

**County of Milwaukee**  
Interoffice Communication

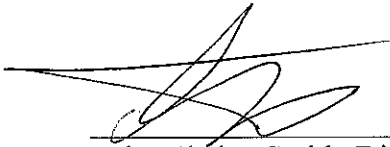
DATE: March 1, 2017

TO: Chairman Theodore A. Lipscomb, Sr.

FROM: Teig Whaley-Smith, Director, Department of Administrative Services

SUBJECT: Information regarding the Administrative Manual of Operating Procedures (File 17-254)

Per your request for additional information regarding the Administrative Manual of Operating Procedures (AMOP), the attached document is provided.



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Teig Whaley-Smith, Director  
Department of Administrative Services

Attachment



# **Administrative Manual of Operating Procedures (AMOP) Overview**



## What Is Administrative Law?

***“The power of an administrative agency to administer a congressionally created ... program necessarily requires the formulation of policy and the making of rules to fill any gap left, implicitly or explicitly, by Congress. ...*** If Congress has explicitly left a gap for the agency to fill, there is an express delegation of authority to the agency to elucidate a specific provision of the statute by regulation. Such legislative regulations are given controlling weight unless they are arbitrary, capricious, or manifestly contrary to the statute. Sometimes the legislative delegation to an agency on a particular question is implicit rather than explicit. In such case, a court may not substitute its own construction of a statutory provision for a reasonable interpretation made by the administrator or agency.

Chevron U.S.A v. Natural Defense Council, Inc. (US 1984).

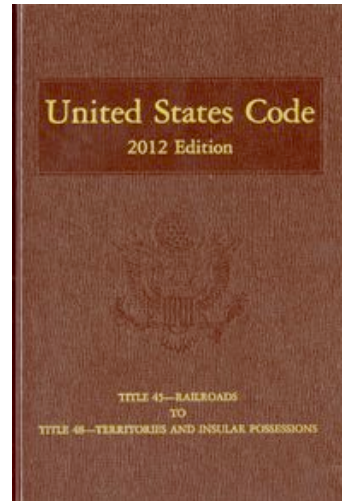


## How Is Administrative Law Created?

Each level of government essentially has three levels of laws: Founding Laws, Legislative Laws, and Administrative Laws. For example the United States has:



**Founding Laws:**  
US Constitution



**Legislative Laws:**  
United States Code  
("Statutes")

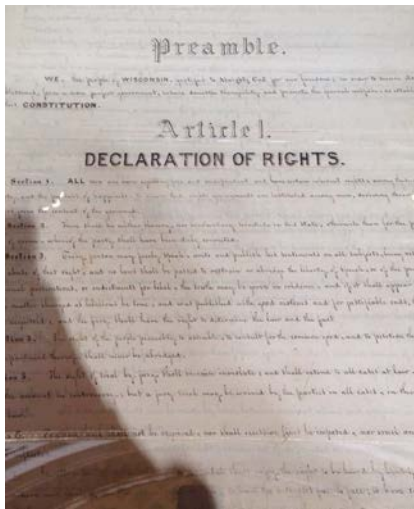


**Administrative Laws:**  
Code of Federal Regulations  
("Code")



# How Is Administrative Law Created?

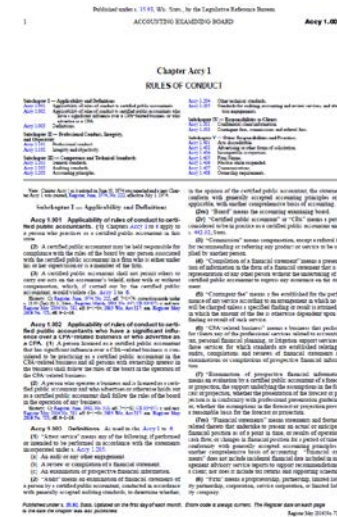
The State of Wisconsin is similar to the US with three forms of laws:



**Founding Laws:**  
Wisconsin  
Constitution



**Legislative Laws:**  
Wisconsin Statutes



**Administrative Laws:**  
Wisconsin Code



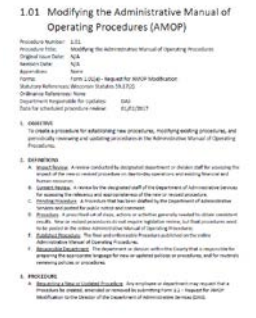
# How Is Administrative Law Created?

