2) Apply for a retirement annuity from the Wisconsin Retirement Fund before their last day of work, shall be entitled to the following:

Sick Leave Conversion Schedule:

Permanent Full-Time or Part-Time Employees:

130 days (1040 hours) plus 1 hour for each 8 hours over 130 days (1040 hours), prorated for permanent part-time employees, of their unused sick leave converted to its monetary value (the employee's hourly rate of pay, exclusive of longevity and shift differential, received immediately prior to retirement) and deposited into a Post Employment Health Plan.

Full-Time Elected Officials:

Full time elected officials with continuous prior service as a county employee shall be eligible to elect to freeze their sick leave balance at time of termination of employment immediately prior to assuming elected office OR upon completion of at least twenty (20) years of continuous Portage County service, be credited with the equivalent of 130 days (1040 hours) of salary for the purpose of sick leave conversion.

At time of retirement as a full-time elected official the elected official shall have the greater of either 130 days (1040 hours) plus 1 hour for each 8 hours of 130 days (1040 hours) frozen sick leave balance OR the equivalent of 130 days (1040 hours) converted to its monetary value and deposited into a Post Employment Health Plan.

A full-time elected official shall not qualify for this benefit if the official retired from Portage County employment and received a sick leave conversion as a county employee at any time before election of office.

It is understood that elected officials must meet the retirement eligibility and continuous County service requirements in order to qualify for this benefit. Full time elected officials shall be credited with the combined total of years of continuous service as a county employee and elected official for purposes of this benefit.

If an employee or elected official is eligible for benefits under this provision and dies while employed by Portage County the above conversion is not eligible to be deposited into a Post Employment Health Plan and therefore shall be available to the employee's spouse to be used to pay the hospital and surgical insurance cost (full premium) as may be charged by the company carrying the County's group hospital and surgical insurance. The employee's surviving spouse shall be eligible to use such conversion until such time as:

- a) The monies are depleted, or
- b) The employee's surviving spouse dies, or
- c) The employee's spouse becomes eligible for other comparable health coverage from another source, including Medicare.

3.11.9.8 BEREAVEMENT:

A. Days Off - In the event of death in the family of an employee, such employee may be paid for time lost from scheduled work as indicated below.

An employee may be paid for up to three (3) days for time lost from scheduled work for the following family members of the employee: spouse, child, parent, brother, sister, mother-in-law, father-in-law, or member of the employee's household. This includes step relationships of the employee in the same degree.

An employee may be paid for up to two (2) days for time lost from scheduled work for the following family members of the employee: daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents, or grandchild.

An employee may be paid for up to one (1) day for time lost from scheduled work for the following family members of the employee: uncle, aunt, nephew, or niece.

An employee may be paid for up to one-half (1/2) day for time lost from scheduled work to attend the funeral of a fellow employee subject to the discretion of the Department Head.

B. Eligibility of Benefit - All permanent full-time employees shall be eligible for bereavement leave effective the date of hire. All permanent part-time employees shall be eligible for bereavement leave effective the date of hire and subject to Human Resources Policy 3.11.9.11 – Permanent Part-Time Employees.

C. Time Limit for Use – Days off for Bereavement Leave can be taken any time after the death occurs, but must be completed within ten (10) calendar days of the death, unless an exception is approved by the Department Head, or in the case of a Department Head the County Executive.

D. Notice to County – Employees desiring bereavement leave shall, upon knowledge of an eligible death, promptly submit a request to the Department Head or designee, or in the case of Department Heads, to the County Executive, so that work schedules, can be appropriately adjusted. Employees may be required to furnish proof of death and their relationship to the deceased.

E. Attending Funerals not Eligible for Bereavement Leave Pay – This section does not prevent an employee from attending the funeral of someone other than those listed in this section. This Section only specifies if the employee will receive bereavement leave pay for attendance at the funeral. An employee may be allowed to attend funerals for individuals not listed in this section using other applicable benefits (i.e. vacation, compensatory time, unpaid leave, etc.) subject to the provisions of the requested benefit.

3.11.9.9 LONG TERM DISABILITY INSURANCE:

All employees who fulfill the underwriting requirements of the County's group long term disability policy shall receive coverage. The County shall pay one hundred percent (100%) of the monthly premium.

3.11.9.10 ADMINISTRATIVE PROTECTIVE OCCUPATION EMPLOYEES:

Administrative protective occupation employees of the Sheriff's Office shall receive the following additional fringe benefits because of their hazardous occupation and the nature of their working conditions. Benefits may be altered from time to time through mutual agreement.

A. Uniform Allowance -

- (1) All new employees to include the Chief Deputy, Captains, Juvenile Detention Superintendent, and Sheriff, shall receive an initial clothing issue upon hire as is required for full uniforming unless the officer was promoted from within the Sheriff's Office.
- (2) Upon completion of one year's service, each employee to include the Chief Deputy, Captains, Juvenile Detention Superintendent, and Sheriff, will receive a pro-rated clothing allowance for each month, thereafter for the remainder of the calendar year.
- (3) Thereafter, each employee to include the Chief Deputy, Captains, Juvenile Detention Superintendent, and Sheriff, will receive the same annual clothing allowance maximum as provided in the Deputy Sheriff's Association labor agreement.

B. Arrest Insurance - False arrest insurance shall be provided for all protective occupation employees with the National Sheriff's Association basic plan.

C. Incentive Pay for Education Program - This benefit shall be available to administrative protective occupation employees of the Sheriff's Office and corrections staff certified by the Wisconsin Department of Justice Training and Standards Board employed by the Sheriff's Office.

(1) Purpose - This incentive Pay for Education Program is designed to upgrade the level of professional training within the Sheriff's Office.

(2) Approval - Participation in this program is limited to attendance on a part-time basis for a minimum of sixty credit hours. Written approval must be obtained by the Public Safety/Emergency Management Committee prior to the first day of the course. Approval for incentive pay is dependent upon successful completion of a course. If the progress of such approved course(s) interferes in any manner with an officer's performance of his/her duty, the Sheriff, at his discretion may request that the officer drop any or all of his/her courses.

(3) Eligibility - Officers shall be considered eligible for this program after successful completion on one full year of continuous full-time service.

(4) Incentive Pay - An employee shall be paid three dollars per month added to his/her regular annual salary for each three credit hours of approved courses successfully completed up to a maximum of sixty credit hours.

3.11.9.11 PERMANENT PART-TIME EMPLOYEES:

A. Eligibility for Benefits:

Vacation, Holiday, Sick Leave and Bereavement Leave - Permanent part-time employees hired on or after October 1, 2011 into a position a minimum of 20 hours per week shall be eligible for a prorated share of the vacation, holidays, sick leave and bereavement leave which is granted to permanent full-time employees. The determination of position and hours per week shall be based on records on file in the Human Resources department (For example, Part-time Social Worker position, 25 hours per week).

Employees that have a date of hire previous to October 1, 2011, and are in a permanent part-time position less than 20 hours per week, shall continue to be eligible for a prorated share of vacation, holidays, sick leave and bereavement leave which is granted to permanent full-time employees as long as they remain in their current position. The employee that held the Hi-Rise Meal Site Manager position with the Aging and Disability Resource Center, as of October 1, 2011, shall also be eligible for a prorated share of the benefits as indicated above.

Employees that have a date of hire previous to October 1, 2011 and are in a permanent part-time position at or more 20 hours per week, but after October 1, 2011 are hired into or who's position is reduced by a reduction in force to a permanent part-time position less than 20 hours per week, shall not be eligible for vacation, holidays, sick leave and bereavement leave.

Health Insurance: Permanent part-time employees hired on or after January 1, 2012 into a position a minimum of 20 hours per week shall be eligible for the County's health insurance plan.

B. Proration of Benefits:

Vacation, Holiday, Sick Leave and Bereavement Leave – Employees who obtain a permanent part-time position, eligible for benefits, on or after October 1, 2011 shall have their benefits prorated based on their position's full-time equivalency (FTE). The determination of position and hours per week shall be based on records on file in the Human Resources department (For example, Part-time Social Worker position, 25 hours per week).

Employees who are in permanent part-time positions, who are eligible for benefits, prior to October 1, 2011 shall have their benefits for calendar year 2012 based on the average hours per week worked in the previous 12 month period with the calculation being performed after the last payroll in December. Benefits for calendar year 2013 and after will be calculated based on their position's full-time equivalency (FTE) based on records on file in the Human Resources department. Permanent part-time employees at the Health Care Center shall be exempt from this paragraph and benefits calculated based on department work rules.

Health Insurance Premium Contribution – The County's premium contribution, for eligible permanent part-time employees, shall be calculated from the County's full-time premium contribution.

Premium contributions will be calculated based on an employee's position's full-time equivalency (FTE) based on records on file in the Human Resources department. Permanent part-time employees at the Health Care Center shall be exempt from this paragraph and premium contribution calculated based on department work rules.

3.11.9.12 LEAVES OF ABSENCE:

A. Leave Without Pay - With the approval of their Department Head, permanent employees may be granted leave without pay for periods not to exceed ten (10) days per calendar year. Leave without pay shall only be granted when all other applicable paid benefits have been exhausted. Leave without pay shall not accrue beyond the calendar year and does not need to be consecutive. The Department Head shall monitor all use. Leave without pay shall not constitute a break in service.

B. Extended Leave without Pay. Upon the recommendation of the Department Head, the Human Resources Committee may grant a permanent employee leave without pay beyond ten work days for a period up to six months, with the ability to renew for up to an additional six months, subject to the following conditions:

(1) Extended leave without pay shall be granted only when it is in the best interests of the County to do so. The interests of the employee shall be considered when he or she has shown by his or her record to be of more than average value to the County and when it is desirable to return the employee to service, even at some sacrifice. Requests for extended leave without pay shall be approved prior to the taking of such leave and shall be consecutive. When such leave is requested due to an employee's medical condition, an acceptable physician's certificate shall be included.

(2) At the expiration of an extended leave without pay, the employee shall be reinstated in the position the employee vacated, or in vacant equivalent position, if the employee meets the stated qualifications. If the vacated position, or an equivalent position, is not available as a result of a reduction in force the employee's employment with the County shall be terminated.

(3) If an employee on an extended leave without pay does not receive pay for a major fraction of the month, the employee will not be eligible for holiday pay, vacation, sick leave and longevity accrual for that month. Health insurance may be continued if the employee pays the full premium. All other benefits, if allowed by the applicable plan document, may be continued.

(4) Extended leave without pay shall not constitute a break in service; however, the amount of time an employee is on extended leave without pay shall change the employee's benefits date corresponding to the number of calendar days the employee was not working due to an extended leave without pay.

(5) A return to work earlier than the scheduled termination of extended leave without pay may be arranged between the Department Head and the employee. When such leave was requested due to an employee's medical condition, an acceptable physician's certificate shall be required prior to returning to work.

(6) Employees on extended leave without pay may be terminated if actively employed elsewhere during the term of their extended leave without pay.

(7) If an employee is unable to return to work on the date required, the employee may submit a written request to extend said leave of absence, subject to approval of the Human Resources Committee. If the employee has not returned to work on the date required, the employee shall be considered to have resigned from County employment unless the employee requested and was granted an extension.

C. Unauthorized Absence - An employee who is absent from work without approval shall be considered to have resigned from County employment unless there are extenuating circumstances.

D. Military Leave – A permanent employee shall be granted a leave of absence from his/her position, without pay for a period not to exceed thirty (30) working days in any calendar year to attend scheduled drills or training or if called to active duty with the uniformed services. While such military leave is categorized as unpaid, however, if the employee's salary or compensation is less in the armed forces than was paid by the county the county will pay the employee the difference between the salary or compensation paid by the armed forces and the employee's county salary, for a period of military leave not to exceed thirty (30) working days. A permanent employee will be granted an unpaid military leave of absence beyond the thirty (30) days mentioned above in accordance with the terms of State and Federal law. Employees must provide notice to their department head and the County Executive through the Human Resources Director at least two weeks prior to the date such training or encampment leave is to commence or as soon as the employee receives his or her orders. A copy of the employee's orders must be filed in advance with the department head and County

Executive or in the event of “military necessity” as soon as practical. The County will not require an employee to use normal annual leave such as vacation or float holiday for any military leave regardless of length. The employee may however request to substitute any paid leave for leave under this section. Subject to the terms, conditions and other limitations of the applicable benefit plans for which the employee is otherwise eligible, the County will continue to provide those benefits on the same basis as for employees on other approved leaves of absence such as outlined for continuation of Health Insurance. Employees on military leave may elect to continue health insurance coverage during military leave. If the duration of the leave is less than 31 days, then the employee may elect to continue coverage at the regular rates. If the duration of the military leave is 31 days or more, the employee may elect to continue coverage up to 24 months, at the employee’s expense. The accrual of vacation and sick leave benefits will continue during a military leave of absence. All employer/employee contributions to the Wisconsin Retirement System will continue as required by State and Federal law as though the service of the employee had not been interrupted by military service. Military Leave will be accounted for in increments of 24-hour periods. Such employee shall be restored to the position which he/she vacated or to a comparable position with full rights under State and Federal law providing that the period of service was for 5 years or less provided the employee makes application to the Department Head within the applicable period of time required under State and Federal Law. Failure of an employee to notify the County within the applicable time period of his/her intention to return to work shall be considered as a voluntary termination of employment.

- E. Civil Leave – A permanent employee shall be given time off without loss of pay when performing jury duty, when subpoenaed to appear before a court, public body or commission in connection with County business, or called as a witness (except where the employee is party to the case) or for the purpose of voting if the employee cannot vote on non-business hours. In the event an employee receives any fees associated with jury duty or a subpoena, the employee shall remit the fee, less any meal and mileage reimbursement, to the County. If the employee does not remit the fee, the employee shall be considered to be on a leave of absence without pay or in the alternative, allowed to use an applicable benefit.

F. Educational Leave - Employees may be granted leaves of absence without pay to further their education for a period not to exceed six months. It is understood that there is neither an obligation on the part of the County to reinstate the person to his/her former, or any other, position or on the part of the employee to return to County employment. At the expiration of the leave, the employee may be reinstated to his/her position if it is available and if it is determined to be in the best interest of the County; or, upon request, he/she may be placed on a reinstatement list for consideration when vacancies occur in equivalent positions. Educational leaves of absence shall be subject to the conditions as indicated in B. Extended Leave of Absences, sections 3-7.

G. Family and Medical Leave – In compliance with 29 CFR Part 825 The Family and Medical Leave Act of 1993 pertaining to Family and Medical Leave, Portage County has established a policy for family and medical leave for employees who meet the policy criteria.

The Act provides for a 12-week leave in a 12-month period in the event of a birth, adoption or placement for foster care; the care of an immediate family member or care of employee’s own serious health condition. On January 16, 2009, the Federal Family and Medical Leave act will entitle eligible employees to take leave for a covered family member’s service in the Armed Forces (“Service Member Family Leave”).

1. Definitions- the following terms shall be defined within the scope of this policy as:

- a. “Days” mean calendar days unless the context requires otherwise.
- b. “Group Health Insurance Coverage” means the entire health package offered by an employer including without limitation medical, dental, and vision insurance (not life insurance).

- c. The words "Twelve Month Period", as used in the sections on the amount available in the twelve-month period for family and medical leave mean calendar year.
- d. The words "Week" and "Weeks", as used in determining whether an employee has been employed by the same employer for the requisite number of weeks, mean seven consecutive calendar days.
- e. "Spouse" means husband or wife as defined or recognized under State law for purposes of marriage, including common law marriage where it is recognized.
- f. "Parent" means biological parent or a person who stands or stood in loco parentis to an employee when the employee was a child. This term does not include spouse's parents.
- g. "Son" or "Daughter" means a biological, adopted, foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability."
- h. Incapable of "self-care" means that the individual requires active assistance or supervision to provide daily self-care in several activities of daily living.
- i. "Physical or Mental Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual.
- j. "Loco Parentis" include those with day-to-day responsibilities to care for and financially support a child, or in the case of an employee, who had such a responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- k. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves:

- i. Any period of incapacity or treatment in connection with or consequent to any inpatient care (i.e. an over night stay) in a hospital, hospice, or residential medical care facility; or
- ii. any period of incapacity requiring absence from work, school, or other regular activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or
- iii. continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

l. "Continuing Treatment by a Health Care Provider" means one or more of the following:

- i. the employee or family member is treated two or more times for the injury or illness by a health care provider. Normally this would require visits to the health care provider or to a nurse or physician's assistant under direct supervision of a health care provider.
- ii. the employee or family member is treated for the injury or illness two or more times by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider or is treated for the injury or illness by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider for example, a course of medication or therapy to resolve the health condition.
- iii. the employee or family member is under the continuing supervision of, but not necessarily being treated by, a health care provider due to a serious long-term or chronic condition or disability, which cannot be cured. Examples include persons with Alzheimer's, persons who have suffered a severe stroke, or persons in the terminal stages of a disease, who may not be receiving active medical treatment.

m. Voluntary or Cosmetic Treatments" (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions" unless inpatient hospital care is required. Restorative dental surgery after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of the Act are met.

n. "Employee" is an individual who is legally employed by the County and is paid through the County payroll.

2. Eligible Employees

Individuals meeting the following criteria may apply for a Family/Parental Leave, Care Taking Leave, Medical Leave, and/or Service Member Family Leave:

- a. Employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite; and
- b. Employed by Portage County (hereby referred to as the Employer) for at least twelve (12) months, (The 12 months an employee must have been employed by the employer need not be consecutive months. For purposes of determining whether intermittent/occasional/casual employment qualifies as “at least 12 months”, 52 weeks is deemed to be equal to 12 months.); and
- c. Employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave, if an employee is maintained on the payroll for any part of a week, the week counts as a week of employment.

3. Leaves Available

Employees are eligible for four (4) types of leave:

- a. Family/Parental Leave: (birth of a child, or placement of a child for adoption or as a precondition to adoption, or foster care).
 - i. Criteria for Requests:
 1. Maximum of twelve (12) workweeks available during a 12 month period.
 2. An employee’s entitlement to leave for a birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement for adoption.
 3. The employee must, in a reasonable and practical manner, give the employer advance notice in writing of the birth or placement.
 4. The employee must provide an ORIGINAL written health care provider statement to verify the birth or placement.
 5. The employee shall schedule family/parental leave after “reasonably considering the needs of the employer.”
 6. Partial family/parental leave (non-continuous leave increments less than a full work day) may be approved if the employee and employer agree. Approved leaves shall be scheduled so the partial leave does not “unduly disrupt the employer’s operations”. Family/Parental Leave for the birth, adoption, or foster care placement of a child shall not be “unduly disruptive of operations” if:
 - i. The employee has given notice equal to the shortest notice required for any other non-emergency or non-medical leave; and
 - ii. The schedule is sufficiently definite to allow for the scheduling or replacement of the employees.
 - b. Caretaking Leave – (leave for the care of an immediate family member of the employee who has a serious health condition)
 - i. Criteria for Requests:
 1. Employee must submit an ORIGINAL written statement signed by the attending health care provider of the immediate family member certifying:
 - i. The date on which the serious health condition commenced;
 - ii. The probable duration of the condition;
 - iii. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
 - iv. The certification may also include a statement that the employee is needed to care for the family member with an estimate of the amount of time needed for this care.
 - v. The statement must be returned within 15 days if possible.
 2. Partial Care taking leave (non-continuous leave increments less than a full work-day) shall be scheduled so as not to disrupt the employer’s operation. Such leave is allowable when it is “medically necessary.”
 - c. Medical Leave – (leave due to a serious health condition that makes the employee unable to perform the functions of the employee’s job)

i. Criteria for Requests:

1. Employee must submit an ORIGINAL written statement signed by the attending health care provider certifying:

- i. The date on which the serious health condition commenced;
- ii. The probable duration of the condition;
- iii. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- iv. Statement must be returned within 15 days if possible.

2. Medical leave for the employee's own care may be taken intermittently or on a reduced leave schedule when medically necessary. The employee must:

- i. Attempt to schedule so as not to disrupt the employer's operation;
- ii. Certification may include a statement that the employee is unable to perform his/her essential position functions.
- iii. Certification may include the dates of the planned medical treatment and the duration of the treatment.
- iv. Certification may include duration of the intermittent leave.

d. Service Member Family Leave: (Leave due to a "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the armed forces in support of a contingency plan; and/or, due to "military caregiver leave" to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating.)

i. Criteria for Qualifying Exigency Requests:

1. An employee must submit certification of the covered service member's call to active duty in the case of a "qualifying exigency."

- i. Employee must state the nature of their relationship to the service member.
- ii. Employee must attach the service member's call-up, or active duty notification and the specific reason for the leave request as verification.
- iii. Qualifying Exigency Leave is available only relating to a call or order to active duty by members of the Reserve, the National Guard, and certain retired members of the Reserve and regular armed forces. It does not apply to family members of the regular armed forces on active duty status.

2. Qualifying Exigency Defined:

- i. Short-notice deployment;
- ii. Military events and related activities, such as informational briefings, family assistance programs, or official ceremonies and events;
- iii. Childcare and school activities, including arranging alternative childcare, caring for children on an immediate, urgent basis, and attending school meetings.
- iv. Making financial and legal arrangements;
- v. Counseling;
- vi. Rest and recuperation (not to exceed 5 business days, when the service member is granted a rest and recuperation period);
- vii. Post-deployment activities.
- viii. Intermittent leave or a reduced leave schedule may be taken for qualifying exigency.

ii. Criteria for Military Caregiver Leave Requests;

1. An employee must submit certification from the service member's health care provider, including Department of Defense or Department of Veterans Affairs health care providers and private health care providers who are authorized by the Department of Defense.

- i. The nature of their relationship to the service member;
- ii. If the employee is not the spouse, child, parent, or next of kin, Portage County reserves the right to require proof of the employee relationship to the service member;
- iii. The date on which the serious health condition commenced;
- iv. The probable duration of the condition;
- v. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- vi. Statement must be returned within 10 business days, if possible;
- vii. In lieu of this certification, an invitational travel order, or authorization issued to any family member to join an injured or ill service member at his or her bedside will be accepted.
- viii. Intermittent leave or a reduced leave schedule may be taken to care for a seriously injured or ill service member.

2. A "serious injury or illness" must have been suffered on active duty, and must be such that it may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
- iii. Unlike other family medical leaves, an employee may take qualified exigency leave if an adult child is called to active duty; and/or leave to care for an injured or ill service member who is an adult child.
- iv. For the purposes of Service Member Family Leave, family members are defined as spouses, children, parents and "Next of Kin." "Next of Kin, means the nearest blood relative, other than spouse, parent or child in the following order of priority; blood relatives who have been granted legal custody of the service member; siblings; grandparents; aunts and uncles; and first cousins".

****NOTE:** Employees shall be granted no more than 12 weeks per calendar year for any combination of Family/Parental Leave, Caretaking Leave, and/or Medical Leave, and/or Service Member Family Leave due to a qualifying exigency.

4. Employer Rights and Obligations – The employer will comply with the following obligations for an approved leave:
 - a. Upon the employee's return to work, the employer will reinstate the employee to the same position the employee held when the leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment;
 - b. The employer will continue its share of the premium for the group health insurance package during the period of family or medical leave provided that the employee submits payment for the employee share of the premium (an employer's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late);
 - c. If the employee desires to return to work before the scheduled return date, the employer will allow this, under the parameters described above (see 4.a.)
 - d. The employer will not reduce any accrued benefit the employee has earned because of the employee's request for family or medical leave. However, while the employee is on such leave, no seniority or their employment benefits (other than health insurance) is required to be accrued unless governed by a labor contract;
 - e. The employer will not discharge or retaliate against any employee who asserts their rights or who assists others in doing so under the law.
 - f. The employer will not consider the absence during an approved leave for disciplinary purposes;
 - g. The employer will establish a written policy as it applies to individual departments within the Portage County organizational structure;
 - h. The employer has posted this policy for employee review and referral.
 - i. The employer has designated the Human Resources Department to review and respond in writing to all written requests for Family and/or Medical Leave.

5. Employee Obligations- Written Policy Requiring Notice

- a. The employee must provide at least 30 days notice prior to the day the leave is to begin, unless the date of the birth or the placement requires leave to begin earlier.
- b. The employee must provide written notice of need for caretaking leave to employer at least 30 days prior to the treatment unless the treatment requires leave to begin in less than 30 days.
- c. Whenever an employee is eligible for Family and Medical Leave, the employee must complete the required formal request form and any required supporting documentation. All requests must be in written form and documented by the employee on the formal request form. The completed form is then submitted to his/her supervisor with supporting medical documents attached. The supervisor shall review the request promptly with the Human Resources Department making a final determination.
- d. The employee shall receive a written response from the Human Resources Department PRIOR to taking a leave with the exception of emergency situations.
- e. The employee shall be aware of his/her rights under this policy and seek clarification from the Human Resources Department as appropriate and needed.

6. Employer Rights- Medical Certification

- a. The employer has the right to require ORIGINAL written medical certification to include:
 - i. Existence of serious health condition.
 - ii. Commencement of serious health condition.
 - iii. Probable duration of serious health condition.

- b. The employer has the right to medical information for the request of medical leave to include the extent employee is unable to perform the essential functions of their position.
- c. The employer has the right to an independent medical verification at the expense of the employer.
- d. The employer has the RIGHT TO DENY requested leave where employee fails or refuses to provide ORIGINAL written medical certification, except where emergency consultations or treatment is required.

7. Payment for Family or Medical Leave Time

- a. Employees eligible for **family leave** for birth/adoption/foster care of a child may substitute the employee's accrued paid vacation leave, personal leave, compensatory time or family leave.
- b. Employees taking **caretaking leave** for the care of an immediate family member may substitute accrued paid vacation leave, personal leave, compensatory time or sick time or medical leave, except that the employer is not required to provide paid sick leave or medical leave in a situation where the employer would not normally provide such leave.
- c. Employees taking **medical leave** for an employee's own serious health condition may substitute accrued paid vacation leave, personal leave, compensatory time or sick or medical leave.
- d. Employees taking **service member family leave** for a qualifying exigency or for military caregiver leave to care for a seriously injured or ill service member may substitute accrued paid vacation leave, personal leave, compensatory leave, or sick or medical leave.
- e. No restriction can be used on substitution of vacation or personal days.
- f. Employer can designate paid leave as Family Leave Act leave. In all instances, this is the employer's responsibility. Supervisors must require completion of FMLA certification form for all absences in excess of three days.
- g. Employees will be required to use sick time, vacation and personal leave for all **medical leave** in excess of the State of Wisconsin Family Medical Leave Act period before any unpaid time will be granted.
- h. Employees will be required to use vacation, and personal leave time for all **family and care taking leave** in excess of the State of Wisconsin Family Medical Leave Act period before any unpaid time will be granted.
- i. Designation **MUST** be made at time leave is requested, commences or is known by employer to be Family Leave Act leave.

3.11.9.13 UNEMPLOYMENT INSURANCE:

Wisconsin Unemployment Compensation laws cover county employment. Such coverage shall be compliance with Chapter 108 of the Wisconsin State Statutes.

3.11.9.14 CLAIMS AGAINST THE COUNTY:

Portage County provides general liability coverage for employees carrying out duties as an employee of the County. Employees must give written notice to their supervisor of a potential liability or legal action against the employee or the County for which the County may be liable as soon as reasonably possible. Failure to provide written notice may subject the employee to disciplinary action up to and including termination.

3.11.9.15 DEFERRED COMPENSATION:

Employees whose gross annual salary meets requirement levels will be eligible to participate in the County's deferred compensation plan.

3.11.9.16 FRINGE BENEFITS - TEMPORARY EMPLOYEES:

A. LIMITED TERM EMPLOYEES

Employees in this class are not eligible for benefits.

B. SEASONAL EMPLOYEES

Employees in this class are not eligible for benefits.

C. CASUAL EMPLOYEES

Employees in this class are not eligible for benefits. Casual employees will be granted the percentage increase approved by the joint Human Resources and Finance Committees on an annual basis. Exceptions

to this policy may be made by the County Executive and the Human Resources Committee on a case-by-case basis.

D. NUTRITIONAL AIDES

Employees in this class are not eligible for benefits.

3.11.9.17 FLEXIBLE BENEFIT SPENDING ACCOUNT:

Eligible employees may participate in any of the following programs:

- 1) Medical premium contribution benefit - Allows an employee to pay for contributions into the group health insurance plan on a pre-tax basis.
- 2) Unreimbursed medical expense benefit - Allows an employee to pay for out-of-pocket medical expenses not covered by the insurance plan (including applicable deductibles and co-payments) on a pre-tax basis.
- 3) Dependent care benefit - Allows an employee to pay for child/dependent care expenses on a pre-tax basis.

3.11.9.18 RETURN TO WORK/LIGHT DUTY POLICY

A. Return to Work/Light Duty – Work Related Disability

- 1) Upon receiving notification by an injured employee's treating physician that an employee is unable to perform the essential functions of his/her regular job duties due to a work related injury, the department head or department contact person shall contact the County's Risk Management Specialist immediately.
- 2) Employees who file a timely Worker's Compensation claim may be offered light duty assignments, only if work is available within their restrictions. All time absent (from the employees regularly scheduled number of hours) shall be designated as utilizing the employee's State and Federal Family Medical Leave eligibility. The employee shall provide updates of their capabilities and prognosis, as certified by the employee's physician, on a bi-weekly basis. Any change in physical capacity/restrictions must be provided by the employee to their department head or immediate supervisor prior to reporting to work.
- 3) In the event an Independent Medical Exam (IME) is used to determine compensability, from the time the employee receives notice that an IME will be scheduled until a determination is made by the IME if the claim is work related or non-work related, light duty will be made available based on the Return to Work/Light Duty – Non-Work Related Disability policy below. If the IME determines the claim is work-related the Return to Work/Light Duty – Work Related Disability policy will then apply. If the IME determines the claim is non-work related the Return to Work/Light Duty – Non-Work Related Disability policy will continue to apply.
- 4) The employee shall provide the department head with written documentation from their physician releasing the employee to a full duty schedule as soon as possible. When the healing plateau has been achieved, even if contested, the employee will be required to return to full duty, if physically able to do so. The Return to Work/Light Duty Policy – Non-Work Related Disability will apply to employees unable to return to their regular work schedule at the end of healing.
- 5) Nothing in this policy compels or requires any County department to establish any light duty positions. All light duty requests and assignments shall be made consistent with the applicable labor agreement and/or County Policy.

B. Return to Work/ Light Duty Policy - Non-Work Related Disability

This policy shall apply to all temporary non-work related disabilities due to injuries or illness (e.g.: broken arm, condition requiring surgery, pregnancy). Work-related disabilities shall be covered in the above Return to Work/Light Duty – Work Related Disability Policy. It shall be the policy of Portage County to return an injured or ill regular full or part time employee to their full duties, as soon as possible. To achieve this, the following will apply:

- 1) The department head or the immediate supervisor must contact the Human Resources Department when information is received that an employee is temporarily unable to perform 100% of their regular duties for an extended period of time (more than three days).
- 2) The employee shall provide a copy of the employee's position description to their physician who shall certify; that they have reviewed the position description, the maximum number of consecutive hours per day the employee is capable of safely working, and the specific duties the employee is capable of safely performing by completing a Portage County Physical Capacity Form.
- 3) At such time that an employee's physician certifies that the employee is safely capable of performing 100% of the duties of their position, for at least half of the regular hours of the position, the employee may be eligible for a light duty schedule. The employee must furnish the Portage County Physical Capacity Form, completed by their physician, to the department head and the employee must request light duty in writing. The department head shall submit the Physical Capacity Form, along with a statement outlining a recommendation for approval/denial of the light duty schedule, to the Human Resources Department. The request shall be reviewed and the employee may, upon approval of the department head and the Human Resources Department, be offered light duty under the conditions set forth below, if work is available within their restrictions.
- 4) The light duty schedule shall be for a maximum of 90 days, which may be extended on a case by case basis at the sole discretion of the County. All time absent (from the employees regularly scheduled number of hours) shall be coordinated with all existing benefits and shall be designated as utilizing the employees State and Federal Family Medical Leave eligibility and/or any other applicable leave of absences under County policy or applicable labor agreement. The employee shall be required to exhaust all leave balances (vacation, personal holiday, sick and compensatory time) prior to any unpaid time being utilized. The employee shall provide updates of their capabilities and prognosis, as certified by the employee's physician, on a monthly basis. Any change in restrictions must be provided by the employee to their department head or immediate supervisor prior to reporting to work.
- 5) The employee shall provide the department head or supervisor with written documentation from their physician releasing the employee to a full duty schedule as soon as possible. The employee must return to their regular work schedule at the conclusion of 90 days. Employees unable to return to their regular work schedule at the end of 90 days may request, in writing to their department head, for an extension of their light duty schedule, not to exceed 6 months. The request will be submitted to the Human Resources Department with the department head's recommendation. Those employees not requesting an extension or denied an extension, shall be required to exhaust all leave balances (vacation, personal holiday, sick and compensatory time) prior to any unpaid time being utilized. All time absent (from the employees regularly scheduled number of hours) shall be coordinated with all existing benefits and shall be designated as utilizing the employees State and Federal Family Medical Leave eligibility and/or any other applicable leave of absences under County Policy or applicable labor agreement.
- 6) Nothing in this policy compels or requires any County department to establish any

light duty positions. All light duty requests and assignments shall be made consistent with the applicable labor agreement and/or County Policy.

3.11.9.19 EMPLOYEE CASH AND CASH EQUIVALENT GIFTS POLICY

3.11.9.19.1 POLICY STATEMENT. Portage County supports the recognition of outstanding employee contributions. The county provides recognition for employee performance through the normal performance appraisal processes, not through the use of gifts, prizes, or awards. Small recognition gifts (such as a pin of nominal value) of a fair market value no greater than twenty-five dollars (\$25.00) will only be permitted for employee recognition. Each employee may receive a maximum fair market value no greater than fifty dollars (\$50.00) per calendar year in recognition. Cash and gift cards/certificates are not permitted. This policy provides guidance regarding the tax implications of gifts, prizes and awards made to employees by Portage County. In accordance with federal tax laws and regulations, it is the policy of Portage County to properly report and withhold for tax purposes all gifts, prizes and awards made to employees. All gifts, prizes, or awards to employees are considered compensation subject to federal withholding and reporting on Form W-2 unless specifically exempted by the Internal Revenue Service. Gifts, prizes, or awards to employees in the form of cash and gift cards/certificates, e.g. through payroll, are not permitted.

De minimis awards & prizes or employee achievement awards, given for length-of-service or safety must have nominal value and be provided infrequently with a fair market value no greater than twenty-five dollars (\$25.00). These types of gifts, prizes, or awards are not subject to tax withholding and reporting but must have a valid county business purpose, and are subject to the policy restrictions set forth above and to all Ethics Policy restrictions.

Gifts, prizes, or awards in the form of cash and gift cards/certificates will not be used to compensate employees for their normal assignment, as compensation for a permanent change to job duties, nor as compensation for extra hours worked (in lieu of overtime or overload pay).

An exception to the fair market value amounts, referenced above, is allowed to recognize employees who have retired as outlined in the Portage County Procurement Manual.

