

**Chapter 24 - LAW ENFORCEMENT**

**State Law reference**— County sheriff, undersheriff and deputies, Wis. Stats. § 59.26; powers and duties of sheriff and deputies, Wis. Stats. § 59.27; sheriff's fees, Wis. Stats. § 814.70; removal of county elective officers, Wis. Stats. § 17.09; vacancies in office of sheriff, Wis. Stats. § 17.28; jails generally, Wis. Stats. § 302.01 et seq.; county work camps, Wis. Stats. § 303.10; maintenance of county jails and care of prisoners, Wis. Stats. § 302.37; Huber Law, Wis. Stats. § 303.08.

**ARTICLE I. - IN GENERAL**

**Secs. 24-1—24-18. - Reserved.**

**ARTICLE II. - RECIPROCAL LAW ENFORCEMENT**

**Sec. 24-19. - County offer of enforcement services to municipalities; effect of agreement.**

The county offers to all municipalities in and about the county services for the enforcement of the Clark County Code of Ordinances within their territorial limits. Such municipalities, by accepting the offer, agree to allow the routine enforcement of county ordinances, and all necessary and normal procedures attendant thereto, within their territorial limits.

(Compiled Ords. of 2009, § 2.60.010)

**Sec. 24-20. - Forfeitures from acts within city limits.**

Revenues arising from forfeitures collected pursuant to county ordinances due to acts committed within the city limits of those municipalities accepting the offer, as provided for in section 24-19, shall go to the county.

(Compiled Ords. of 2009, § 2.60.020)

**Sec. 24-21. - County enforcement of municipal ordinances; adoption of local ordinances.**

Such municipalities accepting the offer, as provided for in section 24-19, may also authorize county officers to enforce local municipal ordinances; however, in such case the revenues shall go to the municipality and, to enable such and other enforcement, the local codes of municipalities as authorizing are incorporated into the Code of Ordinances for the county.

(Compiled Ords. of 2009, § 2.60.030)

**Sec. 24-22. - Local officers requested and authorized to enforce county and state provisions.**

The county makes a standing request to all local officers who are also duly sworn county deputy sheriffs to, in addition to their normal duties, enforce county ordinances and Wisconsin Statutes outside the territorial limits of the municipalities employing them, and authorizes them to do the same, at their convenience.

(Compiled Ords. of 2009, § 2.60.040)

**Sec. 24-23. - Acceptance alternatives for municipalities; form of acceptance.**

- (a) Municipalities, in accepting the offer and agreement codified at this chapter, may affect either the provisions of section 24-20 or 24-21, or both, and the acceptance of both shall be assumed unless stated otherwise. However, if either of section 24-20 or 24-21 is rejected, a simple and workable alternative must be provided.
- (b) A resolution of the proper body stating in substance that "The Reciprocal Law Enforcement Ordinance and Agreement of Clark County is hereby accepted" shall be sufficient to accept this agreement and bind the municipality to all the terms therein.

(Compiled Ords. of 2009, § 2.60.050)

**Secs. 24-24—24-44. - Reserved.**

**ARTICLE III. - CIVIL SERVICE SYSTEM FOR LAW ENFORCEMENT**

**DIVISION 1. - CLASSIFIED**

**Sec. 24-45. - Authority.**

- (a) This division is adopted pursuant to the authority of Wis. Stats. §§ 59.26(8) and 59.52(8).
- (b) All ordinances, resolutions, or policies of the Clark County Board of Supervisors (board) which are in conflict with any provisions of this division are hereby repealed.

(Ord. No. 208-12-13, § 1, 1-16-2014)

**Sec. 24-46. - Purpose.**

Clark County (county) is committed to bringing qualified individuals into county law enforcement work through a system of competitive examinations so as to provide that applicable law enforcement positions are filled by appointment by the sheriff with candidates who have been certified by the Clark County Law Enforcement and Emergency Management Committee (committee) in accordance with this division and any rules adopted by the committee or the board.

