

MILWAUKEE COUNTY
CIVIL SERVICE COMMISSION MEETING
Monday, August 25, 2014, 2:00 pm
Courthouse Room 306

CSC 10/01/14
Item #1
Approve

Minutes

ROLL CALL:

Present: Arthur Phillips, Maria Monteagudo, Janet Cleary
Excused: Erbert Johnson, Mary Ellen Powers

OLD BUSINESS: None

NEW BUSINESS:

1. Election of President, Pro Tem

Rick Ceschin, Secretary to the Civil Service Commission, brought the meeting to order and asked the Commissioners to vote on a President Pro Tem for this meeting.

ACTION: Arthur Phillips made a motion to elect Maria Monteagudo as President Pro Tem; it was seconded by Janet Cleary.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

2. Introduction of Commissioner Janet Cleary.

ACTION: No action taken.

3. Election of Civil Service Commission officers.

ACTION: Arthur Phillips made a motion to Layover this item; it was seconded by Janet Cleary.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

4. Introduction of Civil Service Hearing Examiners Omar Mallick & Chuck Schumacher.

ACTION: No action taken.

5. Presentation of scheduled calendar of hearings.

ACTION: No action taken.

6. The Secretary to the Civil Service Commission requests the approval of the Civil Service Commission minutes from July 10, 2014.

Recommendation of the Department of Human Resources: Approve

ACTION: Arthur Phillips made a motion to approve the minutes; it was seconded by Janet Cleary.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

7. The Secretary to the Civil Service Commission forwards the minutes of the Milwaukee County Personnel Review Board of June 24, July 8, & July 22, 2014.

Recommendation of the Department of Human Resources: Receive & Place on File

ACTION: So ordered.

8. From the Department of Human Resources Employee Relations Director, requesting to transfer the position of HR Manager from the classified to the unclassified service.

Recommendation of the Department of Human Resources: Approve

Appearances: Luis Padilla Jr., Employee Relations Director & Rick Ceschin, Deputy HR Director.

ACTION: Janet Cleary made a motion to approve the request; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

To Convene Into Closed Session

ACTION: Arthur Phillips made a motion to convene into closed session Per Section 19.85(1)(g) of the Wisconsin Statutes; it was seconded by Janet Cleary.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

9. Merit System Violation Case No. 140430, Latoya Renfro vs Milwaukee County.

Appearances: None.

ACTION: Janet Cleary made a motion to dismiss due to no violation of the merit system; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

To Reconvene Into Open Session

ACTION: Arthur Phillips made a motion to reconvene into open session; it was seconded by Janet Cleary.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Janet Cleary.
Noes – 0

Meeting Adjournment

ACTION: Erbert Johnson made a motion to adjourn the meeting; it was seconded by Arthur Phillips.

Ayes – 3: Arthur Phillips, Maria Monteagudo, Erbert Johnson.

Noes – 0

Meeting adjourned at 3:35 pm.

Approved by:



Rick Ceschin
Secretary to the Civil Service Commission

RC:jam

C: Personnel Review Board

Milwaukee County Personnel Review Board

Meeting Minutes – August 5, 2014

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:05 a.m. on Tuesday, August 5, 2014, in Room 3-G-329 of the Milwaukee County House of Correction.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Mary K. Bruno, Ms. Susan A. Lueger, Ms. Melissa D. Hudson (Clark), and Ms. Melissa R. Soberalski.

II. Approval of Minutes of the July 22, 2014 Meeting

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by vote of 5-0, approved the minutes of the July 22, 2014 meeting.

III. Communications and/or comments from the public, if any

None

IV. Correspondence

None

V. Hearings

A. SUSPENSIONS

JANELL Y. DAVIS, Correction Officer 1, HOC
Case 1-4124 dated 05/23/2014 for HOC IA # 14-099 for 2 days

The Board heard the report of Mr. Calvin Lee, Staff Representative, District Council 48, AFSCME, that Janell Y. Davis submitted a signed waiver of hearing and accepted her suspension. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), accepted the waiver of Janell Y. Davis and closed this case.

B. DISCHARGES

RENE C. RICHARDSON, Correction Officer 1, HOC
Case 2-4058 dated 2/11/2014 for HOC IA # 13-093

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that Rene C. Richardson, who was not present, submitted a letter of resignation dated August 5, 2014. Molly Zillig, Corporation Counsel, requested the Board accept the resignation. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by

unanimous vote (5-0), accepted the resignation of Rene C. Richardson and closed this case.