3.11.9.19.2 PROCEDURE. All requests under this policy will be reviewed by the Human Resources and Finance Departments. Requests not in compliance with this policy will not be processed for payment. All employee recognition awards, programs, or events are subject to audit, at any time, by the Human Resources Department and the Finance Department, Internal Audit or external auditors.

3.11.9.19.3 DEFINITIONS.

Cash and Gift Cards/Certificates. Any cash and cash equivalents including gift certificates (e.g. store gift cards for groceries, gas, or voucher having a cash equivalent value), given as a gesture of goodwill, employee appreciation, or in recognition of, or in connection with a holiday season, longevity, or some other purpose not specifically related to regular job performance.

Revised 8-26-02, Approved by County Board 10-15-02
Revised 10-19-2010 by Resolution No. 76-2010-2012

3.11.9.20 CLOTHING AND TOOL ALLOWANCES

Sheriff's Department, Parks and Facilities employees who are required to wear a uniform may receive an initial clothing issue upon date of hire. Sheriff's Department, Parks, Facilities, Highway and Health Care Center employees who are eligible for a uniform, boot or tool reimbursement or allowance, as provided for in the schedule on file in the Human Resources department, may be eligible for such reimbursement or allowance at the discretion of the department head, prorated for permanent part-time employees. Uniforms and clothing must meet department dress code requirements. All issuances, allowances, and reimbursements to employees shall be subject to proper reporting and income tax withholding in accordance with all state and federal tax laws and regulations and paid through direct deposit. This section does not apply to employees who are provided a uniform, clothing or tool reimbursement or allowance under a collective bargaining agreement or otherwise

provided for in Human Resources Policy 3.11.9.10. Uniforms, clothing and tool reimbursements and allowances may be provided based on funds available through the budget process.

3.11.9.21 DENTAL INSURANCE

All employees, who fulfill the underwriting requirements of the policy, shall be eligible for coverage under the County sponsored dental plan, with the employee paying one hundred percent (100%) of the premium. The premiums may be deducted from the employee's earnings on a pre-tax basis as part of the County's Section 125 plan.

3.11.9.22 SPECIAL DUTY PAY

Communication Technicians, Corrections Officers and Corporals may receive Special Duty pay if the employee is involved in a minimum of forty (40) hours per year of one or more authorized Sheriff's department's special activities. The Communication Technicians may receive \$150 per year and the Corrections Officers and Corporals may receive \$250 per year.

3.11.9.23 CONSTRUCTION WORK SITE ALLOWANCE

An employee of the Highway department may be assigned to report to work, at the beginning of the work day, at a construction work site. If the distance from the employee's home to the construction work site is greater than the most direct route from the employee's home to the Plover Highway facility, the employee may be eligible to receive an allowance for the difference in mileage to the construction work site. If the employee ends their day at a construction work site and the distance from the construction work site to the employee's home is greater than the most direct route from the Plover Highway facility to the employee's home, the employee may be eligible to receive an allowance for the difference in mileage to the employee's home. In order for an employee to be eligible for the construction work site allowance, the employee must travel to the work site in a non-county owned motor vehicle. Carpooling to construction work sites is encouraged, however only one construction work site allowance is authorized per vehicle per day.

Eligible Highway department employees must have on file a completed 'Authorization to Use Privately Owned Vehicles On County Business' form, in case they are required to use their personal vehicle during the work day for County business, and must incur a minimum of ten (10) eligible miles during the normal work week (as defined in HR Policy 3.11.8.5) in order to receive an allowance for mileage. The allowance will be calculated at the IRS Standard Business Mileage Rate in effect at the time that the mileage is incurred. If an employee lives outside of Portage County, the employee's home, for mileage allowance purposes, will be considered to be that point on the Portage County line where the employee crosses into Portage County while taking the most direct route to the construction work site. The construction work site allowance shall be paid at the discretion of the Highway Commissioner, and employees must be approved by the Highway Commissioner to receive the allowance. The expectation and purpose of this allowance is to permit the Highway department to complete construction projects sooner and with less overtime, thereby reducing expenditures in the enterprise budget.

3.11.10 PERFORMANCE EVALUATION

3.11.10.1 PURPOSE:

The purpose of a performance evaluation program is to improve individual performance, strengthen supervisor-employee relationships and recognize employee accomplishments and good work. Therefore, it is important that performance evaluation be an ongoing process of communication between the supervisor and employee.

3.11.10.2 ADMINISTRATION:

Each employee (except Elected Officials and LTE's) shall be evaluated at the following intervals. Timely completion of all performance evaluations shall be the responsibility of the hiring authority.

A. Probationary - Each employee shall be evaluated every three (3) months during the twelve-month probationary period.

- (1) The Human Resources Department shall have appropriate forms available for the hiring authority.
- (2) Department Heads shall return completed forms to the Human Resources Department for review and filing in employee's file.
- (3) If a probationary report is unsatisfactory, the Department Head shall notify the employee, in writing, of termination or demotion with a copy of said letter forwarded to the Human Resources Department.
- (4) If the final probationary report is satisfactory, the employee shall be notified in writing.

B. Annual - Performance evaluations should be completed each year for all employees.

- (1) The County Executive shall conduct a written performance evaluation of all appointed Department Heads, he/she shall solicit input from the oversight committees of the County Board.
- (2) Performance evaluations are to accurately display the employee's performance.
- (3) It is the responsibility of the Human Resources Director to audit evaluations as necessary.

C. Special – A special performance evaluation may be completed whenever there is a significant change in the employee's performance.

3.11.11 EMPLOYEE ASSISTANCE PROGRAM

3.11.11.1 PURPOSE:

It is in the best interests of both Portage County and its employees to provide a program designed to assist employees suffering from emotional problems, personal problems, alcoholism, and other chemical dependencies. This can best be carried out through early intervention and referral to appropriate community and professional agencies for help. This type of program must protect the privacy of the individuals concerned and, if it is to achieve its objectives, employees seeking assistance through the program must be assured that seeking such assistance will not jeopardize their employment status.

3.11.11.2 DEFINITIONS:

A. Emotional problems and personal problems - Behavior/medical problems such as physical, psychological, marital, financial, legal, etc. involving either the employee or a dependent that definitely and repeatedly interfere with the employee's job performance.

B. Alcoholism and other drug abuse problems - Illnesses in which the employee's or his/her dependent's consumption of alcoholic beverages and/or use of other drugs definitely and repeatedly interfere with the employee's job performance.

3.11.11.3 BENEFITS:

Alcoholism or other chemical dependencies and personal problems are recognized as illness and, as such, will receive the same financial benefits, insurance coverage, and sick leave as presently provided for other illnesses.

3.11.11.4 CONFIDENTIALITY:

All communications between the employee and program staff are and will be confidential. No records of conferences and referrals will be kept in the employee's personnel file.

3.11.11.5 ACCEPTANCE/REJECTION OF ASSISTANCE:

It is the employee's responsibility to maintain job performance to the standards outlined in his/her position description, regardless whether or not the employee elects to accept referral and treatment.

3.11.11.6 AVAILABILITY:

The County recognizes that an employee's job performance may be adversely affected by stresses resulting from the fact that members of his/her immediate family may be afflicted with personal problems, emotional problems, alcoholism, and/or other drug dependencies. Therefore, assistance under this program is available to any member of an employee's immediate family, either at the request of the employee or of the family member.

3.11.12 EMPLOYMENT TERMINATION

3.11.12.1 TYPES OF TERMINATION:

All employee terminations shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, death, retirement, dismissal, and completion of assignment.

3.11.12.2 RIGHTS OF EMPLOYEES:

Permanent employees who terminate their employment shall receive payment at regular pay for all earned salary, and any other pay to which the employee is entitled, subject to appropriate withholding and payroll deductions. Terminating employees shall be referred to the Human Resources Department for completion of appropriate forms.

3.11.12.3 RESIGNATION:

An employee may resign by submitting, in writing, the reasons therefore and the effective date, to the Department Head, or for Department Head resignation to the County Executive, as far in advance as possible. A minimum of fourteen (14) calendar days notice is required for all employees except Department Heads. For Department Heads, a minimum of thirty (30) calendar days notice is required. If an employee does not give the minimum notice required, he or she will forfeit all unused and prorated vacation, unused float holiday, longevity (if applicable) and sick leave conversion severance payouts. Minimum notice requirements may be waived by the Department Head or for Department Head resignations by the County Executive, when the Department Head or County Executive determines that it is in the best interests of the County to do so. Failure to comply with these requirements may also be cause for denying future employment with the County.

All resignation notices shall be completed in duplicate with one original submitted to the Department Head, with a copy to the employee's supervisor if different than the Department Head, or for Department Head resignations to the County Executive. The other original copy of the resignation notice shall be forwarded to the Human Resources Department.

If an employee requests to rescind his or her resignation, such request shall be submitted to the Department Head, or County Executive, as appropriate. The Department Head, or County Executive, will have discretion to accept or deny the employee's request to rescind his or her resignation.

3.11.12.4 LAST DAY OF EMPLOYMENT:

Employees may not use any accrued benefits to extend their last day of employment. The last day of employment is the last day the employee is physically present at work and performing his or her job duties.

The only exception to this policy may be when an employee has a serious health condition, supported by medical documentation that the employee is unable to return to work. The employee should be on an approved leave per Family Medical Leave Act (FMLA), using accrued benefits following the expiration of an approved

leave per FMLA, or on an approved extended leave without pay. The employee must physically come to work on their last day for at least the amount of time required to complete any necessary paperwork, turn in keys, badges, etc. and clean out personal effects. Benefits for any applicable severance payouts will accrue through the last day the employee used an accrued benefit.

3.11.12.5 REDUCTION IN FORCE:

The Department Head, upon approval of the Human Resources Director and County Executive may implement a reduction in force of hours or positions, when necessary by reason of shortage of funds or work, the elimination of the position, or other material changes in the duties or organization, or for related reasons which are outside of the employee's control and which do not reflect unfavorably upon the service of the employee. The duties from a position reduced or eliminated may be added to other positions.

A. Selection of Positions Affected by Reduction in force – Portage County retains management rights in determining whether any employee may be subject to a reduction in force, which shall be done in such a manner as to ensure the best qualified employees are retained. The department head shall provide the name(s) and positions(s) of those employees considered to be subject to a reduction in force and receive approval of the Human Resources Director and the County Executive prior to implementing the reduction in force. Affected employees shall be afforded a two-week notice, or greater if possible, of impending reductions in force.

B. Re-employment Lists - Employees separated from County service as a result of a reduction in force shall be placed on a reemployment list. If a position that was eliminated due to a reduction in force becomes available within one year from the date the position was eliminated the department head, at his or her discretion may recall an employee that previously held the position. Any employee that is recalled or obtains a permanent county position within one year will have their date of hire remain as their original date of hire and their benefits date adjusted to reflect the time unemployed. An employee's sick leave bank will be reinstated to the same number of hours that existed prior to the reduction in force.

3.11.12.6 DISABILITY:

An employee may be separated for disability when he/she cannot perform the essential functions of the position with or without reasonable accommodation. The employee, his legal representative, or the County may initiate action; but, in all cases, it must be supported by medical evidence as determined by the Human Resources Director. The County may require an examination at its expense and performed by a physician of its choice to verify the existence and extent of the disability.

3.11.12.7 DEATH:

Separation shall be effective as of the date of death. All final compensation due shall be paid to the estate of the employee, except for such sums specified by law to be paid to the surviving spouse or by the previous designation of the employee for deferred compensation plans.

3.11.12.8 RETIREMENT:

The normal retirement age shall be consistent with state and federal law, and the Wisconsin Retirement System.

3.11.12.9 DISMISSAL:

Dismissal or discharge for cause is discussed in Section 3.11.13.

3.11.12.10 COMPLETION OF ASSIGNMENT:

Employees hired to fill temporary positions shall be terminated upon completion of the duties for which the temporary position was established.

Revision approved by Personnel Committee: November 2, 2006

Revision approved by County Board: November 14, 2006

3.11.13 EMPLOYEE RULES OF CONDUCT

3.11.13.1 DISCIPLINARY ACTION:

The purpose of discipline is correcting job behavior and performance problems of employees. Employees shall be informed of standards of conduct and performance. Rules and standards shall be consistently applied. Penalties shall be appropriate to the circumstances. Persons administering corrective discipline shall systematically document the case. Records of verbal reprimands shall be maintained in the employee personnel file. Copies of written reprimands, suspensions, and terminations shall be provided to the employee, the Human Resources Director, the employee's personnel file, the employee's supervisor and union steward if appropriate. Suspensions and terminations shall be discussed with the Human Resources Director before such actions are taken. In the event that the Human Resources Director cannot be reached, the employee shall be suspended pending investigation.

3.11.13.2 GROUNDS FOR DISCIPLINE:

The following shall be grounds for discipline ranging from a verbal warning to immediate discharge depending upon circumstances and the seriousness of the offense in the judgment of management

- (1) Dishonesty or falsification of records;
- (2) Insubordination (refusal to obey reasonable orders, insolence, etc.);
- (3) Theft or destruction of County equipment or property;
- (4) Unauthorized use or abuse of County equipment or property;
- (5) Intoxication, including consuming intoxicants during working hours or being under the influence of liquor or drugs during working hours or bringing intoxicants or drugs into the work place;
- (6) Condition brought about from use of intoxicants away from work which interferes with job performance, efficiency, or discipline;
- (7) Fighting or creating a disturbance among fellow employees, resulting in an employee having an adverse effect on morale, production or maintenance of proper discipline;
- (8) Habitual tardiness or abuse of sick leave or unauthorized absence from work without substantiated reason, including violation of an approved department absenteeism policy;
- (9) Use of official position or authority for personal or political profit or advantage, including acts which constitute a violation of the Portage County Code of Ethics;
- (10) Disregard or repeated violation of safety rules and regulations;
- (11) Discrimination based on protected classes listed in Section 3.11.1.8 Equal Employment Opportunity and Fair Employment;
- (12) Knowingly making false or malicious statements with intent to harm or destroy the reputation, authority or official standing of individuals or organizations;
- (13) No employee or elected official shall use or disclose "privileged or confidential information" gained in the course of or by reason of his/her official position or activities.
- (14) No employee shall engage in his own business activity, accept private employment, or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of his/her official duties or would impair his/her independence or judgment or action in the performance of his/her official duties.
- (15) No employee may purchase materials or services from Portage County for their personal use unless the purchase or service is available to the general public;
- (16) Unlawful conduct defined as a violation of or refusal to comply with pertinent laws and regulations when such conduct impairs the efficiency of County service.
- (17) Failure to adequately perform assigned job duties;
- (18) Failure to follow duly established work rules, policies and procedures;
- (19) Unprofessional or unethical conduct or behavior;
- (20) Violation of the confidentiality requirements of the department.

Other circumstances may warrant disciplinary action and will be treated on a case-by-case basis.

3.11.13.3 PROHIBITION REGARDING CONFLICT OF INTEREST:

Purpose - The following policy is set forth because the proper operation of democratic government requires that employees be independent, impartial and responsible to the people, and the public has confidence in the integrity of its government. Nothing in this section shall deny any individual rights granted by the United States Constitution, the Constitution of the State of Wisconsin, the laws of the United States and the State of Wisconsin or by labor agreements negotiated with certified employee bargaining unit representatives.

No County employee shall use his/her office or position for personal financial gain or the financial gain of his/her family. No employee shall engage in his own business activity, accept private employment, or render services for private interests when such employment, business activity or service is incompatible with the proper discharge of his/her official duties or would impair his/her independence or judgment or action in the performance of his/her official duties. No employee or elected official shall use or disclose "privileged or confidential information" gained in the course of or by reason of his/her official position or activities.

3.11.13.4 PROHIBITIONS REGARDING POLITICAL ACTIVITY

Policy - The laws pertaining to political activity on the part of local government employees are codified in sections 1501-1508 of Title 5 of the United States Code. These provisions are commonly referred to as the Hatch Act. County employees shall be made aware of both permissible and prohibited activities of the Hatch Act.

A. Permissible Activities. In general, the following political activities are permissible

1. Making voluntary contributions for political purposes.
2. Participating as a candidate for a non-partisan part-time office in accordance with State Statutes 59.03(4).
3. Expressing opinions as an individual privately and publicly on all political subjects and candidates.
4. Being a member of a political party and participating in party affairs. The following are some of the political activities that an employee may participate in provided he/she is off duty and not on County property.
 - a. Soliciting votes in support of or in opposition of a partisan candidate for public office or political party office.
 - b. Serving as an officer of a political party, member of a national, state or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.
 - c. Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for a partisan political purpose.
 - d. Taking an active part in managing the political campaign of a partisan candidate for public office or political party office.
 - e. Acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or partisan candidate.
 - f. Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a partisan candidate, political party or political club.
 - g. Driving voters to polls on behalf of a political party or partisan candidate.
 - h. Serving as a delegate, alternate, or proxy to a political convention.
 - i. Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.
 - j. Initiating or circulating a partisan nominating petition.
 - k. Endorsing or opposing a partisan candidate for public office or political party office in a political advertisement, a broadcast, campaign literature or similar material.
 - l. Organizing or reorganizing a partisan political party organization or political club.

B. Prohibited Activities. In general, the following political activities are prohibited

1. Participating as a candidate for a partisan political office when an employee is principally employed in an activity, which is financed in whole or in part by loans or grants made by the United States or a federal agency.
2. Using governmental authority to interfere or affect nomination or election for any public office or position within any political party.
3. Using governmental authority or influence to intimidate, threaten or coerce any person to vote contrary to his/her own voluntary choosing.

4. Using governmental authority to directly or indirectly intimidate or coerce any person to pay, lend or contribute anything of value, including services, to any party, organization, group or individual for political purposes.
5. Using official authority or influence to coerce any individual or group for political action, or to confer benefits or effect reprisals to secure desired political action or inaction.
6. Offering to pay or accept benefits in return for a desired political action or inaction.
7. Requesting or receiving anything of value for influence or help in securing appointive office.
8. Paying or offering payment for securing appointive office.
9. Engaging in any political activity when not on duty to such an extent that efficiency during working hours is impaired or that the employee is absent or tardy from work.
10. Directly or indirectly soliciting or receiving subscriptions or contributions for any partisan political party or any political purpose while in a building, office or room occupied for any purpose by the County.
11. Either orally soliciting or by letter transmitting any solicitation to County office or be in any manner concerned in soliciting any assistance, subscription or support for any partisan political party or purpose from any person holding any position while on County time or engaged in official duties.
12. During the hours when on official duty engaging in any form of political activity calculated to favor or improve the chances of political party or person seeking or attempting to hold elective office.
13. At any time using any resource of Portage County, including the employee's on-duty time or any other County resource, to aid, assist, or benefit any political party or candidate for elective office.

3.11.13.5 PROHIBITION REGARDING NEPOTISM

Portage County does not allow more than one member of an immediate family in a department where a supervisor/subordinate relationship would exist. A supervisor/subordinate relationship shall exist where one family member falls below another member of his or her immediate family in the department's organizational chain of command regardless of the amount of intervening supervision.

If the situation involves a County Board Supervisor, or citizen member of a committee/commission, that individual shall leave the governing body in question before the family member can be hired, transferred or otherwise join the department. If the situation involves any other elected official, the family member shall resign or shall transfer to another department within 60 days of the elected official being sworn into office. A request for exemption from this section requires County Executive approval. Nothing in this section shall affect supervisor/subordinate relationships existing prior to December 14, 1993.

The definition of immediate family for this section is an employee's wife, husband, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, stepmother, stepfather, stepson, stepdaughter, son-in-law, daughter-in-law or member of the employee's household.

3.11.13.6 PROHIBITION REGARDING GIFTS AND GRATUITES

No County employee shall solicit or accept for him/herself or another person any gift, campaign contribution, gratuity, favor, services, promise of future employment, entertainment, loan or any other thing of monetary value from a person who has or is seeking contractual or other business activities from or which are regulated by the County. This does not include acceptance of loans from banks or other financial institutions on customary terms of finance for personal use, such as home mortgage loans, the acceptance of unsolicited advertising or promotional material, such as pens and calendars, and acceptance of an award for meritorious or personal contributions or achievements.

3.11.13.7 REGULATIONS FOR SECONDARY EMPLOYMENT

Employees will be able to work for another employer outside of their normal work hours so long as this secondary employment does not interfere with their ability to perform the duties required of them by Portage County.

When compensatory time or vacation is used for secondary employment, employees may not perform such work at their regular work place. Furthermore, an employee may not interrupt his/her regular workday by taking

vacation or compensatory time for secondary employment (i.e. an employee may not leave work to attend to a consulting matter and then return to work for the County in the same day).

When a question arises over compensation or propriety of secondary employment, the Department Head and County Executive will determine whether the employee should continue and whether the employee would retain any fees involved.

3.11.13.8 PROHIBITION REGARDING SEXUAL HARASSMENT

Harassment on the basis of sex is a violation of the law. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when, (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Employees who have experienced, or are aware of, a situation, which constitutes sexual harassment, are urged to contact their Department Head or County Executive in order to resolve the problem. Furthermore, supervisors and fellow employees who have engaged in this sort of misconduct will have appropriate sanctions imposed if allegations of harassment can be proven.

3.11.13.9 PROHIBITION REGARDING STRIKE OR WORK SLOWDOWN

An employee is prohibited from participating in a strike, walkout, job slowdown, or other intentional interruptions of work. Any employee that engages in this type of behavior shall be subject to discipline, up to and including termination.

3.11.13.10 USE OF COUNTY VEHICLES:

Proper management of public resources, including county vehicle accountability is a top priority for Portage County. All county officials are charged with ensuring and monitoring the daily usage of departmental vehicles to promote efficiency as well as public trust. This policy shall apply to all County employees, except for all law enforcement personnel who shall follow the Sheriff's Department Directive 97-27 – Fleet Operations and Maintenance Guidelines. Where applicable this policy shall also apply to any rental vehicles used for County business.

County employees who are assigned a County owned vehicle for use to perform their daily work activities will be allowed to use said vehicle for County business only. Personal use of County owned vehicles is prohibited with the exception of commuting to and from work and de minimis personal use, such as a stop for a personal errand on the way between a business delivery and the employee's home (as defined by IRS regulations). Personal use of county vehicles for non-business destinations is prohibited by this policy even if the employee is in an "on-call" status. Only those employees who reside in the County will be allowed to take a County vehicle home, unless an exception is granted by the Human Resources Committee, with recommendation from the Department Head and County Executive, when it is in the best interests of the County.

Employees using County owned vehicles for commuting will have vehicle usage reported as income per IRS regulations. These employees must complete, and have on file in the Finance Department and the Human Resources Department a 'County Vehicle Valuation' form. If a County employee is required to use their personal vehicle to conduct County business Fiscal Policy – Mileage Reimbursement Rate shall apply for reimbursement.

All County vehicles shall be prominently marked as County vehicles (logo approx. 12" X 12"). All County employees that are allowed to operate a County vehicle must possess a valid driver's license. No one other than County employees are allowed to operate a County vehicle. Only County employees and those associated with County business are to be transported in a County vehicle except in emergency situations.

Operators/passengers are required to obey all traffic laws and regulations, including use of seatbelts. Costs and penalties for violations of same are the personal responsibility of the offending operator/passenger. Drivers of County owned vehicles must, as soon as reasonably possible, notify the County of any accidents or citations

received while driving the county owned vehicle. Any such incident will be subject to review and may result in suspension of county owned vehicle driving privileges. Employees assigned a county vehicle will be responsible for reporting the need for minor repairs, routine maintenance, and any damage to the vehicle. A vehicle that is operationally defective is not to be driven. Employees are responsible for maintaining the cleanliness of the car.

County vehicles shall not be operated if driver/operator has consumed or is under the influence of alcohol, prescription, or nonprescription drugs which may affect control, operation, and safety of operator/passengers in vehicle. There is to be no smoking or use of tobacco products while operating or riding in a county vehicle. Animals and/or pets are not allowed in vehicles.

Failure to comply with, or abuse of, this policy may result in the suspension of the usage of County vehicles and possible other disciplinary action up to and including discharge.

(Approved by Joint Executive and Personnel Committees on 01/21/2005, and approved by County Board, 02/15/2005).

3.11.13.11 PROFESSIONAL TRAINING POLICY

Employees may be allowed to attend professional conferences, seminars and similar training functions that are specific to their position, and to engage in other similar job-related activities outside of Portage County, provided the employee is not to be compensated from any other source during the period of absence (i.e. honorarium or secondary employment compensation). Traveling expenses, lodging, conference fees, tuition, and similar expenses incurred during such conferences may be paid in whole or in part by the County, subject to available appropriations and County policies.

3.11.13.12 DRUG-FREE WORKPLACE:

Any employee is absolutely prohibited from the unlawful manufacture, distribution, dispensing, possession or use of controlled substances on all County property and work sites. Any employee who engages in any of these actions on County property or the work site or during work time may be referred to counseling or treatment, and may be subject to disciplinary action up to and including discharge.

Employees who are convicted of any criminal drug statute violation occurring in the workplace must notify their supervisor or Department Head within five (5) days of the conviction if the employee is employed by Portage County at the time of the conviction.

Employees who have problems with alcohol or controlled substances are encouraged to voluntarily utilize the Employee Assistance Program. Early diagnosis and treatment of chemical abuse is in the best interests of the employee and Portage County. Voluntary contacts with the EAP representatives will remain confidential.

3.11.13.13 VIOLENCE IN THE WORKPLACE POLICY:

Portage County is committed to providing a safe and healthy work environment, free from any threats or acts of violence. Towards this commitment, as a matter of policy, Portage County will not tolerate any threats or acts of violence directed by one employee towards another. Violence is defined to include, but is not limited to: physical assault, aggressive behavior at another individual, purposeful destruction of county property, intimidation through verbalized or implied threats, and destruction of another's property. Any confirmed act or threat will be investigated as a serious violation of Portage County policy. Any confirmed act or threat will be grounds for disciplinary action, up to and including termination of employment and referred to law enforcement, if appropriate. When appropriate the employee will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.

Any employee who has been a recipient of a threat of violence or victim of an act of violence is to make a report to the immediate supervisor and the Human Resources Director (who shall report the matter to the County Executive) within twenty-four hours (24 hours) of the act. Such reports will be kept confidential, if possible. Portage County will investigate such reports and take action as appropriate to the situation. Where indicated, the County will cooperate with local law enforcement.

As acts of violence in the workplace may also be perpetrated by people from outside the workplace, the County requests any employee, who feels an outside threat poses risk within the workplace, to report such a situation to the County. Portage County will assess the need for special safeguards.

All employees are required to report knowledge of violence or potential violence in the workplace. This includes violence by one employee to another. Please call the immediate supervisor or the Human Resources Department at (715) 346-1327 during business hours. During this referral, information and guidance will be provided. In the event of imminent danger to yourself or others, please call **911** first, and then notify a supervisor.

Employees may also file a formal complaint to the Human Resources Department or any manager/supervisor of the County. It then becomes Human Resources Director or County Executive's or manager's/supervisor's responsibility to act judiciously and in a timely fashion (within one (1) working day) to provide the information to the proper authorities so that action can be initiated.

It is Portage County's intent to provide a safe work environment. All employees' cooperation and commitment is necessary to the prevention of safety risks within the County.

3.11.13.14 SMOKE FREE WORK PLACE

Portage County is a smoke free work place. Smoking, including e-cigarettes is prohibited in any enclosed buildings or vehicles that are owned, leased, or rented by Portage County as provided by 101.123 Wisconsin Statutes.

3.11.13.15 ALCOHOL FREE WORK PLACE

Portage County is an alcohol free work place. Alcohol possession, consumption and sale are prohibited in any worksite building or motor vehicles that are owned, leased, or rented by Portage County.

3.11.13.16 PROHIBITION AGAINST POSSESSION OF WEAPONS AND FIREARMS BY COUNTY EMPLOYEES

(A) Portage County is committed to maintaining a safe and healthful work environment for its employees as well as county citizens and the general public. As part of this commitment, the county's policy is to prohibit weapons of any type (including firearms) from the actual workplace or working areas where employees are located as well as from county-owned vehicles for all county employees. This prohibition does not apply to law enforcement personnel in the course of their duties.

(B) The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section.

Firearm means a shotgun or a rifle, or any weapon made from a rifle or shotgun (modification or otherwise), or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant.

Weapons for this ordinance is defined as a handgun, an electric weapon as defined in Wis. Stat. § 941.295(1c)(a), a knife including any switchblade knife under § 941.24 with three inches or longer, or a billy club. Wis. Stat. § 175.60(1)(j).

(C) The county will not condition employment on the fact that an employee or a prospective employee holds or does not hold a license to carry a concealed weapon, nor will the county otherwise discriminate against employees in any terms or conditions of employment based upon their lawful use and ownership of firearms.

(D) Employees, customers and lawful invitees who possess a valid concealed weapons license may keep a firearm inside their privately owned motor vehicle when their vehicle is parked on county property inside a designated parking facility.

(E) Any violation of this policy shall subject the offending employee to discipline up to and including discharge.

3.11.13.17 EMPLOYEE IDENTIFICATION BADGES

As part of its commitment to safety, Portage County employees will be provided identification badges (ID Badges). All employees shall wear their ID Badges on the front of their body so that it is visible to coworkers and the public during working hours and while conducting County business. The only exceptions to this will be for Corrections Officers, Sheriff's Deputies in uniform and Parks and Highway Department employees. These employees will be issued ID Badges and will be expected to have the ID Badges available if they are requested to verify their employment with Portage County.

3.11.13.18 UNION ACTIVITY

Union Business – Union business shall be transacted outside of normal working hours, unless otherwise pre-approved, in writing, by an employee's department head, or if the department head is unavailable by the County Executive. The Union shall provide written notification to the Human Resources Department within ten (10) business days following the election or selection of Union officers or representatives.

Joint Employer – Union Meeting – No Union representative shall suffer a loss in pay while attending any joint Employer-Union meeting or for reasonable travel time to and from joint meetings. It is understood that joint meeting and travel time, which occurs during the Employee's normal work schedule is considered work time. The Employer shall not be liable for overtime pay because Employee-Union meetings occur outside of an employee's or the union representative's normal work time.

Bulletin Boards – The County may provide bulletin board space for the Union's use. The Union may also be permitted to use the employee mailboxes for communications among Union members. Bulletin board, voice mail, e-mail and mailboxes are to be used by the union only for notices of the following: Union meetings, Union elections, Union appointments, Union recreational and social events, and unemployment compensation information. Union newsletters may be distributed in mailboxes and posted on union bulletin boards; newsletters are not to be distributed via County e-mail. It is understood by the Union that all e-mail and voice mail is the property of Portage County and subject to review by Portage County. E-mail is not a private form of communication. All e-mail use by the Union will comply with all County policies regarding computer utilization and e-mail access. Abuse of the use of e-mail for this purpose may result in revocation of employee e-mail access. No postings which are political in nature or in any way detrimental to the labor-management relationship will be allowed.

The County shall retain ownership of the bulletin boards and the mailboxes. In the event the Union fails to remove materials in violation of this Section, the County reserves the right to remove said material or the bulletin board upon which the material is posted.

3.11.14 EMPLOYEE GRIEVANCE PROCEDURE

3.11.14.1 PURPOSE

This grievance procedure is established pursuant to Wis. Stat. §66.0509(1m) Eligible employees shall use the procedure to resolve disputes with Portage County (County) regarding covered employee discipline, employee termination and workplace safety issues. This grievance procedure may be modified by the County at any time, with or without prior notice. This procedure is not a guarantee of employment or a guarantee of any rights or benefits. It does not create or grant covered employees with a property interest in their employment or tenure rights of any kind and does not constitute a contract of employment, express or implied. Unless specifically required by another statute or code, the County's employment relationship with employees eligible to use this procedure is "at will" and employment may be terminated at any time for any reason, with or without cause, at the option of the county.

3.11.14.2 **DEFINITIONS**

“Days” means calendar days. In counting calendar days, the day of the act, event or occurrence from which the designated period of time begins to run shall not be included. The last day of the period so counted shall be included. Unless it is a day County offices are closed, then the last day shall be the next calendar day County offices are open. Saturday’s, Sundays and Holidays shall be counted. Days end at 4:30 p.m. central standard time.

“Discipline” means any of the following adverse employment actions per Human Resources Policy 3.11.13.1 – Disciplinary Action.

“Employee” for purposes of a grievance involving discipline or termination as defined herein means any permanent full-time or permanent part-time employee of Portage County, as defined in applicable Portage County Human Resources policies and excludes elected officials, employees covered by a collective bargaining agreement containing a grievance procedure following employee discipline or termination, and officials or officers that serve at the pleasure of an appointment authority as provided by statute.

“Employee” for purposes of a grievance involving an alleged workplace safety violation means any employee of the County.

“Grievance” means a written complaint filed under this policy by an employee involving discipline taken against the employee, termination of the employee or an alleged workplace safety violation directly affecting the employee. All complaints must be filed on the appropriate form, discipline or termination, or workplace safety. The grievance must contain all of the information required on the attached forms to be considered complete. An employee filing a Grievance is referred to as a “Grievant” in this policy.

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“Termination” means a permanent full-time or permanent part-time employee is involuntary dismissed from employment for unsatisfactory performance or misconduct. Termination does not include voluntary termination, layoffs, workforce reduction, job transfers or demotions, action taken as a result of an employee failing to meet the qualifications of a position, end of employment due to disability, retirement, end of employment due to the non-completion of a probationary or trail period, end of employment due to the completion of a contract, limited term position, seasonal employment, or the ending of services of an on-call casual employee or any action that meets the definition of discipline as defined above.

“Workplace Safety” means any standard established or adopted under Wisconsin Administrative Code Chapter Comm. 32 or any condition of employment related to the physical health and safety of an employee. It includes, but is not limited to, the safety of the physical work environment, the safe operation of workplace equipment and tools, and accident risk and workplace violence prevention. It does not include conditions of employment related to general working conditions that are unrelated to physical health or safety, such as compensation, performance reviews, work schedules, hours of work, breaks, overtime, sick leave, family or medical leave, or vacation scheduling.

3.11.14.3 **LIMITATIONS**

(1) A law enforcement officer who may bring a grievance using the procedure specified in Wis. Stat. § 59.26(8) may not bring a grievance under this section regarding discipline or termination.

(2) An employee who is subject to a collective bargaining agreement containing a grievance procedure regarding discipline or termination may not bring a grievance under this section regarding discipline or termination.

- (3) A department head who is appointed by the county executive pursuant to Wis. Stat. § 59.17(2)(br) may not bring a grievance under this section regarding discipline or termination.
- (4) A circuit court commissioner who is appointed pursuant to Wis. Stats. § 757.68 may not bring a grievance under this section regarding discipline or termination.
- (5) A corporation counsel who is appointed pursuant to Wis. Stat. § 59.42(1)(b) may not bring a grievance under this section regarding discipline or termination.
- (6) A register in probate who is appointed pursuant to Wis. Sts. § 851.71(1) may not bring a grievance under this section regarding discipline or termination.
- (7) Officials or officers that serve at the pleasure of an appointing authority as provided by statute.

3.11.14.4 ADMINISTRATION

- (1) The Human Resources Director shall supervise and administer the grievance process.
- (2) Department heads shall keep the Human Resources Director informed of the status of all grievances.
- (3) Time lines throughout this grievance procedure may be extended for good cause shown.

