

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 5.04, CIVIL SERVICE, OF CHAPTER 5, LAW ENFORCEMENT, OF THE CODE OF ORDINANCES, DODGE COUNTY, WISCONSIN, AND TO AMEND SECTION 5.05, GENERAL PROVISIONS, OF CHAPTER 5, LAW ENFORCEMENT, OF THE CODE OF ORDINANCES, DODGE COUNTY, WISCONSIN.

**WHEREAS**, Dodge County currently has a civil service ordinance which creates a civil service commission for the hiring and promotion of employees at the Dodge County Sheriff's Office; and,

**WHEREAS**, it is recognized that standards are required for the recruitment of qualified personnel for the continuity of law enforcement work within Dodge County; and,

**WHEREAS**, it is imperative to the continuity of law enforcement operations to have processes which are not a hindrance to effective recruitment, selection, hiring, and promotions of law enforcement personnel within Dodge County, Wisconsin; and,

**WHEREAS**, the Dodge County Sheriff's Office is the only branch of Dodge County government whose administrative function of hiring and promoting employees is controlled by Civil Service rule; and,

**WHEREAS**, the Dodge County Sheriff's Office has seen a recent increase in the loss of qualified candidates due to the length of the process and the inability to expand pre-employment evaluations based on limitations set forth; and,

**WHEREAS**, policies and procedures have been created to govern recruitment, selection, promotional processes, and discipline within the sheriff's office; and,

**WHEREAS**, the elimination of civil service in Dodge County will create efficiency and expedite the hiring and promotional processes, while maintaining appropriate protection of employees through Dodge County and Dodge County Sheriff's Office policies in addition to protections already in place pursuant to Section 59.26 of the *Wisconsin Statutes*; and,

**WHEREAS**, a collective bargaining agreement, between Dodge County and employees of the Dodge County Sheriff's Office, will supplant any policy or rule abolishing civil service role in the hiring and promotion of employees of the Dodge County Sheriff's Office; and,

**WHEREAS**, the civil service ordinance has been duly referred to and considered by the Law Enforcement Committee and the Human Resources Committee and have found that is beneficial to the Dodge County Sheriff's Office to amend the ordinance;

**SO NOW, THEREFORE,**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DODGE DOES  
ORDAIN AS FOLLOWS:

Section 5.04, Civil Service, of Chapter 5, Law Enforcement, of the Code of Ordinances, Dodge County, Wisconsin, is hereby amended to read as follows\*:

5.04 CIVIL SERVICE.

\*Additions in text are indicated by **underline and bold-faced type**; deletions by ~~single strikethrough~~.

- (1) PURPOSE. This section is intended to bring qualified personnel into County law enforcement work by a system of competitive examinations and to provide continuity in law enforcement work. ~~Employees in the Sworn Unit~~ **Sworn staff who are subject to a collective bargaining agreement** shall be appointed as Deputy Sheriff **by the Sheriff** under the Civil Service Law in §59.21(8)(a), Wis. Stats., **until such time as civil service is no longer referenced in the collective bargaining agreement. At such time, Section 5.04 will not apply to sworn staff who are subject to the collective bargaining agreement.** ~~Employees in the non-sworn unit within the department will be employed under provisions of Ch. 63, Wis. Stats.~~
- (2) COMMISSION.
- (a) There is hereby established a County Civil Service Commission, with the duties, functions and authority in § 59.21 and Ch. 63, Wis. Stats.
- (b) This Commission shall consist of 5 members, and one alternate member, all of whom shall be legal residents of Dodge County. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of civil service. No person holding any elected or appointed public position or office of any sort in County government shall be appointed to this commission.
- (c) The County Board Chairman shall appoint the members and alternate member of the Commission, designating the term of office of each. Such appointment and designation shall be subject to confirmation of the County Board. Members shall serve 5-year staggered terms. The alternate member shall also serve a 5-year term. Preceding the expiration of the term of office of any such commissioner or alternative commissioner, the Dodge County Board of Supervisors shall elect one member or alternate member of such Commission to hold office for the term of 5 years, from the 1st day of January next succeeding his or her appointment and until his or her successor is elected and qualifies.
- (d) Each member and alternate member of the Commission shall take and file the official oath.
- (e) Each member and alternate member of the Commission shall receive such compensation as the County Board determines.
- (f) The Commission shall organize and elect a chairman, vice-chairman, and secretary, each of whose term of office shall be one year. In the absence of the chairman, the vice-chairman shall assume all of the authority, duties and responsibilities of the chairman.
- (g) At the discretion of the Commission Chairman, the alternate member shall serve in the absence of any member, and when doing so, shall be afforded all consideration given any other member.
- (h) ~~The Director of Personnel,~~ **Human Resources Director,** or his **or her** designee, shall cause the minutes of its proceedings to be taken and fully transcribed, shall preserve all reports made to the Commission, keep a record of all examinations held under its direction and perform such other duties as the Commission may from time to time prescribe.
- (3) DUTIES. The Commission shall:

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- (a) Prepare and publish such rules and regulations to carry out the provisions of this section as may be necessary to secure the best Sworn Union law enforcement service for the County.
- (b) Receive applications and conduct examinations of applicants for Sworn Union positions in the Sheriff's ~~Department~~ Office with such frequency as may be necessary to maintain an eligibility list sufficient to meet the needs of the ~~Department~~ Sheriff's Office.

(4) APPLICATIONS.

- (a) Notice as to the open deputy sheriff positions, ~~and non-sworn positions~~ with the Sheriff's Department Office, the necessary qualifications and where applications may be filed, shall be published in a newspaper of County-wide circulation.
- (b) All candidates for paid full time deputy sheriff positions, ~~or non-sworn positions~~ in the Sheriff's Department Office shall file a written application with the County ~~Personnel~~ Human Resources Department upon designated forms.
- (c) No person shall be eligible to apply for full time employment as a deputy sheriff unless the person:
  1. Is a citizen of the United States;
  2. Is and has been a resident of Wisconsin for at least one year preceding the date of the examination; and,
  3. Meets the minimum recruitment standards set by the Wisconsin Law Enforcement Standards Board, and preliminary requirements as established by Dodge County.
- ~~(d) No person shall be eligible to apply for employment as a Jail Officer unless the person:~~
  - ~~1. Is a resident of Wisconsin;~~
  - ~~2. Meets the minimum recruitment standards set by the Wisconsin Law Enforcement Standards Board, and preliminary requirements as established by Dodge County.~~
- ~~(e) No person shall be eligible to apply for employment for a non-sworn position with the Sheriff's Department unless the person:~~
  - ~~1. Is a resident of Wisconsin;~~
  - ~~2. Meets the preliminary requirements as established by Dodge County.~~

(5) EXAMINATION.

- (a) The Commission shall conduct competitive examinations, written and oral, for candidates who apply for any full time deputy sheriff position, ~~or non-sworn position~~. The examinations, oral and written, shall apply to all applicants, including internal candidates (individuals who are currently deputy sheriffs ~~or non-sworn employees~~). The written examination is not required of internal candidates who wish to compete for higher classification where:
  1. The internal candidate has previously taken that exam and has scored at or above the 70th percentile, in which case the candidate may submit the previous score for consideration, or elect to retake the exam; or,

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2. The internal candidate has successfully held a position that the exam is intended to qualify a person for, in which case the candidate may elect to submit the minimal percentile score of 70 for consideration, or may elect to take the exam. Successfully holding a position means that the person will not have been previously removed from the position due to an inability to satisfactorily perform the duties of the position.
- (b) The Commission may refuse to examine a candidate, certify a candidate, or may remove a candidate from a certification, who:
    1. Is found to lack any of the established preliminary requirements for the position for which that person applied.
    2. Has intentionally made a false statement of any material fact, or omits pertinent information.
    3. Has practiced or attempted to practice any deception or fraud in his application, certification, examination or in securing his eligibility or appointment.
  - (c) The first stage of the testing procedure will be a written examination, relating to the position. (Am. #559)
  - (d) Names of the persons passing the written examination with a grade of 70% or more will be placed on a list in the order of their final grade. Twenty people standing highest on the list shall be eligible for the oral examination, which shall be conducted by the Commission.
  - (e) The Commission may, at its discretion, invite a member of law enforcement of another jurisdiction to take part in the oral examination along with the Commission.
  - (f) The Commission shall conduct an investigation to determine the character, reputation and general qualifications of candidates certified to the Sheriff.
  - (g) The Commission shall establish an eligibility list of candidates who meet the prerequisites of the position, and have scored at least 70% on the written and oral examinations.
  - (h) In the event that a sufficient number of applicants who initially qualified for the oral examination have been exhausted from consideration (failure to pass the oral examination with a grade of 70%, remove self from consideration, interviewed but not further considered, or interviewed and hired), the next 20 people standing highest on the list after the written examination shall be eligible for the oral examination.
  - (i) Placement on the eligibility list shall be overall score, weighing the scores on the written and oral examinations equally.
  - (j) The ~~Personnel~~ **Human Resources** Director, or his or her designee, under the direction of the Commission, shall conduct a background investigation of those persons to be certified to the Sheriff. The purpose of the background investigation is to determine suitability for employment in the position applied for, and to verify information supplied to Dodge County.