(Ord. No. 208-12-13, § 2, 1-16-2014)

**Sec. 24-47. - Scope.**

- (a) This division governs the appointment and discipline associated with specific positions set forth in this division.
- (b) The positions of the Clark County Sheriff's Office (office) that are covered by this division are:

Chapter 24 – Law Enforcement

- (1) Deputy sheriff as defined in Wis. Stats. § 40.02(48)(b)3.
  - a. Excludes reserve deputy sheriff and the sheriff.
- (2) Chief deputy.
- (3) Captain.
- (c) The employment matters, including hiring and disciplinary procedures, for all other employees not covered by this division are governed by the Clark County Civil Service for Law Enforcement for unclassified positions.

(Ord. No. 208-12-13, § 3, 1-16-2014)

**Sec. 24-48. - Administration.**

The provisions of this division shall be administered by the committee. The committee may prepare and adopt rules of procedure and other administrative regulations so far as the same shall be consistent with Wis. Stats. §§ 59.26(8) and 59.52(8) together with such other rules and regulations as shall, in the judgment of the committee, be necessary to secure the best service for the office and shall tend to promote efficiency and expedite the elimination of all unnecessary formality in making appointments. Such rules and regulations shall be printed and distributed in such manner as will reasonably inform the public of the county as to their purpose, and shall take effect immediately after committee approval.

(Ord. No. 208-12-13, § 4, 1-16-2014)

**Sec. 24-49. - Positions.**

- (a) Pursuant to Wis. Stats. § 59.26(8), the board hereby designates the committee to fix the number of deputy sheriffs to be appointed and determine their respective salaries to be paid with the final approval of the personnel committee.
- (b) The position of undersheriff in the county is hereby abolished. There is hereby created the position of chief deputy, which shall have all of the statutory powers, duties, functions and responsibilities performed by an undersheriff, except that the chief deputy shall serve an indefinite term of office and is subject to hiring and disciplinary procedures pursuant to this division and Wis. Stats. § 59.52(8)(b).
- (c) The chief deputy shall outrank all other personnel in the office except the sheriff. In addition to being the highest ranking officer of the office and performing duties of the deputy sheriff, it is the intent of this division that he/she shall, subject to the sheriff's lawful authority, be the head administrative officer and chief investigator under the sheriff and assume such other duties and responsibilities as the sheriff may direct. The chief deputy assumes the duties, responsibilities and authority of the sheriff in the sheriff's absence.

(Ord. No. 208-12-13, § 5, 1-16-2014)

**Sec. 24-50. - Applications.**

- (a) Notice for the open positions subject to this division will be advertised in compliance with county policy and collective bargaining agreements (if applicable). The committee, the personnel department, and the office shall determine the requirements and qualifications for a given position.
- (b) Every candidate for the positions subject to this division shall file a written application with the county personnel department upon designated forms, which are designed and approved by the committee and the personnel department.
- (c) No person shall be eligible to apply for an open position unless the person, among other requirements as deemed necessary by the committee, meets the following requirements:
  - (1) Is a citizen of the United States;
  - (2) Meets the minimum requirements set forth in Wisconsin Admin. Code LES 2; and
  - (3) Meets the minimum recruitment standards set forth in the Wisconsin Law Enforcement Standards Board pursuant to Wis. Stats. § 165.85.
- (d) The committee and the open position's supervisor (ie. chief deputy or captain) shall certify those applicants that meet the minimum qualifications above (qualified applicants).
- (e) The committee and the supervisor 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.

(Ord. No. 208-12-13, § 6, 1-16-2014)

**Sec. 24-51. - Examination.**

- (a) The committee and any other individual determined by the committee (ie open position's supervisor) (examiners) shall conduct competitive examinations, written and oral, of qualified applicants for the various positions subject to the ordinance with the frequency necessary to meet the needs of the office. Examinations and scoring of qualified applicants shall follow the following general procedure:
  - (1) Notice of the date, time and place for conducting such examination with details of examination and testing as well as the requirements of the position and all other necessary information, shall be published per county policy.
  - (2) The examination shall include a written test, an oral interview and an evaluation of education and previous training and experience.