3.11.14.5 INITIATING A GRIEVANCE

- (1) Employee grievances under this chapter shall be handled following the procedure contained in this section.
- (2) Every effort should be made to resolve the matter with the employee's supervisor prior to initiating a grievance.
- (3) All grievances shall be initiated by filing a written grievance with the employee's department head. A grievance may only be filed by the employee who is the subject of the discipline, termination or alleged workplace safety violation.
- (4) The department head shall promptly notify the Human Resources Director of any grievance, provide a copy of any written materials received in connection with the grievance, and keep the Human Resources Director informed of the status of the grievance.
- (5) All time limits set forth herein are to be strictly adhered to unless both parties mutually agree to waive the applicable time limit in writing. In addition, an impartial hearing officer may permit exceeding a time limit for conducting a pre-hearing conference or final hearing for good cause.
- (6) The grievance must contain a statement explaining the reason for the grievance, the applicable policy and alleged section violated, provide any information that the employee wants the department head to consider in connection with the grievance, and describe the remedy that is being sought. The grievant must sign and date the grievance. A grievance will not be considered filed until the grievant signs the grievance. Provides all the required information and delivers the grievance to the department head.
- (7) An employee must first submit the grievance to the department head within 10 days of the action or event that gave rise to the grievance.
- (8) The department head shall within 10 days of receipt of a grievance, meet with the employee to discuss the grievance and attempt to resolve the grievance.
- (9) The department head shall provide a written response to the employee within 3 days following the meeting and shall provide a copy of the written response to the Human Resources Director at the time it is provided to the employee.
- (10) If the grievance is not resolved with the department head an employee may submit the grievance to the Human Resources Director, or County Executive if the grievance involves a Human Resources department employee, within 5 days of the employee receiving the Department Head's written response.
- (11) The Human Resources Director shall within 10 days of receipt of the grievance, meet with the employee to discuss the grievance and attempt to resolve the grievance.

(12) The Human Resources Director shall provide a written response to the employee within 3 days following the meeting and shall provide a copy of the written response to the department head at the time it is provided to the employee.

(13) If the grievance is not resolved with the Human Resources Director/County Executive an employee may submit the grievance to the Human Resources Committee, through the Human Resources Director, within 5 days of the employee receiving the Human Resources Director's written response.

(14) The Human Resources Director will place the grievance on the agenda, for the first Human Resources Committee meeting that is held at least 10 days after the Human Resources Director receives the grievance from the employee. If the grievance is regarding an employee discipline or termination, the agenda item will be noticed for consideration in closed session pursuant to Wis. Stat. § 19.85(1)(b) pertaining to the dismissal, demotion, licensing, or suspension of a public employee. The Human Resources Director will provide a copy of the meeting notice to the grievant, and the grievant may request that an open session be held. If the grievance is regarding an alleged workplace safety violation, the agenda item will be noticed for consideration in open session. The employee has the right to be represented at the hearing, at the employee's expense, by a person of the employee's choosing.

(15) The Human Resources Committee may affirm or reverse the Human Resource Director's decision, remand the decision back to the Human Resource Director for further review, reinstate a terminated employee or substitute a lesser discipline. In a workplace safety grievance, the Human Resources Committee may affirm, reverse or modify the Human Resource Director's decision or remand the decision back to the Human Resource Director for further review.

(16) The Human Resources Committee Chair shall prepare and sign a written determination reflecting the Human Resources Committee's decision. The Human Resources Committee Chair may enlist the assistance of the Human Resource Director in preparing the determination. A copy of the determination will be provided to the grievant, the department head, and the Human Resources Director within 5 days following the Human Resources Committee's decision.

3.11.14.6 IMPARTIAL HEARING

(1) An employee may, within 5 days of receipt of the Human Resources Committee's response, request a hearing before an impartial hearing officer by filing a written hearing request with the Human Resources Director.

(2) An impartial hearing officer shall be selected, from a list approved by the Human Resources Committee, by the County to conduct the hearing.

(3) Within five (5) days of the date the impartial hearing officer is selected, the County, grievant and impartial hearing officer shall conduct a pre-hearing conference and select a date for hearing not more than thirty (30) days from the date the grievance was filed. The impartial hearing officer shall require the county and grievant to provide a list of witnesses and exhibits that each intends to produce at the hearing no later than ten (10) days before the hearing. The hearing officer may reschedule the hearing with the mutual consent of the parties.

(4) The impartial hearing officer may, with consent of the parties, use his or her best efforts to mediate the grievance.

(5) The employee has the right to be represented at the hearing, at the employee's expense, by a person of the employee's choosing.

(6) The County has the right to be represented at the hearing, at the County's expense, by a person of the County's choosing.

(7) The grievant may call witnesses and present testimony and exhibits that are relevant to the events at issue in the grievance, subject to the requirements related to exchange of witnesses and exhibits. The grievant and County may cross-examine any witnesses presented by the opposing side subject to relevancy. The impartial hearing officer may refuse to allow testimony or receive exhibits that the impartial hearing officer deems irrelevant or repetitious. All witness shall be sworn.

- (8) The rules of evidence shall not be strictly followed, but all evidence must be relevant.
- (9) During the hearing, the impartial hearing officer may ask questions and gather information the impartial hearing officer deems necessary or helpful the impartial hearing officer may allow for opening or closing statements. The impartial hearing officer shall maintain order and decorum at all times during the hearing.
- (10) After the county and the grievant have finished introducing evidence, the impartial hearing officer shall close the record. The impartial hearing officer may allow the parties to file briefs prior to making a decision.
- (11) The grievant has the burden of proof in a discipline or termination grievance to prove that the discipline or termination was arbitrary, capricious or in violation of federal, state or local law. The grievant has the burden of proof in a workplace safety grievance to prove that the county has committed a workplace safety violation as defined above. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence. For a grievance involving termination of an employee that is subject to Wis. Admin. Code Chapter DHS 5, the county bears the burden of proof to persuade the impartial hearing officer by a preponderance of the evidence that good cause exists to terminate the grievant as provided in Wis. Admin. Code Chapter DHS 5.06(2)(b).
- (12) If both parties agree to have the hearing recorded stenographically, the parties shall equally share any costs associated therewith. If only one party requests to have the hearing recorded stenographically, that party shall pay any costs associated therewith. If both parties request a transcript, the parties shall equally share any costs associated therewith. If only one party requests a transcript, that party shall bear the cost of the same. If the impartial hearing officer asks for a copy of the transcript, the parties shall share in the cost of the impartial hearing officer's copy.
- (13) If the hearing is not recorded stenographically, the county shall record the hearing by use of an audio recorder. An audio copy of the recording shall be provided to the grievant at no charge.
- (14) The impartial hearing officer has the authority to overturn the Human Resources Committee's decision and to order back pay or reinstatement, or both, or in a workplace safety grievance, grant, deny or modify the relief sought by the grievant.
- (15) The hearing officer shall provide a written decision within 30 days following the close of the record. The written decision shall include a case caption; the parties and appearances; a statement of the issue(s), findings of fact; any necessary conclusions of law; the final decision and order; and any other information the hearing officer deems appropriate.

3.11.14.7 COUNTY BOARD APPEAL

- (1) A grievant or the County may, within 10 days of receipt of the hearing officer's decision, appeal the decision to the full County Board by filing a written notice of appeal with the County Clerk.
- (2) The written notice of appeal must contain a statement explaining the reason for the appeal, include a copy of the written grievance filed with the department head, and include a copy of the impartial hearing officer's decision. The notice of appeal may include a copy of the hearing transcript or exhibits, or both, and any other documents that the grievant or the County wants the Board to consider, but may not contain any information that was not admitted into evidence at the hearing.
- (3) The grievant or the County may submit written arguments in support of the appeal with the notice of appeal.
- (4) The County Clerk shall distribute the notice of appeal to all County Board supervisors.
- (5) The appeal will be placed on the agenda for the first County Board meeting that is held at least 10 days after the County Clerk receives a written notice of appeal. If the appeal is regarding an employee discipline or termination, the hearing will be noticed for consideration in closed session pursuant to Wis. Stat. § 19.85(1)(b) pertaining to the dismissal, demotion, licensing, or suspension of a public employee. The County Clerk will provide a copy of the meeting notice to the grievant, and the grievant may request that an open session be held. If the appeal is regarding an alleged workplace safety violation, the hearing will be noticed for consideration in open session.

(6) The employee has the right to representation at the appeal before the full County Board, at the employees' expense, by a person of the employee's choosing. The County has the right to be represented at the appeal before the full County Board, at the County's expense, by a person of the County's choosing. Both parties and their representatives may attend the closed session and may address the County Board. However, the parties and their representatives will be excluded from any closed session during the County Board's discussion or deliberation.

(7) The County Board's consideration of the appeal will be limited to a review of the record and any oral or written arguments to determine whether there was any procedural error or any abuse of discretion by the impartial hearing officer. The party initiating the appeal shall have the burden of proof by clear and convincing evidence.

(8) The County Board may affirm or reverse the impartial hearing officer's decision, remand the decision back to the hearing officer for further proceedings, reinstate a terminated employee or substitute a lesser discipline. In a workplace safety grievance, the County Board may affirm, reverse or modify the hearing officer's decision or remand the decision back to the hearing officer for further proceedings. As the Human Resources Committee made a determination in section 3.11.14.5(15), members of the Human Resources Committee must abstain on the appeal. Therefore a simple majority vote of the remaining County Board members present, excluding members of the Human Resources Committee that voted on the decision in section 3.11.14.5, is required.

(9) The County Board Chair shall prepare and sign a written determination reflecting the County Board's decision. The County Board Chair may enlist the assistance of legal counsel in preparing the determination. A copy of the determination will be provided to the grievant and the Human Resources Director within 10 days following the County Board's decision.

(10) The County Board's decision is final.

Revised 8-21-2007 by Resolution No. 145-2006-2008

Revised 10-21-2008 by Resolution No. 75-2008-2010

Revised 3-17-2009 by Resolution No. 126-2008-2010

Revised 3-17-2009 by Resolution No. 128-2008-2010

Revised 4-21-2009 by Resolution No. 138-2008-2010

Revised 8-17-2010 by Resolution No. 58-2010-2012

Revised 9-21-2010 by Resolution No. 67-2010-2012

Revised 9-20-2011 by Resolution No. 214-2010-2012

Revised 11-10-2011 by Resolution No. 242-2010-2012

Revised 12-20-2011 by Resolution No. 259-2010-2012

Revised 5-15-2012 by Resolution No. 7-2012-2014

Revised 8-21-2012 by Resolution No. 51-2012-2014

Revised 8-21-2012 by Resolution No. 52-2012-2014

Revised 9-18-2012 by Resolution No. 68 -2012-2014

Revised 11-1-2012 by Resolution No. 84-2012-2014

Revised 12-18-2012 by Resolution No. 105-2012-2012

Revised 6-18-2013 by Resolution No. 168-2012-2014

Revised 12-17-2013 by Resolution No. 247-2012-2014

Revised 4-15-2014 by Resolution No. 4-2014-2016

Revised 4-15-2014 by Resolution No. 5-2014-2016

Revised 7-15-2014 by Resolution No. 21-2014-2016

Revised 9-23-2014 by Resolution No. 37-2014-2016

Revised 11-03-2014 by Resolution No. 55-2014-2016

Revised 9-15-2015 by Resolution No. 150-2014-2016

Revised 9-15-2015 by Resolution No. 151-2014-2016

Revised 12-15-2015 by Resolution No. 183-2014-2016

Revised 12-15-2015 by Resolution No. 185-2014-2016

Revised 7-19-2016 by Resolution No. 29-2016-2018

County Executive Veto – Resolution No. 29-2016-2018 to be voted at Co Brd Mtg on 8-16-2016
Revised 8-16-2016 by Resolution No. 29-2016-2018 veto not overridden
Revised 9-20-2016 by Resolution No. 40-2016-2018
Revised 12-20-2016 by Resolution No. 88-2016-2018
Revised 5-16-2017 by Resolution No. 130-2016-2018
Revised 11-9-2017 by Resolution No. 191-2016-2018
Revised 12-19-2017 by Resolution No. 215-2016-2018
Revised 3-20-2018 by Resolution No. 241-2016-2018
Revised 10-16-2018 by Resolution No. 68-2018-2020
Revised 10-16-2018 by Resolution No. 69-2018-2020
Revised 11-20-2018 by Resolution No. 77-2018-2020
Revised 11-4-2019 by Resolution No. 177-2018-2020
Revised 3-17-2020 by Resolution No. 222-2018-2020
Revised 3-17-2020 by Resolution No. 223-2018-2020

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3.12 PORTAGE COUNTY HIPAA PRIVACY AND SECURITY ORDINANCE

3.12.1 GENERAL PRIVACY (Confidentiality) POLICIES [Guiding Principles]

3.12.1.1 STANDARD USE AND DISCLOSURE

Purpose

The policies found in this section provide the foundation for Portage County's privacy and security practices. This section defines Protected Health Information or PHI, and provides a detailed description of data elements that are considered to be identifying information. This section also defines personal representatives, Portage County's responsibilities for verifying the identity of individuals requesting PHI, and establishes that Portage County will disclose its practices related to the use and disclosure of PHI in its Notice of Privacy Practices.

This section also establishes that Portage County will only use and disclose information in the most appropriate fashion, defined by the limitations of job function and "need to know", in its "Minimum Necessary Use" policy.

3.12.1.1(A) PROTECTED HEALTH INFORMATION(PHI)/DE-IDENTIFICATION OF PHI

Purpose

The purpose of this policy is to define the term "Protected Health Information" or "PHI" for use in these policies, and to provide examples of the data elements considered to classify patient data as "identifiable".

Policy

a. Protected Health Information includes information maintained or transmitted in any form or medium. Protected health information, [also individually identifiable information], as used in these policies is defined as a subset of health information, including demographic information, collected from an individual. It is created or received by a health care provider (including Portage County), health plan, employer, or health care clearinghouse. It relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual. In addition, the information identifies the individual; or can be used to identify the individual.

The following is a list of data elements that are considered to be an identifier of an individual (the data elements listed below may relate to relatives, employers, or household members of the individual):

1. Names;
 2. All geographic subdivisions smaller than a state, including street address, city, county, precinct, zip code, and their equivalent geocodes, except for the initial three digits of a zip code if, according to the current publicly available data from the Bureau of the Census:
 - (i) The geographic unit formed by combining all zip codes with the same three initial digits contains more than 20,000 people; and
 - (ii) The initial three digits of a zip code for all such geographic units containing 20,000 or fewer people is changed to 000.
 3. All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older;
 4. Telephone numbers;
 5. Fax numbers;
 6. Electronic mail addresses;
 7. Social security numbers;
 8. Medical record numbers;
 9. Health plan beneficiary numbers;
 10. Account numbers;
 11. Certificate/license numbers;
 12. Vehicle identifiers and serial numbers, including license plate numbers;
 13. Device identifiers and serial numbers;
 14. Web Universal Resource Locators (URLs);
 15. Internet Protocol (IP) address numbers;
 16. Biometric identifiers, including finger and voice prints;
 17. Full face photographic images and any comparable images;
 18. Any other unique identifying number, characteristic, or code.
- b. Health information that does not identify a patient is not PHI, and does not need to be treated consistent with the principles set forth in these policies. Health information does not identify the patient if:
1. The identifiers listed in section (a) of this policy are removed from the record or transmission of health information; or
 2. A person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable:
 - (i) Determines that the risk is very small that the information could be used, alone or in combination with other reasonably available information, by an anticipated recipient to identify a patient who is a subject of the information; and
 - (ii) Documents the methods and results of the analysis that justify such determination.
- c. Protected Health Information does not include information in education records covered by the Family Educational Rights and Privacy Act or employment records held by an entity in its role as an employer.

3.12.1.1(B) PERSONAL REPRESENTATIVES, PATIENT/CLIENT AND MEDICAL RECORDS DEFINED

Purpose

The intent of this policy is to define the term “Personal Representative,” “Patient” and “Medical Records and Medical Records Department” for use throughout this ordinance.

Policy

- a. For the purposes of these policies (related to use and disclosure of PHI), Portage County will treat a person as a personal representative of a patient if, under applicable law, that person has legal authority to act on behalf of a patient in making decisions related to health care. Throughout this ordinance, the term “patient” shall refer to any patient, client, inmate or person who uses or receives medical care or medical services from Portage County. Medical Record shall refer to any record, data, or storage of PHI in any form. Each Department shall designate a Medical Records Custodian for each and every type of medical records whose responsibilities shall include the safeguarding, storage, retrieval, and use of such record, in accordance with this ordinance. A Department may have a unified Medical Records Department which shall have such duties over all medical records within the Department.
- b. When the patient is a minor under the age of 18, Portage County will treat the minor’s biological or adoptive parent (with legal custody), legal guardian, or other person who has been delegated the authority to make health care decisions on behalf of the parent pursuant to Wis. Stat. § 48.979 as a personal representative of patient in making decisions related to health care, unless the minor patient is considered legally emancipated under Wisconsin law by way of lawful marriage, and the minor patient expresses a desire to exclude his or her parent from the minor patient’s health care decision-making.
- c. A person may not be a personal representative of a minor, and the minor therefore has the authority to act as a patient, with respect to PHI pertaining to a health care service, if:
1. The minor may lawfully obtain such health care service without the consent of a parent or legal guardian and the minor, a court, or another person authorized by law consents to such health care service; or
 2. A parent, guardian, or person delegated parental power pursuant to Wis. Stat. § 48.979 assents to an agreement of confidentiality between a covered health care provider and the minor with respect to such health care service.
- d. If under applicable law an executor, administrator, or other person has authority to act on behalf of a deceased patient or of the patient’s estate, Portage County will treat such person as a personal representative, with respect to PHI relevant to such personal representation.
- e. Portage County may elect not to treat a person as the personal representative of a patient if: (i) the patient has been or may be subjected to domestic violence, abuse, or neglect by such person or (ii) treating such person as the personal representative could endanger the patient’s safety.

3.12.1.1(C) MINIMUM NECESSARY/NEED TO KNOW

Purpose

This policy presents the primary principle defining how PHI will be used and disclosed throughout Portage County.

Policy

- a. Access to information in the possession of, or under the control of Portage County must be provided based on the need-to-know. In other words, staff members and business associates will be given access to PHI, and/or PHI will be disclosed to them only when there is a legitimate clinical and/or business need for the information. Staff and business associates must not attempt to access PHI unless they have been granted appropriate access rights and have a clear business reason to do so.
- b. Accordingly, Portage County’s approach to ensuring patient privacy and data security is to implement policies and procedures, and employ technological tools that restrict access and uses of PHI based on the specific roles of its workforce, to include employees, contractors, physicians, volunteers, other temporary workers, and business associates.
- c. Portage County will limit access, use and disclosure of PHI to the “minimum necessary” to achieve the intended purpose regarding the access, use or disclosure of PHI. Each affected Portage County Department will establish specific policies and procedures to guide any routine uses or disclosures of PHI, except as provided below. To the extent practicable, Portage County will only access, use and disclose a Limited Data Set in order to comply with the “minimum necessary” requirement, or otherwise comply with guidance set forth by the Department of Health and Human Services from time to time

relating to the minimum necessary standard. A “Limited Data Set” is PHI with all of the following identifiers removed: (i) names; (ii) postal address other than town or city, state and zip code; (iii) telephone numbers; (iv) fax numbers; (v) electronic mail addresses; (vi) social security numbers; (vii) medical record numbers; (viii) health plan beneficiary numbers; (ix) account numbers; (x) certificate/license numbers; (vehicle identifiers and serial numbers, including license plate numbers; (xii) device identifiers and serial numbers; (xiii) Web Universal Resource Locators (URLs); (xiv) Internet Protocol (IP) address numbers; (xv) Biometric identifiers, including finger and voice prints; and (xvi) full face photographic images and any comparable images.

d. Portage County will review non-routine requests for information on an individual basis, determine whether the PHI requested is the minimum necessary, and respond appropriately.

e. Portage County will *not* apply “minimum necessary” standards to requests for information from the patient, requests by a health care provider for the purpose of treatment, to any disclosures required by the Secretary of Health and Human Services for the purposes of determining whether Portage County is in compliance with HIPAA, to any disclosures required by Federal, State or local laws, or to any disclosures which have been appropriately authorized by the patient or his representative pursuant to a valid authorization under HIPAA.

f. Portage County will rely on a requested disclosure as the minimum necessary for the stated purpose when:

1. Making disclosures to public officials as required by law if the public official represents that the information requested is the minimum necessary for the stated purpose;
2. The information is requested by another healthcare provider;
3. The information is requested by a researcher, provided the requirements of Policy 3.12.1.3(F), “Uses and Disclosures Not Requiring Authorization or Opportunity for Objection”, “Research” section, are met; or
4. The information is requested by a professional who is a member of Portage County’s workforce or is a business associate, who represents that the requested information is the minimum necessary to perform a service on behalf of Portage County.

g. Portage County will also limit and monitor its requests for information from another healthcare agency, health plan or clearinghouse.

3.12.1.1(D) NOTICE OF PRIVACY PRACTICES

Purpose

This policy establishes that Portage County will communicate its privacy policies with its patients.

Policy

Portage County will provide adequate notice of its information practices to its patients. Portage County will not use or disclose information in a manner inconsistent with that notice. The Notice of Privacy Practices is discussed in further detail in Policy 3.12.1.3(A), “Acknowledgment of Notice of Privacy Practices Requirements,” and Policy 3.12.1.3(E), “Notice of Privacy Practices.”

3.12.1.1(E) VERIFICATION OF PERSON(S) REQUESTING PHI

Purpose

This policy establishes that Portage County will not release information to unknown individuals.

Policy

Specific procedures have been developed, and will be followed, to verify the identity of persons requesting PHI. For each disclosure of PHI to an individual or Portage County that is not known by Portage County, Portage County will take reasonable steps to verify the identity and authority of the individual to have access to the PHI prior to any disclosure to such individual.

3.12.1.2 PORTAGE COUNTY REQUIREMENTS FOR USE AND DISCLOSURE

Purpose

The policies in this section address the requirements for the use and disclosure of PHI related to specific Portage County relationships (e.g. vendors, payers) and operational functions such as research.

3.12.1.2(A) AFFILIATES/MULTIPLE COVERED FUNCTIONS

Purpose

This policy identifies Portage County with multiple covered entities, and describes how its privacy policies will be applied.

Policy

- a. All Portage County departments which provide, supervise, or monitor health care of patients or clients including, Health and Human Services, Public Health, Family Care, Adult Services, County Health Care Center, Personnel, the Jail, the Ambulance Service, the County Veteran's Service Officer and Worker's Compensation will comply with the privacy and security policies defined herein. Each of these departments will participate in Portage County's overall security program, and will be subject to the governance of that program.
- b. A department that is part of the health system may use or disclose PHI with other entities within the department only.

3.12.1.2(B) BUSINESS ASSOCIATES

Purpose

This policy defines the rules associated with disclosing PHI to "Business Associates". "Workforce," for purposes of the definition below, means employees, volunteers, trainees and other persons whose conduct, in the performance of work for Portage County, is under the direct control of Portage County, whether or not they are paid by Portage County. The term "Business Associate" is defined at 45 C.F.R. 160.103 and, with respect to Portage County, would include the following:

- A person or entity who on behalf of Portage County or of an organized health care arrangement in which Portage County participates, but other than in the capacity of a member of the Workforce of Portage County, creates, receives, maintains or transmits PHI.
- A person or entity who provides, other than as a member of Portage County's Workforce, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation or financial services to or for Portage County, or for an organized health care arrangement in which Portage County participates, where the provision of such service involves the disclosure of PHI from Portage County or such arrangement, or from another Business Associate of Portage County or such arrangement, to the person or entity furnishing the services.
- Certain other organizations, such as health information organizations, e-prescribing gateways, or other persons that provide data transmission services to Portage County with respect to PHI and that require access on a routine basis PHI, and persons that offer personal health records to one or more individuals on behalf of Portage County.

Policy

Requirements of Disclosure

- a. In dealing with business associates, Portage County will allow a business associate to create, receive, maintain or transmit PHI as necessary for the business associate to provide services, functions or activities on behalf of Portage County. However, Portage County will obtain satisfactory assurance from the business associate that it will appropriately safeguard the information.
- b. It is not necessary to establish a business associate agreement for disclosures made by Portage County to another health care provider for the treatment of the individual because such providers are not considered business associates when merely providing treatment to patients.
- c. Portage County will document the satisfactory assurances through a written contract or other written agreement (*i.e.* a business associate agreement) with the business associate.
- d. If Portage County is aware of a pattern of activity or practice that violates the satisfactory assurances the business associate has provided to Portage County, the business associate will be in noncompliance with the agreement, and Portage County will make reasonable efforts to cure or end the violation. If steps to end the violation are unsuccessful, Portage County will consider the feasibility of terminating the business associate agreement. If termination of the business associate agreement is not feasible, Portage County will report the violation to the Secretary of the Department of Health and Human Services.

Business Associate Agreement

- a. The agreement must establish the permitted and required uses and disclosures of such information by the business associate. The agreement may not authorize the business associate to use or further disclose the information in a manner that would violate Portage County's privacy and security policies or the requirements of the 45 C.F.R. Part 164, Subpart E (the "Privacy Rule") if done by Portage County.
- b. However, the agreement may permit the business associate to use and disclose PHI for the proper management and administration of the business associate, and to carry out its legal responsibilities. The agreement may also permit the business associate to provide data aggregation services relating to the health care operations of Portage County. If the agreement permits the business associate to disclose Protected Health Information for the proper management and administration of the business associate, or to carry out its legal responsibilities, the agreement must provide that the business associate may only disclose the Protected Health Information if: (i) the disclosure is required by law; or (ii) the business associate obtains reasonable assurances from the person to whom the information is disclosed that it will be held confidential and used or further disclosed only as required by law or for the purposes for which it was disclosed to the person and the person notifies the business associate of any instances of which it is aware in which the confidentiality of the information has been breached.
- c. The agreement must provide that the business associate will:
 1. Not use or further disclose the information other than as permitted or required by the agreement or as required by law;
 2. Use appropriate safeguards to prevent use or disclosure of the information other than as provided for by the agreement and comply with 45 C.F.R. Part 164, Subpart C (the "Security Rule");
 3. Report to Portage County: (i) any use or disclosure of the information not provided for by the agreement of which it becomes aware; (ii) any breach of unsecured Protected Health Information as provided in 45 C.F.R. 164.410; and (iii) any security incident of which it becomes aware;
 4. In accordance with 45 C.F.R. 164.502(e)(1)(ii), ensure that any subcontractors that create, receive, maintain or transmit Protected Health Information on behalf of the business associate agree to the same restrictions and conditions that apply to the business associate with respect to such information;
 5. In accordance with 45 C.F.R. 164.308(b)(2), ensure that any subcontractors that create, receive, maintain, or transmit electronic Protected Health Information on behalf of the business associate agree to comply with the applicable requirements of the Security Rule by entering into business associate agreements with such subcontractors.
 6. Make available PHI to the patient or Portage County in accordance with 45 C.F.R. 164.524;

7. Make available PHI for amendment, and incorporate any amendments to PHI in accordance with 45 C.F.R. 164.526;
 8. Make available the information required to provide an accounting of disclosures in accordance with 45 C.F.R. 164.528;
 9. Make its internal practices, books, and records relating to the use and disclosure of PHI received from, or created or received by the business associate on behalf of Portage County, available to the Secretary of Health and Human Services for purposes of determining Portage County's compliance with HIPAA; and
 10. To the extent the business associate is to carry out an obligation of Portage County under the Privacy Rule, comply with the requirements of the Privacy Rule that apply to Portage County in the performance of such obligation.
- d. The agreement must allow for termination of the agreement, if the business associate is known to be in violation of the agreement. Upon termination, if feasible, the business associate must return or destroy all PHI received from, or created or received by the business associate on behalf of Portage County that the business associate still maintains in any form and retain no copies of such information. If such return or destruction is not feasible, the business associate must extend the protections of the agreement to the information for which it is not feasible to return or destroy and limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.

3.12.1.2(C) MARKETING

Purpose

The intent of this policy is to address the specific and limited uses of PHI for marketing purposes, where a patient authorization for disclosure is not required.

Definition

As used in this policy, the term "marketing" generally means to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service. "Marketing" does not include communications that merely promote health in general.

As used in this policy "financial remuneration" means direct or indirect payment from or on behalf of a third party whose product/service is being described, but does not include payment for the individual's treatment. To be relevant, the financial remuneration must be for the purpose of making the communication.

Policy

- a. In general, Portage County will not use or disclose protected health information for marketing purposes without an authorization from the patient. See Policy 3.12.1.3(B), "Authorization Requirements," on authorizations. However, Portage County may use or disclose PHI to make a "marketing communication" under the following limited circumstances without patient authorization:
1. The communication occurs in a face-to-face encounter with the individual;
 2. The communication is a promotional gift of nominal value (e.g. distribution of calendars, pens etc.);
 3. The communication is to provide refill reminders or otherwise communicate about a drug or biologic that is currently prescribed for the individual, but only if any financial remuneration received by Portage in exchange for making the communication is reasonably related to Portage's cost of making the communication (i.e. any financial remuneration received to make the communication may only cover Portage County's cost of labor, supplies and postage to make the communication). Examples of such communications include communications about the generic equivalent of a drug prescribed for the individual or communications to encourage the individual to take their prescribed drugs.
 4. The communication is for treatment of an individual by a health care provider, including case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers or settings of care to the individual, unless Portage County receives

any financial remuneration in exchange for making the communication (*i.e.* if Portage County receives financial remuneration to make the communication, it must obtain the patient's authorization).

5. The communication is for case management or care coordination, contacting individuals about treatment alternatives, and related functions to the extent these activities do not fall within the definition of treatment, unless Portage County receives any financial remuneration for making the communication (*i.e.* if Portage County receives financial remuneration, it must obtain the patient's authorization).

b. Portage County may disclose PHI to a business associate for purposes of marketing communications only if the business associate's function is to assist Portage County with conducting the "marketing communications".

c. Portage County will not sell, nor allow anyone else to sell patient's protected health information, without a valid authorization from the patient. See Policy 3.12.1.3(B), "Authorization Requirements," with respect to the definition of a "sale of protected health information."

3.12.1.2(D) RESEARCH

Purpose

The intent of this policy is to address the specific and limited uses of PHI for research purposes. Additional requirements for uses and disclosures related to research are contained in the "Research" section of Policy 3.12.1.3(B), "Authorization Requirements," and in the "Research" section of Policy 3.12.1.3(F) "Uses and Disclosures Not Requiring Authorization or Opportunity for Objection."

Policy

a. In general, Portage County will only use or disclose PHI for research purposes with the patient's authorization. Authorization for use or disclosure of PHI for research purposes must meet the requirements set forth in the research section of Policy 3.12.1.3(B), "Authorization Requirements," except as described below.

b. Portage County may use or disclose PHI for research purposes without patient authorization under specific circumstances discussed later in the "Research" section of Policy 3.12.1.3(F), "Uses and Disclosures Not Requiring Authorization or Opportunity for Objection".

3.12.1.2(E) FUNDRAISING

Purpose

This Section addresses requirements for using and disclosing PHI for "fundraising" purposes.

Policy

a. If Portage County's Notice of Privacy Practices appropriately identifies that it may use and disclose PHI in connection with fundraising (See Policy 3.12.1.3(E), "Notice of Privacy Practices Requirements."), Portage County may use or disclose the following PHI to a business associate or to an institutionally related foundation for the purpose of raising funds for Portage County's own benefit: (i) demographic information relating to an individual, including name, address, contact information, age, gender, and date of birth; (ii) dates of health care provided to the individual; (iii) department of service information; (iv) treating physician; (v) outcome information; and (vi) health insurance status.

b. Portage County's use and disclosure of PHI for fundraising must be for Portage County's own benefit.

c. Portage County will only disclose PHI for fundraising to a business associate or institutionally related foundation.

d. Each fundraising communication (including those made via telephone, mailings or other means) made to the individual by Portage County must provide the individual with a clear and conspicuous opportunity to elect not to receive (*i.e.* opt out) any further fundraising communications. The method to opt out must not cause the individual to incur an undue burden or more than a nominal cost. For example, a toll-free phone number, email address, pre-printed and pre-paid postcard would generally

be acceptable, but requiring individuals to write and send a letter to opt out would constitute an undue burden.

e. Portage County may not condition treatment or payment on the individual's choice with respect to the receipt of fundraising communications.

f. Portage County will maintain documentation to track all individuals who opt out of fundraising communications not make any fundraising communications to such individuals, unless they expressly opt back in. An individual will not be deemed to have opted back in merely due to the passage of time or the individual's choice to make a donation. The individual must expressly opt back in.

g. If Portage County does not use PHI to send the fundraising materials, the notice and opt out requirements do not apply. For example, the notice and opt out requirements do not apply if Portage County uses a public directly to mail materials to all residents in a geographic service area.

3.12.1.3 PATIENT ACKNOWLEDGEMENT OF NOTICE OF PRIVACY PRACTICES, AUTHORIZATION, OPPORTUNITY FOR OBJECTION

Purpose

This section addresses requirements for gaining patient acknowledgement of the Notice of Privacy Practices and authorizations related to the use and disclosure of protected health information, and providing notification of Portage County's planned uses and disclosures.

3.12.1.3(A) ACKNOWLEDGEMENT OF NOTICE OF PRIVACY PRACTICES REQUIREMENTS

Purpose

This policy outlines Portage County's requirements for written patient acknowledgement of the receipt of the Notice of Privacy Practices related to the use and disclosure of PHI.

Policy

General Rules of Acknowledgement

a. In general, Portage County will make a good faith effort to obtain the patient's acknowledgement of the receipt of the Notice of Privacy Practices in writing prior to using or disclosing protected health information. Portage County may use or disclose PHI without prior written acknowledgement to carry out treatment, payment or healthcare operations, under the following circumstances.

1. If Portage County has an indirect treatment relationship with the patient;
2. In emergency treatment situations, where Portage County was unable to obtain prior acknowledgement. Portage County will attempt to obtain such acknowledgement as soon as reasonably practicable after the delivery of such treatment;
3. If Portage County is a "correctional facility" providing care to an inmate; or
4. If Portage County attempts in good faith to obtain the acknowledgement in writing from the patient, but is unable to do so, and Portage County determines, that the patient's consent to receive treatment is clearly inferred from the circumstances. In such cases Portage County will document its good faith attempts to obtain acknowledgement of the receipt of the Notice of Privacy Practices, and the reason why acknowledgement was not obtained.

b. Portage County will maintain documentation of its efforts to provide the Notice of Privacy Practices to patients for six (6) years from the date of its efforts to provide the Notice of Privacy Practices.

Implementation Requirements

a. Except as provided in section (a)(1-4) of this policy under "General Rules of Acknowledgment" above, Portage County will obtain from the patient a written acknowledgement of the receipt of the Notice of Privacy Practices prior to treatment.

b. Portage County will document and retain any signed acknowledgement.

Content Requirements

- a. The acknowledgement form must be in plain language.
- b. The acknowledgement form must refer the patient to the Notice of Privacy Practices for a description of Portage County's uses and disclosures.
- c. The acknowledgement must be signed by the patient and dated.