Milwaukee County is similar to US and Wisconsin, but different in two ways. First, the County doesn't have its own constitution, instead it is briefly mentioned in the Wisconsin Constitution and its primary founding document is the Wisconsin Statutes Ch. 59. Second, the County has two legislative laws that apply: State Statutes and County Ordinances. Both Statutes and Ordinances can be used as the basis for creating an AMOP procedure.

**Legislative Laws:**  
Wisconsin Statutes



**County Ordinances:**



**Founding Laws:**  
Wisconsin  
Statutes Ch. 59

**Administrative Laws:**  
AMOP



## What Is the AMOP?

The Milwaukee County Administrative Manual of Operating Procedures (AMOP) contains procedures that guide the operation of Milwaukee County government, in compliance with federal, state and local law. It is a resource for staff, our citizens, and those who work with county government. Procedures are created by administrative departments, and approved and published by the Department of Administrative Services (DAS).



## What Is the AMOP?

The AMOP is developed pursuant to Wisconsin Statutes 59.17(2)(b)(1):

“Except for a statutory provision which specifies that a board or commission or the county board shall supervise the administration of a department, the county executive shall administer, supervise, and direct all county departments, including any person who negotiates on behalf of the county, and the county board, other board, or commission shall perform any advisory or policy making function authorized by statute.”

And Wisconsin Statutes 59.794(3):

“[T]he board may not exercise day-to-day control of any county department or subunit of a department. Such control may be exercised only by the county executive as described in s. 59.17.”





## What Is the AMOP?

### What is the legal definition of a Policy?

A “Policy” is “an overall plan, principle, or guideline” (Merriam Webster Legal Dictionary).

**Example:** “Policy and Purpose. An effective county emergency medical service program shall be established and maintained in the county at all times.” (MCO 97.02)

### What is the legal definition of a Procedure?

A “Procedure” is “one or more methods or steps for the enforcement or administration of ... laws.” (Merriam Webster Legal Dictionary).

**Example:** The procedures necessary for running an Emergency Medical Service division (e.g. Milwaukee County EMS Dispatch Guidelines and Pre-Arrival Instructions for a 2-Tiered Response).



## Why Is an AMOP Important?

There are three main reasons why an AMOP is necessary:

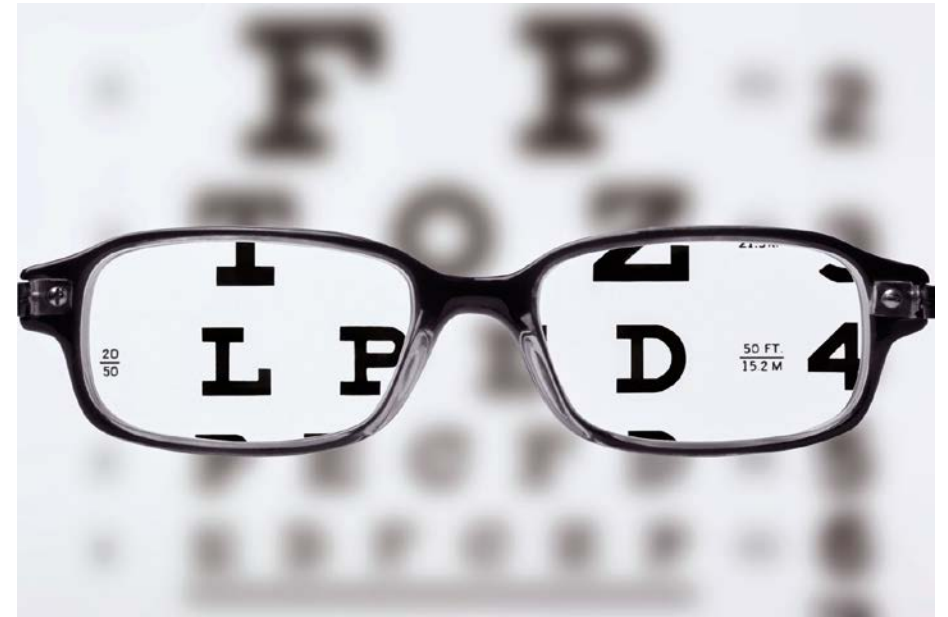
1. Provides clarity on how to implement legislative policy
2. Provides a documented process for training, communication and compliance purposes.
3. Provides transparency for stakeholders and the public.



