

1 From the Director, Department of Human Resources, submitting proposed revisions to  
2 the reporting requirements of Milwaukee County Code of General Ordinances Chapter 17 to  
3 preserve Supervisor oversight while reducing obligations of the Committee on Finance,  
4 Personnel and Audit.

5 **AN ORDINANCE**

6 WHEREAS, Chapter 17 of the Milwaukee County Code of General Ordinances  
7 (MCGO) provides for a number of monthly or quarterly reports to the (former) Personnel  
8 Committee regarding:

- 9 • Reclassification of existing positions (MCGO 17.05)
- 10 • Reallocation of existing positions (MCGO 17.055)
- 11 • Temporary Assignments to Higher Classification (TAHC) (MCGO 17.085)
- 12 • Appointments at an advanced step of the pay range (MCGO 17.09)
- 13 • Advancements within a pay range (MCGO 17.10)
- 14 • Overtime paid (non-reps only – quarterly report) (MCGO 17.16)
- 15 • Dual Employment (MCGO 17.23)
- 16 • Revisions to Executive Compensation Plan (MCGO 17.265);

17 And,

18 WHEREAS, these mandatory reports have been presented under 3 or 4 agenda items  
19 each committee cycle for many years and are presented primarily for informational purposes,  
20 although there are provisions whereby Board Supervisors may act to stop certain  
21 advancements within the pay range, reclassifications, and reallocations; and

22 WHEREAS, while these reports help to keep Board members aware of position  
23 actions, preserve transparency in a civil service environment, and can be indicative of  
24 broader trends in public sector human resources management, these reports often generate  
25 little or no debate at the Committee level and may not be an efficient use of Committee or  
26 staff time; and

27 WHEREAS, the revisions to Chapter 17 recommended herein include the following  
28 provisions:

- 29 1. All supervisors are copied on all mandatory reports
- 30 2. The Committee Chair maintains the discretion to schedule any report
- 31 3. Supervisors may still object to reclassifications , reallocations, and advancements  
32 within the pay range, thereby automatically placing those items on the Committee's  
33 agenda for action
- 34 4. All reports continue as public records, preserving transparency;

35 Now, therefore,

36 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby amends  
37 various Sections of Chapter 17 of the Milwaukee County Code of General Ordinances  
38 relating to the reporting requirements of the Director of Human Resources by adopting the  
39 following,

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

41 **SECTION 1.** Section 17.05 (2)(c) (7) of the General Ordinances of Milwaukee County is  
42 amended as follows:

43 **17.05. - Determination of appropriate classification of position.**

44 The following procedure shall be utilized to ensure that all county positions are appropriately classified  
45 based upon the duties assigned to and performed by the incumbents of the position:

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47 (2) *Reclassification of existing positions.* A department head, appointing authority or bargaining  
48 unit representative authorized by contract may ensure that an existing position is appropriately  
49 classified by:

50 ...

51 (c) All reclassification studies shall also be subject to the following:

52 (1) The director of human resources shall have the authority to administratively add or  
53 delete title codes and classifications from the listing of authorized classifications.

54 (2) The director of human resources shall have the authority to initiate a review of the  
55 classification of any authorized position if he/she feels such a review is appropriate.

56 (3) After adoption of the annual budget no departmental appropriation shall be  
57 increased because of the findings of a reclassification review unless a fund transfer is  
58 approved by the county board subject to county executive review. The director of  
59 human resources shall have the responsibility and the authority to reclassify any  
60 position to an existing or new classification providing that the department of  
61 administration has certified that sufficient funds are available within the then existing  
62 appropriation of the department within which the position is being reclassified. In the  
63 event sufficient funds are not available to cover the cost of reclassifying an existing  
64 position, it shall be the department head's responsibility to submit a request for fund  
65 transfer. In the event the fund transfer is not approved, the department head shall  
66 restructure the duties of the position to ensure that the existing classification is  
67 appropriate. On a monthly basis, the department of administration shall be provided with  
68 a copy of the reclassification request and a report from the department of human  
69 resources which includes the existing and new hourly salary rate for each reclassified  
70 position.

71 (4) An employee who holds a position which is reclassified to a higher pay range shall  
72 receive an increase to the next rate in the new pay range which is higher than the rate  
73 of pay received in the old pay range or as otherwise approved by the committee on

74 personnel subject to county board and county executive action.