Joint Acknowledgements

- a. If Portage County participates in an organized health care arrangement with another provider(s) that develops a joint Notice of Privacy Practices, Portage County may rely upon a joint acknowledgement obtained from the patient by the organized health care arrangement, as further provided in Policy 3.12.1.3(E), "Notice of Privacy Practices Requirements."
- b. The joint acknowledgement must include the name or other specific identification of the covered entities, or classes of covered entities, to which the joint consent applies.
- c. The joint acknowledgement must meet the requirements of Portage County's acknowledgement (as described in this policy).

Documentation Requirements

- a. Portage County will retain any signed acknowledgement and related documentation for six (6) years from the signed date of the authorization.
- b. Portage County will provide the patient with a copy of the Notice of Privacy Practices as described in policy 3.12.1.3(E).

3.12.1.3(B) AUTHORIZATION REQUIREMENTS

Purpose

This policy outlines Portage County's requirements for patient authorization related to the use and disclosure of PHI.

Policy

General Requirements

- a. Except for the uses and disclosures identified in policy 3.12.1.3(F), "Uses and Disclosures not Requiring Authorization or Opportunity for Objection", Portage County will not use or disclose PHI that was received or created outside the process of providing treatment, payment or health care operations, without an authorization from the individual. When Portage County obtains or receives a valid authorization for its use or disclosure of PHI, such use or disclosure must be consistent with such authorization.
- b. In general, Portage County will obtain a patient authorization for any use or disclosure of psychotherapy notes. However, Portage County will rely upon the patient's acknowledgement of the Notice of Privacy Practices for use or disclosure for the following:
 1. For the individual originator of the psychotherapy notes, to provide treatment;
 2. For use in supervised training programs; or
 3. For defending a legal action or other proceeding brought by the individual.
- c. To the extent consistent with state law, Portage County will not obtain a patient's authorization to disclose psychotherapy notes: (i) when required by the Secretary of the Department of Health and Human Services to investigate or determine compliance with the HIPAA Rules; (ii) when required by law; (iii) when required as part of health oversight activities with respect to the oversight of the originator of the psychotherapy notes; (iv) for the purpose of identifying a deceased person; (v) or as necessary to prevent or lessen a serious or imminent threat to the health or safety of a person or the public.

Defective Authorizations

An authorization is not valid, if the document submitted has any of the following defects:

- a. The expiration date has passed or the expiration event is known by the covered entity to have occurred;
- b. The authorization has not been filled out completely or does not include all required elements;
- c. The authorization has been revoked;
- d. The authorization violates policies regarding compound authorizations and/or conditioning of authorizations;
- e. Any material information in the authorization is known by Portage County to be false.

Conditioning of Authorizations

- a. Portage County will not condition treatment on the provision of an authorization, except that Portage County may condition the provision of “research-related” treatment on provision of an authorization.
- b. Portage County may also condition the provision of health care that is solely for the purpose of creating PHI for disclosure to a third party on provision of an authorization. For example, Portage County may have a contract with an employer to provide fitness-for-duty exams, or a contract with a life-insurer to provide pre-enrollment physicals for applicants. In each of these cases, Portage County would condition the health care services on provision of an authorization.

Revocation of Authorizations

Portage County will allow a patient to revoke an authorization at any time, provided that the revocation is in writing, except to the extent that Portage County has taken action in reliance thereon.

Documentation Requirements

- a. Portage County will retain any signed authorization and related documentation for six (6) years from the signed date of the authorization or the date it was last in effect, whichever is later.
- b. Portage County will provide the patient with a copy of the authorization.
- c. The authorization must be written in plain language.

Core Elements and Requirements

A valid authorization must be written in plain language. Portage County will provide the patient with a copy of the authorization. The authorization must contain the following elements:

- a. The name of the patient whose information is being disclosed.
- b. A description of the information to be used or disclosed that identifies the information in a specific and meaningful fashion;
- c. The name or other specific identification of the person(s), or class of persons, authorized to make the requested use or disclosure;
- d. The name or other specific identification of the person(s), or class of persons, to whom Portage County may make the requested use or disclosure;
- e. An expiration date or an expiration event that relates to the patient or the purpose of the use or disclosure;
- f. A statement of the patient’s right to revoke the authorization in writing and the exceptions to the right to revoke, together with a description of how the patient may revoke the authorization;
- g. A statement that information used or disclosed pursuant to the authorization may be subject to redisclosure by the recipient and no longer be protected by the HIPAA Rules;
- h. Signature of the patient and date (note: if the subject of an HIV test is a minor who is 14 years of age or older, only the minor or his or her authorized representative may authorize disclosure);
- i. If the authorization is signed by a personal representative of the patient, a description of such representative’s authority to act for the patient;
- j. A statement that Portage County will not make as a condition for treatment the patient providing authorization for the requested use or disclosure or, if allowed as described above, a statement that Portage County may condition treatment on whether the individual signs the authorization and the consequences to the individual for a refusal to sign the authorization in such circumstances;
- k. A description of each purpose of the requested use or disclosure;

- l. A statement that the patient may inspect or copy the protected health information to be used or disclosed, and refuse to sign the authorization;
- m. Additional statements as applicable and described below pertaining to marketing, sale of protected health information, or research.

Authorization for Marketing

- a. If Portage County will use and disclose protected health information for marketing, it must obtain an authorization unless the marketing is in the form of a face to face communication made by Portage County to the individual or a promotional gift of nominal value provided by Portage County to the individual.
- b. In addition to the core elements above, if the marketing involves financial remuneration (*i.e.* Portage County receives direct or indirect payment from or on behalf of a third party whose product or service is being described in the marketing), the authorization must state that such remuneration is involved. The authorization must also make clear that the individual may revoke the authorization at any time if he or she no longer wants to receive the marketing material or communications.
- c. See Policy 3.12.1.2(c), "Marketing," above for the definition and discussion of "marketing."

Sale of protected health information

- a. If Portage County will engage in the "sale of protected health information," it must obtain an authorization from the individual for any "sale of protected health information."
- b. In addition to the core elements above, the authorization must state that the disclosure will result in remuneration to Portage County.
- c. "Sale of protected health information" means a disclosure of protected health information by Portage County, where Portage County directly or indirectly receives remuneration from or on behalf of the recipient of the protected health information in exchange for the protected health information. However, a "sale of protected health information" does not include the following: (i) disclosure for public health purposes as permitted under 45 C.F.R. § 164.512(b) or .514(e); (ii) disclosure for research purposes pursuant to 45 C.F.R. § 164.512(i) or .514(e), where the only remuneration received by Portage County is a reasonable cost-based fee to cover the cost to prepare and transmit the protected health information; (iii) disclosure for treatment and payment purposes; (iv) disclosure for the sale, transfer, merger, or consolidation of all or part of Portage County's facilities and for related due diligence; (v) disclosure to or by a business associate for activities that the business associate undertakes on behalf of Portage County and the only remuneration provided is by Portage County to the business associate for the performance of such activities; (vi) to an individual, when requested under 45 C.F.R. § 164.524 or 164.528 (see Section 3.12.2, "Patient Rights Policies"; (viii) disclosures required by law; and (ix) disclosures for any other purpose permitted by and in accordance with the HIPAA Rules where the only remuneration received by Portage County is a reasonable, cost-based fee to cover the cost to prepare and transmit the protected health information for such purpose or a fee otherwise expressly permitted by other law.

Authorization for Research

If Portage County creates PHI for the purpose, in whole or in part, of research that includes treatment of patients, Portage County will obtain an authorization for the use or disclosure of such information.

The authorization will contain:

- a. A description of the extent to which such PHI will be used or disclosed to carry out treatment, payment, or health care operations;
- b. A description of any PHI that will not be used or disclosed for any purposes permitted by law, provided that Portage County will not limit its right to make a use or disclosure that is required by law or permitted by law to mitigate a serious and imminent threat to public health or safety; and
- c. The authorization will refer to the Notice of Privacy Practices, as applicable, and will state that the statements made in the authorization for research are binding.

- d. An authorization for research may be in the same document as a consent to participate in the research, or a Notice of Privacy Practices. If it is combined with any of these documents, it must be visually and Portage County separate from other content within the document; and it must be separately signed and dated.
- e. Any authorization for research must comply with any additional requirements under applicable law relating to informed consent for research.

Compound Authorizations

- a. Portage County may combine an authorization for use or disclosure of PHI with another document to create a compound authorization only as follows:
 - 1. An authorization created for research may be combined with a consent for use or disclosure, another research consent, or a Notice of Privacy Practices (NOTE: where a health care provider has conditioned the provision of research-related treatment on the provision of one or more authorizations, any compound authorization must clearly differentiate between the conditioned and unconditioned components and provide the individual an opportunity to opt in to the research activities in the unconditioned authorization);
 - 2. An authorization for a use or disclosure of psychotherapy notes may only be combined with another authorization for a use or disclosure of psychotherapy notes; and
 - 3. An authorization, other than an authorization for disclosure of psychotherapy notes, may be combined with any other authorization, except when treatment, payment, enrollment in a health plan or eligibility for benefits is conditioned on the provision of one of the authorizations.
- b. If authorizations are combined as described in this policy, each authorization must be visually separate from other content within the document; and it must be separately signed and dated.

3.12.1.3(C) FACILITY DIRECTORIES POLICY OF THE COUNTY HEALTH CARE CENTER

Purpose

This policy outlines Portage County's requirements for the use and disclosure of PHI in a facility directory in the County Health Care Center.

Policy

- a. Portage County may disclose patient information in a facility directory. Portage County will inform patients of the PHI that it will be included in a directory and the persons to whom it will disclose such information. Portage County will provide the patient with the opportunity to restrict some or all of the information included in the directory.
- b. If the opportunity to object to uses or disclosures cannot practicably be provided because of the patient's incapacity or an emergency treatment circumstance, Portage County may use or disclose PHI consistent with a prior expressed preference of the patient, if any, and in the patient's best interest as determined in the exercise of professional judgment. Portage County will inform the patient and provide an opportunity to object to uses or disclosures for directory purposes when it becomes practical to do so.
- c. Except when an objection is expressed in accordance with this policy, Portage County may use the following PHI to maintain a directory of patients in its facility:
 - 1. The patient's name;
 - 2. The patient's location within the facility;
 - 3. The patient's condition described in general terms that does not communicate specific medical information about the patient; and
 - 4. The patient's religious affiliation.
- d. Except when an objection is expressed in accordance with this policy, Portage County may disclose for directory purposes such information to members of the clergy; or except for religious affiliation, to other persons who ask for the patient by name.

3.12.1.3(D) INVOLVEMENT IN CARE (NEXT OF KIN) AND NOTIFICATION PURPOSES

Purpose

This policy outlines Portage County's use and requirements for disclosing PHI to individuals involved in a patient's care.

Policy

- a. Portage County may use or disclose PHI to notify, or assist in the notification of (including identifying or locating), a family member, a personal representative of the patient, or another person responsible for the care of the patient of the patient's location, general condition, or death.
- b. Portage County will only disclose information to a family member, close personal friend etc., after the patient has been given an opportunity to object to any disclosures, and the patient has agreed to the disclosure. Portage County may infer from the circumstances that the patient does not object to the disclosure. For example, if a spouse or friend is present in a patient room or the emergency room while treatment is being discussed.
- c. If the patient cannot practicably be given an opportunity to agree or object to this type of disclosure, because of the patient's incapacity or an emergency circumstance, Portage County may determine whether the disclosure is in the best interests of the patient and, if so, disclose only the PHI that is directly relevant to the person's involvement with the patient's health care. Portage County may use professional judgment and its experience with common practice to make reasonable inferences of the patient's best interest in allowing a person to act on behalf of the patient to pick up filled prescriptions, medical supplies, X-rays, or other similar forms of PHI.
- d. Portage County may also use or disclose PHI to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating information related to the disclosures identified in sections (a) and (c) of this policy. Portage County may disclose this information to the extent that Portage County determines that the requirements do not interfere with the ability to respond to the emergency circumstances.

3.12.1.3(E) NOTICE OF PRIVACY PRACTICES REQUIREMENTS

Purpose

This policy outlines Portage County's requirements for its Notice of Privacy Practices related to the use and disclosure of PHI.

Policy

Content Requirements

- a. Portage County will provide each patient with adequate notice of the uses and disclosures of PHI that may be made by Portage County, and of the patient's rights and Portage County's legal duties with respect to PHI. This Notice of Privacy Practices must be written in plain language and must contain the following:
 1. A statement prominently displayed that reads: "THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY."
 2. A description, including at least one example, of the types of uses and disclosures that Portage County is permitted to make for the purposes of treatment, payment, and health care operations.
 3. A description of each of the other purposes for which Portage County is permitted or required to disclose Protected Health Information without the patient's written consent or authorization.
 4. A description of the types of uses and disclosures that require an authorization under 45 C.F.R. 164.508(a)(2)-(a)(4), and a statement that other uses and disclosures not described in the notice will be made only with the patient's written authorization and that the patient may revoke such authorization.
 5. If applicable to Portage County, a separate statement that Portage County may contact the individual to raise funds for Portage County and that the individual has a right to opt out of such communications.

b. The notice must contain a statement of the patient's rights with respect to PHI and a brief description of how the patient may exercise these rights, as follows:

1. The right to request restrictions on certain uses and disclosures of PHI, including a statement that Portage County is not required to agree to a requested restriction except for requests by the individual to restrict disclosures to health plans about the individual when: (i) the disclosure is for the purpose of carrying out payment or health care operations; (ii) the disclosure is not required by law; and (iii) the Protected Health Information pertains solely to a health care item or service for which the individual, or person other than that the health plan on behalf of the individual, has paid Portage County in full;
2. The right to receive confidential communications of PHI, as applicable;
3. The right to inspect and copy PHI;
4. The right to request an amendment to PHI;
5. The right to receive an accounting of disclosures of PHI; and
6. The right to obtain a paper copy of the notice from Portage County upon request.

c. The notice must also contain statements defining Portage County's responsibilities with regard to the patient's PHI including:

1. A statement that Portage County is required by law to maintain the privacy of PHI and to provide patients with notice of its legal duties and privacy practices with respect to PHI, and to notify affected individuals following a breach of unsecured Protected Health Information;
2. A statement that Portage County is required to abide by the terms of the notice currently in effect; and
3. A statement that Portage County reserves the right to change the terms of its notice and to make the new notice provisions effective for all PHI that it maintains. The statement must also describe how it will provide patients with a revised notice.

d. The notice must contain a statement that patients may complain to Portage County and to the Secretary of the Department of Health and Human Services if they believe their privacy rights have been violated, a brief description of how the patient may file a complaint with Portage County, and a statement that the patient will not be retaliated against for filing a complaint.

e. The notice must contain the name, or title, and telephone number of a person or office to contact at Portage County for further information.

f. The notice must contain the date on which the notice is first in effect, which may not be earlier than the date on which the notice is printed or otherwise published.

Implementation Requirements

a. Portage County must promptly revise and distribute its notice whenever there is a material change to the uses or disclosures, the patient's rights, Portage County's legal duties, or other privacy practices stated in the notice. Except when required by law, a material change to any term of the notice may not be implemented prior to the effective date of the notice in which such material change is reflected.

b. Portage County will make the Notice of Privacy Practices available on request to its patients.

c. Portage County will provide each patient with the notice no later than the date of admission or the first service delivery, or in an emergency treatment situation, as soon as practicable after the situation.

d. Portage County will make the notice available at any service delivery site (e.g. admitting, outpatient and clinical services, ambulatory clinics, etc.) for patients to request to take with them.

e. Portage County will post the notice in a clear and prominent location where it is reasonable to expect patients seeking service from Portage County to be able to read the notice.

f. Whenever the notice is revised, Portage County will make the notice available upon request on or after the effective date of the revision.

g. Portage County will prominently post its notice on its web site, if any, and make the notice available electronically through their web site, if any.

h. Portage County may provide the notice required by this section to a patient by electronic mail, if the patient agrees to electronic notice. If Portage County knows that the electronic mail transmission has failed, a paper copy of the notice must be provided to the patient. If the first service delivery to a patient is delivered electronically, Portage County will provide electronic notice automatically and

contemporaneously in response to the patient's first request for service. Portage County acknowledges that the patient who is the recipient of electronic notice retains the right to obtain a paper copy of the notice from Portage County upon request.

i. Portage County must retain copies of the notices issued by Portage County for six (6) years from the date of its creation or the date when it last was in effect, whichever is later.

Joint Notice of Privacy Practices

Portage County may participate in an organized health care arrangement that has established a Joint Notice of Privacy Practices. In this case, Portage County may rely on the joint notice provided that:

a. Portage County agrees to abide by the terms of the notice with respect to PHI created or received by Portage County as part of its participation in the organized health care arrangement;

b. The joint notice meets Portage County's requirements for its Notice of Privacy Practices; and

1. Describes with reasonable specificity the providers or agencies, or classes of providers or agencies, to which the joint notice applies;

2. Describes with reasonable specificity the service delivery sites, or classes of service delivery sites, to which the joint notice applies; and

3. If applicable, states that the providers or agencies participating in the organized health care arrangement will share PHI with each other, as necessary to carry out treatment, payment, or health care operations relating to the organized health care arrangement.

c. The providers or agencies included in the joint notice must provide the notice to patients in accordance with Portage County's policies.

d. Portage County must retain copies of the notices issued by Portage County for six (6) years from the date of its creation or the date when it last was in effect, whichever is later.

3.12.1.3(F) USES AND DISCLOSURES NOT REQUIRING AUTHORIZATION OR OPPORTUNITY FOR OBJECTION

Purpose

This policy outlines the specific uses and disclosures of PHI that do not require a patient's authorization, and that do not provide the patient with an opportunity to object to a use or disclosure.

Policy

Portage County recognizes that while it must secure the privacy of its patients' health information, it also has a responsibility and an obligation to release information to ensure the public welfare.

Accordingly, Portage County has identified several types of uses or disclosures in its privacy policies that do not require the authorization of the patient, nor do they provide the patient with an opportunity for objection. Portage County may use or disclose PHI without the authorization of the patient, or the opportunity to agree or object, subject to the applicable requirements of this policy, in the following circumstances:

Treatment, Payment and Health Care Operations

Portage county may use or disclose PHI for treatment, payment or health care operations, as provided in 45 C.F.R. 164.506. The term "health care operations" means:

a. Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; patient safety activities (as defined in 42 C.F.R. 3.20); population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

b. Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, conducting training programs in which students,

trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities;

c. Except as prohibited under § 164.502(a)(5)(i), underwriting, enrollment, premium rating, and other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care (including stop-loss insurance and excess of loss insurance), provided that the requirements of § 164.514(g) are met, if applicable;

d. Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

e. Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating Portage County, including formulary development and administration, development or improvement of methods of payment or coverage policies; and

f. Business management and general administrative activities of Portage County, including, but not limited to: (i) Management activities relating to implementation of and compliance with the requirements of HIPAA; (ii) Customer service; (iii) Resolution of internal grievances; (iv) The sale, transfer, merger, or consolidation of all or part of Portage County's facilities with another covered entity, or an entity that following such activity will become a covered entity and due diligence related to such activity; and (v) Consistent with the applicable requirements of § 164.514, creating de-identified health information or a limited data set.

Required by Law

Portage County may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.

Public Health Activities

Portage County may disclose PHI for the public health activities and purposes to:

a. A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority;

b. A public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect;

c. A person subject to the jurisdiction of the Food and Drug Administration:

1. To report adverse events, product defects or problems, or biological product deviations;

2. To track products;

3. To enable product recalls, repairs, or replacement; or

4. To conduct post-marketing surveillance;

d. A person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if Portage County is authorized by law to notify such person as necessary in the conduct of a public health intervention or investigation; or

e. An employer, about a patient who is a member of the workforce of the employer, if:

1. Portage County provides health care to a patient at the request of the employer to conduct an evaluation relating to medical surveillance of the workplace; or to evaluate whether the patient has a work related illness or injury;

2. The PHI that is disclosed consists of findings concerning a work related illness or injury or a workplace related medical surveillance;

3. The employer needs such findings in order to comply with its legal obligations to record such illness or injury or to carry out responsibilities for workplace medical surveillance; and

4. Portage County provides written notice to the patient that PHI relating to the medical surveillance of the workplace and work related illnesses and injuries is disclosed to the employer by giving a copy of the notice to the patient at the time the health care is provided; or if the health care is provided on the work site of the employer, by posting the notice in a prominent place at the location where the health care is provided.

Victims of Abuse, Neglect or Domestic Violence

a. Portage County may disclose PHI about a patient whom Portage County reasonably believes to be a victim of abuse, neglect, or domestic violence to a government authority, including a social service or protective services agency, which is authorized by law to receive reports of such abuse, neglect, or domestic violence: (i) to the extent the disclosure is required by law and the disclosure complies with and is limited to the relevant requirements of such law; (ii) to the extent the disclosure is expressly authorized (but not required) by law, if Portage County, in the exercise of its professional judgment, believes the disclosure is necessary to prevent serious harm to the individual or other potential victims; or (iii) to the extent the disclosure is expressly authorized (but not required) by law if, in the event of the patient's incapacity, a law enforcement or other public official authorized to receive the report represents that the PHI for which disclosure is sought is not intended to be used against the patient and that an immediate enforcement activity that depends upon the disclosure would be adversely affected by waiting for the patient to agree to the disclosure.

b. When a disclosure of this nature is made, Portage County will promptly inform the patient that such a report has been or will be made, except if informing the patient would place the patient at risk of serious harm; or Portage County would be informing a personal representative, and Portage County reasonably believes the personal representative is responsible for the abuse, neglect, or other injury, and that informing such person would not be in the best interests of the patient.

Health Oversight Activities

a. Portage County may disclose PHI to a health oversight agency for oversight activities authorized by law, including audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; civil, administrative, or criminal proceedings or actions; or other activities necessary for appropriate oversight of: (i) the health care system; (ii) government benefit programs for which health information is relevant to beneficiary eligibility; (iii) entities subject to government regulatory programs for which health information is necessary for determining compliance with program standards; or (iv) entities subject to civil rights laws for which health information is necessary for determining compliance.

b. An investigation or other activity is not considered health oversight if the patient is the subject of the investigation or activity, and such investigation or other activity does not arise out of and is not directly related to health care fraud.

c. If a health oversight activity or investigation is conducted in conjunction with an oversight activity or investigation relating to a claim for public benefits not related to health, the joint activity or investigation is considered a health oversight activity.

Court Order

Portage County may disclose PHI under a lawful order of a court of record.

Law Enforcement

a. Portage County may disclose PHI for a law enforcement purpose to law enforcement officials as required by law, including laws that require the reporting of certain types of wounds or other physical injuries. PHI may also be disclosed in compliance with under a lawful order of a court of record, provided that the information sought is relevant to the inquiry, the request is specific and limited in scope, and de-identified information could not reasonably be used.

b. When permitted by state law, and in response to a law enforcement official's request for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person, Portage County may disclose the following information:

1. Name and address;
2. Date and place of birth;
3. Social security number;
4. ABO blood type and RH factor;
5. Type of injury;
6. Date and time of treatment;
7. Date and time of death, if applicable; and
8. A description of distinguishing physical characteristics, including height, weight, gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and tattoos.

c. Portage County will not disclose any PHI related to the patient's DNA or DNA analysis, dental records, or typing, samples or analysis of body fluids or tissue.

d. When permitted by state law, Portage County may disclose PHI in response to a law enforcement official's request for such information about a patient who is or is suspected to be a victim of a crime, if the patient agrees to the disclosure; or if Portage County is unable to obtain the patient's agreement because of incapacity or other emergency circumstance, provided that: (i) such information is needed to determine whether a violation of law by a person other than the victim has occurred, and such information is not intended to be used against the victim; (ii) immediate law enforcement activity would be adversely affected by waiting until the patient is able to agree to the disclosure; and (iii) the disclosure is in the best interests of the patient.

e. Portage County may disclose PHI about a patient who has died for the purpose of alerting law enforcement of the death of the patient if Portage County has a suspicion that such death may have resulted from criminal conduct.

f. When permitted by state law, Portage County may disclose PHI that Portage County believes in good faith constitutes evidence of criminal conduct that occurred on the premises of Portage County.

Decedents

a. Portage County may disclose PHI to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law. If Portage County performs the duties of a coroner or medical examiner it may use PHI.

b. Portage County may disclose PHI to funeral directors, consistent with applicable law, as necessary to carry out their duties with respect to the decedent. Portage County may disclose the PHI prior to, and in reasonable anticipation of, the individual's death.

Cadaveric Organ, Eye or Tissue Donation

Portage County may use or disclose PHI to an organ procurement organization, as defined in Wis. Stat. § 157.06(2)(p), for the purpose of conducting an examination to ensure the medical suitability of a body part that is or could be the subject of an anatomical gift under Wis. Stat. § 157.06.

Threat to Health or Safety

a. Portage County may, consistent with applicable law and standards of ethical conduct, use or disclose PHI, if Portage County, in good faith, believes the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and is able to prevent or lessen the threat.

b. When permitted by state law, Portage County may also disclose PHI when the disclosure is necessary for law enforcement authorities to identify or apprehend a patient. This disclosure is permitted because of a statement by a patient admitting participation in a violent crime that Portage County reasonably believes may have caused serious physical harm to the victim; or where it appears from all the circumstances that the patient has escaped from a correctional institution or from lawful custody. However, a disclosure may not be made if the information is learned by Portage County in the

course of treatment to affect the propensity to commit the criminal conduct that is the basis for the disclosure, or counseling or therapy; or through a request by the patient to initiate or to be referred for the treatment, counseling, or therapy.

c. Any disclosure made pursuant to this policy is limited to the specific statements related to participation in a violent crime, and to the PHI allowed for disclosure in the policies related to disclosures to law enforcement.

Specialized Government Functions

a. Upon written request, Portage County may use and disclose the PHI of patients who are Armed Forces personnel for activities deemed necessary by appropriate military command authorities to assure the proper execution of the military mission, as permitted by the Armed Forces under a published notice in the Federal Register which includes the appropriate military command authorities, and the purposes for which the PHI may be used or disclosed.

b. Upon written request, Portage County may disclose PHI to authorized federal officials for the conduct of lawful intelligence, counter-intelligence, and other national security activities authorized by the National Security Act (50 U.S.C. 401, *et seq.*) and implementing authority (e.g., Executive Order 12333).

c. Upon written request, Portage County may disclose PHI to authorized federal officials for the provision of protective services to the President or other persons authorized by 18 U.S.C. 3056, or to foreign heads of state or other persons authorized by 22 U.S.C. 2709(a)(3), or for the conduct of investigations authorized by 18 U.S.C. 871 and 879.

d. Consistent with state law, Portage County may disclose to a correctional institution or a law enforcement official having lawful custody of an inmate or other patient PHI about such inmate or patient, if the correctional institution or such law enforcement official represents that such PHI is necessary for:

1. The provision of health care to such patients;
2. The health and safety of such patient or other inmates;
3. The health and safety of the officers or employees of or others at the correctional institution;
4. The health and safety of such patients and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another;
5. Law enforcement on the premises of the correctional institution; and
6. The administration and maintenance of the safety, security, and good order of the correctional institution.

For the purposes of this policy, a patient is no longer an inmate when released on parole, probation, supervised release, or otherwise is no longer in lawful custody.

Workers' Compensation

Portage County may disclose PHI as authorized by and to the extent necessary to comply with laws relating to workers' compensation or other similar programs, established by law, that provide benefits for work related injuries or illness without regard to fault.

Research

a. In general, Portage County will only use or disclose PHI created for the purposes of research, with the patient's authorization. However, Portage County may use or disclose PHI for purposes of research without patient authorization provided that the researcher is affiliated with Portage County and provides written assurances to the custodian of the patient's health care records that the information will be used only for the purposes for which it is provided to the researcher, the information will not be released to a person not connected with the study, and the final product of the research will not reveal information that may serve to identify the patient whose records are being released without authorization. In addition, PHI may not be used or disclosed without authorization unless the following conditions apply:

1. Portage County obtains documentation that an alteration to or waiver, in whole or in part, of authorization has been approved by either an Institutional Review Board (IRB), as defined by 45 C.F.R. § 164.512(i)(1)(i)(A) or privacy board meeting the requirements of 45 C.F.R. § 164.512(i)(1)(i)(B).
 2. Portage County obtains from the researcher representations that use or disclosure is sought solely to review PHI as necessary to prepare a research protocol or for similar purposes preparatory to research; no PHI is to be removed from the covered entity by the researcher in the course of the review; and the PHI for which use or access is sought is necessary for the research purposes.
 3. In the case of a deceased patient, Portage County obtains from the researcher representation that the use or disclosure is sought solely for research on the PHI of the decedent, and representation that the PHI is necessary for the research purposes. Portage County may request documentation of the death of the patient, from the researcher.
- b. For a use or disclosure to be based on documentation of approval of a waiver, the documentation will include:
1. A statement identifying the IRB or privacy board and the date on which the alteration or waiver of authorization was approved,
 2. A statement that the IRB or privacy board has determined that the alteration or waiver of authorization involves no more than a minimal risk to the privacy of individuals based on, at least, the presence of the following elements: (A) an adequate plan to protect the identifiers from improper use and disclosure; (B) an adequate plan to destroy the identifiers at the earliest opportunity consistent with conduct of the research, unless there is a health or research justification for retaining the identifiers or such retention is otherwise required by law; and (C) adequate written assurances that the protected health information will not be reused or disclosed to any other person or entity, except as required by law, for authorized oversight of the research study, or for other research for which the use or disclosure of protected health information would be permitted by this subpart. In addition, the statement must include a determination that the research could not be practicably conducted without the waiver or alteration, and that the research could not practicably be conducted without access to and use of the PHI.
 3. A brief description of the PHI for which use or access has been determined to be necessary by the IRB or Privacy Board,
 4. A statement that the waiver of authorization has been reviewed and approved under either normal or expedited review procedures, as follows:
 1. An IRB will follow the requirements of the Common Rule, including the normal review procedures (7 CFR 1c.108(b), 10 CFR 745.108(b), 14 CFR 1230.108(b), 15 CFR 27.108(b), 16 CFR 1028.108(b), 21 CFR 56.108(b), 22 CFR 225.108(b), 24 CFR 60.108(b), 28 CFR 46.108(b), 32 CFR 219.108(b), 34 CFR 97.108(b), 38 CFR 16.108(b), 40 CFR 26.108(b), 45 CFR 46.108(b), 45 CFR 690.108(b), or 49 CFR 11.108(b)) or the expedited review procedures (7 CFR 1c.110, 10 CFR 745.110, 14 CFR 1230.110, 15 CFR 27.110, 16 CFR 1028.110, 21 CFR 56.110, 22 CFR 225.110, 24 CFR 60.110, 28 CFR 46.110, 32 CFR 219.110, 34 CFR 97.110, 38 CFR 16.110, 40 CFR 26.110, 45 CFR 46.110, 45 CFR 690.110, or 49 CFR 11.110);
 2. A privacy board will review the proposed research at convened meetings at which a majority of the privacy board members are present, including at least one member who is not affiliated with Portage County, not connected with any entity conducting or sponsoring the research, and any person affiliated with any such entities. The alteration or waiver of authorization will be approved by the majority of the privacy board members present at the meeting, unless the privacy board elects to use an expedited review;
 3. A privacy board may use an expedited review procedure if the research involves no more than minimal risk to the privacy of the patients who are the subject of the PHI for which use or disclosure is being sought. If the privacy board elects to use an expedited review procedure, the review and approval of the alteration or waiver of authorization may be carried out by the chair of the privacy board, or by one or more members of the privacy board as designated by the chair; and
 4. The documentation of the alteration or waiver of authorization must be signed by the chair or other member, as designated by the chair, of the IRB or privacy board, as applicable.

3.12.2 PATIENT RIGHTS POLICIES

3.12.2.1 REQUEST FOR PRIVACY PROTECTION

Purpose

The policies in this section outline the patient's right to request a restriction on specific uses or disclosures of PHI, and their right to request an alternative means of communication between Portage County and the patient. The policies present Portage County's responsibilities in fulfilling these requests.

3.12.2.1(A) RESTRICTION OF USE OR DISCLOSURE

Purpose

This policy defines a patient's right to request that a specific use or disclosure of PHI be restricted.

Policy

- a. When reasonable, Portage County will attempt to honor a patient's request to limit/restrict access to specific elements of his/her medical record. Portage County will provide patients an opportunity to request a restriction on the use or disclosure of his/her PHI, but does not guarantee that it will agree to restrict the use or disclosure as requested, except as provided below. A restriction must be requested in writing.
- b. If Portage County does agree to a request for restriction, Portage County will not use or disclose the PHI unless the patient terminates the restriction, or the use or disclosure of the PHI is required for purposes of providing emergency treatment to the patient. If PHI is disclosed to another provider for emergency treatment, Portage County will request that the provider not further disclose the information.
- c. A restriction may be terminated by the patient in written or oral form. If the patient terminates the restriction orally the termination must be documented appropriately. Portage County may also terminate a restriction, excepted as provided below, and must notify the patient. If Portage County initiates the termination of restriction, the termination is only effective with respect to PHI created or received after it has notified the patient.
- d. Portage County must grant an individual's request to restrict a disclosure of PHI about the individual to a health plan if all of the following requirements are satisfied: (i) the disclosure is for the purpose of carrying out payment or health care operations; (ii) the disclosure is not otherwise required by law; and (iii) the PHI pertains solely to a health care item or service for which the individual, or person, other than the health plan on behalf of the Individual, has paid Portage County in full.
- e. Portage County will document any restrictions, denial of restrictions, and terminations of restrictions, and will notify the patient of these actions.

3.12.2.1(B) CONFIDENTIAL COMMUNICATIONS

Purpose

This policy identifies a patient's right to request that an alternative means of communication between Portage County and the patient be used.

Policy

- a. Portage County will accommodate reasonable requests by patients to receive communications of PHI by alternative means or at alternative locations. The request must be in writing.
- b. Portage County may refuse to accommodate a request if the patient has not provided information as to how payment, if applicable, will be handled, or if an alternative address or method of contact has not been specified.

c. Portage County will not require an explanation from the patient as to the basis for the request as a condition of providing communications on a confidential basis.

3.12.2.2 ACCESS TO RECORDS

Purpose

The policies in this section outline the patient's right to request access to his/her medical record or other

PHI. The policies present Portage County's responsibilities in fulfilling this request.

3.12.2.2(A) REQUEST FOR ACCESS

Purpose

This policy identifies the patient's right to access his/her medical record.

Policy

Each patient has a right of access to inspect and obtain a copy of his/her PHI in a designated record set, for as long as the PHI is maintained in the designated record set, except for:

- a. Psychotherapy notes;
- b. Information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding; and
- c. PHI maintained by Portage County that is:
 - i. Subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent the provision of access to the patient would be prohibited by law; or
 - ii. Exempt from the Clinical Laboratory Improvements Amendments of 1988, pursuant to 42 CFR 493.3(a)(2).

3.12.2.2(B) DENIAL

Purpose

This policy defines Portage County's reasons for denying a patient's request to access his/her medical record.