**TRESHAWNDA M. WRIGHT, Correction Officer 1, HOC
Case 2-4059 dated 2/11/2014 for HOC IA # 13-113**

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that Treshawnda M. Wright, who was not present, submitted a letter of resignation dated August 5, 2014. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), accepted the resignation of Treshawnda M. Wright and closed this case.

At 9:15 a.m., Ms. Lueger moved, Ms. Soberalski seconded, and the Board voted (5-0) to go into closed session pursuant to Sections 19.85(1)(a),(b),(c),(f) &(g), Wisconsin Statutes. At 9:56 a.m., the Board reconvened in open session.

VI. Adjournment

Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by vote of 5-0, adjourned the meeting at 10:03 a.m.

Minutes submitted by: Rebecca M. Janz, Executive Secretary

Milwaukee County Personnel Review Board

Meeting Minutes – August 19, 2014

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:00 a.m. on Tuesday, August 19, 2014, in Room 203-R of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Mary K. Bruno, Ms. Susan A. Lueger, Ms. Melissa D. Hudson (Clark), and Ms. Melissa R. Soberalski.

II. Approval of Minutes of the August 5, 2014 Meeting

Ms. Soberalski moved, Ms. Clark seconded, and the Board, by vote of 5-0, approved the minutes of the August 5, 2014 meeting.

III. Communications and/or comments from the public, if any

None

IV. Correspondence

None

V. First Appearances

A. DISCHARGE AND SUSPENSIONS

JOSEPH GIDLUND, Correction Officer 1, HOC

Case 2-4140 dated 08/06/2014 for HOC IA # 14-107

Case 1-4139 dated 08/06/2014 for HOC IA #14-105 for 15 days

Case 1-4141 dated 08/06/2014 for HOC IA #14-106 for 25 days

(Refer to Agenda item VII.A.)

B. SUSPENSIONS

MICHAEL LOVE, Correction Officer 1, HOC

Case 1-4143 dated 08/06/2014 for HOC IA # 14-109

The Board heard the report of Charmaine Gee, Administrative Assistant, that Michael Love, who was not present, contacted the office and stated he will accept his suspension and waive his right to a hearing. Ms. Gee gave a waiver form to Captain Rugaber for Mr. Love to complete and submit to the Board. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), voted to hold over Mr. Love's case until September 2, 2014, for an update on the status of his waiver.

DENISE LUNA, Correction Officer 1, HOC

Case 1-4142 dated 08/06/2014 for HOC IA # 14-053

The Board heard the report of Charmaine Gee, Administrative Assistant, that Denise Luna, who was not present, submitted a signed waiver of hearing and accepted her 15

day suspension. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), accepted the waiver of Denise Luna and closed this case.

LYLE MAY, Auto & Equip. Service Tech., DOT

Case 1-4138 dated 08/05/2014

The Board heard the report of Charmaine Gee, Administrative Assistant Personnel Review Board, that Lyle May, who was not present, submitted a waiver accepting his 5 day suspension. Ms. Bruno moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0), accepted the waiver of Lyle May and closed this case.

VI. Updates

A. GRIEVANCES

EARL MAYS, Parks Maintenance Worker, PARKS

Case 4-4116 dated 05/15/2014

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that he understood that the Board was still awaiting the circuit court's decision in Milwaukee County vs. Milwaukee County Personnel Review Board, et al, Milwaukee County Case Number 2014CV002536, regarding whether the Board has jurisdiction over certain grievances. Ms. Clark moved, Ms. Lueger seconded, and the Board, by unanimous vote, moved this matter to September 16, 2014, for an update. Later Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote (5-0) determined to schedule Mr. Mays' hearing certain for September 16, 2014, rather than an update.

DEBORAH GALL, Licensed Practicing Nurse, HOC

Case 4-4120, dated 05/15/2014

The Board informed Deborah Gall, who was present and represented by Craig Johnson, Attorney, Sweet & Associates, that the Board did not have jurisdiction to hear Ms. Gall's grievance because she is no longer an employee of Milwaukee County. Ms. Lueger moved, Ms. Clark seconded, and the Board, by unanimous vote, determined it did not have jurisdiction over Ms. Gall's grievance because she was not longer an employee of Milwaukee County and dismissed the grievance.

