

MILWAUKEE COUNTY BOARD OF SUPERVISORS

DATE: December 14, 2017

AMENDMENT NO. 1 to Item 36

Resolution File No. 17-770

Ordinance File No.

COMMITTEE: Committee on Personnel

OFFERED BY SUPERVISOR(S): Schmitt

Add the underlined WHEREAS Clauses at or near line 47 as follows:

WHEREAS, at its meeting of December 2, 2016, members of the Committee on 41 Personnel expressed concern about providing “blanket” authority to pay hiring and retention bonuses to any positions the Chief Human Resources Officer deemed “difficult-to-fill,” and instead supported such flexibility, for a limited period of time, to those positions authorized by the Committee on Personnel; and

WHEREAS, the Milwaukee County Circuit Court in its final Decision and Order in Milwaukee County Board of Supervisors et al. v. Christopher Abele et al., Case No. 16-CV-2888, stated that “The enactment of Wis. Stat § 59.794(3)(e) suggests that the legislature acknowledged the Board’s authority to change the salaries of all employees, including the salaries of unclassified positions.” ;thus, the Court dispensed with the distinction between classified and unclassified positions; and

WHEREAS, the Milwaukee County Circuit Court in its final Decision and Order in Milwaukee County Board of Supervisors et al. v. Christopher Abele et al., Case No. 16-CV-2888, ordered that “The Board’s request for a declaration that it has statutory authority to provide for, fix or change the compensation of unclassified County employees, including department heads, is GRANTED,” and the final Decision and Order have not been stayed pending appeal; and

Amend the BE IT FURTHER RESOLVED clause at or near line 107 and add the underlined BE IT FURTHER RESOLVED clause as follows:

BE IT FURTHER RESOLVED, the Chief Human Resources Officer, DHR, may remove a position title from the “difficult-to-fill” list without approval of the Committee on Personnel if, in the judgement of the Chief Human Resources Officer, hiring conditions have improved and warrant such a change-; and

BE IT FURTHER RESOLVED, the County Board, in the exercise of its policymaking authority, as affirmed by the Milwaukee County Circuit Court, expressly prohibits the Chief Human Resources Officer, DHR from creating or implementing any compensation benefit or payment, including but not limited to hiring bonuses, sign-on bonuses, and referral bonuses, for any classified or unclassified employee, unless expressly authorized by the Board or authorized under existing Milwaukee County Code of General Ordinances or policies; and

BE IT FURTHER RESOLVED, the County Board directs that, if any unauthorized hiring bonus, sign-on bonus, referral bonus, or other compensation or payment has been paid to any classified or unclassified employee on or after April 24, 2017, without the authorization of the County Board, the Chief Human Resource Officer shall report all unauthorized payments to the County Board by the January 2018 meeting cycle to consider Milwaukee County General Ordinance 17.22(4).