Chapter 24 – Law Enforcement

- (3) Each qualified applicant shall be given a comprehensive written examination approved for use by the committee. Seventy percent shall be the minimum passing score.
- (4) The examiners shall select a reasonable number of qualified applicants with passing written test scores to be eligible for oral interview.
- (5) The office shall, upon request of the committee, conduct a background investigation to determine the character and reputation of applicants, which may include an office designee observing the oral interviews.
- (6) The purpose of the oral interview and rating evaluation shall be to evaluate personal characteristics and qualifications of the applicant including, without limitation, the appearance, manner and bearing of the applicant, the ability of the applicant to communicate, the personality of the applicant, the alertness of the applicant and the judgment of the applicant. The committee may administer oral testing as it deems necessary as part of the oral interview process. The oral interview will be conducted and rated by the examiners with the participation of the sheriff or designee if deemed appropriate by the committee.
- (7) The oral interview questions shall be developed and determined by the examiners with consultation from the personnel department.
- (8) The rating for the examinations shall be as follows:
  - a. A rating of one is the lowest and a rating of ten is the highest.
  - b. A rating from ten to seven shall be for a highly acceptable answer; a rating from six to four shall be for an acceptable answer; and a rating from three to one shall be for an unacceptable answer.
- (9) Each response shall be rated by each examiner for an interviewed applicant. Each interviewed applicant shall receive an overall rating by each examiner based on the applicant's responses to the questions. The examiners shall assign an overall rating for the qualified applicant following after discarding the highest and lowest examiner ratings.
- (10) The examiners shall rate all qualified applicants who have undergone an oral interview for their prior education, training and experience. Each qualified applicant shall receive an overall rating by each examiner with the examiners assigning an overall rating for the qualified applicant for purposes of education, training and experience.
- (11) The committee may, at its discretion, invite any other individual to take part in hiring process, including a member of law enforcement from another jurisdiction or the Wisconsin Department of Administration.
- (12) The committee shall place upon an eligible list the names of all qualified candidates who have rated at equal to or greater than 70 percent or seven out of ten on each of the examinations for a period of one year. If a candidate is not selected for an open position within one year from being placed on the list, the candidate's name will be removed. The comparative weight to be given to the written examination, oral interview and previous education, training and experience of candidates who were subject to these

Chapter 24 – Law Enforcement

examinations shall be provided for in advance by the rules of the committee. If the committee does not promulgate rules, the comparative weight shall be as follows:

- a. Written examination pursuant to this section .....34%
- b. Oral interview .....33%
- c. Previous education, training and experience .....33%

(13) The committee shall impose no restrictions as to age in the case of veterans, and in the certification of candidates, other conditions being equal, shall give preference to veterans of any of the wars of the United States as defined in Wis. Stats. §§ 45.001 and 45.34, or as currently or subsequently defined by the congress of the United States or executive order. "Preference" means that whenever an honorably discharged veteran competes in examinations before the committee and passes the minimum grade, he or she shall be accorded the appropriate points to which he or she is eligible as provided in Wis. Stats. § 230.16.

(14) The committee may require examinations and testing in addition to those set forth above. Any such examinations and testing shall be designated prior to posting for a given position. The comparative weight to be given to any such examinations and testing for purposes of ranking eligible candidates shall further be provided for in advance by the committee.

- (b) Any employee who is employed by the county at the time this division takes effect may be eligible for appointment without examination and may be included on an eligible list for appointment upon employee's application and at the committee's discretion.

(Ord. No. 208-12-13, § 7, 1-16-2014)

**Sec. 24-52. - Appointments.**

- (a) The committee shall certify to the sheriff the names of at least three candidates ranking highest on the eligible list when the Sheriff requests the same for the purpose of filling a vacancy in any position subject to this division. Any applicant unwilling or unable to accept appointment to a vacancy shall be removed from the eligibility list.

