

1 By Supervisor Lipscomb

2 **A SUBSTITUTE RESOLUTION**

3 **To substitute for item presented under suspension**

4 To clarify and extend, on an emergency and non-precedential basis,
5 employee compensation and benefits policies to employees formerly
6 represented by District Council 48 (DC48) of the American Federation of State,
7 County and Municipal Employees (AFSCME), in order to avoid administrative
8 confusion and uncertainty, until the County Board adopts applicable policies.

9 WHEREAS, at the time of consideration of this resolution, AFSCME
10 either will have been, or is expected soon to be, decertified by the Wisconsin
11 Employment Relations Commission as a collective bargaining unit and as the
12 bargaining representative for its members (hereinafter referred to as “former
13 members”), and

14 WHEREAS, the 2007-08 collective bargaining agreement between
15 Milwaukee County and AFSCME contains numerous provisions related to
16 compensation and fringe benefits that would immediately become inapplicable
17 to those former members of AFSCME upon decertification of the union, and

18 WHEREAS, Milwaukee County has enacted some ordinance
19 amendments in 2011 containing policies related to some compensation and
20 fringe benefits of former AFSCME members, but that Milwaukee County has
21 not yet reviewed and enacted policies with respect to all compensation and
22 fringe benefit subjects covered by the 2007-08 collective bargaining agreement,
23 and

24 WHEREAS, this resolution and ordinance is adopted for the sole purpose
25 of avoiding significant administrative uncertainty and confusion that might exist
26 without its adoption, and is expressly intended not to be precedential with respect
27 to any matter contained herein, and

28 WHEREAS, this ordinance is intended to be effective only upon the
29 decertification of AFSCME and only until such time as Milwaukee County enacts
30 policies on these subjects for these former members, now, therefore,

31 BE IT RESOLVED, to codify this emergency and temporary policy, the
32 Milwaukee County Board of Supervisors hereby adopts Section 17.015 of the
33 Milwaukee County Code of General Ordinances by adopting the following:

34 **AN ORDINANCE**

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

37 **SECTION 1.** Section 17.015 is created as follows:

38 **17.015. Continuation of certain compensation and fringe benefits for**
39 **former members of AFSCME**

40 (1) This ordinance is effective upon the decertification by the Wisconsin
41 Employment Relations Commission, pursuant to ERC 73.01, 73.03(7)(b) and any
42 other applicable provision of the Wisconsin Administrative Code, of the American
43 Federation of State, County and Municipal Employees (AFSCME) as a collective
44 bargaining unit and as the bargaining representative for its members.

45 (2) Notwithstanding any provision of these ordinances to the contrary, for
46 employees who were represented by AFSCME as of January 30, 2012, all
47 provisions of the 2007-08 collective bargaining agreement between AFSCME
48 and Milwaukee County are adopted by reference and incorporated herein, except
49 as set forth in the following paragraph, until such time that the County Board of
50 Supervisors and the County Executive can consider other action

51 (3) The following sections of the AFSCME 2007-08 Collective Bargaining
52 Agreement have already been addressed, as noted parenthetically below, by the
53 County Board and County Executive, and therefore, are not incorporated herein
54 and are excepted from the provisions of the preceding paragraph:

55 (a) 2.03 Salary Increment (M.C.O. 17.10)

56 (b) 2.04 Overtime (M.C.O. 17.16)

57 (c) 2.14 Auto Allowance (M.C.O. 5.06)

58 (d) 2.16 Contribution to Retirement System (M.C.O. Chapter 201.24
59 (3.11) Employee Contribution, (3.3) Employee Membership
60 Accounts, (3.5) Refunds, upon severance or death)

61 (e) 2.17(1)(b)(c) and (d), and 2.17(2) Retirement Benefits (M.C.O.
62 Chapter 201.24 (2.18) Normal Retirement Age, (4.1) Normal
63 Retirement, (5.1) Normal Pension)

64 (f) 2.17(8) Sick Allowance Balance on Retirement, upon adoption of
65 resolution 11-20 (M.C.O. 17.184).

66 (g) 2.18 Life Insurance (M.C.O. Chapter 62 Life Insurance)

67 (h) 2.19 Employee Health Insurance (M.C.O. 17.14 (7) Milwaukee
68 County Group Health Benefit Program)

69 (i) 2.192 Dental Insurance (M.C.O. 17.14 (9) County Dental Benefit
70 Plan)

- 71 (j) 3.02 Full-Time Representative
- 72 (k) 3.15 Fair Share Agreement (Wisconsin Act 10 and Act 32, no
73 longer allow for the collection of union dues on bargaining
74 agreements that have expired.)
- 75 (l) 3.16 Voluntary Political Contributions (halted as a result of Act 10
76 and Act 32)
- 77 (m) 4.01 Resolution of Disputes, 4.02 Grievance Procedure, 4.05
78 Selection of and Appeals to Umpire and 4.06 Disciplinary
79 Suspensions not Appealable under S. 63.10, Wis. Stats. (Civil
80 Service Rules, M.C.O. 17.207 and Wis. Stats. 63.10)