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(6) APPOINTMENTS.

- (a) Whenever an opening exists, the sheriff shall make appointments to the position from the list of applicants who are certified as eligible by the Commission. If the opening is for a deputy sheriff, the Commission shall certify to the Sheriff the names of all persons with the 3 highest scores on the list. ~~If the opening is for a non-sworn position, the Commission shall certify to the Sheriff the names of the 5 persons standing highest on the eligibility list.~~
- (b) If more than one vacancy is to be filled, the Commission shall certify one additional name from that list for each additional vacancy.
- (c) After the certification, any veteran or veterans spouse whose grade, plus the points to which the veteran or spouse is entitled under § 230.16(7), Wis. Stats., is equal to or higher than the lowest grade on the list, shall be added to the certification list. The number of persons added to a certification list under this section may not exceed the number of persons initially certified.
- (d) Appointments of deputy sheriffs by the sheriff shall be made within 10 days after receipt of the certified list from the Commission.
- (e) Deputy sheriffs appointed according to the provisions of this section shall hold office on good behavior and shall not be dismissed from such office or demoted or suspended, except as provided in this section.
- (f) All full time deputy sheriffs ~~and non-sworn employees~~ granted civil service status shall continue without further examination or appointment, except when seeking a position which constitutes a promotion to a higher classification.
- (g) The number of full time deputy sheriffs ~~and non-sworn employees~~ employed in the Sheriff's Department Office shall be determined pursuant to § 59.21(8), Wis. Stats., and by the County Board upon recommendation of the Dodge County ~~Personnel~~ Human Resources and Labor Negotiations Committee.

(7) SUSPENSION, DISMISSAL OR OTHER DISCIPLINARY PROVISIONS PERTAINING TO SWORN DEPUTIES.

- (a) Whenever the Sheriff, Chief Deputy, or a majority of the members of the Commission determine that a deputy sheriff is incompetent to perform his duties or merits suspension, demotion or dismissal, a written report shall be made to the grievance committee setting forth the complaint. If the complaining official is the Sheriff, he may suspend or demote the officer at the time such complaint is filed.
- (b) The grievance committee for the County Sheriff's ~~Department~~ Office shall consist of 5 members, appointed in the same manner and at the same time as standing committees of the County Board are appointed. The committee may be made up of members of the Board or other electors in the County, or both.

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- (c) The Grievance Committee shall immediately notify the accused officer of the filing of the charges, and upon request furnish him with a copy of the same.
- (d) The Grievance Committee shall, if the officer requests a hearing, hold such hearing following the procedures as designated in § 59.26, Wis. Stats.
- (e) If the accused officer does not request a hearing, the Grievance Committee may take whatever action it deems justifiable on the basis of the charges filed, and shall issue an order in writing.
- (f) No deputy may be suspended, demoted, or discharged by the Grievance Committee based on charges filed by the Sheriff, Undersheriff, or majority of the members of the Civil Service Commission for the selection of deputies, unless the Committee determines whether there is just cause, pursuant to § 59.26(8)(b)(5m), Wis. Stats., to sustain the charges.
- (g) The accused may appeal from the order of the Grievance Committee to the circuit court as provided in § 59.26(8)(b)(6), Wis. Stats. If the order of the Committee is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the committee is sustained, it shall be final and conclusive.
- (h) A deputy sheriff may not be suspended or dismissed without pay or benefits, for any action taken that is within the scope of the deputies employment, until the matter that is the subject of the suspension or dismissal is disposed of by the Grievance Committee or Civil Service Commission, or time for appeal of that matter passes without an appeal being made. If the matter is decided adversely to the Deputy, all pay and benefits received by the Deputy Sheriff between the time of his or her suspension or dismissal and the latest of an adverse ruling by the Committee, the Commission or the court, or the time for appeal passes shall be returned to the County.
- (i) If the Deputy is under investigation and is subjected to interrogation for any reason which could lead to disciplinary action, demotion, dismissal, or criminal charges, the Deputy under investigation shall be informed of the nature of the investigation prior to any interrogation, and at the Deputy's request, he or she may be represented by a representative of his or her choice who may be present at all times of the interrogation. Evidence obtained during the course of any interrogation in violation of the above may not be utilized in any subsequent disciplinary proceeding against the Deputy.

