

**CHAPTER 25 – CIVIL SERVICE SYSTEM FOR DEPUTY SHERIFFS**

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**25.01 Purpose.**

- A. The purpose of this shall be to establish a civil service system under Section 59.52(8), Stats. for the Department of the County Sheriff.
- B. All ordinances, resolutions, parts of ordinances, resolutions or acts of the Dunn County Board of Supervisors which are in conflict with any provision of this ordinance, are hereby repealed.
- C. Except as provided hereinafter, this ordinance shall apply to employees not covered by collective bargaining agreements and to employees so covered when specific bargaining agreements do not apply to the contrary.

**25.02 Definitions.**

- A. "Committee" means the Judiciary and Law Committee.
- B. "Department" means the Department of the County Sheriff.
- C. "Deputy Sheriff" means such persons as are duly appointed by the Sheriff to aid in the performance of his or her duties, as set forth as Section 59.27 of the Wisconsin Statutes, et al., under his or her direction, and in the case of his or her absence or disability, or a vacancy in his or her office, who shall perform all of the duties of the Sheriff during such absence or until such vacancy is filled.
- D. "Posse Comitatus" shall mean adult residents of the County summoned by the Sheriff to assist him or her in times of public emergency for the purpose of preserving the public peace or for the pursuit of felons.
- E. "Rating Committee" means those persons designated to conduct oral interviews of applicants for permanent Deputy Sheriff positions and shall consist of one (1) member of the Committee on Administration, one (1) member of the Committee, one (1) member of the County Board of Supervisors (not a member of the Committee on Administration or the Committee), one (1) law enforcement officer from the Dunn County Sheriff's Department and one (1) law enforcement officer from an outside agency. The County Board Chairman shall appoint the rating committee.
- F. "Reserve Deputy Sheriff" means those Sheriff Deputies not employed by the County on a permanent basis, exclusive of the posse comitatus.
- G. "Veteran" means a person, who has served honorably in the US Armed Forces as defined in accord with Section 45.35(5), Stats.

**25.03 Classification and Number of Deputy Positions:**

- A. The classified service of the Department comprises all permanent deputy sheriff positions as authorized and classified by the Dunn County Board of Supervisors, but does not include the positions of Sheriff and Reserve Deputies. (11/14/06)
- B. The maximum number of Reserve Deputy Sheriff positions shall be thirty (30).

- C. There shall be no honorary Deputy Sheriffs appointed. The County shall not assume any liability for the acts of any persons appointed in violation hereof.

**25.035 Chief Deputy:**

- A. The position of Undersheriff is abolished.
- B. There is created the position of Chief Deputy Sheriff, which shall have all of the statutory powers, duties, functions and responsibilities performed by an Undersheriff, except that the Chief Deputy Sheriff shall serve an indefinite term of office and shall not be suspended, demoted, dismissed or suspended and demoted, except for just cause, pursuant to the standards as set forth in Wis. Stat. §59.52 (8).
- C. Except as provided herein or by law, the Chief Deputy Sheriff's position is subject to Dunn County's Personnel Ordinance, Chapter 3 of the Dunn County Code of Ordinances.
- D. Minimum qualifications for the position shall be the same as Section 25.04 (A) of this Ordinance. (11/14/06)

