

# 02.03.07 Discharge of Classified Employee

Procedure Number:	02.03.07
Procedure Title:	Discharge of Classified Employee
Original Issue Date:	01/18/2019
Revision Date:	None
Appendices:	<a href="#">02.03.07 Flowchart</a>
Forms:	<a href="#">02.03.07(a) Written Charges against Civil Service Employees</a> <a href="#">02.03.07(b) Employee Separation Checklist</a>
Statutory References:	Wis. Stat. §§ 63.10, 63.12
Ordinance References:	MCO Chapter 33; Appendix A: Civil Service Rules I, II, VII
AMOP References:	Separation from Employment AMOP 02.03.05
Department Responsible for Updates:	Human Resources
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## 1. OBJECTIVE

To outline the procedure for bringing Charges for Discharge against an employee in the classified service who has violated Civil Service Rules or departmental work rules, acted in such a manner as to be shown to be incompetent to perform the duties of their assigned position, or to have otherwise merited discharge.

## 2. DEFINITIONS

- A. Appointing Authority. Any board, including the County board of supervisors, commission, court, officer, person or group of persons having the power to make appointments under the provisions of the Wisconsin Statutes or County ordinances to any subordinate office or position in an office, or department of the County government.
- B. Civil Service Commission (CSC). The body established to carry out the provisions of Wis. Stat. §§ 63.01 to 63.16 and to assure the fair and impartial due process hearings for the suspension, demotion or discharge of Milwaukee County Behavioral Health Division employees in the classified service as provided by law and as prescribed under Wis. Stat. §§ 63.10 and 63.12.
- C. Classified service. All positions in the Milwaukee County service, except those expressly mentioned in Wis. Stats. § 63.03., and amendments thereto as exempt from the operation of this act.
- D. Department. An administrative branch including a line of work and group of employees under the immediate charge of a chief executive officer or officers of a department, or board of the County government, the officer or officers of such department or board shall be known as the department head.

- E. Discharge. When a person possessing appointing power in the County, believes that an employee in the classified service in their department has acted in such a manner as to be shown to be incompetent to perform the duties of their assigned position or to have otherwise merited discharge.
- F. Human Resources Business Partner. Is responsible for performing HR-related duties on a professional level and partnering with departmental management to support designated County organizations.
- G. Personnel Review Board (PRB). The board that is to provide the fair and impartial due process hearings for the suspension, demotion or discharge of County employees in the classified service as provided by law and as prescribed under Wis. Stat. §§. 63.10 and 63.12, and MCO Ch. 33 and Ch. 17.207.
- H. Unclassified service. All positions in the Milwaukee County service expressly mentioned in Wis. Stat. § 63.03 and amendments thereto as exempt from the operation of said act.

### 3. PROCEDURE

- A. Written Charges against Classified Employees.
  - i. When a Milwaukee County leader believes that an employee in the classified service has acted in such a manner that merits discharge, Written Charges for Discharge may be considered.
  - ii. Leaders should collaborate with their HR Business Partner, who will confer with Corporation Counsel prior to filing Written Charges for Discharge to ensure there is sufficient evidence to support the Charges.
  - iii. The HR Business Partner will prepare the Written Charges for Discharge (see Section 4, FORMS) and will refer to Chapter 33, Appendix A: Civil Service Rules for the Milwaukee County Government, Rule VII, Section 4 – Causes for discharge, suspension or demotion and/or reevaluation, and Rule II, Section 5 – Disqualification.
  - iv. The Director or designee will review and sign the Written Charges for Discharge recommending the discharge of the employee in the classified service.
  - v. The Leader will meet with the employee to advise that Written Charges for Discharge are being filed and the employee is suspended without pay pending a hearing before the PRB/CSC. The Employee Separation Checklist Discharge (see Section 4, Forms) is utilized to collect County property from the employee.
  - vi. In some situations where there has been egregious conduct, threat of violence or other risk to the department, an employee may be suspended from duty with pay earlier in the process, pending an investigation into the employee's behavior or performance. This decision may be made collaboratively between the department and the HR Business Partner.
  - vii. The HR Business Partner will submit the finalized Written Charges for Discharge to the PRB/CSC.
  - viii. Charges for Discharge must be filed with the PRB within 3 days of suspending the employee without pay pending discharge.
  - ix. The PRB/CSC will serve the employee with a copy of the Written Charges for Discharge and a date to appear at a hearing before the Board to offer a defense. The date of the initial hearing must be within 21 days of filing the Written Charges for Discharge.

- x. At the hearing, the PRB/CSC will determine whether there is cause to sustain the Written Charges for Discharge. If the charges are sustained, the PRB/CSC, at its option, may discharge the employee, issue a suspension and/or imposed a reevaluations period and return the employee to work. If the charges are not sustained, the employee will be returned to work.
  - xi. If the PRB/CSC decision is appealed, the department will be notified by the Office of Corporation Council.
- B. Voluntary Resignation prior to PRB/CSC Hearing. See AMOP 02.03.05 Separation from Employment.
- C. Separation during Probationary Period. See AMOP 02.03.05 Separation from Employment.
- D. Benefits.
- i. Medical and Dental Insurance - Employees who are enrolled in County benefits and have questions regarding their benefit end date or COBRA after being discharged from Milwaukee County, should call the Milwaukee County Benefits Division at 414-278-4198.
  - ii. Sick - An employee who leaves Milwaukee County service for any reason other than retirement loses all accrued sick allowance hours.
  - iii. Vacation - If employment ends and an employee has not taken all of the vacation they have earned, they may be eligible for a vacation payout. If an employee has been terminated for cause, accrued vacation time will not be paid out, except for medical separation.
  - iv. Personal Time – If employment ends and an employee has not taken all of the personal time they have earned, they may be eligible for a payout of personal hours. Personal time cannot be paid out unless the employee has physically worked in the current year. If an employee has been terminated for cause, accrued personal time will not be paid out, except for medical separation.
- E. Return of County Property
- i. The Employee Separation Checklist is a tool to assist a leader to ensure all County property/access is protected upon employee separation. The employee’s leader should complete the form and submit to the HR Business Partner upon completion.
  - ii. In the case where an employee is suspended with pay pending an investigation, this checklist should be completed at the time the employee is suspended with pay.
  - iii. In the case of Written Charges against Civil Service employees, this checklist should be completed at the time the employee is suspended without pay.

**4. FORMS**

The following attached forms are to be used in compliance with this procedure:

Form #	Form Title
02.03.07(a)	<a href="#">Written Charges against Civil Service Employees</a>
02.03.07(b)	<a href="#">Employee Separation Checklist</a>