

ORDINANCE NO. 2018-73

**ORDINANCE BY THE FINANCE AND HUMAN RESOURCES COMMITTEE
AMENDING SECTION 17 OF THE RACINE COUNTY CODE OF ORDINANCES
RELATING TO THE SHERIFF**

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors do ordain as follows:

Section 17 of the Racine County Code of Ordinances relating to the Sheriff's Office is hereby amended to read as follows:

Sec. 17-1. - General authority.

Any member of the sheriff's office may be suspended, demoted or dismissed in accordance with W.S.A., § 59.26(8)(b), 15.41 et seq., of this Code. Members of the deputy sheriff's association will be subject to the provisions of the bargaining agreement between the county and the deputy sheriff's association. Members of the command officers' association will be subject to the provisions of the bargaining agreement between the county and the command officers' association.

(Code 1975, § 21.061; Ord. No. 2105-106, 2-9-16)

Sec. 17-2. - Grievances generally.

Any action to suspend, demote or dismiss a member of the sheriff's office may be grieved in accordance with W.S.A., § 59.26(8)(b), and section 15-61 et seq., of this Code. Members of the county deputy sheriff's association will be subject to the provisions of the bargaining agreement between the county and the deputy sheriff's association. Members of the command officers' association will be subject to the provisions of the bargaining agreement between the county and the command officers' association.

(Code 1975, § 21.062; Ord. No. 2105-106, 2-9-16)

Sec. 17-3. - Grievance committee.

The grievance committee required by W.S.A., § 59.26(8)(b), shall consist of the members of the personnel and community services committee of the board of supervisors.

(Code 1975, § 21.063)

ARTICLE II. - CIVIL SERVICE COMMISSION^[2]

Sec. 17-21. - Establishment.

There is hereby established a civil service commission for the sheriff's office with the duties, functions and authority as herein set forth pursuant to W.S.A., §§ 59.26 and 63.01 et seq.

(Code 1975, § 21.011; Ord. No. 2105-106, 2-9-16)

3 **Sec. 17-23. - Appointment; vacancies.**

4 (a) The county executive shall appoint, pursuant to the authority granted by W.S.A., § 59.17,
5 and pursuant to the directives of W.S.A., § 63.01, and pursuant to the criteria set forth in
6 section 17-22, the members of the civil service commission. Such appointments shall be
7 subject to confirmation by the board of supervisors. The office of such commissioner shall be
8 deemed vacant upon the happening of any of the following events:

9 (1) The death of the incumbent.

10 (2) His/her resignation in writing.

11 (3) His/her removal by the board of supervisors.

12 (4) His/her ceasing to be a resident of the county.

13 (5) His/her neglect or refusal to take an official oath and/or file an official bond within fifteen
14 (15) days after appointment.

15 (b) Such vacancy shall be filled by appointed at the first meeting of the board of supervisors
16 within thirty (30) days after the vacancy occurs by a confirming vote of the members of the
17 board of supervisors.

18 (Code 1975, § 21.013; Ord. No. 2000-259, pt. 1, 4-17-01)

19 **Sec. 17-26. - Rules.**

20 The civil service commission, as soon as possible after its appointment and qualification,
21 shall prepare and adopt such rules and regulations to carry out its duties pursuant to W.S.A., §
22 59.26, and W.S.A., § 63.01 et seq., as in its judgment shall be adopted to secure the best service
23 for the county in the sheriff's office. If panel boards are selected, the persons selected should
24 meet the criteria in section 17-23 above, as well as any additional criteria set forth in development
25 of a selection procedure for the deputy sheriff classification prepared for Racine County by the
26 U.S. Civil Service Commission, August 1977. Such rules may include the method for election of
27 officers. Such rules shall be printed and distributed in such manner as to reasonably inform the
28 public of the county as to its purpose.

29 (Code 1975, § 21.017; Ord. No. 2105-106, 2-9-16)

30 Secs. 17-27—17-45. - Reserved.

31 **ARTICLE III. - DEPUTY SHERIFFS**

32 **Sec. 17-48. - Requirements.**

33 No person shall be eligible to apply for or be appointed to the position of deputy sheriff unless:

34 (1) The applicant is a citizen of the United States.

35 (2) The applicant possesses either a two-year Associate Degree from a Wisconsin
36 vocational, technical and adult education district or its accredited equivalent from

3 another state or a minimum of sixty (60) fully accredited college level credits. This
4 standard shall apply to applicants first employed as law enforcement officers on or after
5 July 29, 1993.

