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Date: March 5, 2014

To: Finance, Audit and Personnel Committee Members  
Sup. Weishan

cc: Kelly Bablitch  
Janelle Jensen  
Rick Ceschin  
DAS Director

From: Paul Bargren *PB*  
Corporation Counsel

Re: Referral re File No. 14-108 (Creating housekeeping positions)

Dear Supervisors,

Under the resolution in File No. 14-108, now including a proposed amendment, the current vendor contract for cleaning services at the Courthouse would be terminated and 21 County employees (possibly displaced former County facilities workers) would be hired to perform the housekeeping services instead. The vendor under contract is Mid-American Building Services.

At the special Committee meeting of February 6, 2014, Supervisor Romo West made the following referral:

Supervisor Romo West requested a written report from Corporation Counsel relative to the Mid-American contract and whether there will be legal repercussions if the contract is terminated. She would further like to know if the specific positions proposed to be created can be designated for specific individuals.

I can respond as follows:

1. The Mid American contract is a “month-to-month” contract, meaning it can be terminated on 30 days’ notice at essentially any time, without further obligation. Terminated in that fashion, there would not be any legal repercussions expected.
2. The specific positions proposed to be created could not be designated for specific individuals. County housekeeping workers are civil service employees. Civil service rules

require that vacant positions be filled “based solely on merit and fitness.” Wis. Stat. § 63.05(2); *see also* (1)(a). Recall or reinstatement rights are sometimes available to laid off County workers. And, the appointing authority has the option to specify a reinstatement of a qualified employee. However, these employees were terminated under § 2.37 of the 2007-2008 AFCSME District Council 48 contract, which provides that laid off employees remain on the recall list only for three years and one day. This is consistent with general county rules. *See* County Civil Service Rule I, § 1, sub. 41 and 42 (three years and one day for Layoff/Recall List and Reinstatement List). Human Resources has testified that due to the length of time that has passed since the former Courthouse housekeeping workers were laid off, their recall rights have expired. Those former workers would need to compete with other applicants for these civil service positions. More broadly, the positions would be subject to normal public announcement and application processes, so that anyone otherwise qualified would be considered “based solely on merit and fitness.”

Please do not hesitate to contact me with any additional questions.

–Paul Bargren