~~(8) SUSPENSION, DISMISSAL OR OTHER DISCIPLINARY PROVISIONS PERTAINING TO NON-SWORN EMPLOYEES.~~

- ~~(a) Whenever the Sheriff, Chief Deputy, a majority of the members of the Commission or any other individual authorized by § 63.10, Wis. Stats., determine that an employee in a non-sworn position has acted in such a manner as to show the employee to be incompetent to perform his duties or to have merited demotion or dismissal, a written report shall be made to the Civil Service Commission setting forth specifically the complaint, and the person, Board or Commission may suspend the employee at the time such complaint is filed.~~
- ~~(b) The Commission shall forthwith notify the accused employee of the filing of the charges and on request provide the employee with a copy of the same.~~
- ~~(c) Nothing in this subsection shall limit the power of the Department head to suspend a subordinate for a reasonable period not exceeding 10 days. In case an employee is again~~

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~~suspended within 6 months for any period whatever, the employee so suspended shall have the right to a hearing by the Commission on the second suspension or any subsequent suspension within said period the same as herein provided for in demotion or dismissal proceedings.~~

- ~~(d) The Commission shall appoint a time and place for the hearing of said charges, the time to be within 3 weeks after the filing of the same, and notify the person possessing the appointing power and the accused of the time and place of such hearing.~~
- ~~(e) The Commission shall determine whether or not the charge is well founded and shall take such action by way of suspension, demotion, discharge or reinstatement, as it may deem requisite and proper under the circumstances and as its rules may provide. The decision of the Commission shall be final.~~
- ~~(f) The Commission may in its discretion permit the accused to be represented by counsel and may request the presence of an assistant district attorney to act with the Commission in an advisory capacity.~~
- ~~(g) If the County and a labor organization representing employees of the County enter into a collective bargaining agreement under Subch. IV of Ch. 111, Wis. Stats., the agreement may provide that the provisions of the agreement relating to dismissal, demotion and suspension shall supersede this section with respect to employees covered by the agreement while the agreement is in effect. This subsection does not apply to any action under subsection (1) to suspend an employee with pay.~~

Section 5.05, General Provisions, of Chapter 5, Law Enforcement, of the Code of Ordinances, Dodge County, Wisconsin, is hereby amended to read as follows\*:

#### 5.05 - GENERAL PROVISIONS.

- (1) No deputy sheriff shall engage in political activity during working hours. No deputy sheriff may be prohibited from engaging in political activity when not on duty or not otherwise acting in an official capacity, or be denied the right to refrain from engaging in political activity.
- (2) No deputy sheriff may be prohibited from being a candidate for any elective public office, if that deputy sheriff is otherwise qualified to be a candidate. No deputy sheriff may be required, as a condition of being a candidate for an elective public office, to take a leave of absence during his or her candidacy. This section does not affect the authority of the County to regulate the conduct of the deputy while the deputy is on duty or otherwise acting in an official capacity.
- (3) The salaries of deputy sheriffs shall be determined through the collective bargaining process for all union employees, ~~and by the Personnel and Labor Negotiations Committee, with approval by the County Board of Supervisors, for non-union personnel.~~
- (4) Except as expressly stated, this section shall not diminish the rights of deputy sheriffs to collectively bargain with respect to wages, hours, or conditions of employment.
- (5) No deputy may be discharged, disciplined, demoted or denied promotion, transfer or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, by reason of the exercise of his or her rights under this chapter.

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**Effective Date:**

This Ordinance To Amend Section 5.04, Civil Service, Of Chapter 5, Law Enforcement, Of The Code Of Ordinances, Dodge County, Wisconsin, And To Amend Section 5.05, General Provisions, Of Chapter 5, Law Enforcement, Of The Code Of Ordinances, Dodge County, Wisconsin, shall become effective upon enactment by the Dodge County Board of Supervisors and publication as required by law.

Respectfully submitted this 17th day of May, 2016.

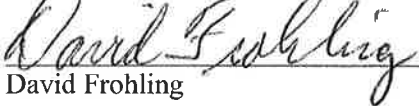
**Dodge County Human Resources and Labor Negotiations Committee:**

  
\_\_\_\_\_  
Joseph M. Marsik

\_\_\_\_\_  
Dennis R. Schmidt

  
\_\_\_\_\_  
Richard L. Greshay

\_\_\_\_\_  
Jeffry Duchac

  
\_\_\_\_\_  
David Frohling

**Dodge County Law Enforcement Committee:**

\_\_\_\_\_  
Larry Bischoff

\_\_\_\_\_  
Dan Hilbert

\_\_\_\_\_  
MaryAnn Miller

\_\_\_\_\_  
Larry Schraufnagel

\_\_\_\_\_  
Thomas Nickel

Enacted and approved this 17th day of May, 2016.

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Russell Kottke, Chairman  
Dodge County Board of Supervisors

\_\_\_\_\_  
Karen J. Gibson, County Clerk

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