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INTER-OFFICE COMMUNICATION

DATE : October 19, 2009

TO: Honorable Committee on Personnel

FROM: William J. Domina, Corporation Counsel *WJD*
Jerome J. Heer, Director of Audits *JH*
Richard J. Ceschin, Milwaukee County Board Research Analyst *RC*

SUBJECT: File No. 09-292; Proposed transfer of Division of Labor Relations from Department of Administrative Services to Office of Corporation Counsel

Your honorable committee took up the above referenced matter at its meeting on September 11, 2009. On the motion of Supervisor De Bruin, the committee referred the "original resolution" (that is, to our understanding, the resolution to transfer labor relations from DAS to the office of corporation counsel) to the corporation counsel, the director of audits and county board staff "for a review of the impact the transfer would have related to whether it legally changes the authority of the County Board or the County Executive, what the streamlining impact would be, and a fiscal review . . ."

The proposed transfer of the division of labor relations from DAS to the corporation counsel would not affect the fundamental allocation of authority between the county board and the county executive as described in case law and opinions of the attorney general. Although their realms inevitably overlap and coalesce, the county board is a legislative, policy-making body, whereas the functions of the county executive are managerial and administrative. *Schuette v. Van De Hey*, 205 Wis. 2d 475, 480-481, 556 N.W.2d 127 (Ct. App. 1996). Applying that principle to contracts to which the county is a party, including collective bargaining agreements, establishing the terms of the contract is primarily a legislative or policy decision, whereas administration of the contract is primarily an administrative or management function. 80 Wis. Op. Att'y. Gen. 49 (1991).

Under the proposed resolution, the county board and the county executive would continue to share authority over the appointment of the director of labor relations. As now, the director would be appointed by the county executive and confirmed by the county board.

The impact of the proposed ordinance on the authority of the county board relative to that of the county executive in the collective bargaining process is more likely to flow from amendments to the language governing that process than from the position of the division of labor relations on the county's organizational chart. Under the proposed amendment, the director of labor relations would negotiate collective bargaining agreements "along policy lines established by the committee on personnel pursuant to Chapter 80". The words "the county executive and" are deleted from that sentence. The intended effect of that deletion is obviously to place authority to establish the county's collective bargaining strategy in the hands of the personnel committee of the county board, to the exclusion of the county executive.

Nevertheless, as a practical matter, a labor agreement cannot be negotiated without involvement and input on the part of the executive branch of county government. The proposed amendment does not affect the provisions of s. 79.02(1), M.C.G.O. that require the director of labor relations to submit a tentative agreement to the director of human resources for review and to the fiscal and budget administrator and the controller for the development of an appropriate fiscal note. In fact, the proposed amendment adds a requirement to submit tentative agreements to the director of employee benefits for his or her review as well. Although none of those officers is given explicit authority to direct the course of collective bargaining, we assume that the results of their review and fiscal analysis will influence the county's position as bargaining moves forward. Also, as recent events have demonstrated, the possibility that the county executive may veto a resolution approving a collective bargaining agreement must also be taken into account. Therefore, it is unclear to us how much impact the proposed amendment would have on the dynamics of the collective bargaining process.

Apart from the potential effect of the proposed amendment on the allocation of authority between the county board and the county executive, we are concerned that placement of a director of labor relations who is appointed by the county executive and confirmed by the county board within the corporation counsel's office may be inconsistent with Wis. Stat. s. 59.42(2), the statute that governs the Milwaukee County corporation counsel. That statute is set forth at length below for ease of reference:

(2) Corporation counsel in special counties; appointment, dismissal and duties. (a) In a county with a population of 500,000 or more there is created the office of corporation counsel, and such deputy corporation counsels, assistants, stenographers and clerks at such salaries as are authorized by the board. The corporation counsel and deputy and assistant corporation counsels shall be attorneys at law licensed to practice in this state. All such offices and positions shall be in the classified civil service of the county except the corporation counsel, who is in the unclassified service. The corporation counsel shall be appointed by the county executive, with the concurrence of a majority of the board and shall not serve at the pleasure of the county executive. Any incumbent corporation counsel serving on August 1, 1990, shall retain that position and title until a new appointee is confirmed by the board. The corporation counsel may

matters relating to elections the district attorney shall have the right of review. After May 17, 1957, the district attorney's powers and duties as to civil matters shall cease to the extent that they are conferred upon the corporation counsel and the district attorney shall be relieved of the responsibility of performing such duties. The corporation counsel may request the attorney general to consult and advise with the corporation counsel in the same manner as district attorneys under s. 165.25(3).

Under that statute, the role of the corporation counsel is to represent the county and its various departments and officers in civil matters and to serve as legal advisor. Corporation counsel attorneys customarily assist the director of labor relations in collective bargaining and represent management in grievance arbitration cases, proceedings before the Wisconsin Employment Relations Commission and civil actions arising in the labor relations context. Although the negotiating of contracts is part of the regular, day-to-day assignment of the corporation counsel, negotiation of collective bargaining agreements and direction of other aspects of the county's labor relations policy are not among the corporation counsel's listed statutory duties.

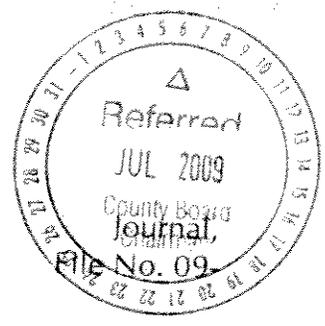
This concern is supported by Wis. Stat. s. 59.42(2)(a), which expressly provides (1) that the Milwaukee County corporation counsel appoints all the deputies, assistants and support staff in his or her office; (2) that all of the corporation counsel's deputies and assistants must be attorneys; and (3) that all of the corporation counsel's deputies, assistants and support staff are appointed in the classified service. Those provisions preclude creation of a division of labor relations, with its own "director of labor relations" appointed by the county executive and confirmed by the county board, under the "administrative authority" of the corporation counsel because this position is not in the classified service.

Finally, The director of audits and county board staff were also asked for their views on the subject matter. On July 15, 2002 the director co-signed a memo with the fiscal and budget administrator and county board director of research relating to the newly proposed Department of Administrative Services. The authors noted that:

the Department of Labor Relation (DLR) would be folded into the Division of Human Resources, where it would become a section of DHR. This recommendation is justified by the close working relationship that already exists between DLR and DHR and the desire to better coordinate the activities of each of those functions with the Fiscal Affairs Division. By housing all three entities under the new DAS — and including DLR within DHR — the County would achieve better coordination and inject greater fiscal foresight into the formulation of labor negotiating strategies.

As the director of audits testified at the September 11, 2009 meeting of your committee, one of the unintended consequences of the DAS model was the creation of an additional layer between the director of labor relations and the county executive and county board. He noted that this was of particular concern given the unique reporting line of the director

of labor relations to the committee on personnel on matters related to labor contract negotiation. That concern would not be obviated by moving the director of labor relations to the administrative authority of the corporation counsel. The department of audit and the county board staff have recommended previously that reestablishing an administratively independent department of labor relations was the preferred option to remove that intermediary layer of oversight.



FILE NO. 09-292

By Chairman Holloway

A RESOLUTION

To transfer the Division of Labor Relations from the Department of Administrative Services to the Office of Corporation Counsel.

WHEREAS, pursuant to Wisconsin State Statutes Section 111.70 (Municipal Employment Relations), Milwaukee County as an employer is required to collectively bargain employee wages and benefits with those employees who are represented by recognized collective bargaining units; and

WHEREAS, approximately eighty per cent of Milwaukee County's employee workforce is represented by one of eight collective bargaining units; and

WHEREAS, in 1968, the County Board adopted a resolution creating a division of Labor Relations (File No. 69-128) that was subsequently recognized as the Department of Labor Relations through the adoption of Chapter 79 of the Milwaukee County Code of General Ordinances (File No. 72-184); and

WHEREAS, the resolution authorizing the creation of the Department of Labor Relations noted that "the Personnel Committee of the County Board of Supervisors shall continue to be responsible for personnel matters in accordance with Chapter 80 (Employment Relations)" and that the county negotiating staff shall include members of the staff of Corporation Counsel; and

WHEREAS, the Department of Labor Relations worked in collaboration and proximity with the Office of Corporation Counsel for many years until 2002 when Labor Relations was reassigned as a Division of the Department of Administration renamed the Department of Administrative Services; and

WHEREAS, although Section 80.03 of the Milwaukee County Code of General Ordinances (Employment Relations) clearly assigns the Committee on Personnel with the function of directing collective bargaining, placement of Labor Relations within the Department of Administrative Services has resulted in the County's labor negotiator receiving conflicting direction on negotiating strategy and other labor matters; and

WHEREAS, the field of municipal labor law continues to evolve, requiring extensive knowledge of negotiation procedures and labor law; and

35 WHEREAS, transferring the Division of Labor Relations and its staff to the
36 Office of Corporation Counsel offers several strategic advantages for Milwaukee
37 County, including:

- 38 • Ready access to in-house counsel of general and specific expertise
39 in matters related to County government, personnel issues, and
40 municipal labor relations law,
- 41 • Interpretation and administration of collective bargaining
42 agreements,
- 43 • Administrative and operational support and resources,
- 44 • Co-location of compatible business functions, and alignment of
45 director-level administrators who share appointment and removal
46 conditions; and

47 WHEREAS, transferring the Division of Labor Relations into the Office of
48 Corporation Counsel as codified below does not alter the appointment or removal
49 conditions for the Director of Labor Relations; now therefore,

50 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
51 amends Chapter 79 of the Milwaukee County Code of General Ordinances by
52 adopting the following:

53 AN ORDINANCE

54 The Milwaukee County Board of Supervisors ordains as follows:
55

56 **SECTION 1.**

57 Chapter 79.01 of the Milwaukee County Code of General Ordinances, up to
58 and including _____, is hereby amended as follows:

59 79.01. Created; director.

60 There is hereby created a "division of labor relations" for the county within the
61 ~~department of administrative services office of Corporation Counsel~~. The
62 departmental policies of this section shall be subject to the ~~jurisdiction of the~~
63 ~~county executive and the committee on personnel of the county board~~
64 provisions of Chapter 80 of these ordinances. The division shall be under the
65 administrative authority of the ~~director of the department of administrative~~
66 services Corporation Counsel to provide administrative support and back up, as
67 well as managerial support on an as-needed basis. The division shall be in
68 charge of an administrator designated as "director of labor relations" who shall
69 be appointed by the county executive and whose appointment shall require
70 confirmation by the county board. The director of labor relations may be
71 dismissed at any time by the county executive with concurrence by the majority
72
73

74 of the members of the county board, or by the county board with concurrence
75 by the county executive. In the event the county executive vetoes an action by
76 the county board dismissing the director, said veto can be overridden by a vote
77 of two-thirds of the members-elect of the county board. The director shall be
78 provided with an adequate number of staff assistants and such other personnel,
79 as in the opinion of the county board, are required to carry out the functions and
80 purposes of the division. Such staff positions shall be appointed under the
81 county's civil service system by the director of labor relations. The position of
82 director and all other positions in the division shall be compensated at a rate
83 fixed by the county board.

84
85 **SECTION 2.**

86 Chapter 79.02 of the Milwaukee County Code of General Ordinances, up to
87 and including _____, is hereby amended as follows:

88
89 **79.02. Responsibilities of the director.**

90 The director of labor relations shall be responsible for:

- 91 (1) The negotiation of all collective bargaining agreements with certified
92 bargaining representatives of the employees of the county conducted along
93 policy lines established by ~~the county executive and the committee on~~
94 personnel pursuant to Chapter 80. The director of labor relations shall not
95 agree, on behalf of the county, to any terms or provisions of a negotiated
96 contract without prior direction and approval from the committee. Prior to
97 drafting any tentative contract, the director of labor relations shall provide the
98 director of human resources and the director of employee benefits with a
99 copy of the terms of the proposed agreement for review relative to
100 administration of said proposal and shall provide the director of
101 administrative services, fiscal and budget administrator and controller with a
102 copy of the terms of the proposed agreement for preparation of a fiscal note
103 relative to the proposed agreement. Such fiscal note shall include, at
104 minimum, all assumptions used in developing the fiscal note including
105 actuarial assumptions where appropriate, calculations, estimates, one-time
106 costs and savings, ongoing costs and savings, annual incremental costs as
107 well as cumulative costs and shall otherwise be prepared in accordance with
108 established fiscal note policies and procedures. Subsequent to preparation of
109 the fiscal note - and prior to the drafting of the tentative contract - a copy of
110 the fiscal note shall be provided to the director of audits and county board
111 staff for review.
- 112 (2) The administration of all collective agreements during their term. In order to
113 discharge this responsibility, the county executive, when necessary, shall
114 direct compliance by operating department heads with the provisions of such
115 agreements.
- 116 (3) The establishment of labor relations training programs designed to improve
117 the supervisory skills of supervisory employees in county service.

118 (4) The conduct, on behalf of the county, of all proceedings ordered by the state
119 employment relations commission, the U.S. Department of Labor, the state
120 department of industry, labor and human relations or, as provided for by
121 contract, relative to certification and decertification of bargaining
122 representatives, bargaining unit structure, employee disputes and grievances,
123 and all administrative and judicial proceedings including mediation,
124 factfinding, and arbitration relating to the negotiation or administration of
125 existing or prospective collective agreements.
126

127 **SECTION 3.**

128 Chapter 79.03, 79.04 and 79.05 of the Milwaukee County Code of General
129 Ordinances, up to and including _____, are hereby amended by replacing
130 references to the "department of labor relations" with "division of labor relations".