SEAN TOURILLOTT, Airport Maintenance Worker, DOT

Case 4-4117, dated 05/15/2014

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that he understood that the Board was still awaiting the circuit court's decision in Milwaukee County vs. Milwaukee County Personnel Review Board, et al, Milwaukee County Case Number 2014CV002536, regarding whether the Board has jurisdiction over certain grievances. Ms. Clark moved, Ms. Lueger seconded, and the Board, by unanimous vote, moved this matter to September 16, 2014, for a hearing certain.

DOUG FELDE, Airport Maintenance Worker, DOT

Case 4-4100, issued 04/18/2012

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that he understood that the Board was still awaiting the circuit court's decision in Milwaukee County vs. Milwaukee County Personnel Review Board, et al, Milwaukee County Case Number 2014CV002536, regarding whether the Board has jurisdiction over

certain grievances. Ms. Lueger moved, Ms. Soberalski seconded, and the Board, by unanimous vote, moved this matter to September 16, 2014, for hearing certain.

ROBERT COLLAZO, Zookeeper, ZOO

Case 4-4043, issued 10/08/2014

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that Mr. Collazo's case at the Wisconsin Department of Workforce Development's Division of Equal Rights ("ERD") was still pending, but the investigation should be completed by the end of August.

At 9:30 a.m., Ms. Clark moved, Ms. Soberalski seconded, and the Board voted (5-0) to go into closed session pursuant to Sections 19.85(1)(a), Wisconsin Statutes, to deliberate the Robert Collazo matter. At 9:49 a.m., the Board reconvened in open session.

Ms. Lueger moved, Ms. Clark seconded, and the Board, by unanimous vote, moved this matter to September 2, 2014, for a hearing, unless the ERD investigation was not concluded at that time, in which case the Board will move the hearing to September 16, 2014.

VII. Hearings

A. DISCHARGE AND SUSPENSIONS

DWAYNE E. LEE, Clerical Assistant, SHERIFF

Case 2-4126 dated 06/09/14 for IA # 14-126

Case 2-4132 dated 06/27/14 for IA # 13-338 for 3 days

The Board heard the report of Craig Johnson, Attorney, Sweet & Associates, that Dwayne E. Lee, who was present, submitted a waiver accepting his discharge and suspension. Ms. Lueger moved, Ms. Clark seconded, and the Board, by unanimous vote (5-0), acknowledged the resignation of Dwayne Lee from County service, effective August 19, 2014, and closed this case.

JOSEPH GIDLUND, Correction Officer 1, HOC

Case 2-4140 dated 08/06/2014 for HOC IA # 14-107

Case 1-4139 dated 08/06/2014 for HOC IA #14-105 for 15 days

Case 1-4141 dated 08/06/2014 for HOC IA #14-106 for 25 day

The Board first heard Case 1-4139 regarding Joseph Gidlund's 15 day suspension, followed by Case 1-4141 regarding Mr. Gidlund's 25 day suspension, and then heard Case 2-4140 regarding Mr. Gidlund's discharge. Mr. Gidlund was present and was not represented by counsel. At 10:56 a.m., Ms. Clark moved, Ms. Bruno seconded, and the Board voted (5-0) to go into closed session to deliberate the Joseph Gidlund matters. At 11:04 a.m., after deliberating in closed session, the Board reconvened in open session.

Ms. Clark moved, Ms. Bruno seconded, and the Board, by unanimous vote (5-0) found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (l) (specifically House of Corrections rule HR-01, Sick/absence) and (o), and upheld the 15 day and 25 day suspensions as well as the discharge of Mr. Gidlund.

B. SUSPENSION

WALTER MEYER, Correction Officer, HOC

Case 1-4123, dated 05/23/2014 for HOC IA #14-080 for 20 days

The Board heard the report of Charmaine Gee, Administrative Assistant, that Walter Meyer, who was not present, submitted a letter of resignation. Ms. Lueger moved, Ms. Bruno seconded, and the Board, by unanimous vote (5-0), acknowledged the resignation of Walter Meyer from County service, effective July 25, 2014, and closed this case.

VIII. Adjournment

Ms. Clark moved, Ms. Bruno seconded, and the Board, by vote of 5-0, adjourned the meeting at 11:10 a.m.

