



*Milwaukee County*  
**Department of Human Resources**  
INTER-OFFICE COMMUNICATION

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Date: January 3, 2018

To: Theodore Lipscomb Sr., Chairman, Milwaukee County Board  
James "Luigi" Schmitt, Chairman, Personnel Committee

From: Kerry Mitchell, Chief Human Resources Officer, Department of Human Resources *KM*

Subject: **Informational Report: File Number 17-770 Recruitment Incentive Response**

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**Background**

An amendment to the resolution of File 17-770 requested a report to the County Board by the January 2018 meeting reporting "all unauthorized payments" since April 24, 2017, and to consider Section 17.22(4) of the Code, including "unauthorized hiring bonuses, sign-on bonuses, and referral bonuses."

**Response**

As you know, the circuit court's decision in *Milwaukee County Board of Supervisors et al. v. Christopher Abele et al.*, Case No. 16-CV-2888, has been interpreted differently by the County Board and the County Executive. Each side has its own interpretation as to the import of the decision as it relates to who has the ultimate authority over compensation-related matters. The decision itself is currently on appeal in the court of appeals and the parties are engaged in mediation. I have been advised by the County Executive that his position is that, as a matter of law, authority over individual employee compensation decisions is not a matter that is within the control of the County Board. I have been directed that individualized compensation decisions are not a matter of public policy, and that the County Board has no legal authority to make individual compensation decisions simply by labeling it as a policy. I have also been directed to not discuss individual compensation actions with the County Board, either in open or closed session.

Without labeling any hiring bonus, sign-on bonus or referral bonus as "unauthorized," I have attached a spreadsheet which sets forth all hiring bonuses, sign-on bonuses or referral bonuses that have been paid to classified and unclassified employees since April 24, 2017. I believe that regardless of the authority issue, it is appropriate to keep the Board apprised of such matters and as always, I will comply with the Board's request for that information.

I note that Mr. Schmitt's amendment references an objective of a desire to "consider Milwaukee County General Ordinance 17.22 (4). That section provides:

Any payments made to an employe without proper authorization, or money owed to the county by the employe, shall be deducted from subsequent pay or from money otherwise due to the employe from the county. In the event sufficient funds are not available, legal action may be pursued.

I would be remiss as the County's Chief Human Resources Officer if I did not remind you of the provisions of Wis. Stats. §103.455. That section provides that once an employee has earned his or her wages, any deductions from those wages can only be made with the employee's consent or by court order. Violating that provision exposes the employer to double damages. Thus, before imposing any deduction from an employee's wages, the County Board should consider whether it has the employee's consent or how it will obtain a court order.

Until these legal matters are resolved, I have been instructed by the County Executive's Office to follow the normal course of business, which is to acknowledge the Administration's authority over individual compensation decisions, reclassifications, and movement of employees within and between pay ranges as established by the Board.

Thank you.

CC: Chris Abele, County Executive  
Raisa Koltun, Chief of Staff  
Kerry Mitchell, Chief Human Resources Officer  
Kelly Bablitch, Milwaukee County Board of Supervisors Chief of Staff  
Personnel Committee  
Teig Whaley-Smith, Director of Administrative Services  
Scott Manske, Comptroller  
Stephen Cady, Comptroller's Office  
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