



COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

Office of the Comptroller

Scott B. Manske, Comptroller

DATE: June 8, 2017
TO: Supervisor Theodore Lipscomb, Sr., Chairman, County Board of Supervisors
Chris Abele, County Executive
FROM: Scott B. Manske, Comptroller
SUBJECT: Processing of Payroll based on Court Decision and County Board Actions

I am issuing the following guidelines to assist my Payroll Division in processing payroll changes that result from the implementation of File #17-452 related to County employee compensation and the decision in 16-CV-2888, *Lipscomb vs Abele*. I have retained outside counsel to assist in interpretation and implementation of these payroll changes as County Corporation Counsel has been conflicted out of serving as our advisor on these matters.

My intention is to take actions based on a consistent interpretation of the information available at this time. If and when new information becomes available, I will consider making necessary adjustments upon advice of counsel. At this time, the guidelines my Payroll Division will adhere to are as follows:

- 1) The first pay period that will be processed under these guidelines will be the pay period ending June 17, 2017 (06/04/2017 – 06/17/2017). All employees affected by the court ruling will be notified of any impact as soon as possible by my office.
 - a. Notification will be made to all employees who were in or are in unauthorized pay ranges. Based on the current status of affected employees, there are employees who will not be impacted, who will be negatively or positively impacted, and who we have not yet determined the impact. Each of these groups will be notified and any dollar impact known will be included.
- 2) Reclassifications processed by Human Resources prior to the June 6, 2017 date of publication for the ordinance change in File #17-452 will be recognized.
 - a. We will request written verification from Human Resources that any reclassification has been processed pursuant to their policies and procedures for reclassifications, and that the reclassifications are proper based on those policies and procedures and County ordinance.
 - b. Any reclassifications or reallocations processed by Human Resources on or after June 6, 2017 will be subject to the procedures set forth in the new ordinance.
- 3) It is my position that the Court decision was to return to the status quo for pay grades prior to the implementation of the County Executive's pay range system for unclassified employees. Furthermore, it is my position that the status quo for pay grades included steps. Therefore, as a result, my Payroll Division will revert employees to their previous pay grade and step (if applicable)

at or above their current pay as previously authorized by the County Board. The adopted list of pay grades and their steps or minimum/maximum rates is attached.

- a. Employees whose HPW records have been modified to an unauthorized pay grade will be adjusted to a pay rate within the County Board adopted pay grades. This will be a manual adjustment similar to a process that the Payroll Division has used in the past and no employee records will be modified other than payroll.
 - i. Pay grades 901E, 902E, 903E and 904E were adopted by the County Board with only a minimum and maximum rate and no steps. Employees assigned to these 90XE pay grades will be placed at their current rate of pay, within the limits of the minimum or maximum rate of their assigned pay grade.
 - ii. If Human Resources eliminates steps, then the Office of the Comptroller will manually modify the pay of impacted employees based on the steps within the assigned pay grade, except for those identified as 90XE.
 - b. The Payroll Division will not eliminate or make any adjustments to any new pay grades entered by Human Resources into HPW. However, my Payroll Division will not use these pay grades for purposes of payroll until they are approved by the County Board.
 - c. As a result of these changes, some employees will receive a pay increase from the reversion back to the pay grade system, since there is no step that matches their current rate of pay exactly. Those employees will be placed at the next highest rate of pay. Similarly, some employees may receive a pay reduction from the reversion back to the pay grade system if their current salary exceeds the limits of their assigned pay grade.
- 4) The origin of all positions within the HPW should be verifiable. Based on a review of all the filled unclassified positions in the system, I have been unable to determine the origin of some positions.
- a. Human Resources will be requested to provide written verification of the origin of the positions identified. This could either include some County Board action creating the position in question or some administrative action reclassifying a previously approved position.
 - b. The Office of the Comptroller will pay these employees at their current pay until Human Resources has verified the origin of these positions.
- 5) Again, it is our intention to consistently apply the guidelines above to the payroll for pay period 13 (06/04/2017-06/17/2017). In situations where application of these guidelines does not provide sufficient direction to our Payroll Division, I will direct that the payroll be processed for those employees using their payroll status as of pay period 12, which has closed. Any appropriate future adjustments will be processed when legal counsel has advised that sufficient information is available to proceed.

The Office of the Comptroller will continue to consult with counsel regarding other issues as they arise going forward.

cc:

John Barrett, Clerk of Circuit Court, Milwaukee County
John Chisolm, District Attorney, Milwaukee County
George Christenson, County Clerk, Milwaukee County
David Clarke, Sheriff, Milwaukee County
John LaFave, Register of Deeds, Milwaukee County
Kelly Bablitch, Chief of Staff, Milwaukee County Board
Raisa Koltun, Chief of Staff, Milwaukee County's Executive's Office
Margaret Daun, Corporation Counsel
Ismael Bonilla, Director, DOT-Airport Division
Hector Colon, Director, Department of Health and Human Services
John Dargle, Director, Parks
Holly Davis, Director, Aging
Brian Dranzik, Director, DOT
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Laurie Panella, Director, DAS-IMSD Division
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Matt Hanchek, Director of Total Rewards, Department of Human Resources