

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

**DATE:** March 8, 2017

**TO:** Theodore Lipscomb Sr., Chairman, County Board of Supervisors

**FROM:** Colleen A. Foley, Deputy Corporation Counsel

**SUBJECT:** Resolution to Amend Contract with Buelow Vetter for legal representation in labor relations matters

It is requested that this matter be referred to the Committee on Finance and Audit for approval of a resolution to amend a legal services contract.

The County Board approved a contract with Buelow Vetter Buikema Olson & Vliet LLC on September 30, 2010 (File No. 10-294) for legal representation of Milwaukee County in labor relations matters. The primary attorneys working on this contract are Mark Olson and Dan Vliet. One of the early reasons for the firm being hired, and the cause of the largest expenditure of funds under the contract, was to represent one of the parties in the furlough days litigation, *Milwaukee County v. WERC and AFSCME*, Case No. 11-CV-12137. That litigation involved numerous outside counsel for various county parties in dispute with each other and lasted several years. The firm also expended significant time in 2011 and 2012 during its representation of the County in the interest arbitration proceeding with the Firefighters union for the 2009-11 collective bargaining agreement and provided additional follow up assistance with negotiation of the 2012-14 agreement with the Firefighters.

In 2011, the primary attorney in Corporation Counsel with experience in labor relations matters retired. As a result, our Office has not had an attorney with career specialization and experience in municipal labor relations law under chapter 111 of the statutes. Our office does continue to handle many labor relations matters, but needs the expertise of this firm from time to time to assist in labor relations matters that either require more substantial resources or involve more complex legal matters, including some of the prohibited practice complaints and grievance arbitrations which continue to be filed, primarily by the MDSA.

The primary reason for this requested increase in the contract amount is due to the MDSA's filing of a prohibited practice complaint with the WERC alleging a failure to bargain over deputy sheriff staffing and the alleged impact on MDSA

members relating to overtime and safety issues. The parties first attempted to resolve this through mediation. It is anticipated that the final offers will be certified by WERC after which the parties will proceed to interest arbitration before a private arbitrator. Based on similar past arbitrations (fire unit at the Airport), legal costs are estimated at \$35,000 (based upon the MDSA being a larger union and extensive exhibit preparation and testimony).

This firm also represents the County with regard to a refusal to bargain charge filed by the MDSA alleging that the County has refused to bargain over the assignment of sergeant's responsibilities to lieutenants. That involves scheduling a mediation with the WERC and undergoing the grievance process. However, if this case goes to hearing, costs will be in the \$12,000 range.

The firm has acquired significant understanding and knowledge of the County unions and the terms of the collective bargaining agreements with the public safety unions and with the County benefit structure. The firm's rates continue to be competitive, with the primary attorneys billing at the rates of \$260 and \$240 per hour.

As noted, substantial amounts were expended in the earlier years of this contract for the larger matters. However, over the past couple of years, the expenditures have been relatively less. The last amendment in September of 2015 authorized an additional \$75,000 and that amount was sufficient for services over two years since then. We are requesting an amendment of \$50,000. We believe this amount should be sufficient to handle the MDSA prohibited practice complaint and other pending matters.

For the years of 2010 to 2017, the authorized funds totaled \$502,796. This amendment will increase the total authorized funds to \$552,796

Therefore, approval of the attached resolution is requested to amend the contract amount by an additional \$50,000.00 to a total of \$552,796, in order to pay for the continued legal services required.

Sufficient funds exist in the 2017 Litigation Reserve Account, Org. Unit 1961, for this request.

cc: Kelly Bablitch  
Raisa Koltun  
Janelle Jensen  
Steve Cady