Policy

- a. Portage County may deny a patient access, without providing the patient an opportunity for review, in the following circumstances:
 1. The PHI is excepted from the right of access by Policy 3.12.2.2(A), "Request for Access".
 2. If acting under the direction of a correctional institution, Portage County may deny, in whole or in part, an inmate's request to obtain a copy of PHI, if obtaining such copy would jeopardize the health, safety, security, custody, or rehabilitation of the patient or of other inmates, or the safety of any officer, employee, or other person responsible for the inmate.
 3. A patient's access to PHI created or obtained in the course of research may be temporarily suspended for as long as the research is in progress, provided that the patient has agreed to the denial of access when consenting to participate in the research, and Portage County has informed the patient that the right of access will be reinstated upon completion of the research.
 4. A patient's access to PHI that is contained in records that are subject to the Privacy Act, 5 U.S.C. § 552a, may be denied, if the denial of access under the Privacy Act would meet the requirements of that law.
 5. A patient's access may be denied if the PHI was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would be reasonably likely to reveal the source of the information.

b. Portage County may deny a patient access, provided that the patient is given a right to have such denials reviewed, in the following circumstances:

1. A licensed health care professional has determined that the access requested is reasonably likely to endanger the life or physical safety of the patient or another person;
2. The PHI makes reference to another person (unless such other person is a health care provider) and a licensed health care professional has determined that the access requested is reasonably likely to cause substantial harm to such other person; or
3. The request for access is made by the patient's personal representative, and a licensed health care professional has determined that the provision of access to such personal representative is reasonably likely to cause substantial harm to the patient or another person.

c. If access is denied on a ground permitted under section (b) of this policy, the patient has the right to have the denial reviewed by a licensed health care professional. Portage County must designate a licensed health care professional, who was not directly involved in the denial to review the decision to deny access. Portage County must promptly refer a request for review to such designated reviewing official. The designated reviewing official must determine, within a reasonable period of time, whether or not to deny the access requested. Portage County must promptly provide written notice to the individual of the determination of the designated reviewing official, and take other action as required to carry out the designated reviewing official's determination.

d. If Portage County denies access in whole or in part to requested PHI, Portage County will, to the extent possible, give the patient access to any other PHI requested, after excluding the PHI as to which Portage County has a ground to deny access. In addition, Portage County will provide a timely, written denial to the patient, in accordance with Policy 3.12.2.2(C), "Provision of Access", sections (b) and (c). The denial must be in plain language and contain:

1. The basis for the denial;
2. If applicable, a statement of the patient's review rights including a description of how the patient may exercise such review rights; and
3. A description of how the patient may complain to Portage County or to the Secretary of Health and Human Services for failure to comply with the patient's request. The description must include the name, or title, and telephone number of a contact person or office related to privacy and security.

e. If Portage County does not maintain the PHI that is the subject of the patient's request for access, and Portage County knows where the requested information is maintained, Portage County will inform the patient where to direct the request for access.

3.12.2.2(C) PROVISION OF ACCESS

Purpose

This policy identifies Portage County's requirements for processing a request for access to a patient's medical record.

Policy

- a. A patient must submit a request for access in writing.
- b. Portage County will act on a request for access no later than 30 days after receipt of the request as follows.
 1. If the request is not denied, Portage County will inform the patient of the acceptance of the request and provide the access requested.
 2. If the request is denied, in whole or in part, Portage County will provide the patient with a written denial, in accordance with Policy 3.12.2.2(B), "Denial".
- c. If Portage County is unable to take action within the time required, Portage County may extend the time for such actions by no more than 30 days, provided that Portage County, within the time limit set by sections (b) and (c) of this policy, as applicable, provides the patient with a written statement of the reasons for the delay and the date by which Portage County will complete its action on the request. Portage County may have only one such extension of time for action on a request for access.

d. If Portage County provides a patient with access in whole or in part to PHI, Portage County must comply with the following requirements.

1. Portage County will provide the access requested by a patient, including inspection or obtaining a copy, or both, of his/her PHI in designated record sets. If the same PHI that is the subject of a request for access is maintained in more than one designated record set or at more than one location, Portage County will only produce the PHI once in response to a request for access.

2. Portage County will provide the patient with access to the PHI in the form or format requested by the patient, if it is readily producible in such form or format; or, if not, in a readable hard copy form or such other form or format as agreed to by both parties. However, if the PHI that is the subject of the request is maintained in one or more designated record sets electronically and the patient requests an electronic copy of such information, Portage County will provide the patient with access to the PHI in the electronic form and format requested by the patient, if it is readily producible in such form and format; or if not, in a readable electronic form and format as agreed to by both parties.

3. Portage County may provide the patient with a summary of the PHI requested, in lieu of providing access to the PHI, or may provide an explanation of the PHI to which access has been provided, if the patient agrees in advance to such summary or explanation, and to any fees that may be required.

4. Portage County will provide the access as requested by the patient in a timely manner, including arranging with the patient for a convenient time and place to inspect or obtain a copy of the PHI. A copy may be mailed at the patient's request. Portage County may discuss the scope, format, and other aspects of the request for access with the patient as necessary to facilitate the timely provision of access.

5. If the patient's request directs Portage County to transmit the copy directly to another person, Portage County must provide the copy to such person designated by the patient if the request is in a writing signed by the patient and clearly identifies the designated person and where to send the copy of the PHI.

e. Portage County will document the designated record sets that are subject to access by patients; and the title of the individual(s) or office(s) responsible for receiving and processing requests for access by patients.

f. All documentation including requests and denials, will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is later.

3.12.2.3 AMENDMENT OF RECORDS

Purpose

The policies in this section outline the patient's right to request an amendment to his/her medical record or other PHI. The policies present Portage County's responsibilities in fulfilling this request.

3.12.2.3(A) REQUEST AND DOCUMENTATION FOR AMENDMENT

Purpose

This policy identifies the patient's right to amend his/her medical record.

Policy

A patient has the right to have PHI or a record about the patient in a designated record set amended, for as long as the PHI is maintained in the designated record set.

3.12.2.3(B) DENIAL

Purpose

This policy defines Portage County's reasons for denying a patient's request to amend his/her medical record.

Policy

a. Portage County may deny a patient's request for amendment, if it determines that the PHI or record that is the subject of the request:

1. was not created by Portage County, unless the patient provides a reasonable basis to believe that the originator of PHI is no longer available to act on the requested amendment;
2. is not part of the designated record set;
3. would not be available for inspection under Policy 3.12.2.2(A), "Request for Access"; or
4. is accurate and complete.

b. If Portage County denies a patient's request for amendment, Portage County must provide the patient with a written denial within 60 days of the date the request is received. The denial must be written in plain language and contain:

1. The basis for the denial;
2. The patient's right to submit a written statement disagreeing with the denial and how the patient may file such a statement;
3. A statement that, if the patient does not submit a statement of disagreement, the patient may request that Portage County provide the patient's request for amendment and the denial with any future disclosures of the PHI that is the subject of the amendment; and
4. A description of how the patient may complain to Portage County or to the Secretary of Health and Human Services for failure to comply with the patient's request. The description must include the name, or title, and telephone number of a contact person or office related to privacy and security.

c. If Portage County is unable to provide a written denial within the time required, Portage County may extend the time by no more than 30 days, provided that Portage County, within 60 days of receipt of a request, provides the patient with a written statement of the reasons for the delay and the date by which Portage County will complete its action. Portage County may have only one such extension of time for action on a request for amendment.

d. Portage County permits the patient to submit to Portage County a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. Portage County may reasonably limit the length of a statement of disagreement.

e. Portage County may prepare a written rebuttal to the patient's statement of disagreement. Whenever such a rebuttal is prepared, Portage County will provide a copy to the patient who submitted the statement of disagreement.

f. Portage County will, as appropriate, identify the record or PHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the patient's request for an amendment, Portage County's denial of the request, the patient's statement of disagreement, if any, and Portage County's rebuttal, if any, to the designated record set (document or transaction).

g. If a statement of disagreement has been submitted by the patient, Portage County must include the material appended or, at the election of Portage County, an accurate summary of any such information, with any subsequent disclosure of the PHI to which the disagreement relates.

h. If the patient has not submitted a written statement of disagreement, Portage County will, upon request of the patient, include the request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the PHI. When a subsequent disclosure is made using a standard transaction (as defined by the HIPAA Transaction Rules) that does not permit the additional material to be included with the disclosure, Portage County may separately transmit the request for amendment and its denial, or summary of such information, to the recipient of the standard transaction.

3.12.2.3(C) ACCEPTANCE AND IMPLEMENTATION

Purpose

This policy identifies Portage County's requirements for processing a request for amending a patient's medical record.

Policy

- a. A patient may request in writing that Portage County amend the PHI maintained in a designated record set. The written request must include a reason to support a requested amendment.
- b. Portage County must act on the patient's request for an amendment no later than 60 days after receipt of such a request.
- c. If Portage County is unable to take an action on the patient's request within the time required, Portage County may extend the time by no more than 30 days, provided that Portage County, within 60 days of receipt of a request, provides the patient with a written statement of the reasons for the delay and the date by which Portage County will complete its action on the request. Portage County may have only one such extension of time for action on a request for amendment.
- d. If Portage County grants the requested amendment, Portage County will make the appropriate amendment by identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment. Portage County will inform the patient that the amendment is accepted. With the patient's agreement, Portage County will notify the relevant persons with which the amendment needs to be shared. Relevant persons include persons identified by the patient as having received PHI about the patient and needing the amendment; and persons, including business associates, that Portage County knows have the PHI that is the subject of the amendment and that may have relied, or could rely, on such information to the detriment of the patient.
- e. If informed by another health care provider or another agency of an amendment to a patient's PHI, Portage County will amend the PHI in designated record sets.
- f. Portage County will document the title of the individual(s) or office(s) responsible for receiving and processing requests for amendment by patients. All documentation including requests and denials, will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is later.

3.12.2.4 ACCOUNTING OF DISCLOSURES

Purpose

The policies in this section outline the patient's right to request an accounting of disclosures related to Portage County's uses and disclosures of the patient's medical record or other PHI, for reasons other than treatment, payment or health care operations. The policies present Portage County's responsibilities in fulfilling this request.

3.12.2.4(A) REQUEST AND DOCUMENTATION FOR ACCOUNTING

Purpose

This policy identifies the patient's right to request an accounting of disclosures of his/her medical record.

Policy

- a. A patient has a right to receive an accounting of disclosures of PHI made by Portage County in the six years prior to the date on which the accounting is requested, except for disclosures:
 1. To carry out treatment, payment and health care operations (except that, as of the compliance date for providing an accounting of disclosures of PHI from an Electronic Health Record for treatment, payment or health care operations, Portage County shall document and make available as required an accounting of disclosures from an Electronic Health Record for such purposes in the prior three years);
 2. To patients of PHI about them;
 3. For the facility's directory or to persons involved in the patient's care or other notification purposes;
 4. Made pursuant to the patient's authorization.
 5. Which are part of a limited data set.
 6. Which are incidental to another permissible use or disclosure.

7. For national security or intelligence purposes;
 8. To correctional institutions or law enforcement officials as provided under the HIPAA rules; or
 9. That occurred prior to the compliance date set forth by HIPAA's Privacy Rules.
- b. Portage County will temporarily suspend a patient's right to receive an accounting of disclosures to a health oversight agency or law enforcement official for the time specified by such agency or official. Such agency or official must provide Portage County with a written or verbal statement that such an accounting to the patient would be reasonably likely to impede the agency's activities and specifying the time for which such a suspension is required. If the agency or official statement is made orally, Portage County will:
1. Document the statement, including the identity of the agency or official making the statement;
 2. Temporarily suspend the patient's right to an accounting of disclosures subject to the statement; and
 3. Limit the temporary suspension to no longer than 30 days from the date of the oral statement, unless a written statement is submitted during that time.
- c. A patient may request an accounting of disclosures for a period of time less than six years from the date of the request.

3.12.2.4(B) PROVISION

Purpose

This policy identifies Portage County's requirements for processing a request for an accounting of disclosures of a patient's medical record.

Policy

- a. Portage County will act on the patient's request for an accounting, no later than 60 days after receipt of such a request. Portage County will provide the patient with the accounting requested, or if unable to provide the accounting within the time required, Portage County may extend the time to provide the accounting by no more than 30 days, provided that Portage County, within 60 days after receipt of a request, provides the patient with a written statement of the reasons for the delay and the date by which Portage County will provide the accounting. Portage County may have only one such extension of time for action on a request for an accounting.
- b. Portage County will provide the first accounting to a patient in any 12-month period without charge. Portage County may impose a reasonable, cost-based fee for each subsequent request for an accounting by the same patient within the 12-month period. Portage County will inform the patient in advance of the fee and provide the patient with an opportunity to withdraw or modify the request for a subsequent accounting in order to avoid or reduce the fee.
- c. Portage County will document the titles of the individual(s) or office(s) responsible for receiving and processing requests for an accounting by patients. All documentation including requests for accounting, denials, and the written accounting provided to the patient will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is later.
- d. If Portage County determines that it must exclude PHI from an accounting of disclosures for any of the reasons described in Policy 3.12.2.4(A), "Requests and Documentation for Accounting", Portage County will provide a timely, written explanation to the patient. The explanation will be in plain language and contain:
 1. The basis for the exclusion; and
 2. A description of how the patient may complain to Portage County or to the Secretary of Health and Human Services for failure to comply with the patient's request, in whole or in part. The description must include the name, or title, and telephone number of a contact person or office related to privacy and security.

3.12.2.4(C) CONTENT

Purpose

This policy identifies the content of an accounting of disclosures of a medical record.

Policy

- a. When providing a patient with an accounting, the accounting must include disclosures of PHI that occurred during the six years (or such shorter time period at the request of the patient or three years with respect to disclosures from an Electronic Health Record for purposes of treatment, payment and health care operations) prior to the date of the request for the accounting, including disclosures to business associates of Portage County.
- b. The accounting must include for each disclosure:
 1. The date of the disclosure;
 2. The name of the entity or person who received the PHI and, if known, the address of such entity or person;
 3. A brief description of the PHI disclosed; and
 4. A brief statement of the purpose of the disclosure that reasonably informs the patient of the basis for the disclosure, or in lieu of such statement, a copy of a written request for a disclosure, if any.
- c. If, during the period covered by the accounting, Portage County has made multiple disclosures of PHI to the same person or entity for a single purpose, the accounting may provide:
 1. The information required for the first disclosure during the accounting period;
 2. The frequency, periodicity, or number of the disclosures made during the accounting period; and,
 3. The date of the last such disclosure during the accounting period.

3.12.3 ADMINISTRATIVE POLICIES

3.12.3.1 GOVERNANCE

Purpose

The policies in this section outline Portage County's responsibilities and approach to managing and directing its privacy practices. These policies provide an overview of Portage County's structure related to the management of privacy and security issues.

3.12.3.1(A) RESPONSIBILITY-PRIVACY OFFICER

Purpose

The objective of this policy is to provide a mission statement for Portage County in addressing patient privacy and information security issues. Portage County will designate a privacy official to be responsible for the development and implementation of the security/confidentiality policies and procedures. The Privacy Officer will oversee all matters involving privacy, including the receipt of complaints, and coordinating with the appropriate department managers to ensure proper implementation of security measures, training programs and privacy rules.

Policy

It is the role of all workers (employees, contractors, physicians, volunteers, students and other temporary workers) to maintain the confidentiality and security of protected health information in order to ensure the patient's right to privacy. Guidance, direction, and authority for privacy and security activities are the responsibility of the Privacy Officer. Further the Privacy Officer for Portage County is hereby designated as the County Corporation Counsel.

3.12.3.1(B) MANAGEMENT ROLE

Purpose

This policy identifies the responsibilities of Portage County's managers with regard to ensuring privacy.

Policy

Managers are responsible for implementing security and privacy processes in a fashion that is consistent with the criticality, value, and sensitivity of the information being handled. Managers are also responsible for documenting patient complaints with regard to privacy, and for administering corrective actions for workers known to be in violation of Portage County's privacy rules.

3.12.3.1(C) OTHER PRIVACY AND SECURITY ROLES

Purpose

The intent of this policy is to define a broader range of privacy and security responsibilities. Security and privacy is an organization-wide responsibility and must be guarded by all members of the workforce.

Policy

- a. To promptly determine unauthorized usage and other errors that may be information-security-related, a review of statements is imperative. All user department managers must promptly review the details of their computer and communications bills (including internal charge-back statements) to ensure that the charges are appropriate, that no significant mistakes have been made, and that no significant unauthorized usage has occurred.
- b. Every multi-user computer system must have designated security administrators to define user privileges, monitor access control logs, and perform similar activities. For purposes of this policy, local area network (LAN) servers and private branch exchange (PBX) switches are considered to be multi-user systems. Every systems administrator must also have a designated and trained backup employee who can fill-in when necessary.
- c. All outside consultants, contractors, and temporary workers must be subject to the same information security requirements as Portage County's employees. This includes, but is not limited to physicians, registry nurses, students, volunteers, consultants and outsourced employees.
- d. In order to meet certification requirements of HIPAA, PORTAGE COUNTY will perform periodic reviews of the adequacy of privacy and security policies, and Information Technology controls as well as compliance with such controls. These reviews may be contracted to third parties (e.g. consultants) who specialize in specific controls such as network security.

3.12.3.1(D) OWNER, CUSTODIAN AND USER RESPONSIBILITIES

Purpose

This policy establishes that the Information Technology Department, while serving as a custodian, should not at the same time be an owner of information. Each Department will designate a Medical Records custodian who has responsibility for the handling, storage, and use of medical records as set forth in section 3.12.1.1(B).

Policy

Workers within operational departments that use, create, collect or disclose information consistent with their job functions are the owners of information. This information may be in paper or electronic form. With the exception of operational computer and network information, the Information Technology Department is not the owner of electronic information, but rather the custodian of such information. Likewise, each department shall designate a records custodian for the purpose of protection of medical records. Accordingly, workers must comply with the requirements of Portage County's privacy policies, and must ensure that data for which they are responsible is maintained in a secure and effective manner.

3.12.3.1(E) CERTIFICATION OF COMPLIANCE

Purpose

The intent of this policy is to establish an ongoing organizational evaluation process in order to certify compliance with Portage County's privacy policies, and regulations required by other organizations including federal and state government agencies.

Policy

Portage County will periodically review its operational policies and practices, and evaluate its computer systems and network design to certify that the appropriate security has been implemented. This evaluation can be performed internally or by an external agency.

3.12.3.2 ENFORCEMENT

Purpose

The policies in this section outline Portage County's responsibilities and approach to monitoring and enforcing its privacy policies and practices. It addresses Portage County's approach to tracking and reporting violations, and provides protections for those who file a complaint or report a violation.

3.12.3.2(A) POLICIES AND PROCEDURES

Purpose

The intent of this policy is to communicate that workers are required to comply with privacy and security policies.

Policy

- a. Portage County has implemented policies and procedures, with respect to PHI, designed to comply with the standards, implementation specifications, and other requirements of the standards for Privacy of individually identifiable health information and Security standard for the protection of electronic Protected Health Information.
- b. Portage County reserves the right to revise its policies and procedures. When changes are made, Portage County will promptly notify and educate staff on these changes. Portage County's workers are responsible for understanding and complying with these policies and procedures. Violations of these policies and procedures will not be tolerated.

3.12.3.2(B) MONITORING/AUDITING

Purpose

The intent of this policy is to ensure that processes are in place to secure the privacy and integrity of information, and to validate that these processes were developed employing solid principles and appropriate preventive measures.

Policy

- a. All security processes will be evaluated periodically to determine the minimum set of controls required to reduce the risk of privacy and security violations to an acceptable level.
- b. All major enhancements, upgrades, conversions, and related changes associated with Data Processing or applications must be preceded by a risk assessment as related to Portage County's privacy policies.
- c. Portage County will implement specialized technology tools for the purposes of auditing and/or monitoring Portage County's abilities to ensure proper use and disclosure of protected health information. Activities may include the auditing or monitoring of system access, Internet access,

network usage, failed system login attempts, telephone usage, and access to inappropriate patient records.

3.12.3.2(C) COMPLAINTS

Purpose

This policy identifies a process for patients to file complaints related to a patient's right to privacy or related to Portage County's privacy and security policies.

Policy

a. A person who believes Portage County is not complying with the applicable requirements of the security processes may file a complaint with the Secretary of Health and Human Services. Complaints made to the Secretary must meet the following requirements:

1. A complaint must be filed in writing, either on paper or electronically.
2. A complaint must name the entity that is the subject of the complaint and describe the acts or omissions believed to be in violation of the applicable standards, requirements, and/or implementation specifications of any legally mandated privacy and/or security regulations.
3. A complaint must be filed within 180 days of when the complainant knew or should have known that the act or omission complained of occurred, unless this time limit is waived by the Secretary of Health and Human Services.

b. Portage County acknowledges that the Secretary of Health and Human Services is empowered to and may investigate any complaints. Accordingly, Portage County will cooperate with any investigation or compliance review. Portage County will keep records including pertinent policies, procedures, or practices and of the circumstances regarding any alleged violation. Portage County will submit compliance reports, in a timely manner as requested by the Secretary.

c. Portage County's Privacy Officer in cooperation with appropriate department managers, will investigate any alleged violation of Portage County's privacy policies, and take appropriate action to remedy the violation and initiate a personnel action as appropriate.

d. A person may also file a complaint directly with Portage County. Portage County will include contact information for filing a complaint in its Notice of Privacy Practices. The contact information will include the name, title, and telephone number of Portage County's Privacy Officer / Program Management Office.

e. Portage County's workers must report any known or suspected violation of a privacy or security policy, or any known or suspected breach of security to their department managers immediately. Department managers will report the violation or breach to the Privacy Officer. All reports should be communicated maintaining strict confidentiality. Portage County's workers may likewise file written complaints with the Privacy Officer as a means to report a violation or breach.

f. The Privacy Officer will initiate a formal problem management process to record any suspected violation, to reduce their incidence, and to prevent their recurrence. In addition, the Privacy Officer must prepare an annual analysis of reported information security problems and violations.

g. To ensure a quick, effective, and orderly response to incidents, Portage County must maintain procedures for handling privacy violations and security incidents. Key individuals, including department heads shall be responsible for assisting in the investigation and correction of security incidents.

h. Portage County's workforce may also file complaints or report incidents as provided in Policy 3.12.6.4(B), "Reporting Structure—Privacy Official."

3.12.3.2(D) SANCTIONS

Purpose

This policy communicates Portage County's willingness and commitment in enforcing its privacy and security policies.

Policy

Portage County will apply the appropriate sanctions against members of its workforce and business associates who fail to comply with Portage County's privacy and security policies. These sanctions include the disciplinary actions defined in these privacy policies, up to and including termination, as well as the remediation steps outlined in the Business Associate Agreement, also including termination. Portage County will document the sanctions applied, if any, and maintain such documentation for six (6) years. See Policy 3.12.5.3(A), "Corrective Action/Sanctions" for further information.

3.12.3.2(E) MITIGATION

Purpose

The intent of this policy is to communicate Portage County's commitment to establishing procedures to correct and prevent violations of a patient's privacy or a breach of Portage County's security infrastructure.

Policy

Portage County will mitigate, to the extent practicable, any harmful effect of a use or disclosure of PHI in violation of its privacy and security policies or the HIPAA Rules. Portage County is responsible to mitigate for harm caused by either members of the workforce or by their business associates.

3.12.3.2(F) BREACH ASSESSMENT AND REPORTING

Purpose

The intent of this policy is to identify Portage County's process for assessing whether a Breach of Unsecured PHI has occurred and for reporting any Breach of Unsecured PHI.

Definitions

For purposes of this Section, the term "Breach" and "Unsecured PHI" have the same definitions as set forth in 45 C.F.R. § 164.402. In summary, a Breach is generally an acquisition, access, use or disclosure of PHI in a manner not permitted under the Privacy Rule which compromises the security or privacy of the PHI. "Unsecured PHI" means that the PHI was not rendered unusable, unreadable, or indecipherable to unauthorized persons through use of a technology or methodology specified by the Secretary of the Department of Health and Human Services in guidance.

A "Breach" does not include the following:

- Any unintentional acquisition, access, or use of PHI by a workforce member or person acting under the authority of a covered entity or a business associate, if such acquisition, access, or use was made in good faith and within the scope of authority and does not result in further impermissible use or disclosure.
- Any inadvertent disclosure by a person by a person who is authorized to access PHI at a covered entity or business associate to another person authorized to access PHI at the same covered entity or business associate, or organized health care arrangement in which the covered entity participates, and the information received as a result of such disclosure is not further used or disclosed impermissibly.
- A disclosure of PHI where a covered entity or business associate has a good faith belief that an unauthorized person to whom the disclosure was made would not reasonably have been able to retain such information.

An acquisition, access, use or disclosure of disclosure of PHI in a manner not permitted under the Privacy Rule is presumed to be a breach, unless Portage County can demonstrate that there is a low

probability that the PHI has been compromised based on a risk assessment that includes the following factors:

- The nature and extent of the PHI involved, including the types of identifiers and the likelihood of re-identification (relevant factors include the sensitivity of the information, such as financial or sensitive medical information, the nature and detail of the information involved, and the amount of direct patient identifiers involved).
- The unauthorized person who used the PHI or to whom the disclosure was made. For example, whether the disclosure was to another health care provider, to the individual's employer, etc.
- Whether the PHI was actually acquired or viewed.
- The extent to which the risk to the PHI has been mitigated. For example, whether Portage County was able to obtain reliable satisfactory assurances from the recipient that the information would not be further disclosed.

Policy

a. Portage County's workforce must notify Portage County's Privacy Officer or the Department Manager (who must in turn notify the Privacy Officer) of any impermissible access, use or disclosure of PHI.

b. Upon receipt of any indication from a patient, workforce member or any other party that a Breach may have occurred, Portage County's Privacy Officer, or designee, will immediately investigate whether a Breach of Unsecured PHI occurred by gathering facts relevant to the potential Breach. Relevant factors include: (i) a description of what happened, including the date of the potential breach; (ii) the types of PHI involved; (iii) any potential harm to individuals and the steps they may need to take to protect themselves; (iv) who used the information or to whom the information was disclosed; (v) whether the PHI was actually acquired or viewed; (vi) whether the PHI was further used or disclosed impermissibly; and (vii) the ability to mitigate the risk and/or obtain satisfactory assurances from the recipient.

c. After gathering relevant facts, Portage County's Privacy Officer, or designee, will assess whether a Breach has occurred using all four of the factors identified above, along with any additional factors that may be relevant in the circumstances. Portage County's Privacy Officer or designee will document the analysis.

d. Portage County will assume that a Breach has occurred, unless Portage County is able to demonstrate in the risk analysis that there is only a low probability that the PHI has been compromised (again, the risk analysis must consider all four of the factors identified above).

e. If the PHI involved was not Unsecured PHI, no Breach notice is required, but Portage County will take further steps as necessary or appropriate to prevent any similar potential Breach in the future.

f. If Portage County is able to demonstrate through the risk analysis that there is only a low probability that the PHI has been compromised, no Breach notice is required, but Portage County will take further steps as necessary or appropriate to prevent any similar potential Breach in the future.

g. If Portage County is unable to demonstrate through the risk analysis that there is only a low probability that the PHI has been compromised and the PHI involved was "Unsecured PHI," Portage County will provide appropriate Breach notices in accordance with the requirements in the HIPAA Rules, as follows:

i. Discovery of Breach. A Breach of Unsecured PHI shall be treated as discovered by Portage County as of the first day on which such Breach is known to Portage County, or, by exercising reasonable diligence would have been known to Portage County. Portage County shall be deemed to have knowledge of a Breach if such Breach is known, or by exercising reasonable diligence would have been known, to any person, other than the person committing the Breach, who is a workforce member or agent of Portage County (as determined in accordance with the federal common law of agency).

- ii. Less than 500 individuals. If the Breach of Unsecured PHI involves less than 500 individuals, Portage County will, without unreasonable delay, and in no case later than 60 calendar days of discovering the Breach of Unsecured PHI, notify the individual in accordance with the rules at 45 C.F.R. § 164.404.
- iii. 500 or more individuals. In addition to providing notices to individuals as described above, if the Breach of Unsecured PHI involves more than 500 residents of a state or jurisdiction, Portage County will notify prominent media outlets serving the state or jurisdiction without unreasonable delay, and in no case later than 60 calendar days of discovering the Breach, in accordance with the rules at 45 C.F.R. § 164.404. Portage County will also notify the Department of Health and Human Services contemporaneously with the notice to individuals, in the manner specified on the Department of Health and Human Services's website.
- iv. Notice to HHS and Log of Breaches. Portage County will maintain a log or other documentation of Breaches of Unsecured PHI involving less than 500 individuals. Within 60 days following the end of each calendar year, Portage County will provide documentation for Breaches of Unsecured PHI discovered during the calendar year to the Department of Health and Human Services in the manner specified on the Department of Health and Human Services's website from time to time.
- v. Law enforcement request for a delay in providing a Breach notification, notice or posting. If a law enforcement official states to Portage County that a notification, notice or posting would impede a criminal investigation or cause damage to national security, Portage County will delay such notice for the time period specified by the official if the statement is in writing and specifies the time for which the delay is required. However, if the statement is made orally, Portage County will document the statement, including the identity of the official making the statement, and delay the notification temporarily and no longer than 30 days from the date of the oral statement, unless prior to the end of the 30 days the law enforcement official provides a written statement specifying the time for which the delay is required.
- h. Portage County's Privacy Officer or designee will document all facts, the risk analysis and notices and maintain such documentation for six (6) years from the completion of the analysis and date of the notices.

3.12.3.2(G) WHISTLEBLOWERS/REFRAIN FROM RETALIATION

Purpose

In order to encourage compliance management and enforcement by all workers, this policy mandates that Portage County will refrain from retaliatory acts against individuals who file complaints or report a violation.

Policy

Portage County will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual(s) for:

- a. Exercising any right under, or for participating in any process established by HIPAA's privacy rules (Title II, Part 164 Subpart E), including the filing of a complaint with Portage County or the Secretary of Health and Human Services;
- b. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing under 45 C.F.R. Part 160; or
- c. Opposing any act or practice made unlawful by HIPAA's privacy rules (Title II, Part 164 Subpart E), provided the individual has a good faith belief that the practice opposed is unlawful, and the manner of the opposition is reasonable and does not involve an improper disclosure of PHI.
- d. Portage County will provide a method for workers to report suspected violations and breaches anonymously, in writing, to the Privacy Officer.

3.12.3.2(H) WAIVER OF RIGHTS

Purpose

This policy communicates that Portage County will not condition treatment on a waiver of a patient's rights to file a complaint with the Secretary of Health and Human Services for a privacy violation.

Policy

Portage County will not require patients to waive their rights to file a complaint with the Secretary of Health and Human Services for a privacy violation as a condition of the provision of treatment, payment, enrollment in a health plan, or eligibility for benefits.

3.12.3.2(I) SAFEGUARDS

Purpose

The intent of this policy is to communicate that organizational safeguards will be implemented to protect PHI from any intentional or unintentional use or disclosure that violates a patient's right to privacy, and from any threat to the integrity and availability of that information.

Policy

- a. Portage County will ensure that administrative procedures are in place to guard the integrity, confidentiality and availability of PHI. These procedures must be documented, and workers must be trained on their meaning and application. These procedures must also be periodically evaluated for efficiency, and revised when appropriate.
- b. Portage County will ensure that physical safeguards are in place to guard the integrity, confidentiality and availability of PHI. These safeguards relate to the protection of physical computer systems and devices from intrusion, from environmental hazards, and natural disasters.
- c. Portage County will ensure that technical security services and mechanisms are in place to guard the integrity, confidentiality and availability of PHI. Services include processes and tools to control and monitor information access. Security mechanisms will prevent unauthorized access to data that is resident on Data Processing, and that is transmitted over a communications network.

3.12.3.2(J) DOCUMENTATION

Purpose

The intent of this policy is to ensure that appropriate documentation is created and maintained to document the events associated with the enforcement of Portage County's privacy policy.

Policy

- a. Policies and procedures will be maintained in written and/or electronic form.
- b. If any of these policies require written communication, Portage County will maintain such written or electronic communication as documentation.
- c. If an action or activity is required by these policies to be documented, Portage County will maintain a written or electronic record of such action or activity.
- d. All documentation will be retained for six (6) years from the date of its creation or from the date when it was last in effect, whichever is later.

3.12.4 MEDICAL RECORDS POLICIES

3.12.4.1 ACCESS PRIVILEGES (PHYSICIANS, BUSINESS PARTNERS, VENDORS, EMPLOYEES, AND OTHER HEALTH FACILITIES)

Purpose

This section defines all Portage County Departments with medical records requirements for establishing appropriate access privileges for paper and electronic information based on a "need to

know”. These policies support the guiding principles related to minimum use and disclosure. These policies also address the responsibilities of workers in this regard.

3.12.4.1(A) DEFINITION OF APPROPRIATE ACCESS

Purpose

The intent of this policy is to define appropriate access levels to the medical record.

Policy

- a. Access to information in the possession of, or under the control of, Portage County must be provided on a need-to-know basis. Accordingly, Portage County will establish access controls that will restrict access to patient information to those employees who have a business or operational need.
- b. Business associates will be given access to PHI, and/or PHI will be disclosed to them only when there is a legitimate business need for the information.
- c. Staff members and business associates must not attempt to access PHI unless they have been granted appropriate access rights and have a clear business reason to do so.

3.12.4.1(B) ASSIGNMENT OF ACCESS PRIVILEGES

Purpose

Each Department must designate a Medical Records Custodian for each and every medical record (the Department may be centralized within the Department). In addition to the responsibilities of each custodian of the medical record, it is the responsibility of each Portage County employee who generates specific PHI to determine the access rights and security of the information. This policy requires that access privileges be determined by Portage County, and assigned based on the need to access information directly related to a worker’s duties and responsibilities.

Policy

- a. Each owner of a specific portion of information (e.g. Lab and Radiology results) must determine which staff members by position and/or responsibility should be given access to those components of the Medical Records, and will publish an access roster which will specify all access rights to PHI.
- b. The following table illustrates the access privileges of staff members to the different sections of the patient’s chart. Each facility must complete the following table, adding additional parts of the medical records as appropriate and completing the staff access.

Chart Content	Paper or Computer or Both	Staff Access
Patient Demographics		
Physician Orders		
Progress Notes		
Nursing		
Physicians		
Ancillary Staff		
Consultation Reports		
H & P’s		
Discharge Summaries		
Assessments		
Nursing		
Social		
Dietary		
Patient Care Plan		
Lab Results		
HIV Results		

Radiology Results EKG Results Vital Signs I & O Records Consent Forms Psych Notes		
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3.12.4.1(C) CONFIDENTIALITY STATEMENTS

Purpose

This policy establishes the practice of ensuring that Portage County’s workers are aware of Portage County’s privacy policies, and agrees in writing to comply with those policies.

Policy

Every worker must understand the policies and procedures about security and confidentiality of information, and must agree in writing to perform his or her work according to such policies and procedures. All workers must sign a “Confidentiality / Non-Disclosure” agreement. The provision of a signature must take place before work begins, or if a worker has been working without an agreement, a signature must be provided as a condition of continued employment and privileges.

3.12.4.1(D) REMOTE ACCESS

Purpose

The intent of this policy is to ensure that all remote access connections associated with the Medical Records Department are established within the guidelines of Portage County’s information technology security policies, and that workers requiring remote access comply with established privacy and security policies.