131 **SECTION 4.**

132 The provisions of this Ordinance shall become effective upon passage and
133 publication.

134
135
136

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: July 6, 2009

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution transferring the Division of Labor Relations from the Department of Administrative Services to the Office of Corporation Counsel.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure		
	Revenue		
	Net Cost		
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

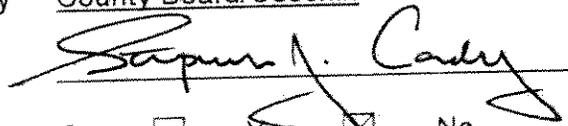
DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. ¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Adoption of this resolution will result in the administrative transfer of the Division of Labor Relations to the Office of Corporation Counsel. No expenditures are expected from the administrative transfer, however if the Division is physically relocated within the courthouse, a facilities charge would likely be required and would be absorbed within Facilities Management's budget.

Department/Prepared By County Board/Ceschin

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

COUNTY OF MILWAUKEE
DAS-Division of Human Resources
INTER-OFFICE COMMUNICATION

2

DATE : October 14, 2009

TO : Supervisor Paul Cesarz, Chairman, Personnel Committee

FROM : Karen R. Jackson, Ph.D., Director of Human Resources 

SUBJECT : **File 09-296 – A Resolution by Supervisor Coggs Seeking Modifications In Milwaukee County and the State of Wisconsin Job Application Procedures To Increase the Number of Job Opportunities Available for Persons with Prior Convictions**

“Ban the Box” Response to Resolution

Background of Movement

“Ban the Box” is an initiative that protects against discrimination of ex-offenders by eliminating the ‘box’ on an application that asks an applicant to reveal information about any criminal convictions. This initiative proposes that criminal information or background searches cannot be obtained until the final stages or interview phase of the hiring process, except where required by law (e.g. Correctional Officers and Deputies). The Ban the Box movement proposes to remove or eliminate any questions on criminal background from the initial application.

This movement is gaining momentum across the United States. Large urban areas such as the City of St. Paul, San Francisco, Chicago, Boston and others have adopted some form of this practice. Their practices vary as to when and if they obtain the information. Some cities just indicate on an application that a criminal background check will be conducted in the future. In some cases, an applicant must self-disclose a criminal conviction while others secure the information at the interview phase or even as late as at the time of a conditional offer. Philadelphia has proposed to disallow criminal checks unless the person has been found to be otherwise qualified for the position. In other words, their view is that the hiring manager does not need to know if a person has a criminal background unless they have qualified for the position.

Minnesota was the first state to require all public employers throughout the state to wait until someone has been selected for an interview before inquiring about criminal records. The Ban the Box idea was started in California by a group called “All of Us or None”. It was developed in Minnesota by the Council on Crime and Justice. Boston, Chicago, San Francisco, and St. Paul have adopted new policies to limit discrimination in city and county jobs against people with criminal records. The cities that participated in this program have seen the rates of hiring formerly incarcerated people improved.

Wisconsin has significant safeguards to enable ex-offenders to obtain gainful employment. Wis. Stat. Sec. 111.335 bars discrimination against ex-offenders in the private and public sectors, but specifically requires that ex-offenders be excluded from jobs when their convicted crimes are “substantially related” to the circumstances of the position they seek.

Purpose

Studies of ex-offenders reveal certain trends regarding their hiring and employment. There is a bias that exists among the employers against ex-offenders. Authentic employment can be a deterrent to ex-offenders repeating crimes (recidivism), but ex-offenders are often discouraged from trying for a job because they have to reveal their

October 14, 2009

Supervisor Paul Cesarz, Chairman, Personnel Committee

File 09-296 – A Resolution by Supervisor Coggs Seeking Modifications In Milwaukee County and the State of Wisconsin Job Application Procedures To Increase the Number of Job Opportunities Available for Persons with Prior Convictions

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criminal background early in the hiring process. It has been noted that the younger the offender, the more likely they are to offend again, and most ex-offenders tend to be younger than older. Given this information, the Ban the Box movement seeks as its outcomes to:

- * increase employment opportunities for the ex-offenders;
- * decrease employment discrimination against ex-offenders;
- * decrease recidivism rates by offering employment opportunities;
- * cease to deter ex-offenders from applying by removing the mere appearance of the questions;
- * increase the number of qualified applicants for employers over time by including ex-offenders as viable candidates.

Hard Data

- * The Wisconsin Department of Corrections releases 8600 offenders each year, with an average of 3600 released to Milwaukee County.
- * A Wisconsin study on recidivism (Semmann, 2006) states that the recidivism rate overall is 38.7%, with rates increasing more frequently for younger offenders (ages 18-23) than older ones.
- * Evidence by a recent study conducted here in Milwaukee (Pager, 2003) says the ex-offenders' chances to be called back reduced by one half when compared to an applicant with identical background. Black ex-offenders fared worse with only one-third being called back compared to their counter parts.
- * In a survey of 600 employers in Los Angeles (Holzer et. A 2002), nearly 60% stated that they probably would not or definitely would not hire an applicant with a criminal record suggesting a strong bias exists against ex-offenders in the hiring process.

Analysis: Ban the Box in Milwaukee County

Approximately 14 states prohibit discrimination against individuals with criminal conviction. Wisconsin is one of the few states that have laws to prohibit discrimination for both public and private sector. It does not limit access to criminal records, and it does not prohibit employers, such as the Office of the Sheriff, where it is required to get criminal background information upon application.

Milwaukee County currently asks for a potential employee to disclose information on convictions and pending charges on the initial on-line employment application. These questions have been standard questions for decades on the applications (see Attachment I). The applicants are notified that any inaccurate information may disqualify them from further consideration. Sometimes these questions are very confusing to the applicant, as they don't know whether to include minor violations, such as parking tickets, or they are not certain what they should disclose.

A few years ago, the conducting of criminal background checks was placed at the departmental level. As such, no candidate is eliminated at the initial screening level no matter what answer is given on the application. This way departments can determine if they need to do a criminal background check and at what point.

Whereas, the departments surveyed by DHR may not agree on whether to support this resolution or not, they all agree that, inadvertently, ex-offenders are being given chances to apply for work without penalty, and employment

October 14, 2009

Supervisor Paul Cesarz, Chairman, Personnel Committee

File 09-296 – A Resolution by Supervisor Coggs Seeking Modifications In Milwaukee County and the State of Wisconsin Job Application Procedures To Increase the Number of Job Opportunities Available for Persons with Prior Convictions

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records show that we do hire ex-offenders. The Office of the Sheriff and the Airport, who are under federal guidelines, would be exempt from this requirement as this information must be available to them early in the hiring process. In checking with the City of Milwaukee, questions regarding criminal history are on the current applications.

Pros and Cons

Like most issues, there are two sides.

Pros:

- * Reducing opportunity for discrimination based on criminal record;
- * Increase employment opportunities and talent pool for County jobs;
- * Indirectly impact reduction of crime by reducing recidivism rate;
- * Increase diversity in applicant pool.

Cons:

- * Difficulty in measuring whether efforts are successful in attracting more qualified candidates;
- * Requires a reprogramming of Ceridian;
- * Not having any notice will prevent the ex-offenders from self-selection because they may not know that a criminal background check will be conducted at a later phase;
- * Places more responsibility and cost on departments to do background screening, if the initial question or notice is not posted;
- * Current law already prohibits discrimination against ex-offenders.

Recommendation

- * That Corporation Counsel and DHR review and update current wording of the criminal background questions that appear on the application to determine if the questions are still appropriate, no matter whether they are asked on the application or later during the hiring process, while supporting the spirit of the resolution;
- * That there be a notice that continues to appear on the initial on-line application that criminal background checks may be required as part of the hiring process.

References:

Fahey, Jennifer, Cheryl Roberts, and Len Engel, "Employment of Ex-Offenders: *Employer Perspectives*", Oct. 31, 2006.
Henry, Jessica S., "Criminal History on a 'Need to Know' Basis: Employment Policies that Eliminate the Criminal History Box on Employment Applications", Vol. 5, No. 2, Fall 2008.

Attachment

KRJ:hmf

Cc: Supervisor Elizabeth Coggs, Chairperson, Finance & Audit Committee
Cynthia Archer, Director, DAS
Rick Ceschin, Senior Research Analyst, County Board
Jodi Mapp, Personnel Committee Clerk

ATTACHMENT I

Reason for Leaving

Enter Another Employer

EMPLOYMENT TYPES

Indicate all the types of employment you would be willing to accept.*

- FT - FULL-TIME** - 40 hours per week with full benefits (Regular)
- PT - PART-TIME** - 20 to 40 hours per week; may include certain fringe benefits on a pro-rated basis.
- SE - SEASONAL** - 40 or more hours per week for an Indeterminate period. Some pro-rated benefits possible for certain positions.
- TE - TEMPORARY** - 20 to 40 hours per week for a period of less than one year. Some pro-rated benefits based on workweek.
- HE - HOURLY** - Less than 20 hours per week. Fringe benefits on a pro-rated basis.
- JS - JOB-SHARING** - Two employees sharing one position. May or may not be eligible for benefits depending upon workweek.

How did you hear about us?

Trade Publication

SPECIAL ACCOMMODATIONS

In accordance with the Americans with Disabilities Act (ADA) a reasonable accommodation may be provided to applicants who have a disability. Please contact the Division of Human Resources immediately at 414-278-4143 or TTY 414-278-3937 at the Office for Persons with Disabilities so that we may respond to your request.

AUTHORIZATION TO RELEASE INFORMATION

- * I authorize Milwaukee County to contact my current and/or former employer(s) regarding my employment record, except as noted. This information will be used to assist the Milwaukee County Division of Human Resources in determining my qualifications and fitness for County employment.
- * I hereby release your organization from any liability or damage whatsoever which may result because of furnishing such information. NOTE: We may release information from this application to other government agencies.
- * **Applicant's Signature.** By checking this box and any boxes above, I understand that I am applying my electronic signature and stating that I have read and understand the above statements.

CRIMINAL BACKGROUND

Have you ever been convicted of a felony or misdemeanor? If yes, list all offenses. *

- Yes
- No

Do you have any pending charges for a felony, a misdemeanor, or an ordinance violation (except minor traffic violations)? If yes, list all pending offenses. *

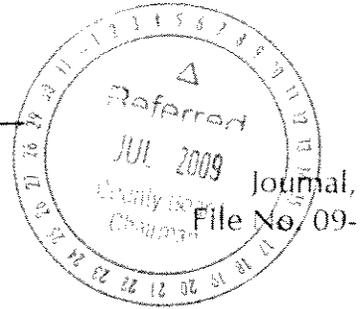
- Yes
- No

NOTE: CONVICTIONS OR PENDING CRIMINAL CHARGES ARE NOT AN AUTOMATIC BAR TO EMPLOYMENT. EACH CASE IS CONSIDERED ON ITS OWN MERIT. THIS INFORMATION MAY BE VERIFIED THROUGH A CRIMINAL RECORD CHECK.

- * **CERTIFICATION:** The above information is true to the best of my knowledge. An incomplete answer or false answer to any question on this form may be grounds for not employing me, or for dismissing me after I begin work.
- * **Applicant's Signature.** By checking this box and any boxes above, I understand that I am applying my electronic signature and stating that I have read and understood the above statements.

CERTIFICATION

FILE NO. 09-296



2

1
2 By Supervisor Coggs
3

4 **A RESOLUTION**

5 To seek modifications in Milwaukee County and the State of Wisconsin job
6 application procedures to increase the number of job opportunities available for
7 persons with prior convictions.