- (1) If three candidates are not available to be certified from the eligible list, the committee may examine additional applicants or certify a reasonable number of candidates based on the situation, including the number of total applicants for the position and applicant's ratings from the examinations (if applicable).

- (b) The sheriff shall make appointments to the position from the list of applicants who are certified as eligible by the committee. Appointments shall be conditioned upon the successful completion of the pre-employment testing set forth in this division. Upon successful completion of the pre-employment testing, appointments by the sheriff shall be made within ten days after receipt of the certified list from the committee and shall be communicated to the committee and to the personnel department.

(Ord. No. 208-12-13, § 8, 1-16-2014)

**Sec. 24-53. - Promotions.**

- (a) The examination and appointment for promotions shall be carried out in accordance with this division. Whenever possible, promotions may be from within the office and employees within the office may be first considered.
- (b) The committee along with the personnel department and the office shall determine the promotion eligibility for a given position taking into account the desired level of experience, education, etc.

(Ord. No. 208-12-13, § 9, 1-16-2014)

**Sec. 24-54. - Pre-employment testing.**

- (a) The department head of the personnel department, or designee, under the direction of the committee, shall conduct pre-employment testing of those certified candidates to be appointed by the sheriff. Any offer of employment shall be conditioned on the successful completion of a physical examination as outlined below. All testing shall be conducted in accordance with the Americans with Disabilities Act (ADA) and any other applicable law.
- (b) The nature of the background investigation shall include, but not limited to, a thorough check on the following:
  - (1) Accuracy of application or resume;
  - (2) Previous employers and work record;
  - (3) All schools attended;
  - (4) Present and past neighbors and landlords;
  - (5) Character references;
  - (6) Credit records;
  - (7) Disposition; ethical character, honesty and trustworthiness;
  - (8) Local, state and federal police records and background check;
  - (9) Driving history records;
  - (10) Military records;
  - (11) Any other source of information which previous contacts show to be important; and
  - (12) Any other source of information determined from time to time by the sheriff, committee, the personnel department, or recommended by standards established by the Wisconsin Law Enforcement Standards Board.
- (c) Applicants shall be drug tested in accordance with the procedures and requirements of Wisconsin Admin. Code LES 2.
- (d) All qualified applicants who the sheriff is considering appointing shall be required to undergo a written psychological examination in a form approved for use by the committee and/or psychological testing with a licensed psychologist or psychiatrist. Results shall be

Chapter 24 – Law Enforcement

provided to the sheriff for the purpose of assisting the sheriff in determining the suitability of candidates. Psychological testing may be conducted on a post-job-offer basis as required by the ADA.

- (e) Applicants appointed by the sheriff are required to undergo a post-job-offer physical examination as a condition of their employment. The post-job-offer examination and the use of the results from the examination shall be conducted in accordance with law including, without limitation, the ADA.
- (f) A post-job-offer physical examination shall be conducted by a Wisconsin licensed physician subject to the following requirements and any rules developed by the committee:
  - (1) A complete individual medical history shall be submitted to the examining physician;
  - (2) The physician shall record his or her findings and shall note for consideration by the sheriff any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature;
  - (3) The physician's written post-examination report to the sheriff must conclude, in his or her opinion, whether the individual has the ability to physically perform the duties of the position.
- (g) Prior to the performance of any background investigation or testing under this section, the individual involved shall execute and file with the sheriff a consent and release of information form authorizing same to be conducted. Failure to promptly file same shall make the individual ineligible from further consideration or appointment.
- (h) The reports required in this section shall be considered confidential.

