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**FROM THE OFFICE OF JOSPEH J. CZARNEZKI**

**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 employe 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 employe or incumbent of a reclassified position one (1) additional step in the range if the employe 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 employe 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 in the pay range for an employe who holds a position which is critical to the operation of their department if the

38 request is necessary to retain the employe in county service. The request  
39 may be implemented upon approval of the director, in accordance with  
40 subsection (4) of this section.

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

48 (4) Monthly while any advancements within a pay range requested by departments,  
49 pursuant to subsections (3)(a) and (3)(b) are pending, the director of human  
50 resources shall provide a report to the committee on personnel which lists all  
51 such advancements which the director intends to approve, along with a fiscal  
52 note for each. This report shall be distributed to all county supervisors and  
53 placed on the committee agenda for informational purposes. If a county  
54 supervisor objects to the decision of the director within seven (7) working days  
55 of receiving this report the advancement shall be held in abeyance until resolved  
56 by the county board, upon recommendation of the committee, and subsequent  
57 county executive action. If no county supervisor objects, the advancement shall  
58 be implemented the first day of the first pay period following the meeting of the  
59 committee. In the event the county board takes no action on an advancement,  
60 after receipt of a recommendation from the committee, the advancement shall  
61 be implemented the first day of the first pay period following action by the county  
62 executive or, in the event of a veto, final county board action.

63 (5) From January 1, 2010 through December 31, 2011, notwithstanding any other  
64 provisions of this code, incumbents of a position not represented by a collective  
65 bargaining unit who would have received an advance in the pay range upon the  
66 meritorious completion of two thousand eighty (2,080) hours, shall be advanced  
67 to the next highest rate of pay in the pay range provided for the classification  
68 only upon meritorious completion of an additional four thousand one hundred  
69 and sixty (4,160) straight-time hours for full-time positions, and a prorated  
70 fraction thereof for employees whose scheduled work week is less than forty  
71 (40) hours or who began employment after January 1, 2010. The intent of this  
72 section is to temporarily suspend incremental salary advancements for  
73 nonrepresented employees for 2010 and 2011, consistent with the terms of the  
74 2010 and 2011 Adopted Budget.

75 (6) From the earlier of the legal effective date of 2011 Wisconsin Act 10, or the legal  
76 effective date of a substantially similar state law that grants Milwaukee County  
77 the authority, in the same manner as 2011 Wisconsin Act 10, to take the  
78 following action, until one year and one day thereafter, notwithstanding any  
79 other provisions of this code, incumbents of a position represented by the  
80 American Federation of State, County and Municipal Employees District Council

81 48 who would have received an advance in the pay range upon the meritorious  
82 completion of two thousand eighty (2,080) hours, shall be advanced to the next  
83 highest rate of pay in the pay range provided for the classification only upon  
84 meritorious completion of an additional two thousand and eighty (2080) straight-  
85 time hours for full-time positions, and a prorated fraction thereof for employees  
86 whose scheduled work week is less than forty (40) hours or who began  
87 employment after the earlier of the legal effective date of 2011 Wisconsin Act  
88 10, or the legal effective date of a substantially similar state law that grants  
89 Milwaukee County the authority, in the same manner as 2011 Wisconsin Act 10,  
90 to take the preceding action. The intent of this section is to temporarily suspend  
91 incremental salary advancements for employees represented by District Council  
92 48 for one year consistent with the terms of the 2011 Adopted Budget.

93  
94 **SECTION 2.** Section 17.14 of the General Ordinances of Milwaukee County is  
95 amended as follows:

96  
97 **17.14. Employment definitions.**

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

104  
105 (a) Health and dental benefits shall be provided for in accordance with the terms  
106 and conditions of the current plan document and the group administrative  
107 agreement for the Milwaukee County Health Insurance Plan or under the terms  
108 and conditions of the insurance contracts of a Managed Care Organization  
109 (HMO) approved by the county.

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

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

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

116 (1) Employees enrolled in the HMO comparable plan shall pay fifty  
117 dollars (\$50.00) per month toward the monthly cost of a single plan  
118 and one hundred dollars (\$100.00) per month toward the monthly  
119 cost of a family plan.