8 WHEREAS, in an average year in Wisconsin there are 8,600 ex-offenders
9 who, having served their sentence, are released from some level of corrections;
10 3,600 of those released return as residents of Milwaukee County; and

11 WHEREAS, although corrections experts recognize that the single most
12 important step to foster re-entry to society is stable, family-sustaining employment,
13 all ex-offenders must struggle to overcome the stigma of a prior conviction when
14 seeking the employment necessary to restore their lives; and

15 WHEREAS, although the Wisconsin Fair Employment Law bars employers
16 from denying employment to job applicants with prior convictions (unless the
17 nature of the prior offense is "substantially related" to the job being sought), many
18 employers adopt uniform policies against hiring ex-offenders; and

19 WHEREAS, without access to the employment necessary for successful re-
20 entry to society, many ex-offenders find themselves resorting to behaviors that
21 harm themselves and the community, perpetuating a cycle of re-offense and
22 incarceration; and

23 WHEREAS, most employers in Wisconsin include questions of prior
24 convictions on the initial job application and, sometimes unlawfully, use that
25 information to deny further consideration for an applicant; and

26 WHEREAS, local and national organizations, such as the New Hope
27 Project, the National HIRE Network, and the Legal Action Center have advocated
28 for "ban the box" legislation that moves disclosure of conviction and pending
29 charge history from the initial job application to the interview step; and

30 WHEREAS, "ban the box" legislation enables job seekers with criminal
31 pasts to clear the first barrier to employment and demonstrate their skills, abilities
32 and evidence of rehabilitation to prospective employers; and

33 WHEREAS, the National HIRE Network's *National Blueprint for Reentry*
34 makes a number of recommendations to remove barriers to employment and
35 specifically calls for expanding "ban the box"-type legislation to reconstitute the
36 nature of prior conviction questions, allowing for an ex-offender to demonstrate

37 qualifications and evidence of rehabilitation prior to being subjected to
38 background investigations; and

39 WHEREAS, several urban areas across the nation, including Boston,
40 Chicago, Minneapolis, St. Paul and Alameda County, CA (Oakland), as well as the
41 State of Minnesota have adopted “ban the box” policies in the hiring process for
42 state or municipal jobs, noting that it is in the community’s best interest to
43 facilitate re-entry for its citizens who are ex-offenders; and

44 WHEREAS, moving the prior conviction information from the initial
45 application would have no bearing on the Milwaukee County’s ability to deny
46 employment for:

- 47 - Any law enforcement-related position or any position with
48 qualifications established by the Law Enforcement Standards Board, or
- 49 - Any positions subject to the conditions of the Wisconsin Caregiver law,
50 or
- 51 - Offenses that are substantially related to the circumstances of the
52 position, as defined by Wisconsin Fair Employment Law, or
- 53 - Failure on the part of the applicant to disclose prior convictions or
54 pending charges prior to hire;

55 now therefore,

56 BE IT RESOLVED, that the Director, Division of Human Resources, is
57 authorized and directed to take the steps necessary to move questions related to
58 prior conviction and pending criminal charges from the initial job application for
59 Milwaukee County employment to the post-certification, interviewing phase of
60 hiring; and

61 BE IT FURTHER RESOLVED, that the Director, Division of Intergovernmental
62 Relations, is authorized and directed to convey to the Governor and the Wisconsin
63 State Legislature that the State of Wisconsin should follow the lead of Milwaukee
64 County and extend “ban the box” legislation for all public employers in Wisconsin.

65

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: July 6, 2009

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution seeking modifications in Milwaukee County and the State of Wisconsin job application procedures to increase the number of job opportunities available for persons with prior convictions.

FISCAL EFFECT:

- No Direct County Fiscal Impact
- Existing Staff Time Required
- Increase Operating Expenditures
(If checked, check one of two boxes below)
 - Absorbed Within Agency's Budget
 - Not Absorbed Within Agency's Budget
- Decrease Operating Expenditures
- Increase Operating Revenues
- Decrease Operating Revenues
- Increase Capital Expenditures
- Decrease Capital Expenditures
- Increase Capital Revenues
- Decrease Capital Revenues
- Use of contingent funds

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Adoption of this resolution is not expected to result in an increase in tax levy, but may require an expenditure of staff time.

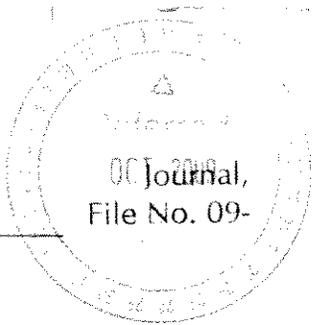
Department/Prepared By County Board/Ceschin

Authorized Signature _____



Did DAS-Fiscal Staff Review? Yes No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.



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By Supervisors Larson and Dimitrijevic

FILE NO. 09-415

OC Journal,
File No. 09-

A RESOLUTION

Authorizing and directing the Director, Department of Administrative Services – Division of Employee Benefits, working with the Office of Corporation Counsel, Department of Audit, and County Board staff, to draft revisions to the Milwaukee County Employee Health Plan to extend health benefit coverage to domestic partners of eligible Milwaukee County employees.

WHEREAS, at the September 11, 2009 meeting of the Committee on Personnel, Committee members were informed that the State of Wisconsin expanded eligibility for the state government employee health plans to provide coverage for domestic partners as part of the 2009-2011 biennial budget (Wisconsin Act 28); and

WHEREAS, also as part of Act 28, the State of Wisconsin adopted Chapter 770 of the state statutes, providing a process by which same sex couples can apply for and receive a declaration of domestic partnership through the office of the County Clerk; and

WHEREAS, since August 3, 2009, the first day that County Clerks were authorized to issue declarations of domestic partnership, the Milwaukee County Clerk has issued approximately 170 such declarations; and

WHEREAS, for purposes of health benefit eligibility, the State's definition of domestic partnership does not discern between same-sex and opposite-sex couples (Wis. Stats. 40.02(21d)) but instead provides a definition for non-married domestic partners as follows:

- 40.02(21d)** "Domestic partnership" means a relationship between two individuals that satisfies all of the following:
- (a) Each individual is at least 18 years old and otherwise competent to enter into a contract
 - (b) Neither individual is married to, or in a domestic partnership with, another individual
 - (c) The 2 individuals are not related by blood in any way that would prohibit marriage under s. 765.03
 - (d) The 2 individuals consider themselves to be members of each other's immediate family
 - (e) The 2 individuals agree to be responsible for each other's basic living expenses
 - (f) The 2 individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

- 40 1. Only one of the individuals has legal ownership of the residence
41 2. One or both of the individuals have one or more additional
42 residences not shared with the other individual
43 3. One of the individuals leaves the common residence with
44 the intent to return

45 ; and

46 WHEREAS, according to a Human Rights Campaign database, there are
47 616 different municipal or county governments or school districts, and 20 states,
48 that provide domestic partner health benefits for their employees; and

49 WHEREAS, although domestic partnership and marriage serve different
50 purposes for people in different situations, people in all situations need equal
51 access to affordable health insurance and other employment benefits; and

52 WHEREAS, a study by UCLA's Williams Institute found that "employers'
53 health insurance coverage for legal spouses places unmarried couples at a
54 disadvantage for obtaining coverage.... [P]eople with same-sex or different-sex
55 unmarried partners are two to three times more likely to be uninsured than
56 married people, even after controlling for factors influencing coverage"; and

57 WHEREAS, it is unknown how many current Milwaukee County employees
58 may be in domestic situations that would qualify as a domestic partnership (as
59 defined by state law), although experience on the national level indicates
60 approximately 1-3 per cent of employees include domestic partners when allowed
61 under the employer's health plan; and

62 WHEREAS, although the fiscal impact of the proposed change may be
63 sketched based on an expected participation rate, a thorough fiscal review will
64 necessary to determine the best possible fiscal estimate; and

65 WHEREAS, there may be other legal or operational considerations that
66 should be reviewed and evaluated prior to extending health benefits to domestic
67 partners; now, therefore

68 BE IT RESOLVED, that the Director, Department of Administrative Services –
69 Division of Employee Benefits, is authorized and directed to work with the Office of
70 Corporation Counsel, Department of Audit and County Board staff to draft revisions
71 to the Milwaukee County Employee Health Plan to extend health benefit coverage
72 to domestic partners of eligible Milwaukee County employees, and submit a final
73 plan to the Committees on Personnel and Finance and Audit no later than January 1,
74 2010.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: October 13, 2009

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution authorizing the Director of the Division of Employee Benefits to draft revisions to the Milwaukee County Employee Health Plan to extend benefits to domestic partners.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input checked="" type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|--|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. ¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Adoption of this resolution will require the Director, DAS - Division of Employee Benefits to work with the Office of Corporation Counsel, Department of Audit and County Board staff to draft revisions to the Milwaukee County Employee Health Plan to extend health benefit coverage to domestic partners of eligible Milwaukee County employees, and submit a final plan to the Committees on Personnel and Finance and Audit no later than January 1, 2010. An expenditure of staff time will be required.

Department/Prepared By County Board/Ceschin

Authorized Signature _____

Bob Gordon

CHAIRMAN
COUNTY BOARD

Did DAS-Fiscal Staff Review?

Yes

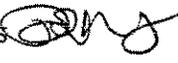
No

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¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

RECEIVED

COUNTY OF MILWAUKEE
DAS - Department of Human Resources
INTER-OFFICE COMMUNICATION

DATE : October 12, 2009
To : Committee on Personnel
FROM : Karen R. Jackson, Ph.D., Director of Human Resources 
SUBJECT : **Informational Report for 10/23/2009**
Personnel Committee Meeting

Attached are a series of informational reports listing various personnel transactions that the Director of Human Resources intends to approve for implementation. These reports (*reclassifications, advancements within the pay range, reallocations, and revisions to ECP*) are provided in accordance with the provisions of Chapter 17 and may be included on the agenda of the October 23, 2009 Personnel Committee Meeting for informational purposes. In the event the Personnel Committee takes no action, the transactions noted on the reports will be implemented.

KRJ:bdv

Copy: HR Managers

Personnel Committee Meeting Date: October 23, 2009

Reclassification Report

In accordance with the provisions of 17.05 of the Milwaukee County General Ordinances, the Director of Human Resources intends to reclassify the position noted below. The Department of Administration has verified that funds are available within the adopted budget to cover the cost associated with this action.

Requestor	Org	Position	Current Classification (Title)	Current Pay range	Proposed Classification Title)	Proposed Pay range	Current Year Impact (Top Step)	Annual Year Impact	Reason
County Clerk	3270	00045	Clerical Assistant 2	04P	Clerical Specialist (County Clerk)	05P	\$581	\$687	Changes in Duties
TOTAL							\$581	\$687	

Personnel Committee Date: October 23, 2009

ADVANCEMENT WITHIN THE PAY RANGE REPORT

In accordance with the provisions of 17.10 of the County General Ordinances, the Director of Human Resources intends to approve the advancement within the pay range for the positions noted below. The Department of Administration has verified that funds are available within the adopted budget to cover the cost associated with these actions.

<u>REQUESTOR</u>	<u>DEPT ORG UNIT</u>	<u>TITLE CODE NO POS</u>	<u>CURRENT CLASSIFICATION AND PAY RANGE</u>	<u>CURR YEAR</u>	<u>SUB YEAR</u>	<u>REASON</u>
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Currently, there is no "Advancement Within the Pay Range" to report.

Personnel Committee Date: October 23, 2009

REALLOCATION REPORT

In accordance with the provisions of 17.055 of the County General Ordinances, the Director of Human Resources intends to reallocate the positions noted below. The Department of Administration has verified that funds are available within the adopted budget to cover the cost associated with these actions. Fiscal note only reflects costs of wages and social security.

<u>DEPT</u>	<u>DEPT</u> <u>ORG</u>	<u>TITLE</u> <u>CODE</u>	<u>AUTH</u> <u>POS</u>	<u>FILLED</u> <u>POS</u>	<u>CURRENT CLASSIFICATION</u>	<u>CURRENT</u> <u>PAY RANGE</u>	<u>RECOMMENDED</u> <u>PAY RANGE</u>	<u>CURR</u> <u>YEAR</u>	<u>SUB YEAR</u>	<u>MAX YEAR</u>	<u>REASON</u>
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No Reallocations this Period

**REVISIONS TO ECP REPORT
Personnel Committee Meeting
October 23, 2009**

Currently, there are no "Revisions to ECP" to report.

COUNTY OF MILWAUKEE
DAS - Department of Human Resources
INTER-OFFICE COMMUNICATION

DATE : October 6, 2009
To : Committee on Personnel
FROM : Karen R. Jackson, Ph.D., Director of Human Resources 
SUBJECT : **Informational Reports 10/23/2009**
For Personnel Committee Meeting

Attached is an informational report listing *appointments at an advanced step of the pay range*, which the Director of Human Resources intends to approve for implementation.

These reports are provided in accordance with the provisions of Chapter 17 of the County General Ordinances and may be included on the agenda of the October 23, 2009.

Personnel Committee Meeting for informational purposes. In the event the Personnel Committee takes no action, the transactions noted on the reports will be implemented.