75 (5) A vacant position reclassified to a classification in a lower pay range shall be  
76 implemented the first day of the first pay period following the meeting of the committee  
77 on personnel in the event no action was taken on the specific recommendation  
78 contained in the informational report submitted to committee by the director of human  
79 resources. When a filled position is reclassified to a classification in a lower pay range,  
80 the incumbent shall be placed on the layoff/recall list for an indefinite time period,  
81 without bumping rights, for the higher classification or a comparable classification if the  
82 classification is unique and the reclassification shall not be implemented until the  
83 position becomes vacant or the incumbent is relocated. In the event the incumbent  
84 refuses an offer to be relocated, the position shall be reclassified to the classification in  
85 the lower pay range the first day of the first pay period following his/her refusal to be  
86 relocated.

87 (6) The effective date of a reclassification shall determine the date upon which an  
88 employee who occupied the position shall become eligible to receive salary increments  
89 until the maximum rate of pay for the range is achieved.

90 (7) Monthly while a reclassification is pending, the director of human resources shall  
91 provide a report to the committee on personnel to all county board supervisors no later  
92 than 14 days prior to the finance, personnel and audit committee meeting which lists all  
93 position reclassifications which the director intends to approve, along with a fiscal note  
94 for each. This report shall be distributed to all county supervisors and may, at the  
95 discretion of the committee chair, be placed on the committee agenda for informational  
96 purposes. If a county supervisor notifies the committee chair of an objection~~objects~~  
97 to the decision of the director within seven (7) working days of receiving this report prior to  
98 the meeting establishing the committee agenda, the reclassification shall be held in  
99 abeyance until resolved by the county board, upon recommendation of the committee,  
100 and subsequent county executive action. If no county supervisor objects, the  
101 reclassification shall be implemented the first day of the first pay period following the  
102 meeting of the committee and in compliance with collective bargaining agreements. In  
103 the event the county board takes no action on a reclassification, after receipt of a  
104 recommendation from the committee, the reclassification shall be implemented the first  
105 day of the first pay period following action by the county executive or, in the event of a  
106 veto, final county board action and in compliance with collective bargaining agreements.

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108 **SECTION 2.** Section 17.055 (4) of the General Ordinances of Milwaukee County is amended  
109 as follows:

110 **17.055. - Reallocation of existing nonrepresented classifications, with the exception of elected**  
111 **officials and constitutional officers.**

112 Whenever labor market conditions or other factors indicate that compensation for existing  
113 classifications is not sufficient to recruit and retain qualified employees a department head or appointing  
114 authority may request the director of human resources to review the compensation provided for the  
115 classification:

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(4) Monthly while a reallocation is pending, the director of human resources shall provide a report ~~to the committee on personnel to all county board supervisors no later than 14 days prior to the finance, personnel and audit committee meeting~~ which lists all classification reallocations which the director intends to approve, along with the fiscal note for each. This report ~~shall be distributed to all county supervisors and may, at the discretion of the committee chair, be~~ placed on the committee agenda for informational purposes. If a county supervisor ~~notifies the committee chair of an objection~~ objects to the decision of the director ~~prior to the meeting establishing the committee agenda, within seven (7) working days of receiving this report~~ the reallocation shall be held in abeyance until resolved by the county board, upon recommendation of the committee, and subsequent county executive action. If no county supervisor objects, the reallocation shall be implemented the first day of the first pay period following the meeting of the committee. In the event the county board takes no action on a reallocation, after receipt of a recommendation from the committee, the reallocation shall be implemented the first day of the first pay period following action by the county executive or, in the event of a veto, final county board action.

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**SECTION 3.** Section 17.085 of the General Ordinances of Milwaukee County is amended as follows:

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**17.085. - Temporary assignment to a higher classification.**

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Nonrepresented employes may be assigned to perform the duties of a position in a higher classification and shall be paid as though promoted to the higher classification under the following conditions:

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(1) If a position in the classified service is permanently vacant and a certification request has been forwarded to the department of human resources and approved for filling by the department of administrative services, the position may be filled by a temporary assignment for ninety (90) days or less. Extensions beyond ninety (90) days must be approved by the director of human resources.

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(2) If a position is temporarily vacant, the position may filled by a temporary assignment for ninety (90) days or less. Extensions beyond the ninety (90) days must be approved by the director of human resources.

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(3) Employes on a temporary assignment shall receive the higher rate of pay if the assignment includes all duties of the higher level position and such duties are performed for at least three (3) consecutive scheduled working days. However, a department head, deputy department head, associate department head or immediate assistant department head shall not be eligible to receive the higher rate of pay if the assignment lasts less than six (6) weeks.

