

PROOF OF PUBLICATION

STATE OF WISCONSIN } SS
MILWAUKEE COUNTY

ANN E. RICHMOND, being the first duly sworn on oath, says that she is the publisher as of January 1, 2004, of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

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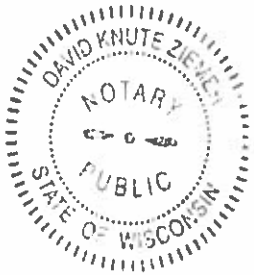


Subscribed and sworn to before me

July 7, 2011



Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



CHAPTER	<u>17.10, 17.14, 17.16</u>
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NOTICE

**FROM THE OFFICE OF JOSEPH J. CZARNECKI
MILWAUKEE COUNTY CLERK
County Ordinance No. 11-10
File No. 11-221**

AN ORDINANCE

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

SECTION 1. Section 17.10 of the General Ordinances of Milwaukee County is amended as follows:

17.10. Advancement within a pay range.

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

(1) A department head may permit an employee to be advanced one (1) additional step in the range if advancement to the next highest rate above the rate originally received results in a pay increase of less than twenty-one cents (\$0.21) per hour.

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

(3) Department heads:

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

(b) May request an advancement from the next pay range to the next pay range.

nonrepresented employees for 2010 and 2011, consistent with the terms of the 2010 and 2011 Adopted Budget.

(6) From the earlier of the legal effective date of 2011 Wisconsin Act 10 or the legal effective date of a substantially similar state law that grants Milwaukee County the authority, in the same manner as 2011 Wisconsin Act 10, to take the following action, until one year and one day thereafter, notwithstanding any other provisions of this code, incumbents of a position represented by the American Federation of State, County and Municipal Employees District Council 48 who would have received an advance in the pay range upon the meritorious completion of two thousand eighty (2,080) hours shall be advanced to the next highest rate of pay in the pay range provided for the classification only upon meritorious completion of an additional two thousand and eighty (2,080) straight-time hours for full-time positions, and a prorated fraction thereof for employees whose scheduled work week is less than forty (40) hours or who began employment after the earlier of the legal effective date of 2011 Wisconsin Act 10, or the legal effective date of a substantially similar state law that grants Milwaukee County the authority, in the same manner as 2011 Wisconsin Act 10, to take the preceding action. The intent of this section is to temporarily suspend incremental salary advancements for employees represented by District Council 48 for one year consistent with the terms of the 2011 Adopted Budget.

SECTION 2. Section 17.14 of the General Ordinances of Milwaukee County is amended as follows:

17.14. Employment definitions.

(8) Milwaukee County Group Health Benefit Program for active employees: members represented by AFSCME District Council 48. Changes to Section 17.14(8) shall become effective as soon as administratively possible following the earlier of the legal effective date of 2011 Wisconsin Act 10, or upon the legal effective date of a substantially similar state law that grants Milwaukee County the authority, in the same manner as 2011 Wisconsin Act 10, to take the following action.

(a) Health and dental benefits shall be provided for in accordance with the terms and conditions of the current plan document and the terms admini-

strates a position which is critical to the operation of their department if the request is necessary to retain the employee in county service. The request may be implemented upon approval of the director, in accordance with subsection (4) of this section.

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

(4) Monthly while any advancements within a pay range requested by departments, pursuant to subsections (3)(a) and (3)(b) are pending, the director of human resources shall provide a report to the committee on personnel which lists all such advancements which the director intends to approve, along with a fiscal note for each. This report shall be distributed to all county supervisors and placed on the committee agenda for informational purposes. If a county supervisor objects to the decision of the director within seven (7) working days of receiving this report the advancement 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 advancement 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 an advancement, after receipt of a recommendation from the committee, the advancement 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.

(5) From January 1, 2010 through December 31, 2011, notwithstanding any other provisions of this code, incumbents of a position not represented by a collective bargaining unit who would have received an advance in the pay range upon the meritorious completion of two thousand eighty (2,080) hours, shall be advanced to the next highest rate of pay in the pay range provided for the classification only upon meritorious completion of an additional four thousand one hundred and sixty (4,160) straight-time hours for full-time positions, and a prorated fraction thereof for employees whose scheduled work week is less than forty (40) hours or who began employment after January 1, 2010. The intent of this section is to temporarily suspend incremental salary advancements for

mutative agreement for the Milwaukee County Health Insurance Plan or under the terms and conditions of the insurance contracts of a Managed Care Organization (HMO) approved by the county.