KRJ:bdv

Attachment

**Appointments At An Advanced Step Of The Pay Range
Personnel Committee Report**

October 23, 2009

REQUESTOR	ORG UNIT	PREVIOUS		PREVIOUS			STEPS IN PR	APPT STEP	REQUESTED	DIFFERENCE	CURRENT YEAR	JUSTIFICATION
		CLASSIFICATION	CURRENT CLASSIFICATION	PAY GRADE	CURRENT PAY GRADE	SALARY RANGE			STEP AMOUNT	IN ANNUAL PAY	FISCAL IMPACT	
BHD	6364	New Hire	Nursing Program Coordinator	N/A	28MN	\$60,337.89 - \$78,398.53	10	8	\$73,923.61	New Hire	\$2,161.00	TRG/EXP
BHD	6364	New Hire	RN1	N/A	18N	\$47,049.80 - \$63,356.80	10	9	\$62,254.40	New Hire^	\$1,259.00	TRG/EXP
BHD	6443	New Hire	House Physician 1 HR	N/A	40XM	\$117,157.25 - \$144,015.87	7	4	\$129,894.13	New Hire	\$2,109.00	TRG/EXP
BHD	6443	New Hire	House Physician 1 HR	N/A	40XM	\$117,157.25 - \$144,015.87	7	4	\$129,894.13	New Hire	\$2,109.00	TRG/EXP
County Supp Health Prgrams	7273	New Hire	EMS Communicator	N/A	15	\$36,910.78 - \$40,172.70	5	4	\$39,068.04	New Hire	\$523.00	TRG/EXP
DHHS	6373	New Hire	RN1	N/A	18N	\$47,049.80 - \$63,356.80	10	7	\$59,841.60	New Hire	\$2,119.00	TRG/EXP
DHHS	6443	New Hire	Staff Psychiatrist Hty	N/A	44XM	\$142,183.18 - \$174,779.70	7	7	\$174,779.70	New Hire	\$5,389.00	TRG/EXP
DHHS	9231	New Hire	Payroll Assistant	N/A	04P	\$29,593.82 - \$37,949.81	9	2	\$30,638.19	New Hire	\$173.00	TRG/EXP
DTPW	5041	New Hire	Contract Specialist	N/A	25	\$4,391.98 - \$57,826.70	5	5	\$57,826.70	New Hire	\$1,397.00	TRG/EXP
Sheriff	4029	New Hire	Comm. & Highway Safety Dispatcher	N/A	15BZ	\$32,289.50 - \$38,888.70	8	2	\$33,048.33	New Hire	\$126.00	TRG/EXP
Sheriff	4039	New Hire	Shift Supervisor Hty	N/A	27MN	\$55,869.33 - \$80,687.07	9	3	\$59,444.74	New Hire	\$625.00	TRG/EXP
DHHS	6373	RN 1^	RN1	18N	18N	\$47,049.80 - \$63,356.80	10	10	\$63,368.80	\$48,129.54^	\$2,701.00	TRG/EXP
Sheriff	4040	Zoo Worker 1 Seasonal	LPN	51^	16L	\$36,760.28 - \$43,944.58	8	3	\$38,747.70	\$27,714.34	\$329.00	TRG/EXP
Perks	9172	Park Maint Wkr 1 Seasonal	Park Maint Wkr 1 Seasonal	11P	11P	\$26,640.02 - \$30,827.49	10	4	\$31,071.04	\$0.00	\$734.00	TRG/EXP
DTPW	5041	HVAC Mechanic 1	HVAC Mechanic 1	15	15	\$36,910.78 - \$40,172.70	5	2	\$36,927.49	\$5,098.09	\$188.00	TRG/EXP
BHD	6443	House Physician 2 HR	Staff Psychiatrist	42XM	44XM	\$142,183.18 - \$174,779.70	7	3	\$152,310.08	\$4,516.82^	\$839.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
BHD	6443	House Physician 1 HR	House Physician 2 HR	40XM	42XM	\$129,227.28 - \$158,853.76	7	3	\$138,431.90	\$8,537.78	\$1,524.00	Same Dept Promotion
Sheriff	4002	Deputy Sheriff Sgt	Sheriff's Captain	27B	916E	\$59,580.38 - \$77,428.83	8	8	\$77,428.83	\$11,430.43	\$2,969.00	Transfer/Promotion
DPTW	5041	Airport Worker Seasonal	Airport Maintenance Worker	5132	16KZ	\$33,782.11 - \$49,563.28	12	3	\$35,910.58	\$0.00	\$353.00	Retire
DPTW	5041	Airport Worker Seasonal	Airport Maintenance Worker	5132	16KZ	\$33,782.11 - \$49,563.28	12	3	\$35,910.58	\$0.00	\$353.00	Retire

*FISCAL IMPACT= (Step employee hired at - Step 1) * Pay Periods Remaining in Year * 1.0765

^TRG/EXP Denotes Training and Experience, ^Denotes person worked PT (20) a week, ^Denotes that pay range no longer exists (\$5.3045 per hour)

In accordance with the provisions of 17.09(3) of the County General Ordinances, the Director of Human Resources must file an informational report with all County Board Supervisors relative to all new appointments at an advanced step of the pay range.

COUNTY OF MILWAUKEE
DAS - Department of Human Resources
INTER-OFFICE COMMUNICATION

DATE : October 12, 2009
To : Committee on Personnel
FROM : Karen R. Jackson, Ph.D., Director of Human Resources 
SUBJECT : **Informational Reports 10/23/2009**
For Personnel Committee Meeting

Attached are a series of informational reports relative to ***dual employment, temporary appointment, and emergency appointment.*** Reports reflect updates through the end of pay period 1. Also included is an informational report relative to ***temporary assignments to a higher classification,*** which is updated through October 23, 2009.

These reports are provided in accordance with the provisions of Chapter 17 of the County General Ordinances.

KRJ:bdv

Attachment

DUAL EMPLOYMENT REPORT
PERSONNEL COMMITTEE MEETING
OCTOBER 23, 2009

Organizational Unit	Name	Current Classification	Current Pay Range	Dual Employment	Dual Employment Pay Range
Parks Department	Terrance Wycklendt	Process Server (HR)	16	Athletic Official	52M
Parks Department	John Quinlan	Public Services Manager	26M	Athletic Official	52M
Parks Department	Kevin Quinlan	Food Services Operator	9	Athletic Official	52M

Temporary Appointment Reports
Personnel Committee Meeting
October 23, 2009

Requestor	Dept	Last Name	First Name	Title Code	Title Description	Emp Class	Status	# of Hours in Payroll Period	Temporary Appt Date	Appt Type
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No Temporary Appointments this Period

Emergency Appointment Report
Personnel Committee Meeting
October 23, 2009

Requestor	Dept	Last Name	First Name	Title Description	Employee Class	Status	Emergency Appt Date	Pay Range
Veterans Service	1021	Duff	James A	Vets Service Officer	F	A	7/22/2009	915E

Total Employees = 1

Sheriff's Office	4038	Cavadias	Pamela	Clerical Assistant 2	F	A	8/27/2009	04P
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Total Employees = 1

Grand Total of Employees: 1

**Temporary Assignment to a Higher Classification (TAHC) Report
Personnel Committee Meeting
October 23, 2009**

<u>Dept</u>	<u>First Name</u>	<u>Last Name</u>	<u>Current Job Title</u>	<u>Pay Range</u>	<u>Start Date</u>	<u>Ext.</u>	<u>End Date</u>	<u>New Job Title</u>	<u>Pay Range</u>
Clerk of Circuit Crt	Kerry	Rivera	Clerical Specialist-Courts	5P	8/23/2009		11/21/2009	Administrative Assistant NR	6PM
CSE	JeTaunne	Richardson	Child Support Supervisor	24M	7/27/2009		10/24/2009	Child Support Program Coord	27M
CSE	Michelle	Wagner	Paralegal-Specialist CSE	22	7/28/2009		10/24/2009	Child Support Supervisor	24M
IMSD	Gillion	Simpson	Project Coordinator - Technical	35M	9/12/2009		12/11/2009	IT Operations Manager	36M
Park	Eduardo	Santiago	Community Center Supervisor	15	9/9/2009		12/8/2009	Community Center Manager	22M
Sheriff	Susan	Anderson	Correction Officer Lieutenant	23CM	8/4/2009		11/2/2009	Corrections Manager	915E
Sheriff	Ross	Stein	Correction Officer I	14Z	8/4/2009		11/2/2009	Correction Officer Lieutenant	23CM
Sheriff	William	Brown	Deputy Sheriff Sergeant	22B	8/9/2009		11/5/2009	Deputy Sheriff Lieutenant	30M
Sheriff	James	Cox	Deputy Sheriff Sergeant	22B	8/9/2009		11/5/2009	Deputy Sheriff Lieutenant	30M
Sheriff	John	Nelson	Deputy Sheriff Sergeant	22B	8/9/2009		11/5/2009	Deputy Sheriff Lieutenant	30M
Sheriff	Scott	Stiff	Deputy Sheriff Sergeant	22B	8/9/2009		11/5/2009	Deputy Sheriff Lieutenant	30M
Sheriff	Kevin	Nyklewicz	Sheriff Captain	915E	10/5/2009		1/3/2010	EXDIR 1 - SHERIFFDEPBURDIR	901E
Sheriff	Sylvia	Rodriguez	Deputy Sheriff Lieutenant	30M	10/5/2009		1/3/2010	Sheriff Department Captain	915E
Sheriff	Catherine	Trimboli	Deputy Sheriff I	17BZ	10/5/2009		1/3/2010	Deputy Sheriff Lieutenant	30M
Sheriff	Nancy	Evans	Corrections Manager	915E	10/10/2009		1/8/2010	Assistant Superintendent (Corrs Major)	902E
DTPW-Admin	Claudia	Coleman-Brown	Secretarial Assistant	4PM	8/10/2009		11/8/2009	Sr. Executive Assistant - DTPW	7PM
DTPW-Airport	Kevin	Doyle	Fire Fighter Equipment Oper	17B	8/24/2009		11/21/2009	Assistant Airport Fire Chief	27M
DHHS	Joel	Marquez	Childcare Program Specialist B/L SP	20	9/14/2009		12/12/2009	Childcare Program Supervisor	24M
DHHS - MPSM	Mildred	Brown-Pritzi	Clerical Assistant 2	04P	7/28/2009		10/26/2009	Operations Coordinator SP	22M
DHHS - ESD	Denise	Mayes	Quality Assurance Technician	15	8/3/2009		10/31/2009	Ess Supervisor I	18M
DTPW	David	Schanning	Asst. Dir. Facilities Management	54	10/6/2009		1/4/2010	Exec. Director Facilities Management	902E
DTPW-Transp	David	Karnes	Engineer	32A	9/28/2009		12/25/2009	Resident Contract Mgr - Traffic	916E
Dept on Aging	Rita	Lee	Human Services Worker (Aging)	16C	10/5/2009		1/3/2010	Unit Supervisor - CMO	26M

*Pursuant to M.C.G.O. 17.085(1), (2), or (7), the TAHC has been extended by the Director of DHR. The County Board of Supervisors and the County Executive must approve the second extension to a *vacant unclassified* position through adoption of a Resolution.

7

COUNTY OF MILWAUKEE

Interoffice Memorandum

DATE: October 16, 2009

TO: Supervisor Paul Cesarz, Chairman, Committee on Personnel

FROM: Rick Ceschin, Research Analyst *RJC*

SUBJECT: **Request by the Director, Department of Administrative Services - Division of Human Resources:** To reclassify one Human Resources Analyst position to a Human Resources Analyst (Bilingual/Spanish) position

In accordance with Chapters 1 and 17 of the Milwaukee County Code of General Ordinances, County Board staff must review requests to reclassify positions authorized in DAS-DHR and file an informational report with the Committee on Personnel.

The Director, Department of Administrative Services – Division of Human Resources has requested that one position of Human Resources Analyst, Pay Range 17JM, be reclassified as Human Resources Analyst (Bilingual/Spanish), also Pay Range 17JM. The Director bases the request on the increased need for Spanish-speaking capabilities in applications, recruitment, testing, and customer service.

Fiscal Effect

The reclassification does not change the compensation for the position and serves technically as a retitling only. There is no fiscal effect.

Based on this review, staff recommends that the request that one position of Human Resources Analyst, Pay Range 17JM, be reclassified as Human Resources Analyst (Bilingual/Spanish), also Pay Range 17JM, be accepted by the Committee.

Cc: K. Jackson
J. Mapp

COUNTY OF MILWAUKEE
DAS-Division of Human Resources
Inter-office Communication

DATE : October 1, 2009
TO : Lee Holloway, Chairman, Milwaukee County Board of Supervisors
FROM : Dr. Karen R. Jackson, Director, Division of Human Resources 
SUBJECT: Proposed Resolution Regarding Extension of TAHC Assignment

Issue:

A request is being made to seek an extension of the Temporary Assignment To A Higher Classification (TAHC) for Ms. Lisa Jo Marks, currently serving in the position of Director of Health and Human Services, until such time that an appointment is made to fill this position.

Background:

Ms. Marks has been serving in a TAHC for the position of Director of Health and Human Services since April 11, 2009. The TAHC has been extended once, per the approval of the Director of Human Resources.

Ms. Mark's TAHC will end on October 10, 2009. Although the County Executive has submitted Ms. Mark's name for confirmation in this position, no action has been taken by the County Board. Per C.G.O, 17.085, the County Board must approve any additional TAHC extensions.

Recommendation:

To assure continuity of operation and leadership within the Department of Health and Human Services while the recommendation of the incumbent is under consideration, I am asking for the attached resolution be referred to the Personnel Committee and the County Board for approval to extend Ms. Lisa Jo Mark's TAHC for a period not to exceed three months, or the appointment of a qualified candidate for the position, whichever occurs first.

KRJ:hmf

Attachment

- Cc: County Executive Scott Walker
- Thomas Nardelli, Chief of Staff, County Executive's Office
- Terry Cooley, Chief of Staff, County Board of Supervisors
- Cynthia Archer, Director, DAS
- Supervisor Paul Cesarz, Chairman, Personnel Committee
- Rick Ceschin, Senior Research Analyst, County Board
- Jodi Mapp, Committee Clerk ✓

(ITEM) From the Director of the Department of Administrative Services – Human Resources,
recommending adoption of the following:

A RESOLUTION

WHEREAS, Temporary Assignment to a Higher Classification (TAHC) are authorized for
non-represented employees in C.G.O 17.085; and

WHEREAS, C.G.O 17.085 states that employees in the classified and unclassified service
may receive a temporary assignment to a vacant unclassified position for (90) days or less with one
(1) extension of ninety (90) days or less with the extension provision pursuant to approval by the
Human Resources Director; and

WHEREAS, C.G.O 17.085 states that any further extensions must be approved by the
County Board; and

WHEREAS, the position of the Department of Health & Human Services (Director) has been
vacant since April 10, 2009; and

WHEREAS, in order to administer the day-to-day operations of the Department of Health &
Human Services (DHHS), the duties, responsibilities, and authority of the position of the Director
have been assumed via TAHC authorization by Ms. Lisa Marks since April 10, 2009; and

WHEREAS, the duties, responsibilities, and authority of the Director shall revert to the
County Executive’s candidate for the Director upon confirmation of the candidate by the County
Board;

now, therefore,

BE IT RESOLVED, that prior to County Board confirmation of the County Executive’s
candidate to the Director position, Ms. Lisa Marks shall maintain a TAHC status for the Director
position; and

BE IT FURTHER RESOLVED, that upon County Board confirmation of the County Executive’s
candidate to the Director position, Ms. Lisa Marks shall no longer maintain her existing TAHC
status for the Director position.