**25.04 Minimum Qualifications:**

- A. The following shall be the minimum qualifications for a person to be eligible to apply for or hold the position of Deputy Sheriff:
  - 1. Citizen of the United States.
  - 2. No felony convictions in any jurisdiction, or any offense which if committed in Wisconsin could be punished as a felony, unless the judgment of conviction has been reversed or a complete pardon has been granted.
  - 3. Eighteen (18) years of age or older upon appointment.
  - 4. Documentary evidence of graduation from an accredited high school or successful completion of the General Education Development Test.
  - 5. Applicant must be eligible for certification by the State Law Enforcement Standards Board.
  - 6. Valid State Motor Vehicle Operator's License or eligible for a state motor vehicle operator's license.
  - 7. Either a two-year Associate Degree from a Wisconsin vocational, technical and adult education district or its accredited equivalent from another state or a minimum of 60 fully accredited college level credits. This educational standard shall apply to applicants first employed as law enforcement or tribal law enforcement officers on or after February 1, 1993, pursuant to Wisconsin Administrative Code LES 2.01 (e). (11/14/06)
- B. The minimum qualifications for a person to be eligible to apply for or hold the position of Reserve Deputy Sheriff shall be as provided in subsection A except for paragraph 5. An applicant for a Reserve Deputy position who has not met the requirement of Section 25.04 (A)(7) at the time of employment, shall meet this standard as a requirement of recertification by the board at the end of his/her fifth year of employment as a law enforcement officer. At the request of the applicant and upon documentation of

experiences that have enhanced the applicant's writing, problem solving or communication skills, the Law Enforcement Standards Board may waive a maximum of 30 college-level credits.

**25.05 Application and Testing Process:**

- A. Every two (2) years or more often as approved by the Committee, applications shall be solicited and received for the position of permanent Deputy Sheriff. Applications shall be made through the Administrative Coordinator's Office which shall certify whether an applicant meets the qualifications under 25.04.
- B. Each qualified applicant for permanent Deputy Sheriff shall be given a comprehensive written examination approved for use by the Committee. Seventy (70) percent shall be the minimum passing score.
- C. Qualified applicants passing the written examinations under B above shall each be given tests to determine their physical fitness, agility and endurance in a manner to be determined by the Committee. Such testing score shall be on a pass/fail basis.
- D. The applicants with the twenty (20) highest test scores and having passed B. and C. above shall be eligible for Rating Committee examination under 25.06.

**25.06 Review and Rating by the Rating Committee:**

- A. Each applicant for permanent Deputy Sheriff qualifying under 25.05 shall be given an oral interview by the Rating Committee. The purpose of the oral interview and rating evaluation shall be to evaluate personal characteristics including, but not limited to, the following:
  - 1. Appearance, manner and bearing.
  - 2. Ability to communicate.
  - 3. Personality.
  - 4. Alertness.
  - 5. Judgment.
- B. Each interviewed applicant shall be given a point score by the Rating Committee.

**25.065 Ranking by Administrative Coordinator:**

- A. Following completion of all interviews, the Administrative Coordinator shall provide a numerical rating of zero (0) to one hundred (100) for each applicant to be calculated as follows:

Written Examination	40%
Oral Interview	30%
Previous Experience, Education and Training	<u>30%</u>
Total	100%

Honorably discharged war veterans shall have five (5) points automatically added to this score. Honorably discharged war veterans who have a disability which is directly or indirectly traceable to war service shall have an additional five (5) points automatically added to the score.

- B. The eight (8) highest rated applicants and ties shall be placed on an eligibility list by the Administrative Coordinator according to their rating with the highest rated applicant listed first (1<sup>st</sup>).
- C. Following listing by the Administrative Coordinator, the Administrative Coordinator shall inform each interviewed applicant of his or her written examinations score and final rating.

**25.07 Pre-employment background investigation, physical examination and psychological testing:**

- A. Prior to the appointment of any permanent Deputy Sheriff, a background investigation shall be conducted on the individual(s) the Sheriff is considering appointing. Any offer of employment shall be conditioned on the successful completion of a physical examination and psychological evaluation.
- B. The nature of such background investigation shall include, but not be limited to, a thorough check on the following:
  - 1. Accuracy of application or resume;
  - 2. Mental and physical health;
  - 3. Previous employers and work record;
  - 4. All schools attended;
  - 5. Present and past neighbors and landlords;
  - 6. Character references;
  - 7. Credit records;
  - 8. Disposition; ethical character, honesty and trustworthiness;
  - 9. Local, state and federal police records;
  - 10. Driving history records;
  - 11. Military records;
  - 12. Any other source of information which previous contacts show to be important; and
  - 13. Any other source of information determined from time to time by the Sheriff, Committee or Administrative Coordinator or recommended by standards established by the Wisconsin Law Enforcement Standards Board.
- C. The physical examination required at subsection A. above shall be conducted by a Wisconsin licensed physician at the expense of the individual being considered, subject to the following requirements:
  - 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 a law enforcement officer.
- D. Prior to appointment under 25.08 the psychological testing required under subsection A. above shall be a professionally recognized written psychological examination in a form approved for use by the Committee. Results shall be provided to the sheriff for the purpose of assisting him or her in determining the mental health and suitability of candidates.