- 6 (3) The applicant is at least twenty-one (21) years of age at the time of examination.
- 7 (4) There is no specific measurement set for height and weight relationships. They shall
8 be in proportion and shall be considered by the medical examiners in determining the
9 applicant's physical fitness for the position.
- 10 (5) The applicant shall not have been convicted at any time or at any place of a felony,
11 unless the judgment or conviction has been reversed or a complete pardon has been
12 granted.
- 13 (6) Binocular visual acuity must be corrected to 20/20. Depending on the results of the
14 examination, soft contact lenses may be required.
- 15 (7) The applicant must possess a valid state driver's license from the state of residence
16 and be eligible for licensing as a class "D" operator in Wisconsin, not revoked,
17 suspended, or otherwise prohibited, at time of application. The applicant must have a
18 valid Wisconsin class "D" driver's license at the time of appointment.

19 (Code 1975, § 21.022; Ord. No. 92-196, pt. 1, 2-9-93; Ord. No. 2000-259, pts. 1, 3, 4-17-01;
20 Ord. No. 2105-106, 2-9-16)

21 **Sec. 17-49. - Evaluation and selection procedure.**

22 All applicants for the position of deputy sheriff must submit an initial written application as
23 referenced above, which will screen their relevant education and work history as well as their
24 general qualifications to become a deputy sheriff.

- 25 a. Applicants who are determined to be qualified will be invited to participate in the in-
26 person interviews and shall be notified in writing by the commission's designee. The
27 written notice sent to the successful applicant shall include the following:
 - 28 1. Congratulations for being invited to participate in an in-person interview;
 - 29 2. A general statement of the oral examination objective of assessing applicant
30 qualifications which are related to the successful job performance;
 - 31 3. The composition of the oral panelists, including the number of interviewers and
32 their general backgrounds;
 - 33 4. A general explanation of the areas that will be explored in the interview;
 - 34 5. A description of the interview rating procedure;
 - 35 6. A statement concerning the general procedures of passing or failing the
36 interview.
- 37 b. The commission or its designee shall also send to the successful applicant a copy
38 of a candidate data questionnaire requesting general information regarding his/her
39 relevant education, work experience and hobbies.

3 c. The oral interview shall be conducted by a panel of interviewees who are chosen
4 by the Racine County Sheriff in accordance with the guidelines set forth in
5 development of a selection procedure for the deputy sheriff classification prepared
6 for Racine County by the U.S. Civil Service Commission, August 1977, only insofar
7 as entry level deputies are concerned.

8 (Code 1975, § 21.031; Ord. No. 2000-259, pt. 1, 4-17-01; Ord. No. 2105-106, 2-9-16)

9 **Sec. 17-50. - Preparation of eligibility list.**

10 (a) *Scoring.* In the initial screening test, applicants will be evaluated based on education, related
11 work experience, and other relevant skillsets. Applicants who are invited to participate in the
12 oral interview panel will be evaluated on a pass / fail basis by the panel. Preference shall be
13 given to the veterans of any wars of the United States in the manner indicated in W.S.A., §
14 63.05(2).

15 (b) Applicants who pass the in-person interview panel will be required to complete and pass
16 fitness testing. The fitness testing standards are consistent with the standards designated
17 by the recruit academy exit standards.

18 (c) *Eligibility list.* The eligibility list shall be compiled by placing the successful applicants in
19 numerical descending order, with the person receiving the highest overall score being
20 number one on the list. The ranking shall take into consideration all relevant information
21 provided in both the written application as well as the interview. The duration of such list shall
22 be for 120 days or when the Sheriff determines that because of vacancy and hiring
23 considerations it shall be necessary to compile a new list. When less than three (3) names
24 are left on the list, another application shall be published to solicit applicants even though the
25 list has not expired.

26 (Code 1975, § 21.032)

27 **Sec. 17-51. - Hiring from eligibility list.**

28 (a) When it becomes necessary for the sheriff to hire entry level deputies, he/she will make a
29 request in writing to the human resources department.

30 (b) Following the request from the sheriff, the human resources department shall schedule the
31 top ten (10) applicants or a greater number as determined by the sheriff from the eligibility
32 list to complete a background investigation questionnaire and return it to the human
33 resources department by the date established by the human resources department. These
34 names shall be submitted to the sheriff's office investigation unit for the purpose of conducting
35 a background investigation. Upon completion, the background investigation reports are
36 submitted to the sheriff for review and certification. If any of the following is found in an
37 applicant's background report, the individual involved shall be removed from the eligibility list:

38 (1) Is addicted to the habitual use of intoxicating beverages, narcotics or dangerous drugs;

- 3 (2) Has ever been convicted of a felony without a full pardon;
- 4 (3) Has intentionally made a false statement under oath or falsified the employment
5 application;
- 6 (4) Any other sufficient fact which, because of the nature of the duties and responsibilities
7 of a deputy sheriff, would be a detriment to holding the position of deputy sheriff.