FISCAL NOTE: Adoption of this resolution has no fiscal effect.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/1/09

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: REQUEST TAHC AUTHORIZATION FOR THE POSITION OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input checked="" type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|--|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

A. Approval of this resolution authorizes the existing TAHC for Ms. Lisa Marks to continue until the Director of the Department of Health and Human Services position is successfully recruited. Approval of the County Executive's candidate is subject to approval by the County Board.

B. There are no direct costs or savings due to the fact that the Director position is authorized and funded in the 2009 Adopted Budget. Therefore, temporarily assigning an employee to the position via TAHC status or permanently filling the position has no fiscal effect.

C. No fiscal impacts are anticipated for the current or subsequent fiscal year. See above.

D. As the Director position administers the day-to-day activities of the Department, it is assumed that this position would need to be filled throughout the year.

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

Department/Prepared By DAS - Fiscal Affairs, Joe Carey

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

COUNTY OF MILWAUKEE
DAS-Division of Human Resources
Inter-office Communication

DATE : October 1, 2009
TO : Lee Holloway, Chairman, Milwaukee County Board of Supervisors
FROM : Dr. Karen R. Jackson, Director, Division of Human Resources 
SUBJECT: **Proposed Resolution Regarding Extension of TAHC Assignment**

Issue:

A request is being made to seek an extension of the Temporary Assignment To A Higher Classification (TAHC) for Ms. Janet Nelson, who is currently serving in the position of Director for Child Support Enforcement, while Ms. Lisa Jo Marks serves in a TAHC as Director for Health and Human Services.

Background:

Ms. Nelson has been serving in a TAHC for the position of Director of Child Support Enforcement since April 10, 2009, when Ms. Lisa Jo Marks, the Director, was placed in a TAHC for DHHS. The TAHC has been extended once, per the approval of the Director of Human Resources.

Ms. Nelson's TAHC will end on October 10, 2009. No personnel action can be taken to fill the Child Support Enforcement Director position until a decision is made regarding the status of Ms. Mark's TAHC or whether she returns to her former position as Director of CSE. Per C.G.O, 17.085, the County Board must approve any additional TAHC extensions.

Recommendation:

To assure continuity of operation and leadership within the Department of Child Support Enforcement, while the above matters are being addressed, the recommendation is that the attached resolution be referred to the Personnel Committee and the County Board for approval to extend Ms. Janet Nelson's TAHC for a period not to exceed three months.

KRJ:hmf

Attachment

Cc: County Executive Scott Walker
Thomas Nardelli, Chief of Staff, County Executive's Office
Terry Cooley, Chief of Staff, County Board of Supervisors
Cynthia Archer, Director, DAS
Supervisor Paul Cesarz, Chairman, Personnel Committee
Rick Ceschin, Senior Research Analyst, County Board
Jodi Mapp, Committee Clerk

(ITEM) From the Director of the Department of Administrative Services – Human Resources,
recommending adoption of the following:

A RESOLUTION

WHEREAS, Temporary Assignment to a Higher Classification (TAHC) are authorized for
non-represented employees in C.G.O 17.085; and

WHEREAS, C.G.O 17.085 states that employees in the classified and unclassified service
may receive a temporary assignment to a vacant unclassified position for (90) days or less with one
(1) extension of ninety (90) days or less with the extension provision pursuant to approval by the
Human Resources Director; and

WHEREAS, C.G.O 17.085 states that any further extensions must be approved by the
County Board; and

WHEREAS, the position of the Director of Child Support Enforcement has been vacant since
April 10, 2009, when the incumbent received TAHC authorization to serve as the Director of the
Department on Health and Human Services (DHHS); and

WHEREAS, in order to administer the day-to-day operations of the Department of Child
Support Enforcement (CESE), the duties, responsibilities, and authority of the position of the
Director have been assumed via TAHC authorization by Ms. Janet Nelson since 04/11/2009; and

WHEREAS, the duties, responsibilities, and authority of the Director shall revert either to the
former Director upon completion of her TAHC as Director of DHHS, or upon confirmation by the
County Board of County Executive's candidate for replacement;

now, therefore,

BE IT RESOLVED, that prior to County Board confirmation of the County Executive's
candidate to the Director position, Ms. Janet Nelson shall maintain a TAHC status for the Director
position; and

BE IT FURTHER RESOLVED, that Ms. Janet Nelson shall no longer maintain her existing
TAHC status for the Director position once the position is filled either by the former Director or by
a replacement nominated by the County Executive and confirmed by the County Board.

FISCAL NOTE: Adoption of this resolution has no fiscal effect.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/1/09

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: REQUEST TAHC AUTHORIZATION FOR THE POSITION OF THE DIRECTOR OF THE DEPARTMENT OF CHILD SUPPORT ENFORCEMENT.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

A. Approval of this resolution authorizes the existing TAHC for Ms. Janet Nelson to continue until the Director of the Department of Child Support Enforcement position is successfully recruited. Approval of the County Executive's candidate is subject to approval by the County Board.

B. There are no direct costs or savings due to the fact that the Director position is authorized and funded in the 2009 Adopted Budget. Therefore, temporarily assigning an employee to the position via TAHC status or permanently filling the position has no fiscal effect.

C. No fiscal impacts are anticipated for the current or subsequent fiscal year. See above.

D. As the Director position administers the day-to-day activities of the Department, it is assumed that this position would need to be filled throughout the year.

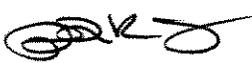
¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

Department/Prepared By DAS - Fiscal Affairs, Joe Carey

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

COUNTY OF MILWAUKEE
DAS-Division of Human Resources
Inter-office Communication

DATE : October 7, 2009
TO : Lee Holloway, Chairman, Milwaukee County Board of Supervisors
FROM : Dr. Karen R. Jackson, Director, Division of Human Resources 
SUBJECT: **Proposed Resolution Regarding Extension of TAHC Assignment**

Issue:

Request is being made to seek an extension of the Temporary Assignment To A Higher Classification (TAHC) for Mr. Jack Takerian, currently serving in the position of Director of Transportation and Public Works, until such time that an appointment is made to fill this position.

Background:

Mr. Takerian has been serving in a TAHC for the position of Director of Transportation and Public Works since January 5, 2009. The TAHC has been extended twice, per the approval of the Director of Human Resources.

Mr. Takerian's current TAHC will end on October 21, 2009. Although an intensive recruitment for this position continues, no candidate has yet been appointed to this position. Per CG.O, 17.085, any additional TAHC extensions must be approved by the County Board.

Recommendation:

To assure continuity of operations and leadership of the Department of Transportation and Public Works and to provide sufficient time to find a qualified and suitable candidate for this position, the recommendation is that the attached resolution be referred to the Personnel Committee and the County Board for approval to extend Mr. Jack Takerian's TAHC until such time as the appointment of a qualified candidate for the position is made.

KRJ:hmf

Attachment

- Cc: County Executive Scott Walker
- Thomas Nardelli, Chief of Staff, County Executive's Office
- Terry Cooley, Chief of Staff, County Board of Supervisors
- Cynthia Archer, Director, DAS
- Supervisor Paul Cesarz, Chairman, Personnel Committee
- Rick Ceschin, Senior Research Analyst, County Board
- Jodi Mapp, Committee Clerk ✓

(ITEM) From the Director of the Department of Administrative Services – Human Resources, recommending adoption of the following:

A RESOLUTION

WHEREAS, Temporary Assignment to a Higher Classification (TAHC) are authorized for non-represented employees in C.G.O 17.085; and

WHEREAS, C.G.O 17.085 states that employees in the classified and unclassified service may receive a temporary assignment to a vacant unclassified position for (90) days or less with one (1) extension of ninety (90) days or less with the extension provision pursuant to approval by the Human Resources Director; and

WHEREAS, C.G.O 17.085 states that any further extensions must be approved by the County Board; and

WHEREAS, the position of the Director of Transportation & Public Works Department (Director) has been vacant since January 2, 2009; and

WHEREAS, in order to administer the day-to-day operations of the Department of Transportation & Public Works (DTPW), the duties, responsibilities, and authority of the position of the Director have been assumed via TAHC authorization by Mr. Jack Takerian since January 5, 2009; and

WHEREAS, the County Executive Office and Department of Administrative Services – Human Resources are jointly recruiting and interviewing candidates to fill the vacant Director position; and

WHEREAS, the duties, responsibilities, and authority of the Director shall revert to the County Executive’s candidate for the Director upon confirmation of the candidate by the County Board;

now, therefore,

BE IT RESOLVED, that prior to County Board confirmation of the County Executive’s candidate to the Director position, Mr. Jack Takerian shall maintain a TAHC status for the Director position; and

BE IT FURTHER RESOLVED, that upon County Board confirmation of the County Executive’s candidate to the Director position, Mr. Jack Takerian shall no longer maintain his existing TAHC status for the Director position.

FISCAL NOTE: Adoption of this resolution has no fiscal effect.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 10/7/09

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: REQUEST TEMPORARY ASSIGNMENT TO HIGHER CLASSIFICATION (TAHC) AUTHORIZATION FOR THE POSITION OF THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS.

FISCAL EFFECT:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact
<input checked="" type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|--|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

A. The existing TAHC for Mr. Jack Takerian expires on October 21, 2009. Approval of this resolution authorizes the existing TAHC for Mr. Jack Takerian to continue until the Director of the Department of Transportation & Public Works position is successfully recruited by the joint efforts of the County Executive Office and the Department of Administrative Services – Human Resources. Approval of the County Executive’s candidate is subject to approval by the County Board.

B. There are no direct costs or savings due to the fact that the Director position is authorized and funded in the 2009 Adopted Budget and is anticipated to be authorized and funded in the 2010 Adopted Budget. Therefore, temporarily assigning an employee to the position via TAHC status or permanently filling the position has no fiscal effect.

C. No fiscal impacts are anticipated for the current or subsequent fiscal year. See above.

D. As the Director position administers the day-to-day activities of the Department, it is assumed that this position would need to be filled throughout the year.

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

Department/Prepared By DAS - Fiscal Affairs, Vince Masterson

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

11

**COUNTY OF MILWAUKEE
Inter-Office Communication**

Date: October 15, 2009

To: Supervisor, Paul Cesarz, Chairman, Personnel Committee
Supervisor Elizabeth M. Coggs, Chairwoman, Committee on Finance and Audit

From: Jerome J. Heer, Director of Audits

Subject: Amendment of Chapter 17.16(1)(b) of Milwaukee County Code of General Ordinances Related to Overtime and the Fair Labor Standards Act (FLSA) (File No. 09-257)

Background

On July 10, 2009 the Committee on Personnel referred the attached report from the Director of Human Resources dated April 26, 2009 to the Department of Audit for review and comment.

Analysis

The analysis provided by DAS provides support for bringing overtime payments for non-represented employees in line with the provisions of the Fair Labor Standards Act (FLSA). This would be accomplished in two ways. First, non-represented employees who are exempt from FLSA would no longer be paid overtime (either time and one half or straight time). Second, non-represented employees would have overtime calculated on the basis of hours worked over 40 hours in a week rather than hours worked in excess of eight hours in a day. The proposal does not cover executive employees who are not eligible for overtime now and would continue in that status.

The analysis, however, does not make a strong and clear distinction between overtime that is "paid" and overtime that is "used". "Paid" overtime is a cash expense to the County that is triggered either by the active approval of management or by a default payment if overtime is not liquidated within 180 days. Overtime that is "used" is a non-cash item that is incurred when overtime is liquidated as compensatory time off. An assessment that incorporates this distinction results in a fiscal note of \$277,578 as "paid" in 2008 in contrast with \$238,728 as "used". The value of the total amount that was accrued in 2008 was \$365,093 and this amount incorporates any amount that was built up during the year because it was not "paid" in the period in which it was earned and has not yet been used.

Given the current environment in Milwaukee County where it is anticipated that there will be considerable pressure on the County workforce, including the employees affected by this DAS initiative, we question the wisdom of banning any overtime for the group affected by this proposal. We suggest that a more fair, reasonable approach is to allow overtime to only be accumulated as straight time, not time and a half, and that it only be liquidated as "used" compensatory time off, not "paid". Executive Directors and Executive Compensation Plan employees should, of course, continue to be prohibited from accruing any overtime. But civil service employees who work additional hours should not be treated the same as executives. It is also advisable to have DAS report back to the County Board on the effect of this initiative on the 2010 budget and on programs. Specifically, the Board should receive a report that identifies amounts "paid" and "used" by department.