(Ord. No. 208-12-13, § 10, 1-16-2014)

**Sec. 24-55. - Discipline.**

- (a) Positions subject to this division shall hold office on good behavior and shall not be suspended, demoted, dismissed or suspended and demoted except as provided by Wis. Stats. § 59.52(8).
- (b) The board hereby designates the committee to act as the civil service commission for the purposes of this division and carryout the civil service system as defined in Wis. Stats. § 59.52(8).
- (c) The board, committee, the sheriff, captain and/or the chief deputy may file charges with the committee. The charges shall include alleged violations of pertinent regulations and the proposed discipline as supported by just cause for such alleged violations. A copy of such charges shall be sent to the affected employee, employee's union representative, sheriff, and personnel department head. Once charges are filed, any party who files such charges may place the affected employee on administrative leave with pay after consulting with the personnel department.
- (d) The committee chairperson shall establish a hearing date, time and place and send a written notice to the affected employee, the employee's union representative, the sheriff, and



Chapter 24 – Law Enforcement

committee members. The committee has the authority to make the final determination as to whether just cause exists for the proposed discipline. However, the committee may utilize a hearing officer or another governing body to determine whether just cause exists. The hearing may be recorded with testimony transcribed upon request.

- (e) At the end of the hearing, the committee may deliberate and take formal action in open session. The committee's decision shall be reduced to writing, shall include findings of fact and conclusions of law and shall be signed and dated by the committee chairperson and filed with the sheriff and the personnel department. The personnel department shall send a copy of the decision with a written notice stating the date the decision was filed along with appeal rights pursuant to either Wis. Stats. § 59.52(8)(c) or the collective bargaining agreement (if applicable) to the affected employee, the employee's representative, and the sheriff.
- (f) The sheriff shall formulate and make available to all members of the office, a policy manual, the violation of which may be cause for suspension, demotion or dismissal pursuant to Wis. Stats. § 59.52(8)(b). A complete set of such rules shall be kept current by the sheriff and made available to all members of the office at any time, at several locations within the office designated by the sheriff. Employees are also subject to all applicable provisions of the Clark County Employee Handbook.
- (g) A position subject to this division may not be suspended or dismissed without pay or benefits, for any action taken that is within the scope of the deputy's employment, until the matter that is the subject of the suspension or dismissal is disposed of by the committee or the time for appeal of that matter passes without an appeal being made.
- (h) If the committee makes an adverse decision to the affected employee regarding the matter that is the subject of the suspension or dismissal, the time for appeal passes without an appeal being made, or the appeal to the circuit court is decided adversely to the appellant, any and all pay and benefits received by the affected employee between the time of his or her suspension or dismissal and the latest of an adverse ruling by the committee, the court, or the time for appeal passes, shall be returned to the county.

(Ord. No. 208-12-13, § 11, 1-16-2014)

**Sec. 24-56. - Miscellaneous.**

- (a) The board reserves the right to carryout any duties and responsibilities of the committee as defined within this division.
- (b) No position subject to this division shall be employed in any other capacity unless such employment has been previously approved by the sheriff.
- (c) All provisions of this division are subject to the provisions within a collective bargaining agreement (if applicable).
- (d) Any dispute with respect to the interpretation of any of the sections, provisions, or language of this division, including which positions are subject to this division, shall be submitted to the committee for consideration and final resolution.

Chapter 24 – Law Enforcement

- (e) The board has the power to repeal or amend this division at any time in conformity with the provisions of Wis. Stats. § 59.26(8)(d).
- (f) The provisions and sections of this division shall be deemed independent and separate from every other section and provision and the invalidity of any section or provision of this division shall not invalidate the remainder of this division.
- (g) All positions subject to this division that are presently employed by the office shall be considered to have fully complied with the provisions of this division and meet the eligibility requirements as hereinafter set forth and shall be subject to the provisions of this division from the day this division is approved.

(Ord. No. 208-12-13, § 12, 1-16-2014)

**Secs. 24-57—24-65. - Reserved.**

**DIVISION 2. - UNCLASSIFIED**

**Editor's note**—Sections 1—11 of Ord. No. 209-3-14, adopted March 18, 2014, did not specify manner of inclusion; hence, codification as div. 2, §§ 24-66—24-76 was at the discretion of the editor.

**Sec. 24-66. - Authority.**

- (a) This division is adopted pursuant to the authority in Wis. Stats. § 59.52(8)(a).
- (b) All ordinances, resolutions, or policies of the Clark County Board of Supervisors (board) which are in conflict with any provisions of this division are hereby repealed.