- 120 (2) Employees enrolled in the PPO comparable plan shall pay ninety  
121 dollars (\$90.00) per month toward the monthly cost of a single plan  
122 and one hundred eighty dollars (\$180.00) per month toward the  
123 monthly cost of a family plan.  
124 (3) The appropriate payment shall be made through payroll deductions.  
125 When there are not enough net earnings to cover such a required  
126 contribution, and the employee remains eligible to participate in a  
127 health care plan, the employee must make the payment due within  
128 ten (10) working days of the pay date such a contribution would  
129 have been deducted. Failure to make such a payment will cause  
130 the insurance coverage to be canceled effective the first of the  
131 month for which the premium has not been paid.  
132 (4) The county shall deduct employees' contributions to health  
133 insurance on a pre-tax basis pursuant to a section 125 plan.  
134 (5) The county shall establish and administer flexible spending  
135 accounts (FSAs) for those employees who desire to pre-fund their  
136 health insurance costs as governed by IRS regulations. The county  
137 retains the right to select a third party administrator.

138 (e) In the event an employe who has exhausted accumulated sick leave is  
139 placed on leave of absence without pay status on account of illness, the county  
140 shall continue to pay the monthly cost or premium for the PPO or HMO chosen  
141 by the employe and in force at the time leave of absence without pay status is  
142 requested, if any, less the employe contribution during such leave for a period  
143 not to exceed one (1) year. The one-year period of limitation shall begin to run on  
144 the first day of the month following that during which the leave of absence  
145 begins. An employe must return to work for a period of sixty (60) calendar days  
146 with no absences for illness related to the original illness in order for a new one-  
147 year limitation period to commence.

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

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

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

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

167 (j) Amendments to the Public Health Service Act applies federal government  
168 (COBRA) provisions regarding the continuation of health insurance to municipal  
169 health plans. Milwaukee County, in complying with these provisions, shall collect  
170 the full premium from the insured, as allowed by law, in order to provide the  
171 continued benefits.

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

176 (n) All eligible employes enrolled in the PPO shall have a deductible equal to  
177 the following:

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

181 (2) The out-of-network deductible shall be five hundred dollars (\$500.00)  
182 per insured, per calendar year; one thousand five hundred dollars  
183 (\$1,500.00) per family, per calendar year.

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

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

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

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

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

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

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

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

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

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

208 (6) Charges that are over usual and customary do not count toward the  
209 calendar year out-of-pocket maximum(s).

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

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

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

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

- 223                   (1) Five dollar (\$5.00) co-payment for all generic drugs.
- 224                   (2) Twenty dollar (\$20.00) co-payment for all brand name drugs on the  
225                   formulary list.
- 226                   (3) Forty dollar (\$40.00) co-payment for all non-formulary brand name  
227                   drugs.
- 228                   (4) Non-legend drugs may be covered at the five dollar (\$5.00) generic  
229                   co-payment level at the discretion of the plan.
- 230                   (5) The plan shall determine all management protocols.
- 231                   (t) All eligible employes and/or their dependents enrolled in the HMO shall be  
232                   subject to a ten-dollar (\$10.00) office visit co-payment for all illness or injury  
233                   related office visits. The office visit co-payment shall not apply to preventative  
234                   care. The county and/or the plan shall determine preventative care.
- 235                   (u) All eligible employes and/or their dependents enrolled in the HMO shall pay  
236                   a one-hundred-dollar (\$100.00) co-payment for each in-patient hospitalization.  
237                   There is a maximum of five (5) co-payments per person, per calendar year.
- 238                   (v) All eligible employes and/or their dependents enrolled in the HMO shall pay  
239                   fifty (50) percent co-insurance on all durable medical equipment to a maximum of  
240                   fifty dollars (\$50.00) per appliance or piece of equipment.
- 241                   (w) All eligible employes and/or their dependents enrolled in the HMO shall pay  
242                   a one hundred dollar (\$100.00) emergency room co-payment (facility only). The  
243                   co-payment shall be waived if the employe and/or their dependents are admitted  
244                   to the hospital directly from the emergency room.
- 245                   (x) The health plan benefits for all eligible employes and/or their dependents for  
246                   the in-patient and out-patient treatment of mental and nervous disorders, alcohol  
247                   and other drug abuse (AODA) will be consistent with the mandates of the Federal  
248                   mental health parity act.
- 249                   (y) Each calendar year, the county shall pay a cash incentive of five hundred  
250                   dollars (\$500.00) per contract (single or family plan) to each eligible employe who  
251                   elects to dis-enroll or not to enroll in a PPO or HMO. Any employe who is hired  
252                   on and after January 1, and who would be eligible to enroll in health insurance  
253                   under the present county guidelines who chooses not to enroll in a county health  
254                   plan shall also receive five hundred dollars (\$500.00). Proof of coverage in a  
255                   non-Milwaukee County group health insurance plan must be provided in order to