## Why Is an AMOP Important?

### 1. Provides Clarity:

It is the legislature's responsibility to create a policy, and for the administration to fill in the blanks on how that policy gets implemented. For example, the State Legislature created a policy that the County can sell its surplus non-parks real estate and designated the authority to the County Executive and Comptroller. It was then the administration's responsibility to create an AMOP detailing the steps in the sealed bid process for real estate. Because the Comptroller shared the authority, the Comptroller was instrumental in drafting and reviewing the AMOP. It doesn't have to be the state legislature, the County Board can also create a general policy, and it is the administration's responsibility to produce the procedures to implement that policy. For example, the County Board has set a policy that the County shall operate and maintain certain programs that require the purchase of goods (i.e. feed for zoo animals, fertilizer for parks, etc.). It is then up to the administration to set up procedures necessary to procure those goods.





## Why Is an AMOP Important?

### 2. Training, Communication and Compliance

It is imperative that any highly functioning organization develop processes that can be evaluated, improved and taught to those responsible for implementing the process. The starting point for evaluating, improving and teaching a procedure is first making sure the rule as actually written down. The AMOP is a centralized repository of information that can be used to communicate processes to staff. The AMOP combined with the Learning Management System developed by HR creates a powerful communication tool. The AMOP is also a "living document" where staff and the general public can comment on how processes can be improved.





## Why Is an AMOP Important?

### 3. Transparency

The concept of the administration creating procedures and publishing procedures is not new. The federal government first produced the Code of Federal Regulations in 1938. Similarly, the Wisconsin Administrative Code has been around for decades. Both of these codes have a public comment and posting requirement. Unfortunately, many local counties and cities do not frequently update or publish their administrative procedures. In the past, the County published paper copies of procedures which were inserted into "black binders" for referral, but those binders have not been maintained and are severely outdated. To make sure that all staff, stakeholders and the public know what the rules were a draft version is posted on the internet for all to review. Comments from all who choose to respond are welcome and will be considered prior to finalization and publication.





## **As a Department, What Kinds of Procedures Should I Consider Publishing?**

- Processes for service delivery specific to your department (e.g. client intake, handling of complaints, etc.)
- Internal Directions to Staff (e.g. how to process transactions)
- Anything with a form. The goal is to have AMOP be a form repository.

## **As a Department, What Kinds of Procedures Should I NOT Publish?**

- Items that are specifically designated to another department (i.e. don't publish rules related to Parks if you are DHHS).
- Items that are not specific to your department but rather should be a countywide procedure (i.e. processing of financial transactions).



