



OFFICE OF THE COUNTY CLERK

JOSEPH J. CZARNEZKI • COUNTY CLERK

MEMO

DATE: January 30, 2014
TO: The Honorable County Board of Supervisors
FROM: Joseph J. Czarnezki, County Clerk
SUBJECT: Vetoed File Returned

The County Executive has returned to my office the following file:

File No. 13-949 – A resolution/ordinance by Supervisor Lipscomb, to extend, on a temporary basis, employee compensation and other policies to employees holding positions in non-public safety worker certified bargaining units, until the County Board reviews and adopts ordinance amendments addressing these matters.

This resolution was adopted by a vote of 18 ayes – 0 noes at your meeting of December 19, 2013.

The County Executive has vetoed this resolution and attached is a copy of his veto message wherein he states his objection.

This matter is now before your honorable body.

A handwritten signature in black ink, appearing to read "Joseph J. Czarnezki".

Joseph J. Czarnezki, County Clerk



OFFICE OF THE COUNTY EXECUTIVE

Chris Abele

MILWAUKEE COUNTY EXECUTIVE

DATE: January 29, 2014

TO: The Honorable Milwaukee Board of Supervisors

FROM: Chris Abele, Milwaukee County Executive

RE: Veto of County Board File No. 13-949 related to an extension of previous collective bargaining agreements

I am vetoing County Board File No. 13-949 pursuant to the authority granted to me by Article IV, Section 23(a) of the Wisconsin Constitution and Section 59.17(6) of the Wisconsin Statutes.

The County Board adopted a resolution on December 19, 2013 indefinitely delaying implementation of comprehensive and uniform employment provisions for Milwaukee County employees. I ask the Board to, instead, take up and pass a package of recommendations from our human resource experts that would serve to complement the Countywide wage increases I proposed. This package clarifies and updates various employment provisions in response to the state passing Act 10 over three years ago, ending this prolonged period of uncertainty for employees.

For newer Supervisors, let me recap the history of this issue. In 2011, HR created a similar comprehensive review for the AFSCME CBA because that union was decertified and clarity was needed for employees. This review with attendant recommendations was submitted to the Board in early 2012; however, the Board never scheduled it for consideration. Instead, in February of 2012, Supervisors created and passed a “Status Quo” Ordinance – one intended to preserve AFSCME pre-2011 employee provisions, similar to the Ordinances before you today.

That February 2012 resolution expressly noted that this was an “emergency and temporary provision.” It is now two years later and time for a better solution, as many terms of employment continue to widely vary by class of employee and simply on when, where and how they were hired.

In October 2013, after months of research and input from employees and unions (including nine meetings to ensure open and informative exchanges with the representatives of the collective bargaining units), the Department of Human Resources (HR) submitted to the County Board a comprehensive review of previous non-public safety collective bargaining agreement (CBA) terms, the latest in a series of such reviews.

This review was the basis for development of the recommended Ordinance submitted by HR, which seeks to ensure all employees are treated equitably and respectfully and that they have clarity about their employment terms, something that has been missing in the three years since Act 10 was passed. Many of the changes suggested by HR are the same or similar to the package of Ordinances preserving the status quo that the Board passed; however, the Board’s approved Ordinances prolongs a system of unequal classes of employees, contains self-contradictory provisions that prolong employee and administrative confusion, and puts the County in an awkward situation with regard to current state law.

I am concerned that the Status Quo ordinance continues a long period of uncertainty for employees. Act 10 passed in 2011 and, unlike most other counties and municipalities around the state, Milwaukee County still has not fairly and fully implemented these changes. This has led to a multi-tiered, unequal treatment of employees.

The comprehensive package proposed by HR retains provisions that are needed for optimal operations. For example, nurses often work varied shifts; shift differential pay should be retained. In addition, based on employee input, vacation and time off policies are retained.

At the same time, the proposal updates employee provisions that have high variability between different classes of employees. The grievance procedure, as one example, creates administrative costs and uncertainty for employees. The Board's Ordinance excludes grievance procedure, leaving employees without clear guidance on how these provisions should be implemented. The grievance procedure would now default to what is a burdensome and poorly written ordinance on grievance. This will further overburden the Personnel Review Board that already has an 8-month backlog. In contrast, best practice, both for the County as an organization and for employees, suggests that uniformity in grievance procedures and other employee benefits would be beneficial. The Ordinance created by HR proposes creation of a uniform procedure for all employees.

It is also important to consider all of this in the larger context: employees, rightly, have protections built in to civil service rules, existing county ordinances, state and federal laws, EEOC/ERD, and the courts. I take safeguarding employees extremely seriously, and believe that such protections guard employees from arbitrary and capricious job actions. The variations in the Status Quo ordinances merely complicate and confuse the administration of protective employment policies.

I ask that the Board sustain this veto and take up the Ordinance change that will be in front of the Finance, Personnel and Audit Committee tomorrow. This proposal was carefully crafted to meet the interests of both the County and all employees. It is comprehensive, addresses all aspects of previous collective bargaining agreements, and will give employees clarity.