(b) All health care provided shall be subject to utilization review.

(c) Eligible employees may choose health benefits for themselves and their dependents under a preferred provider organization (county health plan or PPO) or HMO approved by the county.

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

(1) Employees enrolled in the HMO comparable 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.

(2) Employees enrolled in the PPO comparable 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.

(3) The appropriate government 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 (10) 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.

(4) The county shall deduct employees' contributions to health insurance on a pre-tax basis pursuant to a section 125 plan.

(5) The county shall establish and administer flexible spending accounts (FSAs) 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.

(e) In the event an employee who has exhausted accumulated sick leave is placed on leave of absence without pay status on account of illness, the county shall continue to pay the monthly cost or premium for the PPO or HMO chosen by the employee and in force at the time leave of absence without pay status is requested, if any. Less the employee contribution during such leave for a period not to exceed one (1) year. The one-year period of limitation shall begin to run on the first day of the

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month following that during which the leave of absence begins. An employee must return to work for a period of sixty (60) calendar days with no absences for illness related to the original illness in order for a new one-year limitation period to commence.

(f) Where both husband and wife are employed by the county, either the husband or the wife shall be entitled to one (1) family plan. Further, if the husband elects to be the named insured, the wife shall be a dependent under the husband's plan, or if the wife elects to be the named insured, the husband shall be a dependent under the wife's plan. Should neither party make an election the county reserves the right to enroll the less senior employee in the plan of the more senior employee. Should one (1) spouse retire with health insurance coverage at no cost to the retiree, the employed spouse shall continue as a dependent on the retiree's policy, which shall be the dominant policy.

(g) Coverage of enrolled employees shall be in accordance with the monthly enrollment cycle administered by the county.

(h) Eligible employees may continue to apply to change their health plan to one (1) of the options available to enrollees on an annual basis. This open enrollment shall be held at a date to be determined by the county and announced at least forty-five (45) days in advance.

(i) The county shall have the right to require employees to sign an authorization enabling non-county employees to audit medical and dental records. Information obtained as a result of such audits shall not be released to the county with employee names unless necessary for billing, collection, or payment of claims.

(j) Amendments to the Public Health Service Act requires federal government (COBRA) provisions regarding the continuation of health insurance to municipal health plans. Milwaukee County, in compliance with these provisions, shall continue to provide health insurance to employees without the full premium from the in-

(7) Prescription drug co-payments do not count toward the calendar year out-of-pocket maximum(s).

(8) Other medical benefits not described in (g)(5), (6), and (7) shall be paid by the health plan at one hundred (100) percent after the calendar year out-of-pocket maximum(s) has been satisfied.

(f) All eligible employees and/or their dependents enrolled in the PPO shall pay a one hundred dollar (\$100.00) emergency room co-payment in-network or out-of-network. The co-payment shall be waived if the employee and/or their dependents are admitted directly to the hospital from the emergency room. In-network and out-of-network deductibles and co-insurance percentages apply.

(g) All eligible employees and/or their dependents enrolled in the PPO or HMO shall pay the following for a thirty (30) day prescription drug supply at a participating pharmacy:

(1) Five dollar (\$5.00) co-payment for all generic drugs.

(2) Twenty dollar (\$20.00) co-payment for all brand name drugs on the formulary list.

(3) Forty dollar (\$40.00) co-payment for all non-formulary brand name drugs.

(4) Non-legend drugs may be covered at the five dollar (\$5.00) generic co-payment level at the discretion of the plan.

(5) The plan shall determine all management protocols.

(6) All eligible employees and/or their dependents enrolled in the HMO shall be subject to a ten-dollar (\$10.00) office visit co-payment for all illness or injury related office visits. The office visit co-payment shall not apply to preventative care. The county and/or the plan shall determine preventative care.

(7) All eligible employees and/or their dependents enrolled in the HMO shall pay a one-hundred-dollar (\$100.00) co-payment for each in-patient hospitalization. There is a maximum of five (5) co-payments per person, per calendar year.

(8) All eligible employees and/or their dependents enrolled in the HMO shall

less than twenty (20) hours per week. (aa) The provisions of 17.14(8) shall apply to employees on an unpaid leave of absence covered by workers compensation.

(9) County dental benefit plan and dental maintenance organizations. Employees who are eligible for group hospital and medical benefits under the provision of subsection (7) or subsection (8) of this section shall also be entitled to dental benefits upon application in accordance with enrollment procedures established by the county, except that retired members of the county retirement system shall not be eligible for dental benefit coverage. Eligible employees may enroll in the county dental benefit plan (see for services) or a dental maintenance organization approved by the county.