Policy

- a. All workers, including contractors and physicians, that perform work remotely will comply with the requirements of Policy 7.6.3, “Remote Access (Telecommuting, Dial-Up / Modems)”.
- b. No remote connections will be established without the authorization of the Information Technology Department.

3.12.4.1(E) EMPLOYEE ACCESS

Purpose

While some employees may have access to their own computerized medical records, all should be aware that they must follow established patient procedures for access.

Policy

Workers who are also patients are required to comply with the same policies, and follow the same procedures as all other patients related to accessing and amending their medical record. They may not use the privileges associated with their position to view their own medical records, nor the records of family or friends.

3.12.4.2 ACCESS TO RECORDS

Purpose

The policies in this section define the Medical Records Department’s responsibilities for responding to a patient’s request to access his/her medical record or other PHI.

3.12.4.2(A) REQUEST FOR ACCESS

Purpose

This policy identifies Portage County's responsibility to provide a patient with access to his/her medical record.

Policy

- a. Upon written request of the patient, Portage County will provide the patient with access to or a copy of his/her medical record, in whole or in part. Policy 3.12.2.2 (A), "Access to Records - Request for Access" provides additional detail.
- b. Portage County may deny the patient's request in whole or in part, if the patient requests access to information such as psychotherapy notes and information compiled for use in a civil, criminal, or administrative action. In addition, Portage County will not provide copies of information, where applicable law would prohibit Portage County from disclosing the information to the patient, or under circumstances that would jeopardize the safety of the patient or others. The specifics of the circumstances allowing for denial can be found in Policy 3.12.2.2(B), "Access to Records - Denial".
- c. If access is denied on the grounds that it would endanger or harm the patient or others, the patient has the right to have the denial reviewed by a licensed health care professional. Portage County will designate a licensed health care professional, who was not directly involved in the denial, to review the decision to deny access.
- d. If Portage County denies the request in part, the patient will be given, to the extent possible, a copy of any other information contained in the medical record.
- e. If the patient requests specific information not contained in the medical record, but Portage County knows where the requested information is maintained, the patient will be informed where to direct the request for access.

3.12.4.2(B) PROVISION OF ACCESS

Purpose

This policy identifies Portage County's requirements for processing a request for access to a patient's medical record or other PHI maintained in a designated record set. Also see Policy 3.12.2.2, "Access to Records" for requirements relating to providing an individual with access to their PHI.

Policy

- a. A patient must submit a request for access in writing.
- b. Portage County will provide a copy of the medical record, and/or any notification of denial within 30 days of the patient's request.
- c. If Portage County is unable to take an action within the time required, Portage County will notify the patient in writing of the reasons for the delay, and the date by which Portage County will complete its action. The delay can be no longer than an additional 30 days. Portage County may not delay action more than once.
- d. Portage County will provide the patient with access to the medical record information in the form or format requested by the patient, if possible, or in a readable hard copy form or such other form or format as agreed to by the patient. However, if the PHI that is the subject of the request is maintained in one or more designated record sets electronically and the patient requests an electronic copy of such information, Portage County will provide the patient with access to the PHI in the electronic form and format as agreed to by the parties.
- e. Portage County may provide the patient with a summary of the information requested, or may provide an explanation of the information to which access has been provided, if the patient agrees in advance. Portage County must disclose any fees that may be imposed.

f. Portage County will provide the access as requested by the patient in a timely manner, and will arrange for a convenient time and place to inspect or obtain a copy of the information. Portage County will mail the copy at the patient's request.

g. Portage County will document the designated record sets that are subject to access by patients, as well as the titles of the persons or offices responsible for receiving and processing requests for access by patients. All documentation including requests and denials, will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is later.

3.12.4.2(C) FEES FOR COPYING

Purpose

This policy establishes guidelines for imposing fees for copies of the medical record or any other record set containing PHI.

Policy

1. If the patient (or patient's personal representative) requests a copy of the medical record or a summary or explanation of information, Portage County may impose a reasonable, cost-based fee, provided that the fee includes only the cost of:

a. Copying, including the cost of supplies for and labor of copying, the information requested by the patient;

b. Postage, when the patient has requested the copy, or the summary or explanation, be mailed; and

c. Preparing an explanation or summary, if agreed to by the patient.

2. Notwithstanding the above, Portage County may charge no more than the total of all of the following for copies of medical records requested by a patient:

a. For paper copies: \$1 per page for the first 25 pages; 75 cents per page for pages 26 to 50; 50 cents per page for pages 51 to 100; and 30 cents per page for pages 101 and above.

b. For microfiche or microfilm copies, \$1.50 per page.

c. For a print of an X-ray, \$10 per image.

d. If the requestor is not the patient or a person authorized by the patient, for certification of copies, a single \$8 charge.

e. If the requestor is not the patient or a person authorized by the patient, a single retrieval fee of \$20 for all copies requested.

f. Actual shipping costs and any applicable taxes.

3. Notwithstanding the above, if a patient or person authorized by the patient requests copies of the patient's health care records for use in appealing a denial of social security disability insurance or supplemental security income, or if the Department of Health Services requests copies of a patient's health care records for use in determining eligibility for social security disability insurance or supplemental security income, Portage County may charge no more than the amount that the federal Social Security Administration reimburses the department for copies of patient health care records.

4. Notwithstanding the above, Portage County may not charge a patient or person authorized by the patient more than 25 percent of the fees listed in section 2, above, for providing one set of copies of a patient's health care records if the patient is eligible for medical assistance, as defined in Wis. Stat. § 49.43(8). Portage County may require that a person seeking discounted copies under this section provide proof that the patient is eligible for medical assistance. For a second or any additional set of copies, Portage County may charge a patient eligible for medical assistance in accordance with the guidelines provided elsewhere in this policy.

3.12.4.3 AMENDMENT OF RECORDS

Purpose

The policies in this section define the Medical Records Department's responsibilities for responding to a patient's request to amend his/her medical record or other PHI maintained in a designated record set.

Also see Policy 3.12.2.3, "Amendment of Records," for requirements relating to amendments to records.

3.12.4.3(A) REQUEST FOR AMENDMENT

Purpose

This policy identifies the responsibility with regard to a patient's right to amend his/her medical record or PHI maintained in a designated record set.

Policy

- a. Portage County will ensure a patient's right to amend his/her medical record, or any other PHI about the patient for as long as the PHI is maintained in any designated record set.
- b. Portage County may deny a patient's request for amendment, if it determines that the information or record that is the subject of the request:
 1. Was not created by Portage County, unless the patient provides a reasonable basis to believe that the originator of PHI is no longer available to act on the requested amendment;
 2. Is not part of any designated record set;
 3. Would not be available for inspection under Policy 3.12.2.2(A), "Access to Records"; or
 4. Is accurate and complete.
- c. Portage County will provide the patient with a written denial within 60 days of the date the request is received. A description of the content requirements of this denial is located in Policy 3.12.2.3(B), "Amendment of Records - Denial". If Portage County is unable to provide a written denial within the time required, the response time may be extended by no more than 30 days, provided that department provides the patient with a written statement of the reasons for the delay and the date by which any action be will be completed. This statement must be delivered to the patient within 60 days of receipt of a request. Only one such extension is permitted.
- d. If the patient submits a written statement disagreeing with the denial of all or part of a requested amendment, Portage County may prepare a written rebuttal to the patient's statement of disagreement. Portage County will provide a copy to the patient.
- e. Portage County will append or link the patient's request for an amendment, any denial of the request, any patient's statement of disagreement, and any rebuttal, to the designated record set (document or transaction).
- f. If a statement of disagreement has been submitted by the patient, Portage County will include the material appended or an accurate summary of any such information, with any subsequent disclosure of the information to which the disagreement relates.
- g. If the patient has not submitted a written statement of disagreement, Portage County will, upon request of the patient, include the request for amendment and its denial, or an accurate summary of such information, with any subsequent disclosure of the record or information. When a subsequent disclosure is made using a standard transaction (as defined by the HIPAA Transaction Rules) that does not permit the additional material to be included with the disclosure, Portage County may separately transmit the request for amendment and its denial, or summary of such information, to the recipient of the standard transaction.

3.12.4.3(B) AMENDING THE RECORD

Purpose

This policy identifies the Medical Records Department's responsibilities for processing a request for amending a patient's medical record.

Policy

- a. Portage County will act on the patient's request for an amendment no later than 60 days after receipt of such a request. If for any reason Portage County is unable to take an action on the patient's request

within the time required, the response time may be extended no more than 30 days. A written statement of the reasons for the delay and the date by which action on the request will be completed, must be provided by Portage County within 60 days of receipt of a request. There may be only one such extension per request.

b. Portage County will make the appropriate amendment by identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment. Portage County will inform the patient that the amendment has been accepted, and with the patient's agreement, notify the relevant persons with which the amendment needs to be shared.

c. If informed by another health care provider or another agency of an amendment to a patient's information or record, Portage County will amend the PHI in designated record sets.

d. Portage County will document the titles of the individual(s) or office(s) responsible for receiving and processing requests for amendment by patients. All documentation including requests and denials, will be retained for six (6) years from the date of document creation or the date it last was in effect, whichever is later.

3.12.4.4 DISCLOSURE AUDITS AND LOGS

Purpose

The policies in this section define the Medical Records Department's responsibilities related to tracking and reporting disclosures of PHI. Also see Policy 3.12.2.4, "Accounting of Disclosures."

3.12.4.4(A) ACCOUNTING OF DISCLOSURES

Purpose

This policy serves to establish that the Medical Records Department is responsible for ensuring that proper mechanisms and procedures are in place to track disclosures of patient information as defined in Policy 3.12.2.4, "Accounting of Disclosures".

Policy

a. A patient has a right to receive an accounting of disclosures of PHI as described in Policy 3.12.2.4, "Accounting of Disclosures." Portage County is responsible for coordinating with the Information Technology Department and the Privacy Officer to ensure that proper mechanisms and procedures are in place to adequately track these disclosures.

b. Upon a patient request for an accounting of disclosures, Portage County will work with the Privacy Officer to provide an appropriate accounting as defined in Policy 3.12.2.4, "Accounting of Disclosures".

3.12.4.4(B) DISCLOSURE AUDITS

Purpose

The purpose of this policy is to ensure that Portage County institutes on-going auditing practices that will assist in determining compliance with Portage County's privacy policies, and mitigate the risk of an improper disclosure of PHI.

Policy

a. The Medical Records Department will establish and maintain processes for periodically auditing internal procedures and practices related to the disclosure of patient information. Audits must be performed at least quarterly; however, where feasible, certain processes may be examined more frequently as improprieties in these areas may pose a greater risk to Portage County. At a minimum, audits will be performed in the following areas:

1. Request for Information
2. Coding
3. Request for Patient Access, Copies and Amendment

4. Accounting for Disclosures
 5. Transcription
 6. Modem audits
 7. Sign-in location audits
 8. Copy/ Fax Logs
- b. Audit criteria will be developed by staff and approved by the Privacy Officer.
- c. Portage County will prepare a report of the findings of the audits, and will make these reports available for each Department.

3.12.4.4(C) DISCLOSURE LOGS

Purpose

This policy requires that Portage County maintain a detailed log of disclosures of PHI related to faxing and copying of PHI.

Policy

- a. When a hardcopy of a medical record or any PHI is copied or faxed, the action must be entered into a log. At a minimum the log must include the patient's name, date of the copy or fax, a description of the information copied or faxed, number of copies or faxes made, and a reason for the copy or fax including the destination and/or recipient of the information or record.
- b. Only those departments and individuals specifically authorized by the Medical Records Department to fax or copy PHI may do so.
- c. Authorized departments will work with the Medical Records Department to establish specific procedures related to copying and faxing PHI.

3.12.4.5 RELEASE OF INFORMATION

Purpose

The policies in this section define the Medical Records Department's responsibilities for responding to requests for the release of information related to a patient's medical record or other PHI.

3.12.4.5(A) GENERAL REQUIREMENTS FOR DISCLOSURE OR RELEASE OF INFORMATION

Purpose

The intention of this policy is to define the process requirements for disclosing PHI. The process of disclosure will vary based on the content of the information and the circumstances surrounding the disclosure.

Policy

- a. In general, Portage County will disclose a patient's PHI only after receiving authorization.
- b. Portage County may use or disclose PHI without prior written authorization only under the circumstances listed in Policy 3.12.1.3(F), "Uses and Disclosures Not Requiring Authorization or Opportunity for Objection."
- c. Portage County will not disclose an entire medical record, except when the entire medical record is specifically justified as the amount that is reasonably necessary to accomplish the purpose of the use, disclosure, or request. All uses and disclosures must comply with Policy 3.12.1.1(C), "Minimum Necessary/Need to Know."
- d. Portage County will release information that was received or created outside the process of providing treatment, payment or health care operations, with direct authorization from the patient. When releasing information based on a patient authorization, Portage County will only disclose information consistent with terms of the authorization.

- e. If the disclosure is for the purpose of carrying out payment or health care operations about the individual and the PHI pertains solely to a health care item or service for which the individual has paid in full. See Policy 3.12.2.1(A), "Restriction of Use or Disclosure."
- f. School Immunization Information. Such information may be disclosed to a school if needed for enrollment and upon the consent of the student's parent or guardian.

3.12.4.5(B) PATIENT'S PERSONAL REPRESENTATIVE

Purpose

This policy defines who may be considered a patient's personal representative authorized to receive a patient's medical information.

Policy

The guidelines for determining who may be considered a patient's personal representative can be found in Policy 3.12.1.1(B), "Personal Representatives, Patient/Client and Medical Records Defined."

3.12.4.5(C) FAMILY AND FRIENDS

Purpose

This policy outlines Portage County's responsibilities for releasing information to individuals involved in a patient's care.

Policy

Portage County will release information to individuals involved in a patient's care accordance with Policy 3.12.1.3(D), "Involvement in Care (Next of Kin) and Notification Purposes."

3.12.4.5(D) RELEASE OF INFORMATION NOT REQUIRING AUTHORIZATION OR OPPORTUNITY FOR OBJECTION

Purpose

This policy outlines the Medical Records Department's responsibility related to the release of information that does not require a patient's authorization and that does not provide the patient with an opportunity to object to a use or disclosure.

Policy

Portage County may release PHI without the authorization of the patient, or the opportunity to agree or object, as provided in Policy 3.12.1.3(F), "Uses and Disclosures Not Requiring Authorization or Opportunity for Objection."

3.12.4.5(E) SPECIAL HANDLING OF RESTRICTED CONFIDENTIAL INFORMATION

Purpose

The purpose of this policy is to establish guidelines for disclosing the most sensitive of protected health information. The use and disclosure of this information is typically highly regulated by state and federal regulations. Accordingly, this information may not be handled or released in the same manner as other PHI.

Policy

Disclosure of Psychotherapy Notes

- a. In general, Portage County will obtain a patient authorization for the release of psychotherapy notes. However, Portage County may rely upon the patient's consent for use or disclosure for the following:
1. Use by the individual originator of the psychotherapy notes to provide treatment; or

2. For use in Portage County's supervised training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills; or
 3. For defending Portage County in a legal action or other proceeding brought by the individual.
- b. Portage County will not obtain a patient's authorization to disclose psychotherapy notes when (i) when required by the Secretary of the Department of Health and Human Services to investigate or determine compliance with the HIPAA Rules; (ii) when required by law; (iii) when required as part of health oversight activities with respect to the oversight of the originator of the psychotherapy notes; (iv) for the purpose of identifying a deceased person; (v) or as necessary to prevent or lessen a serious or imminent threat to the health or safety of a person or the public.

Copying and Faxing

The following types of medical information are typically protected by federal and/or state statute and may NOT be photocopied or faxed without specific patient authorization or when required by law:

- a. Psychotherapy notes (from records of treatment by a psychiatrist, licensed psychologist or psychiatric clinical nurse specialist)
- b. Other professional services of a licensed psychologist
- c. Social Work Counseling /Therapy
- d. Domestic Violence Victims' Counseling
- e. Sexual Assault Counseling
- f. Records Pertaining to Sexuality-Transmitted Diseases
- g. HIV Test Results (patient authorization required for EACH release request.)
- h. Alcohol and Drug Abuse Records Protected by Federal Confidentiality Rules (42 CFR Part 2)

3.12.4.6 HANDLING OF MEDICAL RECORDS

Purpose

This section addresses various aspects of handling medical records and other PHI. It addresses the Medical Records Department responsibilities for ensuring that medical records are maintained, transported, stored and disposed of in a secure fashion.

3.12.4.6(A) CHART POSTING

Purpose

This policy provides guidelines on handling components of the medical record so as to reduce the risk of unauthorized disclosure or loss.

Policy

- a. Loose documents (PHI) must be inserted directly into the medical record or kept in a secure locked area within the originating department and posted when the record is available.
- b. If a patient has been discharged and records have been sent to the medical records department, loose filing should be sent via "CONFIDENTIAL" envelopes only.
- c. Records sent from a department to other departments (e.g. Outpatient Clinics) will be logged out of Portage County and sent via sealed envelope in specially marked "CONFIDENTIAL" envelopes.
- d. Once received in Portage County, records should be maintained in locked cabinets, accessible to authorized persons only, until such time as required for patient care.
- e. When patient care has been completed, records are returned to the Medical Records Department by the following day. Records are returned using the same "CONFIDENTIAL" envelopes and courier process used to deliver the records. All records will be logged back into the Medical Records Department or accounted for by the custodian.

3.12.4.6(B) MAILING

Purpose

When PHI is sent via US mail, special precautions must be taken in case the information is lost or delivered to the wrong address or addressee.

Policy

As a general practice if routine reports are mailed, via US mail, all records will be sealed in an envelope marked "CONFIDENTIAL".

3.12.4.6(C) TRANSCRIPTION

Purpose

This policy provides specific guidelines in dealing with medical records transcription information.

Policy

- a. All transcriptions are considered PHI and should be treated as such.
- b. All contracted transcription service providers are considered Business Associates, and will have agreements on file enforcing adherence to Portage County's privacy policies. All employees of the service must also have read and agreed to all privacy and security policies and procedures and must have signed confidentiality agreements on file.
- c. Methods used for electronically transmitting transcription information to remote transcriptionists must comply with methods approved by the Information Technology Security Office, and all designated procedures must be followed. Policies 3.12.6.3(C), "Faxing of Medical Records", and 3.12.6.3(D), "Email of Medical Records" define the appropriate policies associated with fax and email transmissions.

3.12.4.6(D) PHYSICAL ACCESS TO MEDICAL RECORDS

Purpose

This policy provides guidelines in securing the physical environment to control access to the paper chart and to information displayed from the electronic chart on a computer monitor.

Policy

- a. The records of all patients will be compiled in paper-based and/or computerized patient charts. In order to make patient information freely available to staff, and prevent access by unauthorized users, patient charts will be stored in, and not be allowed to circulate outside, restricted areas namely the patient care areas, Medical Records Department, Clinics or associated storage facilities.
- b. Each department manager is responsible to define and maintain appropriate access to the restricted areas within their department.
- c. Paper charts should be closed when not in use, and should not be left unattended in public areas. Computer screens should be positioned out of public view, and electronic records should be closed or screened when not being accessed. Department managers must comply with the requirements of Policy 3.12.7.2(D), "Local Access Controls".

3.12.4.6(E) RETENTION, DISPOSAL AND STORAGE

Purpose

This policy provides guidelines in securing the safety and privacy of paper charts.

Policy

- a. The Medical Records Department working with the Corporation Counsel must establish a formal retention and disposal schedule for medical record information.
- b. Disposal of paper or microfiche records must be conducted with approved methods. Refer to the technical security policies for approved disposal methods.

- c. Portage County will also establish a schedule for transporting medical records to long-term storage as is appropriate.
- d. Short term and long term storage facilities must meet appropriate environmental standards to minimize the risk of damage to the records from water, fire, theft, natural disasters, serious man-made accidents and other potential threats.

3.12.4.7 CODING AND ELECTRONIC SIGNATURE

Purpose

The policies in this section define the Medical Records Department’s responsibilities for using federally mandated standard code sets, and establishes that consistent standards must be maintained for the effective use of electronic signature.

3.12.4.7(A) CODING PRACTICES

Purpose

The intent of this policy is to apply consistent and appropriate practices to the coding of all medical records.

Policy

Patient records will be coded according to approved coding procedures using the AHA Coding Clinic: Official Guidelines for Coding and Reporting. Portage County will use the following coding standards:

Medical Data Types	Medical Data Subset	Code Set
Disease and causes of injury		ICD 9- CM Vol 1 & 2
Procedures	Physician Services	CPT
	Dental Services	CDT-2
	Inpatient Services	ICD - 9 Vol 3
Other health-related services		Modified HCPCS
Drugs		NDC
Other substances and equipment		Modified HCPCS

3.12.4.7(B) ELECTRONIC SIGNATURE

Purpose

The intent of this policy is to ensure that if Portage County employs electronic signature, that it is implemented consistent with appropriate legal and technical standards.

Policy

Prior to implementing electronic signature functions for any electronic medical record, the Medical Records Department and/or any user department must receive authorization from the Privacy Officer, Legal Department and DATA PROCESSING Security Department to establish that all appropriate legal and technical standards are in place in order to ensure the proper authentication and non-repudiation of the attached electronic signature.

3.12.5 PERSONNEL POLICIES

3.12.5.1 ADMINISTRATIVE

Purpose

The policies in this section provide administrative guidelines for maintaining confidentiality agreements with all workers including employees, volunteers, contractors and other temporary workers. It addresses various other human resource issues related to privacy.

3.12.5.1(A) CONFIDENTIALTY/NON DISCLOSURE STATEMENTS

Purpose

The intent of this policy is to ensure that all employees understand Portage County's privacy policies, and to prevent inappropriate uses or disclosures of PHI or other confidential information.

Policy

- a. Every employee, including practicing physicians, must understand Portage County's policies and procedures about security and confidentiality of information, and must agree in writing to perform his or her work according to such policies and procedures. All employees must sign a "Confidentiality / Non-Disclosure" agreement. The provision of a signature must take place before work begins, or if a worker has been working without an agreement, a signature must be provided as a condition of continued employment and privileges.
- b. A signed agreement will be kept on file in the Human Resources Department, and the employee will be given a copy upon request.
- c. The agreement will include a statement that computer passwords are confidential and may not be revealed to anyone.
- d. The agreement will state that all patient information is confidential and the property of Portage County.
- e. The agreement will state that the employee understands and agrees to access only those elements of information needed to complete his/her job responsibilities.
- f. Disciplinary consequences are defined within the body of the agreement.
- g. The agreement will state that a breach of the signed agreement may result in discipline, up to and including termination.
- h. The agreement will also discuss the employee's responsibilities with regard to the intellectual property rights of information created or collected by the employee while employed by Portage County.
- i. The agreement will present expected training requirements associated with the understanding of and adherence to Portage County's privacy policies.

3.12.5.1(B) CONTRACTOR AGREEMENTS

Purpose

The intent of this policy is to ensure that all contractors understand Portage County's privacy policies, and to prevent inappropriate uses or disclosures of PHI or other confidential information.

Policy

- a. Every contractor (temporaries, consultants, registry nurses, outsourcing agencies, etc.) employed by Portage County must also understand Portage County's policies and procedures regarding security and confidentiality of information.
- b. Contractors that regularly work on-site for an extended period of time, may be asked to sign a "Confidentiality / Non-Disclosure" agreement. If so, a signed agreement is a condition of continued employment and privileges.
- c. Contract employees are also subject to the requirements of their firms Business Associate agreement. All contractors must enter into a Business Associate Contract with Portage County as a condition of business.
- d. Specific requirements for the Business Associate agreement is located in Policy 3.12.1.2(B), "Business Associate".

3.12.5.1(C) STAFFING CONTINGENCY FOR CRITICAL TECHNOLOGY POSITIONS

Purpose

This policy attempts to provide redundancy in technology support staff, such that backup expertise for critical technologies is in place to mitigate the impact of system down times or other interruptions. This policy also enhances Portage County's ability to detect security breaches or violations of Portage County's privacy policies.

Policy

Expertise in important computer or communications-related areas must be possessed by at least two available workers.

3.12.5.1(D) BACKGROUND CHECKS

Purpose

This policy attempts to ensure all employees who have access to patient records can be trusted with confidential information.

Policy

All the workers placed in positions working with or having access to PHI must first pass a background check. This process shall include a standard criminal background check. This policy applies to new employees, re-hired employees, transferred employees, as well as third parties such as temporaries, contractors, and consultants who will have access to PHI. Such standard background check shall be a condition of employment or contract with Portage County.

3.12.5.1(E) INTELLECTUAL PROPERTY RIGHTS

Purpose

Internal organizational information is considered intellectual property of Portage County and must not be removed when a worker departs.

Policy

- a. While an employee or contractor of Portage County, all workers grant to Portage County exclusive rights to patents, copyrights, inventions, or other intellectual property that they originate and/or develop.
- b. Upon termination of employment (or contractual agreement), workers may not retain, give away or remove from the premises any of Portage County's information other than personal copies of information disseminated to the public and personal copies of correspondence directly related to the terms and conditions of their employment. All other organizational information in the custody of the departing worker must be provided, in readable form, to the worker's immediate supervisor at the time of departure.

3.12.5.1(F) EMPLOYEE PRIVACY RIGHTS

Purpose

This policy provides guidelines for employees who are also patients of Portage County.

Policy

Employees who are patients of Portage County must follow standard procedures to obtain or view their own medical records. They also have the same right to privacy as all other patients at Portage County.

3.12.5.2 TRAINING

Purpose

This section defines Portage County's approach for providing education and awareness programs related to privacy and security to its workforce.

3.12.5.2(A) NEW EMPLOYEE ORIENTATION

Purpose

The policy intends to ensure that all new employees and physicians are made aware of the privacy and security policies.

Policy

- a. All staff members whose job responsibility will give them access to protected health information, including students, volunteers, registry and contract employees will receive detailed training about the policies, procedures and methods of safeguarding the security and confidentiality of patient records as part of their initial orientation.
- b. Physicians will also receive detailed training on the policies, procedures and methods of safeguarding the security and confidentiality of patient records upon receiving initial privileges to admit patients to Portage County.
- c. All physicians and staff will receive special training in the operation and methods for ensuring security of computerized patient records, as part of computer system training, to include the following: (i) awareness of privacy issues and related laws; (ii) awareness of data and physical security threats, and related practices; (iii) password management requirements; (iv) Portage County's use and disclosure monitoring practices, and (v) disciplinary actions related to the violation of standards, policies and procedures.

3.12.5.2(B) CONTINUING EDUCATION/IN-SERVICE

Purpose

This policy attempts to ensure that on-going educational processes are in place to address changes made to the privacy and security policies and procedures.

Policy

Workers and physicians will receive updates, changes to the policies, procedures, and methods of safeguarding the security and confidentiality of paper-based and computerized patient records as changes occur. Communication methods for these changes or new policies will be based on the magnitude of the changes. Annual in-service training will be provided.

3.12.5.2(C) ANNUAL REVIEWS

Purpose

The intent of this policy is to ensure that management establish and promote a climate for maintaining the confidentiality of patient information, and to reinforce that all workers including physicians are required to know and obey privacy policies as part of their job performance.

Policy

- a. Specific privacy and security responsibilities must be incorporated into job descriptions for all workers.
- b. Annual reviews will incorporate performance measurements based on understanding and compliance with privacy and security policies and procedures.
- c. A thorough review of the policies, procedures and methods of safeguarding the security and confidentiality of paper-based and computerized patient records will occur at least one time per year as

part of each workers annual performance evaluation. Workers will be required to reaffirm their commitment to the principles of patient confidentiality as part of completing their annual evaluation.

3.12.5.2(D) DOCUMENTATION

Purpose

The purpose of this policy is to document that workers (employees, contractors and physicians) have received proper training related to patient privacy and information security.

Policy

- a. Documentation of training will be done both on a county-wide and individual basis. A statement of training will be signed by the individual staff member and the educator to document that training has occurred.
- b. During initial training all workers and physicians will receive a manual outlining all policies, procedures and methods of safeguarding the security and confidentiality of patient records. Copies of the manual will be made available in all departments. This manual will be updated as necessary with no fewer than one complete review per year.

3.12.5.3 DISCIPLINE

Purpose

This section addresses the specific corrective actions associated with Portage County's approach to enforcing its privacy and security policies.

3.12.5.3(A) CORRECTIVE ACTION/SANCTIONS

Purpose

This policy demonstrates that Portage County will hold all employees accountable for maintaining the privacy of its patients, and the security and confidentiality of patient information, and provides guidelines for addressing intentional and unintentional violations of Portage County's privacy policy.

Policy

- a. Assuming the action is inadvertent or accidental, first violations of information security policies or procedures may result in a warning. Second and subsequent violations involving use of PHI will be subject to the progressive discipline procedure, with discipline up to and possibly including termination.
- b. Contractors and other workers who are not employees of Portage County will receive only one (1) warning for an accidental or inadvertent violation of Portage County's privacy policy. An additional violation will result in a request for removal being sent to the contractor's employer. If the contractor's employer fails to act upon the request, Portage County may terminate the contract with the employer.
- c. Physicians who inadvertently or accidentally violate a policy or procedure will receive a warning for the first violation. Second violations involving the same matter will result in a loss of privileges with a letter being sent to the compliance committee.
- d. Willful or intentional violations, regardless of the number of violations, may result in disciplinary action up to and including immediate dismissal. If the violation is perpetrated by a physician, the physician's privileges may be revoked.

3.12.5.3(B) TERMINATION PROCESS

Purpose

Workers with access to Portage County's Information Technology can do considerable damage. This policy attempts to mitigate this damage by providing guidelines for handling terminations of workers in an expedient manner.

Policy

- a. In all cases where workers are involuntarily terminated, they must be immediately relieved of all of their duties, required to return all Portage County's equipment and information, and escorted while they pack their belongings, and as they leave the premises.
- b. Managers must terminate workers who have demonstrated that they are a threat to the security of Portage County and/or the safety of its workers.
- c. For intentional and willful violations of this policy, employees who have stolen organization property, acted with undue insubordination, or been convicted of a felony, may be terminated immediately. Such terminations must involve both escort of the individual off Portage County premises, as well as assistance in collecting and removing the individual's personal effects.
- d. In the event that an employee, physician, student, volunteer, consultant, or contractor terminates his or her relationship with Portage County, the employee's immediate manager is responsible for: (1) ensuring all property in the custody of the worker is returned before the worker leaves Portage County, (2) notifying all administrators handling the computer and communications accounts used by the worker as soon as the termination is known, and (3) terminating all other work-related privileges of the worker at the time that the termination takes place.

3.12.5.3(C) DOCUMENTATION

Purpose

The intent of this policy is to ensure that appropriate documentation is created and maintained to document the events associated with a worker's corrective action or termination as a result of a violation of Portage County's privacy policy.

Policy

- a. Confidentiality and Non-Disclosure Statements will be kept with the worker's personnel file, or other similar file for contractors and physicians.
- b. Policies and procedures will be maintained in written and/or electronic form.
- c. If any of these policies require written communication, Portage County will maintain such written or electronic communication as documentation.
- d. If an action or activity is required by these policies to be documented, Portage County will maintain a written or electronic record of such action or activity.
- e. All documentation will be retained for six (6) years from the date of its creation or from the date when it was last in effect, whichever is later.

3.12.6 DEPARTMENT POLICIES, DUTIES AND RESPONSIBILITIES

3.12.6.1 TRAINING AND AWARENESS

Purpose

The policies in this section define a department's responsibility for educating departmental workers, and maintaining awareness of privacy and security related issues. Department is defined to include all Portage County Departments which are health care providers or utilize private health care information, to include: Health and Human Services, Public Health, Community and Family Care, Adult Services,

County Health Care Center, Worker's Compensation, Human Resources Department and the County Jail.

3.12.6.1(A) ANNUAL REVIEWS

Purpose

This policy will ensure that a patient's right to privacy is reinforced by Portage County's Human Resources Department policies, and will provide an on-going means for educating staff of the importance of maintaining that privacy.

Policy

- a. Department managers will address worker performance related to their privacy and security responsibilities. Workers will be evaluated on performance measurements based on an understanding of compliance with privacy and security policies and procedures.
- b. Managers will conduct a thorough review of the policies, procedures and methods of safeguarding the security and confidentiality of paper-based and computerized patient records as part of each worker's annual performance evaluation. Workers will be required to reaffirm their commitment to the principles of patient confidentiality as part of completing their annual evaluation.

3.12.6.1(B) IN-SERVICE AND STAFF MEETINGS

Purpose

In addition to including privacy awareness in the annual review process, this policy provides for on-going communications regarding privacy and security issues, and policy updates.

Policy

Department managers will regularly discuss changes to the policies, procedures, and methods of safeguarding the security and confidentiality of paper-based and computerized patient records as changes occur. Annual in-service training and refresher training will be provided to all affected employees.

3.12.6.1(C) NEW EMPLOYEE ORIENTATION

Purpose

This policy intends to ensure that all new workers and physicians are made aware of the privacy and security policies.

Policy

- a. All new departmental workers, including volunteers, students, physicians and contract employees, whose job responsibility will give them access to PHI will attend a new employee orientation in order to receive appropriate education on the policies, procedures and methods of safeguarding the security and confidentiality of patient records.
- b. Department managers will provide all new departmental workers a copy of Portage County's privacy policies, and discuss any department specific issues related to privacy and security with the worker.
- c. If the New Employee Orientation schedule does not allow a worker to attend the orientation prior to the worker's start date, Portage County manager will provide all new departmental workers with an overview of the worker's responsibilities related to patient privacy and data security. They will discuss department specific privacy and security issues, and will provide them with a copy of Portage County's privacy policies.

3.12.6.1(D) DOCUMENTATION

Policy

Portage County will maintain documentation of all training for six (6) years from the date of training.

3.12.6.2 PATIENT INTERACTION

Purpose

The policies in this section define a department's responsibilities for handling patient communications related to privacy and security. The policies provide direction to department workers for responding to patient requests for accessing and amending his/her medical record, as well as other requests related to a patient's right to privacy.

3.12.6.2(A) COMMUNICATION OF RIGHTS

Purpose

This policy will ensure that workers recognize the patient's right to privacy, and that patients receive communication regarding these rights.

Policy

- a. The patient's right to privacy, and Portage County's privacy practices will be communicated at the time of admission. Appropriate Privacy Practice acknowledgements and authorization forms will also be collected with the appropriate signatures at that time.
- b. Each department will clearly post Portage County's Notice of Privacy Practices.
- c. All workers who interact with the patient and handle PHI will be knowledgeable of Portage County's privacy policies so as to be capable of communicating these policies and the patient's rights to the patient.

3.12.6.2(B) COMPLAINTS

Purpose

This policy identifies the worker's responsibility relative to a patient complaint about a violation of privacy.

Policy

Any patient complaint regarding violations of the patient's right to privacy, will be taken seriously, and acted upon immediately. Complaints will be reported to the immediate supervisor. Portage County manager will report the violation to the Privacy Officer who will initiate the documentation and investigation process. See Policy 3.12.6.4(B), "Reporting Structure—Privacy Official."

3.12.6.2(C) RESTRICTIONS

Purpose

This policy identifies the worker's responsibility relative to a patient request to place a restriction on the use or disclosure of PHI.