Minutes submitted by: Rebecca M. Janz, Executive Secretary

Milwaukee County Personnel Review Board
Meeting Minutes – September 2, 2014

I. Roll Call

Board President Daniel Dennehy called to order the regular meeting of the Personnel Review Board at 9:06 a.m. on Tuesday, September 2, 2014, in Room 201-B of the Milwaukee County Courthouse.

The following Board Members were present: Mr. Daniel T. Dennehy, Ms. Susan A. Lueger, and Ms. Melissa D. Hudson Clark.

Ms. Mary K. Bruno and Ms. Melissa Soberalski were excused.

II. Approval of Minutes of the August 19, 2014 Meeting

Ms. Lueger moved, Ms. Clark seconded, and the Board, by vote of 3-0, approved the minutes of the August 19, 2014 meeting.

III. Communications and/or comments from the public, if any

None

IV. Correspondence

A. OPEN MEETINGS INFORMATION FROM PERSONNEL REVIEW BOARD STAFF

Rebecca M. Janz, Administrator, circulated information about Wisconsin Open Meetings law to the Board members and informed them of upcoming trainings by the Wisconsin Department of Justice related to Wisconsin Open Meetings and Public Records laws.

B. MILWAUKEE COUNTY V. MILWAUKEE COUNTY PERSONNEL REVIEW BOARD, CASE NO. 14-CV-002536, DECISION AND ORDER

The Board noted that the Decision and Order in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536, found that the Board did not have jurisdiction to hear grievances related to disciplinary measures that are not addressed in Wisconsin Statute § 63.10. The Board expressed its intent to dismiss the pending grievances related to discipline not addressed in Wisconsin Statute § 63.10.

The Board heard arguments from Mark Sweet, Attorney, Sweet & Associates, representative of District Council 48 AFSCME and several employees with pending disciplinary grievances, and Paul Kuglitsch, Assistant Corporation Counsel. Mr. Sweet noted the employees and the union objected to the dismissal of these cases on legal, practical, and political grounds. Mr. Sweet noted that the court did not rule on the due process implications of the court's decision; that the decision was limited; and Ms. Beck, whose grievance was at issue in the case, had not yet determined her next steps. Mr. Kuglitsch stated that the order was clear that the Board could not hear these grievances.

Ms. Lueger moved, Ms. Clark seconded, and the Board, by 3-0 vote, determined it did not have jurisdiction to hear grievances related to employee discipline other than

instances of dismissal, demotion, suspensions longer than 10 days, or an employee's second suspension in a six-month time period.

EARL MAYS, Parks Maintenance Worker, PARKS

Case 4-4116 dated 05/15/2014

Over the objections of Mark Sweet, Attorney, Sweet & Associates, Ms. Lueger moved. Ms. Clark seconded, and the Board, by a vote of 3 -0, dismissed this case for lack of jurisdiction under the courts' recent decision in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536.

SEAN TOURILLOTT, Airport Maintenance Worker, DOT

Case 4-4117, dated 05/15/2014

Over the objections of Mark Sweet, Attorney, Sweet & Associates, Ms. Clark moved. Ms. Lueger seconded, and the Board, by a vote of 3 -0, dismissed this case for lack of jurisdiction under the courts' recent decision in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536.

DOUG FELDE, Airport Maintenance Worker, DOT

Case 4-4100, issued 04/18/2014

Over the objections of Mark Sweet, Attorney, Sweet & Associates, Ms. Lueger moved. Ms. Clark seconded, and the Board, by a vote of 3 -0, dismissed this case for lack of jurisdiction under the courts' recent decision in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536.

CAROL BECK Psych Social Worker, BHD

Case 4-3831, issued 11/05/2012

Over the objections of Mark Sweet, Attorney, Sweet & Associates, Ms. Clark moved. Ms. Lueger seconded, and the Board, by a vote of 3 -0, dismissed this case for lack of jurisdiction under the courts' recent decision in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536.

ROBERT COLLAZO, Zookeeper, ZOO

Case 4-4043, issued 10/08/2014

Over the objections of Mark Sweet, Attorney, Sweet & Associates, Ms. Lueger moved. Ms. Clark seconded, and the Board, by a vote of 3 -0, dismissed this case for lack of jurisdiction under the courts' recent decision in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536.