(Ord. No. 209-3-14, § 1, 3-18-2014)

**Sec. 24-67. - Purpose.**

Clark County (county) is committed to bringing qualified individuals into the Clark County Sheriff's Office (office) through a system of competitive interviews to provide that applicable positions are filled by the county and the office.

(Ord. No. 209-3-14, § 2, 3-18-2014)

**Sec. 24-68. - Scope.**

- (a) This division governs the appointment and discipline associated with specific positions set forth in this division.
- (b) All office employees that are not subject to the Clark County Civil Service for Law Enforcement for classified positions are governed by this division.

(Ord. No. 209-3-14, § 3, 3-18-2014)

**Sec. 24-69. - Administration.**

The law enforcement committee (committee) may prepare and adopt rules of procedure and other administrative regulations so far as the same shall be consistent with Wis. Stats. § 59.52(8) together with such other rules and regulations as shall, in the judgment of the committee, be necessary to secure the best service for the office and shall tend to promote efficiency and expedite the elimination of all unnecessary formality in making appointments. Such rules and regulations shall be readily available to reasonably inform the public, and shall take effect immediately after committee approval.

(Ord. No. 209-3-14, § 4, 3-18-2014)

**Sec. 24-70. - Applications.**

- (a) Notice for the open positions subject to this division will be advertised in compliance with county policies and collective bargaining agreements (if applicable).
  - (1) Pay rates for new positions or any variations in established rates shall be approved by the personnel committee.
- (b) The committee, the personnel department, and the office shall determine the requirements and qualifications for a given position.
- (c) Every candidate for the positions subject to this division shall file a written application with the personnel department upon designated forms, which are designed and approved by the committee and the personnel department.
- (d) The committee and the open position's supervisor (ie. chief deputy or captain) shall certify those applicants that meet the minimum qualifications (qualified applicants).

(Ord. No. 209-3-14, § 5, 3-18-2014)

**Sec. 24-71. - Selection process.**

- (a) The committee and any other individual determined by the committee (ie open position's supervisor) (examiners) shall conduct competitive interviews of the qualified applicants for the various positions subject to this division with the frequency necessary to meet the needs of the Office.
- (b) Interviews and rating of qualified applicants shall follow the following general procedure:
  - (1) Notice of the date, time and place for conducting such interviews with details of the interview as well as the requirements of the position and all other necessary information shall be communicated per county policy.
  - (2) The interview shall consist of an oral interview as well as an evaluation of previous training, education and experience. Any additional evaluations, interviews, and/or acceptance criteria shall be determined by the committee and the office before posting for the open position.

Chapter 24 – Law Enforcement

- (3) The office shall, upon request of the committee, conduct an initial background investigation to determine the character and reputation of applicants, which may include an office designee observing the oral interviews.
  - (4) The purpose of the oral interview and rating evaluation shall be to evaluate personal characteristics and qualifications of the applicant including, without limitation, the appearance, manner and bearing of the applicant, the ability of the applicant to communicate, the personality of the applicant, the alertness of the applicant and the judgment of the applicant.
  - (5) The committee may administer oral testing as it deems necessary as part of the oral interview process. The oral interview will be conducted and rated by the examiners with the participation of the sheriff or designee if deemed appropriate by the committee.
  - (6) The oral interview questions shall be developed and determined by the committee and the office with approval from the personnel department.
  - (7) The rating utilized for the interviews shall be as follows:
    - a. A rating of one is the lowest and a rating of ten is the highest.
    - b. A rating from ten to seven shall be for a highly acceptable answer; a rating from six to four shall be for an acceptable answer; and a rating from three to one shall be for an unacceptable answer.
  - (8) Each response to a given question shall be rated by each examiner for an interviewed applicant. Each interviewed applicant shall receive an overall rating from each examiner based on the applicant's responses to the questions. The examiners shall assign an overall rating for the qualified applicant after discarding the highest and lowest examiner ratings.
  - (9) All qualified applicants who have undergone an oral interview shall be rated for their prior education, training and experience. Each qualified applicant shall receive an overall rating by each examiner. The examiners shall assign an overall rating for the qualified applicant for the applicant's prior education, training, and experience.
- (c) The committee may, at its discretion, invite any other individual to take part in hiring process.

