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(ITEM) A resolution/ordinance by Supervisor Lipscomb, Sr., creating Section 1.17(d) of the Milwaukee County Code of General Ordinances relative to New Civil Service Rules, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, Section 1.25(3) of the Milwaukee County Code of General Ordinances requires that “County officers, department heads or boards or commissions shall from time to time report to the county executive and county board the steps that have been taken in carrying out any directive and shall also submit to him/her or the appropriate standing committee a copy of their final report on the action taken”; and

WHEREAS, in an Opinion dated August 14, 2013, OAG-06-13, the Attorney General of the State of Wisconsin stated that “[a] county board lawfully may require county department heads to submit periodic reports as to steps taken in carrying out any directive both to the county board and to the county executive”; and

WHEREAS, the Attorney General further opined that “[t]he requirement is consistent with Wis. Stat. §59.794(3)(b), which provides that “[a] board may require, as necessary, the attendance of any county employee or officer at a board meeting to provide information and answer questions”; and

WHEREAS, Corporation Counsel, in an opinion dated January 15, 2015, stated that “[T]he Civil Service Commission is given the statutory authority to ‘prepare and adopt such rules and regulations to carry out the provisions of [the Civil Service system] as in their judgment shall be adapted to secure the best service for the county...’ §63.02(1), Wis. Stats.”; and

WHEREAS, with the implementation of 2011 Wisconsin Acts 10 and 32, which limited general public employee union contracts to wages only, the controlling authority as to general municipal employees now becomes the Civil Service Commission statute, which gives the Civil Service Commission authority over policies related to the Civil Service system; and

WHEREAS, the Supervisors of the Milwaukee County Board and in particular the supervisors who are members of the Board’s Committee on Finance, Personnel, and Audit have a deep interest in matters concerning the employees of Milwaukee County and the rules that govern their employment, and wish to be kept informed as to matters that concern those employees; now, therefore,

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BE IT RESOLVED, the Milwaukee County Director of Human Resources is requested to provide a written informational report to the County Board and to its Committee on Finance, Personnel, and Audit describing any changes in the Milwaukee County Civil Service Rules proposed to the Civil Service Commission by the Director or anyone under his or her direction; and

BE IT FURTHER RESOLVED, such report shall be provided in time for discussion at the regular meeting of the Committee on Finance, Personnel, and Audit that precedes the meeting of the Civil Service Commission at which the proposed rule changes will be presented; and

BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors hereby creates Section 1.17(d) of the Milwaukee County Code of General Ordinances by adopting the following:

AN ORDINANCE

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

SECTION 1. Chapter 1.17 of the General Ordinances of Milwaukee County is hereby amended as follows:

1.17. - Procedures for consideration of personnel requests.

- (a) *Definitions.* Where used in this section, the following words shall mean:
 - (1) *County board* shall mean the county board of supervisors.
 - (2) *Commission* shall mean the county civil service commission.
 - (3) *Committee* shall mean the committee on finance, personnel and audit.
 - (4) *Petitioner* shall mean the person or organization, including a member of the county board, making or sponsoring the request, resolution or ordinance, or the authorized representative of such person or organization.
 - (5) *Code* shall mean the Milwaukee County Code of General Ordinances.

- (b) *Filing of personnel request.* All personnel requests by whomsoever made (in any way affecting county offices and employe positions, compensation, hours of labor or conditions of employment, specification of duties and any other matters referred to in chapter 17 of the Code relating thereto) for salary increases, reclassifications, fringe benefits, additional positions and other personnel requests which would require a change of the provisions of chapter 17 of the Code, shall be filed with the chairperson of the county board for presentation to the county board and reference to the commission.

87 (c) *Hearing on personnel request.* At such hearing, the procedure in considering
88 such personnel request shall be as follows:
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- 90 (1) The petitioner, or his/her representative, shall be given a reasonable time to
91 present his/her case and any supporting data to the committee, and during
92 such period shall not be subject to interruption by any person other than
93 members of the committee.
- 94 (2) When the petitioner has concluded his/her argument, the commission shall
95 present its report and recommendation to the committee.
- 96 (3) After the commission has concluded its presentation, the petitioner shall have
97 a reasonable opportunity to comment upon the commission's
98 recommendations and, while so doing, shall not be subject to interruption by
99 any person other than members of the committee or representatives of the
100 commission.
- 101 (4) After the procedures specified in said subsections (1), (2) and (3) have been
102 concluded, the committee shall hear any person desiring to speak on the
103 request.
- 104 (4a) Where circumstances require, the co-chairperson(s) of the committee shall
105 have the right to vary the order of the procedure outlined in subsections (c)(1),
106 (2), (3) and (4).
- 107 (5) Thereafter the committee, in public session, shall consider and make such
108 recommendations as it sees fit pertaining to said request. If the committee's
109 recommendation is to deny the request, the recommendation shall be in the
110 form of a resolution so indicating. If the committee's recommendation grants
111 such request in whole or in part, such recommendation shall be evidenced by
112 a resolution or ordinance, as the case requires. The effective date of such
113 resolution or ordinance shall be stated therein.
- 114 (6) In the event that the committee requires more time than originally scheduled to
115 determine its position with respect to such request, it may recess such hearing
116 from time to time as may be determined by it, and on said recessed day
117 reconvene and resume its consideration.
- 118 (7) The committee shall submit a report and recommendation on each such
119 request to the county board, at the next meeting of the county board, following
120 determination of the committee's recommendation.
- 121 (8) Compliance with the procedure outlined in subsections (1) to (7) inclusive, of
122 this subsection, is intended to be in compliance with the requirements of s.
123 111.70(2), Wis. Stats.

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(d) *New civil service rules.* A copy of any new civil service rule or modification or amendment to an existing civil service rule presented to the commission for consideration by the director of human resources or other department head or employee shall also be included in an informational report to the committee on finance, personnel, and audit for consideration at the regularly scheduled meeting of the committee that precedes the meeting of the civil service commission at which the proposed rule changes will be presented.

SECTION 2. This ordinance shall become effective upon passage and publication.

jmj
03/19/15
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