V. First Appearances

A. GRIEVANCE

NADA MCGUIRE, Facilities Worker - Security, DAS

Case 4-4145 dated 08/15/2014

Over the objections of Mark Sweet, Attorney, Sweet & Associates, Ms. Clark moved, Ms. Lueger seconded, and the Board, by a vote of 3 -0, dismissed this case for lack of jurisdiction under the courts' recent decision in *Milwaukee County v. Milwaukee County Personnel Review Board*, Case No. 14-CV-002536.

B. SUSPENSIONS

DONNA FLEES, PARALEGAL, FAMILY CARE

Case 1-4144 dated 08/13/2014

The Board heard the report of Paul Kuglitsch, Assistant Corporation Counsel, that his office and the Personnel Review Board staff have been in contact with Donna Flees, who was not present or represented by counsel, and Ms. Flees asked to waive her right to a hearing within 21 days so she may prepare her case. Ms. Lueger moved, Ms. Hudson seconded, and the Board, by unanimous vote (3-0), voted to accept Ms. Flees waiver and continue the matter for hearing certain on September 16, 2014, at 9:00 a.m.

VI. Updates

A. SUSPENSION

MICHAEL LOVE, Correction Office 1, HOC

Case 1-4143 dated 08/06/2014 for HOC IA # 14-109

The Board heard the report of Charmaine Gee, Administrative Assistance, that Michael Love completed and signed a waiver of hearing and accepted his suspension.

VII. Hearings

A. SUSPENSION

LATOYA RENFRO, Correction Officer, SHERIFF

Case 1-4135 dated 06/27/2014 for IA #14-116 for 30 days

At 9:32 a.m., Ms. Lueger moved, Ms. Clark seconded, and the Board voted 3-0 to go into closed session to hear the Latoya Renfro matter. At 10:13 a.m., at the close of the hearing, the Board reconvened in open session.

At 10:40 a.m., Ms. Clark moved, Ms. Lueger seconded, and the Board voted 3-0 to go into closed session to deliberate the Latoya Renfrom and Andrea Heaston-Stewart matters. At 10:55 a.m., the Board reconvened in open session

Ms. Lueger moved, Ms. Clark seconded, and the Board, by a vote of (3-0) found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations, 202.21 Reporting for/Absence from Duty) and (q), and upheld the 30 day suspension of Latoya Renfro.

B. DISCHARGE

ANDREA HEASTON-STEWART, Medical Assistant, SHERIFF

At 10:40 a.m., Ms. Clark moved, Ms. Lueger seconded, and the Board voted 3-0 to go into closed session to deliberate the Latoya Renfrom and Andrea Heaston-Stewart matters. At 10:55 a.m., the Board reconvened in open session

Ms. Lueger moved, Ms. Clark seconded, and the Board, by a vote of (3-0) found that the evidence was sufficient to sustain violations of Civil Service Rule VII, Section 4(1), paragraph (l) (specifically Milwaukee County Sheriff's Office Rules and Regulations, 202.17 Conduct of Members and 202.21 Reporting for/Absence from Duty) and (o), and upheld the discharge of Andrea Heaston-Stewart.

LOUVENIA WILSON, Correction Officer, SHERIFF

The Board heard the report of Paul Kuglitsch, Corporation Counsel, and Mark Sweet, Attorney, Sweet and Associates, on behalf of Louvenia Wilson, that the Sheriff's Office may have found employment with the Sheriff's Office that Ms. Wilson can perform with her work restrictions. Ms. Clark moved, Ms. Lueger seconded, and the Board, by a vote of 3-0, held over Ms. Wilson's hearing and rescheduled the matter for an update on September 30, 2014, at 9:00 a.m.

VIII. Adjournment

Ms. Lueger moved, Ms. Clark seconded, and the Board, by vote of 3-0, adjourned the meeting at 11:04 a.m.

Minutes submitted by: Rebecca M. Janz, PRB/Ethics Board Administrator

1 BE IT RESOLVED, that Rule VIII of the Civil Service Rules for Milwaukee County is
2 repealed and recreated as follows:

3 **RULE VIII – Leave, layoff, reinstatement and resignation**

4 **SECTION 1. Transfer.**

5 The director of human resources may develop a procedure to permit the transfer of an employee
6 from one position to another in the same or similar classification, as determined by the director.