SECTION 3. Section 17.16 of the General Ordinances of Milwaukee County is amended as follows:

17.16. Overtime compensation.

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

(1) Employees may be assigned to overtime work provided that such overtime shall be limited to emergency conditions which endanger the public health, welfare or safety; or for services required for the protection or preservation of public property; or to perform the essential functions of a department which cannot be performed with the personnel available during normal work hours, either because of vacancies in authorized positions or because of an abnormal peak load in the activities of the department; or for other purposes which specific provision for overtime compensation has been made by the county board. Employees required to work overtime shall be compensated as follows:

a) Employees represented by a collective bargaining unit shall be compensated for overtime in accordance with provisions of the Fair Labor Standards Act and the respective collective bargaining agreement.

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 over forty (40) hours per week regardless of the pay range to which the position held is assigned. Employees holding a position exempt from the Fair Labor Standards Act who are not in an executive level position shall be compensated for overtime as follows: employees shall not receive overtime for hours worked, or credited, in excess of eight (8) hours per day or forty (40) hours per week, if such overtime is due to holding dual employment status.

(2) Under the conditions specified for emergency overtime, employees may be permitted to work on holidays or during vacation periods without compensatory time and receive double time for each day so worked provided that only the hours actually worked on each of these days shall be considered in any computation of overtime for the bi-weekly period in which they occurred; except that

a) Physicians and psychiatrists employed in the classified service shall receive time and one-half for each holiday so worked, if such compensation is so authorized by the provisions of section 17.36.

(3) No payment shall be made for overtime unless funds have been provided for such payment in the appropriation for personal services or unless a surplus exists in such appropriation, by reason of vacancies and turnover in authorized positions.

(4) The director of human resources may review the time records submitted by the departments for the purpose of determining the extent to which overtime is being worked and compensation time allowed; and may require the heads of departments to submit reports, supplementary information or other data relative to the need for overtime work; may investigate the cause and justification for such overtime; and may prescribe such rules or regulations as in his/her opinion are necessary to control and restrict overtime to emergency conditions. The director is further empowered to recommend changes in procedure or administrative practices which in his/her opinion will eliminate the need for overtime work, and to report to the appropriate committee of the county board instances in which the department head refuses to comply with the recommendations.

(5) Upon the earlier of the legal effective date of 2011 Wisconsin Act 10, or the legal effective date of a substantially similar state law that grants Milwaukee County the authority, in the same manner as 2011 Wisconsin Act 10, to take the following action, the provisions of sections 17.16(1)(a) shall

provide the continued benefits.

(k) The county reserves the right to establish a network of providers. The network shall consist of hospitals, physicians, and other health care providers selected by the county. The county reserves the right to add, modify or delete any and all providers under the network.

(l) All eligible employees enrolled in the PPO shall have a deductible equal to the following:

(1) The in-network deductible shall be two hundred fifty dollars (\$250.00) per insured per calendar year, seven hundred fifty dollars (\$750.00) per family per calendar year.

(2) The out-of-network deductible shall be five hundred dollars (\$500.00) per insured per calendar year, one thousand five hundred dollars (\$1,500.00) per family per calendar year.

(o) All eligible employees and/or their dependents enrolled in the PPO shall be subject to a twenty-dollar (\$20.00) in-network office visit co-payment or a forty-dollar (\$40.00) out-of-network office visit for all illness or injury related office visits. The in-network office visit co-payment shall not apply to preventive care which includes prenatal, baby-wellness, and physicals as determined by the plan.

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

(1) The in-network co-insurance co-payment shall be equal to ten (10) percent of all charges subject to the applicable out-of-pocket maximum.

(2) The out-of-network co-insurance co-payment shall be equal to thirty (30) percent of all charges subject to the applicable out-of-pocket maximum.

(q) All eligible employees enrolled in the PPO shall be subject to the following out-of-pocket expenses including any applicable deductible and percent co-payments to a calendar year maximum of:

(1) Two thousand dollars (\$2,000.00) in-network under a single plan.

(2) Three thousand five hundred dollars (\$3,500.00) in-network under a family plan.

(3) Three thousand five hundred dollars (\$3,500.00) out-of-network under a single plan.

(4) Six thousand dollars (\$6,000.00) out-of-network under a family plan.