We also note that the list of affected employees is the subject of a consulting engagement that is currently in process. The study could also provide some clarity to long-standing questions about the proper classification of Executive Directors and ECP employees as civil service positions. The committee may want to see the results of the consultant's study before taking any action. The report is also expected to provide a review of compensation for all non-represented classifications.

The County Executive's Recommended 2010 Budget also addresses overtime for employees who are both covered by, and exempt from, FLSA. These elements, which are subject to collective bargaining for represented employees, are included in Org. 1972 Wage and Benefit Modification Account and include:

Overtime Reform

- Overtime pay will not be paid for hours in excess of eight during the workday unless the employee has exceeded 40 hours in the workweek. This is consistent with federal law and will provide consistency among Milwaukee County labor agreements.
- Employees will only receive overtime pay for hours worked instead of credited. This is consistent with federal law and will provide consistency among Milwaukee County labor agreements.
- Management will be provided with the discretion to either pay out overtime or allow deputy sheriffs and nurses to accrue the overtime as paid time off to provide staffing flexibility and reduce overtime cost.
- Amend Chapter 17.16(1)(b) to eliminate overtime for salaried non-represented employees in positions that are exempt from the overtime requirements of the Fair Labor Standards Act (FLSA).

Based on our analysis of the April 26, 2009 proposal by the Director of Human Resources, we concur that the provisions listed above should be pursued with the exception of the elimination of all overtime for professional employees.

Conclusions and Recommendations

We believe that the DAS recommendations to bring Milwaukee County in line with FLSA for non-represented employees should be adopted except that these employees should be allowed to earn overtime at a straight time rate and that it should be liquidated as compensatory time off rather than cash. An alternative to the Ordinance change proposed by DAS is attached. Further, DAS should be directed to report back to Personnel and Finance and Audit Committees in the April Board cycle on the amount of overtime paid in the first quarter of 2010 with specific details on the department, division and programs where overtime is occurring and an analysis of the underlying rationale in each unit.

Further, all overtime changes proposed by the County Executive in his 2010 Recommended Budget should be pursued with the exception of the outright ban of any overtime for any non-represented employees. Instead, that ban should be replaced with a change to only allow straight time accrual of overtime with compensatory time off rather than payment. Again this applies primarily to professional staff and in no event would apply to executives who are not eligible for any overtime. Managers should be charged with ensuring that large balances do not accumulate that might be paid out at separation of service from the County. The overtime report provided to the County Board should identify overtime accumulation by position to provide oversight that will help mitigate any concern about overtime payouts.

Supervisor, Paul Cesarz, Chairman, Personnel Committee
Supervisor Elizabeth M. Coggs, Chairwoman, Committee on Finance and Audit
October 15, 2009
Page Three



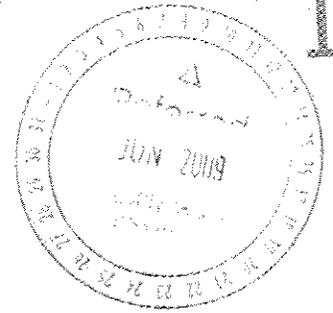
Jerome J. Heer

JJH/cah

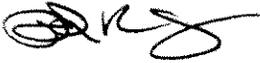
Attachment

cc: Finance and Audit Committee Members
Personnel Committee Members
Scott Walker, Milwaukee County Executive
Cynthia Archer, Director, Department of Administrative Services
Steve Kreklow, DAS-Fiscal & Budget Administrator
Terrence Cooley, Chief of Staff, County Board Staff
Steve Cady, Fiscal & Budget Analyst, County Board Staff
Rick Ceschin, Senior Research Analyst, County Board Staff
✓ Delores Hervey, Chief Committee Clerk, County Board Staff

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION



11

DATE: April 26, 2009 FILE NO. 09-257
TO: Lee Holloway, Chairman, Milwaukee County Board of Supervisors
FROM: Dr. Karen Jackson, Director, Division of Human Resources 
SUBJECT: Proposed Ordinance Revision Regarding Overtime Compensation

Issue

Milwaukee County Ordinance Section 17.16 governs overtime compensation for employees:

1. Pursuant to Sec. 17.16, currently non-represented employees who hold positions in pay range 29M and above who are **exempt** from the FLSA, receive straight time overtime for all hours worked in excess of forty hours in a week.
2. Pursuant to Sec. 17.16, currently non-represented employees who hold positions in pay range 28M and below, who are **exempt** from the FLSA, receive time and one half for all hours worked in excess of eight hours in a day or forty hours in a week.
3. Pursuant to Sec. 17.16, currently non-represented employees who hold positions that are **non-exempt** (covered by the FLSA) receive time and one half for all hours worked in excess of 8 hours in a day or forty hours in a week regardless of their pay range.

The proposed changes to Sec. 17.16(1)(b) would eliminate the payment of overtime for **exempt** employees referenced in paragraphs 1 and 2 consistent with the FLSA.

The proposed changes to Sec. 17.16(1)(b) would continue the payment of time and one half for all hours worked in excess of forty hours in a week by employees who are **non-exempt** (covered by the FLSA), consistent with the requirements of the FLSA. However, since federal law does not require overtime pay for hours worked in excess of eight hours per day, the proposed changes would remove that provision from the County Code.

To sum up, non-represented employees who are exempt from the provisions of the FLSA and who are not entitled to overtime pay under the FLSA will no longer be paid overtime (either time and one half or straight time). Non-represented employees subject to the FLSA (non-exempt employees) will have their overtime calculated on the basis of hours worked over 40 hours in a workweek and not hours worked in excess of 8 hours in a day.

Background

The FLSA exempts executive, administrative, and professional employees from its minimum wage and overtime requirements. Milwaukee County employees are subject to the requirements of the FLSA unless the law does not cover them. If employees are covered by the FLSA, certain tests are applied to determine if certain covered employees should be exempt (not covered by) the provisions of the FLSA. The primary exemptions involve executive, administrative, professional and some computer employees who earn salaries not less than \$455 per week. Generally if you are an hourly employee, you are not exempt from the provisions of the FLSA.

Executive employees are management employees who customarily and regularly direct the work of at least two or more other full-time employees. Executive employees must possess the power to hire or

fire other employees or have substantial weight in making such decisions regarding hiring, firing, promoting or any other change of status of other employees.

Administrative employees perform office or non-manual work directly related to the management or general business operations of the employer or the employer's customers. Administrative employees customarily and regularly exercise discretion and independent judgment with respect to matters of significance.

Professional employees perform work primarily requiring advanced knowledge acquired by a prolonged course of specialized education. The work product of professional employees is predominately intellectual and varied in character and requires the consistent exercise of discretion and judgment.

Computer software employees must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field of skills.

As of April, 2009, a total of 1,005 County employees are not represented. Of that total, 387 employees are classified as exempt and as such are not entitled to overtime payments under the Fair Labor Standards Act. The attachment references the title codes and pay ranges of those positions that are currently classified as exempt from the FLSA and that will be impacted by amending Section 17.16 of the County Code.

Recommendation

Adopt the attached resolution and ordinance amending Section 17.16 (1) (b) of the ordinances to conform to and be consistent with the requirements of the Fair Labor Standards Act.

Prepared by: Davida Amenta/Mary Ann Grimes
278-5330/278-4782

cc: Cynthia Archer, DAS Director
Bill Domina, Corporation Counsel
Rick Ceschin, County Board Staff
Tom Nardelli, County Executive Chief of Staff

Attachment - Classifications that are Non-Represented and FLSA Exempt

Job Code	Position Description	Pay Grade
00085770	Student Intern	01IM
00087700	Adm Intern	01IM
00086700	Adm Sec 1-Office Asst 1	09M
00012240	Fiscal Mgt Analyst 3	17JM
00085360	Adm Sec Princ Exec Asst	18M
00086654	Adm Sec 3-Pol Res Anlys	23M
00012230	Fiscal Mgt Analyst 3	26JM
00007899	Economic Development Specialis	26M
00045080	Utilization Review Coord	28MN
00045110	Nursing Prog Coord	28MN
00011291	Airport Properties Mgr	29
00009410	Felony Court Coord	29M
00011290	Airport Properties Mgr NR	29M
00020402	Mechanical Mtce Supt Ho	29M
00041360	Conservatory Director	29M
00045115	Nursing Adm Coord	29M
00045121	Adm Claims Examiner - W C	29M
00055495	Food Stamp Paymt Acc Mg	29M
00058024	Quality Assur Coord - DHHS	29M
00062190	Asst Dir Emerg Mgmnt	29M
00064300	Airport Fire Chief	29M
00085495	Adm Sec Public Inf Mgr	29M
00054865	Ems Program Director	29MN
00054875	Gamp Program Director	29MN
00005735	Hr Coordinatord Tpw	30M
00005750	Human Res Coord Zoo	30M
00005890	Safety Coordinator-	30M
00006980	Human Res Coord MHD	30M
00008710	Asst Chief Depclk Divad	30M
00010836	Office Coord Corporation Couns	30M
00020220	Operations Coord	30M
00028230	Fleet Services Coord	30M
00041340	Safety And Train Coord Pk	30M
00051610	Staff Veterinarian	30M
00055732	Contract Services Officer	30M
00061710	Dep Sheriff Lt	30M
0006580	Human Res Coord Sheriff	30M
00065830	Human Res Coord CSE	30M
00065850	Human Res Coord Aging	30M
00065860	Prog And Policy Coord-	30M
00065870	Prog Planning Coord	30M
00065880	Facilities Mtce Coord	30M
00002746	Business Manager	31M
00008730	Asst Chief Dpty Clrk Prob	31M
00020385	Facilities Assesmnt Co	31M
00053356	Rehabilitation Coordinator	31M
00057760	Integrated Service Coord-	31M
00086170	Econ Dev Coord	31M
00088810	Adm Sec Asst Dir I-R	31M

00004605	Accounting Manager	32M
00004700	Fiscal Officer-Ers	32M
00012205	Grant Coordinator	32M
00037335	Noise Program Coord	32M
00076154	Acct Manager CMO - AR	32M
00076165	Fiscal And Budget Mgr-Chp	32M
00012220	Fiscal Mgt Analyst 3	33JM
00012243	Capital Finance Plan Anal 3	33JM
00004506	Prog Coord - Community Progs	33M
00004509	Prog Admin Coord (CMO)	33M
00008575	Labor Relations Analyst	33M
00012244	Fiscal and Budget Manager	33M
00012340	Judicial Rev Coord (Child Ct)	33M
00012345	Judicial Rev Coord (Courts)	33M
00037210	Mechanical Utility Engr	33M
00041600	Senior Staff Veterinarian	33M
00054210	Forensic Tech Supv	33M
00056665	Comm Relations Coord	33M
00057315	Contract Compliance Mgr Dbe	33M
00057780	Asst Program Admin Catc	33M
00070851	Recreation-Aquatic Prog Mgr	33M
00059270	Legal Cnsl Child Supp 2	34EM
00004444	Fiscal Operations Mgr HOC	34M
00010875	Airport Pub Saf & Secur Manage	34M
00040730	Golf Superintendent-Pga	34M
00057090	Clinical Prog Dir-Psych	34M
00002740	Buss Systems Proj Mgr	35M
00003490	Project Coord Appls	35M
00003495	Project Coord - Technical	35M
00012268	Contract Manager CMO	35M
00076635	Human Res Mgr	35M
00003095	it Operations Mgr	36M
00008600	Support Services Manager	36M
00059210	Dep Corp Counsel	37AM
00085100	Adm Crt Comm	37AM
00042880	Coord Zoo Oper And Mtce	37M
00008605	Principal Architect	38M
00008610	Site Development and Civil Eng	38M
00009415	Fin Analyst Employee BE	38M
00011876	Operations Mgr Med Examiner	38M
00020235	Airport Engineer	38M
00020245	Sustainability and Environ Eng	38M
00059260	Legal Cnsl Child Supp Su	38M
00084960	Adm Sec Co Bo Fiscal	38M
00088550	Purchasing Administrator	38M
00047301	House Physician 1 Hry	40XM
00047301	House Physician 3	40XM
00050770	Staff Psychiatrist	44XM
00050841	Med Prog Dir CATC	45XM
00050843	Med Director Acute Serv	46XM
00050844	Med Director Crisis Serv	46XM
00050845	Med Director Forensic Se	46XM

00050847	Med Director Adult	46XM
00050851	Med Director Detent Serv	46XM
00082500	Deputy Dist Attorney	61

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A RESOLUTION

To amend County Ordinances regarding limit overtime compensation to make them consistent with to the provisions of the Fair Labor Standards Act (FLSA),

WHEREAS, Section 17.16 of the Milwaukee County Code provides for overtime compensation to non-represented employees which exceeds the provisions of the FLSA,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby approve the following:

AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Section 17.16 (1)(b) is hereby amended, as follows:

17.16 (1)(b) Employees who are not represented by a collective bargaining unit shall be compensated for overtime as follows: employees holding positions which are non-exempt from the Fair Labor Standards Act shall receive time and one-half for all hours worked in excess of eight (8) hours in a twenty-four (24) hour period or over forty (40) hours per week regardless of the pay range to which the position held is assigned; employees holding positions authorized in pay range 28M and below which are deemed to be exempt from the Fair Labor Standards Act shall receive time and one-half for all hours worked in excess of eight (8) hours in a twenty-four (24) hour period or forty (40) hours per week; employees holding positions authorized in pay range 29M and above shall receive straight time overtime for all hours worked in excess of forty (40) hours in a week; and employees holding a position exempt from the Fair Labor Standards Act authorized in the executive compensation plan shall be considered as salaried and shall not be compensated for overtime.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 4/27/09

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Proposed Ordinance Revision Regarding Overtime Compensation

FISCAL EFFECT:

- | | |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact
<input type="checkbox"/> Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input checked="" type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|---|--|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	-212,970	-365,093
	Revenue	0	0
	Net Cost	-212,970	-365,093
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

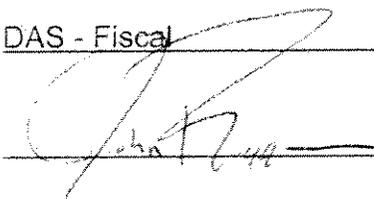
A. Adoption of the proposed amendment to the ordinance will bring overtime compensation for non-represented employees into compliance with the provisions of the FLSA. For employees that are non-exempt from the FLSA, overtime will be not be accrued until an employee had worked 40 hours a week. For employees that are exempt from the FLSA, no overtime will be accrued.