(Ord. No. 209-3-14, § 6, 3-18-2014)

**Sec. 24-72. - Appointments.**

- (a) The committee shall appoint the applicant who best is able to meet the needs of the position and the office based on the information gathered from the interviews, application, and references (if applicable).
- (b) A conditional offer of employment shall be made for the selected applicant. Appointments shall be made pending the successful completion of the pre-employment testing set forth in this division. Upon acceptable results from the pre-employment testing, appointments by the

Chapter 24 – Law Enforcement

committee shall be made within a reasonable time and shall be communicated to the office, the sheriff, and to the personnel department.

- (1) County employees at the time of interview who are offered a position may not be subject to the pre-employment testing at the discretion of committee.
- (c) For interim positions, the committee shall select and appoint the appropriate individuals to such positions.
- (d) The committee may examine additional applicants or take any other necessary action to ensure the best applicant is appointed for the position.

(Ord. No. 209-3-14, § 7, 3-18-2014)

**Sec. 24-73. - Promotions.**

- (a) The examination and appointment for promotions shall be carried out in accordance with this division. Whenever possible, promotions may be from within the office and employees within the office may be first considered.
- (b) The committee along with the personnel department and the office shall determine the promotion eligibility for a given position taking into account the desired level of experience, education, etc.

(Ord. No. 209-3-14, § 8, 3-18-2014)

**Sec. 24-74. - Pre-employment testing.**

- (a) The office and/or personnel department or designee shall conduct pre-employment testing. All testing shall be conducted in accordance with the Americans with Disabilities Act (ADA) and any other applicable law.
- (b) The nature of the background investigation shall include, but not limited to, a thorough check on the following:
  - (1) Accuracy of application or resume;
  - (2) Previous employers and work record;
  - (3) All schools attended;
  - (4) Present and past neighbors and landlords;
  - (5) Character references;
  - (6) Credit records;
  - (7) Disposition; ethical character, honesty and trustworthiness;
  - (8) Local, state and federal police records and background check;
  - (9) Driving history records;
  - (10) Military records;

Chapter 24 – Law Enforcement

- (11) Any other source of information which previous contacts show to be important; and
  - (12) Any other source of information determined from time to time by the sheriff, committee, the personnel department, or recommended by standards established by the Wisconsin Law Enforcement Standards Board.
- (c) Applicants offered a position may be drug tested in accordance with the applicable procedures and regulations.
  - (d) Applicants offered a position may be required to undergo a written psychological examination in a form approved for use by the office and/or psychological testing with a licensed psychologist or psychiatrist. Results shall be provided to the sheriff or designee for the purpose of determining the suitability of applicant. Psychological testing may be conducted on a post-job-offer basis as required by the ADA.
  - (e) Applicants offered a position may be required to undergo a post-job-offer physical examination as a condition of their employment. The post-job-offer examination and the use of the results from the examination shall be conducted in accordance with law including, without limitation, the ADA.
    - (1) A post-job-offer physical examination shall be conducted by a Wisconsin licensed physician subject to the following requirements and any rules developed by the office:
      - a. A complete individual medical history shall be submitted to the examining physician;
      - b. The physician shall record his or her findings and shall note for consideration by the sheriff any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature;
      - c. The physician's written post-examination report to the sheriff must conclude, in his or her opinion, whether the individual has the ability to physically perform the duties of the position.
  - (f) Prior to the performance of any background investigation or testing under this section, the individual involved shall execute and file with the sheriff or designee a consent and release of information form authorizing same to be conducted. Failure to promptly file same shall make the individual ineligible from further consideration or appointment.
  - (g) Unless otherwise provided by law, pre-employment records and reports, including any decisions and/or reasoning in support of a decision, shall be provided to the committee upon request.
  - (h) Depending on the nature and requirements of the position, the committee, office, and/or the personnel department may determine to not subject an applicant to specific aspects of the pre-employment testing.