(5) Office visit co-payments are not limited and do not count toward the calendar year out-of-pocket maximum.

(6) Chiropractic care over and above the calendar year out-of-pocket maximum.

all durable medical equipment to a maximum of fifty dollars (\$50.00) per appliance or piece of equipment.

(w) All eligible employees and/or their dependents enrolled in the HMO shall pay a one hundred dollar (\$100.00) emergency room co-payment (facility only). The co-payment shall be waived if the employee and/or their dependents are admitted to the hospital directly from the emergency room.

(x) The health plan benefits for all eligible employees and/or their dependents for the in-patient and out-patient treatment of mental and nervous disorders, alcohol and other drug abuse (AODA) will be consistent with the mandates of the Federal mental health parity act.

(y) Each calendar year, the county shall pay a cash incentive of five hundred dollars (\$500.00) per contract (single or family plan) to each eligible employee who elects to dis-enroll or not to enroll in a PPO or HMO. Any employee who is hired on and after January 1, and who would be eligible to enroll in health insurance under the present county guidelines who chooses not to enroll in a county health plan shall also receive five hundred dollars (\$500.00). Proof of coverage in a non-Milwaukee County group health insurance plan must be provided in order to qualify for the five hundred dollars (\$500.00) payment. Such proof shall consist of a current health enrollment card.

(1) The five hundred dollars (\$500.00) shall be paid on an after tax basis. When administratively possible, the county may convert the five hundred dollars (\$500.00) payment to a pre-tax credit which the employee may use as a credit towards any employee benefit available within a flexible benefits plan.

(2) The five hundred dollars (\$500.00) payment shall be paid on an annual basis by payroll check no later than April 1 of any given year to qualified employees on the county payroll as of January 1. An employee who loses his/her non-county health insurance coverage may elect to re-join the county health plan. The employee would not be able to re-join an HMO until the next open enrollment period. The five hundred dollars (\$500.00) payment must be repaid in full to the county prior to coverage commencing. Should an employee re-join a health plan he/she would not be eligible to opt out of the plan in a subsequent calendar year.

(2) The provisions of C.G.O. 17.14(8) shall not apply to seasonal and hourly employees. An hourly employee shall be considered to be one who does not work a uniform period of time within each pay period and shall include an employee who works a uniform period of time of

cross of forty (40) hours in a week on a straight time basis and may only input date 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.

c) Employees holding positions authorized on a seasonal basis shall receive time and one-half for all hours worked in excess of forty (40) hours per week.

d) Unless a collective bargaining agreement deems otherwise, an appointing authority may approve payment, or the accrual of compensatory time, for overtime. However, no employee may accrue more than two hundred forty (240) hours of compensatory time, unless permitted by the provisions of the Fair Labor Standards Act.

e) Employees holding positions which are covered by the annual work year who are eligible for time and one-half overtime shall receive payment for the half time portion of the overtime and shall accrue the straight time portion of the overtime as compensatory time, up to a maximum of two hundred forty (240) hours of compensatory time, after which all overtime shall be paid.

f) Elected officials, members of boards and commissions, and employees compensated on a per diem, per call or per session basis shall not be compensated for overtime.

g) Employees included in the executive compensation plan are to be considered salaried employees and therefore are not eligible for accrual of compensatory time or payment of overtime. Executive

American Federation of State, County and Municipal Employees District Council 48 in the same manner that those sections apply to nonrepresented employees, notwithstanding any bargaining unit representation by, or any collective bargaining agreement with, American Federation of State, County and Municipal Employees District Council 48, or any language to the contrary in sections (1)-(4) above.

(6) Upon the earlier of the legal effective date of 2011 Wisconsin Act 10, or the legal effective date of a substantially similar state law that grants Milwaukee County the authority in the same manner as 2011 Wisconsin Act 10, to take the following action, or January 1, 2012, whichever is later, the provisions of sections 17.16(1)-(4) shall also apply to employees represented by District No. 10 of the International Association of Machinists and Aerospace Workers, the Technicians, Engineers and Architects of Milwaukee County, the Federation of Nurses and Health Professionals, the Building Trades of Milwaukee County and the Association of Milwaukee County Attorneys, in the same manner that those sections apply to nonrepresented employees, notwithstanding any bargaining unit representation by, or any collective bargaining agreement with, those bargaining units, or any language to the contrary in sections (1)-(4) above.

SECTION 4. The provisions of this ordinance shall be effective upon passage and publication.

Adopted by the Milwaukee County Board of Supervisors
May 26, 2011

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