



GREG BROCKMEYER
Director of Administration

COUNTY OF DANE
DEPARTMENT OF ADMINISTRATION
Room 425 City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI 53703-3342
Phone: (608) 266-4941
Fax: (608) 266-4425 TTY WI Relay 711

Date: February 14, 2025

To: All Employees

From: Greg Brockmeyer
Director of Administration

Subject: Temporary Exception to the Employee Benefit Handbook – Judicial Authority

Judges have broad powers under Wisconsin Statutes to determine who works in their courtroom. The Employee Benefit Handbook does not address what happens when Judges decide to exercise their judicial authority to determine who works in their courtroom. The attached draft Temporary Exception describes a process, should a judge invoke this authority.

Dane Co. Ord. §18.24(5)(a) authorizes the Director of Administration to make temporary exceptions to the Employee Benefit Handbook after reasonable notice to interested stakeholders. If concerns regarding the implementation of this proposed exception are raised, I will schedule a meeting with the parties. Interested stakeholders have until the end of business on February 28 to request a meeting with me to discuss their concerns.

Appointment and Dismissal via Judicial Authority

This Temporary Exception to the Employee Benefit Handbook is developed to address the exercise of judicial authority in the removal or appointment of a Court Clerk who performs work directly for a judge in a judge's branch office or a Clerk III who performs the work of a judicial assistant directly for a judge in a judge's branch office.

This shall only apply to positions affected by the statutory or common law authority of certain judges' powers of appointment or removal as it applies to Clerk of Courts staff working directly for a judge in the judge's branch.

A position subject to appointment and removal by a judge shall:

- Continue to be included in the Employee Group.
- Continue to be filled using the Clerk of Court department's internal posting and transfer procedures, followed by the external processes for filling these positions as set forth in the Employee Benefit Handbook, unless the judge elects to exercise their appointment authority.
- Continue to be subject to the bumping provisions of the Employee Benefit Handbook, unless the judge elects to exercise their appointment authority.

If an employee is removed from a position by a judge after completing their probationary or trial period, the employee shall be afforded the protections and options below:

1. The employee shall be placed in a paid administrative leave while in removed status for up to four (4) weeks pending the following:
 - a. The employee shall be offered the opportunity to transfer to a vacant position at or below their current range for which they are qualified within the Clerk of Courts. If no position, that is acceptable to the employee is available, then,
 - b. The employee shall be offered the opportunity to transfer into any vacant position at or below their current range for which they are qualified via a reassignment. A “reassignment” may only be to a current vacant position within the employee’s employee group or to a vacant position in other employee groups, provided the employee meets all the minimum qualifications of the position and is able to perform all the essential functions of the new position. The vacant position may be a lateral move or a demotion position. “Reassignment” is never to a vacant promotion position. If no position, that is acceptable to the employee is available for a reassignment, then,
 - c. The employee shall be offered the opportunity to, on the basis of the general seniority and provided they have the ability to do the work, displace the most junior employee in any job classification equal to or lower in the grade than their original position within the Employee Group.
 - d. Subsections 1a, 1b, and 1c above shall include an eighty-four (84) day trial period as defined by the Employee Benefit Handbook.

If after four (4) weeks of paid administrative leave in removed status, no position that is acceptable to the employee becomes available via subsections 1a, 1b, nor 1c above, the employee shall be placed in layoff status and maintain the Re-Employment rights and Recall From Lay-Off rights as detailed in the Employee Benefit Handbook, Subject: Layoffs, Section 1 (b)(c) and (d).

2. The employee may, at any point during the four-week process detailed in Paragraph 1 above, and exclusively at the employee’s discretion, make a written request to forgo paid administrative leave and transfer/reassignment/displacement rights. Upon receipt of such a request, the employee shall be immediately be placed in layoff status and shall maintain the Re-Employment rights and Recall From Lay-Off rights as detailed in the Employee Benefit Handbook.

After the adoption of this exception to the Employee Benefit Handbook, this exception shall be provided in writing to all current employees working directly for a judge and to candidates interviewing for a Court Clerk or Clerk III position to perform work directly for a judge in a judge’s branch office during or at the conclusion of the interview. In addition, when applying for such a position, the county shall advise applicants that judges have the ability to remove an employee from the position without cause.

This exception expires at the end of PP26, December 13, 2025.