

Chairperson: Supervisor Paul M. Cesarz, 278-4267

Committee Clerk: Jodi Mapp, 278-4073

Research Analyst: Rick Ceschin, 278-5003

COMMITTEE ON PERSONNEL
Friday, October 23, 2009 – 9:00 a.m.
Milwaukee County Courthouse, Room 201-B

MINUTES

PRESENT: Supervisors Larson, Borkowski, De Bruin, Weishan, Thomas and Cesarz (Chair)

EXCUSED: Supervisor Dimitrijevic

SCHEDULED ITEMS:

1. 09-292 A Resolution by Supervisor Holloway transferring the Division of Labor Relations from the Department of Administrative Services to the Office of Corporation Counsel. **(09/18/2009: Referred to County Board Staff, Corporation Counsel, Audit and DAS for a report back.)**

APPEARANCE:

Bill Domina, Corporation Counsel

- 01:10 Mr. Domina stated there is a conflict between the assigned statutory duties of the Office of Corporation Counsel, in terms of the provision of specific legal advice, and the function of the Division of Labor Relations, with respect to some of the day-to-day administration of policy. Historically, Labor Relations was closely connected to the Office of Corporation Counsel. It is very natural to conclude from that close relationship that placement in the Office of Corporation Counsel would be consistent with law. The difficulty with this is while the negotiation of contracts is clearly within the purview of Corporation Counsel, other policy duties carried out by Labor Relations (the handling of grievance arbitration reviews) is then defended by Corporation Counsel should there be an appeal or hearing before an arbitrator. This presents a conflict that is identified as part of the analysis. In addition, the statutes require that individuals that serve in the Office of Corporation Counsel (deputies and assistants), other than the Corporation Counsel position itself, be in the classified service. The Director of Labor Relations is not a classified service position. The Department of Audit and County Board staff's recommendation continues to be that Labor Relations be considered either for a separate department, as it was prior to its merger with the Department of Administrative Services (DAS), or that it remain currently under the status quo within DAS for the purposes of dealing with the administrative tie between financial and labor relations.

SCHEDULED ITEMS:

MOTION BY:(De Bruin) Reject. 5-1

AYES: Larson, Borkowski, De Bruin, Weishan, and
Cesarz (Chair) – 5

NOES: Thomas - 1

2. 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. **(09/18/2009: Referred to DHR and County Board Staff for a report back.)**

00:44 ***MOTION BY:(Weishan) Lay over to the Call of the Chair. 6-0***

AYES: Larson, Borkowski, De Bruin, Weishan, Thomas and
Cesarz (Chair) – 6

NOES: 0

3. 09-415 A Resolution by Supervisors Larson and Dimitrijevic 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.

00:33 Supervisor Larson explained the resolution by stating it is a result of the State recognizing domestic partnerships in Wisconsin by offering benefits and the impact it would have on Milwaukee County. This resolution is an attempt to seek more information on what needs to be done in order for Milwaukee County to offer benefits to domestic partners. Supervisor Larson stated that Supervisors Broderick and Weishan indicated they wanted to be added as co-sponsors of the resolution. He went on to state that there is no fiscal impact directly associated with this resolution, which only provides that a study be conducted. It requires that County Board staff along with the Benefits Division research this issue and submit recommendations as to what it would take to implement this benefit and what projected costs would be.

The following people appeared and spoke regarding this item:
Ms. Suzelle Lynch, Unitarian Universalist Church West
Mr. Ray Vahey, Equality Wisconsin
Ms. Lizzi Dahlk registered but did not provide comments.

SCHEDULED ITEMS:

MOTION BY:(De Bruin) Lay over and refer to the Committee on Finance and Audit for consideration in the 2010 Budget deliberations. 3-3

AYES: Borkowski, De Bruin, and Cesarz (Chair) – 3

NOES: Larson, Weishan, and Thomas – 3

By virtue of a tie vote, the motion by Supervisor De Bruin failed.

MOTION BY:(Larson) Approve. 4-2

AYES: Larson, De Bruin, Weishan, Thomas– 4

NOES: Borkowski and Cesarz (Chair) - 2

4. 09-22(a) From the Director of Human Resources relative to reclassification of existing positions, reallocations of non-represented positions, advancements within the pay range and all revisions to Executive Compensation Positions (ECP). **(Recommendations to be implemented unless Supervisor(s) object.)**

The Committee took no action regarding this item.

5. 09-23(a) From the Director of Human Resources relative to appointments at an advanced step of the pay range. **(INFORMATIONAL ONLY)**

APPEARANCE:

Dr. Karen Jackson, Director, Human Resources, DAS

Questions and comments ensued.