- E. Prior to the performance of any background investigation or physical examination 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.
- F. The reports required in this section shall be considered confidential and copies of each shall be filed in the appropriate personnel file of every permanent Deputy appointed under this chapter.

**25.08 Appointment of Permanent Deputies:**

- A. In the event of a Deputy Sheriff vacancy, the Sheriff shall appoint a replacement as soon as practicable from the top eight (8) individuals on the current eligibility listing provided under Section 25.06. For subsequent vacancies, the Sheriff shall appoint from the remaining names on the eligibility list.
- B. Any applicant unwilling or unable to accept appointment to a vacancy shall be removed from the eligibility list.
- C. The Sheriff shall notify the Committee and Administrative Coordinator of each appointment made.
- D. The official oath of each Deputy shall be filed with the Clerk of Courts immediately upon appointment.
- E. Each Deputy Sheriff shall be deemed on probation during the first 12 months of employment after their appointment and may be discharged by the Sheriff at any time prior to termination of the probationary period. (11/14/06)

**25.09 Appointment of Reserve Deputies:**

- A. The Sheriff, subject to 25.03, 25.04, and 25.07 may appoint Reserve Deputies.
- B. 25.08 C. and D. shall apply to Reserve Deputies.

**25.10 Terms and Dismissal:**

- A. Deputy Sheriffs shall hold office on good behavior and shall not be dismissed or suspended except as provided in 25.11.
- B. Reserve Deputy Sheriffs shall serve at the pleasure of the Sheriff.

**25.11 Disciplinary and Dismissal Procedures:**

- A. A deputy sheriff may only be suspended, demoted, dismissed or suspended and demoted for just cause. In determining whether there is just cause, the Committee on Administration shall apply the standards as set forth in Section 59.52(8), Wis. Stats.
- B. The Committee on Administration shall act based either on its own investigation or on charges filed with the Administrative Coordinator. A copy of such charges shall be sent to the affected employee, employee's union representative and corporation counsel. The Administrative Coordinator shall immediately send copies of the complaint to the members of the Committee on Administration.

- C. The Committee on Administration chairperson shall establish a hearing date, time and place and send a written notice there of to the employee, the employee's union representative, the sheriff, director and Committee on Administration members. The Committee on Administration may utilize a hearing officer and may take and have transcribed any testimony at the hearing.
- D. At the end of the hearing, the Committee on Administration may deliberate in open or closed session and then shall in open session, formally take action. The Committee on Administration'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 in the Administrative Coordinator's Office. The Administrative Coordinator shall send a copy of the decision with a written notice stating the date the decision was filed along with appeal rights to the employee, the employee's representative, the sheriff, corporation counsel and- Committee on Administration members.

**25.12 Posse Exempt:**

Persons appointed to a Posse by the Sheriff per Section 59.28, Stats., are exempt from the requirements of this chapter.

**25.13 Reserve Recruit Training:**

Reserve Deputy Sheriff's are required to meet the training requirements for law enforcement officers as established by the State Law Enforcement Standards Board.

**25.14 Outside Employment:**

No Deputy Sheriff shall be employed in any other capacity unless such employment has been previously approved by the Sheriff.

**25.15 Promotions and Assignments:**

Promotions, transfers and assignments from one classification to another may be made by the Sheriff.

**25.16 Deputy Residence:**

Deputies may be required to establish or maintain residence pursuant to Section 59.26, Stats.

**25.17 Severability:**

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, paragraph sentence, clause, phrase or portion thereof.

Adopted on February 16, 2005.