8 (c) Following the review of the background investigation reports, the top three (3) names, who
9 have been certified by the sheriff from the eligibility list, shall be considered by the sheriff for
10 hire. The sheriff shall then select one (1) of the three (3) names for hire and a job offer shall
11 be made conditional upon the passing of a psychological test, physical examination, a
12 physical agility test, and drug screening as indicated below. The selected candidate shall be
13 required to take a psychological examination by a psychological testing agency of the
14 county's choice, at the county's expense. If the results of the psychological evaluation are
15 average or above and the psychologist indicates that the applicant is suited for a law
16 enforcement career, the commission shall certify the applicant's name. If the psychological
17 evaluation result is below average, it shall be at the discretion of the commission to request
18 a second opinion. In the event a second evaluation is conducted and the evaluation shows
19 the applicant is average or above, the commission shall determine whether or not to disqualify
20 or accept the applicant. If the second evaluation result is below average, the commission
21 shall disqualify the applicant and remove the name from the eligibility list and bring the next
22 highest name forward for the sheriff's consideration. After the candidate's psychological
23 report has been certified by the commission, the other two (2) names shall be returned to the
24 human resources department and placed back on the eligibility list in the relative ranking
25 occupied prior to the consideration by the sheriff. The successful candidate shall complete
26 physical and drug screening examinations at a clinic of the county's choice, certified by the
27 National Institution on Drug Abuse (NIDA) and/or the College of American Pathologists
28 (CAP), at county expense. The physical agility test shall be administered by the sheriff's office
29 to determine if the applicant meets the minimum standards set forth by the law enforcement
30 standards board. If the drug screening examination indicates positive for drug use, the
31 applicant shall be disqualified. The physician's report on fitness for duty and resulting
32 decisions to hire such applicant shall be in compliance with the Americans with Disabilities
33 Act. If the physician's report states that the applicant cannot perform the essential duties of
34 the deputy sheriff position, the applicant shall be disqualified.

35 (d) If the sheriff, upon considering the top three (3) certified names from the eligibility list does
36 not select a candidate on three (3) successive selections, he/she may remove the candidate
37 from the eligibility list.

38 (Code 1975, § 21.033; Ord. No. 96-74, pt. 1, 8-13-96; Ord. No. 2000-259, pts. 1, 3, 4-17-01;
39 Ord. No. 2105-106, 2-9-16)

40 **Sec. 17-56. - Promotion—Procedure.**

41 Promotions to higher positions in the bargaining unit will be conducted pursuant to
42 procedures established by the sheriff and in accordance with the bargaining agreement between
43 the county and the deputy sheriff's association. Promotions to command staff positions within the
44 sheriff's office will be made pursuant to the rules and procedures established set forth herein.

3 (Code 1975, § 21.041; Ord. No. 2105-106, 2-9-16)

4 **Sec. 17-57. - Same—Percentage weights of tests.**

5 The written test score for promotions will be given a forty (40) percent weighting and the oral
6 interview examination will be given a sixty (60) percent weighting.

7 (Code 1975, § 21.042)

8 **Sec. 17-59. - Same—Test scores confidential.**

9 The results of the written test scores for each examination for promotion for positions
10 controlled by the Racine County Deputy Sheriff Association Agreement will be held in strict
11 confidence. Written test scores will be sent directly from the testing agency to the judge of circuit
12 court Branch 8 or in his absence, another judge who is mutually acceptable to both the civil service
13 commission and the bargaining unit.

14 (Code 1975, § 21.044; Ord. No. 96-74, pt. 3, 8-13-96)

15 **Sec. 17-60. - Same—Oral interview panelists.**

16 A list of experts who will act as oral interview examination panelists for promotion will be
17 developed by the sheriff. Once selected, the same oral panel will interview all eligible candidates
18 for a specific promotional position.

19 (Code 1975, § 21.045)

20 **Sec. 17-61. - Same—Eligibility.**

21 (a) Those eligible for promotion shall be limited as follows:

22 (1) *Chief deputy.* Any deputy sheriff in the sheriff's office shall be permitted to apply for
23 chief deputy provided he/she has at least ten (10) years of continuous service with the
24 sheriff's office from date of hire, at least five (5) years of which shall have been in a
25 supervisory capacity as a captain, lieutenant, sergeant or corporal, or any combination
26 of such, and the candidate shall also have had at least four (4) years' of enforcement
27 experience in the patrol, water patrol, or investigative divisions, of the sheriff's office
28 excluding special assignments. Any candidate for chief deputy shall also have a
29 Bachelor's Degree in a field compatible with law enforcement. Such application does not
30 require a written examination.