7 **SECTION 2. Personal Leaves of Absence**

8 (1) In addition to leaves required under applicable law, a personal leave of absence,
9 without pay, may be granted by the department head, appointing authority, or the
10 director of human resources for up to thirty consecutive calendar days to any
11 employee on regular appointment upon demonstration of a satisfactory need for
12 such leave. The reason for the request and the desire or intention of the employee to
13 return to service shall be made in writing and the duration of the leave shall be
14 documented.

15 Examples of permissible reasons for leave include, but are not limited to:

- 16 a) Extended international travel to visit family;
17 b) Continuing education; transcripts may be required;
18 c) Medical issues not covered by Family & Medical Leave;
19 d) Extended bereavement period needed;
20 e) Managing eldercare issues;
21 f) Any reason not noted above as approved by the director of human resources.

22 (2) Leave may not be granted, or may be terminated by the director of human
23 resources, if:

- 24 a) The employee has not completed probation or six months of straight time
25 service
26 b) The employee has been on a leave exceeding thirty days in the six months
27 preceding the current leave request
28 c) The employee on leave engages in a business venture or to practice a
29 profession or occupation outside of County service
30 d) A review of the circumstances of the leave reveal the leave to have been
31 obtained under false pretenses.

32 (3) An employee granted leave under this section shall return, upon expiration of the
33 leave, to the previous position held.

34 (4) An employee using paid time off of 30 working days or less for the purposes of
35 vacation, sick time, bereavement leave, accrued compensatory, holiday or other
36 paid time off shall not be considered to be on a personal leave of absence under this
37 section, nor shall a retirement be considered a personal leave of absence.

38 **Section 3. Layoff**

39 (1) Whenever a department head or appointing authority of a department determines
40 that it is necessary to reduce the number of employees in any classification in the
41 classified service, the department head or appointing authority of the department
42 concerned shall notify the director of human resources of the number of employees
43 to be laid off, including position titles. Unless otherwise provided in an applicable
44 collective bargaining agreement, employees may be laid off based on:

- 45 a) County-wide seniority
- 46 b) Years of relevant experience
- 47 c) Instances of discipline
- 48 d) Job performance
- 49 e) Attendance
- 50 f) Continued ability to fund the individual position
- 51 g) Need to retain employees with special skills, experience or knowledge
52 which are critical to program functioning, or
- 53 h) Any combination of the above.

54 (2) The department head of the affected department, in consultation with the
55 Department of Human Resources, will determine and document the basis for how
56 layoffs are to be applied.

57 **Section 4. Reinstatement following layoff.**

58 (1) The names of employees laid off in accordance with the rules of the Commission
59 shall be placed on reinstatement lists in reverse order of layoff and shall be certified
60 as eligible to any vacancy in the same classification or a classification of the same
61 character and standard of work, as determined by the director of human resources.
62 Reinstatement shall be made in accordance with the appointment requirements of
63 Rule IV of these rules.

64 (2) The names of employees laid off shall remain on the reinstatement list for one year
65 from inclusion on the reinstatement list. The name of a laid off employee may be
66 removed from the reinstatement list for any disqualification reason listed elsewhere
67 in these rules.

68 (3) Persons on any reinstatement list may at any time before reemployment be required
69 to submit to a medical, physical, or performance test, including a written
70 examination, if such written test is deemed necessary by the director of human
71 resources, and/or participate in an interview process. If any such person is found
72 deficient and below prerequisite standards for such employment, his/her name shall
73 be removed from the reinstatement list for such classification.

74 (4) Any employee who is laid off and returned to service as a result of a certification
75 from a reinstatement list may be required to satisfactorily complete an assessment
76 period of no more than 1,040 straight time hours.

77 **Section 5. Resignation.**

78 (1) The resignation of an employee shall be filed with the department head or
79 appointing authority and documented according to processes developed by the
80 director of human resources.

81 (2) An employee who has been absent without leave, or has failed to return from a
82 previously authorized leave, for a period of two (2) successive scheduled work days
83 or longer, and has made no contact with the manager or appointing authority may
84 be considered to have resigned in absentia from the County service, in the
85 discretion of the appointing authority.

86 (3) Upon approval of the director of human resources, the name of an employee
87 resigning from the county classified service may be restored to the appropriate
88 eligible list, subject to the rules and regulations governing all eligible lists.

89

90 **Per state statute,** the provisions of this rule change are effective ten (10) days after publication.