B. Cost savings on an annual basis (for 2010) are based on the value of 2008 overtime earned by non-represented exempt employees of \$365,093. The fiscal impact for the 2009 budget year is reduced proportionally assuming that the ordinance becomes effective 6/1/2009. Overtime payments are generally absorbed into each department's budget for salary costs.

C. The budgetary impact is limited to departments with non-represented employees. To the extent that these employees no longer earn overtime, these departments will realize salary savings.

D. See above.

Department/Prepared By DAS - Fiscal

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

A RESOLUTION

To amend County Ordinances regarding limit-overtime compensation to make them consistent with to the provisions of the Fair Labor Standards Act (FLSA),

WHEREAS, Section 17.16 of the Milwaukee County Code provides for overtime compensation to non-represented employees which exceeds the provisions of the FLSA,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors does hereby approve the following:

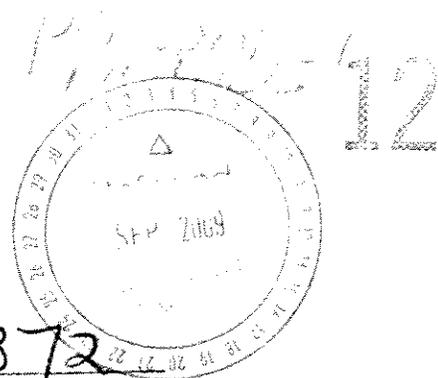
AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Section 17.16 (1)(b) is hereby amended, as follows:

17.16 (1)(b) Employees who are not represented by a collective bargaining unit shall be compensated for overtime as follows: employees holding positions which are non-exempt from the Fair Labor Standards Act shall receive time and one-half for all hours worked in excess of eight (8) hours in a twenty-four (24) hour period or over forty (40) hours per week regardless of the pay range to which the position held is assigned. ~~employees holding positions authorized in pay range 28M and below which are deemed to be exempt from the Fair Labor Standards Act shall receive time and one-half for all hours worked in excess of eight (8) hours in a twenty-four (24) hour period or forty (40) hours per week; employees holding positions authorized in pay range 29M and above shall receive straight time overtime for all hours worked in excess of forty (40) hours in a week; and e~~Employees holding a position exempt from the Fair Labor Standards Act who are not in an executive classification shall be compensated for overtime on a straight time basis and may only liquidate accrued overtime as compensatory time off unless approved by the DAS Director of Human Resources who shall also provide the Personnel Committee with quarterly reports of all overtime that is paid rather than used as compensatory time off.

COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION



Date: September 3, 2009
To: Supervisor Lee Holloway, Chairman
Milwaukee County Board of Supervisors
From: Gregory L. Gracz, Director of Labor Relations
RE: Ratification of the 2009-2011 Memorandum of Agreement between Milwaukee County and the Milwaukee Building & Construction Trades Council AFL-CIO

Milwaukee County has reached an understanding with the bargaining team for the Milwaukee Building & Construction Trades Council AFL-CIO that establishes a memorandum of agreement for 2009-2011.

I am requesting that this item be placed on the September 17, 2009 agenda for the meeting of Finance and Audit Committee and the September 11, 2009 agenda for the meeting of the Personnel Committee as an action item. If the Committees' would like to meet in closed session to discuss the changes first, please request that the Committee make appropriate arrangements when noticing the meeting.

The following documents will be provided to the Committees for their review:

- 1) A comparison copy agreed upon language for each MOA. These copies contain both the old and new contract language. The old language will be indicated with "strike through" and the new language will be "underlined";
- 2) A Union notification that the MOAs was ratified by the membership;
- 3) A draft Resolution approving the MOAs, this will also be provided electronically to the appropriate committee clerks;
- 4) The Department of Administrative Services (DAS) is preparing a fiscal note, which will be reviewed by the Department of Audit and County Board Staff. The finalized fiscal note will be sent to the Committees by DAS as soon as it is completed.

If you have any questions, please call me at 223-1933.

cc: County Board of Supervisors
Stephen Cady, County Board Staff
Richard Ceschin, County Board Staff
Terrence Cooley, Chief of Staff, County Board
Jerome Heer, Director, Dept. of Audit
Scott Manske, Controller, DAS
Karen R. Jackson, Ph.D. Director of Human Resources
Bill Domina, Corporation Counsel
Cynthia Archer, Director, Dept. of Administrative Services
Thomas G. Nardelli, Chief of Staff, Office of the County Executive
Jodi Mapp, Personnel Committee Clerk
Delores Hervey, Finance and Audit Committee Clerk

~~2007-2008~~ 2009-2011

AGREEMENT

between

COUNTY OF MILWAUKEE

and

MILWAUKEE BUILDING & CONSTRUCTION TRADES COUNCIL

AFL-CIO

1.03 DURATION OF AGREEMENT

This Agreement is to take effect on January 1, ~~2007~~ 2009. Unless otherwise modified or extended by mutual agreement of the parties, this Agreement shall expire on December 31, ~~2008~~ 2011.

2.06 EMPLOYEE HEALTH AND DENTAL BENEFITS

(3) All eligible employees enrolled in the PPO or HMO shall pay a monthly amount toward the monthly cost of health insurance as described below:

~~(a) Effective July of 2006 employees enrolled in the PPO shall pay seventy-five dollars (\$75.00) per month toward the monthly cost of a single plan and one hundred fifty dollars (\$150.00) per month toward the monthly cost of a family plan.~~

~~(b) Effective July of 2006 employees enrolled in the HMO shall pay seventy-five dollars (\$75.00) per month toward the monthly cost of a single plan and one hundred fifty dollars (\$150.00) per month toward the monthly cost of a family plan.~~

~~(c) All employees enrolled in the Wheaton Franciscan Direct (HMO) will pay health insurance premiums of thirty-five dollars (\$35.00) per month for single plan coverage and seventy dollars (\$70.00) per month for family plan coverage effective following ratification of the 2007-2008 contract and an open enrollment period with a target date of August 1, 2007.~~

~~(d) All employees enrolled in the Patient Choice HMO will pay health insurance premiums of fifty dollars (\$50.00) per month for single plan coverage and one hundred dollars (\$100.00) per month for family plan coverage effective following ratification of the 2007-2008 contract and an open enrollment period with a target date of August 1, 2007.~~

~~(e) All employees enrolled in the Patient Choice PPO will pay health insurance premiums of seventy-five dollars (\$75.00) per month for single plan coverage and one hundred fifty dollars (\$150.00) per month for family plan coverage effective following ratification of the 2007-2008 contract and an open enrollment period with a target date of August 1, 2007.~~

~~(f) All employees enrolled in the WPS Statewide/National PPO paying health insurance premiums of one hundred dollars (\$100.00) per month for single plan coverage and two hundred dollars (\$200.00) per month for family plan coverage effective following ratification of the 2007-2008 contract and an open enrollment period with a target date of August 1, 2007.~~

~~(g) The County and the Union agree to reopen the 2007-2008 contract to negotiate the implementation of a Wellness and Disease Management Program if the County implements a Wellness and Disease Management Program with any of its other bargaining units during 2008.~~

(a) Effective January of 2009, employees enrolled in the PPO shall pay seventy-five dollars (\$75.00) per month toward the monthly cost of a single plan and one hundred fifty dollars (\$150.00) per month toward the monthly cost of a family plan.

(b) Effective January of 2010, employees enrolled in the PPO shall pay ninety dollars (\$90.00) per month toward the monthly cost of a single plan and one hundred eighty dollars (\$180.00) per month toward the monthly cost of a family plan.

(c) Effective January of 2011, employees enrolled in the PPO shall pay one hundred ten dollars (\$110.00) per month toward the monthly cost of a single plan and two hundred twenty dollars (\$220.00) per month toward

the monthly cost of a family plan.

- (d) Effective January of 2009, employees enrolled in the HMO shall pay thirty-five dollars (\$35.00) per month toward the monthly cost of a single plan and seventy dollars (\$70.00) per month toward the monthly cost of a family plan.
- (e) Effective January of 2010, employees enrolled in the HMO shall pay fifty dollars (\$50.00) per month toward the monthly cost of a single plan and one hundred dollars (\$100.00) per month toward the monthly cost of a family plan.
- (f) Effective January of 2011, employees enrolled in the HMO shall pay seventy dollars (\$70.00) per month toward the monthly cost of a single plan and one hundred forty dollars (\$140.00) per month toward the monthly cost of a family plan.
- (hg) The appropriate payment shall be made through payroll deductions. When there are not enough net earnings to cover such a required contribution, and the employee remains eligible to participate in a health care plan, the employee must make the payment due within ten working days of the pay date such a contribution would have been deducted. Failure to make such a payment will cause the insurance coverage to be canceled effective the first of the month for which the premium has not been paid.
- (ih) The County shall deduct employees' contributions to health insurance on a pre-tax basis pursuant to a Section 125 Plan. Other benefits may be included in the Section 125 Plan as mutually agreed upon by the County and the Union. Such agreement would be by collateral agreement to this contract.
- (ji) The County shall establish and administer Flexible Spending Accounts (FSA's) for those employees who desire to pre-fund their health insurance costs as governed by IRS regulations. The County retains the right to select a third party administrator.

(15) All eligible employees and/or their dependents enrolled in the PPO shall be subject to a co-insurance co-payment after application of the deductible and/or office visit co-payment.

(a) The in-network co-insurance co-payment shall be equal to ten percent (10.00%) of all charges subject to the applicable out-of-pocket maximum,

(b) The out-of-network co-insurance co-payment shall be equal to twenty percent (20.00%) of all charges subject to the applicable out-of-pocket maximum.

(c) Effective January of 2010, the out-of-network co-insurance co-payment shall be equal to thirty percent (30.00%) of all charges subject to the applicable out-of-pocket maximum.

for the term of the successor agreement.

(3) All collateral agreements shall be executed by the appropriate County official and authorized and signed by the Director of Labor Relations.

2.31 DIRECT PAYROLL DEPOSIT

Effective as soon as administratively practicable after the ratification and adoption of this agreement, the Milwaukee County Direct Deposit Program will be utilized by all employees in the bargaining unit.

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(ITEM) From Director, Division of Labor Relations, submitting documents relating to the tentative agreement with Milwaukee Building & Construction Trades Council AFL-CIO, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the negotiation staff of the Personnel Committee of the Milwaukee County Board of Supervisors and Milwaukee Building & Construction Trades Council AFL-CIO, have reached agreements on all issues relating to wages, hours, and conditions of employment for employees in the bargaining unit represented Milwaukee Building & Construction Trades Council AFL-CIO, and for the period January 1, 2009 through December 31, 2011, modifying the previous agreement in the following respects:

- (1) Providing for the termination of the Agreement on December 31, 2011.
- (2) Providing for all employees enrolled in the PPO health insurance plan shall pay ninety dollars (\$90.00) per month toward the monthly cost of a single plan and one hundred eighty dollars (\$180.00) per month toward the monthly cost of a family plan effective January of 2010.
- (3) Providing for all employees enrolled in the PPO health insurance plan shall pay one hundred ten dollars (\$110.00) per month toward the monthly cost of a single plan and two hundred twenty dollars (\$220.00) per month toward the monthly cost of a family plan effective January of 2011.
- (4) Providing for all employees enrolled in the HMO health insurance plan shall pay thirty-five dollars (\$35.00) per month toward the monthly cost of a single plan and seventy dollars (\$70.00) per month toward the monthly cost of a family plan effective January of 2009.
- (5) Providing for all employees enrolled in the HMO health insurance plan shall pay fifty dollars (\$50.00) per month toward the monthly cost of a single plan and one hundred dollars (\$100.00) per month toward the monthly cost of a family plan effective January of 2010.
- (6) Providing for all employees enrolled in the HMO health insurance plan shall pay seventy dollars (\$70.00) per month toward the monthly cost of a single plan and one hundred forty dollars (\$140.00) per month toward the monthly cost of a family plan effective January of 2011.
- (7) Providing for all employees and/or their dependents enrolled in the PPO health insurance plan the out-of-network co-insurance co-payment shall be equal to thirty percent (30.00%) of all charges subject to the applicable out-of-pocket maximum effective January of 2010.