Policy

- a. Portage County will provide patients the opportunity to request a restriction on the use or disclosure of his/her PHI when they are admitted, but does not guarantee that it will agree to restrict the use or disclosure as requested, except as otherwise provided in Policy 3.12.2.1(A), "Restriction of Use or Disclosure." A restriction must be requested in writing.
- b. A patient may request to restrict access to an element of his/her medical record. When feasible, Portage County will attempt to honor a patient's request. The patient must request the restriction in writing. Any request will be reported to the immediate supervisor who will forward the request to the

Privacy Officer. Working with the appropriate department managers, the Privacy Officer will take steps to provide or deny the restriction.

3.12.6.2(D) REVOCAION OF AUTHORIZATION

Purpose

This policy identifies the worker's responsibility relative to a patient request to revoke the patient's authorization on the use or disclosure of PHI.

Policy

A patient may revoke an authorization for disclosure of his/her medical record. The patient must revoke the authorization in writing. Any revocation will be reported to Portage County manager who will forward the revocation to the Director of the Medical Records Department or custodian of the record. The Director of the Medical Records Department or records custodian will take appropriate steps with regard to the revocation. See Policy 3.12.1.3(B), "Authorization Requirements."

3.12.6.2(E) ACCOUNTING OF DISCLOSURES

Purpose

This policy identifies the worker's responsibility relative to a patient request for an accounting of Portage County's uses or disclosures of his/her medical record or PHI.

Policy

A patient may request an accounting of disclosures of his/her medical record or PHI. The patient must request the accounting in writing. Any request will be reported to the immediate supervisor who will forward the request to the Privacy Officer. Working with the appropriate department managers, the Privacy Officer will take appropriate steps with regard to the request. See Policy 3.12.2.4, "Accounting of Disclosures."

3.12.6.2(F) ACCESS TO MEDICAL RECORDS

Purpose

This policy identifies the worker's responsibility relative to a patient request to access his/her medical record.

Policy

A patient may request to access his/her medical record or PHI. The patient must request access in writing. Any request will be reported to Portage County manager who will forward the request to the Director of the Medical Records Department or custodian of the record. The Director of the Medical Records Department or custodian will take appropriate steps with regard to the request. See Policy 3.12.2.2, "Access to Records."

3.12.6.2(G) DISAGREEMENT WITH MEDICAL RECORDS/AMENDMENTS

Purpose

This policy identifies the worker's responsibility relative to a patient request to amend his/her medical record.

Policy

A patient may request to change the contents of his/her medical record, but must do so in writing. Any request will be reported to Portage County manager who will forward the request to the Director of the Medical Records Department or custodian of the record. The Director of the Medical Records

Department or record custodian will take appropriate steps with regard to the request, including contacting the physician responsible for the care of the patient. See Policy 3.12.2.3, "Amendment of Records."

3.12.6.3 RELEASE OF INFORMATION

Purpose

The policies in this section define a department's responsibilities associated with releasing information related to patient care. The policies address various aspects of handling PHI including guidelines for faxing, copying and emailing confidential patient information. It also addresses the use or disclosure of PHI in public areas.

3.12.6.3(A) GENERAL GUIDELINES

Purpose

This policy will establish guidelines for Portage County in managing the appropriate release of protected health information (PHI). The policy requires that information only be released to appropriate recipients, under authorized circumstances. Specific departmental procedures will support this policy.

Policy

- a. The Medical Records Department or individual records custodian shall be the custodian of the medical record and associated protected health information. All patient requests for access or amendment to the medical record must be submitted to the Medical Records Department in writing. Any requests for information from external sources must be processed through the Medical Records Department as well.
- b. Portage County will only use or disclose information that is relevant to the patient's care, and will only disclose this information as part of the care process. If authorized to do so, Portage County may make appropriate copies and faxes of PHI, but must follow detailed procedures to minimize the risk of unauthorized disclosure.
- c. Portage County may disclose to a family member, other relative, or a close personal friend of the patient, in accordance with Policy 3.12.1.3(D), "Involvement in Care (Next of Kin) and Notification Purposes."
- d. Portage County may disclose PHI to the patient or authorized personal representative in accordance with Policy 3.12.1.3(F), "Uses and Disclosures Not Requiring Authorization or Opportunity for Rejection."
- e. All department workers should be sensitive to the patient's right to privacy, and should only discuss issues related to the patient's care or health in the most confidential manner. In other words, staff must be aware of the presence of patients, visitors and other individuals when discussing confidential matters in person or on the telephone, and take steps to mitigate the possibility of being overheard.
- f. Patients and their visitors should not be allowed to enter areas within Portage County, where they might gain access to sensitive information, without the presence of appropriate staff. As a practice, staff should make every effort to conceal or screen paper charts, medical records, faxes and other documentation containing PHI. Electronic records should be closed or screened when not needed for access.
- g. If at any time, the patient requests that any or all of his/her information included in the facilities directory be restricted, Portage County will contact the Admitting Department to ensure that the patient's information is removed from the directory.

3.12.6.3(B) REPRODUCTION (COPYING) OF MEDICAL RECORDS

Purpose

The purpose of this policy is to define whether Portage County has been authorized to make copies of medical records or other protected health information. Additionally, the policy defines guidelines for making copies, so as to protect PHI from unauthorized use or disclosure.

Policy

- a. Portage County may make copies of a patient's protected health information if it is authorized by the Medical Records Department.
- b. When copies are made, Portage County must follow the established guidelines.
- c. The following types of medical information are typically protected by federal and/or state statute and may NOT be photocopied or faxed without specific patient authorization or where required by law:
 1. Psychotherapy notes (from records of treatment by a psychiatrist, licensed psychologist or psychiatric clinical nurse specialist)
 2. Other professional services of a licensed psychologist
 3. Social Work Counseling /Therapy
 4. Domestic Violence Victims' Counseling
 5. Sexual Assault Counseling
 6. Records Pertaining to Sexuality-Transmitted Diseases
 7. HIV Test Results (patient authorization required for EACH release request.)
 8. Alcohol and Drug Abuse Records Protected by Federal Confidentiality Rules (42 CFR Part 2)

3.12.6.3(C) FAXING OF MEDICAL RECORDS

Purpose

The purpose of this policy is to define whether Portage County has been authorized to make fax copies of medical records or other protected health information. Additionally, the policy defines guidelines for faxing information, so as to protect PHI from unauthorized use or disclosure.

Policy

- a. Portage County may fax a patient's protected health information if they are authorized by the Medical Records Department, and faxing the information is required to provide care to the patient.
- b. When copies are made, Portage County must follow the established guidelines.
- c. The following types of medical information are typically protected by federal and/or state statute and may NOT be photocopied or faxed without specific patient authorization or where required by law:
 - (i) Psychotherapy notes (from records of treatment by a psychiatrist, licensed psychologist or psychiatric clinical nurse specialist)
 - (ii) Other professional services of a licensed psychologist
 - (iii) Social Work Counseling /Therapy
 - (iv) Domestic Violence Victims' Counseling
 - (v) Sexual Assault Counseling
 - (vi) Records Pertaining to Sexuality-Transmitted Diseases
 - (vii) HIV Test Results (patient authorization required for EACH release request.)
 - (viii) Alcohol and Drug Abuse Records Protected by Federal Confidentiality Rules (42 CFR Part 2)

3.12.6.3(D) EMAIL OF MEDICAL RECORDS

Purpose

The purpose of this policy is to ensure protections for the email transmission of PHI. Workers who use electronic mail must strictly adhere to the requirements of the broader email policy of Portage County.

Policy

Department workers will limit patient information in electronic mail messages to only those who have a need to know in accordance with the minimum necessary policy. Violations will be reported to the Privacy Officer and Information Technology.

3.12.6.3(E) HANDLING CONFIDENTIAL INFORMATION IN MEETINGS

Purpose

This policy attempts to establish some guidelines for using PHI during meetings or a similar setting in such a way as to not inappropriately disclose the information to unauthorized individuals.

Policy

- a. Meetings where PHI is discussed should only be attended by individuals who have been specifically invited, or by individuals with a specific business purpose for attending. These meetings should be conducted in a secure area, such that PHI is not overheard or viewed by unauthorized individuals.
- b. All meetings with third party visitors (vendors, auditors, surveyors etc.) who are not authorized to have access to PHI must take place in a fully enclosed conference room or office, if workers in the immediate vicinity of the meeting room are handling PHI.
- c. When PHI has been recorded on black boards or white boards, it must be erased before the authorized recipients of this information leave the area.
- d. If documents containing PHI are distributed during the course of the meeting, and those documents are not required by the recipient for health care operations, the documents must be collected and destroyed at the completion of the meeting.

3.12.6.3(F) CONFIDENTIAL INFORMATION AND EQUIPMENT IN PUBLIC AREAS

Purpose

The policy encourages departments to be vigilant in ensuring that PHI is not inappropriately used or disclosed through the inappropriate use or location of equipment or other confidential materials.

Policy

- a. Departments must not position any equipment, including telephones, workstations, fax machines, copiers and printers in public areas such that PHI may be overheard or viewed by unauthorized individuals.
- b. The display screens for all microcomputers (PCs), workstations, and dumb terminals used to handle sensitive data must be positioned such that they cannot be readily viewed through a window, by persons walking in a hallway, or by individuals in other public areas.
- c. Fax machines and computer printers used to print sensitive data must be located in such a manner that the printouts cannot be readily viewed through a window, by persons walking in a hallway, or by individuals in other public areas.
- d. Employees who work on transportable computers (e.g. PDA's, laptops) and paper records should also be cognizant of their position with regard to unauthorized viewing of PHI.
- e. Workers should not transmit PHI to any type of alpha paging device.
- f. Staff should make every effort to conceal or screen paper charts, medical records, faxes and other documentation containing PHI. Electronic records should be closed or screened when not needed for access. Verbal communication should be conducted in the most discreet manner possible.
- g. Computer printouts, faxes, medical records and other paper records should not be left in open work areas so as to expose the contents of the records. Files and papers should be put away when not in use.
- h. Medical Records and charts should be kept and updated in appropriately designated areas.
- i. File cabinets should be locked when not appropriately supervised.
- j. Archival vaults should be closed and locked when not supervised.

k. Faxes, computer printouts, and copies / originals should be collected as soon as possible and appropriately filed.

l. All sensitive information handling activities must take place in areas that are physically secured and protected against unauthorized access, interference, and damage.

3.12.6.4 REPORTING VIOLATIONS

Purpose

The policies contained in this section provide guidelines for departmental workers in reporting violations of Portage County's privacy policies and security breaches. It also identifies protections for workers and/or patients that report an incident or file a complaint.

3.12.6.4(A) ORGANIZATION COMMITMENT TO PRIVACY AND SECURITY

Purpose

This policy makes a value statement emphasizing Portage County's commitment to a patient's right to privacy.

Policy

Portage County is committed to ensuring that the privacy and integrity of its patient's health information is protected. To ensure the patient's privacy, each department must adhere to Portage County's privacy and security policies, establish adequate policies and procedures to protect the confidentiality of the patient's health information, educate workers on their responsibilities associated with privacy and security, and report any privacy or security violations in a timely and appropriate fashion.

3.12.6.4(B) REPORTING STRUCTURE – PRIVACY OFFICIAL

Purpose

The purpose of this policy is to identify a single point of contact in dealing with complaints and violations of policy related to privacy and security issues.

Policy

- a. The Privacy Officer is responsible for the development and implementation of the security / confidentiality policies and procedures. The Privacy Officer manages and reviews all practices for compliance related privacy and security policies. Any questions, concerns, reports or complaints should be directed to the Privacy Officer.
- b. Portage County's workers must report any known or suspected violation of a privacy or security policy or breaches, or any known or suspected breach of security to their department managers immediately. Department managers will report the violation or breach to the Privacy Officer. All reports should be communicated maintaining strict confidentiality. Portage County's workers may likewise file written complaints with the Privacy Officer as a means to report a violation or breach.
- c. The Privacy Officer will initiate a formal problem management process to record any suspected violation, to reduce their incidence, and to prevent their recurrence. In addition, the Privacy Officer must prepare an annual analysis of reported information security problems and violations.
- d. The Privacy Officer will assess whether a breach has occurred as provided in Section 3.12.3.3(F), "Breach Assessment and Reporting."

3.12.6.4(C) DOCUMENTATION

Purpose

This policy requires that any discovery of a violation of privacy policies or a breach of security must be documented.

Policy

Department managers must ensure that documentation exists for any incident and related action taken relative to Portage County's privacy policies. Specifically, managers will:

- a. Collect all written patient requests related to accessing and amending their medical records, accounting of disclosures, restrictions on use or disclosures, confidential communications, facility directories, and notification to others involved in the patient's care;
- b. Document incidents of privacy policy violations and breaches of Portage County's security infrastructure; and
- c. Provide copies of this documentation to the Privacy Officer.

3.12.6.4(D) WHISTLE-BLOWER PROTECTIONS

Purpose

The intent of this policy is to encourage all workers to take an active role in enforcing privacy policies.

Policy

Portage County does not condone and will not allow any retaliatory acts toward any individual including but not limited to patients and Portage County staff for reporting any violation of Portage County's privacy policies or a breach of Portage County's security infrastructure. Worker's will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against any individual(s) for filing a complaint or reporting a violation related to Portage County's privacy and security policies and procedures. Also See Policy 3.12.3(G), "Whistleblowers/Refrain from Retaliation."

3.12.6.5 DEPARTMENTAL SYSTEMS AND REPORTING ISSUES

Purpose

The intent of this policy is to ensure that organizational security standards are employed for departmentally supported systems.

3.12.6.5(A) REQUIREMENT FOR SYSTEMS SUPPORT POLICIES AND PROCEDURES

Purpose

The intent of this policy is to ensure that organizational security standards are employed for departmentally supported systems.

Policy

Standards for ensuring the confidentiality, integrity and availability of health information have been established for Portage County. It is imperative that these standards be implemented for systems that may not be under the control of the Information Technology Department. All departments that support stand alone applications and/or applications that connect to Portage County's intranet will adhere to Portage County's Information Technology Security policies, and will establish system support procedures consistent with those developed by the Information Technology Department.

3.12.6.5(B) REPORTING ISSUES FOR ACTIVITIES NOT RELATED TO CARE

Purpose

The intent of this policy is to ensure that departmental reporting standards are developed and employed for reporting purposes that are not related to the care of a patient. For example, a department may participate in providing information to an organization that maintains a statistical database that compares performance and outcomes measurements with other organizations.

Policy

- a. Portage County may include patient information in reports or transmissions to third party organizations without the patient's authorization, if the information has been de-identified.
- b. If identifying information is requested, Portage County may only include this information in reports or transmissions with authorization from the Privacy Officer.
- c. Health information does not identify the patient if:
 1. The identifiers listed in Policy 3.12.1.1(A), "Protected Health Information (PHI) / De-identification of PHI", are removed from the record or transmission of health information; or
 2. A person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable:
 - (i) Determines that the risk is very small that the information could be used, alone or in combination with other reasonably available information, by an anticipated recipient to identify a patient who is a subject of the information; and
 - (ii) Documents the methods and results of the analysis that justify such determination.

3.12.7 PHYSICAL SECURITY POLICIES

3.12.7.1 PHYSICAL ACCESS SECURITY

Purpose

The purpose of this section is to establish policies ensuring the security of protected health information through the use of physical access controls such as locks, barriers, physical location of computer equipment, and the documentation / management of visitors to areas within the facility that house sensitive information throughout Portage County.

3.12.7.1(A) BUILDING ACCESS CONTROLS

Purpose

The intention of this policy is to ensure that local management effectively maintains proper access restrictions in areas where sensitive information is located.

Policy

Access to every office, computer room, and work area containing sensitive information must be physically restricted. Various acceptable physical control techniques may be employed including receptionists, key locks, magnetic card door locks and combination locks. Management must work with the Facilities Department to develop an appropriate access control approach for their areas.

3.12.7.1(B) LOCKS AND BARRIERS

Purpose

The intention of this policy is to ensure that workers take appropriate steps to secure their work areas. This policy attempts to prevent unauthorized access and reduce theft, vandalism and other threats to security.

Policy

- a. Offices and other work areas containing PHI and other sensitive information with direct access to public areas must be locked when they are not in use.
- b. All Information Technology equipment areas, including Information Technology training areas, that are not in use must be locked, secured and only entered by authorized personnel.

3.12.7.1(C) BUILDING ACCESS RECORDS

Purpose

This policy limits access by terminated workers including employees, contractors, volunteers and temporary workers, and is intended to prevent the unauthorized access to sensitive information by former employees. The policy addresses shared codes such as combination lock numbers, and individual codes such as the identification numbers recorded on a magnetic stripe on a badge. It is also the intent of this policy to establish a clear hierarchy showing the delegation of authority regarding granting of physical access. An access roster will be established for each building and area where PHI is kept or stored by the affected Department in conjunction with the County Facilities Department.

Policy

- a. An inventory of authorized employees, identifying who has access to sensitive areas containing PHI, such as computer equipment storage facilities, data centers, communication closets, and medical records storage facilities will be maintained. The inventory will identify the access control mechanism issued to each employee, such as keys, access codes and security tokens. This inventory must be kept current, adding and deleting employee names where deemed appropriate, and the maintenance of this inventory will be incorporated into the organization's termination procedures. Department management will be given regularly updated copies of the access inventory.
- b. When an employee is terminated for any reason all physical security access codes known by the worker will be deactivated or changed immediately. Upon notice of resignation, department management in cooperation with Human Resources Department should determine the timing of revoking the employee's access privileges. At a minimum, all appropriate access mechanisms must be changed upon the actual termination date. This policy also applies to contractors, volunteers and other temporary workers. Unless absolutely necessary, access codes and tokens should not be given to "short term" temporary employees in order to mitigate the administrative burden associated with issuing and revoking access.
- c. An inventory of managers who are authorized to grant access must also be maintained, and regularly reviewed by upper management.

3.12.7.1(D) ACCESS TO AREAS WITH PHI – MEDICAL RECORDS, DATA CENTERS, COMMUNICATION CLOSETS, CLINICAL AREAS, DATA/RECORDS STORAGE AREAS, AND OTHER WORK AREAS WITH ACCESS TO PHI

Purpose

The objective of this policy is to restrict access to areas containing sensitive, valuable, or critical information, and require that all authorized staff participate in the process of monitoring visitors or other third party access in areas containing sensitive information. This policy also ensures that non-employees are adequately supervised while in sensitive areas, and provides an audit trail of access by non-employees to sensitive areas. For the purposes of this policy, the term "vendor" does not refer to contract workers or other outsourced relationships that provide a service to the organization on an ongoing basis. For example, this policy would apply to a service representative of the telephone company, a computer service company, or a software provider.

Policy

- a. Receptionists or other staff must control visitor or other third party access to the data center, communication closets, other computer facilities, and work areas containing sensitive information. Vendors and other third parties must not be permitted to use employee entrances or uncontrolled pathways leading to areas containing sensitive information unescorted. Vendors and/or visitors must be accompanied by appropriate personnel while in the data center, communications closets or other computer operations facilities.

- b. Visitors or other third party access to communication (data and voice) closets (IDF's) and/or cabinets must be controlled by appropriate staff. Vendors must be accompanied by appropriate personnel while accessing communication closets and/or cabinets. These closets and/or cabinets must remain locked when not being accessed. Only appropriate communications support staff and facility security staff may have a key (combination or other security token) to these locations. UNDER NO CIRCUMSTANCES WILL A VENDOR BE GIVEN A KEY (COMBINATION, ACCESS CODE OR OTHER SECURITY TOKEN) TO ACCESS THESE LOCATIONS.
- c. Contractors and other temporary workers should only be given access codes, keys etc., if they provide services on a long-term basis. This policy would apply to services that may be outsourced such as physical therapy, dietary, environmental services, and Information Technology support. This policy could also apply to physicians and registry nurses.
- d. Unless absolutely necessary, access codes and tokens should not be given to "short term" temporary employees in order to mitigate the administrative burden associated with issuing and revoking access.
- e. The magnetic tape, disk, and documentation libraries are controlled areas within the computer center. Access must be restricted to workers whose job responsibilities require their presence in these libraries.

3.12.7.1(E) VISITOR ACCESS TO SENSITIVE/RESTRICTED AREAS

Purpose

The objective of this policy is to require visitors, including employees from other departments or facilities, to show definitive identification prior to being admitted into restricted areas. This policy attempts to prevent unauthorized access to confidential, proprietary, or private information while inside a controlled area such as an office. This policy is also intended to prevent the loss of office property and personal property due to theft.

Policy

- a. All visitors must show picture identification and sign-in with the appropriate reception area prior to gaining access to restricted areas. Visitors must be admitted only for specific authorized purposes.
- b. Individuals, including known employees, without proper identification that is clearly displayed must be challenged about their identity and/or purpose. If they cannot promptly produce a valid ID, they must be escorted to a reception area.
- c. When an unescorted visitor is observed within a restricted area, the visitor must be immediately questioned about the purpose for being in restricted areas. The visitor must then be directly accompanied to either a reception area or the person they came to see.
- d. Visitors to offices within a controlled area must be escorted at all times by authorized personnel. Visitors requiring an escort may include customers, former employees, worker family members, equipment repair contractors, package delivery company staff, and police officers.
- e. Individuals who are not employees, authorized contractors or authorized consultants, must be supervised whenever they are in restricted areas containing sensitive information.
- f. Patients and their visitors should not be allowed to enter areas with access to sensitive information, such as nursing units, housing units, etc., without the presence of appropriate staff. As a practice, staff should make every effort to conceal or screen paper charts, medical records, faxes, and other documentation containing PHI. Electronic records should be closed or screened when not needed for access. Verbal communication should be conducted in the most discreet manner possible.

3.12.7.2 COMPUTER AND DATA LOCATION

Purpose

The intent of this section is to provide guidelines on how to ensure data security and integrity through the appropriate location of computer centers, devices and documents. It additionally provides guidelines for managing documents within the work area.

3.12.7.2(A) COMPUTER OPERATIONS AND SYSTEMS INTEGRITY/SAFETY

Purpose

The intention of this policy is to deny unauthorized people physical access to servers, and voice and data networking devices such as PBXs, hubs, and routers. The policy mandates that appropriate environmental issues are addressed, and prohibits the placement of equipment in public areas, that may subject it to unnecessary threats. The policy requires the organization to proactively consider the consequences of locating a computer and communication centers in areas that pose a potential threat due to a catastrophic event or security breach. The policy also intends to reduce the risk of fire by requiring that flammable supplies be stored outside of computer and/or telecommunication centers, and helps reduce the exposure of systems to paper dust, cleaning fluids, and other potentially dangerous substances. In effect, this policy requires management to prepare a security impact statement. This policy extends to departmental systems, local area network (LAN) servers, client/server systems, and other smaller systems including departmental systems.

The term "closed shop" as used in this policy, means that doors are kept locked, and that programmers, users, and others who do not have a business reason for being near computer or communications equipment are denied access to areas housing this equipment.

Policy

- a. All multi-user computer systems, and communications equipment that supports telephone systems, intranets, local area networks, and the wide area network, located throughout the enterprise, must be located in dedicated areas with physical access controls, environmental monitoring systems, and appropriate environmental requirements as is necessary (e.g. raised floors and air conditioning).
- b. Computer centers are closed shops. Individuals not having a business need to access any computer center are not permitted inside the main data center, communications rooms and other computer centers. Every effort should be made to house file servers supporting departmental systems, in a secure and central environment.
- c. All computer or communication centers must be located in an area such as to minimize the impact of natural disasters, serious man-made accidents, and other potential threats, with reinforcing posts.
- d. Computer or communications centers must be constructed so that they are protected against fire, water damage, vandalism, and other threats known to occur, or that are likely to occur at the involved locations.
- e. All mission critical computer or communications centers must be located such that redundancy exists for access to electrical power and communications lines.
- f. To minimize potential damage from smoke and fire, kitchen facilities should be located away from (including not directly above or below) multi-user systems, and to reduce the threat of water damage, rest room facilities should not be located directly above these systems. Computer rooms should not have windows to public areas as windows can be used to gain unauthorized entry as well as to remotely observe both activities and sensitive information.
- g. Computer facility rooms must be equipped with doors that automatically close immediately after they have been opened, and where feasible, set off an audible alarm when they have been kept open beyond a certain period of time.
- h. Fire walls surrounding computer facilities must be non-combustible and resistant to fire for at least one hour. All openings to these walls including doors, wiring conduits and ventilation ducts should be self-closing or sealed (wiring conduits) to resist fire for at least one hour.
- i. A separate storage area must be used for supplies and equipment. When delivering supplies, delivery personnel must not be able to directly access rooms containing multi-user computer facilities.

j. All computer centers must be equipped with fire, water, and physical intrusion alarm systems that automatically alert those who can take immediate action

3.12.7.2(B) REMOVAL OF EQUIPMENT/DATA FROM PREMISES

Purpose

The intention of this policy is to make sure that workers do not steal and/or lose equipment and protected health information. This policy addresses electronic storage media, microcomputers (PCs), and other portable devices and medical records. It attempts to prevent privacy violations, intellectual property theft and sabotage.

In addition, this policy addresses employee owned equipment. The policy attempts to deter employees from using their own equipment within the work environment to reduce issues of liability, and the possible introduction of viruses. The policy requires that a proper inventory of equipment that is owned, leased, rented, or otherwise controlled by the organization be maintained on an ongoing basis. The Portage County computer use policy shall be in force and enforced at all times.

Policy

- a. Cellular telephones, portable computers, palm pilots, modems, printers and related Information Technology equipment must not be utilized with official county equipment. Equipment can be released for long-term off-site utilization such as telecommuting activities with proper management approvals. The department responsible for the maintenance and inventory of the equipment involved must document any temporary or long-term removal of equipment.
- b. The County will establish procedures for computer storage media such as CD-ROMs, tapes and disks containing PHI when it is removed from the premises. This applies to paper files and reports as well. All such removals of storage media must be documented appropriately within the department.
- c. No personal equipment, including cellular telephones, portable computers, palm pilots, modems, printers, digital cameras and related systems equipment may be utilized with county equipment without proper approvals and documentation.
- d. All computer and communications equipment must have a unique identifier attached. This will facilitate the process of maintaining regularly conducted physical inventories. The unique identifier should be a computer-sensed marking such as a bar code, and should be difficult to view with the naked eye, or may be etched into the equipment to prevent removal.
- e. Office computer equipment including desktop computers, fax machines, LAN servers, and communications equipment must not be moved or relocated without proper management approval. A formal request process shall be established to coordinate the appropriate support resources necessary for moving equipment and/or configuring equipment. This includes resources responsible for installing communications wiring and power sources.

3.12.7.2(C) WORKSTATION, FAX AND PRINTER LOCATION/POSITIONING

Purpose

The intention of this policy is to mitigate the threat of unauthorized viewing of protected health information displayed on a computer screen, or the unauthorized access to a hard copy report or fax.

Policy

- a. The display monitors for all equipment that processes sensitive data must be positioned such that they cannot be readily viewed through a window, by persons walking in a hallway, or by persons waiting in reception and other public areas.
- b. Fax machines and computer printers used to print sensitive data must be located so that printouts cannot be viewed through a window, by persons walking in a hallway, or by persons waiting in reception and other public areas.

c. Workers using portable computers, other portable devices such as PDAs, and paper records should be aware of their position with regard to unauthorized viewing of PHI, and take precautions to minimize the risk of unauthorized access

3.12.7.2(D) LOCAL ACCESS CONTROLS

Purpose

The intention of this policy is to ensure that suitable physical access controls are in place for computer centers, telephone call centers, archival file vaults, and other places where critical or sensitive information is handled. The access control mechanism should be appropriate to the criticality, value, and/or sensitivity of the information, as well as the location of the site.

Policy

- a. Staff should make every effort to conceal or screen paper charts, medical records, faxes and other documentation containing PHI. Electronic records should be closed or screened when not needed for access. Verbal communication should be conducted in the most discreet manner possible.
- b. Computer printouts, faxes, medical records and other paper records should not be left in open work areas so as to expose the contents of the records. Files and papers should be put away when not in use.
- c. Medical Records and charts should be kept and updated in appropriately designated areas.
- d. File cabinets should be locked when not appropriately supervised.
- e. Archival vaults should be closed and locked when not supervised.
- f. Faxes, computer printouts, and copies / originals should be collected as soon as possible and appropriately filed.
- g. All activities related to the handling of sensitive information must be conducted in areas that are physically secured, and protected against unauthorized access, interference, and damage.

3.12.7.3 PORTAGE COUNTY HIPAA FORMS

- a. Portage County Notice of Privacy Practices
- b. Acknowledgement of Receipt of Portage County Notice of Privacy Practices
- c. Business Associates Agreement
- d. Portage County Authorization to Release Confidential Information (PHI)

Revised November 13, 2013 by Resolution No. 236-2012-2014

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3.13 COUNTY EXECUTIVE

- a. Portage County is organized under a county executive form of government. The county executive is the chief executive officer of the county, elected to a four-year term of office pursuant to Sec. 59.17(1)(b) Stats.
- b. The county executive's office shall consist of the county executive along with administrative secretaries and staff assistants as authorized by the County Board pursuant to Sec. 59.17.
- c. The duties and powers of the county executive shall be as set forth in Sec. 59.17 Stats.

Enacted: July 19, 2005

Revised: October 18, 2005

Revised by Resolution No. 10-2008-2010 on April 22, 2008

3.14 COUNTY HIGHWAY DEPARTMENT

COUNTY HIGHWAY DEPARTMENT – FUNCTIONS AND DUTIES

Sections:

- 3.14.1 Program responsibilities of the department and highway commissions
- 3.14.2 Relocation orders for county trunk highways and streets
- 3.14.3 County construction and maintenance of street and highways
- 3.14.4 Oversize/overweight load permits
- 3.14.5 Entrance permits
- 3.14.6 Utility permits
- 3.14.7 Tourist oriented directional signs
- 3.14.8 Temporary work zone speed limits
- 3.14.9 Highway Department purchase policy (machinery, outlay, equipment and supplies)
- 3.14.10 Disposal of surplus highway property
- 3.14.11 Highway materials purchase policy

3.14.1 PROGRAM RESPONSIBILITIES OF THE DEPARTMENT AND HIGHWAY COMMISSIONER

- A. The Highway commissioner shall have those powers and duties set forth in Wis. Stat. § 83.01(7) and 83.015 (2) (b), and such other duties as may be provided herein or by resolution.
- B. The Department shall have the following general program responsibilities:
 - 1. Those granted under Wis. Stats. Ch. 83, related to highway construction, layout of roads, and maintenance;
 - 2. Those responsibilities granted under Subtitle II hereof;
 - 3. Recommending the county trunk highway speed limits to be established by the county board in Title 10 and exercising the powers prescribed therein; and erection and maintenance of traffic control devices;
 - 4. Manage the vehicle impoundment and abandoned vehicle area in conjunction with the Portage County Sheriff's Department.

3.14.2 RELOCATION ORDERS FOR COUNTY TRUNK HIGHWAYS AND STREET

Pursuant to Wis. Stats. § 32.05 (1), the department may make orders providing for the laying out, relocation and improvement of public highways, streets or other transportation facilities in the county or on county-owned property. Such orders shall be known as the relocation orders and shall be filed with the county clerk of the county wherein the lands are located (Portage County).

3.14.3 COUNTY CONSTRUCTION AND MAINTENANCE OF STREETS AND HIGHWAYS

- A. Pursuant to Wis. Stats. § 83.035, the Department, through its committee, may enter into contracts with cities, villages and towns within the county borders to enable the county to construct and maintain streets and highways in such municipalities.
- B. The committee shall establish a prioritized list of projects which are to be funded with Federal Aid Highway Funds. These projects shall be submitted to the board as part of the prioritized list of all construction projects requiring the expenditure of county funds as part of the annual budget. Expenditures of Federal Aid Highway Funds on projects not on the County Trunk Highway System shall be approved by the county board in separate resolutions.

3.14.4 OVERSIZE/OVERWEIGHT LOAD PERMITS

- A. Pursuant to Wis. Stats. § 348.25 through 348.28, the department shall issue appropriate oversize/overweight vehicle permits for use of the county trunk highway system.
- B. Pursuant to Wis. Stats. § 348.25 (8) (f), a fee of \$25.00 shall be charged for each single trip permit.

3.14.5 ENTRANCE PERMITS

- A. Pursuant to Wis. Stats. § 86.07 (2), the department shall issue permits for the construction and alteration of driveway/accesses onto the county trunk highway system.
- B. To offset the costs involved in entrance permit review, the following fee is established-Driveways and streets, all types - \$45.00.

3.14.6 UTILITY PERMITS

- A. Pursuant to Wis. Stats. § 86.07 (2), the department shall issue permits for the construction or alteration of utility facilities on the county trunk highway system. To offset the costs involved in utility permit review, the following fees are established:
 - 1. First 500 foot segment as measured along the centerline of the highway - \$50.00
 - 2. Each additional 1,000 foot segment as measured along the centerline of the highway - \$35.00

3.14.7 TOURIST ORIENTED DIRECTIONAL SIGNS

- A. Pursuant to Wis. Stats. § 86.196, the department is authorized to establish and operate a program for the installation of tourist oriented directional signs which may be placed within the right of way of any highway under the jurisdiction of Portage County.
- B. The general policies of the department shall be as follows:
 - 1. The definitions contained in Wis. Stats. § 86.196 (1) shall apply to the Portage County program.
 - 2. Tourist oriented directional signs may be erected outside of urban areas as required by Wis. Stats. § 86.196 (3).
 - 3. Tourist oriented directional signs shall be erected in compliance with current administrative rules promulgated by the Wisconsin Department of Transportation for such signs, as required by Wis. Stats. § 86,196 (3).
 - 4. A tourist related business, service or activity may not be located more than 5 miles from the highway on which the tourist oriented directional sign for that business, service or activity is erected per Wis. Stats. § 86.196 (5).
- C. A renewable 5-year, \$50.00 administration fee and a \$100.00 installation fee will be charged per sign. The applicant shall purchase the sign from a list of qualified sign manufactures.

3.14.8 TEMPORARY WORK ZONE SPEED LIMITS

The highway commissioner is authorized, at his or her discretion, to impose mandatory, enforceable temporary limits on highways under county jurisdiction which are being constructed, reconstructed, maintained or repaired as allowed by Wis. Stats. § 83.025.

3.14.9 HIGHWAY DEPARTMENT PURCHASE POLICY (MACHINERY, OUTLAY, EQUIPMENT AND SUPPLIES)

The highway committee, pursuant to Wis. Stats. § 83.015, shall purchase and sell county road machinery as authorized in the budget, determine whether each piece of county aid construction shall be let by contract or shall be done by day labor; shall enter into contracts in the name of the County, and make necessary arrangements for the proper prosecution of the construction and maintenance of highways provided for by the County Board. Except with respect to highway contracts under Wis.

Stats. § 83.015, all Highway Department purchases, including those for outlay, machinery, equipment or supplies, shall be purchased in compliance with this section. For all Highway Department purchasing, the Highway Commissioner or designee shall serve as the Purchasing Agent and the Highway Committee shall serve as the Committee.