256 qualify for the five hundred dollars (\$500.00) payment. Such proof shall consist of  
257 a current health enrollment card.

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

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

272 (z) The provisions of C.G.O. 17.14(8) shall not apply to seasonal and hourly  
273 employes. An hourly employe shall be considered to be one who does not work a  
274 uniform period of time within each pay period and shall include an employe who  
275 works a uniform period of time of less than twenty (20) hours per week.

276 (aa) The provisions of 17.14(8) shall apply to employes on an unpaid leave of  
277 absence covered by workers compensation.

278 (9) *County dental benefit plan and dental maintenance organizations.* Employes who  
279 are eligible for group hospital and medical benefits under the provision of subsection (7)  
280 or subsection (8) of this section shall also be entitled to dental benefits upon application  
281 in accordance with enrollment procedures established by the county, except that retired  
282 members of the county retirement system shall not be eligible for dental benefit  
283 coverage. Eligible employes may enroll in the county dental benefit plan (fee for service)  
284 or a dental maintenance organization approved by the county.

285  
286 **SECTION 3.** Section 17.16 of the General Ordinances of Milwaukee County is  
287 amended as follows:

288 **17.16. Overtime compensation.**

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



- 291 (1) Employes may be assigned to overtime work provided that such overtime shall be  
292 limited to emergency conditions which endanger the public health, welfare or safety;  
293 or for services required for the protection or preservation of public property; or to  
294 perform the essential functions of a department which cannot be performed with the  
295 personnel available during normal work hours, either because of vacancies in  
296 authorized positions or because of an abnormal peak load in the activities of the  
297 department; or for other purposes which specific provision for overtime  
298 compensation has been made by the county board. Employes required to work  
299 overtime shall be compensated as follows:
- 300 a) Employes represented by a collective bargaining unit shall be compensated for  
301 overtime in accordance with provisions of the Fair Labor Standards Act and the  
302 respective collective bargaining agreement.
  - 303 b) Employees who are not represented by a collective bargaining unit shall be  
304 compensated for overtime as follows: employees holding positions which are  
305 non-exempt from the Fair Labor Standards Act shall receive time and one-half for  
306 all hours worked over forty (40) hours per week regardless of the pay range to  
307 which the position held is assigned. Employees holding a position exempt from  
308 the Fair Labor Standards Act who are not in an executive classification shall be  
309 compensated for overtime for all hours worked in excess of forty (40) hours in a  
310 week on a straight time basis and may only liquidate accrued overtime as  
311 compensatory time off unless approved by the DAS director of human resources  
312 who shall also provide the personnel committee with quarterly reports of all  
313 overtime that is paid rather than used as compensatory time off.
  - 314 c) Employes holding positions authorized on a seasonal basis shall receive time  
315 and one-half for all hours worked in excess of forty (40) hours per week.
  - 316 d) Unless a collective bargaining agreement deems otherwise, an appointing  
317 authority may approve payment, or the accrual of compensatory time, for  
318 overtime. However, no employe may accrue more than two hundred forty (240)  
319 hours of compensatory time, unless permitted by the provisions of the Fair Labor  
320 Standards Act.
  - 321 e) Employes holding positions which are covered by the annual work year who are  
322 eligible for time and one-half overtime shall receive payment for the half time  
323 portion of the overtime and shall accrue the straight time portion of the overtime  
324 as compensatory time, up to a maximum of two hundred forty (240) hours of  
325 compensatory time, after which all overtime shall be paid.
  - 326 f) Elected officials, members of boards and commissions, and employes  
327 compensated on a per diem, per call or per session basis shall not be  
328 compensated for overtime.
  - 329 g) Employes included in the executive compensation plan are to be considered  
330 salaried employes and therefore are not eligible for accrual of compensatory time  
331 or payment of overtime. Executive level employes shall be expected to work  
332 sufficient hours to perform their assigned duties effectively.