## How Do I Publish a Procedure?

1. Check the AMOP to see if there is already a similar Countywide procedure. It may just be a matter of making adjustments to one that exists rather than a new create.
2. If there is no County wide procedure, prepare a draft procedure and any related forms using the template at: <http://county.Milwaukee.gov/amop>
3. Consult with departments impacted by procedure (i.e. Comptroller, Corp. Counsel)
4. Prepare Form 1.01(a) Request for AMOP Modification (available at link above)
5. Prepare Appendix 1.01(A) Sample Administrative Procedure (available at link above)
6. Prepare Appendix 1.01(B) Training PowerPoint Template (available at link above)
7. Submit Draft Procedure to [amop@milwaukeecountywi.gov](mailto:amop@milwaukeecountywi.gov)



## What Happens After I Submit a Procedure?

1. You will receive a receipt that acknowledges your request.
2. The AMOP Committee will review and provide feedback. Requestor will make changes it deems necessary.
3. DAS will post the procedure as a Pending Procedure on the AMOP site for a 2 week public comment period.
4. DAS will provide any public feedback to Requestor and Requestor will make changes it deems necessary.
5. DAS will provide final approval and post Final Procedure
6. DAS will work with Human Resources to prepare a Learning Management System (LMS) Module based on the PowerPoint submitted by Requestor.
7. The LMS Module will be added as a required training on the curriculum for employees identified by Requestor on form 1.01(a).





# How Do I Monitor Who Has Been Trained?

As a manager you have access to the LMS which has a report production ability. Reports can be generated which will indicate which of your staff has completed which trainings. If you would like a report run to see everyone who has and has not completed a specific training issued by your department, contact [amop@milwaukeecountywi.gov](mailto:amop@milwaukeecountywi.gov). DAS may occasionally run reports for overall compliance purposes.

The screenshot shows the 'Employee Training Progress' report in the LMS. The 'ADVANCED CRITERIA' section includes filters for Training Type (Online, Class, Event, Quick Course, Curriculum, Test, Session, External Training, Library, Material, Posting, Video), Training Title (5.01 Milwaukee County Vehicle Operation Procedure), and various options like 'Hide Archived Training' and 'Include Indirect Subordinates'. A pie chart titled 'Employee Progress Summary' shows 95.9% completed (green) and 4.1% registered but not started (orange). Below the chart is a table of search results.

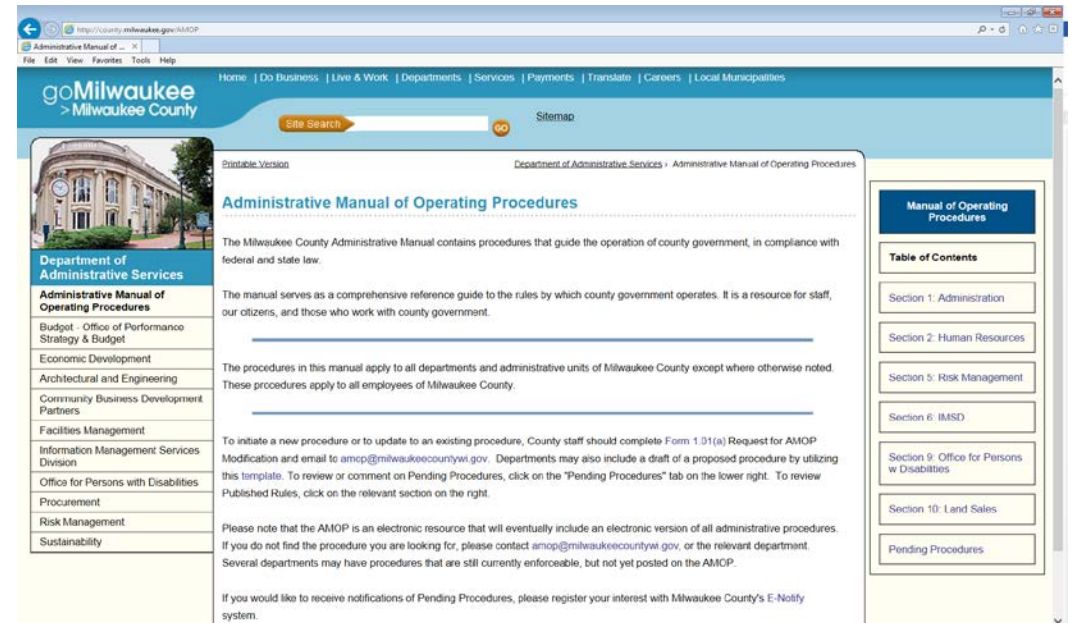
USER ID	USER	TYPE	TITLE	TRAINING PROVIDER	STATUS	DETAILS
	Pechacek, Amy	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Odrniewski, Timothy	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Norris, Ricky	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Lee, Patrick	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Esch, Julie	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Pariseau, Barbara	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Waszak, Gary	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Dodge, Craig	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Hever, David	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	
	Kerwin, Keith	Material	5.01 Milwaukee County Vehicle Operation Procedure	Risk Management	Completed	