The Committee took no action regarding this informational report.

6. 09-24(a) From the Director of Human Resources relative to dual employment, temporary assignments to a higher classification, temporary appointments and emergency appointments. **(INFORMATIONAL ONLY)**

The Committee took no action regarding this informational report.

7. 09-25(a) From County Board staff relative to reclassification of existing positions, reallocations of non-represented positions, advancements within the pay range and all revisions to Executive Compensation Positions (ECP) positions in the Division of Human Resources. **(Recommendations to be implemented unless Supervisor(s) object.)**

The Committee took no action regarding this item.

SCHEDULED ITEMS:

Item #s 8 and 9 were considered together

8. 09-408 From the Director of Human Resources-DAS, requesting authorization to extend the Temporary Assignment to a Higher Classification (TAHC) for the position of Health and Human Services Director for not more than 90 days.

SEE ITEM #9 FOR COMMITTEE ACTION

9. 09-409 From the Director of Human Resources-DAS, requesting authorization to extend the Temporary Assignment to a Higher Classification (TAHC) for the position of Child Support Director for not more than 90 days.

APPEARANCES:

Dr. Karen Jackson, Director, Human Resources, DAS
Thomas Nardelli, Chief of Staff, County Executive's Office

Questions and comments ensued at length.

02:06 **MOTION BY:(Weishan) AMEND the resolutions for Item #s 8 & 9 by adding the words “, not to exceed an additional 90 days,” after the word “status” on Line 38 of Item #8 (09-408) and Line 39 of Item #9 (09-409) of the BE IT RESOLVED CLAUSES. 5-1**

AYES: Larson, Borkowski, De Bruin, Weishan, and Cesarz (Chair) – 5

NOES: Thomas - 1

10. 09-280(a)(a) From the Director of Human Resources-DAS, requesting authorization to extend the Temporary Assignment to a Higher Classification (TAHC) for the position of Transportation and Public Works Director until such time as the appointment of a qualified candidate for the position is made.

APPEARANCES:

Dr. Karen Jackson, Director, Human Resources, DAS
Thomas Nardelli, Chief of Staff, County Executive's Office
Bill Domina, Corporation Counsel
Jerry Heer, Director, Department of Audit

00:23 **MOTION BY:(Borkowski) AMEND the resolution by adding the words “, not to exceed an additional six months,” after the word “status” on Line 34 of the BE IT RESOLVED**

SCHEDULED ITEMS:

CLAUSE. 3-3

AYES: *Borkowski, De Bruin, and Cesarz (Chair) – 3*

NOES: *Larson, Weishan, and Thomas - 3*

By virtue of a tie vote, the motion by Supervisor Borkowski failed.

01:21 **MOTION BY:(Weishan) AMEND the resolution by adding the words “, not to exceed an additional ninety days,” after the word “status” on Line 34 of the BE IT RESOLVED CLAUSE. 3-3**

AYES: *Larson, Weishan, and Thomas – 3*

NOES: *Borkowski, De Bruin, and Cesarz (Chair) – 3*

By virtue of a tie vote, the motion by Supervisor Weishan failed.

17:26 Mr. Kurt Zunker appeared and spoke regarding this item.

23:17 **MOTION BY:(De Bruin) Approve. 3-3**

AYES: *Borkowski, De Bruin, and Cesarz (Chair) – 3*

NOES: *Larson, Weishan, and Thomas – 3*

By virtue of a tie vote, this item will go to the Board with no recommendation from the Committee on Personnel.

Discussion ensued at length regarding the Professional Engineer (PE) requirement attached to the Director of Transportation and Public Works position.

43:35 **MOTION BY:(De Bruin) Modify the requirements for the position of Director, Department of Transportation and Public Works, by making a Professional Engineer (PE) degree a preferred, rather than mandatory, requirement for appointment. 4-2**

AYES: *Larson, De Bruin, Thomas and Cesarz (Chair) – 4*

NOES: *Borkowski and Weishan – 2*

11. 09-257 From the Director of Human Resources recommending adoption of a resolution/ordinance to amend Chapter 17.16(1)(b) of the Milwaukee County Code of General Ordinances regarding overtime compensation to make them consistent with the provisions of the Fair Labor Standards Act (FLSA). **(07/10/09: Report due from the Department of Audit.)**

APPEARANCES:

Jerry Heer, Director, Department of Audit

Cynthia Archer, Director, Department of Administrative Services

SCHEDULED ITEMS:

00:33 Mr. Heer stated the Administration has proposed changes to the ordinance governing overtime for non-represented employees with regards to the Fair Labor Standards Act (FLSA). It will affect the administrative and professional ranks. Executive Compensation Positions (ECP) are not eligible for overtime. Mr. Heer went on to state that fundamentally, the recommendations contained within Dr. Jackson's report are good in terms of how to curtail and limit overtime expenses for administrative and professional staff. It is important, however, to make a distinction between paid overtime versus overtime used as time off. Mr. Heer stated from his review, that is the most significant conclusion. It is prudent to limit overtime to forty hours a week instead of eight hours a day. It is prudent to go to straight time instead of time and a half. An absolute ban on all overtime for the employees affected has a lack of fundamental fairness in terms of how these individuals are compensated.

Mr. Heer indicated that he drafted a substitute resolution, which has been provided. In addition, there has been a consultant retained to look at what positions should be affected and to provide solutions for outstanding issues regarding the difference between an executive director and an ECP. This will give insight as to who should be in non-represented classifications. It is important that this information come back before the Committee. Mr. Heer recommends that the Committee supports Audit's recommendation and compensate overtime as straight time and time off and not as paid time.

Questions and comments ensued.

MOTION BY: (Weishan) Substitute the Department of Audit's resolution for the original resolution submitted by the Department of Administrative Services. 5-1

AYES: Larson, Borkowski, De Bruin, Weishan, and Thomas – 5

NOES: Cesarz (Chair) - 1

MOTION BY:(Weishan) Approve. 3-3

AYES: Larson, Weishan, and Thomas – 3

NOES: Borkowski, De Bruin, and Cesarz (Chair)– 3

By virtue of a tie vote, this item will go to the Board with no recommendation from the Committee on Personnel.

SCHEDULED ITEMS:

COLLECTIVE BARGAINING (CAUCUS) (CLOSED SESSION):

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Sections 19.85(1)(c), (g) for the purpose of discussing the following matter(s):

MOTION BY:*(Larson) Adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(c), (g), for the purpose of discussing Item #s 12 and 13. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever action(s) it may deem necessary on the aforesaid items. 6-0*

AYES: Larson, Borkowski, De Bruin, Weishan, Thomas and Cesarz (Chair) - 6

NOES: 0

The Committee convened into closed session at approximately 11:30 a.m. and reconvened in open session at approximately 12:50 p.m. The roll call was taken and all Committee Members, with the exception of Supervisors De Bruin and Dimitrijevic (excused), were present.

12. 09-372 From the Director, Labor Relations, requesting authorization to ratify the 2009-2011 Memorandum of Agreement (MOA) between Milwaukee County and the Milwaukee Building and Construction Trades Council. **(Also to the Committee on Finance and Audit.) (09/23/09: Laid over at the Joint Meeting of the Committees on Finance and Audit and Personnel.)**

APPEARANCES:

Greg Gracz, Director, Labor Relations
Fred Bau, Specialist, Labor Relations
Mark Vetter, Davis and Kuelthau, SC

00:40 Mr. Gracz explained that this is a three-year agreement calling for the existing 96% of prevailing wage. Many outside trades groups have had freezes and, in some cases, decreases in pay. The agreement also has concessions for health insurance similar to those of the nurses. The agreement has been discussed with the County Executive, and it is recommended that the Committee approve this tentative agreement as it was ratified by the general meeting of the Trades Council membership on October 14, 2009.

SCHEDULED ITEMS:

MOTION BY:(Larson) Approve. 4-1

AYES: Larson, Weishan, Thomas and Cesarz (Chair) – 4

NOES: Borkowski– 1

13. 09-P-04 Deliberation, negotiation or re-negotiation of collective bargaining agreements.

The Committee took no action regarding this item.

STAFF PRESENT:

Bill Domina, Corporation Counsel

Dr. Karen Jackson, Director, Human Resources, DAS

Thomas Nardelli, Chief of Staff, County Executive's Office

Jerry Heer, Director, Department of Audit

Cynthia Archer, Director, Department of Administrative Services

Greg Gracz, Director, Labor Relations

Fred Bau, Specialist, Labor Relations

Steve Cady, Fiscal and Budget Analyst, County Board

This meeting was recorded. Committee files contain copies of the subject reports, communications, resolutions, and ordinances, which may be reviewed upon request to the Chief Committee Clerk. The official copy of these minutes, along with the audio recording of this meeting, is available in the County Board Committee Services Division.

Length of meeting: 9:16 a.m. to 1:00 p.m.

Adjourned,

Jodi Kapp

Committee Clerk

Committee on Personnel