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(4) This section shall not apply to positions represented by certified bargaining representatives.

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(5) The provisions of this section in subsections (1) and (2) above may be waived, for good reason, only upon approval of the county board. The decision of the county board on the committee on personnel recommendation, subject to review by the county executive, shall be final and shall be effective the pay period after the resolution adopted by the county board is approved by the county executive.

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156 (6) All resolutions and ordinances relating to temporary assignments to a higher classification  
157 adopted by the county board prior to the adoption of this section are hereby repealed.

158 (7) Employees in the classified and unclassified service may receive a temporary assignment to  
159 a vacant unclassified position for ninety (90) days or less. The director of human resources may  
160 approve one (1) extension of ninety (90) days or less. Any further extensions must be approved by  
161 the county board.

162 (8) A report listing all temporary assignments to a higher classification, including extensions  
163 granted under subsections (1), (2), and (5) above, shall be prepared by the department of human  
164 resources and shall be forwarded to the committee all county board supervisors monthly for  
165 informational purposes and may be placed on the finance, personnel and audit committee agenda,  
166 at the discretion of the committee chair.  
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168 **SECTION 4.** Section 17.09 of the General Ordinances of Milwaukee County is amended as  
169 follows:

170 **17.09. - Salary rate on new appointments.**

171 Appointments to newly created or vacant positions in pay ranges shall be made at the first step of the  
172 range except as follows, unless otherwise specified in a collective bargaining agreement:

173 (1) When an employee is promoted from one classification to another he/she shall be placed in  
174 that step of the new range immediately above the compensation he/she is receiving at the date of  
175 promotion without further review.

176 (2) A department head may appoint an individual whose training and experience exceed the  
177 minimum qualifications to a non-ECP position at a rate of pay higher than the first step of the pay  
178 range which shall be effective immediately upon appointment.

179 (3) The director of human resources shall provide a monthly report to the personnel committee  
180 to all county board supervisors no later than 14 days prior to the finance, personnel and audit  
181 committee meeting which lists all new appointments at an advanced step of the pay range, along  
182 with a fiscal note for each. This report shall be distributed to all county supervisors and may, at the  
183 discretion of the committee chair, be placed on the personnel committee agenda for informational  
184 purposes.  
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186 **SECTION 5.** Section 17.10 of the General Ordinances of Milwaukee County is amended as  
187 follows:

188 **17.10. - Advancement within a pay range.**

189 The incumbent of a position shall be advanced to the next highest rate of pay in the pay range provided  
190 for the classification only upon meritorious completion of two thousand eighty (2,080) straight time  
191 hours paid. Deviation from this requirement is permissible under the following conditions:

192 (1) A department head may permit an employe to be advanced one (1) additional step in the

193 range if advancement to the next highest rate above the rate originally received results in a pay  
194 increase of less than twenty-one cents (\$0.21) per hour.

195 (2) The director of human resources may approve the request of any department head to  
196 advance a promoted employe or incumbent of a reclassified position one (1) additional step in the  
197 range if the employe would have advanced in the classification from which they were promoted to  
198 the same rate of pay within ninety (90) days of the promotion. The decision of the director may be  
199 appealed to the committee on personnel within thirty (30) days of notice. The decision of the  
200 county board on the committee recommendation, subject to review by the county executive, shall  
201 be final.

202 (3) Department heads:

203 (a) Who have adopted the annual performance appraisal system revised in 1986 and  
204 approved by the director of human resources may advance an employe who has exhibited  
205 exemplary performance up to two (2) steps in the pay range providing the director has  
206 verified that the performance evaluation system has been implemented in the appropriate  
207 manner. Such advancements shall be implemented in accordance with subsection (4) of this  
208 section.

209 (b) May request an advancement in the pay range for an employe who holds a position  
210 which is critical to the operation of their department if the request is necessary to retain the  
211 employe in county service. The request may be implemented upon approval of the director,  
212 in accordance with subsection (4) of this section.

213 (c) In subsections (a) and (b) above the decision of the director of human resources may  
214 be appealed to the committee on personnel within thirty (30) days of notice. The decision of  
215 the county board on the committee's recommendation, subject to review by the county  
216 executive, shall be final and shall be implemented the first day of the first pay period following  
217 review by the county executive, or in the event of a veto, final county board action.