(Ord. No. 209-3-14, § 9, 3-18-2014)

**Sec. 24-75. - Discipline.**

- (a) Before discipline is administered to an employee, a thorough investigation shall be completed pursuant to the guidelines outlined within the Clark County Employee Handbook and with consultation from the personnel department. Such an investigation may be initiated and completed by the following parties (investigators): the committee, the sheriff, the captain, the chief deputy, and/or the affected employee's direct supervisor.
- (b) Depending on the investigation findings, the discipline process shall ensure that the affected employees are informed of exactly what behavior needs to be corrected; inform employees of the measures they must take to correct unacceptable behavior; and give employees adequate opportunity to correct the situation (if applicable).
- (c) After a thorough investigation is completed and if the proposed discipline includes demotion, suspension, or termination, an investigator must file charges with the committee. The charges shall include facts, alleged violations of pertinent regulations, and the proposed discipline for such alleged violations.
  - (1) Any other means of discipline not mentioned shall be carried out by the sheriff or office designee unless charges have been filed by an investigator.
  - (2) A copy of such charges shall be sent to the affected employee, the sheriff, the committee and the personnel department. Once charges are filed, any party who files such charges may place the affected employee on administrative leave with pay only after consulting with the personnel department.
- (d) An affected employee must submit a written request to the committee for a hearing on the filed charges within five business days after receiving the charges. If a timely request is not made, the affected employee will have waived their right to a hearing and the committee will address the filed charges at the next regularly scheduled meeting.
- (e) If a timely request for a hearing is made, the committee chairperson shall establish a hearing date, time and place and send a written notice to the affected employee, the sheriff, and committee members. The committee has the authority to make the final determination as to whether the facts within the charges support the proposed discipline. The committee may uphold the proposed discipline or propose and carryout alternative discipline based on the information within the charges and/or presented at the hearing.
- (f) The committee may utilize a hearing officer or another governing body to make the final determination. The hearing may be recorded with testimony transcribed upon request.
- (g) At the end of the hearing, the committee shall deliberate and take formal action. The committee's decision shall be reduced to writing, shall include findings of fact and conclusions of law and shall be signed and dated by the committee chairperson and filed with the sheriff and the personnel department. The personnel department shall send this decision to the affected employee and the sheriff. The affected employee shall also be provided with written notice of the employee's appeal rights, which includes options under the Clark County Employee Handbook and the Clark County Grievance procedure.
- (h) The sheriff shall formulate and make available to all members of the office, a policy manual, the violation of which may be cause for discipline, including suspension, demotion or

Chapter 24 – Law Enforcement

dismissal. A complete set of such rules shall be kept current by the sheriff and made available to all members of the office at any time, at several locations within the office designated by the sheriff.

(Ord. No. 209-3-14, § 10, 3-18-2014)

**Sec. 24-76. - Miscellaneous.**

- (a) No position subject to this division shall be employed in any other capacity unless such employment has been previously approved by the office.
- (b) Any dispute with respect to the interpretation of any of the sections, provisions, or language of this division, including which positions are covered by this division, shall be submitted to the committee for consideration and final resolution.
- (c) All employees subject to this division are also subject to the provisions within the Clark County Employee Handbook that are not in conflict with this division.
- (d) The provisions and sections of this division shall be deemed independent and separate from every other section and provision and the invalidity of any section or provision of this division shall not invalidate the remainder of this division.
- (e) All positions subject to this division that are presently employed by the office shall be considered to have fully complied with the provisions of this division and meet the eligibility requirements as hereinafter set forth and shall be subject to the provisions of this division from the day this division is approved.
- (f) If a position subject to this division is covered under a collective bargaining agreement, the provisions of the collective bargaining agreement shall take precedence over the provisions of this division for conflicting provisions.

(Ord. No. 209-3-14, § 11, 3-18-2014)