- 333 h) Unless overtime is required in accordance with the provisions of the Fair Labor  
334 Standards Act, employees shall not receive overtime for hours worked, or  
335 credited, in excess of eight (8) hours per day or forty (40) hours per week, if such  
336 overtime is due to holding dual employment status.
- 337 (2) Under the conditions specified for emergency overtime, employees may be  
338 permitted to work on holidays or during vacation periods without compensatory time  
339 and receive double time for each day so worked provided that only the hours  
340 actually worked on each of these days shall be considered in any computation of  
341 overtime for the biweekly period in which they occurred; except that
- 342 a) Physicians and psychiatrists employed in the classified service shall receive time  
343 and-one-half for each holiday so worked, if such compensation is so authorized  
344 by the provisions of section 17.36.
- 345 (3) No payment shall be made for overtime unless funds have been provided for such  
346 payment in the appropriation for personal services or unless a surplus exists in such  
347 appropriation, by reason of vacancies and turnover in authorized positions.
- 348 (4) The director of human resources may review the time records submitted by the  
349 departments for the purpose of determining the extent to which overtime is being  
350 worked and compensation time allowed; and may require the heads of departments  
351 to submit reports, supplementary information or other data relative to the need for  
352 overtime work; may investigate the cause and justification for such overtime; and  
353 may prescribe such rules or regulations as in his/her opinion are necessary to  
354 control and restrict overtime to emergency conditions. The director is further  
355 empowered to recommend changes in procedure or administrative practices which  
356 in his/her opinion will eliminate the need for overtime work, and to report to the  
357 appropriate committee of the county board instances in which the department head  
358 refuses to comply with the recommendations.
- 359 (5) Upon the earlier of the legal effective date of 2011 Wisconsin Act 10, or the legal  
360 effective date of a substantially similar state law that grants Milwaukee County the  
361 authority, in the same manner as 2011 Wisconsin Act 10, to take the following  
362 action, the provisions of sections 17.16(1)–(4) shall also apply to employees  
363 represented by American Federation of State, County and Municipal Employees  
364 District Council 48 in the same manner that those sections apply to nonrepresented  
365 employees, notwithstanding any bargaining unit representation by, or any collective  
366 bargaining agreement with, American Federation of State, County and Municipal  
367 Employees District Council 48, or any language to the contrary in sections (1)-(4)  
368 above.
- 369 (6) Upon the earlier of the legal effective date of 2011 Wisconsin Act 10, or the legal  
370 effective date of a substantially similar state law that grants Milwaukee County the  
371 authority, in the same manner as 2011 Wisconsin Act 10, to take the following  
372 action, or January 1, 2012, whichever is later, the provisions of sections 17.16(1)–  
373 (4) shall also apply to employees represented by District No. 10 of the International  
374 Association of Machinists and Aerospace Workers; the Technicians, Engineers and  
375 Architects of Milwaukee County; the Federation of Nurses and Health Professionals;

376 the Building Trades of Milwaukee County and the Association of Milwaukee County  
377 Attorneys, in the same manner that those sections apply to nonrepresented  
378 employees, notwithstanding any bargaining unit representation by, or any collective  
379 bargaining agreement with, those bargaining units, or any language to the contrary  
380 in sections (1)-(4) above.  
381

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

384

385 **Adopted by the Milwaukee County Board of Supervisors**

386

**May 26, 2011**