218 (4) Monthly while any advancements within a pay range requested by departments, pursuant to  
219 subsections (3)(a) and (3)(b) are pending, the director of human resources shall provide a report  
220 to all county board supervisors no later than 14 days prior to the finance, personnel and audit  
221 committee meeting to the committee on personnel which lists all such advancements which the  
222 director intends to approve, along with a fiscal note for each. This report ~~shall be distributed to all~~  
223 ~~county supervisors and may, at the discretion of the committee chair, be~~ placed on the committee  
224 agenda for informational purposes. If a county supervisor notifies the committee chair of an  
225 objection objects to the decision of the director prior to the meeting establishing the committee  
226 agenda, within seven (7) working days of receiving this report the advancement shall be held in  
227 abeyance until resolved by the county board, upon recommendation of the committee, and  
228 subsequent county executive action. If no county supervisor objects, the advancement shall be  
229 implemented the first day of the first pay period following the meeting of the committee. In the  
230 event the county board takes no action on an advancement, after receipt of a recommendation  
231 from the committee, the advancement shall be implemented the first day of the first pay period  
232 following action by the county executive or, in the event of a veto, final county board action.

233 (5) From January 1, 2010 through December 31, 2011, notwithstanding any other provisions of  
234 this code, incumbents of a position not represented by a collective bargaining unit who would have  
235 received an advance in the pay range upon the meritorious completion of two thousand eighty

236 (2,080) hours, shall be advanced to the next highest rate of pay in the pay range provided for the  
237 classification only upon meritorious completion of an additional four thousand one hundred sixty  
238 (4,160) straight-time hours for full-time positions, and a prorated fraction thereof for employees  
239 whose scheduled work week is less than forty (40) hours or who began employment after January  
240 1, 2010. The intent of this section is to temporarily suspend incremental salary advancements for  
241 non-represented employees for 2010 and 2011, consistent with the terms of the 2010 and 2011  
242 Adopted Budgets.  
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244 **SECTION 6.** Section 17.16 (1)(b) of the General Ordinances of Milwaukee County is amended  
245 as follows:

246 **17.16. - Overtime compensation.**

247 This section shall be applied in the following manner, and consistent with collective bargaining  
248 agreements and state and federal regulations:

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250 (b) Employees who are not represented by a collective bargaining unit shall be  
251 compensated for overtime as follows: employees holding positions which are non-exempt  
252 from the Fair Labor Standards Act shall receive time and one-half for all hours worked over  
253 forty (40) hours per week regardless of the pay range to which the position held is assigned.  
254 Employees holding a position exempt from the Fair Labor Standards Act who are not in an  
255 executive classification shall be compensated for overtime for all hours worked in excess of  
256 forty (40) hours in a week on a straight time basis and may only liquidate accrued overtime  
257 as compensatory time off unless approved by the ~~DAS~~ director of human resources who  
258 shall also provide the [personnel committee county board of supervisors](#) with quarterly reports  
259 of all overtime that is paid rather than used as compensatory time off. [Such reports may, at  
260 the discretion of the finance, personnel and audit committee chair, be placed on the  
261 committee agenda.](#)

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263 **SECTION 7.** Section 17.23 of the General Ordinances of Milwaukee County is amended as  
264 follows:

265 **17.23. - Dual employment.**

266 No person holding employment with the county in the classified or unclassified service under the  
267 provision of chapter 17 of the Code, or ch. 63, Wis. Stats., shall be employed in more than one (1)  
268 classification or hold more than one (1) position unless approved by the director of human resources.  
269 The decision of the director may be appealed to the committee on personnel within thirty (30) days of  
270 notice. The decision of the county board on the committee's recommendation, subject to review by the  
271 county executive, shall be final and shall be implemented the first day of the first pay period following  
272 review by the county executive. A monthly report listing all persons holding dual appointments shall be  
273 prepared by the department of human resources and forwarded to the [committee county board of  
274 supervisors. Such reports may, at the discretion of the finance, personnel and audit committee chair,  
275 be placed on the committee agenda,](#) for informational purposes.



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277 **SECTION 8.** Section 17.265 of the General Ordinances of Milwaukee County is amended as  
278 follows:

279 **17.265. - Executive compensation plan.**

280 All employes of the county who hold positions considered to be managerial shall be compensated in  
281 accordance with the provisions of the executive compensation plan. The following definitions and  
282 policies, shall be utilized to maintain the executive compensation plan and ensure that all management  
283 positions are identified and compensated in a consistent and equitable manner.

284 ...