31 (2) *Captain.* Any deputy sheriff in the sheriff's office possessing the following experience,
32 in addition to not less than seven (7) years of continuous service with the sheriff's office
33 and at least two (2) years of supervisory experience at a supervisory or command rank,
34 shall be permitted to apply for promotion to captain. Such application does not require
35 a written examination.

36 a. At least three (3) years of enforcement experience in patrol, water patrol, or
37 investigative divisions of the sheriff's office excluding special assignments; and

3 b. Bachelor's Degree in a field compatible with law enforcement or a minimum of sixty
4 (60) college credits or an associate degree and eight (8) years of law enforcement
5 experience as defined above.

6 (3) *Lieutenant*. Any qualified deputy sheriff in the sheriff's office possessing the following
7 experience, in addition to not less than five (5) years of continuous service with the
8 sheriff's office, shall be permitted to apply for promotion to lieutenant. Such application
9 shall require a written examination.

10 (i) At least two (2) years of enforcement experience in the patrol, water patrol, or
11 investigate divisions of the sheriff's office excluding special assignments, and a
12 Bachelor's Degree in a field compatible with law enforcement; or

13 (ii) A minimum of sixty (60) acceptable college credits or an Associate Degree and
14 eight (8) years of enforcement experience as defined above.

15 Any deputy sheriff with not less than five (5) years of continuous service with the sheriff's
16 office not possessing the required experience for mandatory consideration stated above,
17 but possessing a minimum of sixty (60) acceptable college credits or an Associate
18 Degree and eight (8) years of full-time enforcement experience in the patrol, water patrol,
19 or investigative units of another law enforcement entity or eight (8) years of combined
20 full-time enforcement experience in the patrol, water patrol, or investigative units of the
21 sheriff's office and another law enforcement entity, may be permitted to take the
22 examination for promotion to lieutenant.

23 (4) *Sergeant*. Any qualified deputy sheriff in the sheriff's office possessing the following
24 experience, in addition to not less than two (2) years of continuous experience with the
25 sheriff's office, shall be permitted to apply for promotion to sergeant. Such application
26 shall require a written examination.

27 a. At least one (1) year of enforcement experience in the patrol, water patrol, or
28 investigative units of the sheriff's office excluding special assignments, and a
29 Bachelor's Degree in a field compatible with law enforcement; or

30 b. A minimum of six (6) years of enforcement experience as defined above.

31 Any deputy sheriff with not less than two (2) years of continuous service with the sheriff's
32 office not possessing the required experience for mandatory consideration stated above,
33 but possessing a minimum of six (6) years of full-time enforcement experience in the
34 patrol, water patrol, or investigative units of another law enforcement entity or six (6)
35 years of combined full-time enforcement experience in the patrol, water patrol, or
36 investigative units of the sheriff's office and another law enforcement entity, may be
37 permitted to take the examination for promotion to sergeant.

38 (Code 1975, § 21.046; Ord. No. 87-107, pt. 1(21.046(1)), 9-22-87; Ord. No. 88-154, pt.
39 1(21.046(3)), 12-13-88; Ord. No. 89-1005, pt. 1(21.046), 8-8-89; Ord. No. 92-196, pts. 2—4, 2-
40 9-93; Ord. No. 95-19, pt. 1, 5-23-95; Ord. No. 95-133, pt. 1, 11-7-95; Ord. No. 96-74, pt. 5, 8-13-
41 96; Ord. No. 97-288, pts. 1, 2, 3-30-98; Ord. No. 2000-259, pt. 3, 4-17-01; Ord. No. 2105-106,

1 Ord No. 2018-73

2 Page Eight

Respectfully submitted,

3
4 1st Reading _____

**FINANCE AND HUMAN RESOURCES
COMMITTEE**

5
6 2nd Reading _____

7
8 BOARD ACTION

Robert N. Miller, Chairman

9 Adopted _____

10 For _____

Brett A. Nielsen, Vice-Chairman

11 Against _____

12 Absent _____

13
14 VOTE REQUIRED: Majority

Q.A. Shakoor, II, Secretary

15
16 Prepared by:
17 Corporation Counsel

Janet Bernberg

18
19
20 _____
John A. Wisch

21
22
23 _____
Mike Dawson

24
25
26 _____
Thomas Pringle

27
28 **The foregoing legislation adopted by the County Board of Supervisors of
29 Racine County, Wisconsin, is hereby:**

30 **Approved: _____**

31 **Vetoed: _____**

32
33 **Date: _____,**

34
35
36 _____
Jonathan Delagrave, County Executive

37