3.14.10 DISPOSAL OF SURPLUS HIGHWAY PROPERTY

When the Highway department has surplus equipment or supplies, it shall report to the county purchasing agent a description of equipment or supplies. The county purchasing agent shall canvass other county departments to determine whether they may use surplus items or supplies. If any county department does not need such items or supplies, they may then be sold by the purchasing agent or the Highway Department on the open market at the price to be established by the highway committee, or under competitive bids, whichever method is deemed most advantageous to the county. Nothing in this paragraph shall prohibit the trade-in of surplus equipment or supplies.

3.14.11 HIGHWAY MATERIALS PURCHASE POLICY

The Portage County Highway Department will sell road supplies including salt and salt/sand to other municipalities, the University of Wisconsin Stevens Point (UWSP), or other public school district system, to be used only on public roadways in Portage County per Wis. Stats. § 83.018. Proper authorization from the Town Chairman or Village President, or proper school official must be received prior to material pick-up or delivery. All material will be picked up by the municipality, university, or public school district, or their designee. A load slip will be issued by the Highway Department Parts Room and signed by the driver. The material will then be billed on a standard monthly billing to that municipality, university or public school district. If the Highway Department is asked to deliver the material, there will be an additional charge for labor and machinery for the exact delivery time.

A. Salvaged culvert pipe may be purchased by the general public. The material must be paid for at the time of purchase. Payment will be made to the stockroom clerk and a receipt will be issued at that time.

B. County residences will be permitted to pick up Salt/Sand for private use. The amount is not to exceed 5 gallons. There will be no charge for this service and can be picked up from a bin at the west gate.

Adopted and ratified by Resolution No. 141-2008-2010

[Index for this Chapter](#)

3.15 PORTAGE COUNTY GOVERNMENT PHYSICAL SECURITY POLICY

3.15.1 Purpose and Responsibility

The purpose of this policy is to set forth those procedures and practices necessary to ensure the physical security of property and sensitive information located within Portage County offices, workspaces and grounds. A balanced security program must include a solid physical security foundation. A solid physical security foundation protects and preserves information, physical assets, and human assets by reducing the exposure to various physical threats that can produce a disruption or denial of computer service.

Department Heads and managers are responsible for ensuring that county information assets under their control are properly protected through the implementation of cost-effective physical security measures. Violations of this policy can result in employee discipline up to and including termination.

Facilities Director and Information Technology (IT) Director

The Facilities Director and IT Director are responsible for evaluating the need for overall building security and for conducting periodic audits, reviews, or surveys of computer sites. Facilities Management provides technical guidance on such matters as access control systems, use of Portage County security force, personnel security, and physical security needs.

3.15.2 Definitions

Secure space: Work areas not open to public access

Public space: Area where uncontrolled movement of public is authorized

Visitor: Member of public who is not an employee of the County

Sensitive Information: Medical, financial or other information whose dissemination to the public would be harmful to the County or otherwise protected by state or federal laws (i.e. HIPPA Act of 1996, etc.)

Need-to-know: Access to sensitive material or knowledge necessary for one's job

Key: Includes both a physical or card key device to gain access to county buildings and spaces

Photo ID Card: An officially issued identification badge with a photograph of the authorized individual, the title and/or department of the individual and may include other access information

3.15.3 Visitor Control and Identification Badges

VISITOR CONTROL

While many areas of County buildings are open to the public, care must be taken to safeguard those areas that are not. Any work areas where access is controlled will be labeled as such. Departments requiring signage will contact the Facilities Management Department for assistance.

Employees with County workspaces are required to wear their employee identification badges at all times, in accordance with the County Employee Identification Badges policy. Any employee who sees a visitor, an individual they do not recognize, or someone who is not wearing an identification badge within a secure space will offer assistance to that individual, and determine the reason for their presence. If unauthorized, they are to be escorted back to a public space.

Non-employees are not authorized or permitted within Portage County workspaces after normal working hours without explicit permission of the Department Head responsible for the security of that work space.

Specific security procedures more stringent than those set forth in this policy (i.e. Corrections, Sheriff's Department, Child support, etc.) will be at department discretion. Department Heads shall set an office hour policy and an after office hours policy describing the nature and extent of employee access which shall be in writing, approved by the County Executive for appointed department heads, and filed with the Facilities Management Department.

IDENTIFICATION BADGES

Requirements

All employees and officials of Portage County shall be issued and identified by a identification badge conspicuously displayed on their person at or above the waist. The use of a badge not issued to the bearer or any attempt to alter the badge warrants disciplinary action.

Lost or Stolen Identification Badges

Employees must report lost or stolen identification badges immediately to the issuer of the identification badge. Security access systems supporting lost or stolen badges must immediately cancel previous access privileges until the lost or stolen badge is recovered and returned to the issuer.

Forgotten Badges

Temporary badges will be controlled and issued by the Facilities Management Department or designee to authorized personnel arriving without their assigned identification badges during normal duty hours. Authorized personnel arriving without identification badges at other than normal duty hours must report to the supervisor in charge of the facility or designee for issuance of a temporary badge.

Verification

The Facilities Director must make an unannounced verification of identification badges at least annually to ensure authenticity and to correct any identification badge discrepancies.

3.15.4 Access Control

Access control and specific “need-to-know” shall be the responsibility of the department heads and division managers, with coordination through Information Technology Department for computer access and Facilities Management Department and Human Resources for identification badge access. All access will be terminated or modified concurrent with change in employment status.

Workstations, Terminals and Laptops (Access Units)

All the Portage County users are responsible for securing their access unit from unauthorized use.

- Unattended During the Day: Whenever a user is away from his or her access unit during the day, he or she must protect Portage County information assets by either logging off of the computer, performing the steps to lock the system, or activating a password protected screen saver.
- Before Leaving the Work Site: At the end of the workday, each user is required to log off or lock his or her access unit. If a job must be run unattended after work hours, precautions must be taken to protect the access unit from unauthorized use.
- Public Use Units: Divisions and offices that provide access units for public use are responsible for ensuring that these access units are logged off when unattended, and at the end of each workday.
- Technical Support Access: The user must provide access for technical support staff to install upgrades and improvements to each access unit upon request.

3.15.5 Office Security

Public buildings of the county shall have hours where they are open and accessible to the public. Not all areas of county buildings are accessible to the public. Office spaces not open to the public (such as Child Support and the DA's office) shall be designated as controlled secure areas. Office and workspaces, especially secure spaces where sensitive data or valuables are located, must be safeguarded. All spaces will have functional locks, and all spaces are to be secured (locked) when not occupied, even for short periods of time.

Employees should consider security when arranging office furniture; material on desks and work surfaces should not be visible to casual viewers, and care should be taken regarding proximity of work surfaces to outside windows.

Valuables or sensitive material should be stowed in appropriate containers when not actually in use. They should never be left unattended on desktops or in unlocked containers. Sensitive paperwork should be covered with a labeled cover sheet when on workspaces where visitors or others without a valid need-to-know could view them.

Computer monitors will not face the public, and employees will have the appropriate screen savers set for the required inactivity intervals. If issued, computer access cards with "chips" will be accounted for and safeguarded in accordance with the key control policy.

File cabinets, storage containers, vaults and/or safes holding sensitive or valuable material shall be locked unless actually in use. All locking containers will be locked at the close of business. Office windows will be secured at the close of business.

Building Facilities

Portage County offices and buildings shall have normal physical security controls in place. As a minimum, after business hours and in secure areas, the building shall be secure and restrict access to authorized personnel. Card access and monitoring devices shall be used to ensure that sensitive information is not compromised and access to control office work areas is monitored. The Facilities Director and Department Heads will ensure that appropriate monitoring devices allow monitoring of primary accesses and that individuals are screened for access where necessary.

Enforcement

The Department Head responsible for a controlled area may have unauthorized persons removed from the area. Assistance from the Law Enforcement may be requested if available. The following exceptions apply:

Persons whose names are not on the access control list may be admitted to a control area at the discretion of the manager of that area. Their activities must be monitored while in the area.

Visitors may be admitted to a control area if they have received proper authorization. Visitors may also be required to have an escort at all times.

IT and Facilities Management personnel will be admitted to a secured area upon presentation of official identification and may stay unescorted, in the secured area.

ACCESS CONTROL LIST

Establishment

A secure area is a work area to which access must be restricted because of the sensitive resources and equipment located there. Each secure area and every county department shall establish an access control list of people who are authorized access to specific control areas. Department Heads of the secure areas shall provide additions, deletions, or changes to the lists. The Facility Director shall maintain the access control list, a copy to be on file with the IT Department and the County Executive.

Preventative Measures

Secure areas should be designed having limited accessibility with personnel access controlled by a cipher lock system, card key system, or other physical access control methods.

3.15.6 After-hours

Most employees will require access to work spaces during normal business hours; those whose jobs require flexible hours or who are on-call will use the badge-activated entrances. After-hours access to County buildings will be monitored and recorded by the Facilities Management Department.

Network logon access will be restricted outside of regular business hours by IT Department and individual departments; Department Heads will be responsible for authorizing after-hours access to their workforce who require it, and supplying the authorization list to the Information Technology Department. Any changes to the authorization list must be documented and forwarded to the Information Technology Department.

As previously stated, visitors will not be authorized entry to County spaces outside of normal working hours without explicit permission of the Department Head responsible for the security of that space.

All outside doors will be properly secured after hours. Under no circumstances are doors to be blocked open or left ajar, whether employee or public entrances.

3.15.7 Emergency Procedures

Some "emergency" situations allow for more time than others. Response (i.e. evacuation) to a building fire would likely be more time critical than response to a tornado watch. Safety of the individual is always paramount, but we are still responsible for the security of our workspaces.

In the event of an emergency, attempt to secure work space as much as practical during departure. At a minimum, lock the door as you exit. If time permits, stow any sensitive information or valuables in the appropriate containers and ensure that nothing is left out prior to departing the area. Log off, lock out and/or shut down your computer systems.

Please refer to Continuity of Operations Plans or other emergency plans for responsibilities and procedures regarding specific emergencies.

Restoration of physical access to County buildings following an emergency or disaster situation will be coordinated by, but not limited to Facilities Management personnel, Information Technology Department, and Law Enforcement. Law Enforcement personnel may be contacted for perimeter security until the situation is resolved.

Facilities Management Department will ensure that emergency systems (i.e. back-up generators, ventilation, water controls, fire alarms, temperature/humidity controls, etc.) remain in good working order, and that any and all maintenance performed on them is recorded and retained, six years within the County, and in accordance with contractor policy, where applicable.

3.15.8 Sensitive Material Destruction Procedures

All paper waste in Portage County shall be disposed of in accordance with Wisconsin Adm Code NR 544.

Offices of workspaces in which sensitive or protected information is used shall ensure that disposal of that material will be by shredding. Under no circumstances will sensitive material be discarded in the regular recycling waste bins. Individual departments who shred their own material will implement

procedures to ensure proper destruction. Those departments using centralized shredding will use the appropriate shredding containers.

Individual departments desiring to conduct their own shredding should ensure that the shredders they purchase are of the crosscut type, and that they meet or exceed the requirements of any governing laws or regulations.

Some material, such as protected health information may require written record of destruction; these records will be the responsibility of the individual departments, and records and retention will be in accordance with County Records Retention Ordinance 3.4.

3.15.9 Exterior Security

Security measures exterior to County buildings will include alarm systems, lighting, surveillance cameras and motion sensors, as appropriate.

All exterior doors and windows, excepting Law Enforcement's main door, will be locked after hours. Doors not in regular use shall remain secure during working hours, and shall be appropriately posted.

The Facilities Management Department will make periodic checks of exterior areas to ensure adherence to this policy, both during and after hours.

3.15.10 Business Hours of County Buildings

Business hours shall be established for all county buildings. The Facilities Management Department shall be responsible for opening and closure of buildings in accordance with established hours.

Business Hours

Building	Open	Closure
Courthouse	6:30 a.m.	5:00 p.m.
Courthouse Annex	6:30 a.m.	5:00 p.m.

All other county buildings will have business hours as set by the indicated department (Health Care Center, MRF, Health and Human Services, Sheriff's Department, Highway, ADRC).

Note that closure hours may be extended for bona fide reasons such as meetings, subject to review and approval by the Facilities Management Department.

Days of county business and operations shall be as set forth in the Human Resources policy and applicable collective bargaining agreements.

3.15.11 Portage County Key Control Policy

3.15.11.1 Purpose

The purpose of this key control policy is to help protect property and promote security of Portage County facilities and all its occupants. This policy shall serve as the framework by which all keys and access will be managed, issued, duplicated, stored, controlled, returned, replaced, and accounted for by the Facilities Management Department. This policy shall apply to all building keys. This policy is to establish a recorded key accountability and building access accountability for all employees. This policy seeks to implement a proper key control process and then preserve it by restoring security in a timely

manner whenever key control has been threatened or compromised. Keys as defined may include physical or electronic card devices as issued by the county.

3.15.11.2 Key Control Manager

The Facilities Management Department shall appoint a Key Control Manager(s) to implement, execute, and enforce key control policies and procedures.

The Facilities Director is the county's Key Control Manager.

The Key Control Manager shall be responsible for issuing of keys, key control record keeping and lock change authorizations. Keys and key blanks shall be stored in a locked cabinet or container, in a secure area. Keys shall be individually numbered. A Key Control Management Program shall be utilized. A dedicated computer software application is preferred. All keys shall remain the property of Portage County under the control of the Facilities Department.

A key shall only be issued to individuals with Department Head approval.

All keys shall be accounted for and returned upon official request.

3.15.11.3 Care, Custody and Maintenance of Keys

No person or department shall knowingly receive, borrow, loan or possess any key that is not assigned to him or her. The unauthorized possession, use or reproduction of a key may constitute theft or misappropriation. Any employee who violates this policy may be subject to disciplinary action, up to and including termination. No person shall knowingly alter, duplicate, or copy any key to a lock of a facility building or office. Employees shall not use their key(s) to grant access to non-authorized individuals. Employees entering locked facilities or offices are responsible for re-securing all doors and shall not prop open any doors.

3.15.11.4 Responsibilities for Issuance of Keys

A Key Request Form shall be completed for all key(s) prior to being issued and shall be properly authorized by a Department Head, and acknowledged by the employee before issuing. All key(s) shall be issued by a Key Control Manager or designee.

Department Heads shall carefully consider all requests for key(s) so that the protection and security of the facilities are not compromised. Employees shall use assigned keys for access to authorized locks only. Employees shall be responsible for and ensure that the key(s) issued to them are safeguarded and properly used, i.e. not stored in desk drawers or other unsecured areas.

Employees accepting custody of any key(s) will sign a copy of this policy accepting and acknowledging their responsibility for the care, use and return upon termination, retirement, change of position, resignation, or upon official request.

Grand master and master key(s) will be issued to employees having continued need for the key(s) only upon the appropriate justification and the approval of the Facilities Director. No person shall be issued multiple key(s) for the same area.

Keys shall be issued according to duration of need. The employee with a completed and signed Key Request Form must personally pick up keys. Keys may not be mailed.

3.15.11.5 Return of Keys

All keys shall be returned to the Department Head by the authorized employee upon termination, retirement, change of position, resignation, or upon official request by the Department Head. The Department Head is responsible for the return of the authorized employees' key(s) to the Key Control Manager or designee upon which the Department Head will sign the Key Return form. Keys may not be

mailed. Any found key(s) must be turned into the Key Control Manager or designee. Key(s) shall not be exchanged between individuals. All lost key(s) shall be reported immediately to the Key Control Manager or designee.

3.15.11.6 Lost, Stolen, and Non-Return Key(s)

Employees shall directly report any lost, missing, stolen or damaged key(s) to their Department Head and complete the Key Return Form on file with the Key Control Manager or designee, which shall be reported immediately with a description of the circumstances surrounding the loss or theft. In the event that a key(s) is lost or stolen, it shall be the policy to replace cores and key(s) immediately of all doors accessible by the lost or stolen keys. The individual responsible for the lost or stolen key(s) will be assessed a charge of \$25.00. If any individual has two or more separate incidents of lost, stolen, or non-returned key(s) violations within one-year key privileges may be revoked.

3.15.11.7 Lock and Hardware Repair Changes

No outside locksmith may perform work in any Portage County building or facility without prior written approval of the Facilities Director. Department Heads shall be the only personnel authorized to request key(s) or lock changes to the Facilities Director within their respective department.

3.15.11.8 Inventory Audits of Keys

An annual inventory of active keys will be conducted. Each Department Head will be provided a list of individuals and their assigned keys. Each Department will be required to certify the accuracy of the report. Any discrepancy shall be explained for inventory adjustment. Reports shall be filed with the Facilities Department and the County Executive.

3.15.11.9 Key Forms

Key Request Form: There shall be one form for each key, containing the Portage County Physical Security Policy employee and Department Head signature.

Key Return Form: This form shall be signed by the employee, Department Head and shall be on file with the Key Control Manager.

Adopted by Resolution No. 251-2008-2010 on 12-15-09

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Portage County

Card/Key Request / Return Form

(Use one form for each card/key only)

Employee _____
(Print)

Department _____

Card/Key Issue Agreement: In return for the loan of this card/key, I agree:

- 1) Not to give or loan the card and/or key to others;
- 2) Not to make any attempts to copy, alter, duplicate, or reproduce the card or key;
- 3) To use the card and/or key for authorized purposes only;
- 4) To safeguard and store the card and/or key securely;
- 5) To immediately report any lost or stolen cards and/or keys;
- 6) To produce or surrender the card and/or key upon official request.
- 7) That if the card and/or key is lost, stolen, or not surrendered when requested, a charge of \$25.00 shall be assessed;
- 8) I have received and read the Portage County Government Physical Security Policy.

Signature _____ Date _____
(Employee)

Issue Type: Standard
 Temporary Due Date _____
 Reissue Reason _____

Department Head Signature _____ Date _____

Print Name _____

Title _____

OFFICIAL USE ONLY	
CARD/KEY# _____	
SEQUENCE # _____	
DATE ISSUED _____	
BY _____	
ENTERED BY _____	

Portage County

Card/Key Request / Return Form

(Use one form for each card/key only)

Employee _____
(Print)

Department _____

Card/Key Issue Agreement: In return for the loan of this card/key, I agree:

- 1) Not to give or loan the card and/or key to others;
- 2) Not to make any attempts to copy, alter, duplicate, or reproduce the card or key;
- 3) To use the card and/or key for authorized purposes only;
- 4) To safeguard and store the card and/or key securely;
- 5) To immediately report any lost or stolen cards and/or keys;
- 6) To produce or surrender the card and/or key upon official request.
- 7) That if the card and/or key is lost, stolen, or not surrendered when requested, a charge of \$25.00 shall be assessed;
- 8) I have received and read the Portage County Government Physical Security Policy.

Signature _____ Date _____
(Employee)

Issue Type: Standard

Temporary

Due Date _____

Reissue

Reason _____

Department Head Signature _____ Date _____

Print Name _____

Title _____

CARD/KEY RETURN:

RETURN DATE _____

RETURN REASON _____

CARD/KEY NOT RETURNED:

LOST STOLEN BROKEN
OTHER

EXPLAIN CIRCUMSTANCES:

OFFICIAL USE ONLY

CARD/KEY# _____

SEQUENCE # _____

DATE ISSUED _____

BY _____

ENTERED BY _____

3.16 GUARDIANSHIP FEES

3.16.1 Policy

By law, Portage County operates an office of public counsel, the Office of the Corporation Counsel for civil legal matters. That office provides public representation in the filing of petitions for Guardianships and for protective placement and services in cases for indigent persons; however, in cases where the person in need of guardianship due to incompetency and in further need of services, and whose finances permit the payment of fees for service, in accordance with the sliding fee scale policy of the Portage County Department of Health and Human Services, a fee will be charged, with a one hour retainer fee due in advance of filing, or in the alternative, private representation utilized.

3.16.2 Filings, Fees and Representation

In cases of the filing of Petitions for Guardianship and Protective Services or Placements under Wisconsin law, the public shall be represented by the Office of the Corporation Counsel in all cases where the proposed ward is indigent, as defined by the Federal poverty guidelines then in effect. In all other cases, public representation shall be discretionary, or mandatory upon order of the court, and there shall be fees charged for legal services at a rate as set by the Judicial/General Government Committee of the Portage County Board.

Resolution No. 22-2002-2004 dated 6-18-2002

Revised Resolution No. 265-2008-2010 dated 1-19-10

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3.17 PORTAGE COUNTY VOLUNTEER SERVICES POLICY AND PROCEDURE

3.17.1 PURPOSE. Portage County recognizes that people can make great contributions as volunteers providing support to Portage County departments in achieving the County's mission. Portage County also recognizes the potential liability exposure that is commensurate with engaging the services of volunteers. Proactive risk management and volunteer management efforts can control and minimize liability exposures to help ensure a positive experience for both the volunteers and Portage County.

3.17.2 POLICY STATEMENT. It is important that Portage County employees, officials and agents involving volunteers to help accomplish the mission of the County familiarize themselves with the concepts of liability, responsibility, and risk management as they apply to volunteer programs. Each volunteer program in Portage County will have a designated Volunteer Program Manager responsible for the oversight and utilization of volunteers for that program. The department head is ultimately responsible for compliance with this policy.

3.17.3 DEFINITIONS.

Volunteer. A person recognized and authorized by Portage County or one of its employees, officials or agents to perform at will services for Portage County without receipt of salary or compensation other than reimbursement for mileage and other reasonable expenses when applicable to the volunteer's position/program (see 3.17.10). An individual may not volunteer for Portage County when the volunteer hours involve the same type of service which the individual is employed to perform for Portage County. For the purposes of this policy an unpaid intern is defined as a volunteer.

Volunteer Program Manager. The Volunteer Program Manager is a Portage County employee, official or agent who is responsible for the oversight and utilization of volunteers for the program in which volunteers

are involved. The Volunteer Program Manager and Volunteer Supervisor may be the same individual, especially in smaller departments.

Volunteer Supervisor. The Volunteer Supervisor is a Portage County employee, official, agent or volunteer who directly supervises volunteer activities. The Volunteer Program Manager and Volunteer Supervisor may be the same individual, especially in smaller departments.

Volunteer Coordinator. The Volunteer Coordinator is a Portage County employee who is assigned responsibilities by the department head to coordinate the respective department's volunteer programs including coordination of volunteer management and related risk management programs in accordance with this policy.

Background Check. The authentication of the information supplied by an individual in his or her resume, application and interview including past employment verification, criminal records, and financial records of an individual. Background checks are used as a means of objectively evaluating an individual's qualifications, character and fitness and to identify potential risks for safety and security reasons. Background checks must substantially relate to the circumstances of the particular job or licensed activity.

Reference Check. A request, verbally or in writing, to people who are familiar with some aspect of an individual's life, insights, experience, personal integrity and ethics and are willing to share what they know. References are personal, professional, or employment related.

3.17.4 LIABILITY EXPOSURES AND PROTECTION.

a) **General Liability Insurance.** The County's general liability insurance policy provides that any expressly authorized volunteer of the County is covered by the policy, subject to its terms, conditions, and exclusions. If a volunteer's actions cause physical injury or property damage to another and the injured party files a claim against or sues the volunteer, the County or its insurer will defend the volunteer and be responsible for any financial judgment incurred, provided that the volunteer was acting within the scope of his or her assigned volunteer responsibilities, gives notice of claim to the County, and cooperates in the defense or litigation.

b) **Automobile Liability Insurance.** The County's automobile liability insurance policy provides that anyone is an insured, subject to policy terms, conditions, and exclusions, while using a County owned vehicle with the County's permission. Any volunteer using a County owned vehicle must comply with Portage County Ordinance 3.11.3.9 – Use of County Vehicles. For automobiles owned by a volunteer, the County's automobile liability policy provides that any volunteer expressly authorized by the County is an insured under the policy provisions with respect to the use of an automobile owned by the volunteer to conduct County business. However, such insurance protection is secondary, or excess, over any other insurance available to the volunteer. The County does not provide protection to the volunteer for damage to his or her own automobile. Any volunteer that uses a County owned vehicle or his/her own personal vehicle within the scope of his or her assigned volunteer responsibilities must comply with Section 7 – Motor Vehicle Use Guidelines of the Portage County Employee Safety Handbook and have a completed Authorization to Use Privately Owned Vehicles on County Business on file before conducting County business.

(The following section was changed on 10-11-11 – the effective date of this resolution and ordinance change is January 1, 2012)

c) **Medical Expenses Incurred by Volunteers In Performance of Their Duties.** Portage County will provide excess accident medical insurance coverage for volunteer's medical expenses incurred as a result of an injury sustained by a volunteer during the term of volunteer duties. The terms and limits of the insurance are binding and constitute the sole remedy available to the volunteer (just as worker's compensation is the sole remedy for worker injuries). Any other claims against the County beyond the insurance limits of this

paragraph are waived by the volunteer.

3.17.5 VOLUNTEER MANAGEMENT AND VOLUNTEER-RELATED RISK MANAGEMENT METHODOLOGY. Recognizing that good volunteer management is a best practice that reduces risks and enhances the volunteer experience while improving volunteer retention, Portage County requires each department utilizing volunteers to comply with all aspects of this policy, including the maintenance of lists of current certified and bona fide volunteers. All volunteer documentation should be retained for seven years after end of service. Risk management techniques will be used to help control and minimize liability exposures. The main principles of risk management for volunteer programs are good volunteer program coordination to include intake/screening processes, orientation/training, performance monitoring, good record-keeping, and recognition of volunteer service.

Volunteer Coordinator. Each department utilizing volunteers will designate in writing an overall Volunteer Coordinator for the department, responsible for compliance with this policy and all other policies. The Aging and Disability Resource Center (ADRC), RSVP program is the formally designated county volunteer coordination center for all volunteers aged fifty-five years and older. Every department using volunteers ages 55+ is required to coordinate with ADRC RSVP. The RSVP staff also functions as Portage County's central advisory on volunteer management strategies and best practices.

Intake/Screening. The proper screening of volunteers serves a dual purpose. It ensures that the volunteer has the necessary skills to carry out the responsibilities of the position and that the responsibilities fit the interests of the volunteer. Proper screening will decrease the possibility of injury to the volunteer, decrease the potential of claims against the volunteer due to negligent performance of responsibilities and reduce the claims against the County by others served by the volunteer. Intake/Screening steps may include completion of the following forms and processes: Volunteer Registration Form & Waiver, Volunteer Application, interviews, background checks and reference checks, Authorization to Use Privately Owned Vehicles on County Business form, Motor Vehicle Check, Computer Acceptable Use Policy and Welcome Letter. Screening will be commensurate with the volunteer task and duration of volunteer service. At a minimum, and prior to beginning their volunteer duty, Volunteer Coordinators will maintain a completed Volunteer Registration Form & Waiver, which includes a hold harmless agreement for each volunteer. Volunteer Coordinators will also maintain a Volunteer Roster with tasks and hours of service for all volunteers. A Volunteer Application, screening, interview and background check(s) will be required for volunteers that assist with vulnerable populations. All intake/screening forms and information should be retained by the department's designated Volunteer Coordinator for seven years after end of service.

Volunteer Groups. In situations where a large group or third party organization is volunteering it will still be necessary to complete the Volunteer Registration form, with the Hold Harmless Agreement at a minimum. Best practice is to have a separate written agreement or contract outlining the duties/responsibilities of the organization, with the written agreement being coordinated and up-to-date with the County's Corporation Counsel Office. If a written agreement is in place, it is the Volunteer Coordinator's responsibility to ensure Corporation Counsel has the most up-to-date copy and to regularly renew the agreement with counsel's assistance. The Volunteer Registration Form & Waiver should be part of the written agreement.

a) Completion of Volunteer Registration Form & Waiver. At a minimum a Volunteer Registration Form & Waiver must be completed prior to the volunteer beginning performance of volunteer duties. This form will be made available to each department's Volunteer Coordinator and/or can be obtained from the Human Resources Department.

b) Volunteer Applications. If the department's Volunteer Coordinator needs additional information about a volunteer in order to better understand what interests him/her, completion of a Volunteer Application is necessary.

c) Interviews. The interview provides County staff with an opportunity to clarify information provided on the volunteer application and allows the volunteer to offer additional information about his/her interests and skills that may be difficult to reduce to writing on an application.

d) Background Checks and Reference Checks. Background checks and reference checks are required for volunteers who will be provided keys to access County facilities outside of regular business hours, will be assisting citizens with their personal or financial matters, or working directly with children, and/or vulnerable adult populations. The only exception to these requirements is addressed in the Volunteer Groups section above where a contract with an organization states that the group will complete background checks as part of a stated agreement. Completion of a background check and reference check is at the discretion of the Volunteer Program Manager, using the Human Resources Department for guidance in uncertain situations. The Human Resources Department will coordinate necessary background checks for departments. The costs of background checks will be covered by respective departments. Each department is responsible for performing reference checks as applicable with guidance from the Human Resources Department. Results of background checks and reference checks should be retained by the department's designated Volunteer Coordinator for seven years after end of service.

e) Authorization to Use Privately Owned Vehicles on County Business. Volunteers who will be using an automobile to perform volunteer duties must have a completed Authorization to Use Privately Owned Vehicles on County Business form on file with County Risk Management before using an automobile for County business. If the volunteer does not have automobile insurance, he/she will not be permitted to use his/her automobile in the course of Portage County volunteer responsibilities.

f) Motor Vehicle Check. This check is required for any volunteer who will be transporting other persons in vehicles as part of his/her volunteer responsibilities. Contact the Human Resources Department to obtain the required form. The Volunteer Program Manager is responsible for ensuring completion of motor vehicle checks.

g) Computer Acceptable Use Policy. Volunteers who will be using a Portage County computer or who will have access to Portage County's computing and network resources to perform volunteer duties are subject to Portage County's Computer Acceptable Use Policy and E-mail Policy and must have a completed Computer Access Request form on file with the IT Department before conducting County business.

h) Welcome Letter. Issuing a welcome letter accepts the volunteer into the department and provides a written record of the individual as a person authorized to provide services on behalf of the County. A welcome letter template is provided on the K: drive.

3.17.6 VOLUNTEER ORIENTATION AND TRAINING. Orientation and Training of volunteers ensures that they have the necessary skills and confidence to carry out their responsibilities will help minimize incidents involving the volunteer or persons served by the volunteers, and will deter claims against the volunteers and the County. Written documentation of all orientation/training and instructions given to each volunteer should be kept on file for seven years after end of service.

a) Volunteer Position Description. Because the County will assume liability only for volunteers acting within the scope of their responsibilities, it is very important to identify, in writing, each volunteer's responsibilities. For those volunteers providing regular (more than one time per year) volunteer support, a Volunteer Position Description must be signed and dated by each volunteer with a copy provided to the volunteer and the original retained with the department's Volunteer Coordinator. Each time the responsibilities of a volunteer change, the Volunteer Position Description should be updated or a new description must be created. A Volunteer Supervisor and contact information must be identified in every volunteer's responsibility description. Volunteer Position Description must be updated at least annually.

b) Volunteer Instruction. All volunteers should receive instruction on how to carry out their responsibilities. The instruction given will vary depending on the nature and complexity of the volunteer's responsibilities. Instruction methods may include informal orientation, hands-on instruction, job site performance coaching and skills training, or a formalized training program with prepared training manuals.

c) Safety Policies and Procedures. Volunteers must be instructed in pertinent safety policies and procedures including such items as emergency evacuation, safety rules, and proper use of equipment. Records of safety information/training provided/received must be kept on file for seven years after end of service with the volunteer name and date received.

d) Incident/Accident Reporting. Volunteers will be instructed to report to their supervisors as soon as possible all incidents or accidents they are involved with during the course of their volunteer responsibilities. Prompt accident investigation is critical to determine possible causal factors and possible corrective actions to prevent such accidents from occurring in the future. Volunteer Supervisors will notify Portage County Risk Management within 24 hours of an incident/accident.

3.17.7 PERFORMANCE MONITORING. Throughout the volunteers' service to the County, supervisors must continuously monitor the performance of volunteers. If performance does not match expectations, supervisors must assist the volunteers to improve performance in order to better carry out their responsibilities. If the performance of a volunteer does not improve, the volunteer should be notified in writing that his/her service to the County has been appreciated, but that the volunteer is no longer authorized to perform services on behalf of the County.

3.17.8 REPORTING REQUIREMENTS. Annually, per calendar year, each department will compile a report of a list (by name) of volunteers utilized during the year and summarize the work and hours performed per volunteer along with means of recognition. This report will be submitted to the County Executive with a copy also provided to County Risk Management. The County Executive will make a countywide volunteer report to the Finance Committee, by the end of January for the previous calendar year. This report will become part of an annual volunteer service report made to the County Board in April as part of national volunteer recognition month.

3.17.9 RECOGNITION OF VOLUNTEER SERVICE. All opportunities for appropriate, meaningful recognition should be taken. A recognition plan will be established to recognize volunteers on a departmental basis. In appreciation for valuable contributions, annual recognition events may be held or recognition items like certificates of appreciation or token gifts may be given to honor volunteer contributions, with the value of any single recognition gift or recognition meal no greater than twenty-five dollars (\$25.00) and with a maximum cumulative award value no greater than fifty dollars (\$50.00) per volunteer, per year. Gifts for recognition of a value of greater than twenty-five dollars (\$25.00) are prohibited as well as cash and gift cards/certificates.

3.17.10 EXPENSES. When directed by the Volunteer Supervisor to make a program-related purchase, the volunteer may be reimbursed for expenses. Approval for any specific purchase must be obtained in advance and all county, departmental, purchasing and ethics policies apply. Volunteers may claim mileage reimbursement when required to use their personal vehicles for county-related business when pre-authorized by the department only. To claim reimbursement, volunteers must use the standard county form. Authorized mileage will be paid only for travel during authorized service periods.

3.17.11 COMPLETION OF VOLUNTEER SERVICE. A brief letter is required to provide written documentation that volunteer service on behalf of Portage County has ended and the individual or group is no longer authorized to act on behalf of the County. The volunteer or group must receive a copy of the letter and a copy will be retained by the department for seven years after end of service. When appropriate, this letter can function as a means to honor and document the volunteer service.

3.17.12 VOLUNTEERS UNDER AGE 18 AND OTHER PROSPECTIVE VOLUNTEERS WHO HAVE GUARDIANS. The Human Resources Department will act as a resource, on a case by case basis, to advise departments on screening, permissions, and other special circumstances related to youth or other unique volunteer situations. Waivers for youth volunteers (age 17 and under) will be signed by guardians.

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Revised by Resolution No. 76-2010-2012 on October 19, 2010

Revised by Resolution No. 226-2010-2012 on October 11, 2011

3.18 PARCEL IDENTIFICATION NUMBER REQUIREMENT ON REAL ESTATE INTEREST CONVEYANCE INSTRUMENTS:

1. Any conveyance as defined in Wis. Stat. sec 706.01(4), of any interest in real estate shall contain reference to the parcel identification number of the parcel affected.
2. If the conveyance is of a newly created parcel for which a parcel identification number has not yet been assigned, reference shall be made to the parcel identification number of the parcel from which the new parcel was created.
3. The Register of Deeds shall not accept for recording any conveyance of any interest in real estate which does not contain the parcel identification number of the parcel affected.
4. This ordinance shall be affected February 1, 2018.

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Revised by Resolution No. 210-2016-2018 on December 19, 2017