285 (3) The salary rate steps of each ECP Grade shall be adjusted annually by a general increase to  
286 reflect job market trends for management positions upon adoption of a resolution by the county board.  
287 Upon implementation of such general increase, the rate received by incumbents of ECP positions shall  
288 be adjusted to reflect the general increase. A performance evaluation of each employe holding an ECP  
289 position shall be forwarded to the director of human resources no later than March 31 of each calendar  
290 year. The performance evaluation shall be for employe performance during the prior calendar year, and  
291 shall be conducted in accordance with procedures distributed by the director of human resources. If the  
292 performance evaluation completed by their appointing authority meets the criteria for such  
293 advancement, incumbents of ECP positions shall be advanced to the next highest rate step in the  
294 respective ECP Grade effective on the first day of the pay period which includes April 1. An appointing  
295 authority may delay the implementation of the advancement to the next highest rate step by six (6) or  
296 twelve (12) pay periods if he/she deems such delay appropriate based on the employe's performance  
297 evaluation. New appointees to an ECP position shall not be eligible for advancement to the next highest  
298 rate step in the ECP Grade until completion of one year of service and completion of a performance  
299 evaluation which indicates that he/she meets the requirements for such advancement as determined by  
300 the appointing authority, with such advancement not being effective prior to April 1 in any calendar  
301 year. ECP employes receiving the maximum rate step for the respective ECP Grade, shall be eligible  
302 for a performance award of up to four (4) percent of their annual salary, based on the evaluation of their  
303 performance in the prior calendar year by their appointing authority in accordance with instructions  
304 distributed by the director of human resources. A performance award shall be issued as a separate  
305 payment, and shall not be added to the recipient's bi-weekly salary but shall be included in the  
306 calculation of final average salary for pension calculation purposes. A performance award shall be  
307 processed as soon as possible after forwarding of an appropriate recommendation to the director of  
308 human resources, but no earlier than May 1 in any given calendar year. No employe compensated  
309 under this section shall advance to the next rate step or receive a performance award unless an  
310 appropriate performance evaluation recommending such advancement has been received by the  
311 director of human resources. The director, department of human resources shall annually provide an  
312 informational report to the county board ~~personnel committee of supervisors~~ summarizing the results of  
313 the performance evaluation process. Such report may, at the discretion of the finance, personnel and  
314 audit committee, be placed on the committee agenda. Notwithstanding the foregoing provisions, the  
315 county board of supervisors may determine, by a vote of the county board prior to March 31 of each  
316 year, that no ECP employe shall advance to the next highest rate step or shall be issued a performance  
317 award in that calendar year.

318 (4) The director of human resources shall ensure that performance evaluation information and  
319 materials are provided to department heads annually, and shall assist department heads and



320 appointing authorities in the development of appropriate criteria to be utilized in the evaluation of the  
321 performance of ECP employees.

322 (5) Upon adoption of this ordinance, all positions in the executive compensation plan shall remain in  
323 the currently assigned ECP Grade. Incumbents shall have their respective salary adjusted to the rate  
324 step closest to, but not lower than, the salary received prior to adoption of this ordinance. Incumbents  
325 receiving a salary greater than the revised maximum of the ECP Grade shall not have their salary rate  
326 adjusted until the maximum step of the revised range exceeds their salary, but shall be eligible for the  
327 annual performance award.

328 (6) The director of human resources, or the appropriate appointing authority, may initiate a review of  
329 any position to determine if it should be included in, or deleted from, the ECP; or to determine if an  
330 existing ECP position is assigned to the proper management level and ECP Grade. All such reviews  
331 shall be conducted by the director of human resources and any revision to the management level or  
332 ECP Grade to which a position is assigned shall be reported to the county board ~~personnel~~  
333 ~~committee of supervisors~~ in the same manner as a reclassification of an existing position as included in  
334 the provisions of section 17.05 of the county ordinances. Except as may otherwise be noted in this  
335 section, all other provisions of sections 17.05 and 17.10 of the county ordinances shall apply to any  
336 position included in the ECP.

337 (7) A new appointee to a position in the executive compensation plan may be appointed at any rate  
338 step in the ECP Grade to which the position is assigned. The director of human resources shall provide  
339 an informational report to the ~~personnel committee~~ county board of supervisors listing all new ECP  
340 appointments at rate step 6 or above. All new appointees to an ECP position in the classified service  
341 shall serve a probationary period of one year.

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343 **SECTION 9.** The provisions of this ordinance shall become effective upon passage and  
344 publication.

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