43 (8) Providing as soon as administratively practicable after the ratification and
44 adoption of this agreement, The Milwaukee County Direct Deposit Program shall
45 be utilized by all employees in the bargaining unit.
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WHEREAS, such agreement was ratified by the membership of Milwaukee
49 Building & Construction Trades Council AFL-CIO on September XX, 2009; and

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WHEREAS, the Committee on Finance and Audit, on XXXX XX, 2009,
recommended approval (vote X-X) of Milwaukee Building & Construction Trades
Council AFL-CIO agreement; and

WHEREAS, the Committee on Personnel, on ZZZZ ZZ, 2009, recommended
approval (vote X-X) of the Milwaukee Building & Construction Trades Council AFL-CIO
agreement; now, therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby
approves the agreement on wages, benefits and conditions of employment with
Milwaukee Building & Construction Trades Council AFL-CIO which is incorporated
herein by reference to this File No. 09-XXX, and hereby authorizes and directs the
County Executive and the County Clerk to execute the agreement; and

BE IT FURTHER RESOLVED that the Director of the Department of
Administration is hereby authorized and directed to prepare and submit appropriation
transfer requests reflecting this agreement at a later date, if necessary.

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE : September 10, 2009

TO : Supervisor Paul Cesarz, Chair, Personnel Committee
Supervisor Elizabeth Coggs., Chair, Finance and Audit Committee

FROM : Scott Manske, Controller

SUBJECT : Fiscal Note on the Tentative Agreement for the 2009-2011 Contract between Milwaukee County and the Milwaukee Building & Construction Trades Council, AFL-CIO (Building and Trades)

Attached to this memo is the fiscal note on the above-mentioned contract that will be considered by the Personnel Committee and Finance and Audit Committee.



Scott Manske
Controller

Attachment

cc: Supervisor Lee Holloway, Chairman, Milwaukee County Board of Supervisors
Personnel Committee Members
Finance and Audit Committee Members
Dr. Karen Jackson, Director, DAS – Human Resources Division
Greg Gracz, DAS – Labor Relations
Terrence Cooley, Chief of Staff, County Board
Cynthia Archer, Director, Department of Administrative Services
Jerome Heer, Director of Audits
Steven Kreklow, DAS - Fiscal and Budget Administrator
Jodi Mapp, Personnel Committee Clerk
Delores Hervey, Chief Committee Clerk, County Board Staff
Stephen Cady, Fiscal and Budget Analyst, County Board Staff
Rick Ceschin, Senior Research Analyst, County Board Staff
Tom Nardelli, Chief of Staff, Office of County Executive
Tim Russell, Deputy Chief of Staff, Office of County Executive

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE : September 10, 2009

TO : Supervisor Paul Cesarz, Chairman, Committee on Personnel
Supervisor Elizabeth Coggs, Chairwoman, Committee on Finance and Audit

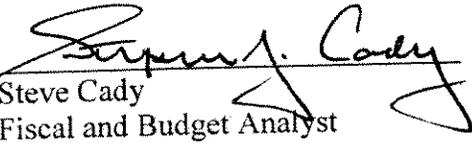
FROM : Steve Cady, Fiscal and Budget Analyst, County Board
Jerome J. Heer, Director of Audits

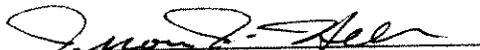
SUBJECT : Fiscal Note Review for the 2009-2011 Contract between Milwaukee County and the Milwaukee Building & Construction Trades Council, AFL-CIO (Building and Trades)

We have reviewed the fiscal note prepared by the Department of Administrative Services regarding the 2009-2011 tentative agreement between County of Milwaukee and Milwaukee Building & Construction Trades Council, AFL-CIO (Building and Trades).

We agree with the assumptions, methodologies and conclusions presented in the fiscal note.

If you have any questions, do not hesitate to call us.


Steve Cady
Fiscal and Budget Analyst


Jerome J. Heer
Director of Audits

cc: Dr. Karen Jackson, Director, DAS – Human Resources Division
Greg Gracz, DAS – Labor Relations Division
Cynthia Archer, Director, Department of Administrative Services
Delores Hervey, Chief Committee Clerk, County Board Staff
Steven Kreklow, Fiscal and Budget Administrator
Scott Manske, Controller, Department of Administrative Services
Rick Ceschin, Research Analyst, County Board Staff
Jodi Mapp, Committee Clerk, Committee on Personnel

FISCAL NOTE

The following provides a summary of the fiscal impact of the proposed Milwaukee Building & Construction Trades Council, AFL-CIO (Building and Trades) contract agreement for the years 2009-2011. The impact estimates are inclusive of all wage-related negotiated items for title codes under the Building and Trades Union. The following estimates are based upon current personnel in the union and negotiated changes impacting the wages and other benefit costs. The actual fiscal impact may be greater than or less than the impact that is estimated below.

The following table presents the key wage and benefit elements of the proposed contract:

**Table 1: Wage and Benefit Proposals
Building & Trades Contract 2009 - 2011
Final Offer**

Wage Rate Increases:

Maintain wages rates at 96% of private sector rates. The analysis of wage rate increases was prepared using the percent change in 2009 wage rates for each job classification. The actual percent changes for 2010 and 2011 may be higher or lower than the 2009 amount used for the purposes of this fiscal note.

Health Care Plan Changes

Change Out of Network Percentage from 80%
to 70%

Effective

1/1/2010

Employee Contributions to Health Insurance Premiums

Proposed Contribution Rates:

		<u>Effective 1/1/2010</u>	
		<u>Single</u>	<u>Family</u>
PPO Plan 2010	\$	90	\$ 180
HMO Plan 2010		50	100
		<u>Effective 1/1/2011</u>	
		<u>Single</u>	<u>Family</u>
PPO Plan 2011		110	220
HMO Plan 2011		70	140
		Current Contribution Rates:	
PPO Plan 2009	\$	75	\$ 150
HMO Plan 2009		35	70

The following tables present the fiscal impact summary by year:

Table 2: Fiscal Impact by Year
Building & Trades Contract 2009 - 2011
Final Offer

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Wage Rate Increases			
2009 96% of private sector	\$ 35,437	\$ 61,424	\$ 61,424
2010 96% of private sector	-	36,099	62,572
2011 96% of private sector	-	-	<u>37,260</u>
Sub-Total Wages	35,437	97,523	161,256
7.65% FICA	2,710	7,461	12,336
8.90% Pension	<u>3,150</u>	<u>8,680</u>	<u>14,352</u>
Sub-Total Wages, FICA & Pension	<u>41,297</u>	<u>113,664</u>	<u>187,944</u>
Health Care Plan Changes			
PPO	-	(18,580)	(20,250)
HMO	-	-	-
Contributions to Health Insurance			
PPO	-	(7,200)	(16,800)
HMO	-	<u>(17,640)</u>	<u>(41,160)</u>
Total Wage and Benefit Change	<u>\$ 41,297</u>	<u>\$ 70,244</u>	<u>\$ 109,734</u>
Amounts Used in Calculations:			
Full-time equivalents	88.0	88.0	88.0
Total calculated wages	\$ 6,587,282	\$ 6,649,368	\$ 6,713,101
Average wage rate/hour	\$ 35.99	\$ 36.33	\$ 36.68
Total base wages	\$ 6,551,845	\$ 6,551,845	\$ 6,551,845
Annual Lift Pentg Wages on base wage	0.54%	0.95%	0.97%
Cumulative Lift Pentg Wages on base wage	0.54%	1.49%	2.46%
Annual Lift Pentg All Costs on base wage	0.63%	0.44%	0.60%
Cumulative Lift Pentg All Costs on base wage	0.63%	1.07%	1.67%

CHANGES IN PROPOSED OFFER:

Following are the changes that are in the tentative contract agreement for Buildings and Trades:

1. Wage rates – The tentative agreement calls for the following:

Wage rates will be maintained at 96% of the outside rate in effect in the private sector for each job classification.

For purposes of this fiscal note, the wage rates for 2010 and 2011 were calculated by applying the 2009 percent change to each job classification. The actual percent changes for 2010 and 2011 may be higher or lower than the 2009 amount. The following are the cumulative percent changes in Trades' wage rates from 2005 to 2009:

	2009	2008	2007	2006	2005
Cumulative Wage Rate Increase	0.9%	4.3%	6.2%	1.1%	4.0%

The wage rate changes were calculated using payroll data from May 2009. The changes in wage rates will be effective for all Buildings and Trades union members when the private sector rates for each year are determined.

Based upon this proposal, the County will not have to make retroactive wage payments.

The additional wage costs provided in Table 1 do not include the cost of step increases.

2. Change in Out of Network Co-Insurance Co-Payment for PPO members from 20% to 30%

The proposed agreement calls for the following change:

Item	Date Effective	PPO Health Plan	Annual Cost Impact 2011
1	Jan 1, 2010	PPO Health Member is now responsible for 30% of Out-of-Network costs from 20%	(\$ 20,250)

There are currently 22 members who are in the County PPO plan. These members would now be responsible for 30% of the cost of out-of-network services under the PPO plan. Currently, the out-of-network percentage is 20%. A cost estimate for this change was prepared by an outside consultant and then allocated to all health care members in the PPO plan including active and retirees. This is the expected cost savings from implementation of this change, based on current membership in the PPO plan.

3. Change in Employee Contribution for Health Care:

Table 1 is self-explanatory with regards to the changes in health care contributions by employees of the union. The new rates for the PPO members will approximate a 10.5% contribution percentage in 2011. The new rates for the HMO members will approximate an 8.5% contribution percentage in 2011.

Budgetary Fiscal Impact

Based on the data provided in the previous tables, the following provides a summary of the budgetary fiscal impact for the years 2009-2011:

**Table 3: Budgetary Fiscal Impact
 Building & Trades Contract 2009 - 2011**

	Final Offer		County Offer
	<u>2009</u>	<u>2010</u>	<u>2011</u>
Cost			
Wage Contract Cost	\$ 41,297	\$ 113,664	\$ 187,944
Health Care Plan Changes	-	(18,580)	(20,250)
Contributions to Health Insurance	-	(24,840)	(57,960)
Total Cost	<u>41,297</u>	<u>70,244</u>	<u>109,734</u>
Funding Source			
Prior Year Funds	-	-	-
Current Year Appropriations	-	-	-
Pension Budget Appropriations	-	-	-
Estimated 2008 Balance	-	-	-
Total Sources	<u>-</u>	<u>-</u>	<u>-</u>
Additional Resources			
Required	<u>\$ 41,297</u>	<u>\$ 70,244</u>	<u>\$ 109,734</u>

The 2009 budget was adopted without including a projection for 2009 wage contract settlements in departmental budgets. Departmental budgets did include wage increases from 2008 contract settlements, and annual step increases. Separate from departmental budgets, the Contingency Fund plus certain other accounts were increased to provide limited funding in the event that wage increases were adopted in 2009. Since the adoption of the budget, 2009 preliminary fiscal projections indicate that a deficit for Milwaukee County could occur. The 2009 fiscal projections have included the contingency account funds, and therefore 2009 wage settlement funds, to offset departmental deficits. Any wage costs for 2009, due to contract settlement, would require additional resources. The 2010 costs of \$70,244 will need to be included in the 2010 budget if the contract is approved.

Wage and Benefit Lift for 2009 - 2011

The following table projects the cumulative dollar change and percentage lift in costs for the proposed contract. It includes costs for 2012 while the previous tables only reflected cost impacts on the 2009, 2010 and 2011 budget years. The 2012 budget year is included to illustrate the full impact of the proposed changes as wage increases made in 2011 will not be fully realized until 2012.

**Table 4: 2009 - 2011 Cumulative Lift from Contract
 Building & Trades Contract 2009 - 2011**

As if all costs were annualized

	<u>Final Offer</u>	
	<u>Cumulative Total Lift</u>	<u>Cumulative Lift %</u>
Continuing Cost Increase (Decrease) Over Prior Year		
2009 96% of private sector	\$ 61,424	0.94%
2010 96% of private sector	62,572	0.96%
2011 96% of private sector	<u>64,585</u>	0.99%
Sub-total Wage Rate Increase	188,581	2.88%
FICA	14,426	0.22%
Pension	<u>16,784</u>	0.26%
Total Lift from Wages	219,791	3.35%
Health Care Plan Changes	(22,070)	-0.34%
Contributions to Health Insurance	<u>(57,960)</u>	-0.88%
Total Lift	<u>\$ 139,761</u>	2.13%
 Lift as a Percentage of Base Wages		
Annual Lift Percentage		0.71%
Cumulative Lift Percentage		2.13%
Base Wages	\$ 6,551,845	

Administrative Costs Associated with Implementing this Contract

To implement this contract, personnel in the Department of Administrative Services and MSD will have to input the rate changes into the Ceridian HPW System. For wage rates, and health plan changes, the implementation will require internal time and effort. Health Plan Changes will be effectuated during the annual open enrollment process. The number of personnel hours to complete this task has not been determined yet, but other projects may be delayed to implement this contract.

The above information was prepared by the Department of Administrative Services and will be reviewed by the Department of Audit and County Board Fiscal and Budget Analyst. A separate report will be issued by them based upon their review.