# Where Do I Find the AMOP?

The AMOP and related templates can be found at:

<https://county.Milwaukee.gov/amop>

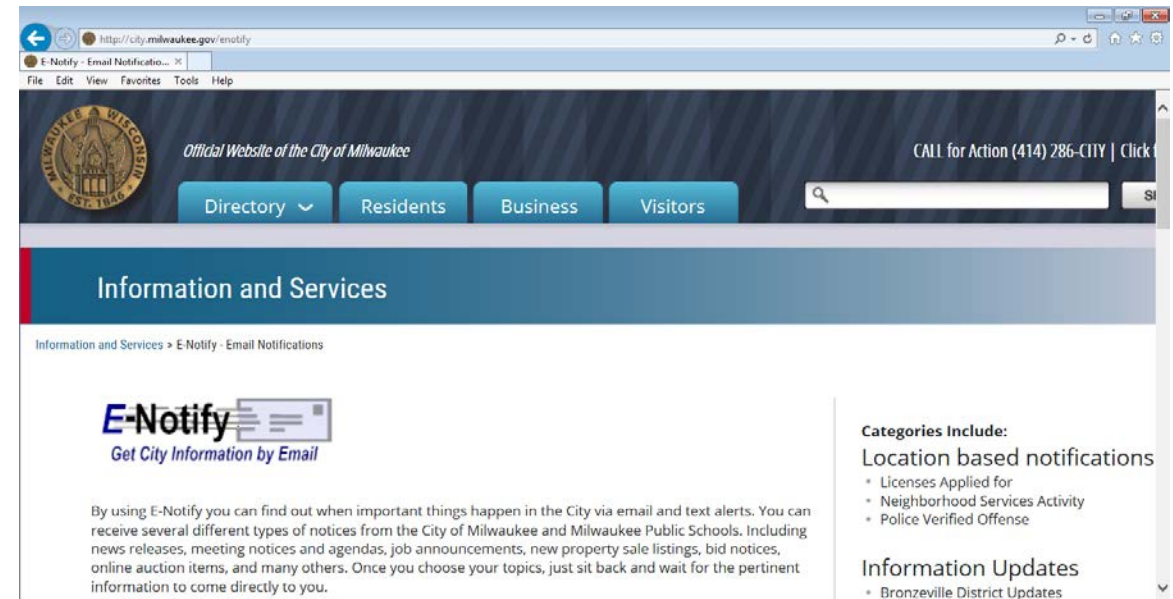




# Where Do I Get Notified about New Procedures?

You can sign up to receive automatic email notifications of any new draft procedures posted to the AMOP site for review at:

<https://county.Milwaukee.gov/enotify>





## What's Next?

After this presentation closes, you will be able to open up the procedure 1.01 – Modification of the AMOP. After you are done reviewing it, you will be asked the following quiz questions. If you successfully pass the quiz, your LMS transcript will be updated to reflect that you have successfully completed this training.

The Quiz Questions will be:

- 1.How do you submit a request to complete a new procedure?
- 2.Who is responsible for communicating the new procedure?
- 3.Who is responsible for making edits to the procedure?
- 4.How long is the Public Notice period?
- 5.Can an Emergency Procedure be posted?